

BEFORE THE ENVIRONMENT COURT

Decision No. [2015] NZEnvC 022

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IN THE MATTER

an appeal under Clause 14 of the First Schedule of the Resource Management Act 1991 Act (**the Act**)

BETWEEN

MOTITI ROHE MOANA TRUST
(ENV-2013-AKL-000069)

Appellants

AND

BAY OF PLENTY REGIONAL
COUNCIL

Respondent

AND

LOWNDES ASSOCIATES
MATAATUA DISTRICT MAORI
COUNCIL
MOTITI AVOCADOS LIMITED
RANGIWAEA MARAE COMMITTEE
ON BEHALF OF TE WHANAU A
TAUWHAO

Section 274 parties

Held: On the papers, in chambers at Auckland

Court: Environment Judge J A Smith
Environment Commissioner K Prime
Environment Commissioner J Hodges

Parties: Mr R Enright for Motiti Rohe Moana Trust and Mataatua District Maori Council (**Moana Trust** and **MDMC**)
Ms S Wooller for the Bay of Plenty Regional Council (**the Regional Council**)
Mr S Ryan for Lowndes Associates – Section 274 party (**Lowndes**)
Mr N Swallow for Motiti Avocados Limited – Section 274 party (**Motiti Avocados**)
Mr J Gear for Rangiwaea Marae Committee on behalf of Te Whanau a Tauwhao – Section 274 party



FURTHER INTERIM DECISION OF ENVIRONMENT COURT

This is a further interim decision:

- A.** The wording of the attributes in relation to the reefs and waters identified as *high natural character* are generally as set out in Appendix 2 attached hereto, subject to the amendments and changes identified by this Court, and further subject to this Court finally approving the Māori translation.
- B.** The Council is to incorporate the changes identified by this Court and then provide a certified translation into Māori to the other parties within twenty (20) working days.
- C.** The parties are to provide any comment in respect of the translation within a further ten (10) working days, and the Court will then issue a final decision. In the event that the parties reach agreement as to the final wording of the attributes in the appendix they are to provide consent memorandum within the same period of time.
- D.** Costs are reserved. In the event the parties cannot agree on costs, any application must be filed within twenty working days of this decision; reply within ten working days and a final reply within a further five working days.

REASONS FOR DECISION

Introduction

[1] This is the only outstanding matter in respect of the Regional Policy Statement. On 13 November 2014 this matter was set down to proceed to a hearing. The parties advised, however, they had reached an accommodation subject only to them finalising



the attributes in the general form of those for Ngāti Makino Heritage Trust [2014] EnvC 125.¹

[2] In accordance with that decision the Court set a timetable. Subsequently the parties have undertaken the exchange of views, and the Council has now provided a comprehensive memorandum with their preferred list of attributes. The position as we understand it is that the Moana Trust and the MDMC support a list of attributes which is annexed hereto as Appendix 1. Subsequent discussions between the parties have led to Council preferring the list of attributes annexed hereto as Appendix 2. We understand that the other parties, with the exception of Moana Trust and MDMC acquiesce in respect of Appendix 2. A major caveat is that the Māori translation for Appendix 2 has not been concluded, on the basis that the final wording of the English version is to be finalised first and then a certified translation into Māori. The intent is that both versions will have the same meaning.

Remaining issues

[3] The Council has dealt with the attributes as they appear in the table and we will address this shortly. However, we agree that there are a number of key issues identified which govern the entries in the attributes. The areas of disagreement are:

- (i) whether the area should be described as the Motiti Natural Environment Area or the Motiti Rohe Moana;
- (ii) whether the entry should explicitly include or exclude other areas, including land, that already have operative appendix entries;
- (iii) the appropriate entries for the perceptual column 8 that was intended to address experiential aspects of natural character.

In addition to these issues identified by the Council, we consider that there is a broader issue at play here, and that is:

- (iv) the level to which Māori cultural, spiritual and world view issues should be incorporated within the attributes table.

¹ The use of macrons or 'aa' is a vexed issue for the Court. Local usage and preferences vary between iwi. We have sought to adopt a national style for general references, and local preferences when identifying with iwi. Thus Ngāti Makino but Mataatua.



[4] We wish to make some general comments on these issues before dealing with the attributes table itself:

The description of the area

[5] The Council supports the continued use of the words *Motiti Natural Environment Area*, whereas Moana Trust and the MDMC support *Motiti Rohemoana*. We agree with the Council that use of the words *Rohemoana* carries with it in the English context a possessive or exclusive overtone. Although we consider that *natural environment area* is also subject to some form of criticism as being overly technical, of the two choices available we agree that the Motiti Natural Environment Area is more neutral and inclusive. Accordingly we take the view that the area should remain as already described in the Regional Policy Statement.

Whether an entry should explicitly include or exclude other areas

[6] The Court in Decision [2014] NZEnvC 125 discussed this issue in general terms. The approach taken by this plan is to identify particular features and then try and undertake a list of attributes that apply to that feature. It appears that Moana Trust and MDMC are concerned that the more general attributes that apply to the whole area might be overlooked when dealing with a particular area, ie Astrolabe reef.

[7] In adopting this approach, the Council is trying to utilise the concepts of the RMA to look at particular attributes that apply to particular features. This of course, to some extent, overlooks the inter-connectedness of the various elements of this seascape.

[8] However, in the end we have concluded that this appendix is intended to achieve a planning purpose but does not constitute an exclusive list or rule. It is intended to be informative on natural character and to be used as a **tool** in looking at matters under s6 of the Act. The relationship of Māori with this area, the broader aspects of the inter-connectedness of the reefs, toka, islands and Motiti itself and other attributes would need to be taken into account on a particular application.

