

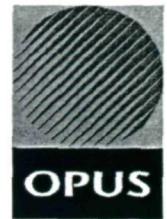


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11 July 2006

Tonkin & Taylor  
9 Clifton Road  
PO Box 9544  
HAMILTON



Attention: [s 7(2)(a) - Privacy] Coastal Scientist

File reference: 29B051.00  
TCC reference: RC12837  
Your reference: 850677.002

Dear [s 7(2)(a) - Privacy]

**Section 92 Request: Tauranga City Council – Slip remediation works to a 4WD track at Pilot Bay, Mount Maunganui**

Tauranga City Council has engaged Opus International Consultants Limited to process this application.

To enable an adequate assessment of the environmental effects to be undertaken the following additional information is requested pursuant to Section 92 of the Resource Management Act 1991 and I would ask that this information be provided by 1 August 2006.

**1. Description of small scale earthworks:**

Please provide a description of "small scale earth works", relevant to this application, this should include details on: the area of earthworks and the volume of excavation works that are being proposed and the quantity of material being imported to site.

This information will assist in ascertaining the scale of works being proposed for this application.

**Section 92A Resource Management Act 1991**

If the applicant is unable to provide this information by 1 August 2006 I would ask that they provide the following:

- (a) Written confirmation of when this information could be provided or;
- (b) Written confirmation that the applicant objects to providing this information.

Should you have any queries regarding this letter please contact me by phone on [s 7(2)(a) - Privacy] or by email at [s 7(2)(a) - Privacy]

Yours sincerely,

[s 7(2)(a) - Privacy]

*Consultant Planner*

To: s 7(2)(a) - Privacy - Independent Hearing Commissioner  
From: s 7(2)(a) - Privacy Consultant Planner  
Date: 5 June 2006  
Report No: RC 12837

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**Title of Report:** **NON-NOTIFIED APPLICATION FOR DISCRETIONARY AND NON-COMPLYING LAND USE CONSENTS UNDER THE RESOURCE MANAGEMENT ACT 1991 AT 1 ADAMS AVENUE, MOUNT MAUNGANUI**

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### Summary

The Commissioner to determine the following:

Whether the associated applications lodged by Tauranga City Council should be processed on a non notified basis or be subject to service or public notification:

AND

Make the substantive decision regarding the applications made by Tauranga City Council to undertake remediation works to stabilise the 4 Wheel Drive Track and Pilot Quay located on Mauao, Mt Maunganui. These works include the construction of rock revetments, a reinforced earth batter and retaining walls and it includes the erection of a structure within 15 metres of MHWS, within a Flood Hazard Area (elevation below 2.7 – 2.9 Moturiki datum). In an area with an underlying zoning of 'Conservation' in a listed "Heritage" area.

### Report Outline

This report has been prepared to assist the Commissioner in their consideration of matters addressed in this report. The report has no status other than as a staff report. It is not a decision and the recommendations should not be construed or used as such. The Commissioner may find it beneficial to undertake an inspection of the site to gain a first hand appreciation of matters raised in this report with regard to the draft recommendations included as part of the report.

## 1.0 INTRODUCTION

My name is s 7(2)(a) - Privacy I have been employed by Opus International Consultants Limited for four years and I am currently the s 7(2)(a) - Privacy I have twenty four years experience as a resource management practitioner with twenty years in local government.

## 2.0 THE APPLICANT AND PROPERTY DETAILS

**Applicant:** Tauranga City Council (TCC)

**Site locations:** 1 Adams Avenue, Mount Maunganui

a) 'Pilot Quay' which is located on the Pilot Bay side of Mauao, between the historic stone jetty and the Pilot Bay boat ramp.

At or about NZMG map reference: 2790320 E, 6391545 N.

b) On the southern slopes of Mauao, below the 4WD Track in an area located above the Pilot Wharf Car Park at the end of Pilot Quay.

At or about NZMG map reference: 2790238 E, 6391495 N.

The above sites are located approximately 150 metres from each other and both locations are accessed via Pilot Quay from Adams Avenue/ The Mall, Mt Maunganui. Refer to a copy of the District Plan Map attached as **Appendix A and the aerial photo provided at Appendix B** (marked 'Pilot Bay revetment' and '4WD Track Slip Works').

<b>Legal Description:</b>	Sections 3 & 12 Block VI Tauranga Survey District Part Section 1 Block VI Tauranga Survey District
<b>District Plan Zone:</b>	Operative District Plan 2003; Conservation Zone
<b>Designations/ Limitations:</b>	Mauao is classified as a Heritage Site (E2 on the Heritage Register, see Appendix A). The proposed rock revetment (Pilot Quay works) is within the Flood Hazard Policy Area as it is located below 2.9m Moturiki datum.
<b>Planning Maps:</b>	Refer to Planning Map E02 attached as <b>Appendix A</b> .

### 3.0 BACKGROUND

On 18<sup>th</sup> May 2005 a significant rain event caused damage to Pilot Quay Road and; the area below the 4WD track on Mauao. TCC now seek land use consents to carry out the necessary remediation works to stabilise these areas. The 4WD application was submitted with an Assessment of Environmental Effects (AEE) on 21 June 2006 and the AEE for works at Pilot Quay was received on 19 July 2006. Revised design plans for both proposals were received – 4WD track (26 July 2006) and Pilot Quay (12 September 2006). See **Appendices C and D**.

- TCC has provided an Iwi Consultation Report – see Appendix C of TCC's AEE (**Appendix C**).
- This application has been subject to two Section 92 requests (see **Appendix E**).
- As part of TCC's response to the second Section 92 request an Archaeological Assessment was provided on 13 September 2006 (see **Appendix F**).
- TCC has been granted the following authorisations for the proposed remediation works:
  - (i) A New Zealand Historic Places Trust (HPT) Authority for the proposed earthworks, this was granted on 16 November 2006 (see **Appendix G**).
  - (ii) Environment Bay of Plenty Regional Council (EBoP) has granted a Land Use Consent to carry out small scale earthworks. This application, RC63791 having been through the Limited Notification process (there were no submissions lodged). EBoP has also **granted** consent for TCC to carry out Dredging works (RC63792) in the CMA in March 2007. This is an associated activity and it is referred to in the AEE but it is not the subject of the activities being applied for in this application and a draft copy of the decision is attached (see **Appendix H**).

## 4.0 APPLICATION PROPOSALS

### 4.1 Pilot Quay Proposal and Background

The slip at the eastern end of Pilot Quay Road has restricted vehicle road traffic and exposed a water intake pipe. TCC require land use consent to: construct a rock revetment and reinforced earth batter below Pilot Quay Road.

The original design for the Pilot Quay revetment was initially queried by EBoP. TCC revised their design plan to increase rock armour depth and the reporting Planner has been advised that the revised design has been assessed as adequate.

**In summary proposed Pilot Quay remediation works are:**

Structure	Approximate Dimensions (metres)	Area( m <sup>2</sup> )
Earth Batter (Appendix C)	6 metres high with a width of 7 metres and a depth of around 7 metres (landward from the toe of the batter into the side of the bank). All of which will be above 2.9m Moturiki datum. This will increase the profile of the slip area outwards and upwards by approximately 2 metres and it will be around 9 metres Moturiki datum high at the top of the batter.	Approx 100m <sup>2</sup>
Rock revetment	Maximum height to 3 metres Moturiki datum to depth of at least 1 metre below Moturiki datum*. This will include stone riprap protection, filter material and geotextile. The rock revetment will have a maximum width of 18 metres and it will increase the profile of this area by approximately 0.8m (as the rip rap extends outwards).	Approx 117m <sup>2</sup>
<b>Total Area of Pilot Quay works</b>		Approx 227m <sup>2</sup>

\* **MHWS** is -1.03 metres based on information within the applicants AEE (page 4).

Works are expected to take approximately 6 weeks and these works will precede those required to remediate the 4WD track (to enable vehicle access to that area). Slip material will be used for the earth batter (soil material) and revetment (large rock material).

Pilot Quay will be narrowed as a result of the proposed works in the vicinity of the slip and works will be undertaken to revegetate the earth batter following construction works.

### 4.2 4WD Proposal

The slip below the 4WD Track above Pilot Quay Wharf has restricted emergency/ service vehicle traffic access to Mauao and TCC require land use consent to: construct two retaining walls to: remediate the slip and retain slip material that cannot be removed from Mauao.

Works will be carried out as described in the AEE but the design for the retaining walls has been revised. As with Pilot Quay works, Land Use consent is also required for earthworks carried out for this activity from EBoP.

**In summary proposed 4WD Track remediation works are:**

Structure	Approximate Dimensions	Area( m <sup>2</sup> )
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Lower retaining wall near Pilot Quay Road to retain slip material	It will hold approximately 260m <sup>3</sup> of fill material, and material from Whareroa Marae (which needs to be returned to Mauao). Maximum width at the bottom will be 26m and it will have a height of around 2.6 metres (elevation approximately 6.5m to 9.1m Moturiki Datum).	Approx 300m <sup>2</sup>
Upper gabion retaining wall – to remediate and strengthen the 4WD Track	Gradual slope of fill material behind a gabion wall. It will have a height to around 15 m Moturiki datum and require approximately 100m <sup>3</sup> of fill.	Approx 100m <sup>2</sup>
<b>Total approximate area of 4WD Track works</b>		<b>Approx 400m<sup>2</sup></b>

Works will begin with excavation of the site, retaining walls will then be installed and back fill material placed, before planting of back fill areas is undertaken to match surrounding flora.

Slip material will be used as back fill and in the interim material will be stockpiled at the base of the slip adjacent to Pilot Wharf parking area. Works are expected to take approximately 6 weeks.

### 4.3 Consultation

TCC has provided a report on Iwi Consultation (see Appendix C of the AEE at **Appendix C**). EBoP advised that they would address any regional concerns they had regarding this activity through the regional consent process for RC63791 (earthworks consent relevant to this proposal). The reporting Planner has subsequently been advised that the following groups were served with Limited Notification by EBoP and they did not receive any submissions or requests for further information:

- Mauao Steering Group
- Ngai Tukairangi
- Ngati Kuku
- Ngai Tamarawaho
- DoC

The reporting planner rang and sent letters to the above parties and received no feedback and as such it is considered that the consultation undertaken by the applicant is deemed to be adequate.

On 16 November 2006, HPT granted an Authority for TCC to carry out the proposed works on a Heritage Site subject to a number of conditions (see **Appendix G**). This was sent to a number of Iwi/ Hapu groups via the Advisory Group at Council (Mauao Steering Committee).

The reporting Planner wrote to the above Iwi/ Hapu groups and Waitaha-a-Hei Hapu (included by HPT in their assessment) on 6 December 2006 having taken into account the Iwi Consultation report, feedback recorded during that consultation and Iwi/ Hapu identified by HPT and EBoP (see **Appendix I**). This letter was sent with a copy of the Archaeological Assessment submitted by TCC. The reporting Planner has not received any further queries or response to these letters at the time of completing this report.

Comment has been provided by the Department of Conservation (DoC) for the proposed activities. ( see **Appendix J**)

## 5.0 SITE AND SURROUNDS

### 5.1 Site Description

Works below Pilot Quay Road will be above (and into) Pilot Bay which is a small sandy bay on the southern side of Mauao. Pilot Quay Road has narrowed as a result of this slip and it has become a one lane road which has been weakened on the coastal side with safety barriers to ensure that the public are not able to disturb the slip area. The Pilot Quay revetment structure is within 15 metres of MHWS and the rock revetment portion of this is within a Flood Hazard Policy Area (below RL2.9m Moturiki datum).

Works below the 4WD track will be above the Pilot Quay Wharf area west of Pilot Quay Road works. The 4WD track has been coned off and black polythene covers the erosion scarp where there is a steep drop. There is new vegetation, grasses etc in the lower reaches of the slip area.

See **Appendices B** and photos in the Archaeological Report at **Appendix F**.

### 5.2 Surrounds

Pilot Bay to the south of the proposed works extends for approximately 1 kilometre from the base of Mauao inwards towards the Tauranga Harbour. Mauao has walking tracks and these two roadways are the only vehicle access ways on Mauao.

## 6.0 REASONS FOR THE APPLICATIONS

The reasons for why each activity (remediation works at Pilot Quay and the 4WD Track) require a land use consent are given below given the sites an underlying zoning of "Conservation" on a registered Heritage Site. The provisions of Chapter 16 and 22 of the TDP apply.

### 6.1 District Plan Activity Status:

#### 6.1.1 Pilot Quay – Activity status

**The reconstruction works are deemed to be a non complying activity due to:**

- The works required to remediate Pilot Quay are not specified in Table 22.1: being a list of Permitted Activities within the Recreation and Leisure and Conservation Zones.
- **Rule 22.6 (c) – Non-Complying Activities** applies because of the proximity of these works to the Mean High Water Springs within the Conservation Zone. This activity will breach conditions (c) and (d) of **Rule 22.2.2.1 (a)** as illustrated below.
- **Rule 17.4 (a) – Restricted Discretionary** for the rock revetment as it is below 2.9m Moturiki datum (and this structure comes within the definition of a "building" under the TDP).

**The relevant rules are as stated to determine activity status:**

#### ***Rule 22.6- Non-Complying Activities***

The following are non-complying activities:

- (c) Any activity, controlled, limited discretionary or discretionary activity which would take place within the geographic area specified in *Rule 22.2.2.1 (a) or (b)* and would result in the activity not complying with the conditions specified in *Rule 22.2.2.1 (c), (d), (e) and (f)*.

**Rule 22.2.2.1 Natural Character: Coastal Environment and Natural Waterways**

Within:

- (a) 15 m inland of *mean high water springs* (excluding activities located within the Marina Identified Sites)

No activity shall result in:

- (c) The *erection any building or structure..*
- (e) The *removal, deposition or disturbance* of more than 20m<sup>3</sup> of earth in any 12-month period..

**Rule 17.4 (a) In Areas Potentially Subject to Flood Hazard**

*Subdivision* of land or the erection of any *building* on land (either natural ground level or any artificially created ground level (situated lower than 2.7 – 2.9m above Moturiki Datum, as established by *site* survey levels referenced to Moturiki Datum, or within the Flood Hazard Policy Area.

**6.1.2 4WD Track earthworks – Activity status**

The remediation works required for the 4 wheel drive track are deemed to be a discretionary activity for the following reason;

*The remediation of a roadway, the construction of two retaining walls and associated earthworks are not a permitted activity in either Chapter 16 (Heritage Rules) or Chapter 22 (Conservation Zone rules) of the TDP. Rules 22.5 and 16.4 therefore apply to this activity:*

**The relevant rules are as stated to determine activity status:**

**Rule 22.5 Discretionary Activities**

*A discretionary activity is one which is not listed as a permitted, controlled, limited discretionary activity or prohibited activity with the exception of activities in Recreation and Leisure C Zone.*

**Rule 16.4 Discretionary Activities**

- (a) *An activity classified as a discretionary activity in any zone which involves the modification or relocation of any site, or heritage item listed in Appendix 16A: Heritage Register.*

**6.1.3 Application status for these activities - Summary**

Pilot Quay remediation works have been assessed as a **non-complying activity** and the 4WD Track remediation works have been assessed as a **discretionary activity** for the above reasons.

**7.0 NOTIFICATION ASSESSMENT**

**7.1 Sections 93 & 94 – Assessment of Adverse Effects**

Section 3 of the Resource Management Act 1991, Chapter 12 of the TDP and TCC's Assessment of Environmental Effects have been considered when determining the adverse effects of this proposal on the environment and any persons who might be considered to be adversely affected.

Adverse Effect	Assessment
<b>Land, Flora and Fauna Effects</b>	
Ecosystems/ Habitat	<p><b>Pilot Quay</b> – DoC advised TCC that native snails are located in the exotic grasses and weeds in the area between the road and shoreline including this slip area. DoC commented that if the slipped area is reconstructed and stabilised, kikuia and weed species would quickly re-colonise the surface and it is most likely that snails would re-colonise from adjacent undisturbed areas.</p> <p>Slip material below the 4WD drive track has disturbed the vegetation below it as illustrated in photos within the Archaeological Assessment (<b>pages 9 &amp; 10, Appendix F</b>). TCC has advised that they will plant vegetation in the back fill area to match the surrounding area.</p> <p>A Written Approval has been provided by DoC and EBoP requires TCC to ensure that exposed areas be effectively stabilised by vegetative cover or other methods (RC63791). There is existing damage to the habitat in both areas and given the above it is considered that any further adverse effects on ecosystems/ habitat will be less than minor and no persons will be adversely affected.</p>
Sedimentation – Coastal Marine Area (CMA)	<p><b>Pilot Quay</b> – This matter is subject to authorisation and mitigation by the EBOP earthworks consent (RC63791).</p> <p>DoC has not raised any concerns regarding this potential adverse effect.</p> <p>Council's Development Engineer's have confirmed that they have no concerns regarding this activity. It is therefore considered that any potential adverse effects from sedimentation to Pilot Quay beach will be less than minor and no persons will be adversely affected.</p>
<b>Infrastructure Effects</b>	
Inundation	<p>These works have been proposed to remediate and stabilise two slip areas to ensure that further erosion and damage to these areas is reduced. The potential for further damage and the instability of these areas has meant that both roadways have been narrowed with a safety barrier on Pilot Quay Road and cones on the 4WD track. The design of the proposed structures has been reviewed and the revetment design was revised following concerns by EBoP but it the revised design has been accepted (see <b>Appendix C</b>) (RC 63791).</p> <p>Council's Development Engineers have advised that they consider that these works are required to stabilise slips and they have no concerns with the works being proposed.</p> <p>Given the above, it is considered that there will be positive effects in minimising potential inundation as both areas require stabilisation and no persons are considered to be adversely affected.</p>
<b>People and Built Form Effects</b>	
Archaeological/ Historic	<p>TCC has provided an Archaeological Assessment and HPT have given an appropriate Authority to destroy damage or modify these sites (see <b>Appendices F &amp; G</b>). TCC have confirmed that they will comply with all of the recommendations given in the Archaeological Assessment. The HPT Authority includes provisions that an Archaeologist monitor and record any disturbance to archaeological sites and that works cease in the event of koiwi discovery until the appropriate Iwi/Hapu groups have been advised and responded..</p> <p>Given the HPT Authority that has been granted it is considered that any adverse archaeological and historic effects will be less than minor and those persons adversely affected have been provided for in HPT Authority provisions.</p>
Cultural / Tangata Whenua	<p>Mauao is a significant site for a number of Iwi/Hapu within Tauranga Moana. The applicant has provided an Iwi Consultation Report for this proposal (see Appendix C of the AEE's - <b>Appendices C &amp; D</b>).</p> <p>TCC has advised that there was no opposition to these works and there is a summary of issues discussed in Section 7.1 of the AEE. Of particular concern to Tangata Whenua is a provision that slip material stay on Mauao, this request has been incorporated within the design for the lower retaining wall above the Pilot</p>

	<p>Quay jetty car-park area.</p> <p>As discussed in <b>Section 4.3 of this Report</b>, the Reporting Planner has sent the Archaeological Assessment to Iwi and Hapu groups (see below) and EBoP and HPT have both sent information/ notification to these same Iwi/ Hapu (see <b>Appendices G &amp; H</b>). The Reporting Planner is not aware of any response to indicate that Iwi/ Hapu object to this proposal and given the requirement for works to cease (in the HPT Authority) should any koiwi be identified.</p>
Landscape and Visual	<p><b>Pilot Quay</b> – TCC have designed the earth batter and revetment to resemble the surrounds while addressing potential inundation and erosion of the earth batter. The current site (see <b>Appendix F, page 8</b>) has an earth face with broken shells, an exposed pipeline and a sharp drop from the roadside. The <b>4WD Track slip</b> – has a black polythene cover over the top escarpment which which has exposed shells (see <b>Appendix F, pages 9 &amp; 10</b>) just below the 4WD Track and slip material continues to above the carpark area above Pilot Wharf jetty. The upper retention wall will replace the black polythene cover and reinforce this road, the lower retention wall will ensure that slip material is not removed from Mauao. This is in keeping with a request from Tangata Whenua (see Appendix C of the AEE's – Appendices C &amp; D).</p> <p>Both areas will be stabilised and revegetated and given the current state of both sites it is considered that remediation works will enhance these areas and have a positive effect on landscape and visual effects.</p>
Construction Effects (not covered above)	<p>Construction is expected to take up to 6 weeks on each site. Construction will require heavy machinery and it will increase traffic flow (transporting rock and soil). Pedestrian access may also be limited during heavy machinery works but they will still be able to access Mauao. Traffic will be managed using signage and traffic management controls.</p> <p>Dust and noise effects will be temporary in nature and TCC has advised that working hours will be restricted to between 7:30am to 6:30pm between Monday to Saturday (and excluding Public Holidays) and noise levels will be limited to ensure compliance with NZS6803:1999, New Zealand noise standards. Dust effects will be controlled by regular water application to exposed sand/ soil as required.</p> <p>Council's Development Engineers have reviewed these applications and they have confirmed they have no concerns with these effects.</p> <p>These works will be temporary in nature and given the proposed mitigation measures, comments received by <b>Council's Development Engineers it is anticipated that any adverse effects arising from construction will be less than minor and no persons will be adversely affected.</b></p>
<b>Traffic and Parking Effects</b>	
Traffic Safety and Access	<p>As stated above the effects of heavy machinery as a result of construction works will be managed using traffic management controls. TCC have advised that the proposed works are a priority to ensure that access is maintained to Pilot Wharf, Mauao and the TCC water reservoir. Access to the wharf is also required to service commercial fishermen.</p> <p>Council's Development Engineers have advised that these works are required to stabilise these slips and these areas have been cordoned off (by cones and by a fence line on the 4WD track and Pilot Quay Road respectively) to ensure that Public and Traffic Safety is maintained. It is considered that the proposed works will have long term positive effects on traffic safety and access given the current environment.</p>

## 7.2 List of Potentially Affected Persons

As set out in Section 4.3, Iwi/ Hapu consultation has been undertaken and there has been no response from the Iwi groups to the letter sent to each group requesting feedback. The Department of Conservation has provided a Written Approval for these activities and the Historic Places Trust has issued an authorisation for the modification/destruction for the proposed works.

