

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

Decision No. [2019] NZEnvC 168

IN THE MATTER of the Resource Management Act 1991
AND
IN THE MATTER of an appeal pursuant to cl 14 of Schedule 1
to the Act

BETWEEN WESTERN BAY OF PLENTY DISTRICT
COUNCIL
(ENV-2015-AKL-000127)
Appellant

AND BAY OF PLENTY REGIONAL COUNCIL
Respondent

AND PORT BLAKELY LIMITED,
CARRUS CORPORATION LIMITED,
TKC HOLDINGS LIMITED,
NGĀTI MAKINO HERITAGE TRUST and
MATAKANA HAPŪ
Section 274 parties

Court: Environment Judge D Kirkpatrick
Māori Land Court Judge S Clark
Environment Commissioner K Edmonds
Environment Commissioner D Bunting

Hearing: on the papers

Submissions: J Caldwell and M Gribben for Western Bay of Plenty District
Council
M Hill for Bay of Plenty Regional Council
T Fischer for Port Blakely Ltd
B Holmes on behalf of TKC Holdings Ltd
R Enright for Matakana Hapū

Date of Decision: 8 October 2019
Date of Issue: 8 October 2019



FINAL DECISION OF THE ENVIRONMENT COURT

- A: Schedule 3 – Outstanding Natural Features and Landscapes in the Coastal Environment to the Proposed Regional Coastal Environment Plan and in particular the text of the introductory section on the Assessment of Outstanding Natural Features and Landscapes and item ONFL 5 - Te Ure Kotikoti (Matakana barrier arm) is amended in the manner and to the extent set out in the **attachment** to this decision.
- B: The final version of the ratings of the assessments of the attributes and values is to be translated into te reo Māori according to the advice of counsel for the Matakana Hapū, such advice to be given to the respondent by 25 October 2019.
- C: There is no order as to costs.

REASONS

Introduction

[1] The Court's second decision in this proceeding¹ was delivered on 21 June 2019. It included a proposed version of item ONFL 5 – Te Ure Koti Koti (Matakana barrier arm) for inclusion in Schedule 3 – Outstanding Natural Features and Landscapes in the Coastal Environment to the Proposed Regional Coastal Environment Plan (**the Schedule item**). We directed that any response by any party to that proposed version was to be filed and served by 5 July 2019.

[2] A joint memorandum of counsel for the appellant and the respondent (**the Councils**) dated 5 July 2019 was filed and served that day.

[3] Counsel for the Matakana Hapū sought an extension of time in order to consult with tangata whenua about the matters raised at [43] – [48] of the second decision in relation to the inclusion of whakataukī – whakatauākī (proverb, aphorism), kupu whakarite (metaphor, simile) and pepeha (tribal saying, motto or proverb). An extension

¹ *Western Bay of Plenty District Council v Bay of Plenty Regional Council* [2019] NZEnvC 110.



was granted. A memorandum attaching a substantially revised version of the Schedule item was filed and served on 6 August 2019.

[4] The Court then directed the other parties to provide any comments on the revised version filed by the Hapū by 19 August 2019. The Appellant and the Respondent filed a joint memorandum attaching a table with their comments in reasonable detail. These are addressed below. Port Blakely Ltd filed a brief memorandum making no comment on the additional text proposed by the Hapū, but making a specific submission in relation to one deletion proposed by the Hapū, which is also addressed below.

[5] TKC Holdings Ltd sought a 6-week extension of time to better understand and consider the proposals by the Hapū. Its submissions were lodged on 11 September 2019.

Amendments sought by the Councils

[6] The appellant and respondent made three submissions on the text attached to the second decision:

- i) as to the text in English relating to *Shared and Recognised Values* of the island;
- ii) as to the Court's reasoning at [50] in the second decision on the subject of indigenous naturalness; and
- iii) as to the Court's proposed amendments to the introductory text

[7] In respect of the part of the Schedule item dealing with Associative Values, and particular the section on Shared and Recognised values, the proposed version stated:

Highly recognisable with a large viewing audience, also through science, recreation and kaitiakitanga. Known as a local and regional landmark, the Island is in numerous examples of promotional material for the region and two districts.

[8] The appellant and the respondent suggest that the first sentence could be amended for clarity to read (with additions underlined and deletions struck through):

Highly recognisable with a large viewing audience, which is also experienced through science, and recreation uses and kaitiakitanga. Known as a local and regional landmark, the Island is in numerous examples of promotional material for the region and two districts.



[9] No issue is raised by any other party to this amendment. We accept it.

[10] In respect of the Court's reasoning in the second decision at [50], we start by setting out that paragraph for ease of reference:

[50] Finally, we note that the aesthetic value of naturalness is proposed to have two ratings: low – moderate for “indigenous naturalness” and high for “perceived naturalness” or ko nga tairongo ta te tangata. There do not appear to be any submissions relating to this amendment beyond a brief explanation that it was agreed at mediation. The distinction appears to lack any foundation in the reasoning in our interim decision and in particular is not based on the modified Pigeon Bay factors. Ultimately, “indigenous naturalness” appears to be another way of referring to the biotic natural science element of representativeness and is better assessed under that heading. From our review of the case law, which in turn comprises an extensive review of the field of landscape assessment, we conclude that naturalness is necessarily perceived. If there were any doubt in this case, it is removed by the phrase “perceived naturalness” being at the beginning of the assessment text. We therefore do not accept that the element of naturalness should be further subdivided.

[11] No issue is raised about the main point of this part of the second decision, namely the removal of the distinction between “indigenous naturalness” and “perceived naturalness” under the rating for *Aesthetic Values – Naturalness*. The issue arises in relation to the sentence mid-way through that paragraph that reads:

Ultimately, “indigenous naturalness” appears to be another way of referring to the biotic natural science element of representativeness and is better assessed under that heading.

