

Environmental Planning

Council Consent Decision

On variation to resource consent under Section 127 of the Resource Management Act 1991
RC29606-01

Decision

Pursuant to Sections 127 and 104B of the Resource Management Act 1991, Tauranga City Council determines:

That the application for LAND USE resource consent made by Tauranga City Council (Open Space) to install three new benches, two new fences and a story telling pou within Mauao Historic Reserve on land located at 1 Adams Avenue, legally described as Lot 1 Deposited Plan 4239354 and being Part Section 1, Section 3, and Section 12, Block VI, Tauranga Survey District (Record of Title identifier 515000) is GRANTED subject to the conditions attached as Appendix A to this decision.

Description of Activity

The proposal is described in detail within section 1 of the application and Assessment of Environmental Effects report (the "AEE") prepared by Tauranga City Council Spaces and Places and titled "*Assessment of Environmental Effects Report for the additional seating and fencing on Mauao*" dated 20 March 2025. Additional information on the proposal is also provided within the Section 92 response received by Council on 21 March 2025 and entitled RE: RC80061161 & RC29606-01 - Section 92 Request - 1 Adams Ave (Mauao) .

In summary, the applicant seeks variation to RC29606 for the relocation of the approved fences to be established at the Waikorire Entrance to Mauao, requiring changes to Condition 1.

Background and Consented Environment

Resource consent RC29606 was granted for Stage 3 of the Mauao Placemaking Project on the 11 October 2023. When implementing the resource consent the applicant had consultation with Heritage New Zealand that recommended the relocation of the proposed fencing from the terrace to the road level that has resulted in changes being required to the consent.

Further background information relating to this variation is described within section 2 of the AEE. I consider that description to be accurate and sufficiently detailed for the purposes of understanding the nature of the Proposal.

Resource Consent

Resource consent is granted for the purposes of Section 127(3) of the Resource Management Act 1991 ("RMA") to authorise a **discretionary** activity, for a change to Condition 1.

This variation has been considered within a larger consent application, RC80061161. The effects of the proposal have been assessed as part of that application and were found to be minor and therefore acceptable. The proposal was also found to be consistent with the relevant statutory documents, including the Tauranga City Plan, Bay of Plenty Regional Policy Statement, and New Zealand Coastal Policy Statement. Additionally, the proposal was assessed against and found to align with the Tauranga Moana Iwi Management Plan, Ngai Te Rangi Iwi Management Plan, Waitaha Iwi Management Plan, and Mauao Historic Reserve Management Plan, as directed by section 104(c).

Notification

This application has been determined on a non-notified basis for the following reasons.

Public Notification

Having followed the steps within Section 95A it is concluded that public notification of the application is not required on the basis that:

- Under Step 1, public notification is not mandatory as the application does not meet any of the criteria contained within Section 95A(3).
- Under Step 2, public notification is not precluded as the application does not meet any of the criteria contained within Section 95A(5).
- Under Step 3, public notification is not required on the basis that:
 - In accordance with Section 95A(8)(a) the application is not subject to a rule within the Tauranga City Plan that requires public notification; and
 - In accordance with Section 95A(8)(b), having considered the application in accordance with Section 95D and setting aside the matters listed under Section 95(a) through (e), it has been concluded that the application will not result in adverse effects on the environment that are more than minor.
 - The proposal will have minimal impact due to its design. The proposal will not disrupt the natural terrain or significant features and will maintain the site's openness and views. The overall landscape effects are considered low.
 - Visually, the proposal will be visible from various locations but is designed to blend in with the environment.
 - The proposals design is sensitive to the landscape's cultural value and will integrate well with existing features. The visual effects are expected to be low to moderate.
 - The ecological assessment conducted by Beca, provided by the applicant, confirms that with the proposed location and installation methods will result in negligible and acceptable adverse ecological effects.
 - The works proposed in this application use installation methods (no-dig ground screws) that result in minimal ground disturbance, meaning the likelihood of impacting intact archaeological features is very limited.
 - The Applicant has confirmed that an Archaeological Authority from Heritage New Zealand Pouhere Taonga has been sought and obtained. The works will be undertaken in accordance with the requirements of that authority.
 - The change will not result in any additional effects on the environment beyond those already considered as part of the receiving environment under RC29606. The scale of the works, materials, and design of the structure remain the same; the only change is a minor relocation within the general area where the structure was originally approved to be established.
- Under Step 4, it has been determined that there are no special circumstances that exist that warrant the public notification of the application in accordance with Section 95A(9).

