

BEFORE THE PROPOSED FAR NORTH DISTRICT PLAN HEARINGS PANEL

UNDER THE

Resource Management Act 1991

IN THE MATTER OF

of a hearing into submissions on the
Proposed Far North District Plan – Hearing
15B (Special Purpose Zones)

STATEMENT OF EVIDENCE OF JAMES RONALD HOOK (PLANNER)

FOR THE MOTUKIEKIE OWNERS (SUBMITTER 32)

Dated 12 May 2025



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Introduction

1. My full name is James Ronald Hook.
2. I am an Urban Planner and Director of the multidisciplinary company Envivo Limited based in Auckland.
3. I have been engaged by the Motukiekie Owners (Submitter 32 – the Lockwood Family) to provide an independent planning assessment of the request made via its primary and further submissions that relate to the zoning and corresponding objectives and policies that apply to Motukiekie Island under the Proposed Far North District Plan (the “Proposed Plan”).
4. In summary, the Proposed Plan applies a Natural Open Space Zone to Motukiekie Island (“Motukiekie”). However, unlike other islands within the Bay of Islands to which the Natural Open Space zone has been applied, Motukiekie is privately owned and managed by the Lockwood Family since 2000.
5. The Lockwood Family therefore oppose the proposed zoning as it does not promote the sustainable management of Motukiekie and does not represent the most appropriate way to achieve the objectives of the Proposed Plan.

Qualifications and Experience

6. My qualifications comprise a Bachelor of Surveying (with Credit) and a Master of Regional and Resource Planning (with Distinction) both from the University of Otago.
7. I have 30 years’ experience as a planning consultant, based in Auckland and Christchurch, while working on projects nationwide. My experience (as detailed in Attachment 1 – Curriculum Vitae) is wide-ranging and includes subdivision and development projects across urban, rural and coastal environments throughout New Zealand.

Compliance with Code of Conduct

8. While not directly applicable to a hearing on a Proposed Plan, my evidence has been prepared in compliance with the Code of Conduct for expert witnesses contained in the

Environment Court Practice Note 2023. In particular, unless I state otherwise, this evidence is within my sphere of expertise and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

Summary of Evidence

9. The submission made by the Lockwood Family opposes the Natural Open Space zoning (NOSZ) applied to Motukiekie Island under the Proposed Plan. Their submission (Submission 32) seeks application of a special purpose zone to Motukiekie that recognises the Islands unique history, that it is in the ownership of a single family, and that provides for the sustainable management of the Island's natural and physical resources in the most appropriate way.
10. Motukiekie is privately owned 29ha Island located in the eastern Bay of Islands that is located between Moturua and Urupukapuka Islands. Under the proposed Plan the Island is located in the Coastal Environment and is subject to High Natural Character and Outstanding Natural Landscape overlays.
11. The fundamental issues and submissions of the Submitters are that:
 - Motukiekie is not Crown land administered by Department of Conservation (DOC), but is treated as if it is by the proposed Natural Open Space Zoning.
 - The proposed zoning of NOSZ severely restricts the Lockwood Family's ability to use Motukiekie in a way that balances use, development and protection of its natural resource alongside active ecological restoration and conservation activities.
 - The use of the island is so heavily restricted by the combination of provisions applied via its zoning and overlays, that the Lockwood Family consider that there is no "reasonable use" available to them under the Proposed Plan.
 - Other private owned land on the adjoining Islands (also with HNC and ONL classification) is zoned Rural Production (not Natural Open Space).
 - Because of its unique features, land use history and wholly private ownership there is no other zone within the Proposed Plan (including RPZ) that is apposite to Motukiekie so a special purpose zone is the most appropriate way to achieve the purpose of the Resource Management Act 1991.

12. This statement provides a summary of the submission and further submission made by the Lockwood Family, which appropriate zoning for the Island that provides for ongoing conservation efforts and the continued use (including limited additional building development) to meet the needs of the family.
13. Three options are compared for Motukiekie, the proposed NOSZ zoning, the Rural Production zone (RPZ) which is applied to the privately owned parts of other islands in the eastern Bay of Islands, and a special purpose zone – the Motukiekie Island Zone (MKIZ) which is based on the Moturoa Island Zone (MIZ).
14. In preparing the provisions for the MKIZ I have collaborated with Mike Farrow – Landscape Architect who has assessed landscape values and the management of visual effects, along with the ecological values in and around each of the building areas. He has recommended refinement of the building areas and prepared Design Guidelines for future development.
15. The proposed provisions for the MKIZ would apply Discretionary Activity status to new buildings located within 3 new building areas identified on the Motukiekie Island Development Plan and would require any future application to include information addressing Special Information Requirements (including the Design Guidelines).
16. The three options are then assessed against the rezoning process and criteria established by the Hearings Panel and S.32AA of the Act. That assessment concludes that the proposed MKIZ (Special Purpose Zone) will effectively manage land use activities to ensure they complement the natural and landscape values of the Island, preserve and protect its natural characteristics and qualities, and protect and enhance its ecological qualities while providing the opportunity for ongoing use and development of the Island.
17. In my view the proposed MKIZ is the most appropriate way to achieve the purpose of the Act.
18. Finally, it is noted that no other submissions or further submissions have been made in respect of Motukiekie.

Summary of Submission

19. The submission made by the Lockwood Family opposes the provisions of the Proposed Plan as they apply to Motukiekie Island and seeks an appropriate planning outcome for the Island. They maintain a flexible view on the method by which that is achieved, provided it provides the following outcomes:
 - an appropriate zoning for Motukiekie that provides for ongoing conservation efforts and continued use (including limited additional building development) to meet the needs of the family;
 - recognition that a modest scale of additional development can be undertaken on Motukiekie without compromising the owners' continued conservation and enhancement activities in conjunction with project Island Song.
 - the ability to apply for consent to establish up to 3 dwellings on the Island to provide for the intergenerational needs of the Lockwood family.
 - an ability to apply for consent to operate visitor accommodation activities from any one or more of the established dwellings on the Island (should the family elect to do so in future).
 - the right to utilise helicopters as a means of transport to and from the island.
20. To address those matters the submission requests that the Proposed Plan *"provide a zone consistent with that which applies to Moturoa Island (the Moturoa Island Zone) for Motukiekie Island, or an expansion the Moturoa Island Zone to include Motukiekie"*.
21. The submission specifically requested that the zoning identify an appropriate number of building platforms of Motukiekie for additional development. The submission sought further or alternative relief and consequential amendments to address the concerns raised by the Submitters.
22. The further submission made by the Lockwood Family expanded on the original submission to include:
 - A draft set of planning provisions that extend the Moturoa Island Zone to include Motukiekie.