### 7.3 Notification Provisions in the TDP

The General Procedures and Rules below guide how this application should be processed with regard to notification, public notification or limited notification. There are no additional rules, specific to these activities which require that these applications be notified.

#### 11.1.3.1 Rule 11.1.3.1 General

Sections 93 to 94(D) of the Resource Management Act 1991 set out the requirements and provisions for public notification, non-notification and limited notification. Pursuant to the Act:

- (a) Applications need not be publicly notified if:
  - (i) The application is for a controlled activity and there is no rule in the Plan that expressly provides that such an application must be publicly notified
  - (ii) The application is for a restricted (limited) discretionary activity and a rule in the Plan expressly provides that such an application does not need to be publicly notified
  - (iii) The application is for a restricted (limited) discretionary, discretionary or non-complying activity and the Council is satisfied the effects on the environment will be minor.
  
- (b) Notice of applications need not be served if:
  - (i) The application is for a controlled or restricted (limited) discretionary activity and the Plan expressly provides that notice of such applications does not need to be served (unless, in the opinion of the Council, the grant of the resource consent may adversely affect a recognised customary activity carried out in accordance with section 17A(2) of the Act)
  - (ii) The application is for a controlled, restricted (limited) discretionary, discretionary or non-complying activity and written approval has been obtained from every person who, in the opinion of Council, may be adversely affected.
  
- (c) Notwithstanding 11.1.3.1(a) and (b) above, applications:
  - (i) will be publicly notified and notice served if the applicant requests that the application be notified
  - (ii) may be publicly notified and notice served if the Council considers special circumstances exist.

### 7.4 Section 93/ 94 Assessment

#### 7.4.1 Section 93(1) of the Act states:

*"A consent authority must notify an application for a resource consent unless-*

- (a) The application is for a controlled activity; or*
- (b) The consent authority is satisfied that the adverse effects of the activity on the environment will be minor."*

Section 94 provides for service or limited notification of an application where notification is not required under section 93(1) or where written approval has been given by all persons who the consent authority may be adversely affected by the activity.

Section 94A specifies the matters to be considered when forming an opinion as to whether adverse effects are minor or more than minor.

#### 7.4.2 Section 94A(a) states:

*When forming an opinion, for the purpose of section as to whether the adverse effects of an activity on the will be minor or more than minor, a consent authority*

- (a) may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect; and*
- (b) However a consent authority is not required to serve notice of the application under subsection (1) if all persons who, in the opinion of the consent authority, maybe adversely affected by the activity have given their written approval to the activity.*

The proposed activities are not permitted within a Conservation Zone with Heritage status and the Department of Conservation has provided a Written Approval for these applications.

#### 7.4.3 Section 94B - Forming opinion as to who may be adversely affected

The relevant part of this section is considered to be Section 94B (3) (c), which provides that

##### **(3) A person –**

##### **(c) must not be treated as being adversely affected if it is unreasonable in the circumstances to seek the written approval of that person.**

- Section 4.3 of this report recorded that TCC has consulted with Iwi and Hapu regarding the proposed activities and reported that there was no objection to these works. Concerns identified by Iwi groups consulted that slip material not be removed from Mauao have been incorporated within the design of the proposed works.
- HPT has granted an Authority for these works.
- EBoP has consented this work in the consent for earthworks (RC63731)
- The Reporting Planner has also written to these same groups and one other hapu on 6 December 2006 and there has been no response to date from any of the groups.
- Hence it is considered that reasonable endeavors have been made to consult Iwi and the relevant statutory agencies involved with this application and as such it is unreasonable for written approval to be sought from the relevant Iwi groups.

#### 7.4.4 Section 94C Special Circumstances

- (1) If an applicant request, a consent authority must notify an application for a resource consent.**
- (2) If a consent authority considers that special circumstances exist, a consent authority may notify an application for a resource consent..**

TCC has not requested notification and the reporting planner does not consider that there are special circumstances requiring the consideration of service or notification.

#### 7.5 Summary

Overall, it is considered that the actual and/or potential adverse effects on the environment when the remediation works below Pilot Quay Road and on the 4WD Track will be less than minor. It is also considered that given the Iwi / Hapu Consultation that has been undertaken, and the written approval that has been obtained from DoC that no other persons will be adversely affected by the proposed activities.

Should this recommendation be concurred with a draft recommendation is attached as **Appendix K.**

## 8.0 SUBSTANTIVE DECISION

### 8.1 Resource Management Act 1991 Assessment

When considering applications for Non-Complying and Discretionary Activities a consent authority must consider the provisions of **Sections 104B and 104D** of the Act, along with all other matters specified within **Section 104**.

Matters to be considered by Council when assessing an application for resource consent under **section 104**, include, (subject to Part II), any actual and potential effects on the environment of allowing the activity, any relevant objectives, policies and rules of the Operative Plan or Plan Changes, and any other matter considered relevant and reasonably necessary to determine the application.

Particular to **section 104B**, when a proposal carries a discretionary or non-complying activity status, Council must consider all those matters specified in the plan to which it has discretion and may grant or refuse the application, and if granting, impose conditions under **section 108** of the Act.

A further restriction applies for non-complying activities under **section 104D** as it requires the one of the two threshold tests, i.e. either the adverse effects of the activity will be minor or, that the activity will not be contrary to the objectives and policies of the relevant plan before deciding if consent can be granted to the application. The assessment as to satisfying at least one of the threshold tests is undertaken in the following sections of this report.

### 8.2 Assessment of Part 2 Matters – Purpose & Principles

**Part 2 matters to consider are as follows:**

**Section 5** sets out the purpose of the Act as promoting the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations or mitigating adverse effects on the environment.

The proposal is considered overall, to be consistent with the intent of Section 5 as the slip remediation works will assist in enabling people and communities to provide for their social, cultural and economic well-being from Mauao both now and in the future by stabilising these areas (public safety and traffic access – positive effects) and these works should reduce the potential for further damage to these sites.

**Section 6** contains a number of matters of national importance to be recognised and provided for. Those relevant to these applications include: the preservation of the natural character of the coast, the maintenance and enhancement of public access to and along the coastal marine area, the relationship of Maori and their ancestral lands, water, sites and other taonga and, the protection of historic heritage from inappropriate use.

The Reporting Planner's view is that this proposal will be consistent with this section for the following reasons: the Iwi/ Hapu consultation that has taken place, the Written Approval by DoC, the HPT Authority that has been granted and the purpose of these works to remediate slip areas and enhance access, utility management (water reservoir) and emergency vehicle access.

**Section 7** identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and it includes;

kaitiakitanga, the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

Having assessed the actual and potential effects of the proposal it is my view that the works will be consistent with this section based on:

Advice received from Council's Development Engineers,  
And

The proposed designs and proposed mitigation works which take into account the aesthetic effect that these works will have on the surrounding environment (e.g. re-planting of areas with similar vegetation to the surrounds).

**Section 8** requires Council to take into account the principles of the Treaty of Waitangi. It is considered that adequate consultation had occurred for the reasons set out in **Part 4.3 of this report**. A number of Iwi/ Hapu have been consulted prior to and subsequent to the lodging of these applications and the Reporting Planner is not aware of any objections to these works.

#### **Summary**

The application is not inconsistent with Part 2 of the RMA.

### **8.3 Actual and Potential Effects on the Environment of Allowing the Activity – Section 104(1)(a)**

The activities are Discretionary and Non-Complying Activities, and it is necessary to determine if the proposal is not contrary to the relevant objectives and policies for the Conservation Zone, and the actual or potential off-site effects, District wide rules including Heritage Rules within the TDP are minor.

Council can impose conditions to avoid, remedy or mitigate any adverse effects from the non-compliance. It is considered that the primary actual and potential adverse effects on the environment, resulting from the proposed land use activity, relate to (also see **Part 7.1** of the Report for other effects):

- The effects that earthworks will have on an archaeological site with high cultural values to local Iwi/ Hapu.
- The effects of disturbing the foreshore and restricting public access to Mauao arising from the slip by Pilot Quay.
- The effects of construction works including noise, machinery, traffic management, dust.

#### **8.3.1 Earthwork effects on an Archaeological Site with significant Tangata Whenua values:**

Slip material has already disturbed both of these sites; hence the proposal for these remediation works. During construction there will be further excavations with the potential to disturb these areas further (see Part 4.1 and Part 4.2 of this Report). Mauao is recognised in the TDP as a Heritage Site and an HPT Authority is required for works in this area.

The Archaeological Assessment and the Iwi Consultation Reports which have been provided by TCC further illustrate the significance of this area to Iwi and Hapu (see page 1 of Appendix B of the attached AEE's at **Appendix C** for a list of those consulted).

HPT have granted an appropriate Authority to destroy, damage or modify sites and EBoP are in the process of granting an Earthworks Consent to carry out the same works which are subject to this application.

The HPT Authority also requires that archaeological works undertaken must conform to monitoring requirements for Ngati Ranginui, Ngaiterangi, Ngati Pukenga, Waitaha and Ngai Tamarawaho (see page 2 of the HPT Authority – **Appendix G**).

It is considered unnecessary to duplicate such provisions in the current land use consent.

### **8.3.2 The effects of disturbing the Pilot Quay slip area:**

These works could result in the discharge of sediment to the Coastal Marine Area, which could then potentially smother the seabed. DoC has also advised that there is a native terrestrial snail in the works area and this could be affected by the removal of their habitat but; they anticipate that snails will be able to re-colonise the surface from adjacent areas if their habitat is re-established.

Works in this area are a non-complying activity as the site location for these works is within 15 metres inland of MHSW and; additional considerations apply to the rock revetment as this is less than 2.9m Moturiki datum in the Flood Hazard Policy Area.

Council Development Engineers have commented that they consider the sediment controls works are required to remediate the slip areas and sediment control management will be undertaken through the provisions of the EBOP earthworks consent.

Given the above, including proposed mitigation it is considered that these adverse effects will be less than minor.

### **8.3.3 Effects of construction works including noise, machinery, traffic management, dust.**

The anticipated duration of construction works on each site is up to 6 weeks. Mitigation effects have been proposed by TCC to mitigate the effects of machinery, traffic disturbance, noise, dust and sediment discharge.

Council's Development Engineers have provided comment and included within the draft proposed conditions for this application are noise and operating hour restrictions (between the hours of 7:30am to 6:30pm Monday to Saturday inclusive). See **Appendices K & L**.

Given the above mitigation measures in particular the: limited duration of works, the restricted hours of machinery operation and the fact that there are no residential properties in the immediate vicinity to these works (see **Appendix A & B**) it is considered that the effects of construction will be less than minor

## **8.4 Section 104 (1)(b) Relevant Provisions of the Tauranga District Plan (TDP)**

### **8.4.1 Assessment Criteria of the Tauranga District Plan (2003)**

Pilot Quay and 4WD Track remediation works have non-complying and discretionary activity status (respectively). The matters of discretion in Chapter 11 of the Tauranga District Plan provide guidance on the key issues for assessment, and are set out as follows:

Part 11.2 Applications for Full Discretionary Activities – Those matters of relevance include:

- Part II and section 104 of the RMA 1991;
- Objectives and Policies in relation to location, scale, character and likely effects;
- Performance standards for the zone and plan-wide rules;

- Imposition of conditions to avoid, remedy or mitigate off-site effects.

These matters are considered to have been adequately addressed in the above assessment of adverse environmental effects.

**8.4.2 Objectives and Policies of particular relevance to this application are listed as follows:**

**(a) Chapter 3 – Amenity Values**

**3.1.1 Objective: Noise and Vibration in All Zones**

*To avoid, remedy or mitigate unreasonable noise or vibration-induced annoyance, disturbance or injury.*

**3.1.1.1 Policy: Vibration**

*Use of equipment or machinery should not cause a nuisance or otherwise have an adverse effect on the comfort of occupants of other business premises or dwellings.*

**Comments:**

TCC have advised that the biggest increase in traffic (for each activity) will be for a period of approximately 2 weeks during which material will be transported to the respective sites. Machinery will also be required for both activities and noise standards will be applied and the operation hours will be restricted under the proposed draft conditions for these applications (see **Appendix K**).

There are no dwellings immediately adjacent to these sites (see **Appendix A & B**).

It is considered that the noise and vibration effects will be minimal and would not compromise the amenity of the surrounding area.

**3.1.4 Objective: Traffic Safety**

*To maintain safety adjacent to and on public roads.*

**3.1.4.5 Policy: Road**

*New roads and any alteration to existing roads must be designed, constructed and managed in a way that has regard to:*

*(c) The health of the natural environment, particularly sites identified in Appendix 16A: Heritage Register where that is applicable*

*(g) Heritage and cultural values in the vicinity of the route and any downstream effects*

**3.5.1 Objective: Rural Amenity**

*To protect the amenity values associated with rural areas and, in particular, to maintain a rural backdrop to the District's urban area and landscape values of the coastal environment.*

**3.5.1.1 Policy: General Rural Character and Amenity**

*Subdivision, use and development within the Rural Zone should ensure the protection of the amenity, natural character and intrinsic values associated with:*

*(c) Areas with significant historic associations*

*(d) Publicly conspicuous open-space areas, particularly those associated with hillsides in clear view of State Highways, the urban areas of the District or located in the coastal environment.*

**Comments:**

The remediation works to the existing roadways and the proposed designs and mitigation measures recognise the significant cultural value of Mauao. The activities are not contrary to the above objectives and policies.

## **(b) Chapter 4 – Natural Resources**

### **4.1.1 Objective: Protecting Outstanding Landscapes**

*To protect and, where appropriate, enhance the visual qualities of the outstanding landscape features of Tauranga District.*

#### **4.1.1.1 Policy: Outstanding Landscapes**

*The following landscape features should be recognised as outstanding and the protection of their landscape qualities ensured:*

- (b) *Mauao (Mount Maunganui), Hopukioire (Mount Drury), Moturiki (Leisure) Island and Motuotau Island*

### **4.2.1 Objective: Preservation of the Natural Character of the Coastal Environment and Riparian Areas**

*To preserve the intrinsic values found within, and the functioning of, natural areas located within the coastal environment, and alongside rivers, streams and wetlands.*

#### **4.2.1.2 Policy: Effects on Coastal Environment and Riparian Areas**

*Subdivision, use and development in the coastal environment and riparian areas with natural character should preserve vegetation, topography, landforms, physical characteristics and habitats representative of present or past coastal ecosystems, wetlands or landforms.*

#### **4.2.1.4 Policy: Effects on Aquatic Ecosystems and Habitats**

*Particular regard shall be paid to the effect of land use adjacent to rivers, streams, wetlands and the Coastal Marine Area on the health of aquatic ecosystems, the continuity of riparian habitats and the natural character of marginal areas.*

#### **Comment:**

It is considered that the proposal will not be contrary with the above objectives and policies of the District Plan as both sites have been previously modified and reinstatement is essential to avoid further land instability. No increase in the roadway width will occur.

Mitigation measures have been proposed including the re-vegetation of back-fill areas to correspond with surrounding areas.

Feedback from DoC regarding the native snails infers that the long-term effects of snail re-inhabiting the Pilot Quay area will be less than minor given their written approval for this activity and their advice (see **Part 8.3.2** of this report).

## **(c) Chapter 5 – Heritage**

### **5.1.1 Objective: To Recognise and Provide for Maori Relationships with Ancestral Land**

*To minimise the adverse effects of subdivision, development and land use on the cultural and traditional relationship of Maori with their ancestral lands.*

#### **5.1.1.1 Policy: Tangata Whenua Participation**

*Plan preparation, variations and changes, and Assessments of Environmental Effects for resource consents should, where appropriate, involve tangata whenua in the recognition of the relationship of Maori with their ancestral lands.*

#### **5.1.1.2 Policy: Effects on Ancestral Land**

*Subdivision, use and development should avoid or mitigate adverse effects on significant landforms or landscape features of cultural or traditional importance to Maori where these have been identified.*

### **5.1.3 Objective: Protection of Nga Wahi Tapu and Other Taonga**

*To avoid or minimise the adverse effects of subdivision, use and development on the cultural and traditional relationships of Maori with their sites, nga wahi tapu and nga taonga.*

#### **5.1.3.1 Policy: Effects on Wahi Tapu and Other Sites**

*Subdivision, use and development should avoid, remedy or mitigate adverse effects on significant sites, nga wahi tapu, and other taonga which have been identified through:*

*(a) Appendix 16A: Heritage Register*

*(b) The New Zealand Historic Places Trust*

*(c) An Assessment of Environmental Effects by an applicant for a resource consent that may include information about historical, spiritual and cultural values (see Fourth Schedule..)*

#### **5.1.4.1 Objective: Consultation and Information**

*To enable tangata whenua to exercise kaitakitanga in the management of heritage resources.*

##### **5.1.4.1 Policy: Consultation by Applicants**

*Applicants should, as recognised good practice, consult tangata whenua where their proposals have the potential to adversely affect ancestral land, water, sites, wahi tapu and other taonga.*

##### **5.1.4.2 Policy: Consultation by Council**

*In considering an applicant's Assessment of Environmental Effects for a resource consent, Council Officers should consult tangata whenua where proposals may adversely affect ancestral land, water, wahi tapu and other taonga.*

#### **Comment:**

It is considered that TCC has provided sufficient information illustrating the cultural and heritage values of sites that will be affected by these works and subsequent consultation (see **Appendices A, C, D, F, G, H and I**) and that adequate consultation has been undertaken.

Given the above, and the mitigation provisions including accidental discovery and iwi monitoring consistency it is considered that the proposal will not be contrary with the above objectives and policies.

## **Chapter 6 – Hazards**

### **6.1.4 Objective: Coastal Erosion and Inundation Hazards**

*To avoid, remedy or mitigate damage or adverse effects to land, structures and the environment arising from coastal erosion and inundation.*

#### **6.1.4.6 Policy: Effects on the Coastal Environment**

*Subdivision, use and development should not compromise the integrity of natural defences to coastal hazards, the natural character of the coastal environment (particularly in areas where little development has occurred), the relationship of Maori and their culture and traditions to the coast, or public access to the coast.*

#### **6.1.4.9 Policy: Roads**

*(b) Protection works may be undertaken for existing roads where they are necessary to maintain the lifeline function of essential roads.*

#### **Comment:**

Council Development Engineers have no concerns regarding these applications and have stated that these works are required to remediate the slip areas which are not contrary to the above Policies, in particular Policy 6.1.4.9.

