

Mauao

Review of Landscape Management and Protection
Strategies for View Shafts of Mauao, Mount Maunganui

Prepared for

SmartGrowth Combined Tangata Whenua Forum

by

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Appendix 1 Mapping Examples

1.0 INTRODUCTION

Boffa Miskell has been engaged by the SmartGrowth Combined Tangata Whenua Forum (“SGCTWF”) to prepare a report that summarises both statutory and non-statutory mechanisms protecting significant view corridors of Mauao (“Mount Maunganui”).

In preparing this report a number of statutory and non-statutory documents have been reviewed and interviews have been conducted with key staff members from Tauranga City Council (“TCC”), Western Bay of Plenty District Council (“WBOPDC”), and Environment Bay of Plenty (“EBOP”). Indicative mapping information has also been prepared to identify issues discussed in the report (refer to **Appendix 1**).

One of the key outcomes is to highlight planning mechanisms (or alternatively the lack of such) to assist with the retention of visual links from locations important to the Maori community to Mauao. To achieve this outcome the existing protection framework “base case” at a national, regional and local level has been examined. This analysis provides a sound basis for further discussion and policy development in the future.

2.0 BACKGROUND

Mauao is a dominant and iconic landmark for the city of Tauranga and the Bay of Plenty that is recognised for its unique landscape character as well as deep and underlying cultural values.

As the cultural and visual epicentre of Tauranga, the constant presence of Mauao in the background reinforces the identity of the city and region as a whole. As such, the protection and enhancement of the visual presence and experience of Mauao is of importance to the region.

This report is derived from the SmartGrowth Strategy, and more specifically tangata whenua submissions to the strategy wishing for greater protection of significant view shafts to Mauao from Marae and other significant places.

It is acknowledged that there are already existing examples of landscape management and protection mechanisms New Zealand, including (but not limited to) the following:

- The protection of view shafts to volcanic cones in Auckland (Auckland Regional Council; Auckland City Council; North Shore City Council);
- The protection of view shafts to rural landscapes (Waipa District Council);

In giving consideration to other examples it is acknowledged that each had been developed on a ‘case by case’ basis dependent on the specific resource management outcomes they were seeking to achieve in particular geographic locations.

In October 2006 the SmartGrowth Implementation Committee (“SGIC”) adopted the revised SmartGrowth Strategy to go out for public consultation. Public consultation was undertaken from 1 – 30 November 2006. 52 Submissions were received with hearings held on the 19 and 20 February 2007. Deliberations were undertaken on 28 February 2007. A number of key changes were made to the SmartGrowth Strategy document in response to SGIC deliberations, one of which was a new action under 7.1.8 – Landscape, as follows ...

“7.1.8 – Landscape: A new action 2 has been included to investigate opportunities to protect significant view shafts to Mauao”

Hence the purpose of this report to undertake an initial review of relevant statutory and non-statutory matters relating to the protection of significant view shafts to Mauao.

3.0 BASE CASE PROTECTION FRAMEWORK

Consideration of a protection framework needs to first understand the existing management measures that apply at a national, regional and local level.

3.1 National Framework

3.1.1 Resource Management Act 1991

The Resource Management Act 1991 (the “RMA”) places specific obligation on Council’s to manage landscape resources and take into consideration cultural values.

Of the provisions contained in the RMA, Part II is the most significant. In this respect it defines the purpose and principles around which the Act is centred.

Section 5, which documents the Act’s purpose, promotes the sustainable management of natural and physical resources. In defining the phrase ‘natural and physical’, Section 5 states that resources may be used in a manner that enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) Safeguarding the life supporting capacity of air, water, soil and ecosystems; and*
- (c) Avoiding, remedying or mitigating any adverse effects of activities on the environment*

In Part II of the RMA, matters of national importance include:

Section 6(a) – The preservation of the natural character of ... lakes and rivers and their margins and the protection of them from inappropriate subdivision use and development.

Section 6(b) – The protection of outstanding natural features and landscapes from inappropriate subdivision use and development.

Section 6(e) – The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga

Section 6(f) – The protection of historic heritage from inappropriate subdivision, use and development.

Other matters include:

Section 7(a) – Kaitiakitanga

Section 7(c) – The maintenance and enhancement of amenity values

These provisions in combination define a national order of priority for protection of landscape values.

3.1.2 Other Legislation

The Local Government Act influences landscape management through setting the broad planning and spending priorities under Long Term Council Community Plans (LTCCP).

Other legislation relevant to landscape management includes the Conservation Act, Reserves Act, Historic Places Act and Rating Powers Act. This legislation provides potential tools for protection and enhancement of landscapes outside the RMA.

3.2 Regional Framework

3.2.1 Regional Policy Statement

The Operative Bay of Plenty Regional Policy Statement (the “RPS”) establishes Environment Bay of Plenty’s overall strategy for achieving the sustainable management of natural and physical resources. It does this by prescribing a number of objectives and policies relating to various resource management issues that exist within the Bay of Plenty Region.

District Plans are the primary means by which the RPS policy framework will be implemented, as controlling land use and subdivision is outside the functions of regions under the RMA.

The RPS states that Mauao is recognised as a prominent feature of the region and as such a community landmark. The RPS also acknowledges that the Tauranga sub-region is one of the fastest growing areas in New Zealand, which places continuing pressure on land and other resources and that careful management of development is essential to ensure that a compact and efficient urban form is achieved and that adverse environmental effects are minimised.

The RPS contains provisions for the management of:

- Maori Culture and Traditions;

- Policy Review;
- Plans;
- Land;
- Physical Resources/Built Environment; and
- Heritage

In the context of landscape management and protection strategies for Mauao the following objectives and policies are considered relevant ...

