

# FORM 6: FURTHER SUBMISSION ON PROPOSED PLAN UNDER CLAUSE 8 SCHEDULE 1 TO THE RESOURCE MANAGEMENT ACT 1991 (RMA)

**To:** Far North District Council (“Council”)

**Further Submission on:** Far North Proposed District Plan (“Proposed Plan”)

**FURTHER SUBMISSION FORMS CAN BE:**

- Posted to: Proposed Far North District Plan, Far North District Council, Private Bag 752, Kaikohe 0440
- Emailed to: pdp@fndc.govt.nz

**NOTE TO PERSON MAKING A FURTHER SUBMISSION:**

**Important: Further submissions must reach council by 5pm Monday 4 September.**

You must serve a copy of your further submission on the original submitter within five working days after it is served on the local authority.

**SUBMITTER DETAILS** (all fields required)

**Full name:** Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood (“Motukiekie Owners”)

**Contact Person:** (If different from above, include name and designation) Mai Chen, Barrister

**Company name:** (if applicable) n/a

**Postal address for service:** (or alternative method of service under s 352 of the RMA) Level 10, 63 Albert St, Auckland 1010

**Email address for service:** mai.chen@maichen.nz

**Phone number(s):** 021 565 709

**FURTHER SUBMITTER RELEVANCE** I am: (select one)

A person who has an interest in the proposal that is greater than the interest the general public has.

**State the reason for your selection:**

The Submitters own land subject to the Proposed Far North District Plan:

Motukiekie Island, Record of Title NZ128C/970, 29ha

**DO YOU WISH TO ATTEND AND SPEAK AT THE COUNCIL HEARING IN SUPPORT OF MY FURTHER SUBMISSION?**

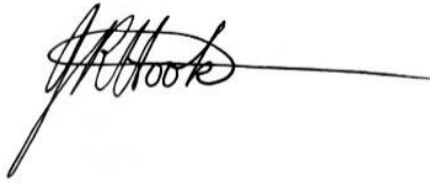
Yes  No

**IF OTHERS MAKE A SIMILAR SUBMISSION WOULD YOU BE PREPARED TO CONSIDER PRESENTING A JOINT CASE WITH THEM AT ANY HEARING?**

Yes  No

**SIGNATURE OF FURTHER SUBMITTER** (your signature or that of the person authorised to sign on behalf of the person making this further submission)

Signature:

A handwritten signature in black ink, appearing to read 'J R Hook', with a long horizontal line extending to the right.

**Date:** 1 September 2023

James R Hook, Planning Consultant, Envivo Limited

**THE SPECIFIC SUBMISSION(S) THAT THIS FURTHER SUBMISSION RELATES TO ARE:**

NAME OF ORIGINAL SUBMITTER AND SUBMITTER NUMBER	ORIGINAL SUBMISSION POINT NUMBER(S)	STATE WHETHER YOU SUPPORT OR OPPOSE THIS SPECIFIC PART OF THE ORIGINAL SUBMISSION	STATE THE REASONS FOR FURTHER SUBMITTERS SUPPORT OR OPPOSITION	WHAT DECISION DO YOU SEEK FROM COUNCIL ON THE WHOLE OR PART OF THE ORIGINAL SUBMISSION? <i>Give precise details. Sample - I seek that the whole (or part [describe part]) of the submission be either: Allowed / Disallowed</i>
Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood	<b>S32.001</b>	Support Submitters' request to "expand the Moturoa Island Zone to include Motukiekie Island"	Amendments to the Moturoa Island Zone to include Motukiekie Island are the most appropriate and effective method to achieve the objectives and purpose of the Act <sup>1</sup> in relation to Motukiekie Island. The amendments recognise that the Island is not part of the conservation estate, is privately owned and subject to on-going conservation and ecological restorations, and that reasonable use must be provided for.	Adoption of the attached provisions into the Proposed District Plan – refer to: <b>Attachment 1 - Zoning Provisions Motukiekie Islands</b>  <b>FS344.001</b>
Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood	<b>S32.002</b>	Support Submitters' request for incorporation of Motukiekie Island Development Plan into the District Plan	Incorporation of the Motukiekie Island Development Plan provides a suitable planning framework to manage the effects of the use, development and subdivision of the Island in conjunction with continued conservation and ecological restoration activities on the Island.	Adoption of the attached provisions into the Proposed District Plan – refer to: <b>Attachment 2 - Motukiekie Island Development Plan</b>  <b>FS344.002</b>
Mr Lewis Thomas Grant, Mr Jake Ryan Lockwood, Mr Luke Stephen Lockwood and Mr Stephen Graham Lockwood	<b>S32.001 and S32.002</b>	Support Submitters' request for "further other relief" and/or alternative or consequential amendments" to the District Plan	Consequential amendments to related provisions of the District Plan are necessary to ensure the provisions of the Motukiekie Island Zone and Motukiekie Island Development Plan achieve the sustainable management of the natural and physical resources of the Island.	Adoption of the attached provisions into the Proposed District Plan – refer to: <b>Attachment 3 - Consequential Amendments to Proposed District Plan</b>  <b>FS344.003</b> <b>FS344.004</b>

<sup>1</sup> S.32 Resource Management Act 1991

## Attachment 1:

### PART 3 – AREA-SPECIFIC MATTERS / SPECIAL PURPOSE ZONES

#### Moturoa and Motukiekie Islands zone

### Overview

#### A. Moturoa Island

Moturoa Island is approximately 147 hectares in area and is managed as a company with multiple shareholders who obtain their shares through ownership. The Island was gazetted in the 1960's as Wildlife Refuge under the Wildlife Act 1953. Extensive restoration works have been carried out across the island by the owners that have further enhanced the ecological and natural values including pest and weed control, habitat enhancement and the re-introduction of threatened native birds.

Development is directed to the western portion of the Island and consolidated within the areas identified in the Moturoa Island Development Plan which specifies [building](#) areas. Outside of the specified [building](#) areas, preservation and enhancement of the natural and ecological values is enabled. This specifically includes the grazing of sheep and goats in appropriate areas which provide an important ecological service in terms of controlling the growth of weed species. Built development is also provided for in this area but only where the purpose is to support the specified [farming](#) activities and limited in scale.

A conservation covenant, prepared under section 77 of the Reserves Act 1977 exists between Moturoa Island Limited and [Council](#). These areas are generally captured as Natural [Environment](#) Values, and many meet the criteria for significant natural areas. The areas considered to be significant natural areas spatially align with those shown on the Moturoa Island Development Plan as 'Conservation/Wildlife areas'. Activities in these areas, including grazing of stock, are managed through the conditions of the covenant, as well as the District Plan.

The bulk, scale and design of development across the island needs to be carefully managed so as to protect the natural values of the Island this is managed through the [Coastal Environment](#) and Natural [Environment](#) Values Overlays that apply to the Island.