## Chapter 7 – Physical Resources

### 7.41. Objective: Transportation Safety and Efficiency

*To maintain safety and efficiency in the movement of people and goods on the District's road, rail, air and shipping networks.*

#### Comment:

These works have been proposed to strengthen the existing roadways by carrying out works to remediate areas of instability below them, hence the works will not be contrary to this objective.

## 8.5 Summary

This application supports and is not contrary to the relevant objectives and policies of the TDP nor are the adverse environmental effects more than minor.

## 9.0 OTHER MATTERS – SECTION 104(1)(C)

### 9.1 Consistency with Tauranga Tomorrow Strategy

The objectives of Tauranga Tomorrow relevant to this proposal include:

*Develop and implement a Tauranga Harbour Strategy and Action Plan that addresses:*

- *Bio security,*
- *Recreational use,*
- *Development,*
- *Cultural access,*
- *Integrated catchments management and land use impacts (subdivision, transportation, business use etc),*
- *Pollution and water quality.*

*(Objective C17, Priority Action)*

#### Comment:

The proposed development is considered to be generally consistent with the outcomes, goals and actions that Tauranga Tomorrow seeks to achieve. The proposal will not prevent the use of Mauao for recreational use or lessen the cultural values of Mauao.

### 9.2 Consistency with Smartgrowth Strategy

The Smartgrowth Strategy, incorporating SmartSpaces and Coastal Resources, supports sustainable development by way of promoting a compact and balanced “live, work, and play” concept. One of the outcomes of smartgrowth is ‘*maintaining and enhancing the natural and cultural environment*’. In this regard, the areas of particular significance to the application are:

- The importance of preserving the natural character of the Tauranga Harbour
- The particular importance of protecting cultural heritage sites, areas, values, relationships and resources of significance to Tangata Whenua.

The remediation of slip areas to stabilise and support roads on Mauao with a Historic Places Trust Authority will be reasonably consistent with the above Smartgrowth Strategy sections.

### 9.3 Consistency with Bay of Plenty Regional Policy Statement

The Bay of Plenty Regional Policy Statement (RPS) identifies the strategic direction for the Bay of Plenty Region and it promotes the sustainable management of the region's natural and physical resources.

**Comment:**

EBOP granted the Earthworks Consent (RC63791) in March 2007.

### 9.5 Consistency with New Zealand Coastal Policy Statement

The purpose of a New Zealand Coastal Policy Statement is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

- Chapter 3 recognises that development within the coastal environment should maintain and enhance the amenity values of that environment (3.1).

It is considered that the proposal will be not be contrary to the New Zealand Coastal Policy Statement.

### 10.0 SECTION 104 ASSESSMENT

As discretionary and non-complying activities, section 104B of the Act states that Council may grant or refuse an application, if granted it may impose conditions under sections 108 of the Act.

In considering the proposal within the context of the surrounding environment, and against the objectives and policies of the District Plan, Regional Policy Statement and the New Zealand Coastal Policy Statement, it is the Reporting Planner's view that potential or actual adverse environmental effects will be less than minor.

It is also considered that the proposals are consistent with the relevant objectives and policies of the District Plan and that the proposed activity will not be contrary to the purposes and principles of the Act.

Therefore in my view as the Reporting Planner I consider that the applications should be **granted** in accordance with Sections 104B and 104D of the Resource Management Act 1991.

s 7(2)(a) - Privacy

Date 5 June 2007

Consultant Planner

### 11.0 RECOMMENDATION

#### DECISION ON RESOURCE CONSENT APPLICATION RC12837 AT 1 ADAMS AVENUE, MOUNT MAUNGANUI

***Pursuant to Section 113 of the Resource Management Act 1991, every decision on an application for resource consent shall be in writing and in respect to this non-notified application state the following:***

(a) *the reasons for the decision; and*

(aa) *the relevant statutory provisions that were considered by the consent authority; and*

(ab) *any relevant provisions of the following that were considered by the consent authority:*

- (i) a national policy statement:
- (ii) a New Zealand coastal policy statement:
- (iii) a regional policy statement:
- (iv) a proposed regional policy statement:
- (v) a plan:
- (vi) a proposed plan; and

(ac) the principal issues that were in contention.

**Note:**

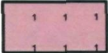






In the event that Independent Commissioner <sup>s 7(2)(f)(ii)</sup> decides to grant consent for the construction and maintenance of remediation structures Mauao below Pilot Quay Road and below the 4WD Track on Mauao a draft recommendation is attached as **Appendix L**. Should the Independent Commissioner <sup>s 7(2)(f)(ii)</sup> then determine to grant consent to the proposal draft conditions are attached to this report within **Appendix M**.

## **APPENDICES**

- Appendix A: District Planning Map and Heritage Register – Tauranga District Plan**
- Appendix B: Aerial Photos showing the location of works and record of 20 July 2006 site inspection**
- Appendix C: Revised design plan for 4WD Track AEE for 4WD Track**
- Appendix D: Revised design plan for Pilot Quay AEE for Pilot Quay**
- Appendix E: Section 92 requests**
- Appendix F: Section 92 response with attached Archaeological Report**
- Appendix G: New Zealand Historic Places Trust Authority**
- Appendix H: Environment Bay of Plenty Consent Conditions**
- Appendix I: Letters to Hapu/ Iwi**
- Appendix J: Written Approval – Department of Conservation**
- Appendix K: Council Engineer Comments Draft notification decision**
- Appendix L: Draft Notification Decision**
- Appendix M: Substantive decision draft**
- Appendix N: Draft Recommended Conditions**

**APPENDIX A – Planning Map E02 and Heritage Register – Tauranga  
District Plan**




### Zone Shadings

	Commercial Business		Recreation and Leisure C
	Commercial Business 1		Residential A
	Conservation (And Ngati Kahu Papakainga) (Sub Zone B Conservation)		Residential H
	Education Centre 1		Residential Large Lot
	Education Centre 2		Road All Public Roads and Service Lanes are Road Zone
	Future Urban		Rural
	Green Belt		Rural Residential
	Industrial Business	<b>Policy Areas</b>	
	Marae (Rural)		Medium Rise Policy Area
	Marae (Urban)		High Rise Policy Area
	Ngati Kahu Papakainga (NKP) (Sub Zone A, Sub Zone B, Wae Wae)		Flood Hazard Policy Area
	Port Business		Commercial Expansion Policy Area
	Rail 1. The rail designation has the underlying zoning of the adjoining zone measured from the centreline of the designation. 2. Where the rail designation crosses a public road, the underlying zoning is Road. The rail designation does not cross all public roads.		Coastal Landscape Policy Area (Matapihi)
	Recreation A		Coastal Hazard Erosion Policy Area Landward Boundary (for more detail see Planning Maps Section 4)
	Recreation B		

### Line Features

	Legal Parcel Boundary as at Date Printed on Map
	Zone Boundary
	Commercial (Wae Wae) Subzone Ngati Kahu Papakainga
	Sub Zone Boundary
	Pedestrian Environment Street Frontage
	Street Scene Rule Applies
	Designated Site Boundary (other than Road Designation)
	Designated Road or Road Widening
	Limited Access Road
	Coastal Protection Area 74m from the Toe of the Dune
	Building Setback Line (See Chapter 19 and Chapter 21)
	Special Noise Rule Applies (Courtney Road and Bethlehem Road)

### Symbols

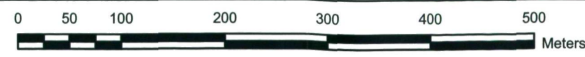
	Heritage Site Number (See Heritage Register, Part B, Chapter 16) <i>NOTE: indicates site on this legal parcel, but not necessarily at the marked location within the parcel</i>
	Notable or Landscape Tree Number (See Tree Register, Part B, Appendix 16B) <i>NOTE: tree canopy and number within it indicates tree(s) on this legal parcel, but not necessarily at the marked location within the parcel.</i>
	Designated Site Number (See Designation Schedule, Part B, Chapter 25)  Requiring Authority Abbreviations
	<b>C</b> Tauranga District Council <b>DC</b> Department of Courts <b>DR</b> Department of Corrections <b>MD</b> Ministry of Defence <b>ME</b> Ministry of Education <b>MS</b> Meteorological Service of New Zealand <b>NP</b> New Zealand Police <b>PC</b> PowerCo Limited <b>TC</b> Telecom New Zealand Limited <b>TM</b> Telecom Mobile Communications Ltd <b>TP</b> TrustPower Limited <b>TR</b> Transit New Zealand <b>TW</b> Transpower New Zealand Limited <b>TZ</b> Tranzrail <b>WB</b> Western Bay of Plenty District Council

### Other Abbreviations

<b>AW</b>	Accessway - Zoned Recreation A
<b>SL</b>	Service Lane
<b>C.M.A</b>	Coastal Marine Area covered by Regional Coastal Environment Plan
	1. The rules of this District Plan only apply landward of Mean High Water Springs.
	2. Environment BOP (the Bay of Plenty Regional Council) is the consent authority for most activities seaward of Mean High Water Springs.
	3. The line of the coast shown on this map represents the position of Mean High Water at the last survey. It does not necessarily represent the current position of Mean High Water Springs.
	Environment BOP should be consulted before undertaking any activity in the vicinity of Mean High Water to establish the actual line of Mean High Water Springs.

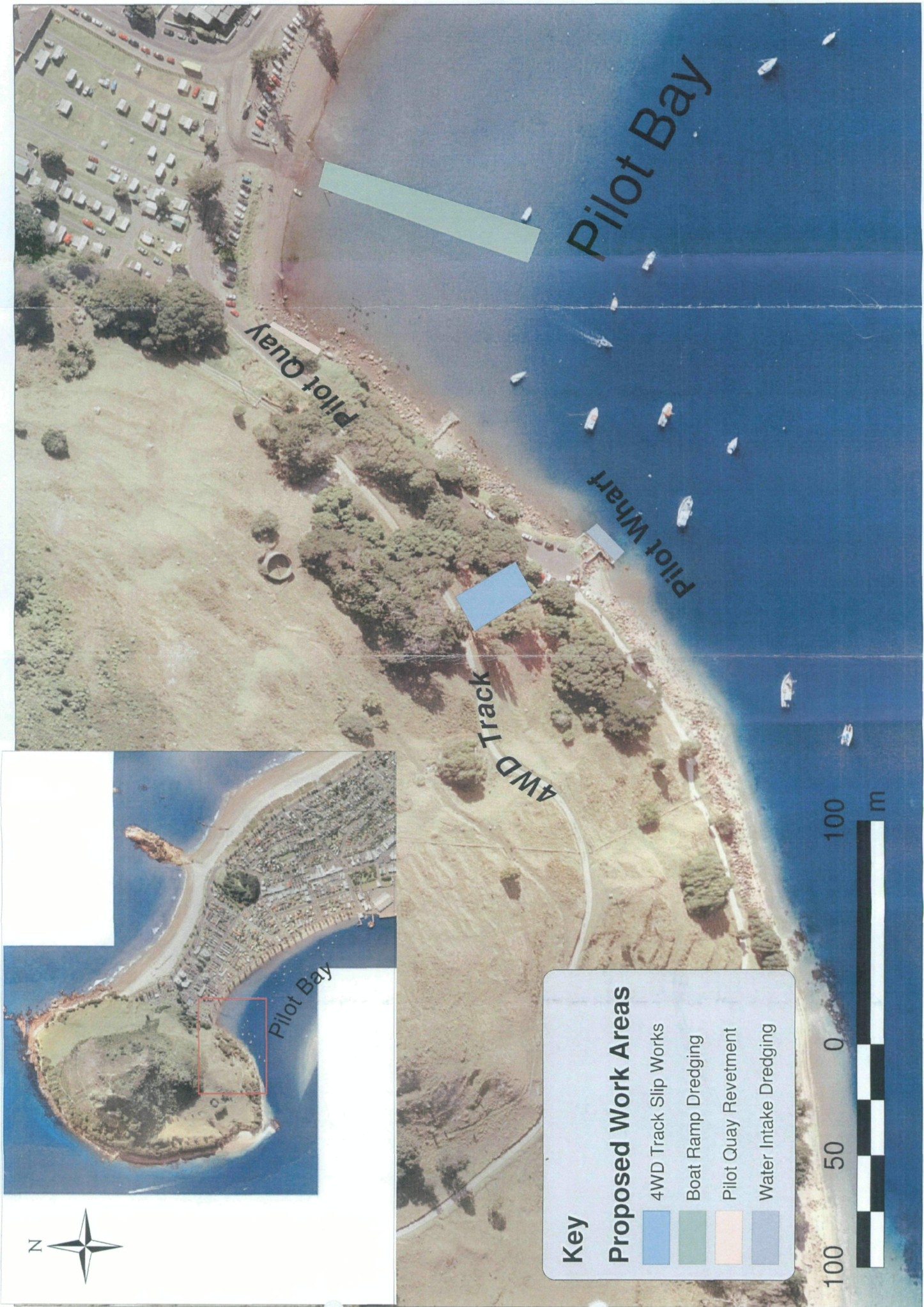


**APPENDIX B – Aerial Image and photographs of the site locations**



### Tauranga District Plan - Planning Map





Pilot Bay

Pilot Quay

Pilot Wharf

4WD Track



**Key**

**Proposed Work Areas**

- 4WD Track Slip Works
- Boat Ramp Dredging
- Pilot Quay Revetment
- Water Intake Dredging

**Site Images**



**Figure 1 View toward boat launching area at Pilot Bay - Road slip defined by White fenced barrier**



Figure 2 View of slippage from boat launching ramp at Pilot Bay



Figure 3 – Another view of the slip



Figure 4 – 4W drive track slip



Figure 5 – 4W drive track and upper edge of the slip is defined by the temporary fencing.



Figure 6 Looking down the slip

**APPENDIX C - Revised design plan for 4WD Track AEE for 4WD Track**



**Tonkin & Taylor**

T&T job no: 850677.002  
26 July 2006

OPUS  
PO Box 646  
Tauranga



Attention: s 7(2)(a) - Privacy

Dear s 7(2)(a) - Privacy

**4WD Track Slip Remediation works - Section 92 Requested Information**

Thank you for your request for further information regarding the extents of the earth works for the proposed slip remediation works of the 4WD track on Mauao.

The small scale earth works consist of two retaining walls. The top wall is to mitigate the effects of the slip on the 4WD track and will require approximately 100 m<sup>3</sup> of fill covering an area of approximately 100m<sup>2</sup>. The bottom wall is to retain material that cannot be removed from Mauao. This material includes slip material that has been stockpiled on the Whareroa marae which needs to be returned. The retaining wall will be able to contain approximately 260 m<sup>3</sup> of material covering an area of approximately 300m<sup>2</sup>.

Also enclosed is a revised plan drawing of the proposed works.

I trust this information is sufficient to address the Section 92 request.

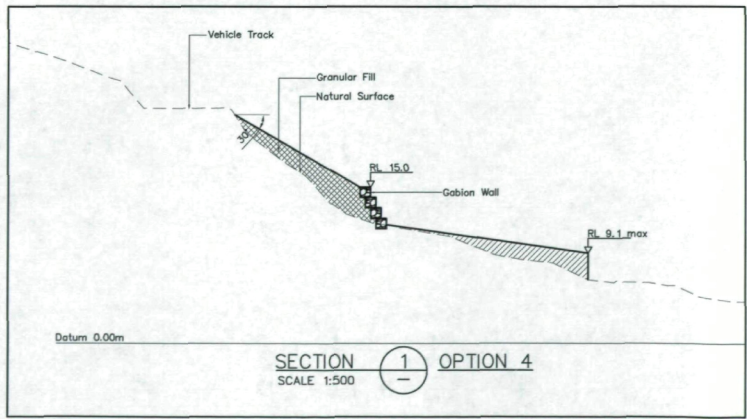
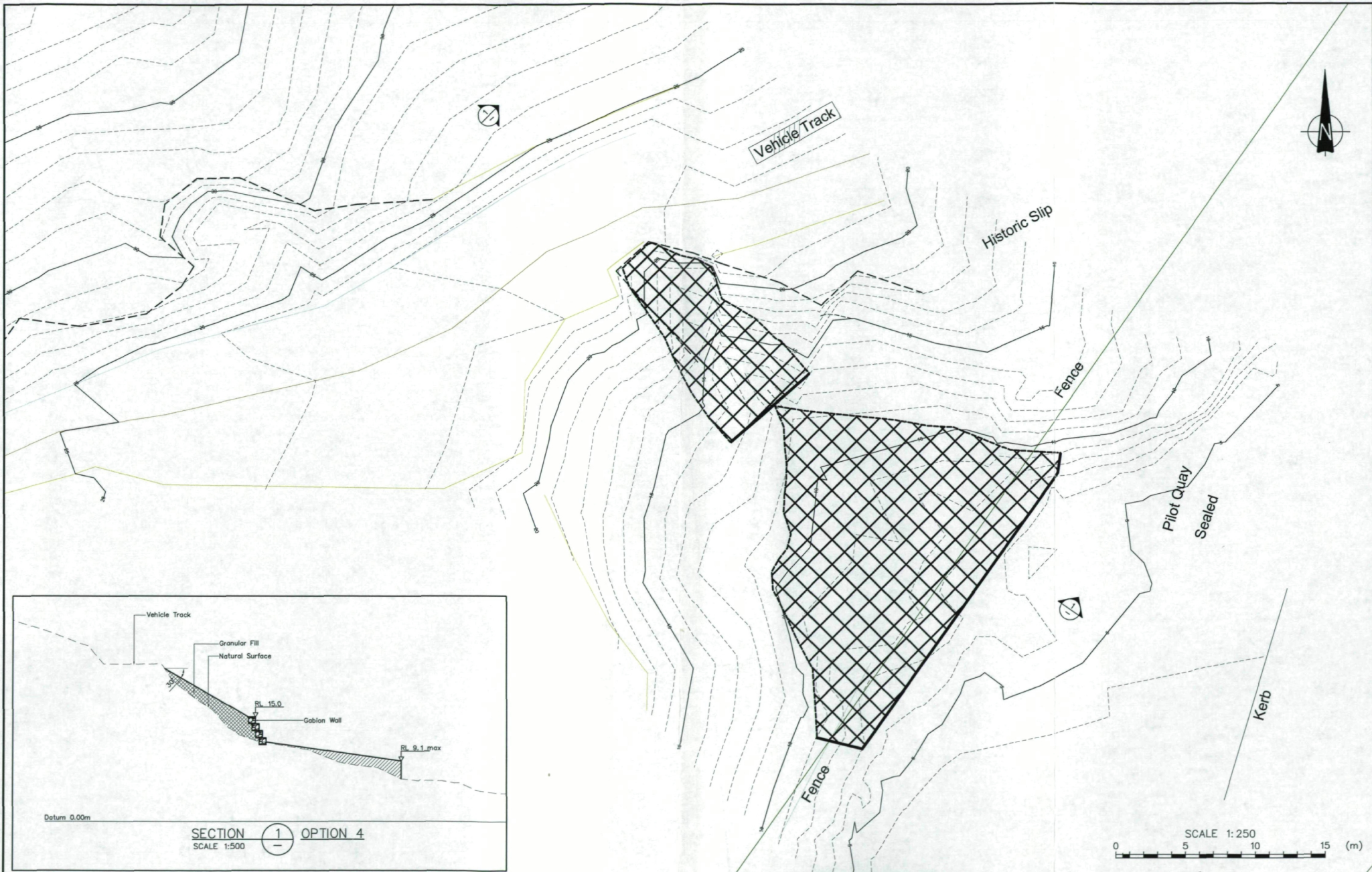
Please contact myself should you require further information to help process the application.

Yours Sincerely

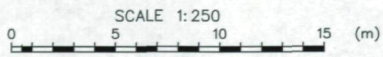
s 7(2)(a) - Privacy

Coastal Scientist

26-Jul-06  
document2



SECTION 1 OPTION 4  
SCALE 1:500



DESIGNED :	Jul.06
DRAWN :	Jul.06
DESIGN CHECKED :	
DRAFTING CHECKED :	
CADFILE :	T:\Tauranga\850677-SK-303
APPROVED :	
<b>NOT FOR CONSTRUCTION</b>	
This drawing is not to be used for construction purposes unless signed as approved.	
REVISION DESCRIPTION	BY DATE
1 Walls revised	
0 First Issue	

NOTES :  
1. All dimensions are in millimetres unless noted otherwise.