Limited Notification

Having followed the steps within Section 95B it is concluded that limited notification of the application is not required on the basis that:

- Under Step 1, limited notification is not required under Section 95B(4) as the application does not result in any affected customary rights groups or customary marine title groups (Section 95B(2)), or affected persons in relation to statutory acknowledgements (Section 95B(3)).

- Under Step 2, limited notification is not precluded as the application does not meet either of the criteria contained within Section 95B(6).
- Under Step 3, limited notification is not required under Section 95B(9) as the application does not meet either of the criteria contained within Sections 95B(7) or 95B(8) as:
 - The activity is not a boundary activity; and
 - Having considered the application in relation to Section 95E, it has been concluded that the change sought by the Consent Holder will not generate any additional adverse effects and therefore there are no affected persons; and
 - The Mauao Placemaking project has been developed in collaboration with the trust, which has provided a letter outlining their support for the project. Waitaha has also provided a letter outlining their support for the proposal.
 - With the letter of support from Waitaha, and that the Application has been made on behalf of the Mauao Trust, I consider that it is clear that the iwi associated with the Significant Māori Area are supportive of the Proposal.
 - Due to the location and extent of the works, and the scope of the works in the wider Mauao and Mount Maunganui context, I do not consider persons associated with those previously identified sites to be affected persons for the purpose of section 95E. Further, I have not been able to identify any other persons or groups who I consider could be affected persons.
 - In relation to Section 127(4), the original application was granted without notification and as such there are no prior submitters to consider; and
 - For completeness, this proposal has been reviewed by Councils s 7(2)(a) - Privacy who has confirmed they are satisfied with the proposal; and
 - In terms of offsite effects on adjacent properties these are negligible in my opinion for the reasons assessed above.
- Under Step 4, it has been determined that there are no special circumstances that exist that warrant the limited notification of the application in accordance with Section 95B(10).

Section 104(1)(a) – Actual and Potential Environmental Effects

Council must, when considering any application for resource consent, have regard to the matters set out at section 104 of the RMA. In considering a Discretionary activity, Council may consider any relevant matter.

The actual and potential effects of the proposal include impacts on natural character, landscape and visual aspects, heritage, archaeological, and cultural values. These effects have been assessed in the sections above to determine whether notification of the application was necessary. It has been concluded that the effects are less than minor on the environment, individuals, and groups. I consider these assessments relevant for determining actual and potential effects.

The actual and potential effects of the proposal have also been assessed in the wider application for resource consent (RC80061161) and were found to be acceptable. I consider this assessment relevant for determining the actual and potential effects here, and thus I adopt that assessment for the purposes of this report. For the reasons outlined in those assessments, I consider that the proposal will result in acceptable adverse effects, subject to the recommended conditions being imposed. Commentary on these recommended conditions, as well as a summary of my key findings, is provided below.

Natural Character, Landscape, and Visual Effects

- Mauao's landscape is highly sensitive, but the proposal's design ensures minimal impact, maintaining the site's openness and views. Overall landscape effects are low.
- The proposal will be visible from various locations but is designed to blend with the environment. Overall visual effects are expected to be low to moderate.
- The design is sensitive to the landscape's cultural value and integrates well with existing features. Visual effects are expected to be low to moderate.

- Despite changes to the existing environment, the adverse natural and landscape character effects are considered acceptable.

Ecological Effects

- The ecological assessment confirms that with proper location and installation methods, the proposal will have negligible and acceptable adverse effects.

Heritage and Archaeological Effects

- The new location for the proposed structure does not have known archaeological features.
- The location change resulted from feedback and collaboration with Heritage New Zealand.
- The use of no-dig ground screws minimizes the likelihood of impacting intact archaeological features.
- An Archaeological Authority from Heritage New Zealand Pouhere Taonga has been obtained, and works will comply with its requirements. Adverse heritage and archaeological effects are considered acceptable.

Cultural Effects

- The Mauao Trust and Waitaha support the proposal, having been involved in all project phases. The proposal aligns with iwi aspirations for protecting, conserving, and enhancing Mauao as a taonga of exceptional significance while allowing managed public access and use. The works contribute to the Mauao Trust's objectives.