- A Development Plan for Motukiekie showing a total of 5 building areas, of which 4 are new building areas. I note that an updated version of that plan is included with this evidence that reduces the number of new building areas from 4 to 3 (two of which already have activity and use occurring on them).

23. My evidence will cover the following matters:

- Background
- Proposed Far North District Plan
- Assessment of Alternatives
- Potential Rural Production Zone
- Character, Landscape and Visual
- Requested Amendments to Proposed Plan
- Rezoning Criteria
- S.32AA Evaluation

Background

24. Motukiekie is a privately owned 29ha Island located in the eastern Bay of Islands. Motukiekie is situated to the north of Te Rahwhiti Inlet between Urupukapuka and Moturua Islands as shown in **Figure 1**.
25. It is understood that the Island derives its name from the Kiekie plant - a branched woody vine, with tufts of long leaves that is valued by Māori for weaving. According to Manaaki Whenua (Landscape Research) when stripped and bleached in the sun it is pliable and easy to work and absorb dyes well. I understand that Kiekie is often used in the making of mats and tukutuku panels.



Figure 1: Location of Motukiekie Island

26. The Lockwood Family have been owners and guardians of Motukiekie Island for 24 years. Prior to purchasing Motukiekie Island in 2000, the Island had been leased to the DOC by the previous owners for 26 years.
27. Historically the majority of the Island had been cleared and grazed by its former owners. In the 1970's and 1980's extensive exotic tree planting was undertaken (including Norfolk Island Pine, eucalyptus, Japanese cedar and Morton Bay fig). Since 2000, the Lockwood Family have undertaken extensive clearance of exotics and planting of natives across Motukiekie. The sequence of aerial photos from 1951 to 2023 provided in Figures 2-4 show the progression of re-vegetation on Motukiekie from 90% pasture to approximate 90% canopy cover (of native and exotic species). I note from the 1951 aerial photo that the only vegetation that was not fully cleared for pasture and grazing is located along the southern coastline of the Island and in a small pocket at Kiekie Bay.
28. Archaeological investigations were conducted on the Island in 1976 and 1984, resulting in the identification of four sites of Māori occupation in the pre-colonial period. The sites include two Pa, one on the NW headland of the Island protected by steep cliffs and the other on the highpoint of the Island above Kiekie Bay. Two areas of terraces were also identified in the NE slope of the Island close to the headland Pa. A summary of the published archaeological investigations is provided as **Attachment 5**.



Figure 2: Motukiekie Island (March 1951) Crown Survey (SN209), source Retrolens

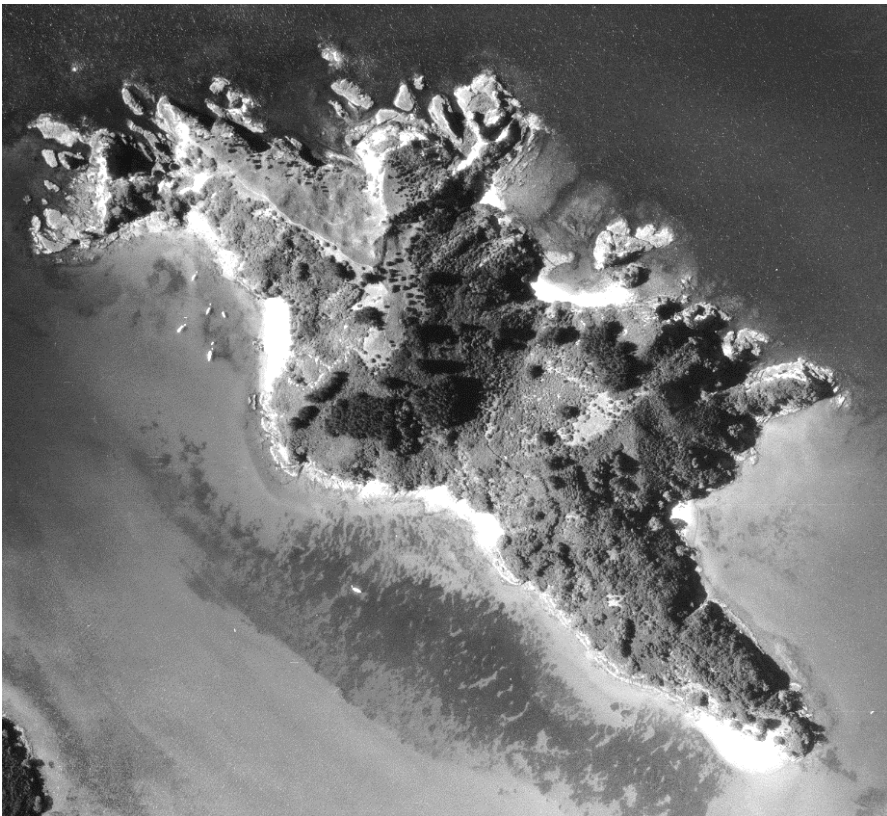


Figure 3: Motukiekie Island (January 1980) Crown Survey (SN5651), source Retrolens