The commitment by the owners of the island to only undertake development in accordance with the [Council](#) approved Moturoa Island Development Plan to actively support the restoration and enhancement of the conservation and wildlife values has negated [Council's](#) requirement or consideration of [esplanade reserves](#) or [esplanade strips](#). This includes the understanding that [subdivision](#) will not be undertaken on Moturoa Island.

## **B. Motukiekie Island**

Motukiekie Island is approximately 29 hectares in area located in the outer Bay of Islands that has been privately owned since 1869. The majority of the Island was cleared of vegetation and grazed by sheep until the 1960's. The majority of the Island is now covered in mixed native and exotic vegetation, with areas of exotic species (Norfolk Island Pine, eucalyptus, Japanese cedar and Morton Bay fig) alongside widespread kanuka and a mixed undertstorey of indigenous vegetation. Pohutukawa are present around the coastal fringes of the island, and the indigenous climbing vine kiekie (from which the Island derives its name) is present.

Conservation planting works have been carried out across the island by the owners since 2004, and the predator free island is part of Project Island Song and monitored by DOC. Active conservation of the island has substantially enhanced the ecological and natural values including pest and weed control and habitat enhancement. That has supported recolonisation by threatened native birds as part of "Ipipiri" the eastern Bay of Islands pest-free wildlife sanctuary.

Existing and future development is located within the building areas identified in the Motukiekie Island Development Plan. Outside of the specified [building](#) areas, preservation and enhancement of the natural and ecological values is promoted.

The location, scale, design and colour of buildings on the island need to be carefully managed so as to protect the natural values of the Island this is managed through the [Coastal Environment](#) and Natural [Environment](#) Values Overlays that apply to the Island.

The owners of the island are committed to only undertake development in accordance with the [Motukiekie Island Development Plan](#) to actively support the restoration and enhancement of the conservation and habitat values has negated [Council's](#) requirement or consideration of [esplanade reserves](#) or [esplanade strips](#) (unless Motukiekie Island is subject to [subdivision](#) in accordance with a [management plan](#)).

Objectives	
<b>MIZ-01</b>	Land use on Moturoa <u>and Motukiekie</u> Island is of a scale and type that compliments and is consistent with the values of the island.
<b>MIZ-02</b>	The natural characteristics and qualities of Moturoa <u>and Motukiekie</u> Island are preserved and protected for current and future generations to enjoy and appreciate.
<b>MIZ-03</b>	The ecological qualities of Moturoa Island <u>and Motukiekie</u> are protected and enhanced.

Policies	
<b>MIZ-P1</b>	<p>A. Enable the development of no more than 24 <a href="#">residential units</a> in addition to the existing farmhouse and beach cottage, where it is of appropriate scale and in the <a href="#">building sites</a> defined on the on the <a href="#">Council</a> approved Moturoa Island Development Plan.</p> <p>B. <i>Enable the development of no more than 4 <a href="#">residential units</a> in addition to the existing dwelling and consented caretakers' dwelling, where it is of appropriate scale and is located in the <a href="#">building sites</a> defined on the on the <a href="#">Council</a> approved Motukiekie Island Development Plan.</i></p>
<b>MIZ-P2</b>	<p>Provide for additions and external alterations to <a href="#">residential units</a>, <a href="#">accessory buildings</a> and facilities for the storage of pleasure <a href="#">craft</a> where any significant adverse <a href="#">effects</a> are avoided and any other adverse <a href="#">effects</a> can be avoided, remedied or mitigated.</p>
<b>MIZ-P3</b>	<p>Avoid development that is not in accordance with the <a href="#">Council</a> approved Moturoa Island <i>or Motukiekie Island</i> Development Plans or diminishes the characteristics and qualities of the following:</p> <ol style="list-style-type: none"> <li><a href="#">significant natural area</a>;</li> <li>outstanding natural landscape;</li> <li><a href="#">coastal environment</a>; and</li> <li>natural character.</li> </ol>
<b>MIZ-P4</b>	<p>Protect the ecological values of the island by enabling grazing activities on Moturoa Island outside of significant natural areas identified on the <a href="#">Council</a> approved Moturoa Island Development Plan as conservation/wildlife areas.</p>
<b>MIZ-P5</b>	<p>Encourage the enhancement of ecological and natural values by enabling ongoing <a href="#">conservation activities</a> on Moturoa <i>and Motukiekie</i> Islands.</p>
<b>MIZ-P6</b>	<p>Provide for built development outside of the development areas identified on the <a href="#">Council</a> approved Moturoa Island Development Plan only where it is to support continued <a href="#">farming</a> or <a href="#">conservation activities</a>.</p>
<b>MIZ-P7</b>	<p>Manage land use and <a href="#">subdivision</a> to address the <a href="#">effects</a> of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:</p>

- a. compliance with the [Council](#) approved Moturoa Island Development Plan *or Motukiekie Island Development Plan*;
- b. the natural character of the [coastal environment](#);
- c. the presence or absence of [structures](#), [buildings](#) or [infrastructure](#);
- d. the location, scale and design of any proposed development;
- e. the temporary or permanent nature of any adverse [effects](#);
- f. the need for and location of [earthworks](#) or vegetation clearance;
- g. [effects](#) from [natural hazards](#);
- h. satisfactory disposal of [wastewater](#) and [stormwater](#);
- i. [effects](#) on ecological values; and
- j. the provision for a potable and firefighting water supply.

## Rules

### Notes:

1. There may be other rules in Part 2- District-Wide Matters of the District Plan that apply to a proposed activity, in addition to the rules in this zone chapter, including the *Coastal Environment*, Transport, Hazardous Substances, [Noise](#), Light and Signage chapters. These District-Wide rules may be more stringent than the rules in this chapter. Ensure that relevant District-Wide Matters chapters are also referred to in addition to this chapter, to determine whether resource consent is required under other rules in the District Plan. Refer to the [how the plan works](#) chapter to determine the activity status of a proposed activity where resource consent is required under multiple rules.
2. This zone chapter does not contain rules relating to [setback](#) to [waterbodies](#) for [building](#) and [structures](#) or [setbacks](#) to [waterbodies](#) for [earthworks](#) and indigenous vegetation clearance. The Natural Character *chapter* contains rules for activities within [wetland, lake and river margins](#). The Natural Character chapter should be referred to in addition to this zone chapter.