[12] Counsel for the appellant and the respondent submit, on the basis of advice from landscape experts, that there is the potential for that observation by the Court to be perceived as restricting indigenous naturalness to biotic attributes and values when it should, on the basis of the understanding of landscape experts, include both biotic and abiotic attributes and values. Counsel submit that this would be consistent with the inclusion of the reference to geomorphological and coastal processes under the abiotic attributes and values. No amendment to text of the Schedule item is said to be required but the Court is invited to correct its reasoning.

[13] It appears to us that clarification of the reasoning in a decision may be done under the auspices of R 11.10 District Court Rules 2014, which provides:



11.10 Correction of accidental slip or omission

- (1) *A judgment or order may be corrected by the court or the Registrar who made it, if it—*
- (a) *contains a clerical mistake or an error arising from an accidental slip or omission, whether or not made by an officer of the court; or*
 - (b) *is drawn up so that it does not express what was decided and intended.*
- (2) *The correction may be made by the court or the Registrar, as the case may be,—*
- (a) *on its or his or her own initiative; or*
 - (b) *on an interlocutory application.*

In particular, we may rely on R 11.10(1)(b) to better express what we decided and intended.

[14] There is a small question that arises in considering whether we did decide and intend to refer to both biotic and abiotic attributes and values when we dealt with indigenous naturalness. The question is: what abiotic attribute or value could be non-indigenous or exotic? The particular matters mentioned by counsel, geomorphological and coastal processes, appear necessarily to occur naturally at the island and not to be things that have been (or could be) brought from elsewhere. If that is correct, then it would be redundant to refer to abiotic matters in this context when all such matters are indigenous.

[15] Rather than arising from the dichotomies of *biotic* and *abiotic*, or *indigenous* and *exotic*, the root of the problem may lie in the difficulties around expressing the slippery concept of naturalness in a statutory planning document. We discussed this at some length in our first decision. We realise, at this late stage, that the text for the aesthetic value of naturalness in both the columns for assessment factors and evidence is identical. This may serve to confirm the difficulty of the concept.

[16] In any event, the Court did not intend to exclude abiotic matters, if they exist and are relevant, from any consideration of naturalness. The troublesome sentence in paragraph [50] of the second decision can be treated as amended by deleting the word “biotic” so that it reads:

Ultimately, “indigenous naturalness” appears to be another way of referring to the natural science element of representativeness and is better assessed under that heading.



[17] In respect of the amendments proposed by the Court to the introductory text for Schedule 3, the appellant and the respondent advised that they did not have any concerns about any wider implications of those amendments and considered the Court's revisions to be useful improvements of a cosmetic rather than a substantive nature.

[18] The Court is pleased that its amendments to the introductory text are acceptable to the appellant and the respondent. The Court respectfully doubts that the changes can be categorised as both useful and cosmetic and is concerned that they may not be regarded as substantive. A number of the issues that the Court had to identify and deal with in its review of the Schedule item can be traced to issues, including some deficiencies, in the analytical framework used to prepare the Schedule and the terminology used in the analysis. The operative parts of the Schedule, like any other plan provision, should be drafted in a way that withstands thorough examination in order to support the identification of rights and obligations under them.²

Amendments sought by the Hapū

[19] The memorandum of counsel for Ngā Hapū o Te Moutere o Matakana dated 6 August 2019 advised that five hapū had reviewed the draft Schedule item attached to Second Decision in light of the Court's remarks at [43] – [48] of the second decision.

[20] Those remarks were generally concerned about the number and extent of the whakataukī – whakatauākī (proverb, aphorism), kupu whakarite (metaphor, simile) and pepeha (tribal saying, motto or proverb) which were included in the Schedule item. They also included a request that the spelling and use of macrons be checked.

[21] The Hapū advised that they had followed a process of hui and workshops and proposed substantive changes throughout the Schedule item. No submissions were presented in support.

[22] We will deal with the matters raised by the two councils and by PBL about the proposed changes presented by the Hapū as they arise in the course of the Schedule item. We will only address the issues identified by these parties and treat the other changes as generally acceptable. The Hapū also checked the spelling and orthography of the text and made a number of corrections, and we are grateful for those. We have also made some amendments relying on the Court's expertise.

² *Righting Environmental Justice*, The Rt Hon Dame Sian Elias CJ, 25 July 2013, presented to the Resource Management Law Association as the Salmon Lecture for 2013.



[23] In the introductory section in relation to Māori Values, the Hapū seek to insert an additional sentence in the Evidence column:

Oral traditions, recorded histories, archaeological information and information gathered from residents confirm the long occupation of Matakana and Rangiwaia Islands.

[24] The Councils support this insertion as being useful sources of information. We agree with the first part of the sentence in relation to evidence generally but note that the second part is in relation to the islands. We also note that the sections for Maori Values and Historical Associations in respect of Te Ure Kotikoti (Matakana barrier arm) - ONFL 5 refer to the long occupation of Matakana island by tangata whenua, and that such reference is better located there. We therefore think that the sentence inserted here should read:

Oral traditions, recorded histories, archaeological information and information gathered from residents.

[25] In relation to the current uses the Hapū propose amending *production activities and harvesting* to read *planting and harvesting activities*. The Councils take a neutral position but note that planting is narrower than production. We think that the broad descriptor of *production forestry* encompasses a range of things and the inclusive reference to *planting and harvesting* simply highlights the cyclical nature of the activity. We confirm this change.

[26] The Hapū appear to have relocated the explanation of ancestral sayings to the end of the item. The Councils suggest keeping it at the beginning to assist readers. We agree: assuming that readers will begin at the beginning and read through the item, having the explanatory material at the beginning is likely to be of most assistance to them in understanding these sayings as they occur.

[27] We have added *kupu whakarite* to the types of sayings to complete the range of sayings proposed by the Hapū. We have also added translations of these types of sayings, to assist readers, being: *whakatauki, whakatauki (proverb, aphorism), kupu whakarite (metaphor, simile) and pepeha (tribal saying, motto or proverb)*.