Objective 5.3.2(a) – Recognition of and provision for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga

Objective 5.3.5(a) – An integrated framework of regional and district plans, and planning documents recognised by iwi authorities, promoting the sustainable management of natural and physical resources, and providing certainty for resource users, developers and protectors

Objective 5.3.9(a) – A stable yet responsive resource management policy framework

Policy 5.3.9(b)(i) – To ensure resource management policies and plans reflect and stay abreast of contemporary statutory requirements, resource management philosophies and techniques, and community aspirations

Objective 6.3.1(a) – The adoption of sustainable land use and management practices

Policy 6.3.1(b)(iii) – To avoid, remedy or mitigate adverse effects on the environment associated with the inappropriate subdivision, use and development of land

Policy 6.3.1(b)(vii) – To manage the use and development of land resources in a way which enables people and communities to provide for their social, economic and cultural wellbeing

The RPS also contains the following passages under Section 13 (Physical Resources/Built Environment) and Section 15 (Heritage) ...

“13.1 ... Notwithstanding their positive effects, urban development and rural settlement growth have significant effects on the sustainable management of natural and physical resources. The land occupied by urban uses has increased considerably and the areas affected have been removed from productive land use, or their ecological and cultural values impaired, at least for the foreseeable future. Moreover, if uncontrolled, urban areas and settlements have the potential to expand quickly and extend their influence even further.”

“15.1 ... The regions diverse natural features and landscapes are part of its heritage and are important as part of the physical setting of peoples lives”.

From a landscape management and protection perspective the RPS focuses on “outstanding” features and landscapes and explains that not all heritage values and places can realistically or reasonably be protected. However, heritage values and places that are assessed as warranting protection under Section 6 of the Act are considered to be a priority for any protection initiatives. The RPS also explains that even given that priority of protection, at times there may have to be compromises with other resource uses.

Whilst the RPS contains provisions about the management and protection of outstanding natural features and landscapes there are no specific provisions in relation to the management and protection of ‘view shafts’ to these outstanding natural features or landscapes.

3.2.2 Operative Bay of Plenty Regional Land Management Plan

The Operative Bay of Plenty Regional Land Management Plan (the ‘RLMP’) was established to assist EBOP to carry out its functions with respect to land resources of the Bay of Plenty. While it is important to note that the RLMP is to be withdrawn following the Proposed Regional Land and Water Plan becoming operative, most of the provisions are likely to remain largely unchanged.

Following on from the objectives and policies in the RPS, the RLMP sets out a range of objectives, policies and methods that seek to avoid, remedy or mitigate adverse effects of activities on the environment.

The focus of the RLMP is to manage the actual and potential effects resulting from activities such as earthworks. To this effect soil conservation and water quality are two key areas that this planning document addresses.

There is little (if any) discussion about the management and protection of landscapes and the view shafts to such with these issues being left for other planning documents to address. However, the RLMP does provide direction for involvement of tangata whenua in resource management decisions (where appropriate), especially for areas of traditional value or cultural importance.

3.2.3 Proposed Regional Water and Land Plan

The Proposed Bay of Plenty Regional Water and Land Plan (the ‘PWLP’) administers the use and development of water and land above MHWS throughout EBOP’s jurisdiction. The PWLP will replace the RLMP when it becomes operative. Like the RLMP, the objectives and policies of the PWLP follow on from and expand on the objectives and policies in the RPS. Those that are relevant to the purposes of this report include:

- Involvement of and partnership with tangata whenua, recognising their concerns by maintaining the mauri of water and land, identifying and protecting sites of value to iwi, and avoiding or mitigating potential adverse effects;

- Undertaking integrated management of land and water as appropriate to avoid or mitigate potential adverse effects, including heritage values and impacts on coastal water quality.

3.2.4 Regional Coastal Environment Plan

The Operative Regional Coastal Environment Plan promotes the sustainable management of the natural and physical resources of the Bay of Plenty coastal environment.

The topics covered in the plan include all resource management issues relating to the coastal marine area and issues pertaining to the coastal environment.

Section 5 – Natural Features and Landscapes refers to the importance of managing and protecting outstanding and significant landscapes throughout Bay of Plenty’s coastal environment. The following explanation is provided ...

“EBOP has commissioned research to identify outstanding and regionally significant natural features and landscapes of the coastal environment. The technical report resulting from its research is one of the supporting documents to this plan. The details of the methodology used in the assessment are contained within that report. They included factors such as visual quality, sensitivity, absorption capability, intactness and coherence ... collectively they (outstanding and regionally significant natural features and landscapes) embody a key component of the natural character of the coastal environment.

Almost all the landscapes and natural features which were identified as being of outstanding or regional significance are on the landward margins of the coastal environment. The protection of these landscapes and natural features is, therefore, a shared responsibility between EBOP and the District Council’s. The primary means for managing activities which may have adverse effects on these natural features and landscapes are through the provisions of District Plans, and (to a lesser degree) through the provisions of the Regional Land Management Plan.

District Plans may also identify coastal landscapes and natural features of district or local significance (in addition to those of outstanding and regional significance as identified in this plan). They may also contain objectives, policies and methods with regard to the general management of all landscapes and natural features on the landward margins of the coastal environment. EBOP will encourage the District Council’s to undertake such initiatives”.

The combined landscape of Mauao, Moturiki Island and Motuotau Island, including Mount Maunganui beach adjacent to the islands, is identified in the Fourth Schedule of the plan as an outstanding natural feature and landscape.

The following objective and supporting policies of the plan are relevant when considering landscape management and protection strategies for Mauao ...