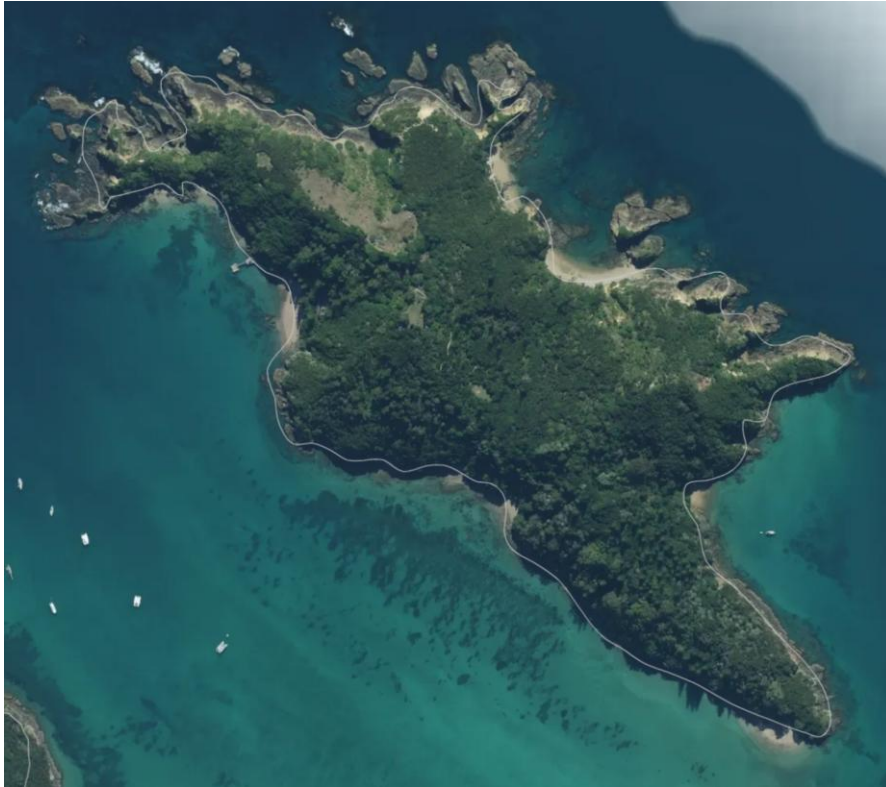


Figure 4: Northland 0.3m Rural Aerial Photos (2023-24) LINZ

29. Over the last 15 years the Lockwood Family has undertaken extensive (self-funded) native restoration planting on Motukiekie, with total planting of more than 20,000 seedlings along with weed and pest control measures. Those efforts have substantially enhanced the ecological and natural values of the island..
30. A full-time paid caretaker lives and works on Motukiekie and undertakes ecological restoration and ongoing conservation activities as a core part of his duties. That has included in establishment of bird feeding and water stations, to encourage native birds to recolonise the island . Those efforts are representative of the Lockwood Family's long term commitment to the conservation and enhancement of Motukiekie.
31. The 29ha Island is now predator free and is part of *Project Island Song*, a pest-free wildlife sanctuary known as "Ipipiri" which extends over the seven islands in the eastern Bay of Islands (Motuarohia⁺, Moturua⁺, Motukiekie, Okahu*, Poroporo*, Waewaetorea*, Urupukupuka*). The Crown owns four of the Islands (those marked *). The other two islands (marked⁺) are partially privately owned and partially owned by the Crown. Motukiekie is the only 100% privately owned island in the sanctuary.

32. Motukiekie has a single dwelling and jetty located on the western side of the Island that is used by the Lockwood Family. Resource consent has also been granted for a caretaker's dwelling (near to the main dwelling). The existing dwelling and jetty at "Sunset bay" are shown in Figures 5 and 6.



Figure 5: Jetty and Lodge (obscured by trees) located at Sunset Bay



Figure 6: View of Lodge (existing dwelling)

Proposed Far North District Plan

33. Motukiekie is centrally located amongst the seven islands in the eastern Bay of Islands and is the only one wholly in private ownership. Moturua and Motuarohia (Roberton Island) are partially privately owned. Under the Proposed Plan the privately owned parts of Moturua and Motuarohia are zoned as Rural Production, while Motukiekie is 100%

zoned as Natural Open Space as shown in Figure 7, which reflects the inconsistent treatment of Motukiekie under the proposed plan .

34. I also note that the Crown owned land at Otehai Bay on Urupukupuka Island is also zoned as Rural Production, with the balance of the island as Natural Open Space.



Figure 7: Proposed Zoning

35. The Overview section of the proposed Natural Open Space zone (NOSZ) describes the zone as being generally applied *“to public land that is administered by government agencies and includes a variety of parks and historic reserves. In most cases these areas have a high degree of biodiversity requiring active management.”*
36. The Objectives of the zone are stated as follows (and are supported by four policies that adopt similar themes):

Objectives	
NOSZ-01	The ecological, historic heritage , cultural and natural character values of the Natural Open Space zone are protected and enhanced for the benefit of current and future generations.
NOSZ-02	Land use is of a scale and type that complements and is consistent with the conservation values of the Natural Open Space Zone.
NOSZ-03	Natural open spaces are accessible to the public where appropriate for the use of leisure and customary activities .

37. Permitted activities in the NOSZ are limited to new buildings or structures ancillary to a permitted activity, farming, conservation activity, maintenance of existing tracks, leisure activity/facility, vegetation planting, park management activity and customary activity.

38. Discretionary Activities include visitor accommodation, educational facility, camping ground and community facilities – along with the catch all “*activities not otherwise listed in this chapter*”.
39. Notably there is no provision for Residential Activity in the zone. Its activity status would therefore be Discretionary.
40. There are five standards applicable to the NOSZ, including height, height in relation to boundary, setbacks, setback from MHWS, building coverage. Unusually, impermeable surface coverage is listed as a rule (NOSZ-R2), when it would more typically be listed as a Development Standard.
41. Motukiekie is subject to the Coastal Environment overlay and identified as an area of High (but not Outstanding) Natural Character (HNC317) – a classification that extends throughout most of the Bay of Islands and includes all other Islands. Finally, the Island is also located with the Outstanding Natural Landscape area (ONL) that encompasses much of the Bay of Islands coastline and that extends out to Cape Brett along the coastline to the south of the Bay of Islands.
42. Apart from small buildings up to 25m² all new buildings (or extension to existing buildings) established as permitted activities under CE-R1 (PER 4) are subject to the standards CE-S1 which sets a maximum height of 5m and CE-S2 which controls colours and materials to ensure low reflectivity and recessive colours. A building not complying with either of those standards requires consent as a Discretionary Activity.
43. Rule CE-R3 controls earthworks and indigenous vegetation clearance, under PER-2 earthworks are permitted if they comply with the standard CE-S3. The standard limits earthworks to 50m² for a period of “*10 years from notification of the District Plan*” in an area of High Natural Character. Inability to meet the standard results in Non-complying activity status. The consequence of these provisions is that any building works that the Submitters may wish to undertake would be classified as a Non-complying activity and would then be subject to the “gateway” tests of S.104D.
44. Within the ONL the rules and standards of the Natural Features and Landscapes (NFL) Chapter are almost identical, with the same standards applies to height, colours and

materials. However, the activity status for a building within the coastal environment that is not ancillary to farming and greater than 25m² is Non-complying under NFL-R3.

