

Environmental Planning

Council Officers Report

On resource consent application under Section 88 of the Resource Management Act 1991

Combined notification and substantive decision

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| Land Use | RC80061161 |
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1.0 Application Details and Site Information

1.1 Summary of Application

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| Reporting Officer: | s 7(2)(f)(ii) |
| Applicant: | Tauranga City Council – Open Spaces |
| Site Address: | 1 Adams Avenue |
| Legal Description: | Lot 1 DP 4239354 and being Part Section 1, Section 3, and Section 12, Block VI, Tauranga Survey District. |
| Interests Registered on the Record of Title: | <p>The within land is vested in accordance with and is subject to the Mauao Historic Reserve Vesting Act 2008</p> <p>Subject to sections 5(1) and 11(3) of the Mauao Historic Reserve Vesting Act 2008</p> <p>Subject to the Reserves Act 1977</p> <p>Subject to Section 11 Crown Minerals Act 1991</p> <p>Subject to firefighting water line rights shown on DP 368290 in favour of the Tauranga City Council as set out in Schedule 2 of the Mauao Historic Reserve Vesting Act 2008</p> <p>Subject to the right to retain and maintain the existing water reservoir over part (Section 1 SO 400511), and the associated water and power supply lines shown A, B, C, D, E and F on DP 429354 for a 60 year period (by Lease dated 18 April 2008) in favour of the Tauranga City Council as set out in Schedule 2 of the Mauao Historic Reserve Vesting Act 2008</p> |
| Zone: | Conservation Zone and Passive Open Space Zone |
| Overlays / Other Planning Controls: | <p>Plan Change 27:</p> <ul style="list-style-type: none"> • Major Overland Flow Paths • Minor Overland Flow Paths • Flood Prone Area > 300mm • Flood Prone Area 100mm-300mm <p>Operative City Plan:</p> |

| | |
|-----------------------------|--|
| | <ul style="list-style-type: none"> • Special Ecological Area (SEA) Category 1 and 2; • Significant Archaeological Area – A6 (Mauao – entire site); • Scheduled Site – Mauao Recreation Reserve (campground); • Natural Features and Landscapes – Outstanding • Natural Features and Landscapes (ONFL) Plan Area (entire site); • Coastal Hazard Erosion Plan Area (CHEPA); and • Built Heritage Site 18 (Old Stone Steps and Former Military Camp). |
| Road Category: | <p>Adams Avenue = Collector Road</p> <p>The Mall = Collector Road</p> <p>Marine Parade – Collector Road</p> <p>Pilot Quay = Local Road</p> <p>Maunganui Road = Local Road</p> |
| Summary of Proposal: | To install three new benches, two new fences and a story telling pou within Mauao Historic Reserve at 1 Adams Avenue. |

1.2 Description of Proposal

The proposal is for the following key elements:

Land use

- New Park benches within a Significant Māori Area (SMA) and Significant Archaeological Area (SAA).
- New palisade fences within an Outstanding Natural Features Landscape (ONFL) and a Category 1 and Category 2 Special Ecological Area (SEA1 and SEA2).

Variation (RC29606-01)

- Change to Condition 1 of RC29606 to allow for the relocation of a consented palisade fence as a result of consultation with Heritage New Zealand.

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

The information within that section of the AEE (and the further information response) is accurate and sufficiently detailed for the purposes of understanding the nature of the proposal and is adopted for the purpose of this *Council Officer’s Report on Resource Consent RC80061161* (hereafter referred to as “this report”).

1.3 Site Plan, Aerial, and Street Photo

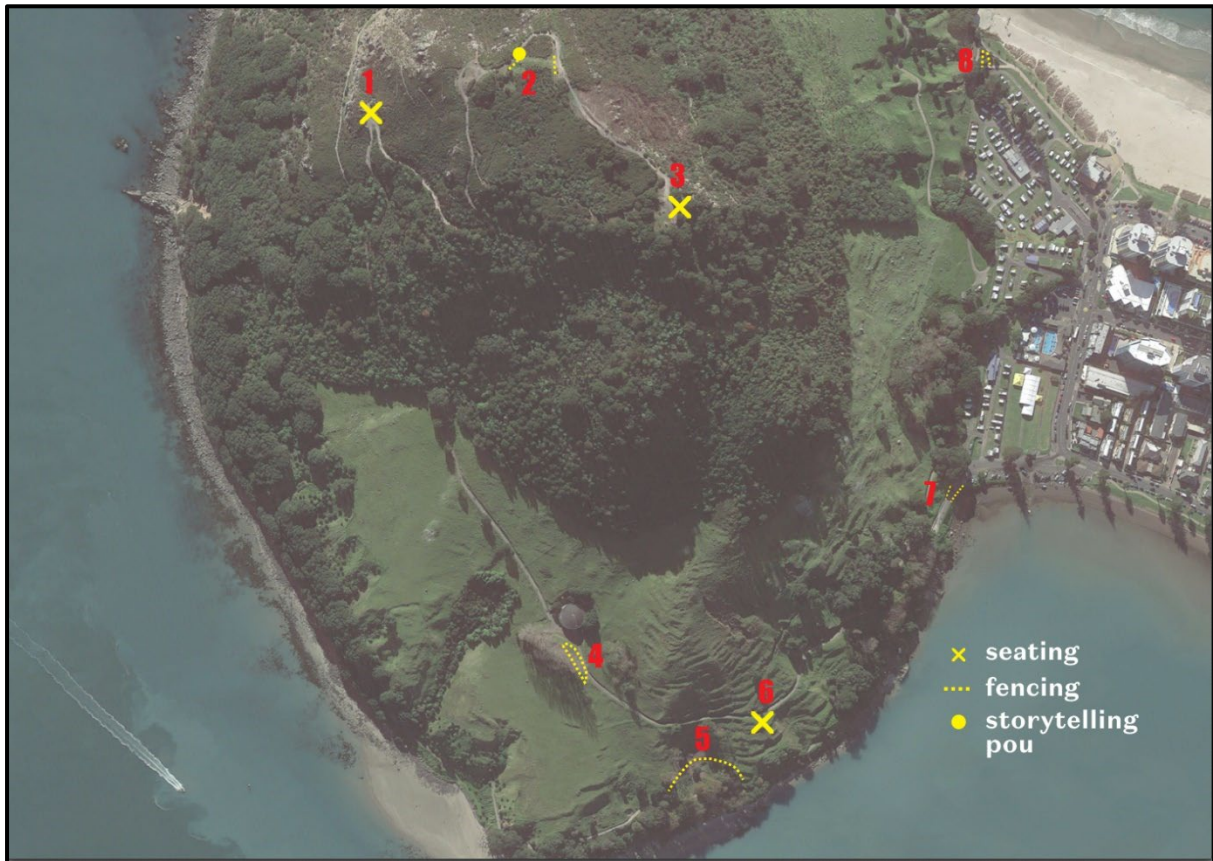


Figure 1: Marked-Up Site Plan provided with application (Source: Application AEE).

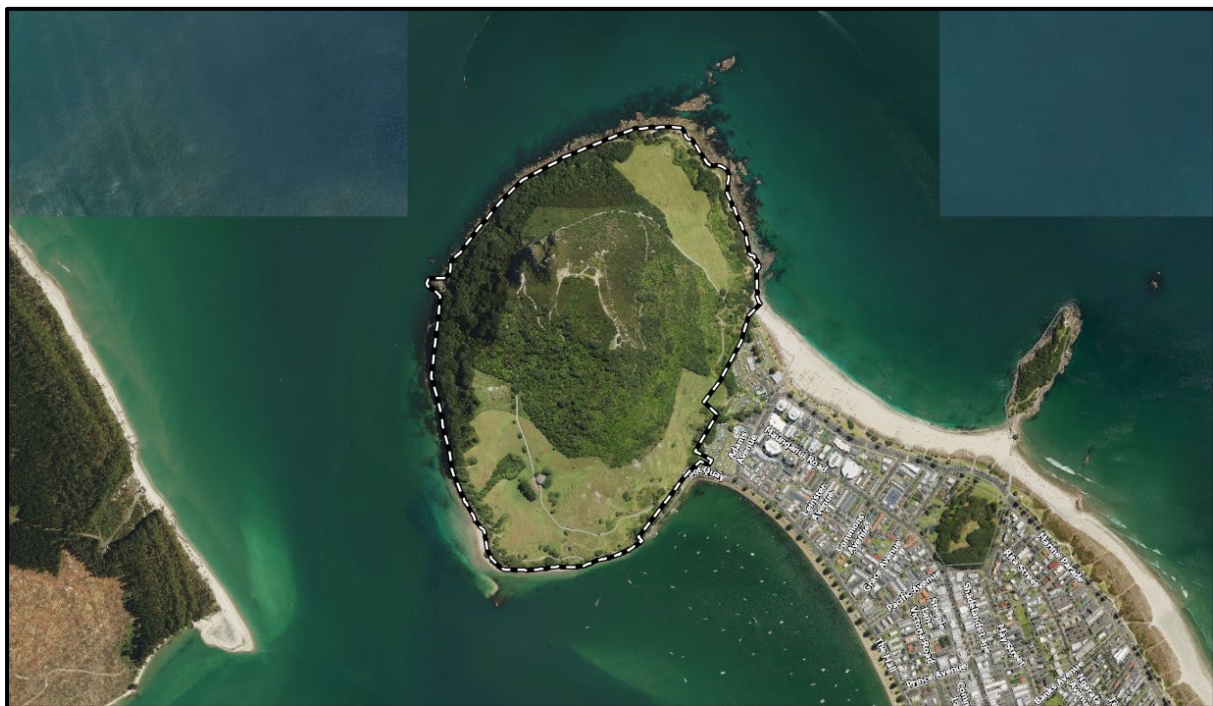


Figure 2: Aerial photo of site (Source: Smart Zoom, 2025).



Figure 3: View from location of proposed new seating at Mauao summit (Source: Site photo taken 31 January 2025)



Figure 4: Proposed location of Waipatukakahu palisade fencing (Source: Site photo taken 31 January 2025)

1.4 Site Description

Section 1 of the AEE and the Landscape and Visual Assessment (LVA) provided prepared by Tauranga City Council Spaced and Places provide an accurate and suitably detailed description of the Site. That description is adopted for the purposes of this report.

In summary, Mauao is a highly visible and valued landmark in the region, contributing to Tauranga's identity. Its distinctive form, vegetation, and coastal relationship define its perceptual value. Mauao is a Historic Reserve under the Reserves Act 1977, valued for its cultural, historical, and archaeological significance. Its vegetation includes regenerating forest, scrub, grazed pasture, and remnant indigenous flora, notably large pōhutukawa. Mauao hosts a breeding colony of grey-faced petrels and northern little blue penguins, with the latter being chronically endangered. The reserve contains four pā sites, with 800-1,000 archaeological features such as pits, terraces, and middens.