Objective 5.2.2 – The maintenance and enhancement of the outstanding and regionally significant landscape features

Policy 5.2.3(a) – To ensure the visual quality, and the physical and ecological integrity of the outstanding and regionally significant natural features and landscapes of the coastal environment are maintained. The guidelines contained in the Fifth Schedule – Management Guidelines for Natural Features and Landscapes, will be applied

Policy 5.2.3(b) – To recognise and provide for appropriate protection for natural features and landscapes of district or local significance in the coastal environment. The guidelines contained in the Fifth Schedule – Management Guidelines for Natural Features and Landscapes, should be applied

Policy 5.2.3(c) – Adverse visual effects on the outstanding and regionally significant natural features and landscapes identified in the Fourth Schedule – Natural Features and Landscapes ... should be avoided or remedied

Policy 5.2.3(d) – To maintain significant public views and visual corridors associated with the outstanding and regionally significant natural features and landscapes identified in the Fourth Schedule – Natural Features and Landscapes. This includes views from within landscapes or features, and views of the landscape and features

The direction provided by way of Policy 5.2.3(d) is of particular interest in the context of this report. There is generally a strong inclination for the policy framework of both statutory and non-statutory planning documents to focus on the management and protection of outstanding natural features and landscapes themselves, but there seems to be a lack of discussion about the management and protection of view shafts to the features and landscapes themselves. Policy 5.2.3(d) departs from that trend and emphasises the importance of public views and corridors.

Turning to tangata whenua considerations provided for under the plan, the following objectives and policies are relevant ...

Objective 8.2.2(a) – The involvement of tangata whenua in the management of the coastal environment

Objective 8.2.2(b) – The protection of the characteristics of the coastal environment of special spiritual, cultural and historical significance to tangata whenua

Policy 8.2.3(c) – To avoid, remedy or mitigate adverse effects on resources or areas of special spiritual, historical, or cultural significance to tangata whenua ...

This policy framework acknowledges the importance of the coastal environment to tangata whenua and their willingness to have an active role in the sustainable management of it.

3.3 Western Bay of Plenty Sub-Region Framework

There is a mix of statutory and non-statutory policy instruments that influence end outcomes, including District Plans, LTCCP's, and other special purpose strategic plans. This represents a large investment of public resources that needs to be taken carefully into consideration when considering any new policy initiatives.

3.3.1 Tauranga District Plan

The issues, objectives, policies and explanations/principle reasons of the Tauranga District Plan ("TDP") are arranged into five distinct areas:

- Amenity Values
- Natural Resources
- Heritage
- Hazards
- Physical Resources

Under 'amenity values' the following issues, objectives, policies and explanations/principle reasons are relevant:

Objective 3.2.1 – Residential Amenity, Character, Intensity and Scale: To ensure use and development within or adjacent to Residential Zones maintains and enhances the amenity values within those zones

Policy 3.2.1.3 – Building Height and Scale – Residential H Zone: The height and scale of buildings within the Residential H (High-Rise Policy Area) Zone should recognise and provide for the preservation of outstanding natural features and landscapes and have particular regard to:

(a) The amenity values afforded by:

- *The Norfolk Island Pines along Marine Parade and The Mall;*
- *Mount Drury (Hopukiore);*
- *Mauao;*
- *The coastal environment*

(b) The relationship of tangata whenua with the ancestral landscape of Mauao and Hopukiore ...

Explanation and principle reasons at 3.2.6.2 ... Because of the special landscape values of the Mount Maunganui area, development within the high-rise policy area of the Residential H Zone is given special controls ... The potential adverse visual effects of high-rise buildings on the outstanding landscape qualities of Mauao (Mount Maunganui) and Hopukioire (Mount Drury) when between these two significant landforms is considered to be high. Previous height controls have been reviewed and greater weight has now been given to landscape character of the peninsula and the visual importance of both Mauao and Hopukioire. A curved maximum height control has been introduced into the high-rise policy area that is more sympathetic to, and more compatible with, the shape of Mauao and protects visual integrity of the peninsula landscape.

Objective 3.3.2 – Building Height and Scale: To limit the height of buildings and structures in the:

- *Tauranga Central Business District, including along the harbour waterfront, to maintain harbour views and control the overshadowing of key public spaces;*
- *Commercial and industrial areas outside both the Tauranga Central Area and the Port Industrial Zone, to a building scale generally found in most suburban locations;*
- *Port Industrial Zone to ensure regard is had to surrounding landscape values*

Policy 3.3.2.1 – Port – Building Height and Scale: Activities within the Port Business Zone should have particular regard to the natural character or the adjacent coastal marine area and should ensure that views from land elsewhere in the District across Tauranga Harbour to Mauao are not unduly compromised by the height and scale of development in the Port area

Explanation and principle reasons at 3.3.7.6 (Building Height and Scale) ... The plan contains a number of 'specific height areas' – notably in the CBD, the Port and Waterfront Business Zones. These have been developed to enable the greatest level of commercial activity without adversely affecting amenity values – particularly views from the central Tauranga and Cliff Road areas ...

Explanation and principle reasons at 3.3.7.7 (Port – Building Height and Scale) ... Views across Tauranga Harbour to Mauao from various vantage points in Tauranga and Mount Maunganui are important, but the location of the port area means that buildings and structures associated with the port have the potential to interrupt those views. The operational needs of the port sometimes requires buildings and structures of significant height and scale and the maximum permitted height limits in the Port Business Zone endeavour to address these conflicting issues. Development proposals that go beyond these height limits will need to be individually assessed in accordance with Objective 3.3.2

Under the ambit of 'natural resources' the following issues, objectives, policies and explanations/principle reasons are relevant:

4.1 Issue – The importance of a number of landscape features in the District has been identified in the Tauranga District Landscape Study (Boffa Miskell, 1995). Other features, such as rural open space and landforms are important to tangata whenua and enhance their relationship with important events of the past. It is recognised also that the community at large has an appreciation of the contribution of high-quality landscape features, such as Mauao and coastal beaches ... Section 6 of the RMA 1991 provides for the protection of outstanding natural features and landscapes as matters of national importance. In recognising this the New Zealand Coastal Policy Statement provides slightly more prescriptive policy relating to the coastal environment and this has been implemented in the Bay of Plenty through the Regional Coastal Environment Plan ... Landscape features of importance should be protected in Tauranga District. The RMA signals this as an important aspect of achieving sustainable management and the issue is well developed at a national, regional and local level.