[9] Accordingly we agree again with the Council approach to the attributes in Appendix J. However there is clearly some degree of overlap, and to that extent this will have an impact upon an advice note sought to be included by Lowndes Associates, which we will discuss later in this decision.



The appropriate entries for the perceptual column 8

[10] This is a difficult area of judgement, and to that extent we have concluded that we should be largely governed by the approach adopted in the rest of appendix J. We recognise that the European concept of *natural* is itself a cultural creation. Its roots are in the Greek dichotomy between body and soul, then the sacred and profane, truth and lies – and now reflected in words such as natural and unnatural. When examined in detail naturalness is itself a question of what modifications are considered natural or unnatural, ie volcanoes, earthquake, sea level fall and rise.

[11] It is, therefore, not unexpected that Māori would seek to introduce their world view of inter-connectedness, mauri, and take a holistic view of the attributes of this area. This might be summed up for current purposes as the Moana Trust and the MDMC seeing mauri as part of the environment, not as simply external influences on it. Western thinking is reflected by statements sought to be inserted by the Regional Council such as *the extent to which the area has been modified by fishing*. As is clear from the Moana Trust attributes, they see the kaimoana from this area as being an essential part of its natural attributes' value and in fact the mauri of the whole area. The Council, on the other hand, sees fishing as an external impact upon the naturalness of the area. However, this does not appear to extend to natural predation, ie dolphins, seals etc.

[12] Some degree of discretion needs to be exercised on this issue, to try and encapsulate the broader concepts of Māori world view within the constraints of this RPS Appendix J, and the other entries to it. Overall, we have concluded that we should adopt the approach in the settled Plan and undisputed parts of Appendix J. This also reflects the exemplar in the Ngāti Makino attributes. Accordingly, this will be reflected as we deal with each part. With these matters in mind we now turn to the particular provisions sought by the parties.

Column 1 – name of site

[13] It follows from our earlier comments that the words *rohemoana* would be removed and we agree with the Council's change to 1 and 2. Lowndes Associates has sought to insert an advice note.

The natural character attributes in the Motiti Natural Environment Area identified in **Map 21A** do not apply to Astrolabe AR above the 75m contour. Motohaku Island (SCH), Motonui Island, Moto, and Motiti Island margin (Motiti) being separately assessed in **Appendix J** and identified in **Map 21**.



[14] With respect, we think that this clarification goes too far, and suggests that there is no connection at all between these areas. We would re-word this to more clearly indicate that this is a separation that has occurred for the purpose of the Plan. This is addressed by re-wording the paragraph as follows:

Advice Note

The natural character attributes in the Motiti Natural Environment Area identified in **Map 21A** are separately assessed for Astrolabe, AR – above the 75m contour, Motohaku Island (SCH), Motonau Island, MOTU and Motiti Island margin (Motiti) in **Appendix J** and identified in Map 21.

[15] That, in our view, presents no more than a statement of the fact of what has occurred on the map, rather than suggesting that attributes do not apply.

Column 2 – level of natural character

[16] In this regard, the Moana Trust sought a note indicating that the area had not been assessed as an integrated whole. This is criticised on the basis that this is not a matter related to the level of natural character. Whilst we agree with this, we can see no reason why the statement could not be included as a note, and in fact consider that both notes could be included. Accordingly, we include the wording suggested by Moana Trust modified by us slightly:

Note: Kaore i tohungia katoatia tenei waahi hei Kohure. Engari ko etahi o nga waahi anake – enei i nga toka rarangi i tohungia hei Kohure.

This area has not been assessed as an integrated whole. Component parts are identified as natural features within the Motiti Natural Environment Area and ascribed a ranking of natural character.

Site specific examination is recommended to determine the natural character of specific areas of the coastal marine area.

[17] We have reached this conclusion because we consider that this is no more than a factual statement of the approach adopted by the Council. We agree that it is not part of the actual attributes, but should be included as a note. We clarify that we have already made similar points earlier in this decision.

Column 3 - general description

[18] We agree that the wording suggested by Moana Trust is too generalised, and agree with the suggested wording of the Council:



The area covers the waters beyond approximately 200m off shore from Motiti Island, extending between 5 and 15 kilometres seaward to take in a number of small reefs.

[19] Similarly we consider that item (ii), being a further general description, duplicates the entry for Motiti Island and is therefore unnecessary. In respect of item (iii), we again agree with the Council that the wording should be modified to relate to the area around Motiti, rather than Motiti itself. Motiti itself is a populated island, and could not be described as isolated. It has regular air and water transport. We also agree that the addition of the words *beauty of its remoteness* does not assist the meaning of remoteness; we again conclude that the Council's preferred wording should be adopted and delete *beauty of*.

[20] In item 4, the only change is to remove *Motiti Rohemoana* and we agree, but for the words *the area*, the words *the Motiti Natural Environment Area* should be substituted. Overall we prefer the full description in case there is confusion.

Column 4 – Elements that describe natural character

[21] In this regard the first sought by Moana Trust is, in fact, a quotation, an English translation of which says:

The anchors that connect to the winds and tides, pathway of the yellow fin tuna.

[22] The Council opposes this on the basis it does not assist in describing natural character. This is a more difficult proposition for this Court, given that the quote reflects a worldview of the inter-connectedness with the seascape and the biota of the area. On balance we consider that we should allow both the Māori and English versions to remain. Although it is of limited assistance in describing natural character, it does – from a Māori perspective – show the clear inter-relationship of the area, its environment and biota. As such, it is a general description of the natural character of that area.

[23] In respect of item (i), the changes sought there include deletion of the reference to the Rohemoana, and the addition of words relating to the wreckage and debris from the *Rena* and the *Taioma* wrecks and fishing pressure. Overall, we feel that these are descriptive and therefore of some assistance, and would include these provisions.