Under the Tauranga City Plan, Mauao is zoned Open Space – Conservation and includes several overlays and scheduled protections:

- Significant Māori Area (M1 = Group 1 SMA)
- Special Ecological Area (Category 1 & 2)
- Significant Archaeological Area (A6)
- Scheduled Site: Mauao Recreation Reserve
- Outstanding Natural Features and Landscapes (ONFL) Plan Area
- Coastal Hazard and Coastal Protection Plan Areas
- Built Heritage Site-18 (Old Stone Steps and Former Military Camp, not affected by this proposal).

While some of these overlays and scheduled protections fully encompass Mauao, the SEA Categories 1 and 2 only provide partial coverage. The figures below illustrate the extent of each SEA category and identify the proposed new minor structures within these areas. Specifically, the minor structure labelled as 5 in Figure 1 is located in SEA number 32, which is a Category 2 SEA. Meanwhile, the minor structures labelled as 1, 2, and 3 in Figure 1 are located in SEA number 7, which is a Category 1 SEA.



Figure 5: New Structures within extent of SEA Category 2 (Source: SmartZoom 2025)



Figure 6: New Structures within extent of SEA Category 1 (Source: SmartZoom 2025)

1.5 Surrounding Environment

The surrounding environment comprises the following:

- Mount Maunganui township comprising of High Density Residential Zone and Commercial Business Zone. Guidance – add in information about the surrounding environment from the site visit
- Open Space Zone comprising of Mount Maunganui Beachside Holiday Park.

- Pilots Bay and Maunganui Beach
- Moturiki (Leisure) Island (Conservation Zone)
- Matakana Island (Zoned Rural under the Western Bay of Plenty District Council District Plan)
- The Port of Tauranga (Industry Zone and Port Industry Zone)

Further information relating to the surrounding environment can be found in Section 1 of the AEE and within the LVA prepared by Tauranga City Council Spaces and Places.

An aerial showing the surrounding environment is illustrated in Figure 4 below.

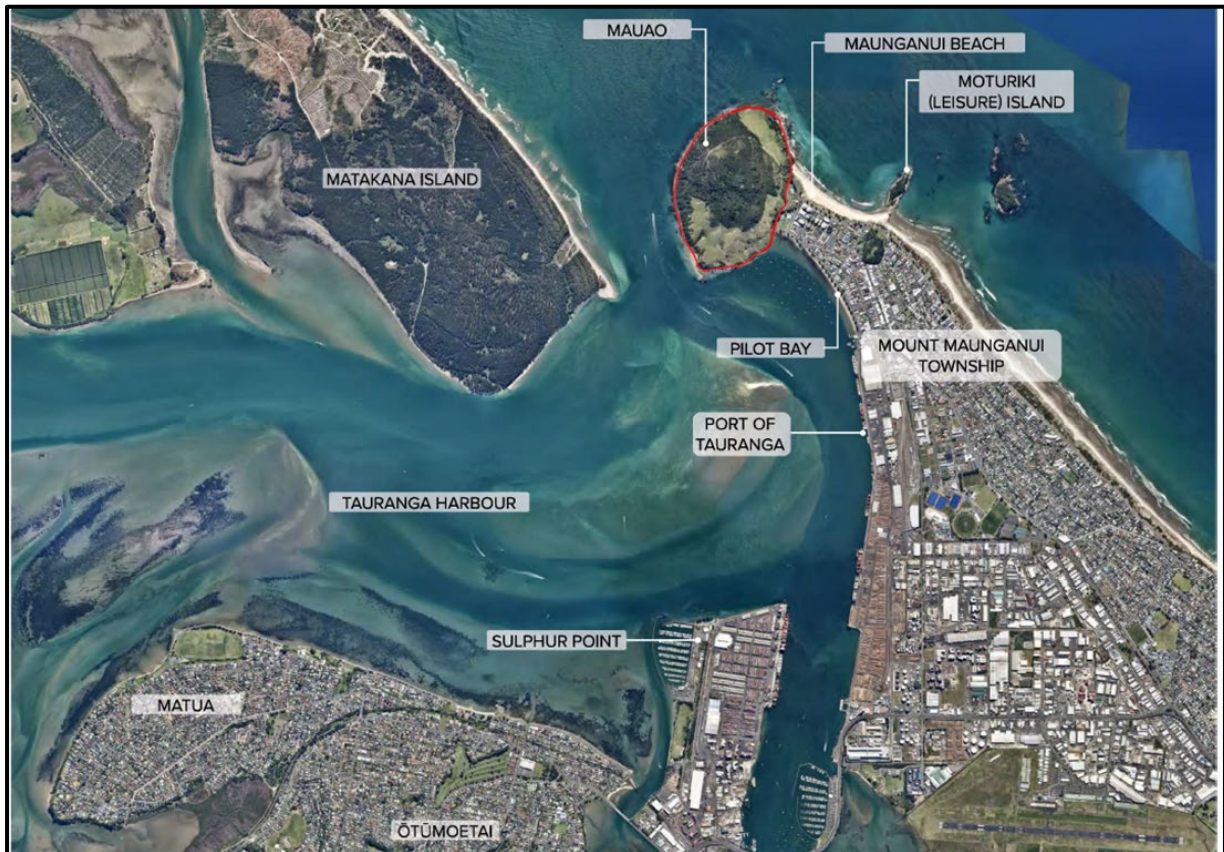


Figure 7: Subject site outlined in red and surrounding environment annotated (Source: LVA prepared by Tauranga City Council Spaces and Places 2024).

1.6 Background

The Mauao Historic Reserve was returned to iwi as part of a Waitangi Treaty Claim Settlement and is owned by three of the local iwi, Ngai Te Rangi, Ngati Ranginui, and Ngati Pukenga in the form of the Mauao Trust. Two trustees from each of the three iwi are elected by the respective iwi to sit on the Mauao Trust.

Nga Poutiriao o Mauao is the joint management board for Mauao made up of representatives of the Mauao Trust, Tauranga City Council and Waitaha iwi. The joint management of Mauao is guided by the 2018 Mauao Historic Reserve Management Plan and Mauao Implementation Plan which were created through public consultation and through the aspirations of the Mauao Trust.

Related with the return of Mauao to iwi, is the Mauao Historic Reserve Vesting Act, the Mauao Trust and the associated Trust Deed of the Mauao Trust. The trust was established for purposes including the protection and preservation of the mauri (life force) of Mauao for the benefit, and on behalf of, Tauranga Moana Iwi. Within clause E of the trust deed, the trustees are Tauranga Moana Iwi, which is

defined as Ngai Te Rangi, Ngati Ranganui and Ngati Pukenga. Each iwi is defined within part 1 as consisting of the collective group, including individuals, who all descend from a primary ancestor of that particular iwi. Section 4.2 of the trust deed details the extent of the trustee's powers, which includes carrying out functions to achieve the purpose and objectives of the trust. Based on this, and the letter³ provided by the Applicant from the Mauao Trust, it is clear that the Mauao Trust have the mandate to speak on behalf of the three iwi, and associated hapū, on matters related to achieving the purpose and objectives of the trust.

Waitaha iwi form part of the joint management board but are not a trustee of the Mauao Trust. As such, the trust does not have the mandate to speak on behalf of Waitaha. However, the Applicant provided a letter in Appendix B of the Application from Waitaha, confirming that they support the Proposal.

The Mauao Placemaking Project is identified as a first term priority in the Mauao Implementation Plan and seeks to develop a brand identity for Nga Poutiriao o Mauao that attracts and retains investment in the management of Mauao as well as promoting and celebrating the identity and mana of Mauao through signage, sculpture, and artworks at 17 specified locations within the Mauao Reserve.

Tauranga City Council (Spaces and Places) applied for this resource consent on behalf of the joint management board for the initial stages 1-3 of the placemaking project.

The works described within section 2.1 of this report comprise Phase 3 of the Mauao Placemaking Project, which is proposed to be undertaken in three consenting phases as follows:

- Phase 1: Installation of signage undertaken as a Permitted Activity under the City Plan;
- Phase 2: Installation of sculptures, seating, artworks, memorials, picnic tables and pou requiring consent as a Restricted Discretionary Activity. These works were granted consent under RC29066 in May 2022;
- Phase 3: Construction of terracing, fencing, pou, and a viewing platform requiring consent as a Non-Complying Activity. These works were consented under RC29606 in October 2023.

This application seeks approval for additional structures beyond those consented to in the three phases outlined above. It also proposes a variation to RC29606 to facilitate changes to the location and layout of fencing at the Waikorire Entrance.

2.0 Resource Consent Requirements

The Applicant has set out the reasons for consent in the application/AEE. I have reviewed this analysis of resource consent requirements, but do not consider that it provides a fulsome record of resource consent requirements for the proposal as they have incorrectly defined some of the proposed activities. On this basis, I have provided an alternative analysis of resource consent requirements below. For completeness, the Applicant has reviewed, and concurs with the alternative assessment of rules and the final activity status for the proposal.