45. Similarly, the ONL rules restrict earthworks to 50m² “*over the life of the District Plan*” (noting the wording in NFL-S3 varies from that used in CE-R3). For earthworks >50m² Non-complying activity status applies under NFL-S3.
46. In summary, the key concerns relating to the proposed NOSZ are:
 - Motukiekie is not Crown land administered by DOC (but is treated under the District Plan as if it is by the proposed Natural Open Space Zoning).
 - Other private owned land on the adjoining Islands (also with HNC and ONL classification) is zoned Rural Production (not Natural Open Space).
 - The proposed zoning severely restricts the Lockwood Family’s ability to use the Island in a way that balances use, development and protection of its natural resource alongside active ecological restoration and conservation activities.
 - The use of the island is so heavily restricted by the combination of provisions applied via its zoning and overlays, that the Lockwood Family consider that there is no “reasonable use” available to them under the Proposed Plan.
 - Because of its unique features, land use history and ownership there is no other zone within the Proposed Plan that is apposite to Motukiekie.

Assessment of Alternatives

47. Submission 32 proposes two alternatives for Motukiekie Island:
 - a) provide a new special purpose zone for Motukiekie Island, similar to the Moturoa Island Zone (with identified building platforms).
 - b) Expand and modify the Moturoa Island Zone to include Motukiekie (with identified building platforms).
48. At the time of preparing the further submission it was considered that the second option may be more appropriate. Since then, with the benefit of further consideration, the addition of evidence from Mike Farrow and due to the different context and land use histories of Motukiekie and Moturoa Island, the first option is now preferred.

49. The Lockwood Family's further submission expanded on the primary submission, providing specific objectives and policies for Motukiekie, a set of activity rules applicable to land use and development (based on those applied to Moturoa) along with a development plan showing 4 additional building platforms (now reduced to 3) along with consequential amendments to earthworks and vegetation clearance rules.
50. The further submission presented draft zone provisions that would have resulted in the activity status of any future building >25m² (i.e. a new dwelling) in any of the identified building area being a Permitted Activity under the zone rules, with its activity status determined by the Coastal Environment and Natural Features and Landscape rules. Any development outside of the identified building areas would remain a Non-complying Activity. That proposal has since been further refined, as attached to this evidence, to apply Discretionary activity status to buildings within any of the identified buildings area on Motukiekie, along with a standard specifying the special information requirements to be addressed in support of any future resource consent application.
51. The "development plan" for Motukiekie Island included in the further submission provides a planning framework to manage the effects of the use, development and subdivision of the Island in conjunction with continued conservation and ecological restoration activities on the Island.
52. The purpose of the development plan is to ensure that any future buildings on Motukiekie are suitably located to protect its natural values as recognised by the Coastal Environment and Natural Environment Values Overlays.
53. If the submission is accepted the construction of a dwelling of any of the building platforms identified on the development plan would be subject to the colour and reflectivity standards referenced under CE-R1 and NFL-R1. An infringement of those standards would require consent as a Non-complying Activity.
54. Without any amendments to the Proposed Plan the building would also need to comply with the 50m² limit on earthworks and vegetation clearance under Rules CE-R3 and NFL-R3. To address that limitation amendments are requested to Rules CE-R3 and NFL-R3 to enable up to 400m² of earthworks to be undertaken (within a 10 year period) within any one of the identified building areas on the Motukiekie Island Development Plan.

55. The increased threshold for a specific earthworks consent is to prevent the development of a building on any one of the identified building areas from becoming a non-complying activity (if it involves more than 50m² of land disturbance). The proposed provisions still require the effects of earthworks and landform modification to be assessed as part of the discretionary resource consent application to build within the identified building area.
56. Finally, the ability to apply for a “Management Plan” subdivision is classified as a Discretionary Activity (the same as on Moturoa). There are specific requirements of that process, which is considered to be a “one-off” subdivision opportunity as specified in Appendix 3 to the Proposed Plan (Subdivision Management Plan Criteria).

Potential Rural Production Zone (RPZ)

57. Consideration has been given to whether the inclusion of Motukiekie within the Rural Production Zone (RPZ) would be an appropriate planning outcome. I note that the RPZ has been applied to the privately owned land on Moturua and Motuarohia (Roberton Island) and also to part of Urupukapuka Island (notwithstanding that it is Crown land and that the majority of the island is included in the NOSZ).
58. The overview of the RPZ describes its purpose as being to provide for primary production activities including non-commercial quarrying, farming, intensive indoor primary production, plantation forestry activities, and horticulture. The Rural Production zone also provides for other activities that support primary production and have a functional need to be located in a rural environment. I note that there is no statement in the “Overview” that relates to an Island context, or that recognises existing activities on the respective Islands to which it applies. The planning disconnect is further exacerbated by there being no form of “primary production activity” at all on any of the seven islands in the eastern Bay of Islands.
59. The RPZ Objective and related policies continue to reference primary production activities (and activities that support primary production activities) as the predominant land use, along with the protection of highly productive land, the ability to be serviced by onsite infrastructure, while maintaining rural character and amenity. The policies also seek to manage the establishment, design and location of new sensitive activities and other non-productive activities.

60. If applied to Motukiekie, the range of activities that would be enabled is limited to farming and conservation activities. Residential Activity is only permitted on a property with a site area of 40ha per residential unit. Consent is required as a Discretionary Activity where site area per residential unit is 8-40ha (to a maximum of 2 residential units). As there is already a dwelling (and a consented caretakers dwelling) on Motukiekie, any additional dwelling would require consent as a Non-complying activity under RPROZ-R3.
61. The RPZ does provide for Visitor Accommodation and Home Business activities as permitted activities under RPROZ-R4 and RPROZ-R5. Conservation activity is also provided for as a permitted activity under RPROZ-R8.
62. The option of applying the RPZ to Motukiekie Island therefore sits as a middle pathway between the outcome of a special zone sought by the Submitters and the proposed NOSZ under the Proposed Plan. It would address some but not all of the Submitters' concerns, and I do not consider that it represents an appropriate set of planning provisions for Motukiekie given the large disconnect between intended farming and other rural production activities that the RPZ seeks to enable and the actual residential and conservation use of the island.