<b>MIZ-R1</b>	<b>New buildings or structures, and extensions or alterations to existing buildings or structures</b>	
<b>Moturoa <a href="#">and Motukiekie</a> Island zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>  The <a href="#">building</a> or <a href="#">structure</a>, or extensions or alteration to an existing <a href="#">building</a> or <a href="#">structure</a> is located within the <a href="#">building</a> areas identified in the <a href="#">Council</a> approved Moturoa Island Development Plan <i>or Motukiekie Island Development Plan</i>.</p> <p><b>PER-2</b>  The <a href="#">building</a> or <a href="#">structure</a>, or extension or alteration to an existing <a href="#">building</a> or <a href="#">structure</a> is located outside of the <a href="#">building</a> area identified on the <a href="#">Council</a> approved Moturoa Island Development Plan and is associated with a <a href="#">conservation activity</a> or <a href="#">farming</a> activity permitted by <a href="#">MIZ-R3</a> and <a href="#">MIZ-R4</a> on Moturoa Island <i>or associated with a <a href="#">conservation activity</a> permitted by <a href="#">MIZ-R4</a> on Motukiekie Island</i>.</p> <p><b>PER-3</b>  The <a href="#">building</a> or <a href="#">structure</a>, or extension or alteration to an existing <a href="#">building</a> or <a href="#">structure</a> complies with <a href="#">CE-R1 New buildings or structures, and extensions or alterations to existing buildings or structures</a>, and standards:  <a href="#">MIZ-S1 Setbacks</a>  <a href="#">MIZ-S2 Stormwater and effluent disposal</a></p>	<p><b>Activity status where compliance not achieved with PER-1, PER-2 or PER-3: Non-complying</b></p>
<b>MIZ-R2</b>	<b>Residential activity</b>	
<b>Moturoa <a href="#">and Motukiekie</a> Island zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p>	<p><b>Activity status where compliance not achieved with PER-1, <del>PER-2</del> or <del>PER-3</del>: Non-complying</b></p>



	<p><b>PER-1</b> The <a href="#">residential activity</a> is located within the <a href="#">building</a> areas identified on the <a href="#">Council</a> approved Moturoa Island Development Plan <i>or Motukiekie Island Development Plan</i>.</p> <p><b>PER-2</b> The number of <a href="#">residential units</a> on Moturoa Island does not exceed 24, in addition to the existing farmhouse and beach cottage.</p> <p><b>PER-3</b> <i>The number of <a href="#">residential units</a> on Motukiekie Island does not exceed 4, in addition to the existing dwelling and caretaker's dwelling.</i></p>	
<b>MIZ-R3</b>	<b>Farming (<i>Moturoa Island</i>)</b>	
<b>Moturoa <i>and</i> Motukiekie Island zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> <a href="#">Farming</a> <i>on Moturoa Island</i> is limited to the grazing of sheep and goats.</p> <p><b>PER-2</b> <a href="#">Farming</a> is outside of any <a href="#">significant natural area</a> identified on the Moturoa Island Development Plan as Conservation/wildlife areas.</p>	<b>Activity status where compliance not achieved with PER-1 or PER-2: Non-complying</b>
<b>MIZ-R4</b>	<b>Conservation activity</b>	
<b>Moturoa <i>and</i> Motukiekie Island zone</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b></p>	<b>Activity status where compliance not achieved with PER-1: Non-complying</b>

	<p><a href="#">Conservation activities</a> are limited to the following:</p> <ol style="list-style-type: none"> <li>1. planting;</li> <li>2. pest and weed control; and</li> <li>3. introduction of native fauna</li> </ol>	
<b><u>MIZ-R5</u></b>	<b><u>Visitor Accommodation (Motukiekie Island)</u></b>	
<b><u>Moturoa and Motukiekie Island zone</u></b>	<p><b><u>Activity status: Permitted</u></b></p> <p><b><u>Where:</u></b></p> <p><b><u>PER-1</u></b>  <u>Visitor accommodation is within a residential unit, accessory building or minor residential unit located within the building areas identified on the Council approved Motukiekie Island Development Plan.</u></p> <p><b><u>PER-2</u></b>  <u>The occupancy does not exceed 10 guests per night per residential unit (including any associated accessory building and or minor residential unit within the same building area).</u></p>	<p><b><u>Activity status where compliance not achieved with PER-1: Non-complying</u></b></p> <p><b><u>Activity status where compliance not achieved with PER-1: Discretionary</u></b></p>
<b><u>MIZ-R6</u></b>	<b><u>Helicopter movements (Motukiekie Island)</u></b>	
<b><u>Moturoa and Motukiekie Island zone</u></b>	<p><b><u>Activity status: Permitted<sup>1</sup></u></b></p> <p>-</p> <p><b><u>Where:</u></b></p> <p>-</p> <p><b><u>PER-1</u></b></p>	<p><b><u>Activity status where compliance not achieved with PER-1: Discretionary</u></b></p>

<sup>1</sup> Temporary Activity Rule TA-R5 permits helicopter movements for emergency services, military and conservation activities (without limit)

	<i>The number of movements (landing and take-off) does not exceed 5 per day, excluding movements for emergency services (including civil defence).</i>	
<b>MIZ-R5</b>	<b>Activities otherwise not listed in this chapter</b>	
<b>Moturoa <i>and</i> <u>Motukiekie</u> Island zone</b>	<b>Activity status: Non-complying</b>	<b>Activity status where compliance not achieved: Not applicable</b>
<b>Standards</b>		
<b>MIZ-S1</b>	<b>Setbacks</b>	
<b>Moturoa <i>and</i> <u>Motukiekie</u> Island zone</b>	The <u>building</u> or <u>structure</u> , or extension or additions to an existing <u>building</u> or <u>structure</u> must be set back at least 26m from <u>MHWS</u> , <i>excluding lawfully established buildings within the set back and facilities for the storage of pleasure <u>craft</u> and jetties on Motukiekie Island.</i>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>MIZ-S2</b>	<b>Stormwater and effluent disposal</b>	
<b>Moturoa <i>and</i> <u>Motukiekie</u> Island zone</b>	Each <u>residential unit</u> must have an exclusive area of at least 3,000m <sup>2</sup> available for disposing of and treating <u>stormwater</u> and effluent.	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

## Attachment 2: Motukiekie Island Development Plan

**Zone:** Moturoa and Motukiekie Island Zone

**Overlays:** Coastal Environment, Outstanding Natural Landscape, High Natural Character Area



### Consent requirements for development within each identified Building Area:

#### Rules CER-R1 and NFL-R1

Permitted Activities: buildings <25m<sup>2</sup> and/or <5m in height

All other buildings will require consent as a **Discretionary Activity**.

### NOTES:

#### Building Area 1 (Sunset Bay):

Contains existing dwelling, consented caretakers' dwelling, decks, walkways, accessory buildings and beach cabanas. Site for future boat shed and for visitor or staff accommodation to rear of existing dwelling.

#### Building Area 2 (Northern Saddle)

Contains existing utilities: solar panels, water tanks, sheds, storage, nursery vegetable garden. Canopy of Norfolk Island pine. Site for future dwelling/ staff/ visitor accommodation and ancillary buildings/structures.