2.1 Tauranga City Plan

| Area | Rule/Provision | Complies/ Does Not Comply /Comment |
|--|---|---|
| Area 1 (Karewa Hairpin) <i>Curved Seat</i> | Rule 5A.4 Table 5A.1 – Status for Activities Within or Adjoining any Special Ecological Area. | Does Not Comply (Discretionary Activity). The Applicant has stated that the proposed seating is defined as "minor public recreational facilities and activities" and is therefore considered a permitted activity within the Category 1 Special Ecological Area. However, after reviewing the relevant definitions and activities described in Table 5A.1 and the rules in Chapter 5 of the City Plan, I do not agree with this classification. While maintenance of minor public recreational facilities is listed as a permitted activity, there is no activity status provided for new minor public recreational facilities. Based on the definitions of activities for which activity status is provided in Chapter 5 the City Plan, it is clear that the activity proposed is an activity not provided |

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| | | for and thus requires resource consent under Rule 5A.7(b) as a Discretionary Activity. |
| | Rule 6A.2 Table 6A.1 – Activity – Status for Activities Occurring within the Outstanding Natural Features and Landscapes, Important Amenity Landscapes, the Coastal Environment Plan Area, and the Mount Maunganui North Coastal Environment Plan Area | Does Not Comply (Discretionary Activity). The Applicant has stated that the proposed seating is defined as "minor public recreational facilities and activities" and is therefore considered a permitted activity within an Outstanding Natural Features and Landscapes. However, after reviewing the relevant definitions and activities described in Table 6A.1 and the rules in Chapter 6A of the City Plan, I do not agree with this classification. While maintenance of minor public recreational facilities is listed as a permitted activity, there is no activity status provided for new minor public recreational facilities. Based on the definitions of activities for which activity status is provided in Chapter 6A the City Plan, it is clear that the seating should be considered as an activity not provided for and thus requires resource consent under Rule 6A.5(c) as a Discretionary Activity. |
| | Rule 7C.5 Table 7C.1 – Historic and Heritage Activity Status – Significant Māori Areas. | Does Not Comply (Restricted Discretionary Activity). I agree with the Applicant's assessment that the seating in this area is classified as park furniture within a Group 1 Special Māori Area, as such will require resource consent as a restricted discretionary activity in accordance with Rule 7C.5.1, Table 7C.1. |
| Area 2 (Upper Maunga Pa Terracing) <i>Palisade Fencing & Storytelling Pou</i> | Rule 5A.4 Table 5A.1 – Status for Activities Within or Adjoining any Special Ecological Area. | Does Not Comply (Non-Complying Activity) minor structures and activities within a Category 1 Special Ecological Area. The palisade fencing and storytelling pou in Area 2 located in SEA number 7 (a Category 1 SEA) as shown in Figure 5, requires resource consent as a non-complying activity in accordance with Rule 5A.4, Table 5A.1. |
| | Rule 6A.2 Table 6A.1 – Activity – Status for Activities Occurring within the Outstanding Natural Features and Landscapes, Important Amenity Landscapes, the Coastal Environment Plan Area, and the Mount Maunganui North Coastal Environment Plan Area | Does Not Comply (Non-Complying Activity) New structure on land zoned Open Space within the Outstanding Natural Features and Landscapes Plan Area. The palisade fencing is considered to be a new structure that will be located within the Outstanding Natural Features and Landscapes Plan Area. In accordance with Rule 6A.2, Table 6A.1, this structure requires a resource consent for a non-complying activity due to its location within this area. Does Not Comply (Discretionary Activity) The storytelling Pou is a new minor public recreational facility. A new minor public recreational facility is an activity that is not provided for in this Zone. As an activity not provided for it requires resource consent under Rule 5A.7(b) as a Discretionary Activity. |

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| | Rule 7C.5 Table 7C.1 – Historic and Heritage Activity Status – Significant Māori Areas. | <p>Permitted Activity</p> <p>Minor structures in a Significant Māori Area (SMA) are defined as:</p> <p>a. Gardening activities b. Garden structures (including fences, steps (cumulatively involving cuts less than 1.5 metres in height), pergolas, paved areas, clotheslines, or letterboxes) c. Tree planting d. Interpretive and directional signage</p> <p>The palisade fencing and storytelling pou are considered minor structures or activities within a Group 1 Special Māori Area, which are a permitted activity in accordance with Rule 7C.5, Table 7C.1.</p> |
| <p>Area 3 (Summit) <i>Curved Seat</i></p> | Rule 5A.4 Table 5A.1 – Status for Activities Within or Adjoining any Special Ecological Area. | <p>Does Not Comply (Discretionary Activity).</p> <p>As stated previously seating as it relates to Chapter 5A of the City Plan is considered to be an activity not provided for and thus requires resource consent under Rule 5A.7(b) as a Discretionary Activity.</p> |
| | Rule 6A.2 Table 6A.1 – Activity – Status for Activities Occurring within the Outstanding Natural Features and Landscapes, Important Amenity Landscapes, the Coastal Environment Plan Area, and the Mount Maunganui North Coastal Environment Plan Area | <p>Does Not Comply (Discretionary Activity).</p> <p>As stated previously seating as it relates to Chapter 6A of the City Plan is considered to be an activity not provided for and thus requires resource consent under Rule 6A.5(c) as a Discretionary Activity.</p> |
| | Rule 7C.5 Table 7C.1 – Historic and Heritage Activity Status – Significant Māori Areas. | <p>Does Not Comply (Restricted Discretionary Activity).</p> <p>Minor structures in a Significant Māori Area (SMA) are defined as:</p> <p>a. Gardening activities b. Garden structures (including fences, steps (cumulatively involving cuts less than 1.5 metres in height), pergolas, paved areas, clotheslines, or letterboxes) c. Tree planting d. Interpretive and directional signage</p> <p>Park furniture is not included and is listed separately in Table 7C.1 as a Restricted Discretionary (RD) activity. Therefore, it appears that park furniture is not meant to be considered a minor structure or activity.</p> <p>Park furniture within a Group 1 Special Māori Area, requires resource consent as a restricted discretionary activity in accordance with Rule 7C.5.1, Table 7C.1.</p> |

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| <p>Area 4 (Watertank Amputheatre) <i>Palisade Fencing</i></p> | <p>Rule 6A.2 Table 6A.1 – Activity – Status for Activities Occurring within the Outstanding Natural Features and Landscapes, Important Amenity Landscapes, the Coastal Environment Plan Area, and the Mount Maunganui North Coastal Environment Plan Area</p> | <p>Does Not Comply (Non-Complying Activity)</p> <p>New structure on land zoned Open Space within the Outstanding Natural Features and Landscapes Plan Area requires resource consent for a non-complying activity in accordance with Rule 6A.2, Table 6A.1.</p> |
| <p>Area 5 (Waipatukakahu) <i>Palisade Fencing</i></p> | <p>Rule 5A.4 Table 5A.1 – Status for Activities Within or Adjoining any Special Ecological Area.</p> | <p>Does Not Comply (Discretionary Activity) minor structures and activities within a Category 2 Special Ecological Area.</p> <p>The palisade fencing in Area 5 located in SEA number 32 (a Category 2 SEA) as shown in Figure 5, requires resource consent as a discretionary activity in accordance with Rule 5A.4, Table 5A.1</p> |
| | <p>Rule 6A.2 Table 6A.1 – Activity – Status for Activities Occurring within the Outstanding Natural Features and Landscapes, Important Amenity Landscapes, the Coastal Environment Plan Area, and the Mount Maunganui North Coastal Environment Plan Area</p> | <p>Does Not Comply (Non-Complying Activity)</p> <p>New structure on land zoned Open Space within the Outstanding Natural Features and Landscapes Plan Area requires resource consent for a non-complying activity in accordance with Rule 6A.2, Table 6A.1.</p> |

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| Area 6 (Waipatukakahu) <i>Additional Seat</i> | Rule 6A.2 Table 6A.1 – Activity – Status for Activities Occurring within the Outstanding Natural Features and Landscapes, Important Amenity Landscapes, the Coastal Environment Plan Area, and the Mount Maunganui North Coastal Environment Plan Area | Does Not Comply (Discretionary Activity). As stated previously seating as it relates to Chapter 6A of the City Plan is considered to be a new minor public recreational facility which is an activity not provided for in the Zone, As an activity not provided for the proposal requires resource consent under Rule 6A.5(c) as a Discretionary Activity. |
| | Rule 7C.5 Table 7C.1 – Historic and Heritage Activity Status – Significant Māori Areas. | Does Not Comply (Restricted Discretionary Activity). Park furniture within a Group 1 Special Māori Area, requires resource consent as a restricted discretionary activity in accordance with Rule 7C.5.1, Table 7C.1. |
| Area 7 (Waikorire Entrance) <i>Palisade Fencing</i> | Subject to Variation under Section 127 (RC29606-01) | Discretionary Activity in accordance with Section 127(3)(a). |
| Area 8 (Ocean Side Entrance) <i>Palisade Fencing</i> | Rule 8D.2.1, Table 8D.1 – Flood Hazards Activity Status (Overland Flowpath, Floodplain and Flood Prone Area). | Permitted Activity New structures within a major overland flow path are a permitted activity. Council's Senior Development Engineer, Brady Spooner, has reviewed the proposal regarding the new structure within the major overland flow path and concluded that the new structure would not reduce the water-carrying or storage capacity of the flow path. It would still allow the stormwater to flow safely without causing damage to any site or building. Therefore, the proposed structure in Area 8 is considered a permitted activity. |
| | Rule 13A.7 Table 13A.1 – Open Space Activity Status. | Permitted Activity I concur with the Applicant's assessment that the fencing, identified as minor structures and activities within the Conservation Zone, is a permitted activity in accordance with Rule 13A.7, Table 13A.1. |

2.1.1 City Plan Matters of Control / Discretion and Conditions

Resource consent sought is for **non-complying** and **discretionary activities** under Rule 5A.4, Table 5A.1 – Status for Activities Within or Adjoining any Special Ecological Area. As resource consent is sought for non-complying and discretionary activities, the Council's discretion is unrestricted. However, I consider it appropriate to use the relevant matters of discretion within Chapter 5A of the City Plan to guide my assessment. Therefore, my assessment of the proposal will consider, but not be limited to, the following matters of discretion:

5A.6.2 – Restricted Discretionary Activity - Matters of Discretion

The Council shall restrict the exercise of its discretion to:

- a. *The height, scale, and location of any building, structure, or sign;*
- b. *The use of materials on the exterior of any building or structure including the use of colour;*
- c. *The nature, location, and extent of any proposed earthworks;*
- d. *The location and design of access, parking areas, infrastructure and services or fences;*
- e. *Whether the proposed activity, building or structure will adversely affect the indigenous flora and fauna factors, values, and associations and whether retention of indigenous and exotic vegetation, reinstatement of indigenous vegetation or provision of new indigenous planting is required.*

Resource consent sought is for a **non-complying activity** under Rule 6A.2, Table 6A.1 – Status for Activities Occurring within the Outstanding Natural Features and Landscapes. As resource consent is sought for a non-complying activity, the Council's discretion is unrestricted. However, I consider it appropriate to use the relevant matters of discretion within Chapter 5A of the City Plan to guide my assessment. Therefore, my assessment of the proposal will consider, but not be limited to, the following matters of discretion:

6A.4.2 – Restricted Discretionary Activity - Matters of Discretion and Conditions

The Council shall restrict the exercise of its discretion to:

- a. *The height, scale, and location of any building, structure, or sign;*
- b. *The use of materials on the exterior of any building or structure, including the use of colour;*
- c. *The nature, location, and extent of any proposed earthworks;*
- d. *The location and design of access, parking areas; infrastructure and services or fences;*
- e. *Whether the proposed activity, building or structure will adversely affect the indigenous flora and fauna values and whether retention of indigenous and exotic vegetation, reinstatement of indigenous vegetation or provision of new indigenous planting is required;*
- f. *Whether the proposed activity, building or structure will adversely affect the factors, values, and associations of a specific landscape feature and whether retention of specific landscape features or reinstatement of those features is required;*
- g. *In addition to a. to f. above for the harvesting of forestry in existence at the notification of the Plan, the following shall apply:*
 - i. *Techniques to ensure that the existing formation of the dunal system prior to harvesting is retained;*
 - ii. *Requirements for mitigation planting to retain the existing formation of the dunal system following harvesting;*
 - iii. *Requirements for remediation of the dunal system once the forest is harvested.*

Also of relevance is the guidance provided by Rule 6A.5 – Assessment of Discretionary Activities.