Objective 4.1.1 – Protecting Outstanding Landscapes: To protect, and where appropriate, enhance the visual qualities of the outstanding landscape features of Tauranga District

Policy 4.1.1.1 – Outstanding Landscapes: The following landscape features should be recognised as outstanding and the protection of their landscape qualities ensured:

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

Objective 4.1.2 – General Landscape and Natural Feature Protection: To protect, and where appropriate enhance the landscape qualities of Tauranga District and its harbour

Policy 4.1.2.1 – Landscape Character: The significance of indigenous vegetation, wetlands, dominant landforms and open space to the Districts landscape character, amenity values and cultural heritage should be recognised in subdivision, use and development and adverse effects to these be avoided as far as practicable

Explanation and principle reasons at 4.1.5.1 (General) ... The landscape quality of the Tauranga District is significantly modified by human impact. However some remaining elements have been identified as ‘outstanding’ in the Tauranga District Landscape Study (Boffa Miskell, 1995) and these are a vital aspect of the District’s landscape environment. They can also be a legacy left for future generations.

Explanation and principle reasons at 4.1.5.2 (Outstanding Landscapes) ... The landscape features identified as outstanding include the entire harbour margins and the prominent landforms of the Mount Maunganui area. These areas contribute significantly to the overall amenity of the District and are, because of physical landform, vegetation cover or cultural association, believed to be of such importance that special protection is warranted ... Mauao (Mount Maungnui), Hopukioire (Mount Drury), Moturiki (Leisure Island) and Motuotau Island are important because of their uniqueness and the fact that together these features create a dramatic landscape. Mauao is one of New Zealand’s nationally recognised landforms ...

Issues, objectives, policies and explanations/principle reasons associated with 'heritage' considerations in the TDP are set out as follows:

Introduction – The concept of heritage encompasses natural, built and cultural features including historic buildings, archaeological sites, trees, landforms and ancestral lands. Heritage is what is passed from one generation to another, or that which provides links with the past as well as providing current and future generations with spiritual and cultural well-being ... The Tauranga District has a long history of human settlement, the earliest records found in the oral history of tangata whenua. Areas such as Mauao (Mount Maunganui) ... were extensively settled by Maori and were the scene of a number of battles. Tauranga District therefore has landscapes and a large number of sites which are of cultural and spiritual significance to Maori ...

5.1 Issue – The relationship of Maori and their culture and traditions with their ancestral lands, water, waahi tapu and other taonga may be destroyed or compromised through inappropriate development ... Tauranga District is experiencing rapid population and physical growth, resulting in ancestral landscapes and sites (wahi tupuna) being destroyed or their value compromised, and is placing pressure on those sites which remain.

Objective 5.1.1 – To Recognise and Provide for Maori Relationships with Ancestral Land: To minimise the adverse effects of subdivision, development and land use on the cultural and traditional relationship of Maori with their ancestral lands

Policy 5.1.1.1 – Tangata Whenua Participation: Plan preparation, variations and changes, and Assessments of Environmental Effects for resource consents should, where appropriate, involve tangata whenua in the recognition of the relationship of Maori with their ancestral lands

Policy 5.1.1.2 – Effects on Ancestral Land: Subdivision, use and development should avoid or mitigate adverse effects on significant landforms or landscape features of cultural or traditional importance to Maori where these have been identified

Objective 5.1.4 – Consultation and Information: To enable tangata whenua to exercise kaitiakitanga in the management of heritage resources

Objective 5.2.1 – To recognise and provide for the use and development of marae to meet the evolving needs of their iwi, hapu and whanau. To allow tangata whenua opportunities to exercise kaitiakitanga over marae resources in their respective hapu areas

Policy 5.2.1.1 – The Role of Marae: Marae should be recognised as being the focal point for hapu and whanau culture, traditions and infrastructure

Policy 5.2.1.2 – Effects on and of Marae: Marae and papakaiaanga should be protected from inappropriate subdivision, use and development which may conflict with traditional and ceremonial activities

In summary the policy framework contained in the TDP acknowledges the significant cultural heritage values associated with Mauao. There is particular reference to a consideration of view shafts to Mauao where high-rise development is concerned in the Residential H Zone between Mauao and Hopukiore (Mt Drury). Consideration of view shafts to Mauao is also mentioned where building height and scale within the Port Business Zone is concerned. However, with the exception of these two ‘particular’ occurrences the TDP remains silent with respect to the maintenance of view shafts to Mauao. The involvement of tangata whenua in planning procedures and the importance of marae is highlighted. Rules and performance standards prescribed within the TDP align with the plans objectives and policies.

3.3.2 Western Bay of Plenty District Plan

The Western Bay of Plenty District Plan (“WBOPDP”) relates to the whole of the District and contains relevant objectives, policies and methods (including rules) for addressing the resource management issues of the District.

Given the location of Mauao in the Tauranga District the issue of cross-boundary regulation is an important consideration when analysing provisions within the WBOPDP in the context of the purpose and intent behind this report. The WBOPDP identifies cross boundary issues as involving the integrated management of natural and physical resources across Council boundaries. Addressing these issues involves ongoing consultation and co-operation with other resource management agencies to ensure consistency of approach to significant resource management issues. This involves facilitation of joint actions to deal with cross boundary issues, consultation, liaison, and information sharing between agencies. The WBOPDP acknowledges that the most significant boundary is with Tauranga District. This is reflected in the use of joint studies and regular contact on common issues. The WBOPDP states that using similar approaches to other District’s is another means of addressing cross boundary issues and includes landscape assessments, coastal hazards, and significant ecological areas. This is also reflected in the role of the Regional Council where it has co-ordinated a number of workshops on regional-wide issues.