REFERENCE :



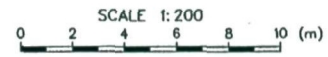
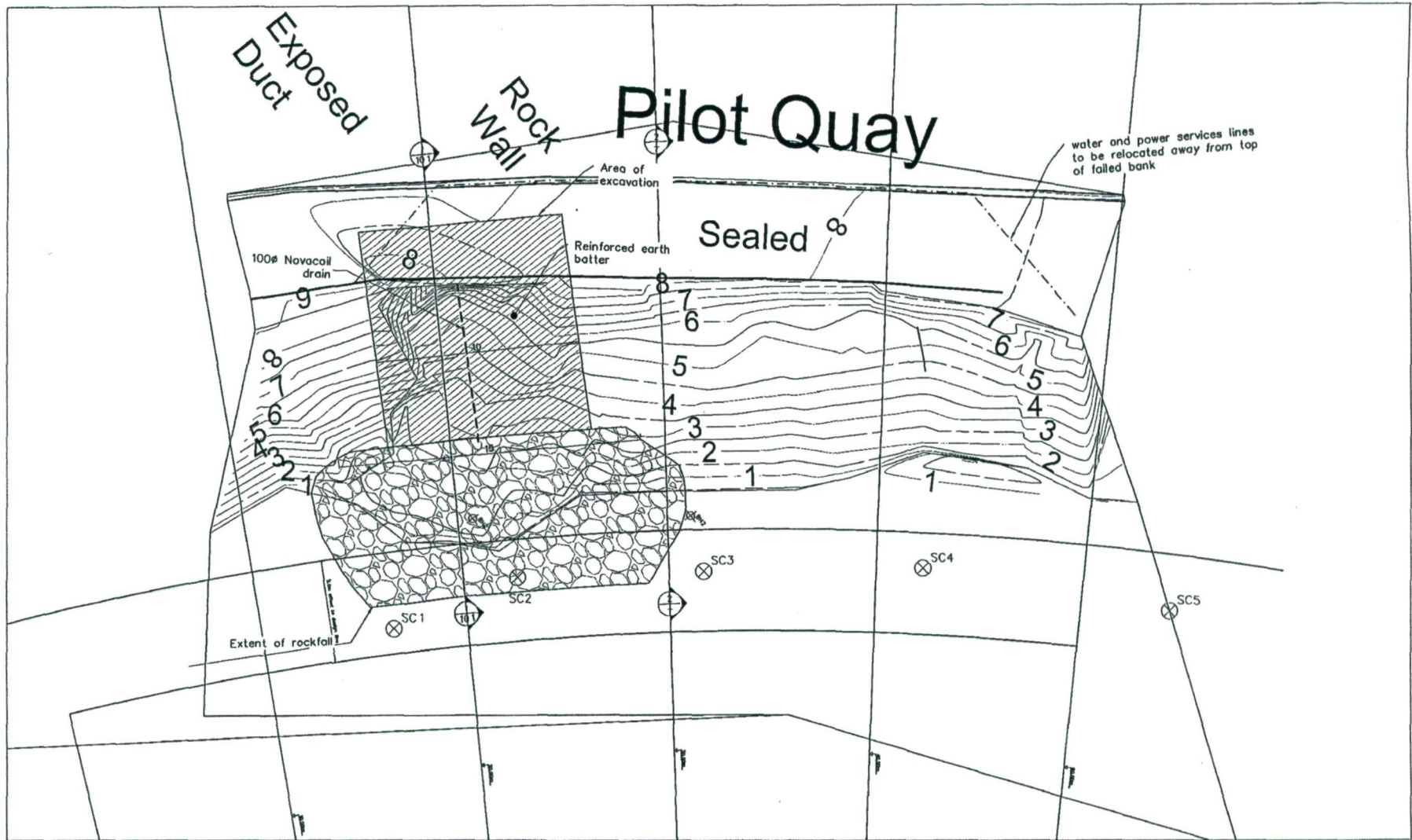
**Tonkin & Taylor**  
Environmental & Engineering Consultants

Tauranga, Level 1, 12 Elizabeth Street  
Tel. (07) 571 3570 Fax. (07) 571 5508  
Email : tgo@tonkin.co.nz

CLIENT, PROJECT	TAURANGA CITY COUNCIL MAJAO 4WD TRACK
TITLE	RETAINING WALL PLAN - OPTION 4
SCALES (AT A3 SIZE)	1:250
DWG. No.	850677-SK-303
REV.	1

**APPENDIX D – Revised Design Plan for Pilot Quay AEE for Pilot Quay remediation works**

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COPYRIGHT ON THIS DRAWING IS RESERVED	

NOTES :

1. All dimensions are in millimetres unless noted otherwise.

REFERENCE :

**Tonkin & Taylor**  
Environmental & Engineering Consultants

■ Tauranga, Level 1, 12 Elizabeth Street  
Tel. (07) 571 3570 Fax. (07) 571 5508  
Email : tge@tonkin.co.nz

□Auckland □Wellington □Christchurch □Hamilton □Whangarei □Nelson

CLIENT, PROJECT	TAURANGA CITY COUNCIL PILOT QUAY, MAUAO
TITLE	PILOT QUAY SLIP REMEDIATION
Site Plan	
SCALES (AT A3 SIZE)	1 in 200
DWG. No.	850677/1 - 100
REV.	A

**APPENDIX E – Section 92 Letters**

31 July 2006

Tonkin & Taylor  
9 Clifton Road  
PO Box 9544  
HAMILTON

COPY



Attention: [redacted] Coastal Scientist

File reference: 29B051.00  
TCC reference: RC12837  
Your reference: 850677.002

Dear [redacted]

**Section 92 Request: Tauranga City Council – Slip remediation works to a 4WD track and Pilot Quay at Pilot Bay, Mount Maunganui**

Thank you for your response to my Section 92 letter (dated 11 July 2006) requesting further information on proposed earthworks. As discussed your letter and attached site plan are considered to be sufficient for that purpose however another issue has arisen, hence this further Section 92 request to enable an adequate assessment of this application.

**1. An Archaeological Assessment:**

The application letter for this proposal (dated 20 June 2006) states: *"An Archaeological Assessment is about to be undertaken to enable an application to the Historic Places Trust for the proposed work areas of the Pilot Quay and the 4WD Track"*.

The Historic Places Trust (HPT) has indicated that they would be unable to comment on this application until an archaeological assessment has been provided to them and until they receive this they are unable to confirm if:

- a) an authority will be required for the proposed works under the Historic Places Act 1993 and;
- b) if they have any comments regarding conditions or advice notes for this proposal.

I would therefore ask that you provide an Archaeological Assessment for these works by 21 August 2006.

**Section 92A Resource Management Act 1991**

If the applicant is unable to provide this information by 21 August 2006 I would ask that they provide the following:

- (a) Written confirmation of when this information could be provided or;
- (b) Written confirmation that the applicant objects to providing this information.

Should you have any queries regarding this letter please contact me by phone on [redacted] or by email at [redacted]

Yours sincerely,

[redacted]

*Consultant Planner*

11 July 2006

Tonkin & Taylor  
9 Clifton Road  
PO Box 9544  
HAMILTON



Attention: s 7(2)(a) - Privacy Coastal Scientist

File reference: 29B051.00  
TCC reference: RC12837  
Your reference: 850677.002

Dear s 7(2)(a) - Privacy

**Section 92 Request: Tauranga City Council – Slip remediation works to a 4WD track at Pilot Bay, Mount Maunganui**

Tauranga City Council has engaged Opus International Consultants Limited to process this application.

To enable an adequate assessment of the environmental effects to be undertaken the following additional information is requested pursuant to Section 92 of the Resource Management Act 1991 and I would ask that this information be provided by 1 August 2006.

**1. Description of small scale earthworks:**

Please provide a description of "small scale earth works", relevant to this application, this should include details on: the area of earthworks and the volume of excavation works that are being proposed and the quantity of material being imported to site.

This information will assist in ascertaining the scale of works being proposed for this application.

**Section 92A Resource Management Act 1991**

If the applicant is unable to provide this information by 1 August 2006 I would ask that they provide the following:

- (a) Written confirmation of when this information could be provided or;
- (b) Written confirmation that the applicant objects to providing this information.

Should you have any queries regarding this letter please contact me by phone on s 7(2)(a) - Privacy or by email at s 7(2)(a) - Privacy

Yours sincerely,

s 7(2)(a) - Privacy

*Consultant Planner*

**APPENDIX F – Section 92 Responses including: an Archaeological Assessment**

s 7(2)(a) - Privacy

**From:** s 7(2)(a) - Privacy  
**Sent:** Tuesday, 12 September 2006 09:58  
**To:** s 7(2)(a) - Privacy  
**Cc:** s 7(2)(a) - Privacy  
**Subject:** Pilot Quay Revised Revetment  
**Attachments:** 060912\_hccl Revised revetment.pdf; 090908\_revised revetment drawings.pdf; scalas\_pilot\_quay.pdf; Fetch\_drawing.pdf

Hello, please find attached information on a revised design of the pilot quay revetment.

I trust this will meet your requirements.

s 7(2)(a) - Privacy I haven't included specific calculations on the wave design and rock armour. I thought this could best be discussed over the phone and can also email the spreadsheets I used to calc. Have a look over and give me a ring.

Regards

s 7(2)(a) - Privacy

Coastal Scientist

Tonkin and Taylor Limited  
[www.tonkin.co.nz](http://www.tonkin.co.nz)

PO Box 9544  
9 Clifton Road  
Hamilton  
NEW ZEALAND

s 7(2)(a) - Privacy

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Environment Bay of Plenty  
PO Box 364  
Whakatane

Attention: [REDACTED] s 7(2)(a) - Privacy

Dear [REDACTED] s 7(2)(a) - Privacy

### **Pilot Quay Revetment - Revised Revetment Design**

Thank you for your query on the design of the revetment at Pilot Quay, Mount Maunganui. From our understanding you had concerns about the design of the revetment in the following areas:

- design wave inadequate
- therefore, rock armour size was also deemed inadequate
- lack of foundation investigations

This letter provides a revised revetment design based on calculations to determine a design wave and resulting rock armour size. Information on foundation investigations is also included.

### **Design Wave Height Determination**

The AEE provides an estimate of wave heights measured in Pilot Bay as part of a PHD project. Section 2.3.3 of the AEE states:

*The wave climate along Pilot Bay is generally derived from locally generated wind waves from the south west of up to 0.15 m (de Lange 1988). Swell is unlikely to reach Pilot Bay. Boat wakes have been observed in Pilot Bay with a wave height of up to 0.69 m (de Lange 1988).*

Further investigation has been carried out. A design wave of  $H(s)$  1.0 m and period ( $T$ ) of 3.6 s has been calculated using a wave growth function in CRESS (IHE Delft 2000). The wave growth function uses a constant wind (in this case 25 m/s) over water depths along a maximum south west ( $200^\circ - 210^\circ$ ) fetch derived from bathymetric soundings (Figure 1.A1). Added to the water depths was a storm surge elevation of 2.8 meters. Therefore, the wave height calculated can be considered as an extreme event (2% AEP).

### **Rock Armour Size**

Using the above design have rock armour size has been determined using the method of van der Meer (CIRIA 1991, Manual on the use of rock in coastal and shoreline engineering).

From the above calculations a rock armour size of  $D_n(50) = 0.433\text{m}$  with a range of 0.40 m to 0.65 m has been determined. These changes have been included in revised drawings 101 Rev A and 102 Rev A.

### **Foundation Investigations**

Investigations of the foundation material have been undertaken in the form of Dynamic Cone Penetrometer (scalar) measurements. Locations of these are indicated in the included drawing 100 Rev A. Also included are photocopies of the scala field sheets.

Analyses of scala measurements show competent material suitable for foundation at  $\sim 0.75\text{m}$  -  $\sim 1.0\text{m}$  depth. Foundation of the revetment is noted as being at least 1.0 below surface.

### **Other Revisions**

During extreme wave events, overtopping of the revetment is likely. Therefore we have increased the distance from the toe of the earth batter to the top of the revetment from 1.0 m to 1.5 m (drawings 101 Rev A and 102 Rev A)

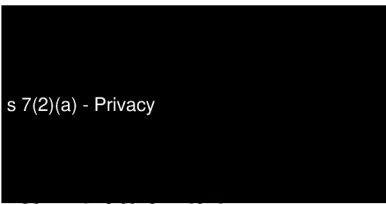
### **Applicability**

This report has been prepared for the benefit of TCC and EBOP with respect to the particular brief given to us and it may not be relied upon in other contexts or for any other purpose without our prior review and agreement.

I trust the information above is to your requirement.

Please don't hesitate to contact me should you require more information.

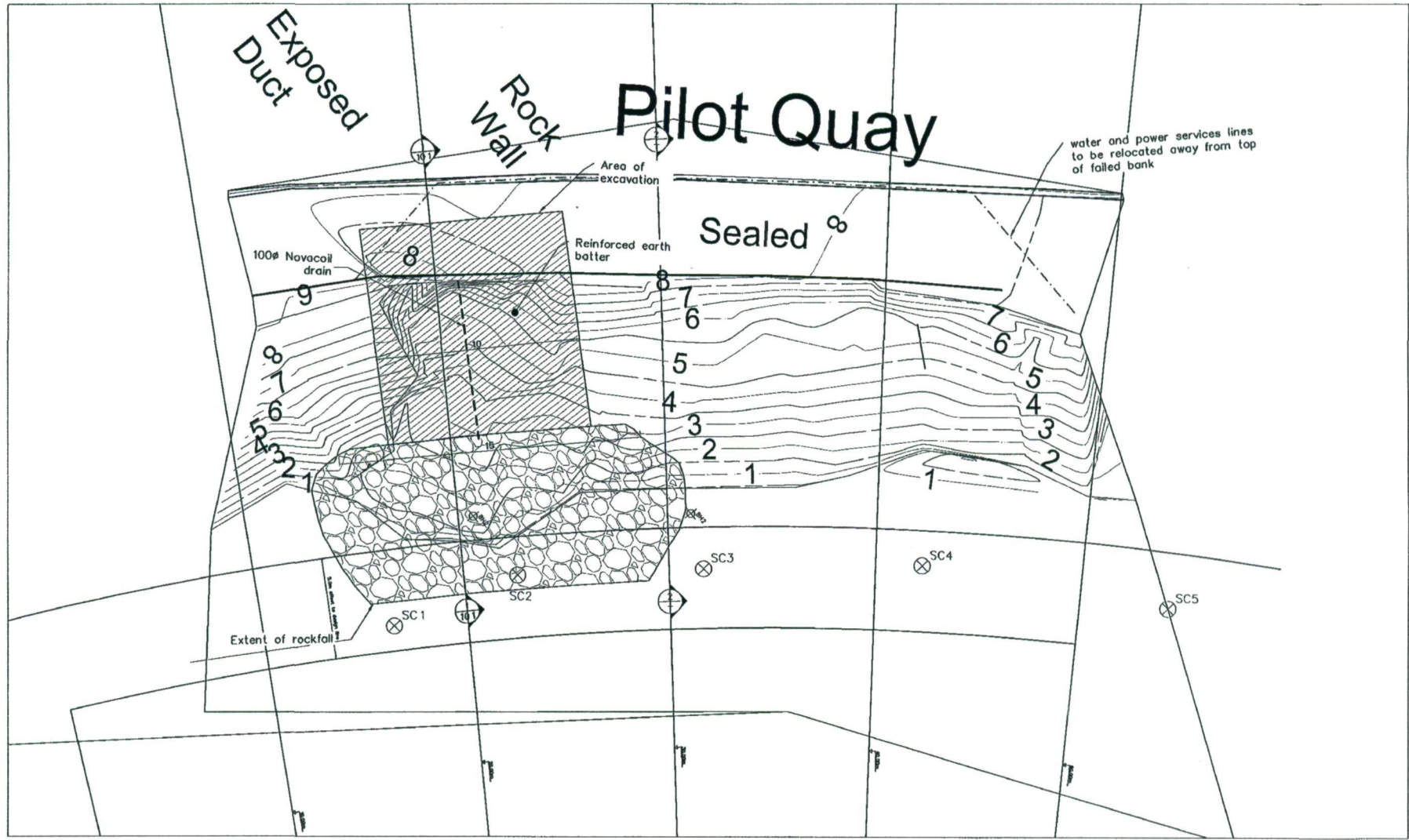
Yours Sincerely



s 7(2)(a) - Privacy

Coastal Scientist

12-Sep-06  
document2



P:\850677\_002\SourceMaterial\850677\_100-102.dwg, 100, 11/09/2006 3:21:01 p.m., rns, A3

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DRAWN :	Jun.05
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DRAFTING CHECKED :	
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APPROVED :	
<b>NOT FOR CONSTRUCTION</b>	
<small>This drawing is not to be used for construction purposes unless signed as approved</small>	
REVISION DESCRIPTION	BY DATE
A Rockfill rev, scale added	
Q First Issue	
COPYRIGHT ON THIS DRAWING IS RESERVED	

NOTES :

- All dimensions are in millimetres unless noted otherwise.

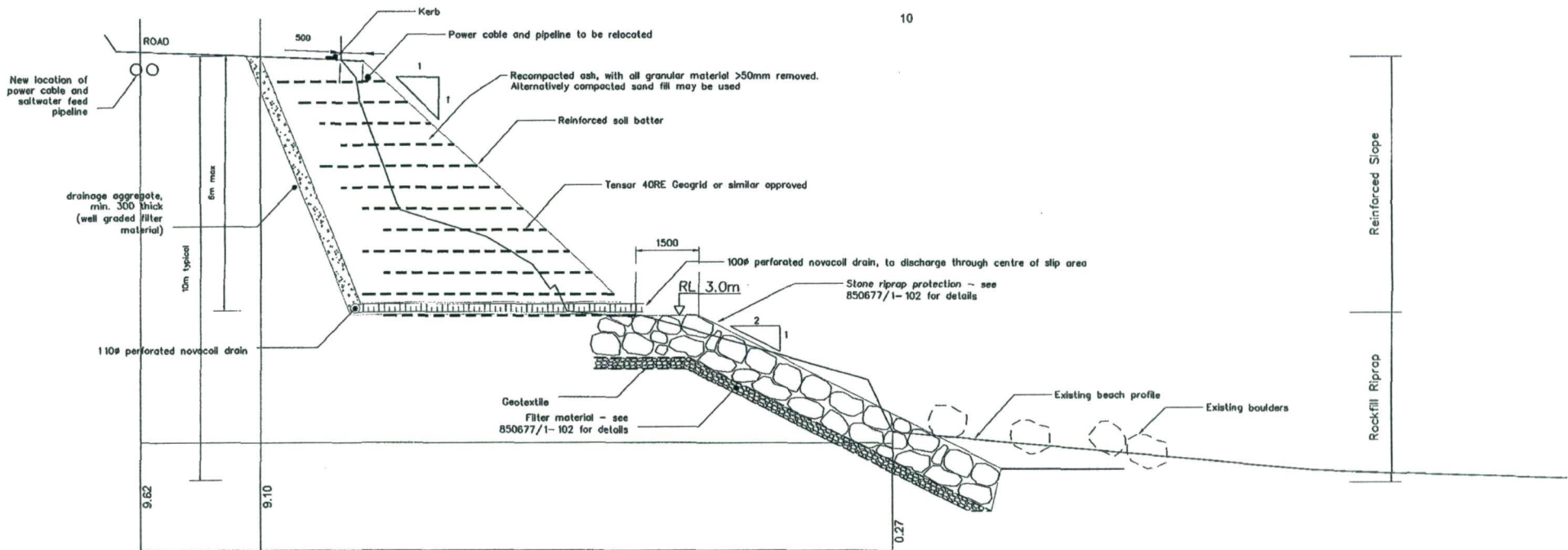
REFERENCE :

**Tonkin & Taylor**  
Environmental & Engineering Consultants

■ Tauranga, Level 1, 12 Elizabeth Street  
Tel. (07) 571 3570 Fax. (07) 571 5508  
Email : tye@tonkin.co.nz

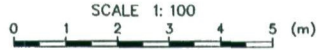
□ Auckland □ Wellington □ Christchurch □ Hamilton □ Whangarei □ Nelson

CLIENT, PROJECT	TAURANGA CITY COUNCIL PILOT QUAY, MAUAO
TITLE	PILOT QUAY SLIP REMEDIATION Site Plan
SCALES (AT A3 SIZE)	1 in 200
DWG. No.	850677/1 - 100
REV.	A



10

SECTION 1  
SCALE 1: 100



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DESIGNED :	Jun.05
DRAWN :	Jun.05
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CADFILE :	I:\CADFILE
APPROVED :	
<b>NOT FOR CONSTRUCTION</b>	
This drawing is not to be used for construction purposes unless signed as approved	
REVISION DESCRIPTION	BY DATE
COPYRIGHT ON THIS DRAWING IS RESERVED	

NOTES :

- All dimensions are in millimetres unless noted otherwise.