Landscape and Visual Effects

63. A comprehensive analysis of the potential building areas has been undertaken and is presented in the report and evidence prepared by Mike Farrow of Littoralis Landscape Architecture. In summary he supports the identification of 3 further building areas on Motukiekie that could provide suitable locations for additional buildings with low visual and landscape impact. He has assisted the Lockwood Family to refine the Motukiekie Development Plan, reviewed and provided input into the Special Information Requirements and has prepared specific Design Guidelines for inclusion to the Proposed Plan.
64. Mr Farrow has also observed that ecological values in and around each of the building areas are mixed and that vegetation types are strongly influenced by the historic clearance and grazing of Motukiekie followed by the widespread planting of exotic species, along with more recent native revegetation, weed and pest control.

65. The conclusion of the landscape and ecological evidence is that the development of future buildings within the specified building areas can be achieved by adoption and application of the Motukiekie Island Special Purpose Zone in a manner that is consistent with the maintenance of the character, landscape and visual qualities of the coastal environment, the ONL overlay and the ONC values associated with Motukiekie

Requested Amendments to Proposed Plan

66. The proposed Special Purpose zone for Motukiekie Island is provided as **Attachment 2**. It includes a detailed Overview of the unique features and history of Motukiekie Island, three objectives and five policies specific to the Island. To distinguish it from the Moturoa Island zone (MIZ), I have abbreviated it as the MKIZ.
67. The rules of the zone provide for the following activities, and include Discretionary Activity status for any new building or structure:

Permitted Activities

- a) extension or alteration to an existing lawfully established building or structure within a building area identified on the Motukiekie Island Development Plan, associated with a permitted activity, that does not exceed 20% of the GFA of the existing building or structure and complies with standards:
 - MKIZ-S1 Setbacks
 - MKIZ-S2 Stormwater and effluent disposal
 - CE-S1 and NFL-S1 Maximum Height
 - CE-S2 and NFL-S2 Colours and Materials
- b) Residential Activity within a building area identified on the Motukiekie Island Development Plan.
- c) Conservation activity (planting, pest and weed control, introduction of native fauna)
- d) Visitor accommodation within a building area identified on the Motukiekie Island Development Plan.
- e) Maintenance of existing tracks (associated with a permitted activity)
- f) Helicopter movements (up to five landings and take-offs per day).

<p>Discretionary Activities</p> <p>A building or structure within an identified building area on the Motukiekie Island Development Plan, subject to compliance with:</p> <ul style="list-style-type: none"> ○ MKIZ-S1 Setbacks ○ MKIZ-S2 Stormwater and effluent disposal ○ CE-S2 and NFL-S2 Colours and Materials
<p>Non-complying Activities:</p> <p>Activities not otherwise listed in this Chapter</p>

68. The inclusion of a specific rule for helicopter movements is to enable continued use of the helipad, which is a primary method of access to the island. Without a specific activity rule that establishes the activity status of helicopter movements, the landing and take-off of a helicopter from the island may then be considered as a non-complying activity (under the catch all provision as an one of the “Activities otherwise not listed in this chapter”).
69. That view is based on the understanding that the District-wide rules for Noise only set the permitted noise limits for “helicopter landing areas”, not the activity status generally. In particular, in my view Rule NOISE-R7 (and the associated standard NOISE-S4) only sets the noise limits for helicopter landing areas but does not permit helicopter landing as an activity throughout the various zone of the Proposed Plan.
70. That interpretation is consistent with the statement in the “Overview” section of the Noise Chapter, which states *“The noise rules and standards in this chapter provide the noise limits for each zone and for specific activities.”* It does not state that the noise rules and standards in this chapter determine the noise limits for each zone and the activity status and noise limits for specific activities.
71. The rules in the Noise Chapter logically either apply a) within a zone to establish and maintain an acoustic environment compatible with the predominant activities of that zone, and b) to set noise standards for other activities that are not zone specific and that

can and do occur in any zone across the District. The Noise standards for helicopter landing areas sit in that second category.

72. It is my view therefore that it is the Zone Rule that establishes the activity status for noise producing activities in that second category. Consequently, specific provision needs to be made for that activity (and not just the noise associated with it) in each of the relevant zones, such as the specific rule proposed for Motukiekie. I therefore consider that specific provision for helicopter movements is required within the MKIZ and have made provision for that accordingly.
73. The alternative is to amend the wording in the “Overview” section of the Noise Chapter to state that where a Noise rule applies to an activity, rather than a zone, the Noise rule establishes the activity status for that activity across all zones of the District.
74. Two of the three proposed standards for the MKIZ are proposed to be adopted from the MIZ. They specify a 26m setback for new buildings or structures from MHWS and the requirement for provision of a 3,000m² for the disposal and treatment of stormwater and wastewater.
75. A third standard is proposed which specifies the “Special Information Requirements” for any application made for a new building on Motukiekie Island. The proposed standard (MKIZ-S3) specifies the information to be included within an AEE prepared for a new building under proposed rule MKIZ-R7 and will be considered as part of the Discretionary Activity resource consent process.
76. The reference to standards CE-S2 and NFL-S2 Colours and Materials brings in the requirement for the exterior surfaces of a building to be constructed of materials and/or finished to achieve a reflectance value no greater than 30%; and to have an exterior finish within Groups A, B or C as defined within BS5252 (which are considered to be recessive colours) .
77. The *Special Information Requirements* specify that an assessment of the following matters shall be included as part of the AEE of any application submitted for a new building on Motukiekie:

- a. Ecological effects of vegetation removal and establishment
 - b. Archaeological values and effects on those values
 - c. Cultural values and effects on those values (via consultation with mana whenua)
 - d. Landscape and visual effects of proposed buildings and land use activities on the Coastal Environment, Natural character and Landscape values
 - e. Geotechnical site suitability
 - f. Effects of earthworks and landform modification
 - g. The location, form, scape and massing of any proposed building within a building area identified on the Motukiekie Development Plan
 - h. Site servicing (site access, electrical supply, water supply, stormwater management, wastewater treatment and effluent disposal)
 - i. Building materials and finishes
 - j. All of the matters in policy MKIZ-P5, which include natural character of the coastal environment; location, scale and design, the need for and location of earthworks or vegetation clearance.
78. The revised Motukiekie Development Plan is provided as **Attachment 3**. The revised plan identified the existing building area at Sunset Bay (Building Area 1) and proposes three additional building areas:
- a) Building Area 2 – located on the northern saddle (where the predominant canopy species is Norfolk Island Pine and there is already a cluster of existing utilities: solar panels, water tanks, sheds, storage a nursery and vegetable garden.
 - b) Building Area 3 – located on the central saddle encompassing an existing clearing that is in lawn with a picnic table.
 - c) Building Area 4 – on the southern ridgeline above Kiekie Cove.
79. The Consequential Amendments to the Coastal Environment and Natural Features and Landscape Rules are provided as **Attachment 4**.