[28] The Hapū also added to the end of the Schedule item further explanatory material in relation to *he whenua rangatira, te kauae runga me te kauae raro* and *ngā kupu āhua*. It appears to us that these statements provide additional background information but are not directly related to the evaluation of the island as an ONFL. While we consider that



the Councils should ensure that their records in relation to the island keep this information for future officers and councillors to refer to, it need not be included in the text of this Schedule item. We have deleted it for that reason.

[29] The Hapū propose adding, in the Natural Science section dealing with Representativeness of Abiotic attributes and values, in the first sentence in relation to the landform features after the word *appearance*, the words *functioning and integrity*. The Councils say that this change is acceptable based on landscape advice. We accept this proposed change.

[30] The Hapū propose deleting from the Natural Science section dealing with Representativeness of Abiotic attributes and values, the sentence at the end of the first paragraph that reads:

These values and attributes would tend to be more resilient than vulnerable in the face of such activities, provided that there are clear boundaries to minimise issues of capacity and sensitivity.

[31] The Councils and PBL oppose this. The Councils submit that this sentence provides a greater level of direction about potentially acceptable effects. PBL submits that the change would diminish recognition of the resilience of the landscape and feature which should be acknowledged to provide for the continuation of production forestry on the island, as expressly referred to in the Court's previous decisions. We agree that this sentence should remain for those reasons.

[32] There is some uncertainty about whether the Hapū seek to change the low rating for the Biotic attributes and values of Representativeness in the Natural Science section. The Councils would oppose such a change. The proposed text would include the sentence:

The taonga species are of high value to the Hapū of Matakana me Rangiwaea.

[33] The Councils have no issue with that statement in its own terms. That is how we read the sentence in context. We do not understand there to be a proposal to change the overall rating. We make our own comments about the translations of the ratings at the end of this decision.

[34] The Hapū propose to add, in the section about Research and education, a further sentence at the end of the first sentence:



This may result in identification of additional high and outstanding values over time.

[35] This addition is opposed by the Councils on the basis that while ONFLs may change over time and can improve, such a statement may be misleading. They note that *outstanding* is not properly to be used in rating a particular attribute or value, but only for an overall assessment. The process of identification should follow the requisite process in Schedule 1 to the Act and such a statement might create a false hope or expectation that such assessments can be done otherwise.

[36] We share the Councils' concern. A Plan should not suggest that the status of a feature or landscape can change in some general way over time: the process of identification should be undertaken in a way that ensures that anyone who may be affected by it or interested in it can properly participate. We will not include this sentence.

[37] Following that paragraph, the Hapū propose to insert:

Mātauranga Māori, this knowledge is held by the hapū. Intactness of traditional knowledge has particular significance for the Island and its hapū.

Ngā Kete o te Wānanga

How knowledge is conveyed and how it influences management. Knowledge transmission is connected to and reliant on intact, properly functioning and landscape integrity.

[38] The Councils support this insertion as reflecting the perspective of the Hapū and being supportive of the Regional Policy framework in recognising Mātauranga Māori. We agree.

[39] In relation to the Natural Science factor of Rarity, the Hapū propose that the Attributes and Values be rewritten by adding the words shown underlined as follows:

There is no other island like Matakana, as recorded in whakapapa of people and place. The Island's location, enclosing the Tauranga Harbour, together with it being the largest barrier island in New Zealand, is significant. Matakana is the only island of its kind in the southern hemisphere. Two harbour entrances and the associated natural harbour hydrology and duneland ecosystems create an extremely rare feature regionally, nationally and internationally.

[40] This is supported by the Councils. We agree that this assists in clarifying the nature of the rarity of the Island.



[41] In relation to the Aesthetic Value of Coherence, the Hapū propose amending the text to read (words inserted shown underlined and words deleted shown struck through):

Matakana Island's function ~~appearance~~ as a barrier for the harbour and its essentially uniform appearance, principally from middle- and long-distance views, stand out. Those attributes should be protected from activities that could ~~substantially~~ alter its integrity ~~appearance~~, such as substantial permanent changes to its cover in trees, including the location of large or extensive buildings (including areas of smaller buildings) or cleared areas, or built form on Te Ure Kotikoti. It is generally accepted that the transient values are not high and so temporary changes, which in the context of the island include cyclic harvesting of sections of the production forest, similar to existing nature and scale, would not be prevented. ~~Given the on-going effects of forest harvesting, the island appears to be relatively resilient to the effects of existing activities in these categories, but it may still be appropriate to consider a level of protection which would meet the risk of any significant change in the present regime for the forest.~~

[42] The Councils do not oppose the replacement of the word *appearance* where it appears twice in the first sentence by *function* and *integrity* respectively.

[43] The Councils oppose the deletion of the word *substantially* from the second sentence in relation to protection of its integrity on the basis that it is inappropriate for an assessment at this scale to suggest that a change of any magnitude could alter the Island's integrity. We agree with that submission. As the Councils observe, since the decision in *NZ King Salmon*,³ and as noted in *Man O'War*,⁴ it is important to state clearly in a Plan what is being protected and the degree of protection: if that protection is not intended to be, or cannot practicably be, absolute, then it should not be expressed in absolute terms.

[44] The Councils oppose the addition of references to *built form* and the *nature and scale of the production forest* remaining *similar* to what exists, for similar reasons as their opposition to the deletion of the word *substantially*. They note that these changes would tie the assessment of appropriateness to existing use rights rather than an assessment of effects. We agree.

[45] The Councils also oppose the deletion of the last sentence, noting that it provides a greater level of direction about potentially acceptable effects. We agree.

³ *Environmental Defence Society Inc v New Zealand King Salmon Ltd* [2014] NZSC 38, [2014] 1 NZLR 593, [2014] NZRMA 195, (2014) 17 ELRNZ 442.

⁴ *Man o'War Station Ltd v Auckland Council* [2017] NZCA 24 at [65].



[46] In relation to the Aesthetic factor of Naturalness, the Hapū propose replacing the paragraph with the following text:

There is a reason why there are no homes (and never has been permanent kāinga) along this coastline for practical and sustainability reasons such as dynamic coastal processes, seasonality and freshwater availability.