In reviewing the policy framework contained within the WBOPDP, *Section 10 – Landscape* is relevant. This section of the plan opens with an acknowledgement that a landscape assessment has been undertaken to identify the District’s important landscape features and views from public places (including from roads) and the fact these features and views are sensitive to changes which may generate adverse visual effects. It is stated that controls are required to ensure their values are not compromised. In the context of this report the following objectives and policies contained in Section 10 are relevant:

Objective 10.2.1 – Protection and where appropriate enhancement of the existing visual quality and character of the District’s landscapes.

Policy 10.2.2(1) – Within areas identified as being significant landscape features, protect and enhance landscape character by protecting the feature from inappropriate activities

Policy 10.2.2(2) – Identified significant view shafts throughout the District shall be maintained and enhanced through the avoidance of inappropriate development

Appendix II of the WBOPDP identifies seven views from public locations that contribute significantly to the experience of the District. They include views from two formal and one informal public lookouts and from four locations on the State Highway where on entering or leaving the District dramatic first/last glimpse views are revealed over a short travelling distance.

View one is towards Tauranga Harbour and Matakana Island along State Highway 2 just past the Athenree turnoff. A distant Mauao forms part of this view shaft. The plan states that this view is already compromised to an extent by roadside and other proximate vegetation which could be better maintained or removed to improve the extent or quality of the view.

View three is towards Tauranga and the sea from State Highway 29 at a layby just east of the Kaimai Ranges summit. This is a broad encompassing view with again Mauao a distant focal point.

View five is from the Minden lookout, a popular lookout for both locals and visitors providing dramatic elevated views over the District to Tauranga. Mauao and the Tauranga Harbour form the focus of the view.

View six is from the Lindermann lookout. This is an expansive view from a location at the base of the Kaimai Ranges out across farmland to the Tauranga Harbour and off shore islands. In north it includes Bowentown Heads and Mayor Island (Tuhua) beyond. The northern component is an important focus of the view which also extends eastward to encompass a distance Mauao and further around the bush clad Kaimai Ranges.

At 10.4.2 ('other methods') the WBOPDP specifies that the negotiation of joint management plans with affected landowners is another option for the maintenance and enhancement of significant view shafts.

Section 11 – Heritage of the WBOPDP states that one of the main aims is to protect and preserve a wide range of items and that protective action will not be restricted to buildings and trees. Structures, sites and landmarks may be of equal importance. Council shall consider items with historic associations, educational value, uniqueness, prominence/landmark and spiritual associations.

At 11.1.4 the WBOPDP states that there is a current lack of knowledge and understanding of Maori culture, etiquette and protocol and that often this produces inappropriate activities in localities of significance to the iwi with the result, in many cases, that there are adverse effects which destroy or damage the heritage feature or its spirituality.

In summary, whilst Mauao is not located in the Western Bay of Plenty District it is acknowledged as a prominent landmark and of significant importance when considering the policy framework structured around the maintenance and enhancement of selected view

shafts. This leads to the conclusion that view shafts have been considered in the past in the Western Bay of Plenty and being important and not just the outstanding natural features and landscapes themselves. As directed by the Resource Management Act 1991 and the Bay of Plenty Regional Policy Statement the WBOPDP acknowledges the importance of tangata whenua involvement in resource management procedures. However, in saying that, there is also an acknowledgement that adverse effects have had impacts on tangata whenua in the past due to a general lack of knowledge and understanding of Maori culture, etiquette and protocol.

3.3.3 SmartGrowth Strategy

The SmartGrowth Strategy, which was completed in May 2004, is a 50 year vision and implementation plan to manage growth in the Western Bay of Plenty. It concentrates on the principles of live, work and play in order to provide a balance for growth management.

The three local authorities in the Western Bay of Plenty sub-region have been partners with Tangata Whenua in the development of the SmartGrowth Strategy since its inception in 2000.

SmartGrowth's vision statement makes following comments ...

... tangata whenua are using and enjoying their land and other resources in a manner that has sustained hapu communities. Culturally important sites and areas have been protected from development and are a heritage resource prized by the wider community. Tangata whenua are active and valued contributors to resource management and development decision making ...

... the outstanding landforms of the Tauranga Harbour, Mauao, and the Kaimai and the Mamaku Ranges are maintained and enhanced ...

... the visual integrity of important landscape features has been protected, including ridgelines and other key landforms

Of relevance is Section 6.13 – Landscape, which states ...

The Western Bay has a national and international reputation for its quality coastal environment and iconic landscape features, such as Mauao and the Kaimai Ranges. Thoughtful development that builds on and respects this setting will help to maintain the quality of life and environmental amenities that make the area so attractive.

Identification of areas of landscape “constraint” provides a guide to where further landscape assessment and active management is required to protect areas of significance. This will be implemented through detailed structure planning for urban and rural areas under pressure for change, supported by site specific regulation to protect outstanding features.

For areas of lower constraint, promotion of food landscape outcomes is required to avoid adverse cumulative effects, particularly on rural landscape and amenity.

Of further relevance is Section 6.16 – Tangata Whenua, which states ...

... protection of significant natural and cultural heritage areas and sites is a priority. The cultural facilities, amenities and passive spaces around marae must be enhanced and provided for in future planning tools ...

... tangata whenua look forward to engaging in planning and management relationships that will do much to reconcile past grievances and build the capacity of future generations across Aotearoa to live peacefully with one another, satisfied and comfortable with the decisions they are contributing to their well-being and the sustainable management of their shared natural and physical resources ...

As with the above-mentioned planning documents at both a regional and district level there is an acknowledgement within the SmartGrowth Strategy that Mauao is an iconic landmark and as such deserves protection. However, there is also limited discussion about view shafts from specific public places and from the 37 marae located within the Western Bay of Plenty sub-region.

As mentioned earlier in this report, the recent change made to the SmartGrowth Strategy document as a result of the submission process to the SmartGrowth Implementation Committee (SGIC) has seen the introduction of the following new action ...