80. Amendments are proposed to Standards CE-S3 and NFL-S3 to permit earthworks up to a total area of 400m² (within 10 years from notification of the Plan) when associated with a permitted or consented building within a building area identified on the Motukiekie Island Development Plan.
81. Earthworks and landform modification is an integral part of the Special Information Requirements and will be assessed as part of the resource consent for a new dwelling. The consequential amendments remove the likelihood that any building activity would trigger consent as a Non-complying activity if it involved more than 50m² of earthworks.

Rezoning Criteria

82. Minute 14 of the Independent Hearings Panel set out the “*Rezoning Criteria and Process*”, which I note includes consideration of strategic matters, site suitability, national planning standards, relationship with District Wide matters and S.32AA evaluation. I have undertaken an assessment of the Special Purpose zone requested for Motukiekie against the specified matters and provide a S.32AA evaluation of the Submitters proposal alongside the alternatives of applying either the proposed Natural Open Space zone or a Rural Production zone to Motukiekie.
83. The Hearings Panel has specified general criteria for rezoning requests. I comment on each of those criteria in the following table:

Criteria	Matters to be addressed
<i>Strategic direction</i>	<ul style="list-style-type: none"> • <i>How the rezoning request is consistent with the PDP strategic direction (refer Hearing 1)</i> <p>The objectives under the Strategic Direction Chapter (reviewed with the proposed amendments as per Officers’ S42 Report) most applicable to Motukiekie are those relating to the “Natural Environment”. In respect of Objectives SD-NE01 to SD-NE02 the following comments are made:</p> <ul style="list-style-type: none"> - SD-NE01: for the last 24 years the Lockwood Family have exercised stewardship over the Island in a manner that has substantially enhanced its biodiversity and environmental sustainability. They are highly committed to continuing conservation activities on the Island. - SD-NE02: the Lockwood Family have a mutually respectful relationship with mana

	<p>whenua and are open to mana whenua input in respect of its kaitiaki role for Motukiekie.</p> <ul style="list-style-type: none"> - SD-NE03: via its own self-funded conservation efforts (planting and pest control) undertaken by a resident Caretaker the Lockwood Family are demonstrating their commitment to ecosystem restoration and management. - SD-NE04: the continued efforts by the Lockwood Family to actively restore the Islands vegetation and their use of renewable energy demonstrate their contribution to Climate Change mitigation. - SD-NE05: vegetation restoration on Motukiekie along with well-designed buildings of appropriate scale, materials and finishes in suitable locations is consistent with maintaining and managing the natural features and landscape values of Motukiekie. - SD-NE06: the application of a Special Purpose Zone along with the ONL and HNC overlays to Motukiekie will retain tight controls on vegetation clearance and earthworks that will continue to be effective methods of ensuring the protection of vegetation and associated habitat values of Motukiekie.
<i>Alignment with zone outcomes</i>	<ul style="list-style-type: none"> • <i>When rezoning request relates to existing PDP zone, an assessment of how the proposal is aligned with the objectives, policies and intended outcomes for the zone</i> <p>N/A – a new Special Purpose Zone is proposed</p>
<i>Higher order direction</i>	<ul style="list-style-type: none"> • <i>How the request “gives effect to” higher order documents in accordance with section 75(3) of the RMA?</i> • <i>Consideration of all relevant national policy statements, the national planning standards, and the Northland Regional Policy Statement.</i> <p>The NZCPS, the Northland Regional Policy Statement and Northland Regional Coastal Plan are relevant to the management, use and development of Motukiekie. The Proposed Motukiekie Island Development Plan and related planning provisions have been prepared in a manner that is consistent with the higher order documents, and that “gives effect to” the following provisions that are relevant and applicable to Motukiekie.</p> <ul style="list-style-type: none"> - NZ Coastal Policy Statement (Objective 2) - <i>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</i> <ul style="list-style-type: none"> • <i>recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;</i> • <i>identifying those areas where various forms of subdivision, use, and development would be</i>

	<p><i>inappropriate and protecting them from such activities; and</i></p> <ul style="list-style-type: none"> • <i>encouraging restoration of the coastal environment</i> <ul style="list-style-type: none"> - NZ Coastal Policy Statement (Objective 6) - <i>To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:</i> <ul style="list-style-type: none"> • <i>the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits...</i> - Regional Policy Statement (Objective 3.14) – <i>identify and protect the qualities and characteristics that make up the natural character of the coastal environment and the qualities and characteristics that make up outstanding natural features and outstanding natural landscapes from inappropriate subdivision, use and development.</i> - Regional Policy Statement (Objective 3.15) – <i>Maintain and/or improve; (a) The natural character of the coastal environment and fresh water bodies and their margins; (b) Outstanding natural features and outstanding natural landscapes; (c) Historic heritage; (d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours); (e) Public access to the coast; and (f) Fresh and coastal water quality</i> - Regional Coastal Plan (Objective 7.3) – <i>preserve and protect the natural character of the CMA from inappropriate subdivision, use and development.</i> - Regional Coastal Plan (Objective 8.4) – <i>the identification and protection of outstanding natural features and landscapes within the CMA from inappropriate subdivision, use and development.</i> <p>In my opinion, the proposed Special Purpose Zone is equally as effective as the proposed Natural Open Space zone in giving effect to the higher order documents as the Proposed Plan in respect of Motukiekie.</p>
Reasons for the request	<ul style="list-style-type: none"> • <i>The reasons for the rezoning request, including an assessment of why the notified zoning is not appropriate for the subject land.</i> <p>Refer to discussion in paragraphs 69 to 73 below.</p>
Assessment of site suitability and potential effects of rezoning	<ul style="list-style-type: none"> • <i>Assessment of the suitability of the land for rezoning, including an assessment of:</i> <ul style="list-style-type: none"> ○ <i>The risks from natural hazards (refer Part 2 – District Wide Matters and the Northland Regional Policy Statement)</i> ○ <i>Effects on any natural environment values, historic heritage, coastal environment, or other PDP overlay (refer Part 2 – District Wide Matters)</i> ○ <i>Effects on surrounding sites, including</i>