[24] Item (ii):

Ko te rohe o te Rohemoana o Motiti mai i a Tangaroa tae atu ki te akau tokatoka o Motiti e rere nga tai o te Moana nui a Kiwa



has been shifted to the perception column, and we agree it is better placed there. Minor changes have been made to remove reference to the Rohemoana. Those changes are minor and in our view simply reflect the description of the area that we have adopted. Whether or not Rohemoana should continue to be included in the Māori version is a matter for the certified translator to consider, and the Council consider it might be included in the Māori version because it would not change the overall meaning.

[25] In item (4) the Council has specified: *Dynamic processes, including wave action, water movement, currents, fish and bird life.* This, in a more practical way, reflects the general description that we mentioned earlier. We would add, however, that dynamic coastal processes include wind as well as wave action and the others mentioned. This more closely reflects the Māori description at the commencement. Accordingly, we would re-word item (4) as follows:

Dynamic coastal processes including wind and wave action, water movements, currents, fish and bird life.

Column 5 – Marine biotic processes

[26] The Moana Trust sought to include a statement in Māori, the English translation of which is:

The esteem and status of the ocean is food resources. The Rohemoana is the storehouse that feeds the people.

[27] The Council seek to delete this proverb to avoid duplication, and say that subsequent attributes describe the abundance of fish life. On balance we agree that this concept is already incorporated within the other attributes, and is more a question of relationship of Māori to their environment than it is a description of a marine biotic process. Accordingly we agree with the deletion of the opening statement of column 5.

[28] Lowndes Associates sought additional wording relating to attraction of fish to the area. Again, we agree with the Council that this is not a biotic natural process, and is essentially an impact. We again support the Council's position in this regard and would not include this change.

[29] In item 5 there is a minor change to delete the reference to Rohemoana. It is more appropriate to describe the area as the Motiti Natural Environment Area.



Column 6 – Marine abiotic ecological processes

[30] The general statement at the beginning *The rising sun reflects on the surface of the ocean* is opposed. Although we see the statement as inoffensive, we agree that it is confusing to readers as it does not relate to any abiotic ecology or assist the planning task.

[31] In (ii) and item 1 the Council has sought to include in the English version.

No modification to the natural movements of the open coastal water body and sediment transport patterns surrounding Motiti.

The Māori version is to remain unchanged unless a certified translation is necessary to capture the full meaning of the English version.

[32] We agree that this adds additional detail, although, considering the earlier description of the dynamic coastal processes, we would consider that *movements* should be expanded to include *wave action, water movements, currents*. Accordingly, we reword the English version to read:

No modification to the natural wave action, water movements or currents of the open coastal water body and sediment transport patterns surrounding Motiti.

[33] Item 2 has been shifted to the perceptual column, as it relates to currents and the indication of the wind. There doesn't appear to be any objection to its being included within the perceptual column.

[34] Item 3 – again, the changes here relate to the area. We would prefer the expanded wording to Motiti Natural Environment Area.

[35] In item 4 there is the addition of the word *debris*, which we see as inoffensive. We understand these paragraphs again would be subject to certified translation into Māori.

Column 8 – perceptual

[36] With respect to nga Tokararangi a significant number of deletions from the Moana Trust proposal are suggested by the Council. Provisions V1 & 2 sought by Moana Trust are as follows:



1. He kitanga motuhake me he rangona oranga o te Rohemoana, ko te Mauri e tau ana.

Superior perceptions and life sustaining experiences of the Rohemoana life force present.

2. Ka rangona i nga au o te moana me nga hau pupuhi a Tawhirimatea.

The cues of Tangaroa and Tawhirimatea are perceived.

[37] As we discussed in some detail previously, we do not consider that these perceptions are irrelevant. The question is whether they are appropriate for inclusion in Appendix J, which relates to natural attributes. The statements are general in nature and have limited application to the attributes but do reflect a different worldview in this area. However when we consider the wider perspective of Appendix J, and particularly the Ngāti Makino decision which the parties agreed would provide the exemplar for these attributes, we consider that these provisions go too far. They make a series of unqualified statements in relation to the relationship of Maori with their environment rather than describing natural attributes. Clearly, questions of relationship are important, but these are to be separately considered and given regard to in terms of the Act in any event.

[38] We agree with the Council that in terms of the way the plan has been prepared, these provisions do not assist with the planning task of understanding attributes and thereby protecting them. Whilst we disagree with the Council that statements of *taonga* and *living force* have less planning utility and accuracy than experiential attributes, we do agree that the matters of relationship are not directly addressed by Appendix J. Accordingly, we agree with their deletion, qualified by our statement that that does not make them necessarily irrelevant to a particular application being considered in due course.

[39] We note item 5 reads:

5. He Papa hi ika, he waahi tapu, mataitai, taonga ika mo nga hapu o te Moutere o Motiti.

[40] Commissioner Prime notes that the words *Moutere o Motiti* is better translated “island of Motiti” (not people). We consider the possessive is inappropriate in a list of natural attributes and conclude *utilised by the people of Motiti* as a compromise in English which accords with the Māori or can be aligned in the translation.

[41] This, in our view, describes the relationship to the natural environment without claims of authority or ownership.

[42] The Council prepared a new provision:

- (viii) 1. Shipping lanes serving the Port of Tauranga, recreational and commercial fishing and diving occur in the area and can detract from a sense of remoteness for the duration of those activities.

[43] This is a new proposed item, and we have concluded that the provision goes too far. It is not within the scope of any appeal, and although it might be useful we do not consider that we have jurisdiction to re-create provisions that are not sought in terms of any appeal. Accordingly we would not include item 1.

[44] There is a clarification in item 2 by the addition of the words *marine area* and we consider that this is appropriate, given our earlier discussions.

[45] New number 3 is from column 6, but was not opposed.