#### Building Area 3 (Central Saddle)

Existing clearing in central saddle with lawn and picnic table. Site for future dwelling/ staff/ visitor accommodation and ancillary buildings/structures.

#### Building Areas 4, 5 (Kieke Cove Ridgeline)

Wide ridgeline with canopy of Norfolk Island pine, eucalyptus and kanuka. Provides two sites for future dwelling/ staff/ visitor accommodation and ancillary buildings/structures.

### Rules CE-R3 and NFL-RS: Earthworks and Vegetation Clearance

Permit up to 400m<sup>2</sup> of earthworks and indigenous vegetation clearance associated with a permitted or consented building within an identified building area on Motukiekie Island.

N.B. Clearance of >400m<sup>2</sup> of indigenous vegetation would require consent as a Non-complying Activity.

## Attachment 3: Consequential Amendments to Proposed District Plan

### PART 2 – DISTRICT-WIDE MATTERS / GENERAL DISTRICT-WIDE MATTERS / Coastal environment

CE-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
<a href="#">Coastal environment</a>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> If a new <a href="#">building</a> or <a href="#">structure</a> is located in an <a href="#">urban</a> zone it is:</p> <ol style="list-style-type: none"> <li>1. no greater than 300m<sup>2</sup>.</li> <li>2. located outside high or outstanding natural character areas.</li> </ol> <p><b>PER-2</b> If a new <a href="#">building</a> or <a href="#">structure</a> is not located within an <a href="#">urban</a> zone it is:</p> <ol style="list-style-type: none"> <li>1. ancillary to <a href="#">farming</a> activities (excluding a <a href="#">residential unit</a>).</li> <li>2. no greater than 25m<sup>2</sup>.</li> <li>3. located outside outstanding natural character areas.</li> </ol> <p><b>PER-3</b> Any extension to a lawfully established <a href="#">building</a> or <a href="#">structure</a> is no greater than 20% of the <a href="#">GFA</a> of the existing lawfully established <a href="#">building</a> or <a href="#">structure</a>.</p> <p><b>PER-4</b> The <a href="#">building</a> or <a href="#">structure</a>, or extension or addition to an existing <a href="#">building</a> or <a href="#">structure</a>, complies with standards:</p>	<p><b>Activity status where compliance not achieved with PER-1:</b> Discretionary (inside a high natural character area) Non-complying (inside an outstanding natural character area)</p> <hr/> <p><b>Activity status where compliance not achieved with PER-2:</b> Discretionary (outside an outstanding natural character area) Non-complying (inside an outstanding natural character area)</p> <hr/> <p><b>Activity status where compliance not achieved with PER-3 or PER-4:</b> Discretionary</p>

	<a href="#">CE-S1 Maximum height.</a> <a href="#">CE-S2 Colours and materials.</a>	
<b>CE-R2</b>	<b>Repair or maintenance</b>	
<a href="#">Coastal environment</a>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b>  The <a href="#">repair</a> or <a href="#">maintenance</a> of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:</p> <ol style="list-style-type: none"> <li>1. <a href="#">roads</a>.</li> <li>2. fences.</li> <li>3. network utilities.</li> <li>4. driveways and access.</li> <li>5. walking tracks.</li> <li>6. cycling tracks.</li> <li>7. <a href="#">farming</a> tracks.</li> <li>8. <i><u>Dwellings, visitor accommodation and ancillary buildings located within the building areas identified on the Council approved Motukiekie Island Development Plan, along with interconnecting walkways/boardwalks.</u></i></li> </ol>	<p><b>Activity status where compliance is not achieved with PER-1:</b>  <b>Discretionary</b></p>
<b>CE-R3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<a href="#">Coastal environment</a>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p>	<p><b>Activity status where compliance not achieved with PER-1:</b>  <b>Discretionary</b></p>

	<p><b>PER-1</b> The <a href="#">earthworks</a> or indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> <li>1. required for repair or maintenance permitted under <a href="#">CE-R2 Repair or Maintenance</a>.</li> <li>2. required to provide for safe and reasonable clearance for existing overhead power lines.</li> <li>3. necessary to ensure the health and safety of the public.</li> <li>4. for biosecurity reasons.</li> <li>5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</li> </ol> <p><b>PER-2</b> The <a href="#">earthworks</a> or indigenous vegetation clearance is not provided for within CE-R3 PER-1 but it complies with standard <a href="#">CE-S3 Earthworks or indigenous vegetation clearance</a>.</p>	<p><b>Activity status where compliance not achieved with PER-2:</b> <b>Non-complying</b></p>
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<b>Standards</b>		
<b>CE-S1</b>	<b>Maximum height</b>	
<a href="#">Coastal environment</a>	<ol style="list-style-type: none"> <li>1. The maximum <a href="#">height</a> of any new <a href="#">building</a> or <a href="#">structure</a> above <a href="#">ground level</a> is 5m and must not exceed the <a href="#">height</a> of the nearest ridgeline, headland or peninsula.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b></p>

	<p>2. Any extension to a <a href="#">building</a> or <a href="#">structure</a> must not exceed the <a href="#">height</a> of the existing <a href="#">building</a> above <a href="#">ground level</a> or exceed the <a href="#">height</a> of the nearest ridgeline, headland or peninsula.</p> <p><b>This standard does not apply to:</b></p> <p><i>i.</i> The Orongo Bay zone</p>	
<b>CE-S2</b>	<b>Colours and materials</b>	
<a href="#">Coastal environment</a>	<p>The exterior surfaces of <a href="#">buildings</a> or <a href="#">structures</a> shall:</p> <ol style="list-style-type: none"> <li>1. be constructed of materials and/or finished to achieve a <a href="#">reflectance</a> value no greater than 30%.</li> <li>2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b></p>
<b>CE-S3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<a href="#">Coastal environment</a>	<p>Any <a href="#">earthworks</a> or indigenous vegetation clearance must (where relevant):</p> <ol style="list-style-type: none"> <li>1. not occur in outstanding natural character areas.</li> <li>2. not exceed a total area of 50m<sup>2</sup> for 10 years from the notification of the District Plan in an area of high natural character, <i>excluding the building areas identified on the Council approved Motukiekie Island Development Plan.</i></li> <li>3. not exceed a total area of 400m<sup>2</sup> for 10 years from the notification of the District Plan in: <ol style="list-style-type: none"> <li>a) an area outside high or outstanding natural character areas; <i>or</i></li> <li>b) <i>associated with the construction, use and maintenance of a permitted or consented building located within a building area</i></li> </ol> </li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b></p>



*identified on the Council approved Motukiekie Island Development Plan.*

4. not exceed a cut [height](#) or fill depth of 1m.
5. screen any exposed faces.