	<p><i>compatibility of the rezoning with surrounding land-uses and potential reverse sensitivity effects.</i></p> <p>The NRC Natural Hazards mapping of Coastal erosion and flood hazards does not identify any areas of risk on Motukiekie Island. The lower parts of the Island are identified as a Tsunami “evacuation area” as are all coastal areas within 100m of MHWS (irrespective of land contour).</p> <p>Effects on natural environment values, historic (and cultural) heritage and the coastal environment have been considered in preparation of the proposed MKIZ provisions and will require detailed assessment at the time any future resource consent application is made for a building on the Island.</p> <p>There are no adjoining sites, the existing and proposed use of Motukiekie is consistent with the use of Moturua and Urupukapuka Islands (with continued conservation effects to enhance the habitat for native birds within a pest-free environment). The proposed provisions do not create the potential for reverse sensitivity effects.</p>
Infrastructure (three waters) servicing	<ul style="list-style-type: none"> <i>How the rezoning request (including subdivision and development potential enabled by the request) will be supported by adequate infrastructure servicing</i> <p>N/A – the proposed zoning requires no public three water infrastructure (on-site servicing solutions are used)</p>
Transport infrastructure	<ul style="list-style-type: none"> <i>How the rezoning request will be supported by existing or proposed transport infrastructure, including how new or upgraded transport infrastructure is required.</i> <p>N/A – the proposed zoning requires no transport infrastructure (no roading or vehicle access)</p>
Consultation and further submissions	<ul style="list-style-type: none"> <i>Any consultation undertaken with key stakeholders or tangata whenua in relation to the rezoning request.</i> <p>Consultation is in process with Tangata Whenua with mana whenua status for Motukiekie. Outcomes from the consultation will be reported at the hearing.</p> <ul style="list-style-type: none"> <i>A list of any further submissions on the rezoning request and a response to those further submissions</i> <p>N/A no further submissions were made on Submission 32 – the rezoning request for Motukiekie.</p>
Section 32AA evaluation	<ul style="list-style-type: none"> <i>How the rezoning request is a more appropriate, effective and efficient way to achieve the PDP objectives (compared to the notified zoning) in accordance with section 32AA of the RMA</i> <p>Refer to discussion below.</p>

84. The Hearings Panel has specified additional criteria for special purpose zone (SPZ) requests. I comment on relation to each of those criteria in the following table:

Criteria/information	Matters to be addressed
National planning standards criteria	<ul style="list-style-type: none"> • <i>How the SPZ meets all of the following three criteria for additional special purpose zones in the national planning standards (8.3), i.e. the activities or outcomes sought from the SPZ are:</i> <ul style="list-style-type: none"> ○ <i>Significant to the district, region or country; and</i> ○ <i>Impractical to be managed through another zone; and</i> ○ <i>Impractical to be managed through a combination of spatial layers.</i> <p>The sustainable management of land use activities on the Islands in the eastern Bay of Islands is of significance to the district and region, noting the high levels of visitor and tourist numbers to Urupukapuka Island and that surrounding coastal environment.</p> <p>A detailed analysis of the alternative zoning options has identified significant impracticalities and poor alignment of objectives and policies would result from application of another zone to Motukiekie.</p> <p>Introduction of the SPZ maintains the standard approach under the Proposed Plan to manage activities through a combination of spatial layers but with a higher degree of certainty, clarity and alignment.</p>
Relationship with Part 2 – District Wide Matters	<ul style="list-style-type: none"> • <i>How the SPZ is intended to interact with the provisions in Part 2 – District Wide Matters, including more stringent rules for overlay areas (e.g. coastal environment, natural features and landscape etc.)</i> <p>The MKIZ continues to maintain the applicability and integrity of the Coastal Environment and Natural Features and Landscapes overlay. Those overlays continue as effective measures to manage the effects of activities within the proposed special purpose zone and continue to establish the status of building activities within the proposed zone.</p> <p>The proposal is to specify potential future building areas on Motukiekie and to establish special information requirements for any future resource consent application complement and reinforce the efficacy of those District Wide Matters, while making limited additional provision for earthworks within the specified building areas (only).</p>
Consultation on the SPZ proposal	<ul style="list-style-type: none"> • <i>An assessment of parties directly affected by the SPZ proposal, any consultation undertaken, and any further consultation proposed</i> <p>There are no directly affected parties apart from the Lockwood Family</p>

SPZ provisions	<ul style="list-style-type: none"> <i>The requested SPZ provisions (objectives, policies, rules, matters of control/discretion and standards), which should be consistent with other PDP zone chapters</i> <p><i>Refer to Attachments 2-5</i></p>
Section 32AA evaluation	<ul style="list-style-type: none"> <i>A section 32AA evaluation that assesses (compared to the PDP provisions):</i> <ul style="list-style-type: none"> <i>How the SPZ objectives are the most appropriate way to achieve the purpose of the RMA</i> <i>How the SPZ provisions are the most appropriate to achieve the SPZ objectives</i> <p><i>Refer below</i></p>

S.32AA Evaluation

85. I have applied the S.32AA evaluation criteria to three alternatives, the Natural Open Space zoning under the Proposed Plan, application of the Rural Production zone (as applied to adjacent Islands) and application of a Special Purpose Zone specifically to Motukiekie (based on that applied to Moturoa Island). My evaluation concludes that:

- a) The Proposed Plan does not achieve the purpose of the Act in respect of the sustainable management of Motukiekie Island effectively treating it as conservation land with almost no ability to undertake activities (use or development) other than those that support conservation activities. The objectives and policies of the zone are not reflective of the ownership, current use or intended future use of the Island (apart from that they allow for, support and encourage the conservation activities already undertaken by the Lockwood Family).
- b) The option of applying the Rural Production zone to Motukiekie Island would be consistent with the zoning approach applied to privately owned land on the adjacent Islands in the eastern Bay of Islands. It would provide for a broader range of activities on Motukiekie than the proposed NOS zoning. However, the objectives and policies of the RPZ do not align with the current use, characteristics, natural and landscape values of the Island. In my opinion the RPZ fails to satisfy the statutory test of being “the most appropriate way” to achieve the sustainable management purpose of the Act (when compared to the proposed Special Zone).