[46] We now move on to the entries for Okorapu reef (Oka), Te Porotiti reef (TePo) and Te Papa reef (Papa). The reference to *Tekeroa* is removed from column 1, as that is incorporated in another feature.

Column 3 – General description of the area

[47] This includes a new item:

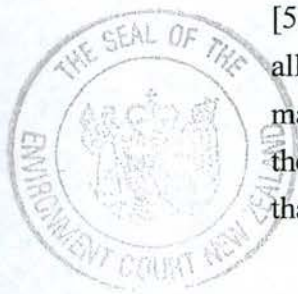
1. These rocky reefs rise from the sea floor in water 40-50m deep to between 30 and 10m depth. Fish congregate to feed on the relative abundance of marine life supported by the diverse and rich reef habitats.

[48] This is an additional entry proposed by the Council. We have considered whether this is within scope. Given the nature of the appeal by Moana Trust, we consider that this does describe the natural attributes of the area and particularly biota, and therefore can properly be included. It doesn't appear to have been opposed.

[49] Item 2 includes a statement at the end, which the Council opposes:

Their life force is an integral part of the Rohemoana and Māori wellbeing.

[50] Again, this is problematic, but given the overall form of Appendix J we consider all statements of general relationship between Māori and the natural features are a matter beyond the scope of the Appendix generally and should not be included within the general description. We would therefore agree with the Council to the deletion of that wording.



Column 4 – elements that describe natural character

[51] There is simply a correction of name, which we have already approved.

Column 5 – Marine biotic processes

[52] The correction of name is approved as reasoned earlier. Item 2. in that column reads:

Te maha he rereke nga tini momo ika me nga mahuehue e noho ana i enei Tokararangi

A wide variety of representative fish species ... with relatively high abundance and diversity, though modified through fishing.

[53] As we understand it, there is a relatively high abundance of fish, and therefore the words *modified by fishing* do not achieve any particular purpose. We would delete that wording, and accordingly the provision should read:

A wide variety of representative fish species and other marine communities with relatively high abundance and diversity.

Column 8 – Perceptual

[54] The first two entries are opposed on similar grounds to those for the general area, and are agreed to by the Court on the same basis as previously. There is a subsequent change to the provision which now becomes 2, and that is by the deletion of the words *the rohemoana*, with which we agree for the reasons we have already given. Again, there is a possessive included within item 3, and both the Māori and English versions have been modified to take out the reference *belonging to the people of Motiti*. In our view this is not a perceptual issue but a relationship issue as already discussed. The words *Moutere o Motiti* are not possessive in themselves and it is the reference to hapu which gives rise to problems. Again, we conclude the words could be changed to *utilised by the People of Motiti*.

[55] In item 4 there is a modification to refer to *the area*, by deleting *Rohemoana*. We would prefer the item to refer to *the Motiti Natural Environment Area* as already discussed.



[56] As we understand it, this deals with the English version and the attributes identified in B are again approved with the modifications we have identified through this provision.

Directions

[57] The Council will now need to finalise that version and then seek to ensure that the Māori translation appropriately reflects that version. To do so we consider that the Council should have 20 working days to seek a certified translation and then circulate this to the other parties for their comments. If the parties are not able to agree, then any comment should be provided to the Court, who will make a final decision in respect of the Māori version.

[58] This does not appear to be an appropriate case for costs and we anticipate that there will be no applications. However, if so they must be filed within twenty working days of this decision; reply within ten working days, and a final reply five working days thereafter.

DATED at AUCKLAND this 23rd day of February 2015

For the Court:



J.A. Smith
Environment Judge



Appendix 1: Appellant's Proposed Attributes

Aro i te Moana - Marine Natural Character Assessment				Ngā āhuatanga motuhake - Attributes (with elements that enhance or diminish natural character)			
Te Ingoa o te Wāhi	Ko te toitū o ngā āhuatanga taketake o te wāhi	He pitopito kōrero mō ngā āhuatanga o te wāhi	Ko ngā mana atua, mana tangata hoki i pū mai ai ngā āhuatanga taketake	Te Wai tai - Takutai Moana Coastal Water & Seabed		Te Korowai o Papatūānuku me ōna āhuatanga ahurei	Ngā āhuatanga tuku iho
Name of site	Level of Natural Character	General description of the area	Elements that describe natural character	Marine biotic processes	Marine abiotic ecological processes	Landcover & Use Terrestrial Biotic	Perceptual
<p>Motiti Rohemoana Natural Environment Area (Rohe)</p> <p>Map 21a</p> <p>This table includes the water, sand and rocky bottoms and the cluster of reefs to the north west of Motiti, and east near to Motunau island.</p> <p>The Motiti Rohemoana also includes the margin of Motiti Island, the islands of Motunau and Motuhaku and Te Tau o Taiti /Astrolabe</p>	<p><i>Teitei</i></p> <p>High (default)</p> <p>Kaore i tohungia katoatia tenei waahi hei Kohure. Engari ko etahi o nga waahi anake - enei i nga toka rarangi i tohungia hei Kohure.</p> <p>This area has not been assessed as an integrated whole. Component parts are identified as natural features within Motiti Rohemoana and ascribed a ranking of natural character</p>	<p>1. He Motu iti a Motiti i roto i te Moana a Toi.</p> <p>Te Moutere o Motiti is a small offshore island centrally located in the Bay of Plenty.</p> <p>2. Kua roa e noho ana hei Tangata i roto i te Whenua, i waho i te moana - ara nga uri o nga hapu o Motiti.</p> <p>Motiti Rohemoana contains the only inhabited off-shore island around the coast of the Bay of Plenty settled for centuries by descendants of the hapu of Motiti - the people in the land and of the moana.</p> <p>3. Ko te noho wehetanga o Motiti i roto i te Moana a Toi kaore kore ka whakapono koe ki te ataahua o tona</p>	<p>"Nga tauranga tai kukume o te hukarere o nga Aturere"</p> <p>'The anchors that connect to the winds and tides, pathway of the yellow-fin tuna'</p> <p>(HMP Vol 1, p119).</p> <p>1. Ko te rohe o te Rohemoana o Motiti mai i a Tangaroa tae atu ki te akau tokatoka o Motiti e rere nga tai o te Moana nui a Kiwa.</p> <p>The rohemoana is contained within a landscape of natural reefs, islands and rocks within an area washed and sustained by the Pacific Ocean.</p> <p>2. Ko te kitenga ake he Ao maori katoa te Rohemoana o Motiti e noho rereke ana i etahi atu waahi.</p> <p>Perceptions are of a natural system with natural patterns, processes and elements apparent and distinctive of its formation.</p> <p>3. He honotanga a te</p>	<p>"Ko te mana o te moana he kai. Ko te rohemoana te Pataka kai mo te iwi"</p> <p>'The esteem and status of the ocean is food resources. The rohemoana is the storehouse that feeds the people'</p> <p>1. He maha nga momo kaimoana me te hunga koiara e noho ana i roto i te kirikiri i raro i te moana; Otia he tino rereke enei momo kaimoana me te hunga koiara.</p> <p>An abundance of biological life exists in the seabed and ocean surrounding the reefs which is characterised by relatively high populations and diversity .</p> <p>2. I waho atu i te Taha Moana ko nga Toka te papakainga ano o te Pataka Kai, ara te nohoanga o nga uri a Tangaroa e noho ana i te papakirikiri.</p> <p>Further out from the foreshore is the breeding rocks and habitat of the many species of fish which are the descendants of Tangaroa who occupy the sea floor.</p> <p>3. He maha nga toka tapu, waahi taonga hei papakainga ma nga tini a Tangaroa -</p>	<p>"Kua maranga mai te huru hihi o te Ra"</p> <p>'The rising Sun reflects on the surface of the ocean'</p> <p>(HMP Vol 1, p215)</p> <p>1. Kaore he whakarereketanga ki te moana e kakahu ana i te Rohemoana.</p> <p>No modification to open coastal water body surrounding Motiti.</p> <p>2. Ko te ahuatanga o te Wai tai he riporipo ana tona tohu ki te Tangata i roto i te Whenua. E ko te kaha rere o te wai me tona huarahi whakatereta, tona ahua, tona reka, kakara ranei, me te au o te Hau.</p> <p>The tidal waters are characterised by the rippling currents signalling to the people in the land through the direction and strength of flow – through the colour, through the taste, and feel of the direction of the wind.</p> <p>3. Ka patuki kaha rawa nga ngaru ki roto i te rohemoana. I nga waahi papaku he ahua kohatu mai nga kirikiri, engari i waho atu he hohonu era waahi, a he kirikiri e</p>	<p>1. Does not apply</p>	<p>1. Ko te Rohemoana he taonga ki nga hapu o Motiti.</p> <p>The Motiti Rohemoana is a taonga of the hapu of Motiti.</p> <p>2. Ko te Ao o nga Atua e tapiri ana ki te Ao o te Tangata, ara te honotanga a te Kauae Runga me te Kauae Raro.</p> <p>The whole of the Rohemoana and the water which surrounds the islands and reefs have a living force.</p> <p>3. Ka rangona nga tohu i te kitenga a karu, i te rongo a taringa, i te ngao a waha, i te patukitanga a kiri, i te whakahua a waha.</p> <p>The cues are experienced and perceived by the eyes, ears, skin, taste and speech.</p> <p>4. Ko enei tohu ka tuhungatanga e te Tangata whenua - ko nga kaitiaki o nga taonga tuku iho.</p> <p>Ko ta te Mauri i heke mai i te Matauranga Maori ka puta ki waho he Mana, Tapu, Wairua, Noa, Karakia, a nga Kaitiaki, a ko te mahi Inaianei he mahi Tipu Puna Rua.</p> <p>These tactile senses inform tangata whenua who are stewards of the treasures from the past. An appreciation of the life forces comes from ancestral knowledge and concepts and develops bicultural understanding.</p>