[47] The Councils oppose this based on landscape advice as it would be a substantial removal of important information which reflects the evidence at the hearing and on the basis that it is outside the scope of this process. We go further and reject this change because it does not provide a basis for assessment according to the attributes and values of the naturalness of the Island: instead it states a conclusion about potential development without there having been any application or plan change process to justify that.

[48] In relation to the Associative factor of Shared and Recognised Values, the Hapū propose adding at the end of the first paragraph the sentence:

The island's location and its limited accessibility creates a valued sense of remoteness and isolation.

[49] The Councils support this on landscape advice and as being similar to existing text. We agree.

[50] In relation to the Associative factor of Māori values, the Hapū propose inserting *absence of built form* in the fourth sentence. In the same section under the heading of *Wāhi tapu*, the Hapū propose inserting a further sentence:

Even where there have been past modifications, they are highly sensitive and vulnerable and integral to the cultural landscape.

[51] In relation to the Associative factor of Historical Associations, the Hapū propose inserting a new paragraph at the beginning:

The hapū have an enduring history with Matakana Island with continuous ownership and occupation over many generations. The hapū have always exercised kaitiakitanga and applied their mātauranga and continue to do so today.

[52] The Councils support these insertions in their contexts as reflecting the values and history of the Hapū. We agree for the same reasons.

[53] Also in the section about Historical Associations, the Hapū propose adding:



- i) after the heading *He whenua rangatira* the interpretation (*these sovereign lands*);
- ii) at the end of the text under the heading *Mana I te whenua* the sentence:

This extends to the decision-making that affects the Island and its people, and the role that the 5 hapū have in that.

- iii) At the end of the text under the heading *Taonga tuku iho* the sentence:

To deal with the combination of sensitivities arising from proposed activities on Te Ure Kotikoti, ongoing involvement of the hapū in decision making to ensure that the location, nature, scale of any future proposed activities are appropriate.

[54] The Councils support the first two amendments as being formal rather than substantive. They oppose the third on the basis that statements about decision-making are not appropriately located in a Schedule item about an ONFL. We agree and repeat that the text of a schedule item for an ONFL is not an appropriate location for a conclusion about a procedural matter.

Amendments sought by TKC Holdings Ltd

[55] In its memorandum, TKC Holdings expressed concerns that there might be confusion between the sand barrier and the core of the island⁵ and that there should be recognition of the history of other ownership and occupation of the sand barrier. It submitted a revised draft of the item ONFL 5 in Schedule 3.

[56] Two amendments were proposed to the introductory section setting out the basis for assessment of ONFLs to make specific reference to the sand barrier. We do not consider either of these to be appropriate. The introductory section contains general provisions applicable to the whole of Schedule 3 and therefore to the region. That section accordingly should not refer to the sand barrier.

[57] The title of the item ONFL 5 clearly identifies that it relates specifically to the Matakana barrier arm. We have reviewed the text of the item carefully and are satisfied that its terms, assessments and ratings are limited to the sand barrier and do not relate to the core of the island.

⁵ As identified and distinguished in our first decision at [5].



[58] The amendments sought by TKC Holdings to the text for item ONFL 5 generally appear to be intended to add statements in relation to development (including housing, forestry and subdivision) and to delete some statements including some relating to the relationship of the hapū to the barrier. These proposed changes appear to reflect a comment in the memorandum about recognising European history and cultural associations on the island.

[59] We do not consider such amendments to be necessary or appropriate provisions to be included in the RCEP in terms of the particular purpose of Schedule 3 and in light of the clear directions in Part 2 RMA and in the relevant objectives and policies of the RCEP.⁶ The purpose of adding the sand barrier to Schedule 3 is to recognise and provide for it as an outstanding natural feature and landscape in terms of s 6(b) RMA. As explained in our first decision, an important element in our assessment of that was to recognise and provide for the relationship of tangata whenua with the sand barrier in terms of s 6(e) RMA. It is not necessary, and may be inappropriate, to add statements which appear to be expressed in a manner which could diminish the attributes and values which have been assessed as making the sand barrier an ONFL, or to delete statements which express the significance of the relationship between tangata whenua and the sand barrier.

[60] We have therefore not made any of the amendments sought by TKC Holdings.

Ratings

[61] The landscape evidence included approaches to assessment of landscape elements by rating their attributes and values using categories of low, medium and high, with extensions above, below and in between to create a seven-point scale. In providing translations of the assessment framework into te reo Māori, the terms for *medium* and *high* were given as *toharite* and *teitei*, respectively, with *toharite ki te teitei* for *moderate-high* and *teitei rawa* for *very high*. We noted in our second decision at [48] that there appeared to be no translation for *low* and the Hapū have included *pāpaku* in their proposed version of the Schedule item.

[62] The Court's understanding is that *pāpaku*, *toharite* and *teitei* would generally be used to describe the appearance and levels of things in physical terms, such as the

⁶ As identified and discussed in our first decision at [166] – [167] and then discussed in more detail in our second decision at [12] – [17] in terms of the statutory context and at [35] – [40] in terms of the analytical approach required in drafting such provisions.



height of a person or a structure, but would not generally be used to characterise the rank of an attribute or value of a thing in conceptual terms. We respectfully suggest that such rank might be better expressed in terms of *mana*, in the sense of a value to be ascribed. If that were appropriate, then a very high rating would have *mana nui rawa*, a high rating would have *mana nui*, a moderate-high rating would have *mana*, the moderate level of the attribute or value would have *mana tonu*, and a low rating would have *mana noa*.

[63] We offer this suggestion respectfully recognising that it is for tangata whenua to say how such things should be described. We invite counsel for the Matakana Hapū to advise whether our suggestion is appropriate. We ask that this response be provided by 25 October 2019.