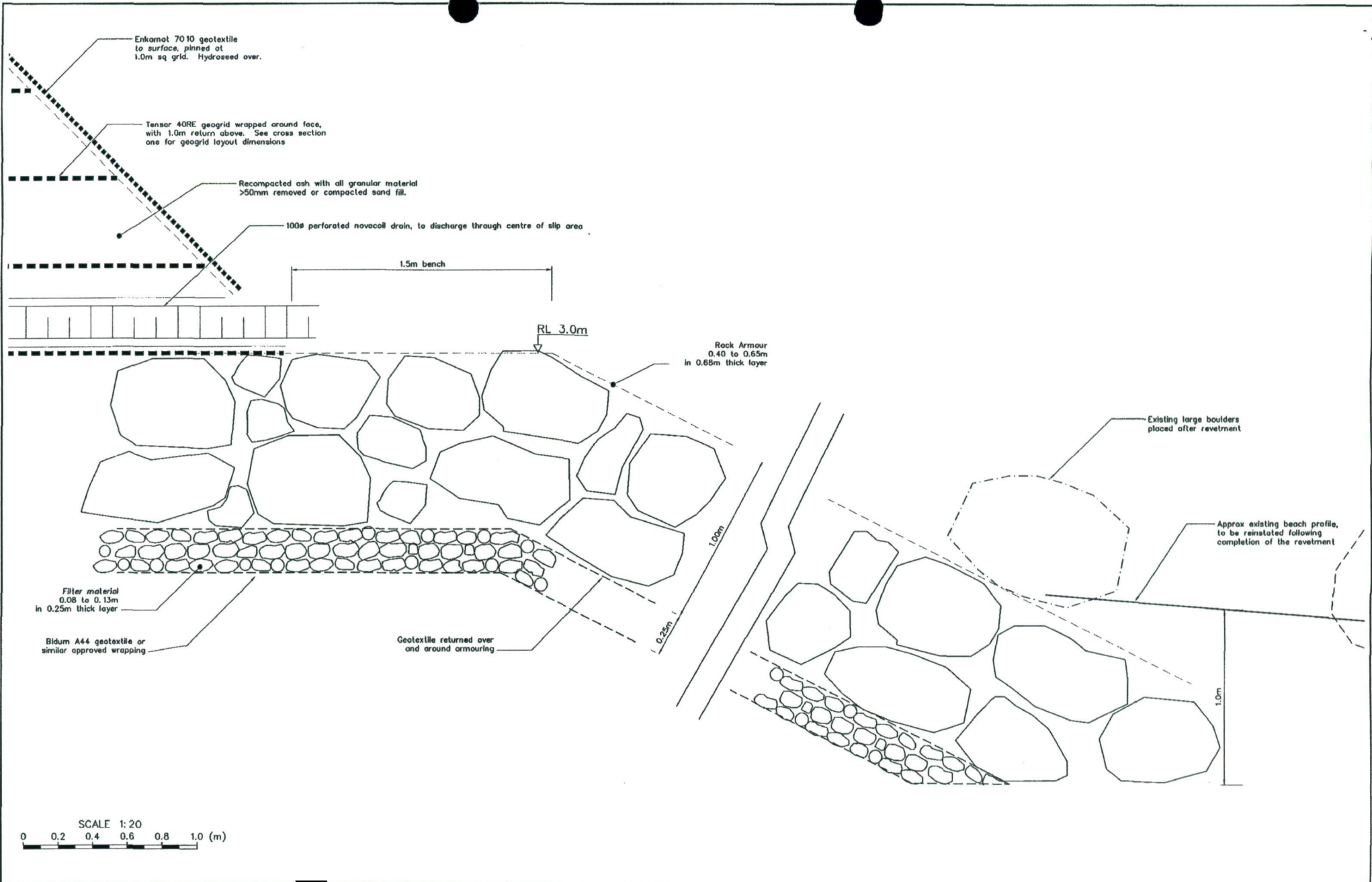
REFERENCE :

**Tonkin & Taylor**  
Environmental & Engineering Consultants

1 Tauranga, Level 1, 12 Elizabeth Street  
Tel. (07) 571 3570 Fax. (07) 571 5508  
Email : lgo@tonkin.co.nz

Auckland
  Wellington
  Christchurch
  Hamilton
  Whangarei
  Nelson

CLIENT, PROJECT	TAURANGA CITY COUNCIL PILOT QUAY, MAUAO	
TITLE	PILOT QUAY SLIP REMEDIATION Cross Section One	
SCALE, (AT A3 SIZE)	1 in 100	DWG. No. 850677/1- 101
REV.	A	



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DESIGNED :	Sep.05
DRAWN :	Sep.05
DESIGN CHECKED :	
DRAFTING CHECKED :	
CADFILE :	\\850677_100-102.dwg
APPROVED :	
<b>NOT FOR CONSTRUCTION</b>	
<small>This drawing is not to be used for construction purposes unless signed as approved.</small>	
REVISION DESCRIPTION	BY DATE
A Revised bench dirn	
D First Issue	
<small>COPYRIGHT ON THIS DRAWING IS RESERVED</small>	

NOTES :

- All dimensions are in millimetres unless noted otherwise.

REFERENCE :



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Environmental & Engineering Consultants

11 Tauranga, Level 1, 12 Elizabeth Street  
Tel. (07) 571 3570 Fax. (07) 571 5508  
Email : tgo@tonkin.co.nz

Auckland Wellington Christchurch Hamilton Whangarei Nelson

CLIENT PROJECT	TAURANGA CITY COUNCIL
TITLE	PILOT QUAY, MAUAO
TITLE	PILOT QUAY SLIP REMEDIATION
TITLE	Rip Rap Detail
SCALES (AT A3 SIZE)	1 in 20
DWG. No.	850677/1 - 102
REV.	A

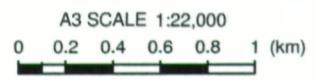


-5830000

-5828000



Notes:



LEGEND	
●	Fetch for design wave

**Tonkin & Taylor**  
Environmental & Engineering Consultants  
Hamilton  
www.tonkin.co.nz

DRAWN	HCCL/May/06
DRAFTING CHECKED	
APPROVED	
ARCFILE	fetch.mxd
SCALE (AT A3 SIZE)	1:22,000
No.	77.002

**Environment Bay of Plenty**  
Pilot Quay Revetment  
Pilot Quay Revetment Fetch  
Sheet A1

FIG. No. Figure 1.A1

REV. 0



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Tauranga Laboratory

56 10th Ave Tauranga

Tel.: 07 571 0280

Fax: 07 571 0282

LAB. REF.:

FILE:

Sheet of

**Dynamic Cone Penetrometer (Scala) -NZS 4402:1986 Test 6.5.2**

Site: \_\_\_\_\_ Job Name: \_\_\_\_\_ Job no: \_\_\_\_\_  
 Test pit/BH no: SC 1 Location: Pilot Quay Depth: \_\_\_\_\_  
 Material: \_\_\_\_\_ Penetrometer ID: \_\_\_\_\_  
 Test / Sample Series: \_\_\_\_\_ New Test Site / Re Test of Site - Lab Ref: \_\_\_\_\_

Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows
50	0	1850		3650		5450		7250	
100	0	1900		3700		5500		7300	
150	0	1950		3750		5550		7350	
200	3	2000		3800		5600		7400	
250	0	2050		3850		5650		7450	
300	0	2100		3900		5700		7500	
350	0.5	2150		3950		5750		7550	
400	0	2200		4000		5800		7600	
450	0.5	2250		4050		5850		7650	
500	1	2300		4100		5900		7700	
550	1	2350		4150		5950		7750	
600	0.5	2400		4200		6000		7800	
650	0.5	2450		4250		6050		7850	
700	1	2500		4300		6100		7900	
750	0.5	2550		4350		6150		7950	
800	0.5	2600		4400		6200		8000	
850	0.5	2650		4450		6250		8050	
900	0.5	2700		4500		6300		8100	
950	0.5	2750		4550		6350		8150	
1000	0.5	2800		4600		6400		8200	
1050	3	2850		4650		6450		8250	
1100	2	2900		4700		6500		8300	
1150	1	2950		4750		6550		8350	
1200	2	3000		4800		6600		8400	
1250	10 +	3050		4850		6650		8450	
1300		3100		4900		6700		8500	
1350		3150		4950		6750		8550	
1400		3200		5000		6800		8600	
1450		3250		5050		6850		8650	
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1650		3450		5250		7050		8850	
1700		3500		5300		7100		8900	
1750		3550		5350		7150		8950	
1800		3600		5400		7200		9000	

Depth from ground surface to commencement of penetration:  (m)

Tested:	Date:
Calculated:	Date:
Checked:	Date:



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Tauranga Laboratory

56 10th Ave Tauranga

Tel.: 07 571 0280

Fax: 07 571 0282

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**Dynamic Cone Penetrometer (Scala) -NZS 4402:1986 Test 6.5.2**

Site: \_\_\_\_\_ Job Name: \_\_\_\_\_ Job no: \_\_\_\_\_  
 Test pit/BH no: SC 2 Location: Pilot Quay Depth: \_\_\_\_\_  
 Material: \_\_\_\_\_ Penetrometer ID: \_\_\_\_\_  
 Test / Sample Series: \_\_\_\_\_ New Test Site / Re Test of Site - Lab Ref: \_\_\_\_\_

Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows
50	0	1850		3650		5450		7250	
100	0	1900		3700		5500		7300	
150	0	1950		3750		5550		7350	
200	0	2000		3800		5600		7400	
250	0	2050		3850		5650		7450	
300	0	2100		3900		5700		7500	
350	1	2150		3950		5750		7550	
400	1	2200		4000		5800		7600	
450	1	2250		4050		5850		7650	
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550	2	2350		4150		5950		7750	
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1700		3500		5300		7100		8900	
1750		3550		5350		7150		8950	
1800		3600		5400		7200		9000	

Depth from ground surface to commencement of penetration:  (m)

Tested:	Date:
Calculated:	Date:
Checked:	Date:

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56 10th Ave Tauranga  
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Fax: 07 571 0282

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**Dynamic Cone Penetrometer (Scala) -NZS 4402:1986 Test 6.5.2**

Site:	Job Name:	Job no:
Test pit/BH no: SC 3	Location: Pilot Quay	Depth:
Material:	Penetrometer ID:	
Test / Sample Series:	New Test Site / Re Test of Site - Lab Ref:	

Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows
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100	0	1900		3700		5500		7300	
150	0.5	1950		3750		5550		7350	
200	0.5	2000		3800		5600		7400	
250	1	2050		3850		5650		7450	
300	1	2100		3900		5700		7500	
350	2	2150		3950		5750		7550	
400	2	2200		4000		5800		7600	
450	1	2250		4050		5850		7650	
500	2	2300		4100		5900		7700	
550	2	2350		4150		5950		7750	
600	1	2400		4200		6000		7800	
650	3	2450		4250		6050		7850	
700	2	2500		4300		6100		7900	
750	1	2550		4350		6150		7950	
800	2	2600		4400		6200		8000	
850	3	2650		4450		6250		8050	
900	2	2700		4500		6300		8100	
950	3	2750		4550		6350		8150	
1000	3	2800		4600		6400		8200	
1050	2	2850		4650		6450		8250	
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1150	10+	2950		4750		6550		8350	
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1250		3050		4850		6650		8450	
1300		3100		4900		6700		8500	
1350		3150		4950		6750		8550	
1400		3200		5000		6800		8600	
1450		3250		5050		6850		8650	
1500		3300		5100		6900		8700	
1550		3350		5150		6950		8750	
1600		3400		5200		7000		8800	
1650		3450		5250		7050		8850	
1700		3500		5300		7100		8900	
1750		3550		5350		7150		8950	
1800		3600		5400		7200		9000	

Depth from ground surface to commencement  
of penetration:  (m)

Tested:	Date:
Calculated:	Date:
Checked:	Date:



**GEOTECHNICS LTD.**

Tauranga Laboratory  
56 10th Ave Tauranga  
Tel.: 07 571 0280

Fax: 07 571 0282

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**Dynamic Cone Penetrometer (Scala) -NZS 4402:1986 Test 6.5.2**

Site: Job Name: Job no:  
 Test pit/BH no: SC 4 Location: Pilot Quay Depth:  
 Material: Penetrometer ID:  
 Test / Sample Series: New Test Site / Re Test of Site - Lab Ref:

Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows
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100	1	1900		3700		5500		7300	
150	2	1950		3750		5550		7350	
200	1	2000		3800		5600		7400	
250	2	2050		3850		5650		7450	
300	1	2100		3900		5700		7500	
350	0.5	2150		3950		5750		7550	
400	0.5	2200		4000		5800		7600	
450	1	2250		4050		5850		7650	
500	1	2300		4100		5900		7700	
550	0.25	2350		4150		5950		7750	
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700	0.25	2500		4300		6100		7900	
750	0.5	2550		4350		6150		7950	
800	0.5	2600		4400		6200		8000	
850	10+	2650		4450		6250		8050	
900		2700		4500		6300		8100	
950		2750		4550		6350		8150	
1000		2800		4600		6400		8200	
1050		2850		4650		6450		8250	
1100		2900		4700		6500		8300	
1150		2950		4750		6550		8350	
1200		3000		4800		6600		8400	
1250		3050		4850		6650		8450	
1300		3100		4900		6700		8500	
1350		3150		4950		6750		8550	
1400		3200		5000		6800		8600	
1450		3250		5050		6850		8650	
1500		3300		5100		6900		8700	
1550		3350		5150		6950		8750	
1600		3400		5200		7000		8800	
1650		3450		5250		7050		8850	
1700		3500		5300		7100		8900	
1750		3550		5350		7150		8950	
1800		3600		5400		7200		9000	

Depth from ground surface to commencement of penetration:  (m)

Tested: Date:  
 Calculated: Date:  
 Checked: Date:



**GEOTECHNICS LTD.**

Tauranga Laboratory  
56 10th Ave Tauranga  
Tel.: 07 571 0280

Fax: 07 571 0282

LAB. REF.:

FILE:

Sheet of

**Dynamic Cone Penetrometer (Scala) -NZS 4402:1986 Test 6.5.2**

Site:	Job Name :	Job no:
Test pit/BH no: SC 5	Location: Pilot Quay	Depth:
Material:	Penetrometer ID:	
Test / Sample Series:	New Test Site / Re Test of Site - Lab Ref:	

Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows	Vertical distance driven (mm)	No. of Blows
50	0	1850		3650		5450		7250	
100	0	1900		3700		5500		7300	
150	0	1950		3750		5550		7350	
200	0.5	2000		3800		5600		7400	
250	0.5	2050		3850		5650		7450	
300	1	2100		3900		5700		7500	
350	2	2150		3950		5750		7550	
400	1	2200		4000		5800		7600	
450	2	2250		4050		5850		7650	
500	2	2300		4100		5900		7700	
550	5	2350		4150		5950		7750	
600	4	2400		4200		6000		7800	
650	6	2450		4250		6050		7850	
700	6	2500		4300		6100		7900	
750	5	2550		4350		6150		7950	
800	3	2600		4400		6200		8000	
850	3	2650		4450		6250		8050	
900	3	2700		4500		6300		8100	
950	2	2750		4550		6350		8150	
1000	1	2800		4600		6400		8200	
1050	1	2850		4650		6450		8250	
1100	1	2900		4700		6500		8300	
1150	3	2950		4750		6550		8350	
1200	6	3000		4800		6600		8400	
1250	4	3050		4850		6650		8450	
1300	3	3100		4900		6700		8500	
1350	2	3150		4950		6750		8550	
1400	8	3200		5000		6800		8600	
1450	3	3250		5050		6850		8650	
1500	2	3300		5100		6900		8700	
1550	10+	3350		5150		6950		8750	
1600		3400		5200		7000		8800	
1650		3450		5250		7050		8850	
1700		3500		5300		7100		8900	
1750		3550		5350		7150		8950	
1800		3600		5400		7200		9000	

Depth from ground surface to commencement of penetration:  (m)

Tested:	Date:
Calculated:	Date:
Checked:	Date:

**ARCHAEOLOGICAL SURVEY  
AND ASSESSMENT OF EFFECTS**

**PROPOSED  
MAUAO / PILOT BAY  
SLIP REMEDIATION**

**Prepared by**

**KEN PHILLIPS (MA HONS)**

**For**

**TONKIN & TAYLOR LTD**

**SEPTEMBER 2006**

**ARCHAEOLOGY B.O.P.  
HERITAGE CONSULTANTS  
P O BOX 855  
WHAKATANE**

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## **INTRODUCTION**

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### **PROJECT BACKGROUND**

This field inspection and report was commissioned by Tonkin & Taylor Ltd in order to determine if archaeological resources are affected by the proposed Mauao & Pilot Bay slip remediation work.

A significant rain event on 18<sup>th</sup> May 2005 caused major slips and flooding within the Tauranga area. The rain event caused major slips on the southern side of Mauao. The slip above the Pilot Bay wharf has removed a portion of the 4WD track rendering the road unstable and restricting vehicle access in its current state. The slip below the Pilot Bay wharf access road has effectively closed the road to vehicle access and exposed water intake pipes servicing the Mount Maunganui Hot Salt Water Pools along with other services.

The two slips requiring remediation work are located in an area of high archaeological site density and both slips have exposed and possibly damaged archaeological features. The proposed remediation work may cause further damage to archaeological features.

This report will form part of the required assessment of environmental effects accompanying a resource consent application and a New Zealand Historic Places Trust authority application.

### **HISTORIC PLACES ACT**

An archaeological site, as defined by the Historic Places Act 1993, 2(a)(i) and 2(b) is, "any place in New Zealand that was associated with human activity that occurred before 1900: and is or may be able through investigation by archaeological methods to provide evidence relating to the history of New Zealand". Archaeological sites may not be destroyed damaged or modified except pursuant to an authority granted under section 14 of the Historic Places Act.

### **CULTURAL ASSESSMENT**

Consultation with tangata whenua is being carried out separate to this report. An assessment of the cultural significance of an area can only be competently made by the affected tangata whenua. It should be noted that an assessment of cultural significance might not necessarily correlate with an assessment of archaeological significance.