reef, which have been separately but incompletely assessed.		<p>pamamao.</p> <p>The isolated position of Motiti rohemooana in the Bay of Plenty renders the beauty of its remoteness.</p> <p>4. Mohio whanuitia he tino 'Kapata Kai' no te huhua o nga uri a Tangaroa.</p> <p>The Motiti Rohemoana is renowned as a 'food cupboard' for its abundant marine life.</p>	<p>whenua ki nga motu paku me nga Tokararangi o Paptuanuku; Ko te wai moana e herehere ana i a ratou no te mea ko te wai te Poutokomanawa o te Rohemoana. Ina hoki ko taua wai moana e papaki ana i nga moutere me nga toka, a ko taua wai moana ano e titi ana ki nga motu paku me nga Tokararangi. Kaore e uru mai ana he wai rereke.</p> <p>It is a connectedness of the natural landscape features, the small islands and the reefs; it is the ocean water which binds them together and creates the Rohemoana because the ocean water that touches Motiti is the same water that touches the small islands and the reefs. There is no different water entering the Rohemoana.</p> <p>4. Ko te akiritanga a moana e rere ana.</p> <p>Dynamic coastal processes occurring.</p> <p>5. Ko te Taiao Maori ka kitea.</p> <p>The natural environment dominates.</p>	<p>There are numerous significant reefs and special places and habitats for many prized species including - Tamure (snapper); Kahawai; Maomao; Tarakihi; Moki; Araara (trevally); Parore; Haku (yellow-tail Kingfish); Aturere (tuna); Kuparu (John Dory); Kumukumu (gurnard); Patikirori (sole); Mango (sharks); Wheke (octopus); Koura (crayfish); Paua (abalone); Kuku (mussels); Tipa (scallops); Tio (oysters); Kina (urchins); Rori (sea cucumbers); Karengo (seaweeds).</p> <p>4. E ngaro haere ana i nga rawa hi ika.</p> <p>Populations and biomass are severely impacted and threatened by commercial fishing and increasing recreational and charter fishing.</p> <p>5. He manu moana he manu tuawhenua e noho ana i roto i te rohemooana.</p> <p>The rohemooana supports a range of seabirds and shorebirds.</p>	<p>kakahu ana.</p> <p>The Motiti rohemooana is affected by a moderately high wave-energy environment. Near-shore substrate is coarser than deeper waters which tend to accumulate sediments and finer grained materials from land.</p> <p>4. Kua whakarereketia i te pakarutanga o te <i>Rena</i> a maringi mai nga kaaho kua paruparu te moenga kirikiri.</p> <p>Some modification due to the presence of <i>Rena</i> wreckage and sediment contamination.</p>		<p>5. Ka tau ka tau te kitenga me te rangona o te Tangata i roto i te Whenua o Motu Iti me te mauri o te moana.</p> <p>Perceptions and experiences are relevant to 'the people in the land' of Motiti and the life force of the Rohemoana.</p> <p>6. Mai te Tai Pari ki te Tai Timu o te Taha Moana o Motiti ko te Pataka Kai o te Tangata Whenua. Ko tera e iri ana te Mana - he ahuatanga no nehera ano e kowhaiwhaitia ana e tukutukutia ana i a Motiti i roto i to ratou Ngakau Maumaharatanga</p> <p>The Motiti rohemooana is the food storehouse of the people in the land who maintain their customary rights and interests over this area since the beginning of their arrival. This Mana is intricately interwoven in their Continuity of Consciousness and experiential perceptions.</p> <p>7. E kore kite i te Aituatanga o te <i>Rena</i> engari ko te kitenga kei reira tonu te kaupukupuku e whakapirau ana i te mauri o te rohemooana</p> <p>Perceptions are of a natural reef system impacted by the <i>Rena</i> wreckage, containers and debris.</p>
Name of site	Level of Natural Character	General description of the area	Elements that describe natural character	Marine biotic processes	Marine abiotic ecological processes	Landcover & Use Terrestrial Biotic	Perceptual
nga Tokararangi ko Okarapu, ko te Porotiti, ko Te Papa,	Kohure Outstanding	1. Ka rangona i nga pihi maunga o te Rohemoana - ara a Okarapu, te Porotiti, a te Papa, a	As for Motiti Rohemoana above.	In addition to the descriptions for Motiti Rohemoana (above) the following elements increase natural character:	In addition to the descriptions for Motiti Rohemoana (above) the following elements increase natural character:	1. Does not apply	1. He kitenga motuhake me he rangona oranga o te Rohemoana, ko te Mauri e tau ana. Superior perceptions and life sustaining experiences of the Rohemoana life force

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<p>ko Tokeroa</p> <p>Okarapu (reef) (Oka), Te Porotiti (reef) (TePo), Te Papa (reef) (Papa), Tokeroa (reef) (Toke)</p>		<p>Tokeroa. He Tokararangi enei, me to ratau Mauri puta noa i te Matauranga Maori katoa.</p> <p>The mountain pinnacles of the Rohemoana are experienced with their reefs as Okarapu, Te Porotiti, Te Papa, and Tokeroa. Their life force is an integral part of the Rohemoana and Maori wellbeing.</p>		<p>1. Ko te marae tenei o nga ika o te wai papaku me te wai hohonu ano ko te mahuehue o te moana e kaha tipu ana.</p> <p>Highly dynamic coastal waters with reefs supporting a variety of pelagic and demersal fish species, macrophytes and benthic organisms.</p> <p>2. He maha he rereke nga tini momo ika me nga mahuehue e noho ana i enei Tokararangi</p> <p>A wide variety of representative fish species and other marine communities with high abundance and diversity.</p>	<p>1. Ko te rere o te wai i nga Tokararangi me te ahua o te wai ka piki te ora o te ahuatanga maori. Water movement around the reefs enhance natural character.</p> <p>2. Ka noho maori te hangahanga o nga Tokararangi. Kaore he whakarereketanga i te waihanga a nga Atua.</p> <p>Ko te hangatanga o nga toka te hua o nga mahi puia me nga mahi moana.</p> <p>The physical structure of the reefs remain in natural state. Rock formations are expressive of the formative natural processes created by volcanic activity and the ocean.</p> <p>Pinnacles, vertical rock faces, underwater caves and tomes and large boulders are distinctive of the natural processes.</p> <p>3. He wai tai tino akiaki te tupoupou o nga paripari me nga kopua koura.</p> <p>Highly dynamic coastal waters around the pinnacles, creating striking reef structures, caves and crayfish holes.</p>		<p>present.</p> <p>2. Ka rangona i nga au o te moana me nga hau pupuhi a Tawhirimatea.</p> <p>The cues of Tangaroa and Tawhirimatea are perceived.</p> <p>3. Rangonatia te haruru o te ngaru ki runga i nga Tokararangi me te ohore rawa i te whiunga ki runga o te wai.</p> <p>Breaking waves across the reef outcrops. Spectacular water spouts provide visual evidence of reef system from the surface of the water.</p> <p>4. He kitenga Pataka kai nga Tokararangi, he rangona ano hei waahi orange te Rohemoana.</p> <p>The reefs are perceived as a food storehouse and the Rohemoana is experienced as a source of sustenance.</p> <p>5. He Papa hi ika, he waahi tapu, mataitai, taunga ika mo nga hapu o te Moutere o Motiti.</p> <p>There are many significant features and landmarks below sea level including reefs, fishing spots and food resources belonging to the people of Motiti.</p> <p>6. He waahi tino pai mo te ruku me te hi ika koina e tohu mai i te Mauri, ahakoa he waahi noho tuhaha.</p> <p>Some level of activity around the reefs, as popular dive and fishing locations, otherwise a high level of remoteness exists within the Rohemoana.</p>
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Appendix 2: Regional Council Proposed Attributes * subject to translation reservation

