



**DECISION ON RESOURCE CONSENT APPLICATION – RC26572**

Under the Resource Management Act 1991

**Tauranga City Council resolves:**

**That pursuant to Sections 104, 104B and 104D of the Resource Management Act 1991, the application for resource consent made by Mauao Trust and Tauranga City Council to undertake earthworks and vegetation clearance within City Plan Plan Areas associated with the reconstruction of the Mauao pedestrian base track legally described as 1 Adams Avenue legally known as Lot 1 DP 429354 is granted.**

**Reasons for Decision:**

The proposed works associated with the reconstruction of the base track include undertaking earthworks and vegetation clearance within the Outstanding Natural Features and Landscapes Plan Area, Significant Ecological Area, Significant Maori Area and Significant Archeological Area has been determined that allowing the reconstruction of the base track in a new location subject to the conditions set out below, will avoid any unacceptable actual and potential effects on the environment. The activity is acceptable for the following reasons:

- 1 The decision meets the purpose of the Resource Management Act 1991 and is consistent with the provisions of Part 2 of the Act.
- 2 The activity is not contrary to the relevant rules, objectives and policies of the New Zealand Coastal Policy Statement, the Bay of Plenty Regional Policy Statement, or the Tauranga City Plan.
- 3 The effects of the activity are considered to be avoided, remedied or mitigated subject to compliance with

Conditions as appropriate under s108AA of the Act shall ensure the activity proceeds as per the application documentation.

**The granting of this resource consent is subject to the following conditions pursuant to Sections 108 and 108AA of the RMA 1991:**

1. *Subject to departures required to achieve compliance with the following conditions of consent, the activity shall proceed in general accordance with the plans and all information submitted with the application prepared by Boffa Miskell Limited titled 'Mauao Base Track Remediation Project: Application for Resource Consent and Assessment of Environmental Effects', dated 4 October 2018, reference 20180501.*

2. Before the start of works, the consent holder shall prepare and submit to Tauranga City Council's Manager: Environmental Protection (or their delegate), for certification, final versions of the plans set out in Table 1: Application Documentation and Plans. Final versions of these plans shall be in general accordance with the information submitted in the resource consent application.

Table 1: Application Documentation and Plans

Plan	Details to be included
(i) General arrangement plan	<p>Detailed track design shall include the following mitigation measures:</p> <p>a. Maintain the relative level (RL) of the revetment to its designed level; avoid any further increase in height and width of the revetment as far as practicable.</p> <p>b. Revetment alignment that follows the natural coastal edge and avoid linear patterns as far as practicable.</p> <p>c. Boardwalk alignment that avoids any further removal of native vegetation cover, other than that already identified, in particular the four Pōhutukawa trees.</p> <p>d. Use of natural rock in the revetment that visually integrates, in a weathered condition, with existing rock materials present and used on Mauao.</p> <p>e. Maintain pedestrian access to the sandy beach at the northwestern end of the project area.</p> <p>f. A gap between the hillside and edge of the boardwalk so little blue penguins can access the hillside.</p> <p>g. Minimising the permanent project footprint and area of disturbance within the CMA, where practicable.</p>
(ii) Drainage plans	
(iii) Erosion and sediment control plan including a dust management plan	<p>In accordance with the Bay of Plenty Regional Council 'Erosion and Sediment Control Guidelines for Land Disturbing Activities – Guideline 2010/1'.</p>
(iv) Detailed landscape plan which gives effect to the Landscape Concept Plan submitted with the resource consent application	<p>a. A dominant native tree cover along the coastal margin adjacent to the revetment to provide a blanketed cover along the coastal edge.</p> <p>b. Geotextile soil bags at no greater than 10m centres along the top third of the coastal face of the revetment to support the planting of coastal groundcover species including Pohuehue, Oi Oi etc.</p> <p>c. Additional coastal marginal planting along the northern beach revetment edge and grassed edge to visually integrate and in time cover the top third of the rock revetment.</p>

	<p>d. Pōhutukawa and native tree cover alongside the coastal walkway to reinforce the tunnel effect the existing beach environment (to the east) provides.</p> <p>e. If a geotechnical grid is installed on the existing slip face, a low and creeping native species on the existing slip face integrating with the geotechnical grid. The outcome sought is a vegetated slope that will be supported by development of a planting methodology at detailed design stage.</p> <p>f. Infill native vegetation to reinforce and strengthen the coastal native fringe at the base of Mauao. This includes provision of additional trees (e.g. Pōhutukawa, Puriri, Karaka, etc.) and native shrubs that avoid known archaeological sites. This shall include three specimen trees along the top of the existing slip face.</p>
(v) Arboriculture Plan	Plan clearly identifying the six trees scheduled to be removed.
(vi) Revetment Detailed Design Report	Foundation plan
(vii) Detailed boardwalk structure plan in accordance with the Landscape Concept Plan submitted with the resource consent application.	<p>a. A high quality design with materials that respond to the sensitive local context; and</p> <p>b. A design that is visually-integrated into the surrounding landscape on the southern side of Mauao.</p>
(viii) Environmental management plan which gives effect to the preliminary environmental management plan submitted with the resource consent.	<p>a. Minimise the number of trees to be felled and ensure they are marked prior to felling.</p> <p>b. Prune rather than fell trees where practicable.</p> <p>c. Conduct works during the non-breeding season for little blue penguins and greyfaced petrels if possible.</p> <p>d. Conduct pre-works surveys for little blue penguins, grey-faced petrels, shore skink and the land snail <i>S. archeyi</i>.</p>