6A.5.1 – Assessment of Discretionary Activities

In considering a Discretionary Activity the Council's discretion is unrestricted. The Council shall consider any relevant matter with particular regard to the relevant objectives and policies of the Plan.

The resource consent sought is for a restricted discretionary activity under Rule 7C.5 Table 7C.1 – Historic and Heritage Activity Status – Significant Māori Areas, which is subject to the following matters of discretion under Rule 7C.7.3 of the City Plan:

7C.7.3 – Restricted Discretionary Activities – Matters of Discretion

The Council restricts the exercise of its discretion to the following matters:

- a. *For Group 1 - Significant Māori Areas, the matters referred to in 7C.4.2.1 – Policy - Protection of Group 1 Significant Māori Areas;*

- b. *For Group 2 - Significant Māori Areas, the matters outlined in 7C.4.3.1 – Policy - Maintenance and Enhancement of Group 2 Significant Māori Areas;*
- c. *For Te Tumu - Significant Māori Areas the matters outlined in 7C.4.4.1 – Policy - Te Tumu Significant Māori Areas;*
- d. *The extent of any consultation undertaken with any hapu that has the Significant Māori Area located within its rohe;*
- e. *The location and design of building platforms, vehicle access and services on the site in relation to the location of the Significant Māori Area;*
- f. *The extent to which the Significant Māori Area has previously been modified through subdivision, use and development;*
- g. *Any mitigation that is considered appropriate for the on-going maintenance, conservation, and recognition of the Significant Māori Area.*

Pursuant to Sections 95D(c), 95E(2)(b) and 104C(1)(b) consideration must only be given to matters that fall within these matters of discretion.

2.1.2 Plan Change 27: Flooding from Intense Rainfall Events

Plan Change 27 to the City Plan was notified on 16 November 2020, with the rules having immediate legal effect. The decision for Plan Change 27 was released on 11 April 2022. Three appeals were subsequently received, which are yet to be resolved.

The purpose of Plan Change 27 is to ensure that future land use, subdivision and development within Tauranga is planned to be resilient to flooding. The plan change introduces a rule framework to the Tauranga City Plan to manage the effects of flooding from intense rainfall on people, properties, and infrastructure.



Figure 8: Plan Change 27 Map and legend for the Site (Source: SmartZoom 2025)

As shown in Figure 8, Area 8, where new palisade fencing is proposed, is subject to a Major Overland Flow Path. The palisade fencing is a structure permitted under Rule 8D.2.1, Table 8D.1, provided it complies with the permitted standards within Rule 8D.3.3. Specifically, the proposal must ensure that stormwater can flow safely without causing damage to any site or building, retain the water-carrying

Plan change 27 (Flooding from intense rainfall)

Floodplain



Overland flow path



Major



Minor

Flood prone area



Depth >300mm



Depth 100-300mm

capacity of the major overland flow path, and retain the water storage capacity of the major overland flow path.

Council Senior Development Engineer Brady Spooner has reviewed the proposal in relation to the flood hazard and concluded that the major overland flow path can freely drain to the sea. The fence allows for water to flow through or around it. The carrying capacity has not been altered, as the stormwater will head to the beach. There are no capacity changes, and the stormwater can flow right through the fence.

2.2 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (“NES-CS”) provides a range of regulations to manage the potential effects on human health associated with sites that either are being used, have been used or are more likely than not to have been used for activities or industries listed on the Ministry for the Environment’s Hazardous Activities and Industries List (“HAIL”).

The AEE addresses the NES-CS in section 2 and, having reviewed the most up-to-date information held by Tauranga City Council and the Bay of Plenty Regional Council, as provided for under regulation 6(2) of the NES-CS, has concluded that the Site is not a piece of land covered under regulation 5(7) of the NES-CS.

Having reviewed this information, I concur with and adopt this section of the AEE.

2.3 Summary of Consent Requirements and Activity Status

In summary, resource consent is required for the following:

Area 1 - (Karewa Hairpin)

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 5A.7(b) for the erection of a new public recreational facility within or adjoining any Special Ecological Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 6A.5(c), for the erection of a new minor public recreation facility structure within the Outstanding Natural Features and Landscapes Plan Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Restricted Discretionary Activity in accordance with Rule 7C.5.1, Table 7C.1 for the erection of park furniture within a Group 1 Special Māori Area.

Area 2 - (Upper Maunga Pa Terracing)

- Under Section 9(3) of the Resource Management Act 1991 as a Non-Complying Activity in accordance with Rule 5A.4 Table 5A.1 – Status for Activities Within or Adjoining any Special Ecological Area for the erection of a minor structure within a Category 1 SEA.
- Under Section 9(3) of the Resource Management Act 1991 as a Non-Complying Activity in accordance with Rule 6A.2, Table 6A.1 for the erection of a minor structure within the Outstanding Natural Features and Landscapes Plan Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 6A.5(c), for the erection of a new minor public recreation facility structure within the Outstanding Natural Features and Landscapes Plan Area.

Area 3 – (Summit)

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 5A.7(b) for the erection of a new public recreational facility within or adjoining any Special Ecological Area.

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 6A.5(c), for the erection of a new minor public recreation facility structure within the Outstanding Natural Features and Landscapes Plan Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Restricted Discretionary Activity in accordance with Rule 7C.5.1, Table 7C.1 for the erection of park furniture within a Group 1 Special Māori Area.

Area 4 – (Watertank Amputheatre)

- Under Section 9(3) of the Resource Management Act 1991 as a Non-Complying Activity in accordance with Rule 6A.2, Table 6A.1 for the erection of a minor structure within the Outstanding Natural Features and Landscapes Plan Area.

Area 5 – (Waipatukakahu)

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 5A.4, Table 5A.1 for the establishment of a minor structure within a Category 2 SEA.
- Under Section 9(3) of the Resource Management Act 1991 as a Non-Complying Activity in accordance with Rule 6A.2, Table 6A.1 for the erection of a minor structure within the Outstanding Natural Features and Landscapes Plan Area.

Area 6 – (Waipatukakahu)

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 5A.7(b) for the erection of a new public recreational facility within or adjoining any Special Ecological Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Restricted Discretionary Activity in accordance with Rule 7C.5.1, Table 7C.1 for the erection of park furniture within a Group 1 Special Māori Area.

As all activities are inextricably linked being part of the overall Mauao place making project, the Proposal is assessed as a **Non-Complying Activity** in accordance with the bundling principle.

3.0 Public Notification – Section 95A

Section 95(1) of the RMA requires the consent authority to decide whether to give public or limited notification of an application for resource consent. To determine whether notification is required, the steps in Sections 95A and 95B of the RMA must be followed, in the given order. The following is an assessment of the Proposal against these provisions of the RMA.

3.1 Step 1 – Mandatory Public Notification in Certain Circumstances

Public notification of an application for resource consent is mandatory under Section 95A(2) if it meets any of the following criteria contained within Section 95A(3):

| | |
|--|-----|
| Has the Applicant requested public notification? | No. |
| Is public notification required under Section 95C due to the following? <ul style="list-style-type: none"> • A request for further information has been made and that information had not been provided before the deadline or has refused the request (Section 95C(2)); or • Notice has been sent to the Applicant under Section 92(2)(b) of the commissioning of a report but the Applicant has either not responded before the deadline or has refused to agree to the commissioning (Section 95C(3)) | No. |

| | |
|--|-----|
| Is the application made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977? | No. |
|--|-----|

Public notification **is not mandatory** under Step 1 and Section 95A(2) on the basis that the application does not meet any of the criteria contained within s95A(3).

3.2 Step 2 – Public Notification Precluded in Certain Circumstances

If public notification of an application for resource consent is not required under Step 1, it may be precluded under Section 95A(4) if it meets any of the following criteria contained within Section 95A(5).

| | |
|--|--|
| Are all activities in the application subject to a rule in a Plan or National environmental standard that precludes public notification? | No. The activities identified in Section 2.3 of this report, which are restricted discretionary activities under Rule 7C.7, are precluded from notification under Rule 7C.7.1. However, as the proposal is not limited to these activities alone, this non-notification provision is not relevant to this application. |
| Is the application for one or more of the following (but no other) activities? <ul style="list-style-type: none"> • A controlled activity; or • A “boundary activity” with a restricted discretionary, discretionary or non-complying activity status | No. |

Public notification is not precluded under Step 2 and Section 95A(4) on the basis that the application does not meet any of the criteria contained within Section 95A(5).

3.3 Step 3 – Public Notification is Required in Certain Circumstances

If public notification is not precluded under Step 2, public notification may be required under Section 95A(7) if it meets any of the following criteria under Section 95A(8):

| | |
|--|-----|
| Is any activity in the application subject to a rule in a Plan or national environmental standard that requires public notification? | No. |
|--|-----|

| | |
|--|--|
| Following an assessment carried out under Section 95D within section 3.3.1 of this Report, has it been decided that the activity will have or is likely to have adverse effects on the environment that are more than minor? | |
|--|--|

The Proposal is for the establishment of structures, minor structures, and park furniture within Special Ecological Areas Categories 1 and 2, the Outstanding Natural Features and Landscapes Plan Area, and Significant Māori Areas is part of the wider Mauao placemaking project. Considering the matters of control and discretion specified by the City Plan, it is acknowledged that the proposal may generate adverse effects on landscape and amenity aspects, ecology, heritage, and cultural values. An assessment of the adverse effects of the Proposal on the environment is set out in the following sections of this report.

3.3.1 Assessment of Adverse Effects on the Environment – Matters That Must Be Disregarded

When deciding, for the purpose of Section 95A(8)(b), whether an activity will have or is likely to have more than minor adverse effects on the environment, Council must disregard the matters in Section 95D(a), (c), (d) and (e). These are addressed as follows.

Section 95D(a) – Effects on Owners and Occupiers of the Site and Adjacent Land

The Site and adjacent properties are shown in Figure 9 below.

For the purposes of sections 95A(8)(b) and 95D, effects on persons at these properties are disregarded from the following assessment of environmental effects and are considered in my Section 95E assessment below.



Figure 9: Adjacent sites (red dots)

Section 95D(c) – Effects Not Related to Matters of Control/Discretion

As the proposal is considered to have an overall non-complying activity status, the Council's discretion is unrestricted. Therefore, there are no effects that fall outside the Council's discretion.