Aro i te Moana - Marine Natural Character Assessment				Ngā āhuatanga motuhake - Attributes (with elements that enhance or diminish natural character)			
Te Ingoa o te Wāhi	Ko te toitū o ngā āhuatanga taketake o te wāhi	He pitopito kōrero mō ngā āhuatanga o te wāhi	Ko ngā mana atua, mana tangata hoki i pū mai ai ngā āhuatanga taketake	Te Wai tai - Takutai Moana Coastal Water & Seabed		Te Korowai o Papatūānuku me ōna āhuatanga ahurei	Ngā āhuatanga tuku iho
Name of site	Level of Natural Character	General description of the area	Elements that describe natural character	Marine biotic processes	Marine abiotic processes	Landcover & Use Terrestrial Biotic	Perceptual ^l
<p>Motiti Natural Environment Area</p> <p>(Rohe)Map 21a</p> <p>This table includes the water, sand and rocky bottoms and the cluster of reefs to the north west of Motiti, and east near to Motunau island.</p> <p>The Motiti Natural Environment Area also includes the Coastal Marine Area surrounding Motiti Island, the islands of Motunau and Motuhaku and surrounding Te Tau o Taiti /Astrolabe reef.</p> <p>Advice Note: the natural character attributes in the Motiti Natural Environment Area identified in map 21A do not apply to Astrolabe (AR) (above the 75 m contour), Motuhaku Island (Sch), Motunau Island (Motu) and Motiti Island Margin (Moti), being separately assessed in Appendix J and identified in Maps 21 and 21a.</p>	<p><i>Teitei</i></p> <p>High (default)</p> <p><i>Note: Site specific examination is recommended to determine the natural character of specific areas of the coastal marine area.</i></p>	<p>1. The area covers the waters beyond approximately 200m off shore from Motiti Island, extending between 5 and 15 kilometres seaward to take in a number of smaller reefs.</p> <p>The isolated position of the area around Motiti in the Bay of Plenty renders the sense of its remoteness.</p> <p>3. Mohio whanuitia he tino 'Kapata Kai' no te huhua o nga uri a Tangaroa.</p> <p>The area is renowned as a 'food cupboard' for its abundant marine life.</p>	<p>1. Ko te rohe o te Rohemoana o Motiti mai i a Tangaroa tae atu ki te akau tokatoka o Motiti e rere nga tai o te Moana nui a Kiwa.</p> <p>Natural reefs, islands and rocks within an area washed and sustained by the Pacific Ocean. Some wreckage and debris as a result of the grounding of the MV Rena, the Taioma wreck and fishing pressure modify natural character.</p> <p>2. He honotanga a te whenua ki nga motu paku me nga Tokararangi o Papatuanuku; Ko te wai moana e herehere ana i a ratou no te mea ko te wai te Poutokomanawa o te Rohemoana. Ina hoki ko taua wai moana e papaki ana i nga moutere me nga toka, a ko taua wai moana ano e titi ana ki nga motu paku me nga Tokararangi. Kaore e uru mai ana he wai rereke.</p> <p>It is a connectedness of the natural landscape features, the small islands and the reefs; it is the ocean water which binds them together. The ocean</p>	<p>1. He maha nga momo kaimoana me te hunga koiora e noho ana i roto i te kirikiri i raro i te moana; Otia he tino rereke enei momo kaimoana me te hunga koiora.</p> <p>An abundance of biological life exists in the seabed and ocean surrounding the reefs which is characterised by relatively high populations and diversity.</p> <p>2. I waho atu i te Taha Moana ko nga Toka te papakainga ano o te Pataka Kai, ara te nohoanga o nga uri a Tangaroa e noho ana i te papakirikiri.</p> <p>Further out from the foreshore are the breeding rocks and habitat of the many species of fish which are the descendants of Tangaroa who occupy the sea floor.</p> <p>3. He maha nga toka tapu, waahi taonga hei papakainga ma nga tini a Tangaroa</p> <p>There are numerous significant reefs and special places and habitats for many prized species including - Tamure (snapper); Kahawai; Maomao; Tarakihi; Moki; Araara (trevally); Parore; Haku (yellow-tail Kingfish);</p>	<p>1. Kaore he whakarereketanga ki te moana e kakahu ana i te Rohemoana.</p> <p>No modification to the natural movements of the open coastal water body and sediment transport patterns surrounding Motiti.</p> <p>2. Ka patuki kaha rawa nga ngaru ki roto i te rohemoana. I nga waahi papaku he ahua kohatu mai nga kirikiri, engari i waho atu he hohonu era waahi, a he kirikiri e kakahu ana.</p> <p>The area is affected by a moderately high wave-energy environment. Near-shore substrate is coarser than deeper waters which tend to accumulate sediments and finer grained materials from land.</p> <p>3. Kua whakarereketia i te pakarutanga o te Rena a maringi mai nga kaaho kua paruparu te moenga kirikiri.</p> <p>Some modification due to the presence of Rena wreckage, debris and sediment contamination.</p>	<p>1. Does not apply</p>	<p>1. Shipping lanes serving the Port of Tauranga, recreational and commercial fishing and diving occur in the area and can detract from a sense of remoteness for the duration of these activities.</p> <p>2. E kore kite i te Aituatanga o te Rena engari ko te kitenga kei reira tonu te kaupukupuku e whakapirau ana i te mauri o te rohemoana</p> <p>Perceptions are of a natural marine area, reef system impacted by the Rena wreckage, containers and debris.</p> <p>3. Ko te ahuatanga o te Wai tai he riporipo ana tona tohu ki te Tangata i roto i te Whenua. E ko te kaha rere o te wai me tona huarahi whakaterera, tona ahua, tona reka, kakara ranei, me te au o te Hau.</p> <p>The tidal waters are characterised by the rippling currents signalling to the people in the land through the direction and strength of flow – through the colour, through the taste, and feel of the direction of the wind.</p> <p>4. Ko te kitenga ake he Ao maori katoa te Rohemoana o Motiti e noho rereke ana i etahi atu waahi.</p> <p>Perceptions are of a natural system with natural patterns, processes and elements</p>