7.1.8 – Landscape: A new action 2 has been included to investigate opportunities to protect significant view shafts to Mauao

This is the catalyst not only for the commission of this report but further investigation and subsequent assessment work.

3.3.4 Smart Living Places Strategy

The Smart Living Places Strategy is the result of implementing one of the key SmartGrowth actions. The Tauranga City Council was identified as the lead agency in looking at the potential for residential intensification in established parts of Tauranga City. The principles guiding the strategy and actions within are;

- To encourage residential intensification in specific areas;
- Ensure good environmental outcomes;
- Integrate land use, transport and infrastructure;
- Recognise and support communities
- Provide urban design leadership and apply best practice;
- Encourage live, work, play;
- Establish the required provision and funding of services and facilities

In aligning with these principles, in particular those associated with good environmental outcomes and the adoption of good urban design, view shafts to Mauao should be taken into account. However, currently there is no direct discussion within Smart Living Places about the maintenance and protection of view shafts to Mauao.

3.3.5 Urban Design Strategy

The Urban Design Strategy is a short term (3 year) plan intended to enable Tauranga City Council, other public agencies and private interests to promote and start to achieve high quality urban design in Tauranga. The vision of the strategy sets out the aspirations for the city. This is supported by a series of principles, objectives and aims that give a greater understanding and acknowledgement of what it takes to achieve the vision. The strategy then outlines the actions that the Council will take, in partnership with Tauranga's stakeholders, to deliver on the objectives and aims.

Passages contained within the Urban Design Strategy relevant to a consideration in the context of this report include ...

The Vision ... Tauranga is a city rich in heritage and culture with strong relationships between the natural environment, including the physical icons of Mauao (the Mount), Te Awanui, Tauranga Moana, Rangataua (the harbour) and Te Te Moananui o Toi te Hurarahi (the sea), the built environment, the climate, the people and the activities that take place here ...

Principle 2 – Protect and Reflect the Local Identify (Tauranga Moana) ... while it appears Tauranga residents and stakeholders understand both the desire and need for change as the city grows, there is also a desire to see aspects of Tauranga's identity remain intact or be enhanced. Examples of place based identity include the 'beachy' feel at Mount Maunganui, distinct neighbourhoods such as Greerton and the elements that tie all of these areas together – the views of Mauao ...

There are various other statements made within the Urban Design Strategy that relate to Mauao and the significance of it as an iconic landmark for the city of Tauranga and beyond. However, with the exception of generic comments such as that above there is a lack direct discussion about the maintenance and protection of view shafts to Mauao.

3.3.6 Tauranga Tomorrow

Tauranga Tomorrow identifies eight community outcomes for Tauranga City, one of which is 'built to fit our hills, harbour and coast'.

Action B2 of Tauranga Tomorrow talks about supplementing existing broad-scale landscape assessments by identifying more specific natural features, cultural/ancestral/historic features, landforms, remnant areas of natural bush and ecological corridors. It is recommended that EBOP would lead such a project with assistance from TCC, WBOPDC, hapu and local historians. The reason state for this action is that there is a need for more effective landscape protection at the neighbourhood and site level.

Action B3 talks of identifying and protecting (or acquiring) open space 'green corridors' to both connect and define the edges of future neighbourhoods. The reason for this action is to define existing and new neighbourhoods and better protect Tauranga's landscape and coastal setting.

Action B4 specifies the development of more specific land use zones that match particular landscape settings, such as near the coast and harbour and along ridgelines. The reason stated for this particular action is that limited District Plan provisions result in development patterns that obscure the landscape and a greater range of tools are required to create development more suited to different settings.

Action B5 seeks further investigation into the environmental effects of taller high-rise buildings on such things as shading, privacy, the amenity of neighbours, key view shafts and the amenity of adjacent streets and neighbours

3.3.7 Open Space Strategy

The Open Space Strategy is a response to community feedback received through the development of non-statutory planning documents such as SmartGrowth, Smart Living Places and Tauranga Tomorrow. The feedback highlighted the importance of open space to the community.

The strategy responds to the population growth of Tauranga and seeks to ensure existing open spaces are retained and valued, and future open space opportunities are recognised. The Open Space Strategy sets the direction to link existing open spaces with the coast, rivers, green corridors and the hills. The Strategy encourages consideration of both qualitative and quantitative open space planning to provide a good quality open space environment and the continued provision of open space to meet the needs of current and future generations.

The strategy focuses on the following five key themes:

1. The **quantity** of open space: How much we have and how much we need to provide for current and future generations.
2. The **quality** of open space: How the quality of open space can support urban development and where quality can be improved to create good, safe open space environments.
3. The **function** of open space: The range of experiences and types of open space.
4. The **accessibility** of open space: Ensuring that everyone is within reasonable walking distance to open space and are aware that the open space network exists.
5. The **protection** of open space: Ensuring the protection and preservation of the open space network for existing and future generations to enjoy.

The Open Space Strategy has a section dedicated to ‘viewing places’ where the topography and landscape features of Tauranga are discussed. It is stated that ...

... the topography of Tauranga provides excellent opportunities for viewing significant landscapes ... In some cases open space has been created to primarily provide view shafts to these areas. There are other opportunities for providing open space areas primarily for the purpose of securing view shafts and providing public access to these areas ...

... the provision and development of open space areas should also consider the opportunities for providing views of significant landscapes or the urban environment from the open space network, and enhancing views into the open space network from other areas (both public and private).

Of particular relevance is Action 3(f), which states,

Identify opportunities for incorporating land into the open space network that provide key viewing areas of significant landscapes such as Mauao ...

This action aligns with the new action specified for the SmartGrowth Strategy in terms of investigating opportunities to protect significant view shafts to Mauao.

3.3.8 Iwi Management Plans

In preparing this report the management plans for Ngaati Puukenga iwi and Ngaiterangi iwi have been reviewed.