Section 95D(d) – Effects of Trade Competition

I consider that there will be no effects of trade competition as such s95D(d) is not relevant.

Section 95D(e) – Written Approvals

No written approvals have been provided.

3.3.2 Permitted Baseline

Sections 95D(b), 95E(2)(a) and 104(2) provide the Consent Authority with a discretionary power to disregard the effects of activities that are permitted by a rule in a District Plan when making a determination on public notification, identifying affected persons, and making a decision on whether to grant resource consent. Having reviewed the City Plan it is concluded that there is no applicable or relevant permitted baseline to consider in determining this application as the activities proposed are not permitted under the City Plan.

3.3.3 Landscape and Amenity

The Applicant has provided a Landscape and Visual Effects Assessment (LVA) prepared by s 7(2)(f)(ii) detailing the impacts associated with the installation of new palisade fencing within the Outstanding Natural Features and Landscapes plan areas. This assessment evaluates the biophysical values, perceptual and experiential values, and associative values for each proposed location, specifically Areas 4 and 5, as well as Area 7, which is subject to the variation to RC29606 (RC29606-01) being processed alongside this application and discusses the effects of the proposal on these values.

In summary of the landscape effects assessment, s 7(2)(f)(ii) considers Mauao's landscape within the ONFL to be highly sensitive. However, he believes that the proposed palisade fencing will have minimal impact due to its design, which ensures it will not disrupt the natural terrain or other significant features. The scale of the modification remains a small intervention within the broader landscape. The design of the fencing is compatible with the existing cultural features on Mauao, so its installation will not significantly depart from the existing landscape. Additionally, the fencing will not alter the site's sense of openness or its expansive views, ensuring the maintenance of the site's spatial qualities. Overall, the landscape effects will be low, and the inherent qualities of the broader landscape will be maintained.

In summary of the visual effects assessment, s 7(2)(f)(ii) notes that the fencing will be visible from walking tracks, beaches, and the harbour, with significant sightlines from the Te Ara Tūtanga and Motukauri tracks. The fence is designed to be visually permeable, featuring spaced posts and pickets, and is of modest height to minimize visual impact. Its darker colour and complementary palette help it blend with existing elements. Despite these design efforts, some visual impact is anticipated, particularly near the water tank and during the flax establishment phase. However, the impact will be mitigated as the flax matures. The visual impact is further reduced due to existing modifications and the distance from viewers. Overall, the fencing is expected to have a low to moderate visual effect, integrating well with the landscape without dominating it.

The Applicant's LVA has been reviewed by s 7(2)(f)(ii) who concurs with its conclusions. He states that the proposed fence design will be recessive within the landscape and sensitive to its cultural value, having been designed in collaboration with local Iwi/hapū. With the adoption of the recommendations within the LVA, s 7(2)(f)(ii) is confident that the proposed fencing will integrate successfully into the landscape. The proposed additional structures and fence also align with those implemented in the earlier stages of the Mauao Place Making project. Consequently, s 7(2)(f)(ii) agrees with the assessment made in the applicant's LVA that the visual effects will be of a low-moderate level.

As such I accept the advice provided by s 7(2)(f)(ii) and assessment provided by s 7(2)(f)(ii) and consider that the landscape and visual effects on the environment generated by the installation of the palisade fencing will be no more than minor.

3.3.4 Ecological Effects

The Applicant has provided an Ecological Impact Assessment (EIA) prepared by Beca titled, “*Ecological Impact Assessment Addendum – Mauao Placemaking Improvements*” dated 20 March 2025. This EIA acts as an addendum to the larger assessment undertaken for the initial stages of the Mauao Placemaking Project that provides assessment of the areas subject to the additional works for the placemaking project.

Within Section 1.4.1 of the EIA Beca provide an assessment of the ecological value of each site where works are proposed their assessment is as follows:

| Area | Terrestrial Ecological Value | | Avifauna Ecological Value | | Herpetofauna Ecological Value | |
|---|------------------------------|--|---------------------------|---|-------------------------------|---------------------------|
| | Value | Site Description | Value | Potential Species Present | Value | Potential Species Present |
| Area 1 - (Karewa Hairpin) | High | VS1: Pöhutukawa scrub/forest | High | Forest and scrubland birds, possibly At-Risk species | High | Copper skinks |
| Area 2 - (Upper Maunga Pa Terracing) | Moderate | Pasture/exotic grass, VS4 Mānuka scrub, Exotic Scrub | High | Forest and scrubland birds, possibly At-Risk species | High | Copper skinks |
| Area 3 – (Summit) | High | CL1: Pöhutukawa treeland/flaxland/rockland | High | Forest and scrubland birds, possibly At-Risk species | High | Copper skinks |
| Area 4 – (Watertank Amputheatre) | Negligible | Pasture/exotic grass | Low | Forest and scrubland birds, possibly At-Risk species (transient only) | Negligible | - |
| Area 5 – (Waipatukakahu) | Low | Pasture/exotic grass, Planted native area | High | Coastal birds including At-Risk species, Forest and scrubland birds | High | Copper skinks |
| Area 6 – (Waipatukakahu) | Negligible | Pasture/exotic grass | Negligible | Forest and scrubland birds, possibly At-Risk species (transient only) | Negligible | - |
| Area 7 – (Waikorire Entrance) | Low | Pasture/exotic grass, CL1: Pöhutukawa | High | Coastal birds, Forest and | High | Copper skinks |

| | | | | | | |
|---------------------------------------|----------|---|------|---|------|---------------|
| | | treeland/flaxland /rockland | | scrubland birds | | |
| Area 8 – (Ocean Side Entrance) | Moderate | Pasture/exotic grass, CL1: Pöhutukawa treeland/flaxland /rockland | High | Coastal birds including At-Risk species | High | Copper skinks |

Beca provides an assessment of the ecological effects of the proposal. In their assessment, they considered a 20-metre radius construction buffer as the zone of influence. However, they acknowledge that in practice, the actual footprint of works will be restricted to a small area at each of the sites. They observe that while many fauna and vegetation classifications possessing high ecological values are located within the zones of influence and site locations, the level of impact is considered minimal. This is because the new structures and fences are intended to be established on gravel or exotic grassland, and these sites can be accessed via established modified tracks or through exotic grassland. They further note that the proposed methods of installation, such as ground screws, mean that the installation of the features is unlikely to result in the damage or clearance of surrounding vegetation.

Beca outlines that the potential adverse effects of the proposal include the permanent loss of terrestrial vegetation and associated fauna habitat, injury and/or mortality of native fauna during construction, and temporary disruption and permanent alteration of native fauna habitat. They provide an assessment for each of these potential effects.

Permanent loss of terrestrial vegetation and associated fauna habitat

Regarding the permanent loss of terrestrial vegetation and associated fauna habitat, Beca's assessment indicates that it is unlikely any vegetation will need to be removed or disturbed, with the possibility that a small number of flaxes at Site 7 may be affected. However, given the abundance of pöhutukawa treeland, flaxland, and rockland habitat nearby, as well as the plentiful flax vegetation both neighbouring the site and in the wider surroundings, the removal of these flaxes (if necessary) is not expected to alter the underlying character of the site or the ecosystem function of the remaining vegetation. I accept the expert evidence presented by Beca and agree that the degree of disturbance or the possible permanent loss of terrestrial vegetation and associated fauna habitat is low, considering the scope of the works at each site and the context of the surrounding ecosystems.

Injury and/or mortality of native fauna

Beca assesses the effects of the proposal of both Avifauna (birds) and Herpetofauna (amphibians and reptiles) specifically Copper Skinks.

Regarding avifauna, Beca states that no vegetation removal is anticipated, and the few flaxes at Site 7 do not provide suitable nesting habitat. Additionally, the disturbance at any of the sites is expected to be temporary, with the applicant estimating that works at most sites will take between one and two days, Site 6 taking three days, and Sites 4 and 5 taking five days. It is not expected that there will be ongoing disturbance to the sites once works are completed. Given this, I agree with the applicant that the level of effect on avifauna is low, and any negligible effects will be temporary and not result in ongoing impacts.

Regarding herpetofauna, specifically Copper Skinks, Beca states that they may be present within areas of suitable habitat at any of the sites. However, the extent of the impacted habitat at each site is small, and if skinks are present, they will likely be in low numbers. As such, they consider that the likelihood of the proposal causing injury or mortality to the Copper Skinks at the sites is minimal. I accept Beca's expert evidence on the proposal's effects on the injury or mortality of the herpetofauna.

Temporary disruption and permanent alteration of native fauna habitat

Beca's assessment concludes that the installation of placemaking structures will cause temporary disturbances, leading to short-term avoidance behaviour in native birds and reptiles. However, the affected habitats are small and surrounded by similar or better habitats. Nest disturbance is unlikely, especially for common species like silvereyes. The installations won't significantly impact botanical

value, ecosystem services, or habitat quality, resulting in a negligible overall effect on native fauna habitats. I accept Beca's expert evidence on the proposal's temporary and permanent effects on native fauna habitat.

Overall based on the expert evidence I consider that the proposal will result in ecological effects on the environment that are less than minor.

3.3.5 Heritage effects

The heritage effects have been assessed by an archaeological report provided as part of the original resource consent application for stage 3 of the Mauao Placemaking Project. While this report was initially provided in support of a past application at the same site, its scope and level of detail make its assessment relevant to the current resource consent application. It provides an assessment of different sites across Mauao which include the sites to which this proposal is relevant. The applicant has also received an archaeological authority approved by Heritage New Zealand Pouhere Taonga (HNZ) on 25 February 2022. When considering the application for archaeological authority, HNZ noted that the project has been carefully designed to avoid impacting the recorded extent of archaeological sites. The installation methodology, which is also used in this continuation of the project, employs no-dig helix ground screws, resulting in minimal impact on the potential archaeological value of the environment.

- None of the proposed structures will affect any of the recorded archaeological sites.
- Only works at Sites 3, 5 and 6 will take place within an area with known archaeological features with the works within 5 and 6 largely take place away from the specific location of that feature.
- Due to the construction methods, including limited ground disturbance and the use of no-dig helix ground screws to fix the structures to the ground, there will not be any significant displacement of material associated with the archaeological sites.

Having considered the applicant's assessment, I agree that the proposal will result in adverse effects on heritage that are less than minor.

3.3.6 Conclusion on Adverse Environmental Effects

Public notification **is not required** under Step 3 and Section 95A(7) on the basis that the application does not meet the criteria contained within Section 95A(8).