Overall, I consider that the change proposed to condition 1 of RC29606 will result in actual and potential effects that are acceptable.

Statutory Assessment 104(b) and Other Matters 104(c)

The original resource consent application was assessed against the relevant statutory documents, including the Tauranga City Plan, Bay of Plenty Regional Policy Statement, and New Zealand Coastal Policy Statement, as directed by Section 104(1)(b). It was also considered against the Tauranga Moana Iwi Management Plan, Ngai Te Rangi Iwi Management Plan, Waitaha Iwi Management Plan, and Mauao Historic Reserve Management Plan, as directed by Section 104(1)(c). The application was found to be consistent with the relevant statutory documents and aligned with the documents assessed in accordance with Section 104(c).

As the change to Condition 1 has been assessed to result in acceptable effects and will not generate effects beyond those assessed in the original application, I consider those assessments relevant to this proposal. As such, I adopt the previous assessments under Sections 104(b) and 104(c) for the purposes of this report. Therefore, I consider that the proposal to change Condition 1 of RC29606 is consistent with the relevant statutory documents and aligns with the Tauranga Moana Iwi Management Plan, Ngai Te Rangi Iwi Management Plan, Waitaha Iwi Management Plan, and Mauao Historic Reserve Management Plan.

Reasons for Decision

The documents submitted as part of the application, including the Applicant's AEE; the original Council Planner's Report; and supporting documents and reports, have been received and taken into account in making this decision.

There is sufficient information to consider the matters required by the Resource Management Act 1991, in making this decision.

The key conclusions include (but are not limited to) the following matters.

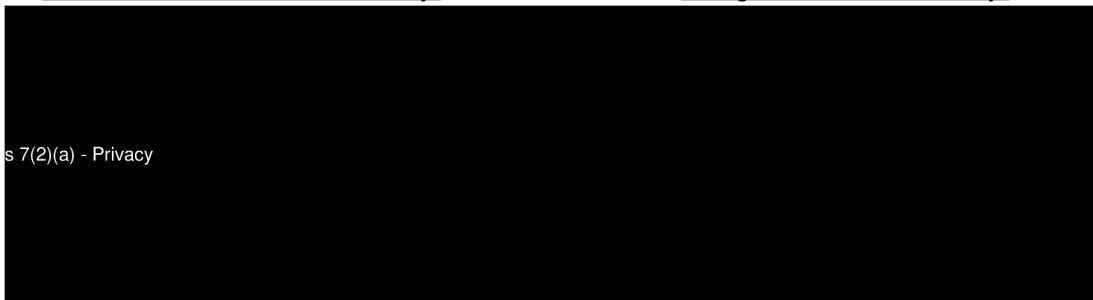
- In terms of Section 127 of the RMA, the change to the current resource consent conditions will not result in the activity becoming fundamentally different nor effects on the environment being materially different to those provided for under RC29606.

- The changes sought will achieve the same or very similar environmental outcomes as the existing consent conditions and will not result in noticeable off-site effects on environment or persons.
- In accordance with Section 104(1)(a) of the RMA, it has been concluded that the changes sought will not result in more than minor or unacceptable effects on the environment.
- Having considered the relevant provisions within the operative Tauranga City Plan, Bay of Plenty Regional Policy Statement and the New Zealand Coastal Policy Statement as directed by Section 104(1)(b) of the RMA, it has been determined that granting of the resource consent sought is consistent with the direction provided by those provisions.
- Having considered the Tauranga Moana Iwi Management Plan, Ngai Te Rangi Iwi Management Plan, Waitaha Iwi Management Plan, Mauao Historic Reserve Management Plan as directed by section 104(1)(c), I have determined that granting of the resource consent sought is consistent with the direction provided by these documents.
- It has been concluded that the operative Tauranga City Plan has been competently prepared and address Part 2 matters as they are relevant to this application. On this basis and that it has been concluded that granting the resource consent sought is consistent with those provisions, so too is it consistent with Part 2.