Ngaati Puukenga Iwi Management Plan

The final version of the iwi management plan was presented to hui in Tauranga and the Ngaati Puukenga Waananga a Tau at Manaia Coromandel on Easter Weekend 2000. The primary objective of the plan was to glean the views and aspirations of Ngaati Puukenga people for Tauranga Moana up until the year 2020.

The plan highlights specific issues of importance to Ngaati Puukenga, one of which is Mauao. The following statement is made with respect to Mauao ...

“... Mauao is a feature of great significance to all the tribes of Tauranga origin. It can be likened to such holy places as Mount Zion, or Mount Calvary in Judaic and Christian traditions. The resultant desecration of not only the mountain but also the crass commercialisation of its surrounds is a great concern. Tangata whenua involvement in its management must be secured in statute ...”

Ngaiterangi Iwi Management Plan

Mauao is identified in the plan as Waahi tapu – as being of very high cultural significance to Ngaiterangi.

The following passage relating to importance and significance of Mauao is contained within the plan ...

“Mauao is taonga of special significance to the Iwi of Tauranga Moana. It is also a taonga that is available for the enjoyment of the wider community. It is waahi tapu.

Mauao shall be preserved in its natural state. Residential, commercial, industrial and horticultural activities are not permitted. Limited livestock grazing activities may be permitted.

A programme for the removal of exotic and noxious vegetation and the restoration of indigenous vegetation (... shall be developed and implemented (inserted))

The erection of structures on Mauao is forbidden, with the exception of those structures that inform and enhance cultural and spiritual and city of the maunga.

Te Koa puna, other puna and natural waterways on Mauao and the native vegetation around them are to be preserved.

Walking tracks and access roads are to be designed, constructed and maintained in a manner that does not detract from the visual attraction of the maunga.

All work programmes undertaken on Mauao are to be undertaken with tangata whenua.

Access rights to Mauao will be given to the hapu of Ngaiterangi, through their representative body, Te Runanga o Ngaiterangi.

Vehicular access to the summit of Mauao is forbidden except for the observation of cultural occasions by tangata whenua, and for maintenance programmes on the maunga.

Certain recreational activities will be permitted provided they do not demean the mana or tapu of Mauao. Resource consents will be required and will be discretionary consents.

The need for continuation of the motor camp is to be reviewed and a short term plan for its relation off Mauao is to be developed and implemented.

Programmes for increasing public awareness of the history of Mauao and the surrounding area are to be developed in conjunction with tangata whenua.

The correct name for maunga – Mauao – will be used”.

Section 2.8 of the management plan discusses the importance surrounding the visual appearance of Mauao. The following statements are made ...

“... Mauao has special cultural and spiritual significance for the Iwi of Tauranga Moana. It is waahi tapu. It is also a distinctive landmark for the whole of Tauranga. In terms of

the cultural values of Ngaiterangi, activities around Mauao directly affect the mana and mauri of the maunga. Care must be taken to ensure that the visual appearance and attraction of Mauao is not detracted from or obscured, in particular by the intrusion of high rise construction.

Although Ngaiterangi does not favour high rise construction in the proximity of Mauao it is suggested that the needs of the different communities of interest can be met by way of compromise. This can be achieved by allowing high rise construction to a certain level. High rise construction above the maximum levels allowed should not be approved ...

Policy Framework

Mauao has special cultural and spiritual significance for the Iwi of Tauranga Moana and is also a distinctive landmark for the whole of Tauranga. The cultural amenity value of Mauao is to be preserved by regulating the height of structures erected within a defined radius of Mauao.

- *For residential construction, dwelling height must not exceed three (3) storeys;*
- *For residential, commercial and industrial construction where high rise construction is permitted, height must not exceed four (4) storeys;*
- *Resource consents shall be required for all other types of structures that exceed 4 metres in height.”*

In summary, both iwi management plans highlight the cultural and spiritual significance of Mauao. Ngaiterangi go further to discuss the fact that it is imperative the visual appearance and attraction of Mauao is not detracted from or obscured, in particular by the intrusion of high rise construction.

4.0 ISSUES

The following list sets out some of the key issues that need to be addressed while investigating future opportunities to protect and manage significant view shafts to Mauao:

1. The significant cultural heritage and landscape values associated with Mauao itself are clearly identified in both statutory and non-statutory planning documents. However, there is a noticeable lack of regulation and policy framework directly afforded to the protection and management of important view shafts to Mauao.

With the exception of Policy 5.2.3(d) in the Regional Coastal Environment Plan and generic policy statements made within the Tauranga District Plan (*supporting policies to objective 3.2.1*) and the Western Bay of Plenty District Plan (*protection afforded to specific view shafts – Section 10*) there is little else available from a regulatory perspective.

Mauao as a landmark is well protected by regulation from the RMA down. However, further consideration needs to be given to the potential for regulatory mechanisms in the future to assist with the protection and management of view shafts.

2. The “value” of view shafts will need to be determined. It is considered that determining the value of various view shafts will be difficult due to the subjectivity likely to arise. Furthermore, the difference in opinion between various stakeholders and the distinction between the private and public realm would also be cause for a robust assessment and consultation programme to be established and implemented.
3. Meeting the challenge of developing comprehensive and appropriate planning tools, whether they are regulatory, non-regulatory or a mixture of the two, which (a) take into account the existing environment and (b) deliver anticipated outcomes. This has potential to be difficult, in particular from a legal perspective.