**Note:** The NESF requires a 10m [setback](#) from any natural [wetland](#) in respect of [earthworks](#) or vegetation clearance and may require consent from the Regional Council.

**PART 2 – DISTRICT-WIDE MATTERS / NATURAL ENVIRONMENT VALUES / Natural features and landscapes**

NFL-R1	New buildings or structures, and extensions or alterations to existing buildings or structures	
<p>Within <a href="#">ONL</a> and <a href="#">ONF</a></p>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> If a new <a href="#">building</a> or <a href="#">structure</a> is located outside the <a href="#">coastal environment</a> it is:</p> <ol style="list-style-type: none"> <li>1. ancillary to <a href="#">farming</a> (excluding a <a href="#">residential unit</a>);</li> <li>2. no greater than 25m<sup>2</sup>.</li> </ol> <p><b>PER-2</b> If a new <a href="#">building</a> or <a href="#">structure</a> is located within the <a href="#">coastal environment</a> it is:</p> <ol style="list-style-type: none"> <li>1. ancillary to <a href="#">farming</a> (excluding a <a href="#">residential unit</a>);</li> <li>2. no greater than 25m<sup>2</sup>.</li> </ol> <p><b>PER-3</b> Any extension to a lawfully established <a href="#">building</a> or <a href="#">structure</a> is no greater than 20% of the <a href="#">GFA</a> of the existing lawfully established <a href="#">building</a> or <a href="#">structure</a>.</p> <p><b>PER-4</b> The <a href="#">building</a> or <a href="#">structure</a>, or extension or alteration to an existing <a href="#">building</a> or <a href="#">structure</a>, complies with standards: <a href="#">NFL-S1 Maximum height</a></p>	<p><b>Activity status when compliance not achieved with PER-1, PER-3 and PER-4: Discretionary</b></p> <hr/> <p><b>Activity status when compliance not achieved with PER-2: Non-complying</b></p>

	<a href="#">NFL-S2 Colours and materials</a>	
<b>NFL-R2</b>	<b>Repair or maintenance</b>	
Within <a href="#">ONL</a> and <a href="#">ONF</a>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The <a href="#">repair</a> or <a href="#">maintenance</a> of the following activities where they have been lawfully established and where the size, scale and materials used are like for like:</p> <ol style="list-style-type: none"> <li>1. <a href="#">roads</a></li> <li>2. fences</li> <li>3. network utilities</li> <li>4. driveways and access</li> <li>5. walking tracks</li> <li>6. cycling tracks</li> <li>7. <a href="#">farming</a> tracks</li> <li>8. <i><u>Dwellings, visitor accommodation and ancillary buildings located within the building areas identified on the Council approved Motukiekie Island Development Plan, along with interconnecting walkways/boardwalks.</u></i></li> </ol>	<p><b>Activity status when compliance not achieved with PER-1:</b> <b>Discretionary</b></p>
<b>NFL-R3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
Within <a href="#">ONL</a> and <a href="#">ONF</a>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p>	<p><b>Activity status when compliance not achieved with PER-1 or PER-2:</b> <b>Discretionary</b></p>

	<p><b>PER-1</b> The <a href="#">earthworks</a> or indigenous vegetation clearance is:</p> <ol style="list-style-type: none"> <li>1. required for the repair or maintenance permitted under <a href="#">NFL-R2 Repair or maintenance</a>.</li> <li>2. required to provide for safe and reasonable clearance for existing overhead power lines.</li> <li>3. necessary to address a risk to public health and safety.</li> <li>4. for biosecurity reasons.</li> <li>5. for the sustainable non-commercial harvest of plant material for rongoā Māori.</li> </ol> <p><b>PER-2</b> The <a href="#">earthworks</a> or indigenous vegetation clearance outside the <a href="#">coastal environment</a> is not provided for within NFL-R3 PER-1 but it complies with standard <a href="#">NFL-S3 Earthworks or indigenous vegetation clearance</a></p> <p><b>PER-3</b> The <a href="#">earthworks</a> or indigenous vegetation clearance inside the <a href="#">coastal environment</a> is not provided for within NFL-R3 PER-1 but it complies with standard <a href="#">NFL-S3 Earthworks or indigenous vegetation clearance</a></p>	<p><b>Activity status when compliance not achieved with PER-3:</b> <b>Non-complying</b></p>
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Standards		
NFL-S1	<b>Maximum height</b>	
Within <a href="#">ONL</a> and <a href="#">ONF</a>	<ol style="list-style-type: none"> <li>1. The maximum <a href="#">height</a> of any new <a href="#">building</a> or <a href="#">structure</a> above <a href="#">ground level</a> is 5m and must not exceed the <a href="#">height</a> of the nearest ridgeline, headland or peninsula.</li> </ol>	<p><b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b></p>

	<p>2. Any extension to a <a href="#">building</a> or <a href="#">structure</a> must not exceed the <a href="#">height</a> of the existing <a href="#">building</a> above <a href="#">ground level</a> or exceed the <a href="#">height</a> of the nearest ridgeline, headland or peninsula.</p>	
<b>NFL-S2</b>	<b>Colours and materials</b>	
<b>Within <a href="#">ONL</a> and <a href="#">ONF</a></b>	<p>The exterior surfaces of <a href="#">buildings</a> or <a href="#">structures</a> shall:</p> <ol style="list-style-type: none"> <li>1. be constructed of materials and/or finished to achieve a <a href="#">reflectance</a> value no greater than 30%.</li> <li>2. have an exterior finish within Groups A, B or C as defined within the BS5252 standard colour palette.</li> </ol>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>
<b>NFL-S3</b>	<b>Earthworks or indigenous vegetation clearance</b>	
<b>Within <a href="#">ONL</a> and <a href="#">ONF</a></b>	<p>Any <a href="#">earthworks</a> or indigenous vegetation clearance must (where relevant):</p> <ol style="list-style-type: none"> <li>1. not exceed a total area of 50m<sup>2</sup> over the life of the District Plan.</li> <li>2. not exceed a cut <a href="#">height</a> or fill depth of 1m.</li> <li>3. screen any exposed faces.</li> <li>4. be for the purpose of access and/or a <a href="#">building</a> platform.</li> <li>5. <i>not exceed a total area of 400m<sup>2</sup> for 10 years from the notification of the District Plan when associated with the construction, use and maintenance of consented building(s) within a building area identified on the Council approved Motukiekie Island Development Plan.</i></li> </ol> <p><b>Note:</b> The NESF requires a 10m <a href="#">setback</a> from any natural <a href="#">wetland</a> in respect of <a href="#">earthworks</a> or vegetation clearance and may require consent from the Regional Council.</p>	<b>Where the standard is not met, matters of discretion are restricted to: Not applicable</b>

## PART 2 – DISTRICT-WIDE MATTERS / SUBDIVISION / Subdivision

Include new Subdivision rule:

Part 2 – District Wide Matters – Subdivision

<u><b>SUB-R7A</b></u>	<u><b>Management plan subdivision (Motukiekie Island)</b></u>	
<u><b>Moturoa and Motukiekie Island zone</b></u>	<p><u><b>Activity status: Discretionary</b></u></p> <p>-</p> <p><u><b>Where:</b></u></p> <p>-</p> <p><u><b>DIS-1</b></u></p> <ol style="list-style-type: none"> <li>1. <u>the minimum size of all lots in the management plan <a href="#">subdivision</a>, excluding lots used solely for access, utilities, <a href="#">roads</a> and reserves is 2ha;</u></li> <li>2. <u>A maximum of 5 lots are created on the Island;</u></li> <li>3. <u>This is the only management plan <a href="#">subdivision</a> for the Island;</u></li> <li>4. <u>The <a href="#">subdivision</a> complies with standard: <a href="#">SUB-S8 Esplanades</a></u></li> <li>5. <u>The application contains the information listed in <a href="#">APP3- Subdivision management plan criteria</a>.</u></li> </ol>	<p><u><b>Activity status where compliance not achieved with DIS-1: Non-complying</b></u></p> <p>-</p> <p>-</p>

4 September 2023

**TO:** Far North District Council (**Council**)

**FURTHER SUBMISSION ON:** Far North District Plan (**Proposed Plan**)

**SUBMITTER:** Mr Lewis Thomas Grant, Mr Stephen Graham Lockwood, Mr Luke Stephen Lockwood, and Mr Jake Ryan Lockwood (together **Motukiekie Owners**)

### **Introduction**

- 1 This letter forms part of a further submission for the Motukiekie Owners further to their previous submission on the Proposed Plan dated 22 September 2022 (**Previous Submission**).<sup>1</sup>
- 2 The Motukiekie Owners have owned Motukiekie Island for the last 23 years since they purchased it in 2000.<sup>2</sup>
- 3 Under the Proposed Plan the Council has proposed that the Natural Open Space zone apply to Motukiekie Island. This further submission:
  - (a) Explains why the Natural Open Space zone proposed for Motukiekie Island is based on a mistake of fact;
  - (b) Outlines the track record of stewardship and conservation evidenced by the history of ownership by the Motukiekie Owners, their vision for the island and their conservation efforts to date; and
  - (c) Attaches the detailed proposed Development Plan for Motukiekie Island for the Council to review, and includes further analysis of the proposed, more appropriate, zone that should apply to Motukiekie Island.

### **Background to Motukiekie Island**

- 4 Motukiekie Island has been privately owned since 1869. Prior to the purchase by the Motukiekie Owners the island was leased to the Department of Conservation (**DOC**) for a period of 26 years by the previous owners.
- 5 Since the purchase in 2000 by Motukiekie Owners, Motukiekie Island has been retained as a sanctuary for family accommodation and recreational purposes and for conservation work to restore the Island to its original condition

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<sup>1</sup> We note for completeness that one of the trustees of the trust which owns Motukiekie Island has changed since the Previous Submission – the independent trustee Lewis Thomas Grant has been replaced as trustee by Island Trust Trustee Company Limited.

<sup>2</sup> Through various ownership structures.

- 6 The Motukiekie Owners have initiated and continued significant conservation work on the island over the last 15 years to improve and restore the natural environment. This work has been at their own substantial cost and effort and includes the extensive planting of over 100,000 native plants and trees (at a purchase cost of over \$115,000), trapping of pests and the removal of exotic tree species including over 2,000 wilding pines. The before and after photos set out in **Appendix One** show the difference that the efforts of the Motukiekie Owners have made to Motukiekie Island.

*Conservation Efforts on Motukiekie Island*

- 7 The Motukiekie Owners have a vision to restore Motukiekie Island consistent with conservation values and the unique characteristics of the Island. Prior to the 1960s most of the island was cleared of vegetation and grazed by sheep and various exotic plant species also claimed a foothold including gorse and wilding pines.
- 8 This was still largely the state of island when it was purchased by the Motukiekie Owners. Since then they have, at substantial cost, undertaken significant efforts to clear predators, remove exotic plant species including wilding pines and gorse and to re-establish native vegetation through planting and regeneration efforts.
- 9 The Motukiekie Owners are dedicated to converting the entire island from the previous farm /grass land and exotic pine forest into native bush. As part of this they are still, 23 years into ownership undertaking a regular annual native planting project. At this point nearly all open areas are planted and regenerating so they are now continuing further planting in previously established areas.
- 10 Traps have been established and maintained across the island for many years and as a result the island is now predator free. New stoat and rat traps have been ordered to replace the existing traps and will be set up in September 2023. A wasp poisoning programme is also planned for autumn 2024 as densities have been noted to be high over the course of 2023.
- 11 The Department of Conservation is also involved in the predator control efforts performing a regular survey of Motukiekie Island with conservation dogs looking for predator sign. The Island remains predator-free.
- 12 Efforts are continuing to take out regenerating wilding pines in both the more accessible areas and steep face using contractors.
- 13 There are also ongoing efforts to continue removing other exotic species. A poisoning campaign for weed trees will be undertaken by contractors in mid-summer. A further spray campaign in spring will target other exotic pests such as tobacco weed, pea weed and gorse in both open and replanted areas.
- 14 The Motukiekie Owners are a Project Island Song partner contributing to the dream of returning the Bay of Islands to an archipelago of sanctuaries for native bird life. They have also been in discussion with sanctuaries around New Zealand about repatriating further native birds to the island.
- 15 The main issue faced by the Motukiekie Owners in encouraging native bird populations is the lack of any natural fresh water sources on the island. To combat this the Motukiekie Owners have installed a bore to pull fresh water and built artificial streams drawing from this resource. The bore water facilities also provide water for the irrigation of native plants and trees to help them establish and grow.



- 16 The Motukiekie Owners have also installed bird feeders and rainwater collectors all around the island to further provide for native birds.
- 17 The results of the efforts of the Motukiekie Owners is a stunning regeneration of both native flora and fauna on Motukiekie Island over the past 20 years.
- 18 There are now a wide range of native plants and trees that have been re-established on the island including: Pohutukawa, Puriri, Nikau, Kauri, Kowhai, Kawakawa, Titoki, Kohuhu, Karo, Ti Kouka (Cabbage Tree), Kiekie (the indigenous climbing vine the island is named after) and Totara.
- 19 A range of native bird species can also now be found all across the island including Kakariki, Banded Rail, Bellbirds, Riflemen and Piwakawaka.
- 20 As a result of these conservation efforts and their attendant costs, Motukiekie Island has consistently run at a substantial loss. Over the past seven years the costs of maintaining the island and the associated conservation efforts have varied from \$150,000 to almost \$500,000 per annum. These costs include annual planting of natives, the removal of exotic plant species, pest and predator control and a fulltime caretaker for the island who supervises and carries out conservation work (such as annual native plantings and predator and weed control). Such conservation work amounts to approximately 60% of his time in the role. The Motukiekie Owners themselves and their family and friends also actively contribute to the conservation work by volunteering their time.
- 21 The Motukiekie Owners have also considered in the past applying to have much of Motukiekie Island put under a QEII Covenant. They understand this would substantially reduce their rates to be paid to the Council (which are approximately \$40,000 per year). The Motukiekie Owners instead decided not to do so and see the payment of these rates as another way for them to make a contribution to the wider community despite the fact that the island itself does not benefit directly from Council services.