This determination is made under delegated authority by:

Recommended and Assessed by:

Delegated Authorisation by:



Environmental Planner

Senior Environmental Planner

Date: 9 April 2025

Environmental Planning



Council Consent Decision

Appendix A – Conditions of Resource Consent

RC29606-01

Pursuant to Section 127 of the Resource Management Act 1991, the conditions of resource consent RC29606 now read as follows:

The changes to the consent conditions have been identified with ~~strikeout~~ where they are removed and underline where a change is added.

General

1. The proposal shall proceed in accordance with the application submitted including:
 - a) Assessment of Environmental Effects prepared by Beca Limited titled 'Mauao Placemaking Project, Application for Resource Consent', revision 2 and dated 21 December 2022;
 - b) ~~Design drawings prepared by Law Creative titled 'Mauao, Interpretation and Placemaking Design, Development Design – Draft', dated May 2021;~~
 - c) Design drawings prepared by Law Creative titled 'Mauao Interpretation & Placemaking Design Developed Design' dated April 2025.
 - d) Design drawings prepared by Law Creative titled 'Mauao, Awaiti Platform, Developed Concept', dated 7 November 2022;
 - e) Design drawings prepared by Law Creative titled 'Watertank Terracing, Developed Concept', dated October 2021;
 - f) Archaeological Assessment prepared by InSitu Heritage Limited titled 'Archaeological Assessment of the Mauao Interpretation and Placemaking Project, Mauao Historic Reserve, Tauranga', dated November 2021;
 - g) Ecological Assessment prepared by Beca Limited titled 'Mauao Placemaking Improvements, Ecological Impact Assessment', revision 2 and dated 19 December 2022;
 - h) Landscape Assessment prepared by Beca Limited titled 'Mauao Placemaking Improvements, Landscape Assessment', revision B and dated 11 December 2022;
2. All costs associated with the conditions of this consent shall be met by the consent holder.

Ecological

3. The consent holder shall, as far as reasonably practical, avoid construction during avifauna (birds of a particular region) breeding season in accordance with the recommendations contained within the Ecological Assessment referenced in Condition 1(f).
4. In the event that the avifauna breeding season cannot be avoided, the consent holder shall engage a suitably qualified and experienced ecologist to undertake site surveys to detect whether there are any active avifauna nests or burrows within the four work sites which are the subject of this consent.
5. If active avifauna nests or burrows are discovered in the survey required by Condition 4, the consent holder shall engage a suitably qualified and experienced ecologist to prepare an Avifauna Management Plan (AMP) that incorporates current best practice and adaptive management and mitigation methods.
6. The AMP, required by Condition 5, shall be implemented for the duration of the construction period.

7. Prior to construction commencing, the consent holder shall engage a suitably qualified and experienced ecologist to undertake site surveys to detect whether there are any herpetofauna (amphibians and reptiles) within the four work sites which are the subject of this consent.
8. If herpetofauna are discovered in the survey required by Condition 7, the consent holder shall engage a suitably qualified and experienced ecologist to prepare an Herpetofauna Management Plan (HMP) that incorporates current best practice and adaptive management and mitigation methods.
9. The HMP, required by Condition 8, shall be implemented for the duration of the construction period.

Cultural Monitoring

10. No less than ten (10) working days prior to undertaking the works the Mauao Trust, following consultation with Waitaha a Hei, shall invite an appropriate person or persons on site to undertake cultural monitoring of the works.

Evidence of this invitation shall be kept and provided to the Tauranga City Council within 48 hours of a request.

Advice Notes:

- (a) 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.
- (b) 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.
- (c) Please direct any information in relation to the compliance with the above conditions to the following email: emac@tauranga.govt.nz
- (d) In accordance with the Council's schedule of user fees and charges, additional fees for environmental monitoring of this Resource Consent may apply. An invoice/s may be sent as environmental monitoring is completed to determine compliance with the conditions set in this Resource Consent.
- (e) 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.
- (f) All archaeological sites whether recorded or unrecorded under Subpart 2 of the Heritage New Zealand Pouhere Taonga Act 2014 cannot be destroyed, damaged or modified without the consent of Heritage New Zealand. In the event that an archaeological site(s) and/or koiwi are unearthed, the consent holder is advised to immediately stop work on the part of the site that the archaeological site(s) is located, and contact Heritage New Zealand for advice. Contact Details: email - info@lowernorthern@heritage.org.nz; phone - 07 577 4530.