3.4 Step 4 – Public Notification in Special Circumstances

If public notification is not required under Steps 2 or 3 it must be determined whether special circumstances exist that warrant public notification of an application.

| | |
|--|----|
| Do special circumstances exist that warrant public notification? | No |
|--|----|

Consideration has been given to the existence of any special circumstances that might warrant public notification. "Special circumstances" have been considered by the Courts and it is widely held that to be considered "special", the set of circumstances would need to be unusual and exceptional but may be less than extraordinary or unique.

As I understand it, the main consideration that should determine whether special circumstances exist with respect to giving notification, is whether public notification (as opposed to limited notification) might elicit additional information which would inform the decision.

In this case, the effects of the Proposal are well understood, and it is considered that there are no special circumstances that would warrant public notification.

3.5 Conclusion on Public Notification

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

- Under Step 1, public notification is not mandatory on the basis that the application does not meet any of the criteria contained within Section 95A(3);
- Under Step 2, public notification is not precluded on the basis that the application does not meet any of the criteria contained within Section 95A(5);
- Under Step 3, public notification is not required on the basis that:
 - In accordance with Section 95A(8)(a) the application is not subject to a rule within the District Plan that requires public notification;
 - In accordance with Section 95A(8)(b), having carried out an assessment of the application in accordance with s95D, it has been concluded that the application will not result in adverse effects on the environment that are more than minor.
- Under Step 4, it has been determined that there are no special circumstances that exist that warrant the public notification of the application in accordance with Section 95A(9).

4.0 Limited Notification – Section 95B

If public notification of the application is not required under Section 95A, Section 95A(9)(b) of the RMA requires that the consent authority determine whether limited notification of the application is required pursuant to s95B.

Under Section 95B, the Council must undertake a step-by-step process to determine whether limited notification of an application is required or precluded in certain circumstances. The following is an assessment of the Proposal against these provisions of the RMA.

4.1 Step 1 – Mandatory Limited Notification to Certain Affected Groups and Affected Persons

Limited notification of an application of a resource consent to certain groups and persons is mandatory under Section 95B(4) if it meets any of the following criteria contained within Section 95B(2) and (3):

| | |
|--|-----|
| Are there any affected protected customary rights groups (refer to Section 95F)? | No |
| Are there any affected customary marine title groups with regard to a consent application for an “accommodated” activity as defined in the Marine and Coastal Area (Takutai Moana) Act 2011 (refer to s95G)? | No |
| Is the proposed activity on or adjacent to, or could it affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11? | Yes |
| If the land affects or could affect land that is subject to a statutory acknowledgement, is the person(s) to whom the statutory acknowledgement is made an affected person under section 95E? | No |

Mauao is located within the Statutory Area of Interest of Waitaha as shown in Appendix 2A.2 of the City Plan and is adjacent to land (coastal marine area) that is the subject of a statutory acknowledgement made in accordance with the Waitaha Claims Settlement Act 2013.

In accordance with section 32 of the Waitaha Claims Settlement Act 2013, Waitaha Iwi was provided with a summary of the Application on 31 March 2025. The Applicant has confirmed and provided evidence of the consultation undertaken with Waitaha to date.

Whilst the Waitaha statutory acknowledgement area is located adjacent to Mauao, the Applicant has demonstrated, through the provision of design drawings and a plan showing the location of the works,

that the statutory acknowledgement area will not be affected by the Proposal. Further, as mentioned above in section 1.6, a letter of support has been provided by Waitaha.

Limited notification is **not required** under Step 1 and Section 95B(4) on the basis that the application does not meet the criteria contained within s95B(2) or (3).

4.2 Step 2 – Limited Notification Precluded in Certain Circumstances

If none of the persons or groups in Sections 95B(2) to (4) are affected, then Section 95B(5) precludes the limited notification of an application if it meets either of the following criteria contained within Section 95B(6):

| | |
|---|---|
| <p>Are all activities subject to a rule or national environmental standard that precludes limited notification?</p> | <p>No</p> <p>The activities identified in Section 2.3 of this report, which are restricted discretionary activities under Rule 7C.7, are precluded from notification under Rule 7C.7.1. However, as the proposal is not limited to these activities alone, this non-notification provision is not relevant to this application.</p> |
| <p>Is the application for a controlled activity, but no other activities, that requires consent under a district plan (other than a subdivision of land)?</p> | <p>No</p> |

Limited notification is **not precluded** under Step 2 and Section 95B(5) on the basis that the application does not meet the criteria contained within Section 95B(6).

4.3 Step 3 – Certain Other Affected Persons Must be Notified

If an application does not meet the criteria in Section 95B(6), then Council is required to consider the provisions in Section 95B(7) and (8) to determine whether other persons are affected (in terms of Section 95E) and therefore must be notified in accordance with Section 95B(9) of the RMA.

Section 95E(1) of the RMA states that a person is an “affected person” if the consent authority decides that the adverse effects of the activity on a person are minor or more than minor (but are not less than minor).

4.3.1 Assessment of Affected Persons – Matters That Must Be Disregarded

When deciding, for the purpose of Section 95B(8), whether a person is an affected person in accordance with s95E, Council:

- a) May disregard an adverse effect of the activity on the person if a rule or national environmental standard permits an activity with that effect;
- b) Must, in the case of controlled or restricted discretionary activities, disregard an adverse effect on the person if the effect does not relate to a matter over which a rule or national environmental standard reserves control or restricts discretion;
- c) Must have regard to every relevant statutory acknowledgement.

Additionally, Section 95E(3) specifies that a person is not an affected person if they have given and not withdrawn written approval for the activity.

These matters are addressed as follows.

Section 95E(a) – Permitted Baseline

As discussed in section 3.3.2 of this report having reviewed the City Plan it is concluded that there is no applicable or relevant permitted baseline to consider in determining this application as the activities proposed are not permitted under the City Plan.

Section 95E(b) – Effects Not Related to Matters of Discretion

As discussed in section 3.3.1 of this report the proposal is considered to have an overall non-complying activity status, the Council's discretion is unrestricted. Therefore, there are no effects that fall outside the Council's discretion

Section 95E(c) – Statutory Acknowledgements

The only relevant statutory acknowledgement has been addressed in section 4.1 of this report and in summary, it has been concluded that the statutory acknowledgement area will not be affected by the Proposal.

Section 95E(3) – Written Approvals

No written approvals were provided with the application therefore no persons must be disregarded in this respect.

4.3.2 Section 95E Assessment of Affected Persons

4.3.3 Cultural Effects

The proposal is considered to potentially result in adverse cultural effects. Mauao is an area of significant cultural value, designated as a significant Māori area in the City Plan. Due to the clear cultural value of Mauao, the applicant has collaborated with the iwi who have a cultural connection to Mauao, as discussed in section 1.6 of this report. This includes those mentioned in clause E of the Mauao Trust deed, including Waitaha iwi, whom the trust does not have the mandate to speak on behalf of. Both the trust and Waitaha, being the iwi with cultural connections to the site, are considered experts regarding the cultural effects of the proposal. The Mauao Placemaking project has been developed in collaboration with the trust, which has provided a letter outlining their support for the project. Waitaha has also provided a letter outlining their support for the proposal.

With the letter of support from Waitaha, and that the Application has been made on behalf of the Mauao Trust, I consider that it is clear that the iwi associated with the Significant Māori Area are supportive of the Proposal. On this basis, I do not consider that the iwi and hapū associated with the Significant Māori Area are affected parties for the purpose of this assessment.

4.3.4 Adverse Effects on Persons Precluded from Public Notification

Persons associated with sites identified in above in Figure 9 were precluded under section 95D from my public notification assessment. For the purpose of section 95B, it is relevant to consider whether they are affected persons in the context of section 95E.

Due to the location and extent of the works within the 6 areas, and the scope of the works in the wider Mauao and Mount Maunganui context, I do not consider persons associated with those previously identified sites to be affected persons for the purpose of section 95E. Further, I have not been able to identify any other persons or groups who I consider could be affected persons.

4.3.5 Conclusion on Affected Persons

Limited notification is **not required** under Step 3 and Section 95B(9) on the basis that the application does not meet the criteria within s95B(8). Having carried out an assessment of the application in accordance with Section 95E I have not been able to identify any affected persons.

4.4 Step 4 – Further Notification in Special Circumstances

If limited notification is not required under Steps 1, 2 or 3 it must be determined whether special circumstances exist that warrant limited notification of an application.

| | |
|---|----|
| Do special circumstances exist that warrant limited notification? | No |
|---|----|

In accordance with Section 95B(10), the a consent authority must determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under Section 95E as not being affected persons).

In this case, the effects of the Proposal are well understood, and it is considered that there are no special circumstances that would warrant limited notification.

4.5 Conclusion on Limited Notification

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

- Under Step 1, limited notification is not required under Section 95B(4) on the basis that the application does not result in any affected customary rights groups or customary marine title groups (Section 95B(2)); or affected persons in relation to statutory acknowledgements (Section 95B(3));
- Under Step 2, limited notification is not precluded on the basis that the application does not meet either of the criteria contained within Section 95B(6);
- Under Step 3, limited notification is not required on the basis that the activity's adverse effects are less than minor and therefore there are no affected persons;
- Under Step 4, it has been determined that there are no special circumstances that exist that warrant the limited notification of the application in accordance with Section 95B(10).

5.0 Summary and Recommendation on Notification of Resource Consent

Having assessed the application in accordance with the steps contained within Section 95A and Section 95B of the RMA, for the reasons provided within sections 3.0 and 4.0 of this Report it is recommended that this application be processed on a non-notified basis.

This recommendation is made by:



s 7(2)(f)(ii)

Date: 1 April 2025

6.0 Decision on Notification of Resource Consent Under Delegated Authority

Having reviewed this report, I concur with the Reporting Officer's recommendation to process this Application for resource consent on a non-notified basis for the reasons set out within sections 3.0 and 4.0 of this report.

This decision is made under delegated authority by:



s 7(2)(f)(ii)

Date: 7 April 2025

7.0 Substantive Decision

7.1 Section 104D – Non-Complying Activity Gateway Tests

Section 104D provides an additional layer of scrutiny to the consideration of applications for Non-Complying Activities. Under Section 104D an application must pass one of the two following gateway or threshold tests to be eligible for approval:

- Under Section 104D(1)(a) the effects of an activity on the environment (excluding those effects to which a written approval has been provided) must be no more than minor; or
- Under Section 104D(1)(b) the application must be for an activity that is not contrary to the relevant objectives and policies of a District Plan or proposed District Plan.

Having considered these tests, it is concluded that the application meets both of the gateway tests on the basis that as concluded above in sections 3 and 4 I consider adverse effects will be less than minor, and as concluded below in section 7.3, the Proposal is not contrary to the relevant objectives and policies on the Tauranga City Plan. On this basis, consideration of the application under section 104 can be made.