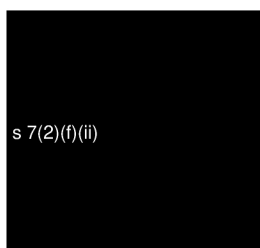
3. Works shall not start until the plans listed in Table 1 are certified.
4. Works shall be carried out in accordance with the plans certified under Condition 2.
5. A suitably qualified and experienced arborist shall be appointed to oversee works within the root zone of the trees and to prune and protect any roots over 30 millimetres that need to be cut.
6. Tree removal shall be limited to four pohutukawa, one English oak and one macrocarpa (identified in the Arbor Care Ltd. Tree Protection Plan submitted with the application and the Arboriculture Plan required by Table 1(v)) as far as practicable.
7. In the event that additional trees need extensive excavation closer than 3 metres to the trunk, they may require removal. The arborist appointed in accordance with condition 5 shall determine if these trees require removal on a case by case basis, once the final path location and methodology is determined.
8. All construction activities on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise (or any subsequent revision) at all times.

9. All costs associated with compliance with the conditions of this consent, including those under the Tauranga City Council Infrastructure Development Code ('the **IDC**') and associated legal expenses, shall be met by the Consent Holder.
10. Before works start, the consent holder shall provide (in writing) to TCC evidence of a fortnightly on-site meeting scheduled with a Heritage New Zealand archaeologist/s during the construction period for the purposes of identifying and discussing ongoing management practices in relation to archaeology.

*Guidance note: For the avoidance of doubt, this condition shall not supersede or otherwise modify any requirement regarding ongoing consultation with Heritage New Zealand imposed through the archaeological authority approved by Heritage New Zealand referenced as '2019/268', dated 7 December 2018.*

11. During the construction period, the consent holder shall provide to TCC the notes from that month's meeting(s) with a Heritage New Zealand archaeologist/s (referred to in Condition 10) before the end of each calendar month. The consent holder shall not be deemed to be in contravention with this condition in any instance where Heritage New Zealand has not considered a meeting to be necessary.
12. Information pertaining to the archaeological investigation shall be released to the public in accordance with the Communications Plan referenced as 'Mauao Archaeology Communications Plan 2019', dated 5 February 2019.

Recommended and Assessed by:

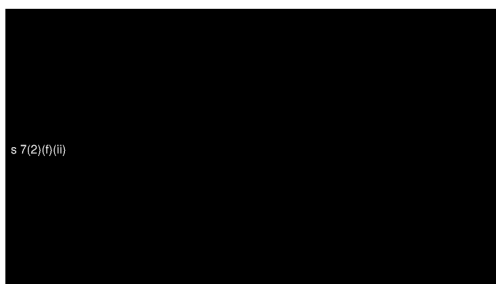


s 7(2)(f)(ii)

**Bay of Plenty**

**Regional Council**

Delegated Authorisation by:



s 7(2)(f)(ii)

Date: 20 March 2019

**Advice Notes:**

1. Under sections 357A and 357B of the Resource Management Act 1991, you have a right of objection to the consent authority in respect of the above decision or any additional fees and charges required in respect of this decision. In accordance with section 357C notice of any such objection must be in writing to the Council within 15 working days of receiving this decision and/or the date on which the invoice is received. Any notice given under section 357C should describe the reasons for the objection.
2. Where any building or drainage works are required to satisfy conditions of this consent, all consents required under the Building Act 2004 must be obtained prior to the works being carried out.

3. *Should the actual processing cost exceed the deposit fee paid at lodgement, if not already accompanying this decision, an invoice may be sent at a later date.*
4. *Please direct any information in relation to the compliance with the above conditions to the following email: [Environmentalmonitoringandcompliance@tauranga.govt.nz](mailto:Environmentalmonitoringandcompliance@tauranga.govt.nz)*
5. *Notwithstanding the conditions of this consent, that consent holder is advised that works are subject to the conditions of the archaeological authority approved by Heritage New Zealand referenced as '2019/268', dated 7 December 2018 or any other subsequent authority issued by Heritage New Zealand.*
6. *Original decision dated 15 March 2019 amended pursuant to section 133A of the RMA. Amendments comprised minor change to Condition 11 (cross reference to Condition 10) and correction of the 'Works area' on the Approved Plan.*



Tauranga City Council 

**APPROVED**

Land Use Consent

**PLAN**

RC25672 20 March 2019



HORIZONTAL DATUM: New Zealand Geodetic Datum 2000 For practical purposes. NZGD2000 equates to WGS84 VERTICAL DATUM: Mean Sea Level PROJECTION: New Zealand Transverse Mercator 2000 © Bay of Plenty Regional Council, 2013 © Sourced from Land Information New Zealand data. CROWN COPYRIGHT RESERVED

**BOPRC Consent Plan RM18-0434/01 Location**

Projection: NZGD\_2000\_New\_Zealand\_Transverse\_Mercator

SCALE 1: 9,899

Date Printed:  
18 January 2019