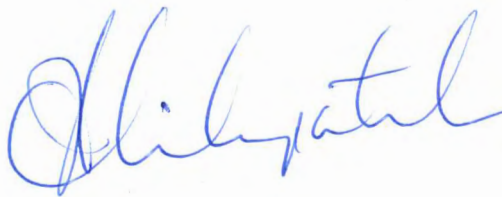
Final version

[64] For the reasons given above, we amend Schedule 3 – Outstanding Natural Features and Landscapes in the Coastal Environment to the Proposed Regional Coastal Environment Plan and in particular the text of the introductory section on the Assessment of Outstanding Natural Features and Landscapes and item ONFL 5 - Te Ure Kotikoti (Matakana barrier arm) in the manner and to the extent set out in the **attachment** to this decision.

[65] We have included our suggested version of the ratings in te reo Māori in the meantime. The final version of the ratings of the assessments of the attributes and values is to be translated into te reo Māori according to the advice of counsel for the Matakana Hapū, such advice to be given to the respondent by 25 October 2019.

[66] This appeal arising from a plan change process, in accordance with the Court's general practice⁷ there is no order as to costs.

For the Court:



D A Kirkpatrick
Environment Judge

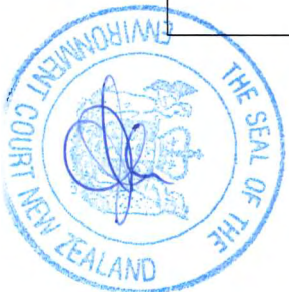
⁷ Environment Court Practice Note 2014, clause 6.6(b).



Final Version accompanying Final Decision of the Environment Court

Schedule 3 – Outstanding Natural Features and Landscapes in the Coastal Environment

Assessment of Outstanding Natural Features and Landscapes		
Assessment methods:		
<p>The assessment of outstanding natural features and landscapes is based on an evaluation system for all the assessment factors listed below. The system is qualitative rather than quantitative and there is no score to become 'outstanding'. This is a complex process requiring the exercise of judgement in a multi-dimensional framework. Outstanding natural features and landscapes can include human modifications (including activities) or otherwise be influenced by cultural associations, whether historical or modern.</p>		
Assessment factors		Evidence
Natural science	<p>Representativeness: Natural features and landscapes that are clearly and recognisably characteristic of the area, district or region. The key components of the landscape will be present in a way that more generally defines the character of the area, but which distils this character and its essence. Natural features are in a good state of preservation and are representative and characteristic of the natural geological processes and diversity of the region.</p>	<p>Data sets including contour data, vegetation patterns, ecological significance, conservation zones and geology were analysed.</p>
	<p>Research and education: Natural features and landscapes are valued for the contribution they make to research and education.</p>	<p>Publications, community group initiatives and site educational material was reviewed.</p>



	<p>Rarity: Natural features that are unique or rare in the region or nationally and few comparable examples exist.</p>	Data sets including contour data, vegetation patterns, ecological significance, conservation zones and geology were analysed. Geo-preservation site data was considered.
<i>Aesthetic values</i>	<p>Coherence: The patterns of land cover and land use that are largely in harmony with the underlying natural pattern of the landform of the area and there are no significant discordant elements of land cover or land use.</p>	Vegetation patterns were reviewed using high resolution aerial data, along with field assessment.
	<p>Vividness: Natural features and landscapes that are widely recognised across the community and beyond the local area and remain clearly in the memory; striking landscapes that are symbolic of an area due to their recognisable and memorable qualities.</p>	The prominence of a landscape and the analysis of a landscapes features were undertaken through field work, contour mapping, registered sites of ecological and geopreservation significance. Scale and context were key in the evaluation of this attribute.
	<p>Naturalness: Natural features and landscapes that appear largely uncompromised by modification and appear to comprise natural systems that are functional and healthy.</p>	Natural features and landscapes that appear largely uncompromised by modification and appear to comprise natural systems that are functional and healthy.
	<p>Intactness: Natural systems that are intact and aesthetically coherent and do not display significant visual signs of human modification, intervention or manipulation. These are visually intact and highly aesthetic natural landscapes.</p>	The absence of human modification and disruption to the natural systems that occur on the feature or landscape. This includes coastal processes, natural river systems and hydrology, modification to margins and extent of landform change.
<i>Expressivness (Legibility)</i>	Natural features and landscapes that clearly demonstrate the natural processes that formed them. Examples of natural processes in a landscape exemplify the particular processes that formed that landscape or feature.	Geomorphological processes were reviewed with the assistance of topographical and hydrological mapping combined with field assessment.



<i>Transient values</i>	The consistent occurrence of transient features (for example the seasonal flowering of pohutukawa, intertidal movement and changes in landform) contributes to the character, qualities and values of the landscape. Landscapes that are widely recognised for their transient features and the contribution these features have to identify this feature or landscape.	Observation and anecdotal information on seasonal and constant change of the elements within this landscape or feature.
<i>Shared and Recognised Values</i>	Natural features and landscapes that are widely known and valued by the immediate and wider community for their contribution to a sense of place, leading to a strong community association with or high public esteem for the place.	Publications including Reserve Management Plans, regional, District and city plans, non-statutory strategies and site educational material were reviewed.
<i>Māori Values</i>	Natural features and landscapes that are clearly special or widely known and influenced by their connection to the Māori values inherent in the place.	Review of information collated from iwi and hapū management plans, Treaty Settlement documents, customary fishing recognitions provided under the Fisheries Act. Oral traditions, recorded histories, archaeological information and information gathered from residents.
<i>Historical Associations</i>	Natural features and landscapes that are clearly and widely known and influenced by their connection to the historical values inherent in the place.	Information is taken from the Coastal Historic Heritage Review Project: Historic Heritage Inventory 2006 and a review of other relevant publications.