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

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

The actual and potential effects of the proposal include impacts on natural character, landscape and visual aspects, heritage, archaeological, and cultural values. These effects have been assessed within Sections 3 and 4 of this report to determine whether notification of the application was necessary. It has been concluded in these assessments that the effects are less than minor on the environment, individuals, and groups. I consider these assessments relevant for determining actual and potential effects. For the reasons outlined within those assessments, I consider that the proposal will result in acceptable adverse effects, subject to the recommended conditions being imposed. Commentary on these recommended conditions, as well as a summary of my key findings, is provided below.

Natural Character, Landscape and Visual Effects

- Mauao's landscape is highly sensitive, but the proposal will have minimal impact due to its design. The proposal will not disrupt the natural terrain or significant features and will maintain the site's openness and views. The overall landscape effects are considered low.
- Visually, the proposal will be visible from various locations but is designed to blend in with the environment. Some visual impact is expected, particularly near the water tank, but this will be mitigated as surrounding vegetation matures. The overall visual effects are expected to be low to moderate.
- The proposals design is sensitive to the landscape's cultural value and will integrate well with existing features. The visual effects are expected to be low to moderate.
- Mauao has been significantly modified over time. Whilst the works under this consent will result in a change to the existing environment, I consider that the adverse natural and landscape character effects will be acceptable for the reasons set out above.

Ecological Effects

- The ecological assessment conducted by Beca, provided by the applicant, confirms that with the proposed location and installation methods the proposal will result in negligible and acceptable adverse ecological effects.

Heritage and Archaeological Effects

- The archaeological assessment provided for the application for Stage 3 of the Mauao Placemaking project covers the relevant sites and is therefore pertinent to determining the archaeological and heritage effects of this proposal. The assessment identifies known archaeological features at Sites 3, 5, and 6, but states that the works would have a low impact if there is minimal ground disturbance. As previously mentioned, the works proposed in this application use installation methods (no-dig ground screws) that result in minimal ground disturbance, meaning the likelihood of impacting intact features is very limited. To ensure the potential impact remains negligible, the archaeological assessment recommends archaeological briefings prior to works and monitoring during installation at these sites. I consider these recommendations relevant to this proposal and will therefore recommend a condition requiring the proposal to proceed in accordance with the archaeological report's recommendations, with archaeological and cultural monitoring present during the installation of structures at Sites 3, 5, and 6.
- The Applicant has confirmed that an Archaeological Authority from Heritage New Zealand Pouhere Taonga has been sought and obtained. The works will be undertaken in accordance with the requirements of that authority. I consider that provided the recommended conditions are imposed the adverse heritage and archaeological effects will be acceptable for the reasons set out above.

Cultural Effects

- Support for the Proposal has been provided by Mauao Trust, who have a mandate to speak on behalf of all relevant iwi and hapū, with the exception of Waitaha, who have also provided their support. The Mauao Trust and Waitaha have been actively engaged in all phases of the Mauao Placemaking Project since November 2018, including in the design and identifying appropriate locations for the installations. The Applicant has advised that the Proposal represents the iwi aspirations with respect to the protection, conservation and enhancement of Mauao as a taonga of exceptional cultural, spiritual, historic and natural significance while providing for managed public access and use. Further, these works contribute to achieving the purpose and objectives of the Mauao Trust.

Overall, I consider that subject to the recommended conditions being imposed the proposal will result in adverse effects that are acceptable.

7.3 Section 104(1)(b) – Relevant Provisions of Statutory Documents

In considering a consent application, a consent authority must have regard to any relevant provision of a national environmental standard or regulation, national and regional policy statements, and a plan or proposed plan. An assessment of the proposal against the regulations, policies and plan I consider relevant is included below:

7.3.1 Relevant Provisions of the Tauranga City Plan

| Provision Reference | Objective/Policy Summary | Assessment |
|--|---|--|
| Chapter 5 – Natural Environment | | |
| Objective – 5A.3.1 Protection of Special Ecological Areas (Category 1); Policy – 5A.3.1.2 Protection of Special Ecological Areas (Category 1) | Protecting the particular factors, values and associations that make an area a Special Ecological Area. | Based on my findings above, which confirms that due to the nature of the Proposal, the construction methodology and the mitigation measures recommended and supported by both Ecologists, I consider that the factors, values and associations of this Special Ecological Area will be protected. As such, I consider the Proposal is consistent with this objective and policy. |
| Objective – 5A.3.2 Maintenance & | | |

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| <p>Enhancement of Special Ecological Areas (Category 2)</p> <p>Policy – 5A.3.2.2 Maintaining & Enhancing Special Ecological Areas Category 2)</p> | | |
| Chapter 6 – Natural Features and Landscapes | | |
| <p>Objective – 6A.1.1 Outstanding Natural Features and Landscapes;</p> <p>Policy – 6A.1.1.2 Protection of Outstanding Natural Features and Landscapes</p> | <p>The factors, values and associations that define the City’s outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.</p> | <p>Based on my findings above, the factors, values and associations of Mauao will be protected from inappropriate use. The Proposal is considered to be appropriate due to the magnitude of effects, the location of the works, materials used and the construction methodology. The Proposal will be sympathetic to the natural environment and will integrate into the landscape. As such, I consider the Proposal is consistent with this objective and policy.</p> |
| Chapter 7 – Heritage | | |
| <p>Objective – 7C.4.2 Protection of Group 1 Significant Māori Areas;</p> <p>Policy – 7C.4.2.1 Protection of Group 1 Significant Māori Areas</p> | <p>The values of Group 1 Significant Māori Areas, identified in accordance with the criteria in 7C.4.1.2 Policy – Grouping Significant Māori Areas, are protected from the adverse effects of subdivision, use and development.</p> | <p>The Proposal is the continuation of an iwi led project which represents the iwi aspirations with respect to the protection, conservation and enhancement of Mauao as a taonga of exceptional cultural, spiritual, historic and natural significance while providing for managed public access and use. Further, these works contribute to achieving the purpose and objectives of the Mauao Trust. As such, I consider the Proposal is consistent with this objective and policy.</p> |

Having undertaken the assessment above, I am satisfied that the proposal is consistent with the relevant provisions of the Tauranga City Plan.

7.3.2 Bay of Plenty Regional Policy Statement

| Provision Reference | Objective/Policy Summary | Assessment |
|---------------------|---|--|
| Policy IW 2B | Recognising matters of significance to Māori. | <p>The Applicant has provided an assessment against the RPS in section 7 of the AEE. I concur with that assessment and adopt it for the purpose of assessing the Proposal against the relevant provisions of the RPS. In summary:</p> <ul style="list-style-type: none"> Iwi have been a partner in the Mauao Placemaking Project and will continue to be involved as the project progresses into construction phase. |
| Policy IW 3B | Recognising the Treaty in the exercise of functions and powers under the Act. | |
| Policy IW 4B | Resource management decisions have regard to iwi and hapū resource management planning documents. | |
| Policy IW 5B | Adverse effects on matters of significance to Māori. | |

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| Policy IW 6B | Encourage tangata whenua to identify measures to avoid, remedy or mitigate adverse cultural effects. | <ul style="list-style-type: none"> The Applicant is working closely with iwi in the development of the placemaking project and they are an integral part of this project. Including proving letters is support of the project. The Applicant has identified the Tauranga Moana Iwi Management Plan and the Ngai Te Rangi Management Plan as being relevant to the Proposal. I have provided an assessment of the Proposal against these management plans in section 7 of this report, as directed by Policy IW 4B; and Potential cultural effects will be mitigated through the use of ground screw installation techniques, reducing the requirement for earthworks and ground disturbance. |
| Policy IW 7D | Cultivating partnerships between iwi and statutory management agencies. | |

Having undertaken the assessment above, I am satisfied that the proposal is consistent with the relevant provisions of the RPS.

7.3.3 New Zealand Coastal Policy Statement

| Provision Reference | Objective/Policy Summary | Assessment |
|---------------------|--|---|
| Objective 2 | Preserve natural character and protect natural features and landscapes | I consider the Proposal is consistent with, and achieves this objective, for the reasoning discussed below in relation to Policy 13 and 15. |
| Objective 3 | To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment. | I consider the Proposal is consistent with, and achieves this objective, for the reasoning discussed below in relation to Policy 2. |
| Policy 1 | Extent and Characteristics of the coastal environment | Based on subclause (2) it is clear that Mauao is located within the coastal environment. |
| Policy 2 | Take account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment. | I consider that the proposal is consistent with this policy. The applicant has collaborated with iwi in the development of the proposal. The Mauao Trust, speaking on behalf of the iwi excluding Waitaha, has provided a letter supporting the application, and Waitaha has also provided a letter of support. Through collaboration with the relevant iwi, the proposal has been designed to be sensitive to the cultural and heritage significance of Mauao. |
| Policy 6 | Activities in the coastal environment | Assessing the proposal against this policy, I consider that subclause 1(h) is |

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| | | relevant. The proposal is consistent with this subclause and the overall policy, as it takes into account how adverse visual effects can be avoided, and the design reflects this consideration. The Council's landscape expert, s 7(2)(f)(ii) supports the proposal, stating that it will integrate well within the existing landscape. |
| Policy 11 | Indigenous biological diversity | The applicant has provided an ecological impact assessment. Based on the findings of this assessment, I consider the proposal complies with this policy. |
| Policy 13 | Preservation of natural character | <p>This policy continues two strong avoid polices in subclauses (a) and (b) being to</p> <p><i>“Avoid adverse effect of activities on natural character in areas of the coastal environment with outstanding natural character; and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment.”</i></p> <p>As assessed within sections 3, 4, and 7.2 of this report, the proposal does represent a change to the existing environment. However, based on the advice from the applicant's expert and the review from the Council's landscape expert, considering the location, design, and materials used, along with the previous human modifications on Mauao, the adverse effects on the natural character are avoided.</p> |
| Policy 15 | Natural features and natural landscapes | <p>This policy includes a strong directive to avoid adverse effects on outstanding natural features and landscapes in the coastal environment. It also directs to avoid significant adverse effects and to avoid, remedy, or mitigate other adverse effects on other natural features and natural landscapes in the coastal environment.</p> <p>The Tauranga City Plan has given effect to this policy, specifically within Policy 6A.1.1.2. The direction to avoid adverse effects of activities on outstanding natural features and landscapes in the coastal environment has been incorporated into the City Plan as protecting those areas and landscapes from the effects of inappropriate use or development.</p> <p>I have considered the proposal against City Plan Policy 6A.1.1.2 above and that based on my findings above, the factors, values and associations of Mauao will be protected from inappropriate use. The Proposal is considered to be appropriate due to the magnitude of effects, the location of the works, materials used and the construction methodology. The Proposal will be sympathetic to the</p> |

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| | | natural environment and will integrate into the landscape. As such, I consider the Proposal is consistent with this policy. |
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7.4 Section 104(1)(c) – Other Matters

In addition to the matters of regard covered under Sections 104(1)(a), (ab) and (b), section 104(1)(c) states that consideration must be given to "any other matters that the consent authority considers relevant and reasonably necessary to determine the application." The following matters are relevant, reasonably necessary and within discretion to consider.