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			<p>water that touches Motiti is the same water that touches the small islands and the reefs. There is no different water entering the area.</p> <p>3. Ko te akiritanga a moana e rere ana.</p> <p>Dynamic coastal processes including wave action, water movements, currents, fish and bird life.</p> <p>4. Ko te Taiao Maori ka kitea. The natural environment dominates.</p>	<p>Aturere (tuna); Kuparu (John Dory); Kumukumu (gurnard); Patikirori (sole); Mango (sharks); Wheke (octopus); Koura (crayfish); Paua (abalone); Kuku (mussels); Tipa (scallops); Tio (oysters); Kina (urchins); Rori (sea cucumbers); Karengo (seaweeds).</p> <p>4. E ngaro haere ana i nga rawa hi ika. Populations and biomass are severely impacted and threatened by commercial fishing and increasing recreational and charter fishing.</p> <p>5. He manu moana he manu tuawhenua e noho ana i roto i te rohemoana.</p> <p>The area supports a range of seabirds and shorebirds.</p>			apparent and distinctive of its formation.
<i>Name of site</i>	<i>Level of Natural Character</i>	<i>General description of the area</i>	<i>Elements that describe natural character</i>	<i>Marine biotic processes</i>	<i>Marine abiotic processes</i>	<i>Landcover & Use Terrestrial Biotic</i>	<i>Experiential/Perceptual</i>
<p>nga Tokararangi</p> <p>ko Okarapu, ko te Porotiti, ko Te Papa.</p> <p>Okarapu (reef) (Oka), Te Porotiti (reef) (TePo), Te Papa (reef) (Papa)</p> <p>Map 21a</p>	<i>Kohure Outstanding</i>	<p>1. These rocky reefs rise from the sea floor in water 40-50m deep to between 30 and 10m depth. Fish congregate to feed on the relative abundance of marine life supported by the</p>	<i>As for Natural Environment Area above.</i>	<p><i>In addition to the descriptions for Motiti Natural Environment Area (above) the following elements increase natural character:</i></p> <p>1. Ko te marae tenei o nga ika o te wai papaku me te wai hohonu ano ko te mahuehue o te moana e kaha tipu ana.</p> <p>Highly dynamic coastal waters with</p>	<p><i>In addition to the descriptions for Motiti Natural Environment (above) the following elements increase natural character:</i></p> <p>1. Ko te rere o te wai i nga Tokararangi me te ahua o te wai ka piki te ora o te ahuatanga maori.</p> <p>Water movement around the reefs enhance natural character.</p>	<p>1. Does not apply</p>	<p>1. Rangonatia te haruru o te ngaru ki runga i nga Tokararangi me te ohorere rawa i te whiunga ki runga o te wai.</p> <p>Breaking waves across the reef outcrops. Spectacular water spouts provide visual evidence of reef system from the surface of the water.</p> <p>2. He kitenga Pataka kai nga</p>

		<p>diverse and rich reef habitats.</p> <p>2. He Papa hi ika, mataitai, taunga ika mo nga hapu o te Moutere o Motiti.</p> <p>There are many significant features and landmarks below sea level including reefs, fishing spots and food resources.</p>		<p>reefs supporting a variety of pelagic and demersal fish species, macrophytes and benthic organisms.</p> <p>2. He maha he rereke nga tini momo ika me nga mahuehue e noho ana i enei Tokararangi</p> <p>A wide variety of representative fish species and other marine communities with relatively high abundance and diversity, though modified through fishing.</p>	<p>2. Ka noho maori te hangahanga o nga Tokararangi. Kaore he whakarereketanga i te waihanga a nga Atua.</p> <p>Ko te hangatanga o nga toka te hua o nga mahi puia me nga mahi moana.</p> <p>The physical structure of the reefs remains in a natural state. Rock formations are expressive of the formative natural processes created by volcanic activity and the ocean.</p> <p>Pinnacles, vertical rock faces, underwater caves and tomes and large boulders are distinctive of the natural processes.</p> <p>3. He wai tai tino akiaki te tupoupou o nga paripari me nga kopua koura.</p> <p>Highly dynamic coastal waters around the pinnacles, creating striking reef structures, caves and crayfish holes.</p> <p>4. Ka rangona i nga pihi maunga o te Rohemoana – ara a Okarapu, te Porotiti, a te Papa, a Tokeroa. He Tokararangi enei, me to ratau Mauri puta noa i te Matauranga Maori katoa.</p> <p>The mountain pinnacles of the Rohemoana are experienced with their reefs as Okarapu, Te Porotiti, Te Papa, and Tokeroa</p>	<p>Tokararangi, he rangona ano hei waahi oranga te Rohemoana.</p> <p>The reefs are perceived as a food storehouse and is experienced as a source of sustenance.</p> <p>3. He waahi tino pai mo te ruku me te hi ika koina e tohu mai i te Mauri, ahakoa he waahi noho tuhaha.</p> <p>Some level of activity around the reefs, as popular dive and fishing locations, otherwise a high level of remoteness exists within the area.</p>
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