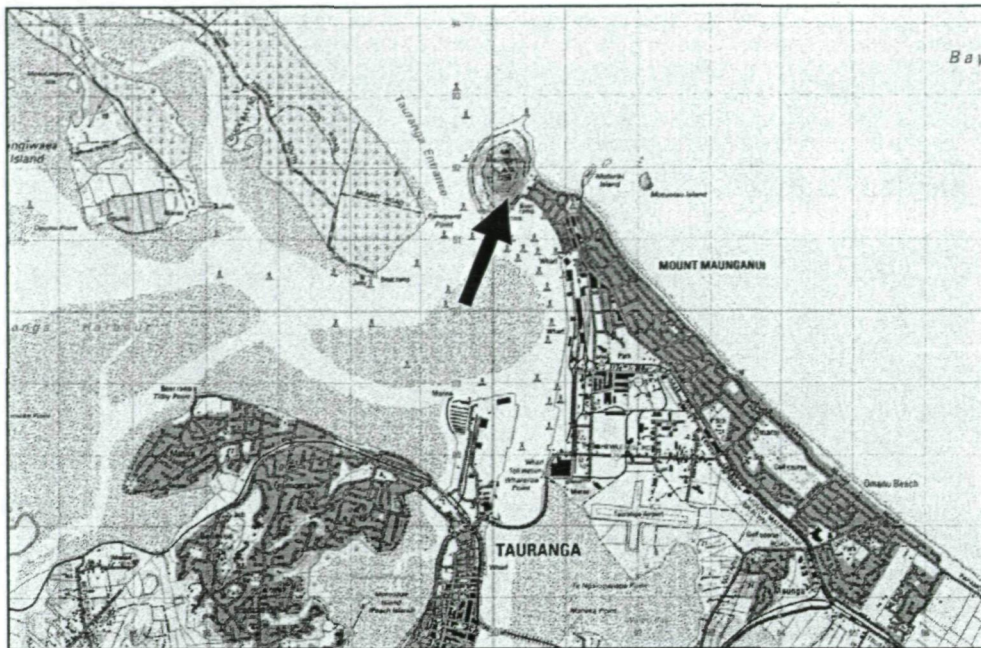


Figure 1. Part Topographic Map Sheet U14 showing the approximate location of the affected area.

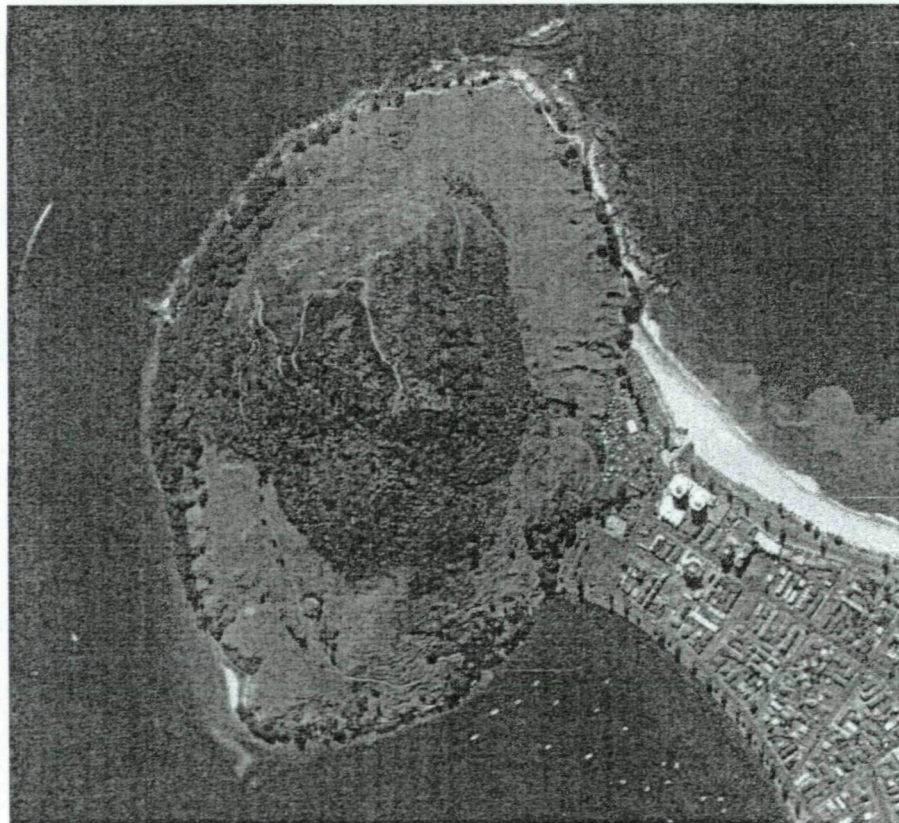


Figure 2. Aerial photo showing the approximate location of the two slips.



Figure 3. Aerial photo showing the location of recorded archaeological features (yellow) in relation to Slip 1 & 2 discussed in the text.

## RESULTS

---

### ARCHAEOLOGICAL LANDSCAPE

An archaeological survey of Mauao was carried out by Phillips in 2003. Phillips describes the natural environment and the archaeological resource on Mauao including features in the immediate vicinity of the two slips.

The majority of archaeological features on Mauao, including those in the immediate vicinity of the two slips, fall within Maunganui Pa recorded as site U14/3118 with the New Zealand Archaeological Association's site recording database. Visible archaeological features are primarily crop storage pits, terraces and shell midden deposits.

There are large volumes of shell midden on the lower southern slopes of Mauao including material eroding down slope from insitu deposits. Several large midden deposits occur immediately both slips.

### ARCHAEOLOGICAL SURVEY AUGUST 2006

The archaeological inspection was confined to the two areas affected by erosion in May 2005. Subsurface testing was restricted to the inspection of the exposed erosion face in both areas and the debris below each slip.

#### Area 1

Area 1 comprises a slip along the outer edge of Pilot Quay Road. The slip has dislodged quantities of shell and has exposed further shell layers in section.

#### Section 1a

Shell exposed in section in the erosion scar appears to comprise old erosion deposits and shell midden used as road aggregate before bitumen seal was laid on Pilot Quay. The western section of the slip has exposed a shell layer 10 – 20cm deep that appears to be an old road surface aggregate probably quarried from a shell midden in the immediate area. No insitu archaeological features or deposits are apparent in 'section 1a' and the archaeological value of the road aggregate layer is probably limited to the recovery of possible artifact inclusions.

#### Section 1b

The road aggregate layer does not appear to extend into 'Section 1b' to the east. Instead, whole and broken pipi and cockle are eroding from several pockets of concentrated shell midden and may represent shell gravitating down slope from midden deposits on the up hill side of Pilot Quay Road. The shell deposits do not form a coherent cultural layer and are separated by yellow brown pumice loam subsoil's that have no apparent cultural inclusions.

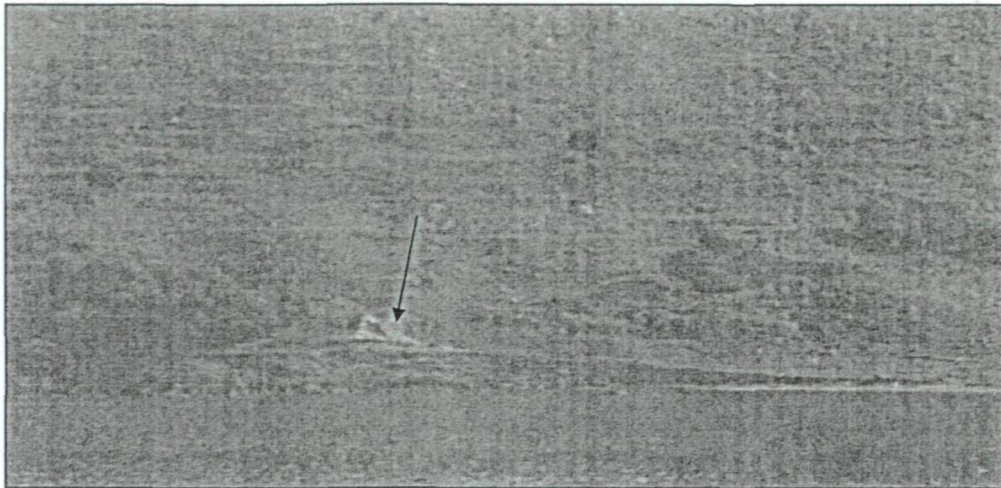


Figure 4. View of Pilot Quay Road taken in the early 1900s showing a possible quarried midden (arrowed) immediately west of the slip.

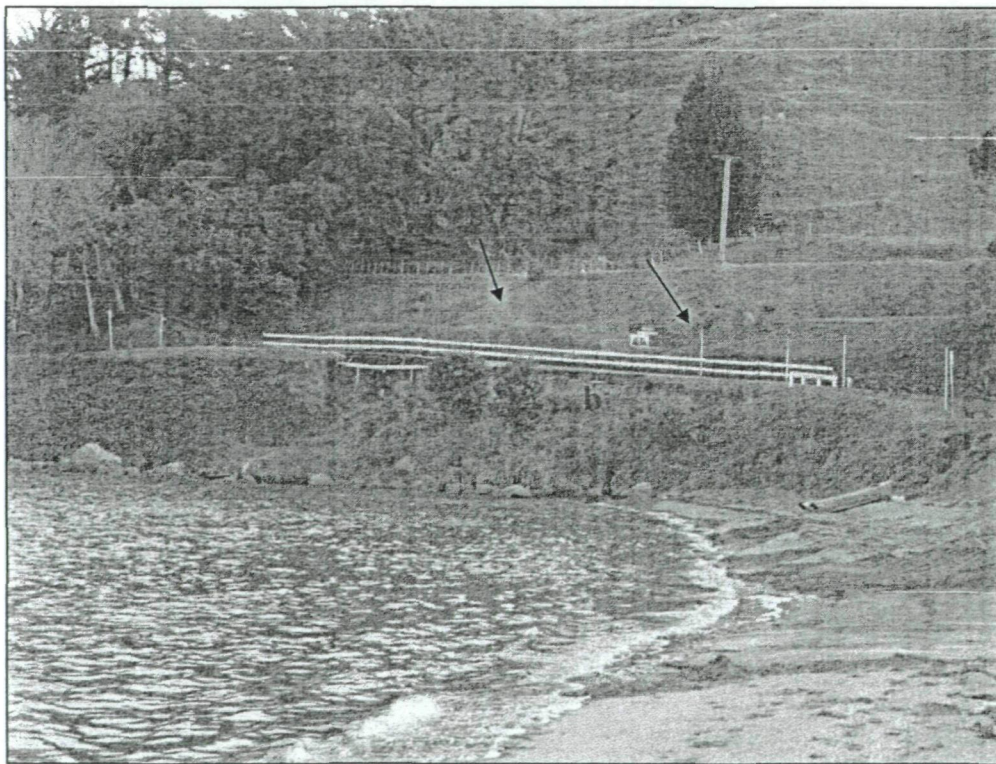
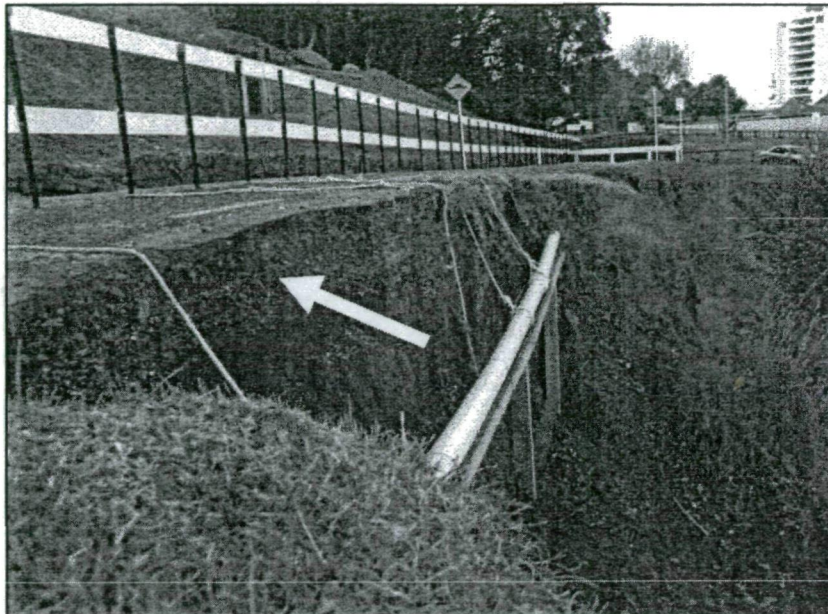
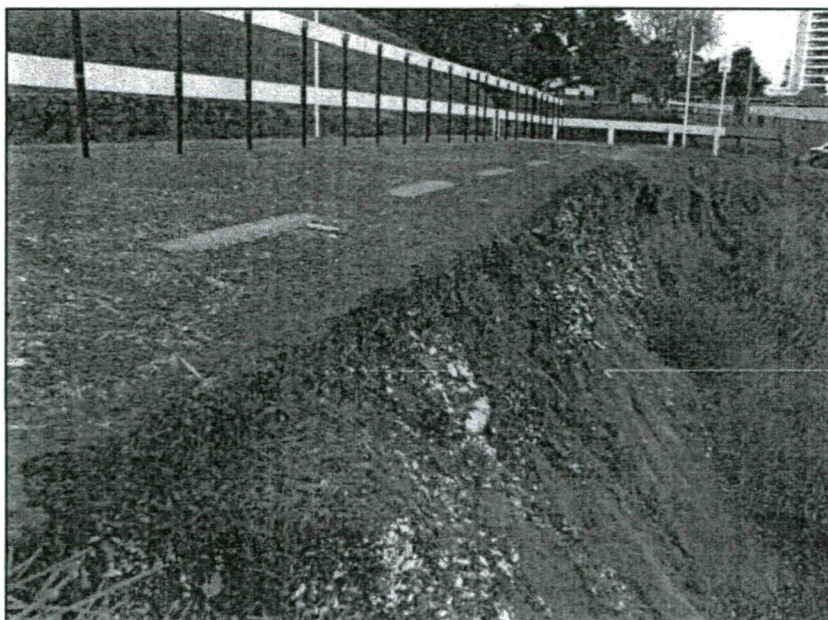


Figure 5. View of the slip below the eastern end of Pilot Quay showing exposures a & b. Shell midden above Pilot Quay Road is arrowed.



**Figure 6. View looking east across Pilot Quay Road slip section a showing the old road aggregate layer (arrowed).**



**Figure 7. View looking east across Pilot Quay Road slip section b showing whole and broken shell eroding from several concentration below the road seal.**

## Area 2

The large slip that occurred in May 2005 between the 4WD track and Pilot Bay wharf is located within an older slip that appears on survey plans of Mauao produced as early as the 1930s. Midden and terrace features have been eroding on the eastern and western sides of the older slip bowl for many years. Shell midden deposits along the outer edge of the 4WD track were disturbed during the May 2005 event.

The shell eroding from the outer edge of the 4WD track likely represents eroding midden gravitating down slope from large insitu midden deposits above the 4WD track. Construction of the track probably caused significant damage to archaeological features in this area and exposed shell beneath the track was likely re-deposited at that time.

## Archaeological Values

The shell midden evident in the slip debris has limited or no archaeological value beyond the possible recovery of artifact inclusions. Shell midden exposed at the top of the erosion scarp appears to have been disturbed by early erosion episodes and the construction of the 4WD track and has limited archaeological integrity.



**Figure 8. View of Slip 2 looking up to the black polythene covered erosion scarp on the 4WD track.**



**Figure 9. View looking down the old slump bowl of slip 2 towards the Pilot Bay wharf.**



**Figure 10. View of Shell midden exposed at the top of the erosion scarp of slip 2 and beneath the 4WD track.**

## ASSESSMENT

---

### GENERAL CONSIDERATIONS

This report is an assessment of impact on archaeological values and does not include an assessment of Maori values. Such an assessment can only be made by the tangata whenua.

It should be noted that archaeological survey techniques based on visual inspection and minor subsurface testing cannot necessarily detect all possible subsurface archaeological features, nor identify wahi tapu and other sites of traditional significance to Maori, especially where these have no physical remains.

### SIGNIFICANCE

The significance of the archaeological resource on Mauao cannot be over emphasised. It is unique for its size, antiquity and spatial complexity and constitutes one of the most important archaeological landscapes in New Zealand.

The archaeological significance is derived not from any specific pa or terrace complex but from the relation of collective components and intervening spaces that constitute the archaeological cultural landscape. The spatial organisation of archaeological features on Mauao suggests a high level of social and political organisation over a long period of time. Each feature whether it be a small pit or midden deposit is integral to the integrity and significance of the wider archaeological landscape.

### EFFECTS

Ground disturbance associated with the remediation work on the two slips will involve cutting back into the existing erosion scarps and stabilizing the new slip face with various retaining walls, rock revetments and reinforced earth batters.

Archaeological features currently exposed in the erosion scarps are primarily shell midden eroding from insitu midden above the 4WD track and Pilot Quay as well as probable road aggregate sourced from insitu midden near by. The exposed shell features have limited or no archaeological value. Features with greater archaeological integrity may be encountered when the erosion scarps are cut back as part of the remediation work.

### HISTORIC PLACES ACT

All archaeological sites whether recorded or not are afforded legal protection by the Historic Places Act (1993), and may not be modified, damaged or destroyed without prior authority having been obtained under the provisions of Section 11 and Section 12 of the Act.

## RECOMMENDATIONS

---

The following recommendations for avoidance or mitigation are provided as points of discussion between the applicant, statutory agencies and tangata whenua.

1. That an NZHPT authority to modify damage or destroy an archaeological site is required in order to carry out ground disturbance associated with the proposed remediation work on the two slips.
2. That a suitably qualified archaeologist is employed to record in detail the existing exposed archaeological features directly affected by the proposed remediation work.
3. That all ground disturbance associated with the remediation work is monitored by an archaeologist.
4. That any intact archaeological features encountered during the remediation work are recorded in detail and sampled and analysed as appropriate.
5. That if koiwi tangata (human remains) are encountered, no further modification of the site concerned shall occur until tangata whenua and the Trust have been advised and their responses received.
6. Archaeological survey cannot always detect sites of traditional value to Maori, such as wahi tapu. Tangata whenua should be consulted regarding the possible existence of such sites and informed of the recommendations of this report.

## BIBLIOGRAPHY

---

s 7(2)(a) - Privacy

- 2003 Preliminary Archaeological Survey and Identification of Threats to Archaeological Resources, Mauao Historic Reserve, Tauranga. Unpublished report to Tauranga District Council.

**APPENDIX G – New Zealand Historic Trust Authority**

s 7(2)(a) - Privacy

**From:** s 7(2)(a) - Privacy  
**Sent:** Monday, 20 November 2006 11:56  
**To:** s 7(2)(a) - Privacy  
**Cc:** s 7(2)(a) - Privacy  
**Subject:** HPT authority

Hello, s 7(2)(a) - Privacy how are you?

Please find attached a copy of the HPT authority for the proposed works.

I have contacted DoC about the snail issue and they are to get back to me.

Regards

s 7(2)(a) - Privacy

PS we had a pretty good conference in Kaikoura, nice weather even!  
I also mentioned that you were happy to be asked to be on the 2007 conference committee.

s 7(2)(a) - Privacy

Coastal Scientist

Tonkin and Taylor Limited  
[www.tonkin.co.nz](http://www.tonkin.co.nz)

PO Box 9544  
9 Clifton Road  
Hamilton  
NEW ZEALAND

s 7(2)(a) - Privacy

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csk for 22/9/06 application

New Zealand Historic Places Trust  
Pouhere Taonga



S:/Arch/2007-83

Patron:  
Her Excellency The Hon  
Dame Silvia Cartwright, PCNZM, DBE  
Governor General of New Zealand

HP 11013/11036-059  
In reply please quote 2007/83

16 November 2006

s 7(2)(a) - Privacy

Tonkin and Taylor Ltd  
PO Box 317  
TAURANGA

Tena koe s 7(2)(a) - Privacy

**AUTHORITY PURSUANT TO SECTION 14, *HISTORIC PLACES ACT* 1993 -  
2007/83: Middens, Pits and Terraces, Mauao Historic Reserve, Adams Avenue,  
Mount Maunganui**

#### APPLICATION

The Trust has considered your application on behalf of Tauranga City Council for an authority to modify or damage archaeological sites within the Mauao Historic Reserve, Adams Avenue, Mount Maunganui.

The Trust has made the following decision on your application.

#### DECISION

In accordance with section 14 (1) of the *Historic Places Act* 1993, the New Zealand Historic Places Trust grants a general authority (in whole) to Tauranga City Council to modify or damage archaeological sites at Mauao Historic Reserve, Adams Avenue, Mount Maunganui (Part Section 1, Block VI, Tauranga SD), for the purposes of slip remediation work, as specified in the application dated 22 September 2006, subject to the following conditions:

1. Pursuant to Section 20A of the *Historic Places Act* 1993, this authority may not be exercised during the appeal period of 15 working days or until any appeal that has been lodged is resolved.
2. That the authority shall not be exercised until and unless any required consent has been granted by the appropriate local authority for this activity.
3. The authority holder shall ensure the Trust is informed of the start and finish dates of any archaeological work required as a condition of this authority.