- c) The proposed Motukiekie Island Zone (MKIZ) is adapted from the Moturoa Island Zone (MIZ) that already forms part of the Proposed Plan. The objectives and policies, activity rules and standards are therefore specifically tailored to a privately owned Island located within the Bay of Islands, that is also subject to High Natural Character and Outstanding Natural Landscape overlays. In my view the proposed MKIZ provisions represent the “most appropriate” method to achieve the sustainable management purpose of the Act for Motukiekie Island (just as the MIZ provisions are the most appropriate method for Moturoa Island).
86. The MKIZ objectives and policies prioritise the management of land use activities to ensure they are of a scale and type that complements the natural and landscape values of the Island, preserve and protect its natural characteristics and qualities, and protect and enhance its ecological qualities. The proposed objectives (and policies) recognise the specific context of Motukiekie, its natural character, ecological and landscape values and the need to balance conservation activities with use and development of the Island. In my view the proposed objectives represent the most appropriate way to achieve the purpose of the Act.
87. I note that neither the proposed NOSZ or application of the RPZ (as has been applied to part of the adjacent islands) would result in the application of objectives and supporting that are relevant to the context and values of Motukiekie that recognise its private ownership and existing land uses (for residential and conservation activities).
88. The provisions of the MKIZ (activity rules and standards) enable a limited range of activities that are consistent with existing (long-standing) activities on the Island that that provide the ability for future resource consent(s) to be obtained for limited additional buildings and activities that are complementary to the ecological, landscape and natural character values of the Island within the identified building areas that have been subject to landscape and ecological assessment. The methods applied via the Special Purpose zone are practicable and appropriate to achieving sustainable management of the Island.
89. My assessment is that the proposed provisions will be highly effective in achieving the objectives and as the relate to existing and anticipated future land use activities on Motukiekie will be highly effective in their application, alongside the provisions of the

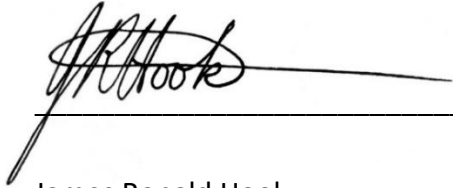
High Natural Character and Outstanding Natural Landscape overlays, which provide a high level of management of those special characteristics and features of Motukiekie and the associated Islands and coastal landscapes. Apart from the provision of a greater area of earthworks as permitted activity (within the identified building areas on Motukiekie) the integrity of the overlays as key methods under the Proposed Plan is maintained.

90. There are no environmental, social, economic or cultural costs associated with the proposed MKIZ zone. However, there are environmental, social and economic benefits – both in terms of supporting continued conservation and ecological restoration activities on Motukiekie and in respect of enabling the Lockwood Family to provide for their health and safety and well-being by enabling the opportunity for limited use and building development on Motukiekie (noting that any new building within an identified building area would require consent as a Discretionary Activity and will be subject to the normal notification tests under the Act).

Summary and Conclusion

91. In respect of the Panel's criteria for rezoning requests, the analysis above demonstrate both why the proposed zoning would not be efficient or effective in achieving the purpose of the Act, the policy intent of the higher order documents, or the Strategic Direction of the Proposed Plan as it omits any consideration of the Lockwood Family's ability (under the provisions of the plan) to provide for social, economic, and cultural well-being and for their health and safety on an ongoing basis.
92. Essentially the Proposed Plan appears to have prioritised the achievement of Objective 2 of the NZCPS (preservation of the natural character of the coastal environment and protect natural features and landscape values) over Objective 6 (enabling people to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development). The proposed Special Purpose zone for Motukiekie Island addresses that imbalance, while not diminishing that emphasis on and importance of maintaining natural character, landscape values and supporting conservation activities on Motukiekie.

93. For the reasons set out in this statement, I conclude the proposed Special Purpose Zone for Motukiekie Island (MKIZ) represents the most appropriate way to achieve the purpose of the Act and the objectives of the Proposed Plan.

A handwritten signature in black ink, appearing to read 'J. Hook', is written over a horizontal line.

James Ronald Hook

Planning Consultant

Dated: 12th May 2025

Attachments:

1. Curriculum Vitae
2. Motukiekie Island Zone
3. Motukiekie Development Plan
4. Consequential Amendments
5. Archaeological Summary Report

Attachment 1: Curriculum Vitae

Name: James Ronald Hook

Qualifications: 1991 – Bachelor of Surveying (with Credit)

1994 – Master of Regional and Resource Planning (with Distinction)

Member of New Zealand Planning Institute

30 years' experience as a Planning Consultant

23 years' experience as a Company Director (Envivo Limited)

Continuing Professional Development: on-going participation in NZPI, MFE, RMLA and related courses – RMA Amendments, Expert Witness, Alternative Dispute Resolution, Financial/Development Contributions, Case Law Updates.

Experience: Wide-ranging professional experience with subdivision and development projects, from pre-development planning, due diligence, strategic advice, and planning services for resource consents, including appearances at Council, Independent Hearing Panel, Environment Court and High Court hearings as an Expert Witness.

Specialist areas include subdivision, mixed-use, commercial, intensive residential, industrial and retail development, and coastal consents.

Recent experience includes preparing applications and providing planning advice on a number of commercial, retail, residential (including medium and high density) developments, complex subdivision, coastal and mixed-use development projects and private plan changes. Development projects include project presentations to Auckland City Council's Urban Design Panel, at Council hearings and Independent Hearing Panels.

Experienced expert witness at the Environment Court and High Court.

Specialist Skills:

Pre-Development strategic advice

Resource Consent applications

Expert Evidence

Urban Design Panel presentations

Subdivision and Coastal Consents

Plan Changes

Appeals and mediations
Project leadership
Due diligence investigations
Development feasibility assessments
Project formulation and strategy
Assessment of environmental effects
Policy analysis and submissions
Strategic Planning Advice