In considering other matters, I have had regard to the Tauranga Moana Iwi Management Plan and the Ngai Te Rangi Iwi Management Plan, as directed by Policy IW 4B of the Regional Policy Statement (RPS). Additionally, I have also taken into account the Mauao Historic Reserve Management Plan and the Mauao Implementation Plan (Te Mahere Whakamahinga o Mauao).

7.4.1 Tauranga Moana Iwi Management Plan

The Tauranga Moana Iwi Management Plan is a joint management plan which articulates the collective vision and aspirations of Ngati Ranginui, Ngai Te Rangi and Ngati Pukenga, in relation to Tauranga Moana.

The applicant has provided an assessment against the relevant provisions of the Tauranga Moana Iwi Management Plan in section 7 of the AEE, identifying the cultural heritage objectives and policies as relevant to the proposal. These objectives and policies seek to recognize and protect the cultural and spiritual significance of traditional sites, areas, and landscapes.

I concur with the Applicant that the Proposal is consistent with the Tauranga Moana Iwi Management Plan, specifically with respect to the recognition of the cultural significance of Mauao that the Proposal will provide. As a continuation of the placemaking project the proposal aims to honour Mauao's cultural significance through storytelling signage, cultural artwork (pou), and protective fencing. It recognizes traditional placenames and safeguards cultural sites. The proposed fencing is a key measure to protect these sites, while interpretational signage and storytelling pou highlight significant locations, strengthening identity and connections to the area.

7.4.2 Ngai Te Rangi Iwi Management Plan

The Applicant has identified the relevant policy statements from the Ngai Te Rangi Iwi Management Plan in section 7, of the AEE, concluding that the proposal is consistent with these provisions. I have reviewed these and consider that the Proposal aligns with the policy direction provided by the Ngai Te Rangi Iwi Management Plan, as summarised below:

As a continuation of the placemaking project the proposal promotes and protects the cultural heritage of Mauao. Ngāi te Rangi, part of the Mauao Trust, have been involved in its planning and implementation. The project aims to enhance people's enjoyment of Mauao and increase public awareness of its history through storytelling pou and culturally designed structures. It consistently uses the correct name, Mauao, throughout.

7.4.3 Waitaha Iwi Management Plan

The Applicant has not identified this management plan as being relevant to this Proposal. However, due to Waitaha's ancestral relationship to Mauao, and the significance Mauao has to Waitaha, I consider that their management plan is relevant.

Having reviewed the management plan, reference to Mauao is limited to recognition that it was returned and vested in the Mauao Trust, and that Waitaha have a management role in the trust. While the management plan doesn't set out Waitaha's goals or aspirations for Mauao, based on what is proposed, I consider that the Proposal will assist in preserving and articulating the matters of cultural importance to Waitaha for visitors to Mauao, and will not be inconsistent with the management plan.

7.4.4 Mauao Historic Reserve Management Plan

The Mauao Historic Reserve Management Plan was prepared in accordance with section 41 of the Reserves Act 1977 and approved by Tauranga City Council, Ngā Poutiriao ō Mauao, and the Mauao Trust. The mission statement of the management plan is:

Mauao is protected, conserved, and appropriately enhanced as a taonga of exceptional cultural, spiritual, historic, and natural significance whilst providing for managed public access and use.

The applicant has identified in section 7 of the AEE that this reserve management plan is relevant to consider and provides an assessment of the key aspects. I have reviewed the applicant's assessment and concur with their conclusion that the proposal aligns with the plan, giving effect to the mission statement of the management plan.

7.4.5 Precedent Effects

The case of *Dye v Auckland* established that precedent effects do not constitute actual or potential environmental effects. However, precedent remains a relevant consideration under Section 104(1)(c). Although granting resource consent does not establish a binding precedent, it may influence the processing of future similar consent applications. The principle of consistency implies that the Council must approach comparable cases consistently, ensuring similar applications are treated alike.

As the proposal is for a non-complying activity, I find it pertinent to be mindful of the effects of a precedent. Having considered the application I do not consider that this application will result in a precedent, as the proposal is part of a unique project involving collaboration with mana whenua to enhance the cultural, spiritual, and heritage value specific to Mauao.

Additionally, it has been concluded that the proposal is consistent with the Tauranga City Plan, Bay of Plenty Regional Policy Statement, and New Zealand Coastal Policy Statement. Therefore, it will not set a precedent for departing from the direction of the statutory planning documents.

7.5 Part 2 of the RMA

Those aspects of the Tauranga City Plan relevant to this application have been "competently prepared under the Act", in the sense referred to by the Court of Appeal¹. There is therefore no obligation to conduct an evaluation under Part 2 of the Act, and Part 2 considerations should not be used to override the plan provisions.

7.6 Discretionary and Non-Complying Activities – Section 104B

After considering an application for a resource consent for a non-complying activity, the consent authority may grant or refuse the application. If it grants the application, the consent authority may impose conditions under Section 108.

In regard to the gateway test of section 104D and in light of the findings in sections 3, 4 and 7 of this report, it is concluded that the application meets both limbs of the test. This is on the basis that the

¹ R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316, paras 74 and 75.

adverse effects of the proposal are less than minor, and that the proposal is not contrary to the relevant objectives and policies of the Tauranga City Plan.

Resource consent can be granted pursuant to section 104B(a) on the basis that, subject to compliance with the conditions of consent, the activity's adverse effects on the environment will be acceptable and the environmental outcomes consistent with those anticipated by the relevant provisions of the applicable statutory documents and Part 2 of the RMA.

Pursuant to section 104B(b) and section 108, conditions have been included on the consent have been included for the purposes of managing the activity's adverse effects.

8.0 Summary and Recommendation on Grant of Resource Consent

The land use proposed by the Applicant to install three new benches, two new fences and a story telling pou within Mauao Historic Reserve at 1 Adams Avenue requires the following resource consents that have been considered within this Report:

Area 1 - (Karewa Hairpin)

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 5A.7(b) for the erection of a new public recreational facility within or adjoining any Special Ecological Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 6A.5(c), for the erection of a new minor public recreation facility structure within the Outstanding Natural Features and Landscapes Plan Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Restricted Discretionary Activity in accordance with Rule 7C.5.1, Table 7C.1 for the erection of park furniture within a Group 1 Special Māori Area.

Area 2 - (Upper Maunga Pa Terracing)

- Under Section 9(3) of the Resource Management Act 1991 as a Non-Complying Activity in accordance with Rule 5A.4 Table 5A.1 – Status for Activities Within or Adjoining any Special Ecological Area for the erection of a minor structure within a Category 1 SEA.
- Under Section 9(3) of the Resource Management Act 1991 as a Non-Complying Activity in accordance with Rule 6A.2, Table 6A.1 for the erection of a minor structure within the Outstanding Natural Features and Landscapes Plan Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 6A.5(c), for the erection of a new minor public recreation facility structure within the Outstanding Natural Features and Landscapes Plan Area.

Area 3 – (Summit)

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 5A.7(b) for the erection of a new public recreational facility within or adjoining any Special Ecological Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 6A.5(c), for the erection of a new minor public recreation facility structure within the Outstanding Natural Features and Landscapes Plan Area.
- Under Section 9(3) of the Resource Management Act 1991 as a Restricted Discretionary Activity in accordance with Rule 7C.5.1, Table 7C.1 for the erection of park furniture within a Group 1 Special Māori Area.

Area 4 – (Watertank Amputheatre)

- Under Section 9(3) of the Resource Management Act 1991 as a Non-Complying Activity in accordance with Rule 6A.2, Table 6A.1 for the erection of a minor structure within the Outstanding Natural Features and Landscapes Plan Area.

Area 5 – (Waipatukakahu)

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 5A.4, Table 5A.1 for the establishment of a minor structure within a Category 2 SEA.
- Under Section 9(3) of the Resource Management Act 1991 as a Non-Complying Activity in accordance with Rule 6A.2, Table 6A.1 for the erection of a minor structure within the Outstanding Natural Features and Landscapes Plan Area.

Area 6 – (Waipatukakahu)

- Under Section 9(3) of the Resource Management Act 1991 as a Discretionary Activity in accordance with Rule 5A.7(b) for the erection of a new public recreational facility within or adjoining any Special Ecological Area.

Under Section 9(3) of the Resource Management Act 1991 as a Restricted Discretionary Activity in accordance with Rule 7C.5.1, Table 7C.1 for the erection of park furniture within a Group 1 Special Māori Area.

These consents have been considered as a bundle with an overall **Non-Complying** activity status.

Based on my assessment of the Application, as set out in this report, I recommend that the application be **granted** for the following reasons:

- In terms of Section 104D, it has been concluded that the option to grant resource consent is available on the basis that that the adverse effects of the proposal are less than minor, and that the proposal is not contrary to the relevant objectives and policies of the Tauranga City Plan .
- In accordance with Section 104(1)(a) it has been concluded that, subject to compliance with the conditions imposed on this consent, the activity will not result in unacceptable effects on the environment.
- Having considered the relevant provisions within the Tauranga City Plan, Bay of Plenty Regional Policy Statement and the New Zealand Coastal Policy Statement as directed by Section 104(1)(b), it has been determined that granting of the resource consent sought is consistent with the direction provided by those provisions.
- Having considered the Tauranga Moana Iwi Management Plan, Ngai Te Rangi Iwi Management Plan, Waitaha Iwi Management Plan, Mauao Historic Reserve Management Plan as directed by section 104(1)(c), I have determined that granting of the resource consent sought is consistent with the direction provided by these documents.
- It has been concluded that the have been competently prepared and address the matters set out in Part 2 of the RMA. On the basis that granting consent to the proposal is consistent with the provisions of these documents, it can also be concluded that granting the resource consent is consistent with Part 2 of the RMA.

This recommendation is made by:

s 7(2)(f)(ii)

Date: 2 April 2025

9.0 Decision on Resource Consent Under Delegated Authority

Having reviewed this report, I concur with the Reporting Officer's recommendation to grant the resource consent sought for the reasons set out within section 8.0 of this report

This decision is made under delegated authority by:

s 7(2)(f)(ii)

Date: 7 April 2025