4. That an archaeologist approved under section 17 records in detail the existing exposed archaeological features directly affected by the proposed remediation works.
5. That all ground disturbance and earthworks associated with the remediation works that may affect archaeological sites shall be monitored by an archaeologist approved under section 17. The archaeologist shall ensure that:
  - a) Archaeological stratigraphy, features, and remains are identified, recorded, measured, investigated, assessed and sampled in accordance with accepted archaeological practice,
  - b) That the Trust is notified without delay if there appear to be any reasonable grounds on which an archaeological investigation of any site(s) encountered could provide significant information as to the historical and cultural heritage of New Zealand (in relation to section 15(1) of the Act). Any earthworks that may affect such a site shall cease until the Trust has given its response (this response would be given within 3 working days),
  - c) The discovery of taonga and recognised Maori cultural material is notified to the Ministry for Culture and Heritage or local public museum (pursuant to the requirements of the *Protected Objects Act* 1975).
  - d) If any koiwi tangata (human remains) are encountered, no further modification of the site concerned shall occur until Ngati Ranginui, Ngaiterangi, Ngati Pukenga, Waitaha and Ngai Tamarawaho and the Trust have been advised and their responses received.
  - e) Any archaeological work shall be undertaken in conformity with any tikanga Maori protocols or monitoring requirements agreed to by Ngati Ranginui, Ngaiterangi, Ngati Pukenga, Waitaha and Ngai Tamarawaho and the authority holder.
6. That:
  - a) That within 6 months of the completion of the on-site archaeological work a final report is submitted to the Trust. As a minimum standard this report shall contain: site plans; section drawings; inventory of material recovered, including a catalogue of artefacts; location of where the material is currently held; and, analysis of recovered material in accordance with accepted archaeological practice. Copies of the report shall be lodged with the Trust, the NZAA Central Filekeeper, Ngati Ranginui, Ngaiterangi, Ngati Pukenga, Waitaha and Ngai Tamarawaho. A digital copy of the report should be sent to the Trust's National Office, for the digital library.

- b) NZAA Site Record No. U14/3118 is updated by the archaeologist.

Pursuant to section 17 (1) and (3) of the Act, consent is notified for with such assistants as may be necessary, as a person approved by the Trust to undertake the archaeological work required under this authority, and to compile and submit a report on the work done.

s 7(2)(a) - Privacy

You should be aware of the provisions of the Act summarised below. These concern the rights and obligations of the holder of an authority, and (with respect to section 20) of any person who is directly affected by an authority decision. If you are unsure of these provisions, you may wish to contact the Trust, or to seek legal advice.

- (a) EXPIRY DATE - S 14 (10) - An authority shall be deemed to lapse five years after the date of the granting of that authority.
- (b) REVIEW OF CONDITIONS - S 16 - The holder of an authority may apply to the Trust for the change or cancellation of any condition of the authority. The Trust may also initiate a review of all or any conditions of an authority.
- (c) RIGHTS OF APPEAL - S 20 - Any person who is directly affected by any decision, condition, or review of a condition made under sections 14 (1) (a) and (b), 15, 16, 17 and 18 may appeal against that decision or condition to the Environment Court. The notice of appeal shall - (1) state the reasons for the appeal and the relief sought; (2) state any matters referred to in section 120 of the *Resource Management Act* 1991; (3) be lodged with the Environment Court and served on the Trust within 15 working days of receiving the Trust's decision; (4) be served on the applicant or owner within five working days of lodging the appeal.

#### ASSESSMENT AND ADVICE

In considering this application, the Trust notes that Tauranga City Council is proposing to undertake slip remediation works at Mauao Historic Reserve, Adams Avenue, Mount Maunganui. This activity will affect recorded archaeological midden, pits and terrace sites. Although the sites have been damaged in the past, they nevertheless possess important archaeological values and are also of significance to Ngati Ranginui, Ngaiterangi, Ngati Pukenga, Waitaha and Ngai Tamarawaho.

It is the view of the Trust that an authority may be granted in this case on standard conditions of archaeological recording, investigation, sampling, analysis, reporting, and tangata whenua involvement as appropriate.

Thank you in anticipation of your compliance with the conditions of this authority. The Trust looks forward to receiving a report on the work done, which will make a

s 7(2)(a) - Privacy

- NZHPT Lower Northern Regional Archaeologist

NZHPT Tauranga Office

PO Box 13339

TAURANGA

s 7(2)(a) - Privacy

Kia ora

s 7(2)(a) - Privacy

Kaihautu Maori

- cc: s 7(2)(a) - Privacy  
PO Box 855  
WHAKATANE
- cc: NZHPT Regional Archaeologist s 7(2)(a) - Privacy
- cc: NZHPT Lower Northern Area Manager s 7(2)(a) - Privacy
- cc: Ngati Ranginui, Ngaiterangi, Ngati Pukenga, Waitaha and Ngai Tamarawaho  
C/O Advisory Group  
Tauranga City Council  
Private Bag 12022  
TAURANGA
- cc: NZAA Regional Filekeeper, Bay of Plenty
- cc: Planner: Environment  
Tauranga City Council  
Private Bag 12022  
TAURANGA
- cc: Planning Manager  
Tauranga City Council  
Private Bag 12022  
TAURANGA

Pursuant to Section 14 (9) *Historic Places Act 1993* the Trust must notify TLAs of any decision made on an application to damage, modify or destroy an archaeological site. We recommend that this advice is placed on the appropriate property file for future reference.

- cc: Heritage Operations  
Ministry for Culture and Heritage  
PO Box 5364  
WELLINGTON

Section 19 *Historic Places Act 1993* refers

- cc: NZAA Central Filekeeper  
c/- DOC  
Box 10420  
WELLINGTON

**APPENDIX H – Environment Bay of Plenty information**

# FACSIMILE



To: s 7(2)(a) - Privacy

At: Opus

From: s 7(2)(a) - Privacy  
Environmental Consents Officer

Fax No: s 7(2)(a) - Privacy

Our Ref: 1370 63791

Pages: (including this page)

Date: 26 February 2007

Subject: Copy Of Draft Conditions FYI - Application Number 63791 TCC Mauao Slip Remediation

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Regards

s 7(2)(a) - Privacy

Document

5 Quay Street, P O Box 364, Whakatane, New Zealand  
Telephone All Offices 0800 ENV BOP (0800 368 267)  
Facsimile 0800 ENV FAX (0800 368 329)  
POLLUTION HOTLINE 0800 73 83 93  
Email: info@envbop.govt.nz Web Site: www.envbop.govt.nz

1370 63791

Conditions for resource consent number 63791

Tauranga City Council

**DRAFT**

A resource consent:

- (a) Pursuant to section 9(3)(a) of the Resource Management Act 1991 and Rule 10.5.4.1 of the Bay of Plenty Regional Land Management Plan, being a Discretionary Activity, to **Carry Out Small Scale Earthworks in the Erosion Hazard Zone;** and
- (b) Pursuant to section 15(1)(a) of the Resource Management Act 1991 and Rule 9.2.4(b) of the Bay of Plenty Regional Coastal Environment Plan, being a Discretionary Activity, to **Temporarily Discharge Potentially Sediment Contaminated Site Water to Tauranga Harbour;** and
- (c) Pursuant to section 12(1)(b) of the Resource Management Act 1991 and rule 13.2.4(h) of the Bay of Plenty Regional Coastal Environment Plan, being a Discretionary Activity, to **Erect a Rock Revetment Structure in, on, under, or over the Foreshore and/or Seabed of Tauranga Harbour;** and
- (d) Pursuant to section 12(1)(c) of the Resource Management Act 1991 and rule 14.2.4(e) of the Bay of Plenty Regional Coastal Environment Plan, being a Discretionary Activity, to **Disturb the Foreshore and Seabed;** and
- (e) Pursuant to section 12(1)(d) of the Resource Management Act 1991 and rule 14.2.4(e) of the Bay of Plenty Regional Coastal Environment Plan, being a Discretionary Activity, to **Deposit Substances in, on, or under the Foreshore and Seabed;** and
- (f) Pursuant to section 12(2)(a) of the Resource Management Act 1991 and Rule 12.2.4(a) of the Bay of Plenty Regional Coastal Environment Plan, being a Discretionary Activity, to **Occupy Space in the Coastal Marine Area;**

subject to the following conditions:

## 1 Purpose of this Resource Consent

To provide for the remediation and stabilisation of slips which occurred as a result of heavy rainfall in May 2005. The proposal involves the construction of a rock revetment and reinforced earth batter at Pilot Quay and remediation of the 4WD track adjacent to Pilot Wharf. To address current and future slope failures in the vicinity of Pilot Quay, works will be undertaken in two distinct stages. Stage 1 will address the current slope failure. Stage 2 will address potential future slope failure east of the current slip. The consent provides for the temporary discharge of potentially sediment contaminated site water during remedial and construction works.

## 2 Location

The activity site is located on the Pilot Bay side of Mauao (Mount Maunganui), between Pilot Wharf and the Pilot Bay boat ramp, Tauranga as shown on BOPRC plan number RC 63791/1.

### 3 Map reference

The Pilot Quay revetment and reinforced earth batter are located at or about map reference NZMS 260 U14 9037 9157 (approximate midpoint).

The 4WD slip remediation works are located at or about map reference NZMS 260 U14 9024 9147 (approximate midpoint).

### 4 Legal description

Lot 2 DPS 323385, Tauranga SD, (Tauranga District).

**DRAFT**

### 5 Occupation

- 5.1 The area occupied by the rock revetment constructed under this permit shall not exceed 300m<sup>2</sup> in total and shall be as shown on BOPRC plan number RC 63791/2.
- 5.2 There shall be free and unrestricted public access to the rock revetment constructed under this permit except where necessary during initial construction and ongoing maintenance works, to ensure the safety of the public using structures under this permit.
- 5.3 The permit holder shall take all necessary precautions to ensure the safety of the public using permanent structures under this permit.

### 6 Notifying the Regional Council of works

- 6.1 The consent holder shall submit a detailed sediment control plan for each stage of disturbance activities under this consent to the Regional Council for the technical approval of the Chief Executive of the Regional Council or delegate, no less than ten working days prior to commencing each stage of works under this consent (refer Advice Note 3). No works under this consent may commence until technical approval is obtained.
- 6.2 Not less than five working days prior to commencing each stage of works under this consent, the consent holder shall, in writing, request a site meeting between the principal contractor and the Chief Executive of the Regional Council or delegate (refer Advice Note 3). Notification at this time shall include details of who is responsible for on-site management and compliance with consent conditions.
- 6.3 Within five working days of the completion of each stage of works under this consent (refer Advice Note 3), the consent holder shall, in writing, notify the Chief Executive of the Regional Council or delegate.
- 6.4 Within 30 working days of the completion of each stage of works (refer Advice Note 3), the consent holder shall submit a certificate signed by a chartered professional engineer, to certify that the rock revetment structure, reinforced earth batter, 4WD remediation and any associated works have been constructed in accordance with good engineering practice and the information submitted in application for this permit, including BOPRC plan numbers RC 63791/2, RC 63791/3, RC 63791/4 and RC 63791/5.

**DRAFT**

## **7 Earthworks**

- 7.1 All construction earthworks under this consent, shall be located and carried out generally in accordance with information submitted with the application for this consent including:
- Sections 3, 5 and 6 of the application document titled "Mauao/Pilot Bay Slip Remediation Assessment of Environmental Effects – Pilot Quay, June 2006, Job no: 850677.002" received 22 June 2006;
  - Amended design details received 12 September 2006; and
  - BOPRC plan numbers RC 63791/2, RC 63791/3, RC 63791/4 and RC 63791/5.
- 7.2 The permit holder shall ensure that no slip and/or excavated material is removed from Mauao.
- 7.3 The consent holder shall ensure that all exposed areas of earth resulting from works associated with this consent, are effectively stabilised against erosion by vegetative cover or other methods as soon as practicable, following the completion of each stage of works.
- 7.4 Notwithstanding the requirements of Condition 7.3, the consent holder shall ensure that all exposed areas of earth resulting from works associated with this consent, are effectively stabilised using the following methods by their respective dates:
- Top soiling and grassing by 30 April of any year within the duration of the consent;
  - Hydroseeding (or by use of a comparably effective method) by 15 May of any year within the duration of this consent; or
  - Using hay or straw mulching (or by use of a comparably effective method) by 31 May of any year within the duration of this consent.
- 7.5 All earthworks carried out under this consent to remediate the Pilot Quay slip shall be completed within six weeks of commencing those works.
- 7.6 All earthworks carried out under this consent to remediate the 4WD track slip shall be completed within 10 weeks of commencing those works.
- 7.7 No bulk earthworks shall be undertaken between 1 June and 15 September (inclusive) of any year within the duration of this consent.

## **8 Erosion and Sediment Control**

- 8.1 Erosion and sediment controls shall be constructed in general accordance with information submitted with the application and the detailed sediment control plan required by condition 6.1 of this consent.
- 8.2 All erosion and sediment controls shall be installed prior to the commencement of bulk earthworks.
- 8.3 All discharge structures shall be constructed and operated so as to avoid erosion as a result of the discharge. The consent holder shall remedy any erosion that may occur at, or adjacent to the discharge points as a result of the exercise of this consent.
- 8.4 The consent holder shall divert uncontaminated catchment runoff away from the area of earthworks, where practicable.
- 8.5 Unless otherwise specified in this consent, the consent holder shall ensure that all erosion and sediment controls comply with specifications set out in Environment Bay of Plenty

Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor.

## 9 Dust Control

- 9.1 The consent holder shall adopt a proactive strategy for dust control, specifically by complying with the principles of dust management, as set out in Section 3.4 of Environment Bay of Plenty Guideline No. 2001/03 - "Erosion and Sediment Control Guidelines for Land Disturbing Activities" or its successor, so as to prevent a dust nuisance from occurring beyond the property boundary.
- 9.2 The consent holder shall ensure that an adequate supply of water for dust control (sufficient to apply a minimum of 5 mm/day to all exposed areas of the site), and an effective means for applying that quantity of water, is available on site at all times during construction and until such time as the site is fully stabilised.
- 9.3 In the event that wind conditions render dust control impracticable, the consent holder shall ensure that any machinery generating airborne dust, ceases to operate until such time as effective dust control can be re-established.
- 9.4 Notwithstanding conditions 9.1 to 9.3 above, the consent holder shall undertake additional or alternative dust control measures, to the satisfaction of the Chief Executive of the Regional Council or delegate, as directed.

## 10 Temporary Stormwater Discharge

DRAFT

- 10.1 Stormwater generated on the site during construction works, shall be treated in an appropriate sediment retention facility, before discharge generally in accordance with the detailed sediment control plan required by condition 6.1 of this consent.
- 10.2 The consent holder shall ensure that the placement and use of any temporary discharge structure does not cause erosion of the foreshore and/or pose a hazard to people using Tauranga Harbour or its margins.
- 10.3 Stormwater discharged shall be substantially free of floatable solids, oil and grease.
- 10.4 The consent holder shall ensure that, after reasonable mixing, any discharge resulting from works under this consent shall not result in any of the following:
- The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials.
  - Any conspicuous change in the colour or visual clarity.
  - Any emission of objectionable odour.
  - Any significant adverse effects on aquatic life
  - The natural temperature of the water shall not be changed by more than 3° C.
  - Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants.

## 11 Rock Revetment Works

- 11.1 All works to construct the rock revetment under this consent shall be located and carried out generally in accordance with information submitted with the application for this consent including:

- Sections 3, 5 and 6 of the application document titled "Mauao/Pilot Bay Slip Remediation Assessment of Environmental Effects – Pilot Quay, June 2006, Job no: 850677.002" received 22 June 2006;
  - Amended design details received 12 September 2006; and
  - BOPRC plan numbers RC 63791/2, RC 63791/3 and RC 63791/4.
- 11.2 Stone material used for the construction of the rock revetment shall be of an appropriate durability with a minimum density of 2.5T/m<sup>3</sup>.
- 11.3 All works in the coastal marine area to construct the rock revetment shall be undertaken in the period three hours either side of low tide.
- 11.4 Machinery shall be kept out of the coastal marine area wherever practicable.
- 11.5 Machinery movements on the foreshore shall be kept to a minimum.
- 11.6 Where vehicle movements in the coastal marine area are necessary, they shall be undertaken in the dry (above sea level at the time of vehicle movement), where practicable.
- 11.7 Work involving the disturbance of the foreshore shall be undertaken in the dry (above sea level at the time of disturbance), where practicable.
- 11.8 No refuelling activities or fuel storage shall occur on the foreshore or seabed or within 20 m of mean high water springs. The permit holder shall employ methods to avoid or minimise any fuel spillage, including the provision of appropriate security and containment measures, where necessary.
- 11.9 All plant, machinery, equipment and construction materials associated with this permit shall be removed from the coastal marine area at the completion of works.
- 11.10 The permit holder shall, as far as practicable, reinstate the foreshore to its original contour at the completion of works.
- 11.11 Works associated with this permit shall be carried out under the supervision of a chartered professional engineer.
- 11.12 All works under this permit shall be undertaken in daylight hours and shall not occur on public holidays.
- 11.13 All rock revetment construction works under this permit shall be completed within six weeks of commencement.

## 12 Signage

Prior to the commencement of works under this consent, the consent holder shall erect a prominent sign adjacent to the Pilot Bay entrance to the site and maintain it throughout the period of the works. The sign shall clearly display, as a minimum, the following information:

- The name of the proposal; and
- The main site contractor; and
- A 24 hour contact telephone number for the consent holder or appointed agent; and

**DRAFT**

- A clear explanation that the contact telephone number is for the purpose of receiving complaints and information from the public about dust nuisance or any other problem resulting from the exercise of this consent.

### **13 Maintenance**

- 13.1 The consent holder shall ensure that the erosion and sediment controls, spillways, dewatering devices and associated erosion protection devices and dust controls are maintained in an effective capacity at all times during works and until the site is stabilised in accordance with conditions of this consent.
- 13.2 The consent holder shall ensure that, as far as practicable, any necessary maintenance of erosion and sediment controls identified by inspection, or by Regional Council staff, is completed within 24 hours.
- 13.3 Accumulated sediment shall be removed from sediment retention facilities before sediment levels reach 25% of that facilities volume.
- 13.4 The consent holder shall ensure that sediment removed from any sediment retention facility, is placed in a stable position where it can not re-enter the facility or enter any other water body.
- 13.5 The consent holder shall ensure that all-weather machinery access is maintained to any sediment retention facilities.

### **14 Sites of archaeological, historic or cultural significance**

- 14.1 The permit holder shall ensure that a suitable qualified archaeologist is employed to record in detail any existing exposed archaeological features directly affected by works under this consent.
- 14.2 The permit holder shall ensure that any ground disturbance carried out under this consent is monitored by a suitable qualified archaeologist. Where intact features are encountered, the permit holder shall ensure that they are recorded in detail and sampled and analysed as appropriate.
- 14.3 In the event koiwi tangata (human remains) are encountered, the permit holder shall ensure that no further modification of the site concerned shall occur until relevant Tangata Whenua and the New Zealand Historic Places Trust have been advised and their responses received.
- 14.4 Notwithstanding conditions 14.1 to 14.3, in the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The consent holder shall then consult with relevant Tangata Whenua and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.

### **15 Resource Management Charges**

The consent holder shall pay the Bay of Plenty Regional Council such administrative charges as are fixed from time to time by the Regional Council, in accordance with Section 36 of the Resource Management Act 1991.

**DRAFT**

## 16 Term of Consent

This consent shall expire on 31 October 2041.

- 17 **The Resource Consent** hereby authorised is granted under the Resource Management Act 1991 and does not constitute an authority under any other Act, Regulation or Bylaw.