Te Ure Kotikoti (Matakana barrier arm) - ONFL 5	Map Sheets 3a, 4a, 6a, 8a, 9a, 11a
<p>Description:</p> <p>Te Ure Kotikoti, the barrier arm of Matakana Island, is the largest sand barrier island in New Zealand. The coastal extent of the barrier arm forms a large sand dune system that extends some 23 km between the northern and southern Tauranga harbour entrances. The key values and attributes which support the classification as an ONFL and require protection are its high natural science values, its high aesthetic values, and the very high associative values of the barrier, including shared and recognised values, Māori values and historical associations.</p>	
<p>Current uses:</p> <p>Production forestry including planting and harvesting activities, former (now unused) forest mill structures and associated dwellings, infrastructure including forest roading, wharf and ramp, and kaitiakitanga and cultural activities.</p>	
<p>He hanga nā te waha o te ngutu nō mua iho anō (Although it is created by the mouth, it is actually from ancient times)</p> <p>Ki te ao mārama – Introduction</p> <p>Māori ancestral sayings are taonga from the past; they have mana, and transmit or involve Māori values, tikanga, people, places and taonga for the preservation, safety and peaceful social interaction between Māori and their natural and spiritual worlds. Whakataukī, whakatauāk (proverb, aphorism), kupu whakarite (metaphor, simile) and pepeha (tribal saying, motto or proverb) convey information on life and society, ecosystems, the natural world and traditional ecological or metaphysical knowledge.</p> <p>Relevant Māori values or attributes are identified in the following format:</p> <ol style="list-style-type: none"> 1. The ancestral saying – a whakataukī, a whakatauākī or a pepeha 2. (A translation or explanation of the ancestral saying), and 3. <i>A descriptive context for each ancestral saying, where appropriate.</i> <p>The whakataukī, whakatauākī, kupu whakarite and pepeha express the intrinsic Māori values of Te Uri Koti Koti (Matakana sand barrier). They are relevant to both Matakana hapū and people and their communities generally.</p>	



Evaluation			
Ngā āhuatanga urutapu Assessment factors	Ngā āhuatanga motuhake Elements	Ngā pitopito kōrero kia hangaia ngā āhuatanga urutapu Assessment – Attributes and Values * In the case of ONFL 5 Te Ure Kotikoti (Matakana Barrier Arm) a seven-point scale has been used which includes 'very low' and 'very high' ratings.	Rating (V/L-VH)*
Mātauranga urutapu pūtaiao Natural Science	Whakaatanga Representativeness	<p>Abiotic:</p> <p>The high natural science values derived from the geomorphological and coastal processes which have formed this highly recognisable landform feature and its consequent topography as a large sand barrier should be protected from activities that could substantially interfere with or alter the appearance, functioning and integrity of those features. Such activities would include large-scale earthworks and reclamation. These values and attributes would tend to be more resilient than vulnerable in the face of such activities, provided that there are clear boundaries set to minimise issues of capacity and sensitivity.</p> <p>Te whakaruruhau – Te Ure Kotikoti ((The source of the name - Te Ure Kotikoti, sheltering qualities of physical landform)</p> <p><i>The name Te Ure Kotikoti derives from traditions and customary knowledge concerned with the landscape's evolutionary sequences. Thus the name is directly connected to a consequence of a natural process. The barrier island's sheltering qualities act both culturally as the korowai whakaruruhau mō Tauranga Moana, and physically as a buffer between Mauao (Mount Maunganui) and Te Kura a Māia (Bowentown Heads) to natural coastal hazards such as erosion and tsunami events.</i></p>	Mana Nui High
		<p>Biotic: Strong uniform cover, primarily production plantation forest with areas of indigenous vegetation regeneration in isolated locations. It also provides a shrubland / wetland understorey around the island's periphery, as well as diverse biota, taonga</p>	Mana Iti Low



		<p>species (flora and fauna) and habitats within, including wetlands. The taonga species are of high value to the Hapū of Matakana me Rangiwaeta.</p> <p>Kei ngā mea tino whakamīharo o te moutere, ngā puna waiariki, ngā moana, ngā puna wainuku, ngā nohonga whakawhānau whakatipu ika, manu, ngāngara, ngā tohutohu o te moana, ngā ngaru o te moana, ngā iwi taketake rerekē, he taonga tuku iho (The geothermal springs, the ocean waters (estuarine and open coast), assemblage of freshwater aquifers and freshwater inputs, nurseries and breeding grounds for fish, birds [and other fauna], seafaring and seasonal indicators, the people who are different from other indigenous peoples of the world, are highly valued as taonga).</p>	
	<p>Kaupapa rangahau me te whai mātauranga</p> <p>Research and education</p>	<p>The distinctive nature of the geomorphology and some of the native fauna has led to organisations such as the Matakana Island Environment Group promoting research and education on the Island. Cultural, ecological, geological, geomorphological, paleo botanical, archaeological and mātauranga Māori research on the Island has been undertaken and is ongoing with the support of the hapū. Mātauranga Māori, this knowledge is held by the hapū. Intactness of traditional knowledge has particular significance for the Island and its hapū.</p> <p>Ngā Kete o te Wānanga</p> <p>How knowledge is conveyed and how it influences management. Knowledge transmission is connected to and reliant on intact, properly functioning and landscape integrity.</p> <p>He kare moana, he manu tirikohu (a ripple on the sea, a plunging/diving bird)</p> <p>Used to express the ability of the tīpuna to tell what kind of fish were running by the ripples they made on the surface and by the type of birds and their behaviour at sea. Points to diverse fish life and long, strong associations, observations and interaction with the moana environs.</p>	<p>Mana Moderate - High</p>