*Wider Conservation Efforts*

- 22 The Motukiekie Owners are also involved in a range of other conservation efforts across the Bay of Islands and New Zealand as a whole. The Motukiekie Owners:
- (a) supported the establishment of the proposed Waewaetorea marine reserve off the north eastern edge of Motukiekie Island and are also supporters of Project Island Song; and
  - (b) made a donation of \$75,000 to the Ipipiri Nature Conservancy Trust to assist with the purchase of 710 hectares of land for conservation purposes at Elliot Bay in the Bay of Islands. The Trust's vision is to continue conservation work, maintain public access to the beach and campground and to develop a public walking track on the land to link to other tracks in the area.

*Vision for Motukiekie Island*

- 23 Motukiekie Island is a significant feature of the Bay of Islands. The view of the Motukiekie Owners is that they are the proud owners and custodians of this special place and their intention is to eradicate almost all non-native plants and return the island to predator free native bush with significant annual plantings and ongoing pest, predator and weed control.
- 24 The Motukiekie Owners feel a responsibility to make a meaningful contribution to the beautification and future proofing of this unique island for the benefit of future generations

of New Zealanders who visit the Bay of Islands and are committed to doing so by continuing and expanding the conservation work on the island.

- 25 The Motukiekie Owners have been good custodians of the island for the last 20+ years and want to be able to continue those efforts into the future to maintain conservation values and preserve and enhance the unique nature of the island while accommodating their growing families.

#### **Mistaken Proposed Zone**

- 26 We have advised the Motukiekie Owners that there is no legitimate basis for the Natural Open Space zone that is currently proposed to apply.
- 27 The Proposed Plan States that the Natural Open Space zone “*generally applies to public land that is administered by government agencies and includes a variety of parks and historic reserves. In most cases these areas have a high degree of biodiversity requiring active management.*” This is not an apt description of the status of and activities on Motukiekie Island and has not been since 2000 as it is privately owned and used primarily for private residential accommodation and recreation.
- 28 Given the history of Motukiekie Island and the DOC lease, the Council may have mistakenly thought that the Natural Open Space zone was appropriate and simply “rolled over” the previous treatment of Motukiekie Island without checking the status of ownership, but this was a mistake and should be rectified in the Proposed Plan as the Island is privately owned.
- 29 If the zoning consideration by the Council is based on a mistake of fact, it is required by law to review the zoning consistent with the correct facts about the private ownership and use of Motukiekie Island. There is no ongoing DOC lease on the island.
- 30 The Motukiekie Owners submit that the best way to correct that mistake is to implement their proposal as to the change in the proposed zone for Motukiekie Island and for the Council to review and approve the Development Plan for Motukiekie Island, which is now attached and the detail discussed below.

#### **Proposed Zone and Development Plan**

- 31 The Previous Submission explained that the Motukiekie Owners:
- (a) Have a large residential house on the island;
  - (b) Have applied for and obtained resource consent to construct a caretaker’s house to provide accommodation and storage space for conservation activities on the island; and
  - (c) Intend to work with the Council to determine the number, extent and location for further identified building platforms, determine appropriate areas to be reserved for conservation activities and develop a Development Plan.<sup>3</sup>
- 32 In responding to the Council’s invitation to make a further submission on the Proposed Plan, the Motukiekie Owners now **attach** the Development Plan for Motukiekie Island that they have been working on with the assistance of James Hook, Principal Planner at Enviro (**Development Plan**). These proposed zone provisions should apply to Motukiekie Island rather than the Natural Open Space zone, which was based on a

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<sup>3</sup> Previous Submission at paragraph 15.

mistake of fact, and consequential amendments should be made to other provisions in the Proposed Plan.

- 33 The Development Plan includes 5 identified building areas (including the existing sites for the residence and caretaker's house). Outside of those areas it is proposed that the remainder of the island would be set aside for continuing conservation efforts such as native planting, restoration, pest and exotic species removal and ongoing predator control.
- 34 The Motukiekie Owners request, as set out in the detailed attached proposed zone provisions, that the Moturoa Island Zone be renamed the "Moturoa and Motukiekie Islands Zone" and that it apply to Motukiekie Island as well with the various necessary modifications and amendments set out in that document. These amended provisions then necessitate some further consequential amendments to the other provisions in the Proposed Plan.
- 35 The Motukiekie Owners further submit that the Development Plan should be approved by the Council as it provides for a limited number of specified building areas and the land use is of a scale and type which actively supports the restoration and enhancement of the conservation and wildlife values to maintain the unique character of Motukiekie Island. The ecological qualities of Motukiekie Island will also be protected and enhanced.
- 36 The Motukiekie Owners submit that this outcome would be more appropriate and consistent with the current status of and activities on the island than the proposed Natural Open Space zone.
- 37 Please let us know if you require any further information to assist in your consideration of the appropriate zoning for Motukiekie Island.