### Advice notes:

- 1 *This consent does not authorise the holder to modify or disturb any archaeological or historic sites within the area affected by this consent. Should any artefacts, bones or any other sites of archaeological or cultural significance be discovered within the area affected by this operation, written authorisation should be obtained from the Historic Places Trust before any damage, modification or destruction is undertaken.*
- 2 *The consent holder is advised that during the processing of this consent, high densities of a rare and/or threatened terrestrial snail have been identified within Kikuia and rank exotic grass/weed species located between the access road and the shoreline. While conditions of consent require effective stabilisation of exposed areas, consideration should be given to allowing this specific habitat to naturally regenerate.*
- 3 *The consent holder has advised that works under this consent will be undertaken in distinct stages. Notification requirements of this consent shall be applied to each distinct stage of works.*
- 4 *The permit holder is advised that should Stage 2 of the Pilot Quay works be required that a minor variation of the consent under section 127 of the Resource Management Act 1991 will be necessary. In particular, application should be made to vary BOPRC plan number RC 63791/2 to show design detail of Stage 2 works. At the time of granting this consent it is considered appropriate for any such variation to occur on a non notified basis without the need to obtain the written approval of identified adversely affected parties.*
- 5 *Reporting and notification required by conditions of this consent shall be directed (in writing) to the Principal Compliance Officer, Environment Bay of Plenty, PO Box 364, Whakatane, including the consent number.*
- 6 *The consent holder is responsible for ensuring that all contractors carrying out works under this consent are made aware of the relevant consent conditions, plans and associated documents.*
- 7 *The consent holder is advised that non-compliance with consent conditions may result in enforcement action against the consent holder and/or their contractors.*
- 8 *The permit holder is advised that under the provisions of section 64A of the Resource Management Act 1991, this permit may become subject to charges for the occupation of Crown seabed and/or foreshore. At the time of issuing this permit, there is no charging system in place however this permit may be affected by any charging regime implemented in the future.*

DRAFT

**APPENDIX I – Letters sent to Iwi/ Hapu on 6 December 2006**

6 December 2006

NGATI KUKU HAPU  
c/o Mount Maunganui South  
Post Office  
MOUNT MAUNGANUI



Attention: [Redacted] s 7(2)(a) - Privacy

File reference: 29B051.00.  
TCC reference: RC12837  
Your reference: NK

Tena koe [Redacted] s 7(2)(a) - Privacy

**Application for Land Use Consent to carry out slip remediation works on Pilot Quay and below the 4WD Track on Mauao, Mt Maunganui by Tauranga City Council.**

Tauranga City Council (TCC) has engaged Opus International Consultants Limited to process this resource consent application. I have attached a copy of the Archaeological Assessment that has been submitted for this application.

Consents are required from TCC to carry out stabilisation works on the 4 Wheel Drive track and these works exceed the maximum limit of annual earthworks in a Conservation Area by 340m<sup>3</sup>. The work to stabilise a section of Pilot Quay includes constructing a gabion basket within a Flood Hazard Area, and this is within 15 metres of the Mean High Water Springs.

Consents are also being sought from Environment Bay of Plenty for the above works, and it my understanding that both of these consents have been granted or are near to being granted.

A Historic Places Trust Authority has also been granted for this activity (16 November 2006) and this authority includes provisions should there be any "discoveries" on-site as a result of these works.

I note that there has been a substantial consultation programme carried out by [Redacted] s 7(2)(a) - Privacy of Boffa Miskell on behalf of the applicant but I would ask that if you have any comments regarding this application that you please send your feedback to me by 15 December 2006.

Please contact me at [Redacted] s 7(2)(a) - Privacy or on [Redacted] s 7(2)(a) - Privacy if you have any queries regarding this letter or this application.

Yours sincerely,

[Redacted] s 7(2)(a) - Privacy

*Consultant Planner*

6 December 2006

MAUAO STEERING GROUP  
Tauranga City Council  
Private Bag 12022  
TAURANGA



Attention: [redacted] s 7(2)(a) - Privacy

File reference: 29B051.00.  
TCC reference: RC12837  
Your reference: NK

Tena koutou,

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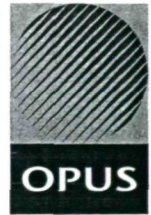
Yours sincerely,

[redacted] s 7(2)(a) - Privacy

*Consultant/Planner*

6 December 2006

TE RUNANGA O NGAI TAMARAWAHO



s 7(2)(a) - Privacy

TAURANGA

Attention: s 7(2)(a) - Privacy

File reference: 29B051.00.  
TCC reference: RC12837  
Your reference: NK

Tena koe s 7(2)(a) - Privacy

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Please contact me at s 7(2)(a) - Privacy or on s 7(2)(a) - Privacy if you have any queries regarding this letter or this application.

Yours sincerely,

s 7(2)(a) - Privacy

*Consultant Planner*

Opus International Consultants Limited  
Tauranga Office

405 Cameron Road  
PO Box 646  
Tauranga, New Zealand

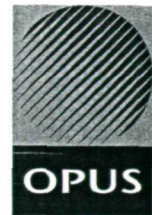
s 7(2)(a) - Privacy

6 December 2006

NGAI TUKAIRANGI HAPU

s 7(2)(a) - Privacy

RD6  
TE PUNA



Attention: s 7(2)(a) - Privacy

File reference: 29B051.00.  
TCC reference: RC12837  
Your reference: NK

Tena koe s 7(2)(a) - Privacy

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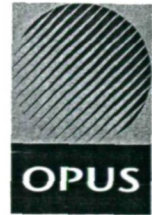
Please contact me at s 7(2)(a) - Privacy or on s 7(2)(a) - Privacy if you have any queries regarding this letter or this application.

Yours sincerely,

s 7(2)(a) - Privacy

*Consultant Planner*

6 December 2006



WAITAHA-A-HEI HAPU  
224 Manoeka Road  
TE PUKE

Attention: Mr [REDACTED] s 7(2)(a) - Privacy

File reference: 29B051.00.  
TCC reference: RC12837  
Your reference: NK

Tena koe Mr [REDACTED] s 7(2)(a) - Privacy

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Please contact me at [REDACTED] s 7(2)(a) - Privacy or on [REDACTED] s 7(2)(a) - Privacy if you have any queries regarding this letter or this application.

Yours sincerely,

[REDACTED] s 7(2)(a) - Privacy

*Consultant Planner*

**APPENDIX J – Department of Conservation Response**



Department of Conservation  
*Te Papa Atawhai*

RECEIVED

21 FEB 2007

Opus International  
Consultants, Tauranga

19 February 2007

s 7(2)(a) - Privacy

Opus International Consultants  
PO Box 646  
Tauranga

Dear s 7(2)(a) - Privacy

**Tauranga City Council Land Use Consents for Mauao remediation works**

- **4WD track**
- **rock revetment and earth batter below Pilot Quay Road**

The Department has considered the above applications and has no concerns with the purpose of the proposed remediation or the consents required from Environment Bay of Plenty.

However, a population of native snails of unusually high density has been identified in the exotic grass and weed vegetation between Pilot Quay Road and the shoreline in the vicinity of the slip area. These snails have not been studied in any depth, but the high density indicates that this area of exotic weeds provides an excellent microhabitat and shelter to the small snails.

It is not known which aspects of the location make this a good habitat. The Department does not support retaining the current weed infestation and would wish to see recreation of this habitat with appropriate native vegetation plantings if possible.

It is considered that providing some of the snail habitat is preserved, by avoiding earthworks in adjacent sites, their population density would result in them recolonising suitable habitats after the work. Alternately, some of the snails could be relocated and reintroduced after the works, following the creation of suitable habitat.

The Department has little information on these snails and has been unable to find a mollusc expert to assist in identification. It is considered reasonably certain that they are native but their local and regional extent is unknown. In this situation it is considered appropriate to avoid unnecessary destruction of the known snail habitat but it is not necessary to avoid or constrain the proposed works

Yours faithfully

s 7(2)(a) - Privacy

**Bay of Plenty Conservancy**

P.O. Box 1146, 99 Sala Street, Rotorua, New Zealand  
Telephone 07-349 7400, Fax 07-349 7401

s 7(2)(a) - Privacy

Coastal Planner

*for Conservator Bay of Plenty*

**APPENDIX K – Council Development Engineers Response**

# MEMORANDUM

## TAURANGA CITY COUNCIL ENVIRONMENTAL SERVICES GROUP

File No: RC12837

Application No. LF-2006-12837-00

TO: DE - General [Redacted] s 7(2)(a) - Privacy

FROM : ADMINISTRATION OFFICER : ENVIRONMENTAL CONSENTS

RETURN TO : Opus Consultants/Alistair E-MAIL ADDRESS: [Redacted]

RETURN COMMENTS BY: 26 Jul 2006

COMMENTS REQUESTED : 12 JUL 2006

APPLICANT: TAURANGA CITY COUNCIL
APPLICATION: EARTHWORKS IN CONSERVATION & HERITAGE ZONES
LOCATION: 1 ADAMS AVENUE - PILOT BAY/ MAUAO

### COMMENTS/RECOMMENDATIONS

NB: Check and calculate subdivision and development impact fee requirements.

*Standard land-use conditions recommended.*

Signed: [Redacted] s 7(2)(a) - Privacy

Date: 25/07/06

Name: [Redacted]

Refer to **attached** additional comments: YES  NO

Time Spent: \_\_\_\_\_ (Hours)

Description of Work Carried Out:

Disbursements (describe item and cost):

Signed by Peer Reviewing Officer:	Date: / /
-----------------------------------	-----------

**NATURAL FEATURES CHECKLIST**  
 (For Environmental Engineering Checks)

1. **Type of Consent**

Subdivision

Land Use

Building

2. **Checklist**

- \* Site identified in Land Feature Register or on Land Feature File YES / NO
- \* Details of identified land features known YES / NO
- \* Site Inspection Required (Note reason if not required) YES / NO
- \* Site Visit carried Out Date: 24/7/06
- \* Slope of site excessive (20° or more) YES / NO - slip site
- \* Evidence of slippage YES / NO
- \* Evidence of subsidence or poor bearing capacity YES / NO
- \* Site affected by inundation (sea level rise, flooding) YES / NO
- \* Site affected by erosion YES / NO
- \* Site affected by avulsion YES / NO
- \* Site affected by falling debris YES / NO
- \* Site affected by alluvion YES / NO
- \* Site affected by exceptional wind effects YES / NO N/A
- \* 2-10 Lots in Rural & Rural Residential Zone Checked by Asset Development YES N/A

3. **GIS Check**

- Additional Sub File, checking required YES / NO
  - Additional Sub File, checking completed YES / NA
  - Any other file checking required and completed YES / NO
- State: \_\_\_\_\_

4. **Notes:**

Land use consent to undertake works within 15m of MTHS exceeding permitted activity conditions. Works required to stabilise slip.

5. **Conclusion**

- \* Geotechnical Report Required prior to issuing Resource Consent YES / NO / NA  
 Owner notified Date: \_\_\_\_\_
- \* Geotechnical Completion Report Required YES / NO / NA
- \* Specific design foundation required? YES / NO / NA  
 Owner notified Date: \_\_\_\_\_
- \* Site suitable for conventional development? YES / NO / NA

Signed Environmental Engineer:

s 7(2)(a) - Privacy

Date: 25/07/06

*The proposal shall proceed in accordance with the application submitted and shall comply with any other conditions that this consent is subject to.*

*The consent holder shall appoint an appropriately qualified person to undertake the role of the consent holder's representative in accordance with Section 1.F of the Code of Practice for Development.*

*Prior to the commencement of any work on site, the consent holder shall provide the Council with a copy of the coastal permit and earthworks consent for the activity as required and granted by the Bay of Plenty Regional Council.*

*The reason for this condition:  
To ensure that the activity proceeds in accordance with the application and that the measures proposed to avoid, remedy or mitigate adverse environmental effects are implemented.*

*The reason for this condition:*

*In granting this consent the Council acknowledges that one or more resource consents maybe required from Environment Bay of Plenty.*

*Rather than enacting Section 91 of the Resource Management Act 1991 the Council is satisfied that the consent holder is/will undertake application for the required coastal permit and earthworks consent from Environment Bay of Plenty and is satisfied that the consent holder will be able to obtain the required permits.*

*The consent holder is advised:*

*Prior to the commencement of the activity on the site, the consent holder must be satisfied the necessary permits from Environment Bay of Plenty will be obtained, thus ensuring no work is undertaken on the site that may be wasted.*

( ) *Machinery shall only operate on the site between the hours of 07:30 and 18:30, Monday to Saturday inclusive, excluding public holidays.*

( ) *Construction activities shall be carried out so as to comply with the limits recommended Table 1 in NZS6803:1999, and shall be measured and assessed in accordance with NZS6803:1999. Adjustments provided in Clause 6.1 of NZS6803:1999 shall apply for the full duration of the project, and references in the tables to NZS6802 shall read as references to Clause 4.2.2 of NZS6802:1991.*

*This is to prescribe minimum noise levels during construction that have been established through New Zealand Standards as appropriate during construction involved with establishment of an activity.*

*All costs associated with the above conditions shall be met by the consent holder.*

*This condition is concerned with prescribing that the consent holder is responsible for the cost of complying with conditions of consent and no other persons or organisations such as the Council.*

*The Senior Monitoring Officer of the Tauranga District the Council to be advised in writing of the commencement of the activity.*

*This is to provide the Council with advice of a suitable time for inspection of compliance with the conditions of the consent.*

*This consent lapses on the expiry of \_\_\_\_\_ years after the date of its commencement unless given effect to.*

*This condition places a time limit on establishing the activity so as to enable the Council to respond to any environmental changes that may have occurred during this time that may affect the continuing suitability of the activity.*

# REPORT

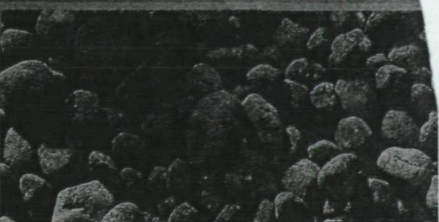
TAURANGA CITY COUNCIL

Mauao/Pilot Bay Slip  
Remediation  
Assessment of Environmental  
Effects - Pilot Quay



**Tonkin & Taylor**

ENVIRONMENTAL AND ENGINEERING CONSULTANTS



## APPENDIX L – Draft Notification Recommendation

### Pilot Quay

#### That it be resolved

- (A) That pursuant to Sections 93 and 94 the Resource Management Act 1991, the Non-Complying application to construct and maintain a rock revetment and earth batter within 15 metres of MHWS and within a Flood Hazard Policy Area given the rock revetments location below 2.9m Moturiki datum in respect of works below Pilot Quay Road at 1 Adams Avenue, Mount Maunganui legally described as Sections 3 & 12 Block VI Tauranga Survey District, Part Section 1 Block VI Tauranga Survey District be processed on a non-notified basis.

#### Reasons – as per the recommendation:

There are no special circumstances that would require the application to be notified.

The actual and/or potential adverse cultural, historic, landscape and visual, construction, archaeological, inundation and traffic effects of the activity on the environment are considered to be less than minor.

A written approval has been provided by the Department of Conservation and there are no other persons who are considered to be adversely affected.

### 4WD Track Remediation Works

#### That it be resolved

- (B) That pursuant to Sections 93 and 94 the Resource Management Act 1991, the Discretionary application to construct and maintain two retaining walls below the 4WD Track at 1 Adams Avenue, Mount Maunganui legally described as Sections 3 & 12 Block VI Tauranga Survey District, Part Section 1 Block VI Tauranga Survey District be processed on a non-notified basis.

#### Reasons – as per the recommendation:

There are no special circumstances that would require the application to be notified.

The actual and/or potential adverse cultural, historic, landscape and visual, construction, archaeological, inundation and traffic effects of the activity on the environment are considered to be less than minor.

A written approval has been provided by the Department of Conservation and there are no other persons who are considered to be adversely affected.

## APPENDIX M– Draft Substantive Recommendation

### That it be Resolved

- (A) That pursuant to Sections 104, 104B, 104D and 108 of the Resource Management Act 1991, the application to construct and carry out maintenance works on a rock revetment and earth batter below Pilot Quay Road and; retaining walls below the 4WD track located on Mauao, 1 Adams Avenue, Mount Maunganui which is legally described as Sections 3 & 12 Block VI Tauranga Survey District, Part Section 1 Block VI Tauranga Survey District be granted.

That pursuant to Section 113 of the RMA – the reasons for the decision are as per the recommendation:

The proposed changes to the consent will not be contrary to the purpose and principles of the Resource Management Act 1991.

The actual and potential adverse effects of the changes to the consent on the environment are considered to be less than minor.

The changes to the consent will be reasonably consistent with the relevant objectives and policies of the Tauranga District Plan, Regional Policy Statement and the New Zealand Coastal Policy Statement.

There were no principle issues in contention.

## APPENDIX N – Draft Conditions

1. *The proposal shall proceed in accordance with the application submitted subject to any other conditions of this consent:*

*The application includes the following:*

- (a) *A Report prepared by Tonkin & Taylor Ltd entitled “Mauao/ Pilot Bay Slip Remediation- Assessment of Environmental Effects –Pilot Quay”, job number 850677.002”, dated June 2006.*
  - (b) *A Report prepared by Tonkin & Taylor entitled “Mauao/ Pilot Bay Slip Remediation- Assessment of Environmental Effects –4WD Track”, job number 850677.002”, dated June 2006.*
  - (c) *Letter dated 7 September 2006 from Tonkin & Taylor, entitled “Pilot Quay Revetment – Revised Revetment Design” with attached Plans: “Pilot Quay Slip Remediation”, referenced 850677/1-100 to 850677/1-102, prepared by Tonkin & Taylor.*
  - (d) *Letter dated 26 July 2006, from Tonkin & Taylor entitled “4WD Track Slip Remediation works – Section 92 Requested Information” with a revised plan entitled “Retaining Wall Plan – Option 4”, referenced 850677-SK-303 dated Jul.06 prepared by Tonkin & Taylor.*
  - (e) *A Report prepared by Ken Phillips for Tonkin & Taylor Ltd entitled “Archaeological Survey and Assessment of Effects Proposed Mauao/ Pilot Bay Slip Remediation” dated September 2006.*
2. *The consent holder shall appoint an appropriately qualified person to undertake the role of the consent holder's representative in accordance with Section 1.F of the Code of Practice for Development.*
  3. *Prior to the commencement of any work on site, the consent holder shall provide the Council with a copy of the coastal permit and earthworks consent for the activity as required and granted by the Bay of Plenty Regional Council.*
  4. *Machinery shall only operate on the site between the hours of 07:30 and 18:30, Monday to Saturday inclusive, excluding public holidays.*
  5. *Construction activities shall be carried out so as to comply with the limits recommended Table 1 in NZS6803:1999, and shall be measured and assessed in accordance with NZS6803:1999. Adjustments provided in Clause 6.1 of NZS6803:1999 shall apply for the full duration of the project, and references in the tables to NZS6802 shall read as references to Clause 4.2.2 of NZS6802:1991.*
  6. *In the event that an archaeological site(s) and/or koiwi are unearthed, the consent holder shall immediately stop work on the part of the site that the archaeological site is located and contact the Historic Places Trust, and a representative from each of the following: Mauao Steering Committee, Ngati Kuku Hapu, Te Runanga o Ngai Tamarawaho, Ngai Tukairangi Hapu and Waitaha-a-hei Hapu of Ngaiterangi Iwi for advice. Works shall recommence when the necessary authorisation(s) have been obtained.*
  7. *All costs associated with the above conditions shall be met by the consent holder.*

8. *The Senior Monitoring Officer of the Tauranga District the Council to be advised in writing of the commencement of the activity.*
9. *This consent lapses on the expiry of 5 years after the date of its commencement unless given effect to.*

**Advice Notes:**

1. *The consent holder has confirmed that arising from their consultation with iwi groups that an undertaking was given that any material excavated from Mauao will be retained on Mauao.*
2. *Under Section 357 of the Resource Management Act 1991, you have a right of objection to the Council in respect of the above decision. Any such objection shall be made by notice in writing to the Council within 15 working days of receiving this decision. The objection should describe the subject of and reason for the objection and what would satisfy the objection.*
3. *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.*
4. *In accordance with the Council's Schedule of Fees and Charges, if not accompanying this decision, an invoice may be sent at a later date if the actual cost of processing the application the subject of this decision exceeds the application fees deposit paid on lodgement of the application.*
5. *The Council's Schedule of Fees and Charges may be amended annually during the Council's Annual Plan process. Each annual plan period runs from 1 July to 30 June the following year.*