		Seasons and cycles, both land and water, are integral to the hapū relationship with the land and seascape.	
	Ngā āhuatanga ahurei Rarity	Kāore he moutere i kō atu i kō mai i a Matakana There is no other island like Matakana, as recorded in whakapapa of people and place. The Island's location, enclosing the Tauranga Harbour, together with it being the largest barrier island in New Zealand, is significant. Matakana is the only island of its kind in the southern hemisphere. Two harbour entrances and the associated natural harbour hydrology and dune land ecosystems create an extremely rare feature regionally, nationally and internationally.	Mana Nui High
Ngā hononga rerehua Aesthetic Values	Ngā āhua reretahi Coherence	Matakana Island's function as a barrier for the harbour and its essentially uniform appearance, principally from middle- and long-distance views, stand out. Those attributes should be protected from activities that could substantially alter its integrity, such as substantial permanent changes to its cover in trees, including the location of large or extensive buildings (including areas of smaller buildings) or cleared areas. It is generally accepted that the transient values are not high and so temporary changes, which in the context of the island include cyclic harvesting of sections of the production forest would not be prevented. Given the on-going effects of forest harvesting, the island appears to be relatively resilient to the effects of existing activities in these categories, but it may still be appropriate to consider a level of protection which would meet the risk of any significant change in the present regime for the forest. Te marae koiora o Tangaroa. He ākau taiao kore kāinga, ka tau. He kāroaroa, he pā whakawairua (The wellbeing of the domain of Tangaroa; It is serene; It is deliberate. It is calm and in harmony - an expression of the state of mauri of a place or person) <i>The natural space of Tangaroa, functioning properly, uninterrupted, unimpeded; able to respond naturally; a coastal environment with no built form.</i> Te korowai o Papatūānuku me āna āhua piringa	Mana Nui High



	<p><i>Refers to the natural forest-clad dune island features set against a natural coastal backdrop. It is the green of the trees against the white of the sand, and no human structures or built form.</i></p> <p>E anga tō mata ki te moana Otuhua, ki te ara haerenga o ngā tīpuna (Turn to face the ocean we know as Otuhua, to the pathway travelled by our ancestors)</p> <p><i>Used here to refer to the ocean beach and the unimpeded views that connect ngā hapū to other islands (Kārewa, Tuhua, Mōtītī) and to their tipuna who traversed these waters.</i></p>	
<p>Ngā āhua pūahoaho, me ngā āhua pupuri</p> <p>Vividness</p>	<p>Ka whakahokahokai anō au kia topa iho i te ipukarea ki te Paretata (mai Mauao) (I stretch out to soar down the ancestral homeland to Paretata (from Mauao to Paretata))</p> <p><i>Metaphor used to express the ocean beach being reflective of the people. The coastal side of the island is distinct in the memory. Its isolation, remoteness and air of tranquillity contribute to this.</i></p> <p>The scale of the barrier, its location between the two entrances to Tauranga Harbour, the extent of the long, white sandy beach, and the cohesive nature of its landcover and landform, results in the island being highly legible from many locations. It is also a symbolic feature that offers a visual counterpoint to Mauao and Te Kura a Māia.</p> <p>Ko te tūhonotanga ki te whenua, ko taku moutere tēnā (My island, my home – sense of place)</p> <p><i>Te Ure Kotikoti is a symbolic feature including its whakapapa and relationship with, and contrast to, Mauao. It has significance as a tohu (wayfinding landmark). Such interaction is experienced from a wide range of viewpoints from land, sea and air.</i></p>	<p>Mana Nui Rawa</p> <p>Very High</p>
<p>Ngā āhua taketake</p> <p>Naturalness</p>	<p>A perceived naturalness is maintained over the barrier as a whole due to the presence of vegetation cover (currently exotic), dynamic coastal processes and residual dunes, and absence of built form (apart from Mill Site buildings, Panepane Point's wharf, boat</p>	<p>Mana Nui</p> <p>High</p>



		ramp and Port of Tauranga Navigational Beacon). Clear skies and clear nights void of light pollution contribute to the sense of isolation.	
	Mauri tau Intactness	<p>He iwi taketake tātou (We are indigenous to the Island - from birth through death – our naturalness is one with the whenua; one cannot be separated from the other). <i>Ngā hapū are part of the island's intact naturalness.</i></p> <p>The sand barrier as a landform remains intact in its entirety. The seaward coastal margin of the island includes dunes that feature high quality and diverse indigenous vegetation beneath the pine canopy, including threatened plant species. This provides a relatively undisturbed habitat for a wide range of threatened and uncommon shore birds, notably the New Zealand dotterel, and other taonga species.</p> <p>Some of the natural systems and processes related to the geophysical form of the barrier island remain apparent, although the majority of the sand barrier has been modified by production forestry.</p>	Mana Tonu Moderate
Expressiveness (Legibility)		<p>Kaua e huri tō tuarā ki a Tangaroa, hei kai mā te ika (We do not turn our backs on Tangaroa for we shall be food for the fish.) <i>As people, we cannot assume management of Tangaroa, we must understand the concept of the life of the moana.</i></p> <p>The barrier was formed from dynamic volcanic and coastal processes. As a whole, the form and context of the sand barrier as a natural feature is expressive of the continuing natural processes that form this coastal feature. These include the daily coastal and tidal flows, seasonal coastal processes and natural events.</p> <p>Unu tai - ngā tai a Pahipahi (What water is where you are from – the waters of Pahipahi)</p>	Mana Moderate – High



		<i>This speaks to the origins of the people being linked to the origins of the island's physical landscape. The emphasis is Pahipahi being the source of the geomorphological characteristics of the island, specifically Te Ure Kotikoti.</i>	
Transient Values		<p>Ko ngā mahi a Hinemoana (The intactness of natural processes are evident through the actions of Hinemoana)</p> <p><i>Erosion events occur on the ocean-beach. On one hand it is sad to see the whenua or Papatūānuku horo away into the sea but on the other hand, it gives credence and pays tribute to our worldview in relation to the ongoing battles between our atua. It also recognises the processes associated with climate change.</i></p> <p>Ephemeral processes including tidal patterns, natural erosion and accretion of the coastal margins and dune system are apparent and vary from day to day. The dynamic interplay of wind and waves constantly form and reform the barrier interface with the harbour and ocean. The migratory patterns and movements of birds and kaimoana species add to this mixture of daily and seasonal change, while fluctuating weather patterns add another layer to the various 'moods' of Matakana Island.</p> <p>Transient values are less apparent within the interior of the sand barrier. Fauna tends to concentrate near the Island's margins, and the homogeneity of most of the vegetation cover limits the appreciation of seasonal and daily (including tidal) changes that are more apparent around its sea margins.</p> <p>Ka ngaro ka ngaro, ka ea ka ea, Te Paretataa o te remu (it is lost/gone, it lost/gone, it appears, it appears - Te Paretataa o te remu)</p> <p><i>Used here in reference to the white tern that symbolises certain cultural conditions at certain times of the year. The birds return to the sandbanks. The pronunciation of the name Paretataa reflects the call of the tern.</i></p>	<p>Mana Iti ki te Mana Tonu</p> <p>Low - Moderate</p>
Associative	Shared and Recognised Values	Highly recognisable with a large viewing audience, which is also experienced through science, and recreation uses and kaitiakitanga. Known as a local and regional landmark, Matakana Island is in numerous examples of promotional material for the	Mana Nui Rawa