Yours sincerely



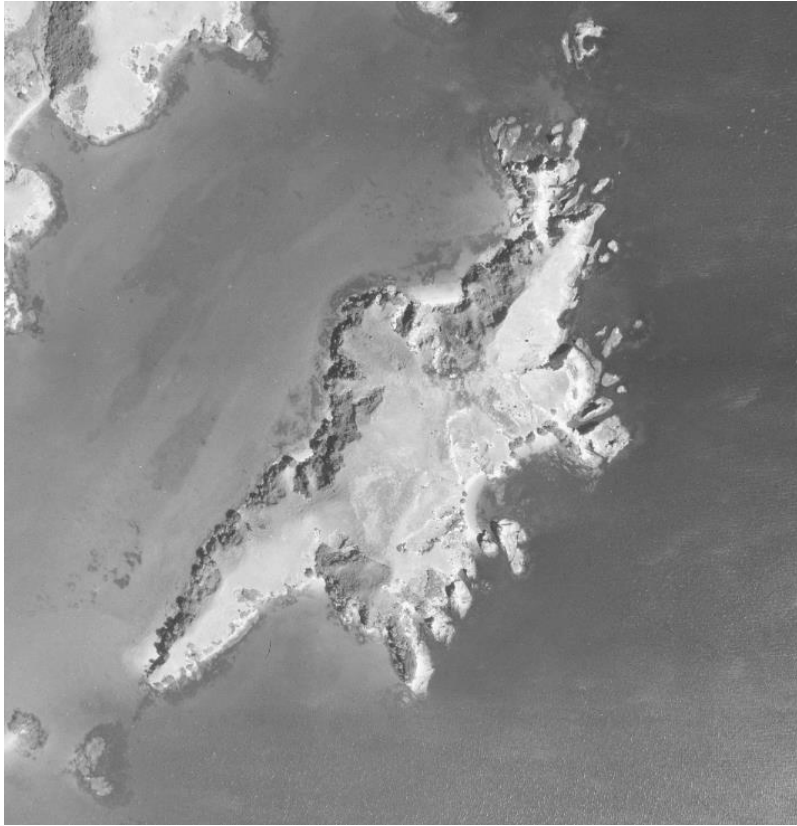
Mai Chen  
**Barrister**

**DDI:** 021 565 709

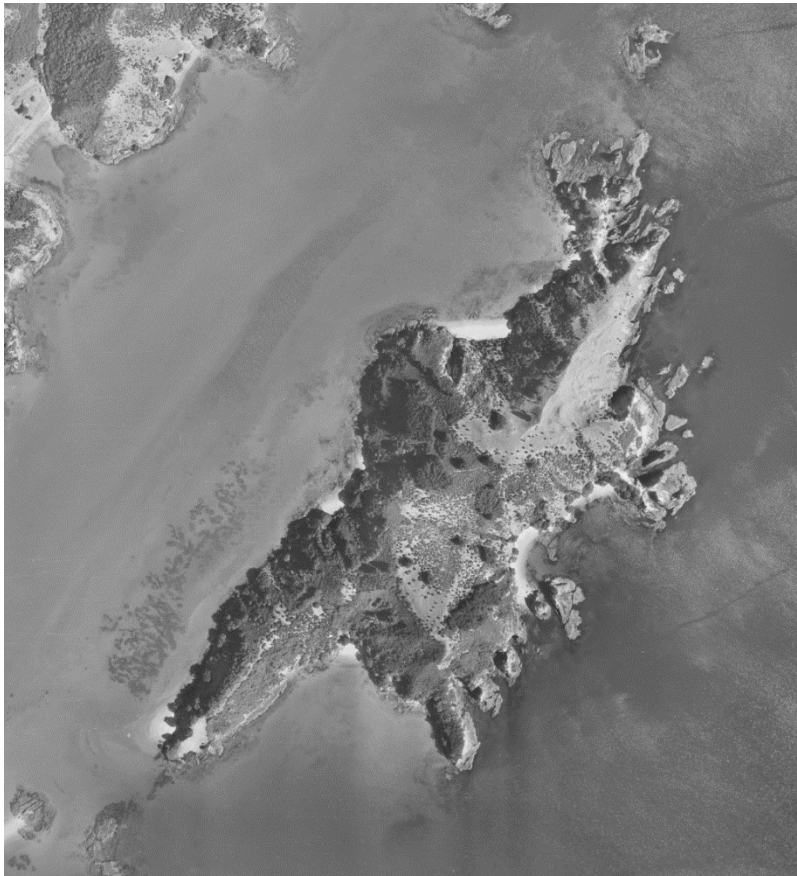
**E-mail:** [mai.chen@maichen.nz](mailto:mai.chen@maichen.nz)

## Appendix One – Before and After Photos of Motukiekie Island

Motukiekie Island 29/03/1951 – Survey SN209 - Retrolens



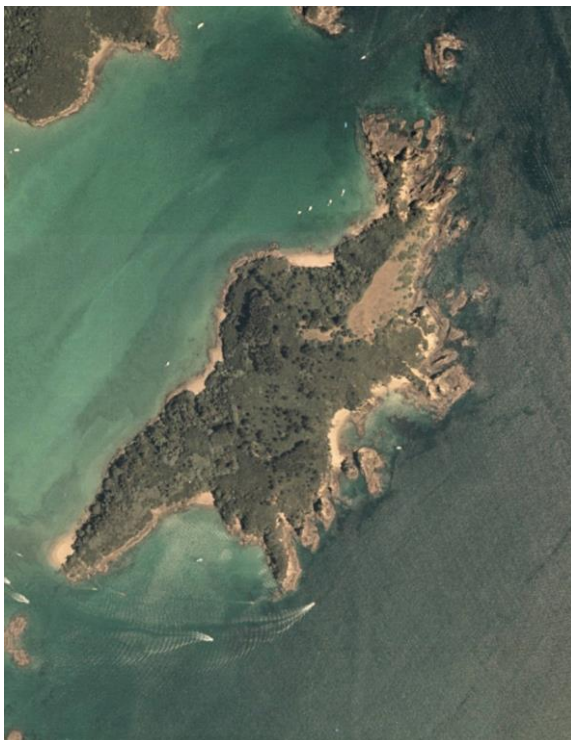
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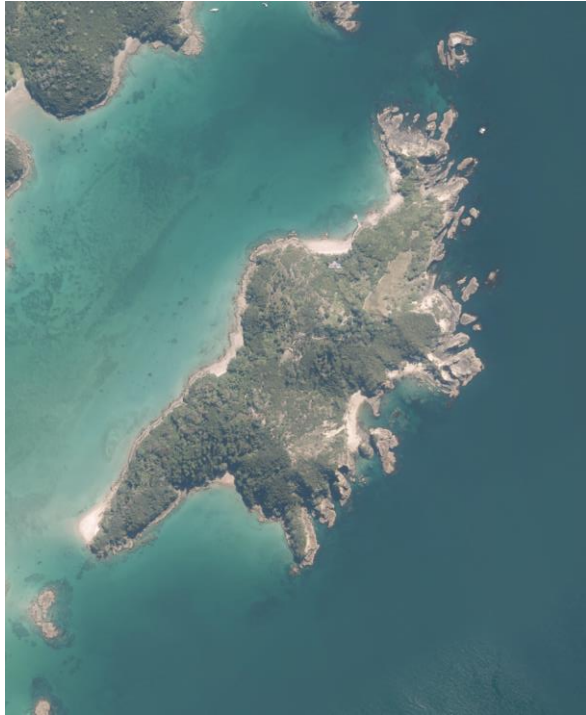
Motukiekie Island 4/01/1980 – Survey SN5651 - Retrolens



Motukiekie Island 2000 – Northland Aerial Photography – LINZ Download Service



Motukiekie Island 2014 to 2016 – Northland Aerial Photography – LINZ Download Service



Motukiekie Island 08/2023 - Luke Lockwood