		<p>region and two districts. The island's location and its limited accessibility creates a valued sense of remoteness and isolation.</p> <p>Tākiri ko te ata i o matawhau. (The connection of Mauao which stands sentinel over all the islands, inner harbour and offshore, of Tauranga Moana)</p> <p>The whakataukī expresses the visual and landscape connections to the chiefly maunga, Mauao and the mainland where many of our wider whānau live. The expression is shared wider with Tauranga Moana, regionally and nationally.</p> <p>The island's location and its accessibility (by boat only) help create a sense of remoteness and isolation. The community is small and includes non-resident forestry land owners and operators, but is otherwise predominantly a Māori community connected through whakapapa to the island. This creates a strong identity with, and connection to, the island through tikanga, social, cultural, recreational and employment activities.</p>	Very High
	Māori Values	<p>I kā tonu taku ahi, e mana anō (My fire still burns, our mana remains intact)</p> <p><i>The expression used here is to express the cultural integrity of place. Ngā hapū of Matakana and Rangiwahea are ahi kā. As recounted from their ancestors, their occupation is not of living by the sea but of being of the land and of the sea. The landscape is a coherent whole and to ngā hapū that coherence is highly intact. Like a rock in the ocean constantly battered by the crashing waves and yet remains steadfast, its formidable resilience able to dissipate the outside pressures and forces like the people of these islands – like its tides they will always rise to protect it.</i></p> <p>Te Ure Kotikoti is the traditional name given to the sand barrier by Māori. It is a landscape that is rich in natural, cultural and spiritual resources. The Matakana me Rangiwahea Island Hapū Management Plan records values and sites of significance, including ancient pā, kāinga, urupā, mahinga kai. The key values are the strong ancestral relationship of tangata whenua to the island and numerous places on it,</p>	<p>Mana Nui Rawa Very High</p>



		<p>absence of built form, and the place of the island in the wider context of Te Awanui/Tauranga Harbour and the other nearby landmarks such as Mauao.</p> <p>Ka noho hei puhi ki te moana (“I remain steadfast on the Island”)</p> <p><i>An expression of an eponymous ancestress who sent her people away to safety to save them. The identity of ngā hapū is inextricably linked to the islands and moana environments and like their tūpuna before them, the hapū will go to great lengths to protect their unique island-coastal indigeneity and their relationship to the islands and moana.</i></p> <p>Ko te kaakahi, ko te kōrehurehu i runga i te moana āio (the 'kaakahi' is the haze on the calm sea which is seen on fine days and looks a little like smoke on the sea).</p> <p>Used here to describe a special natural phenomenon typically only experienced by ngā hapū o te hau kāinga. It is understood to be a tohu pai, a special characteristic associated with offshore islands and whanaunga-whakapapa and a feature of the ocean-beaches expansive view-shafts and pristine naturalness.</p> <p>Wāhi tapu</p> <p>Wāhi tapu are prevalent throughout the Te Ure Kotikoti landscape. Even where there have been past modifications, they are highly sensitive and vulnerable and integral to the cultural landscape.</p> <p>Ko ngā āhuatanga o te hau kāinga (traditional values and practices on mana whenua)</p> <p>The Matakana Island sand barrier – Te Ure Kotikoti continues to be considered by the hapū and tangata whenua generally, to be significant as a repository for transferring cultural harvesting traditions and practices, and associated hapū narratives.</p>	
Historical Associations		The hapū have an enduring history with Matakana Island with continuous ownership and occupation over many generations. The hapū have always exercised kaitiakitanga and applied their mātauranga and continue to do so today.	Mana Nui Rawa



	<p>He whenua rangatira (these sovereign lands)</p> <p><i>The uninterrupted, undisputed and enduring occupation of Matakana Island by the 5 hapū provides unequivocal testimony of their relationship and their coastal indigeneity. The hapū themselves form a core part of the landscape's naturalness. To sever, extinguish or alienate the hapū relationships with Te Ure Kotikoti, or the way it is viewed or 'managed', would severely compromise its integrity, functioning and naturalness.</i></p> <p>Mana i te whenua (authority–autonomy from the land)</p> <p><i>The ability of the hapū to govern ourselves as we have done for centuries, to determine our own internal political, environmental, economic, and social rights and objectives, and to act collectively in accordance with those objectives, is paramount to the wellbeing of the hapū and the Island's natural environments.</i></p> <p><i>Our rights and obligations to the land come from our mana i te whenua. The ultimate authority and responsibility belongs to the hapū with mana i te whenua. It is the ancestral landscape which defines the historical relationship between the hapū and the natural island environment. It is quite literally, the embodiment of the cultural heritage. The state of ancestral landscapes is therefore inextricably linked to the spiritual, emotional, physical and social wellbeing of the hapū and is further cemented through enduring kaitiakitanga practices. This extends to the decision-making that affects the Island and its people, and the role that the 5 hapū have in that.</i></p> <p>Taonga tuku iho (divine gifts from our tīpuna)</p> <p><i>Our tūpuna intended for us to receive taonga, and they protected our taonga. This duty predates Te Tiriti o Waitangi but is also recognised by the principles (active duty to protect taonga). Taonga enhance our experience in this world and the lives that we live.</i></p> <p>The protection of taonga is a duty bestowed on the hapū current generations.</p>	Very High
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