5.0 RECOMMENDATIONS

The following recommendations are made for future investigation into opportunities to protect and manage significant view shafts to Mauao:

- Undertake further assessment work. This work will need to take into consideration both macro and micro planning considerations, and based on comprehensive resource studies to determine the ‘value’ of view shafts from various vantage points.
- It is recommended that a quadruple bottomline approach be adopted for assessment purposes. This approach will involve an assessment of the environmental, social, cultural and economic implications as a result of either protecting or not protecting a particular view shaft.
- The methodologies for further assessment work should be both qualitative and quantitative. To this effect a comprehensive mapping component would be advisable. This could assist with visibility analysis on both a macro and micro scale. A copy of mapping examples are attached as **Appendix 1**;
- A comprehensive consultation programme with key stakeholders should be established. This consultation programme should initially include Environment Bay of Plenty, Tauranga City Council, Western Bay of Plenty District Council, the SmartGrowth Combined Tangata Whenua Forum, and Transit New Zealand. The general public should then be introduced to any proposed management and protection strategies at an appropriate time and have the opportunity to make submissions;
- From a governance perspective Environment Bay of Plenty should lead any future assessment and consultation programme. This leadership can ‘filter’ down through Tauranga City Council and Western Bay of Plenty District Council as deemed appropriate;

- The 'Section 32' rationale provided for under the RMA should be adopted for the preparation of any future plan changes. Landscape management and protection issues must be addressed in District Plans under the RMA. In preparing plans and changes to them, Section 32 of the RMA requires Council's to consider alternative ways to achieve the environmental outcomes being sought. Section 32 tests help determine the most appropriate means, and the appropriateness of any selected methods. It assists in transparently reasoning why changes, if any, are needed and formalises a process for working out how best to deal with environmental issues.

The Section 32 evaluation must examine the extent to which an objective will achieve the sustainable management of natural and physical resources, and whether or not the policies, rules or other methods are the most appropriate way to achieve the objectives.

Rules in plans under the RMA are just one way that Council's can achieve desired environmental goals. Sometimes methods other than RMA controls will also work. These may include methods such as voluntary agreements, use of by laws, and covenants. Section 32 explicitly requires Councils to consider those other methods as well.

Appendix 1
Mapping Examples

Appendix 1
Mapping Examples

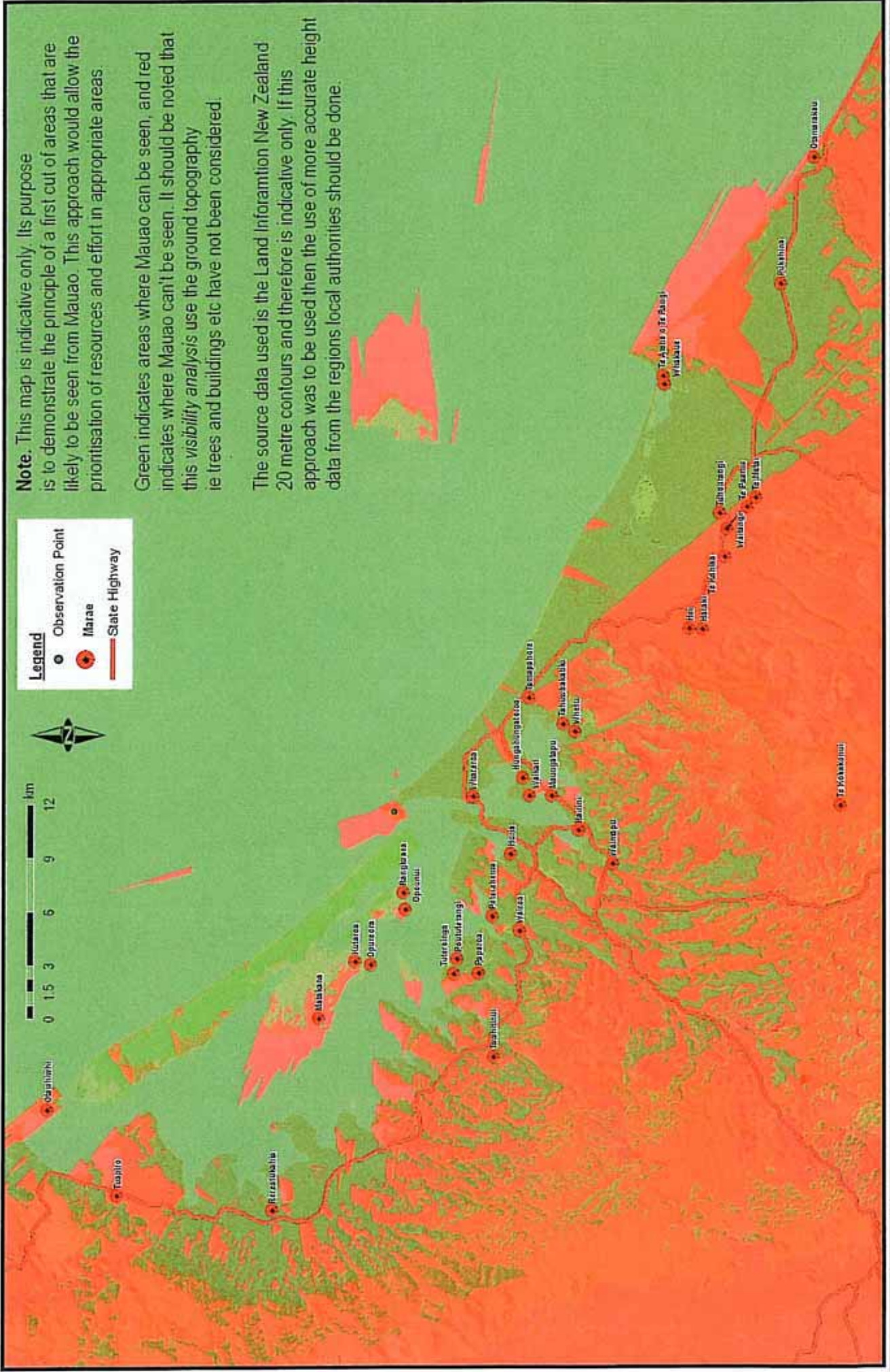
Note. This map is indicative only. Its purpose is to demonstrate the principle of a first cut of areas that are likely to be seen from Mauao. This approach would allow the prioritisation of resources and effort in appropriate areas.

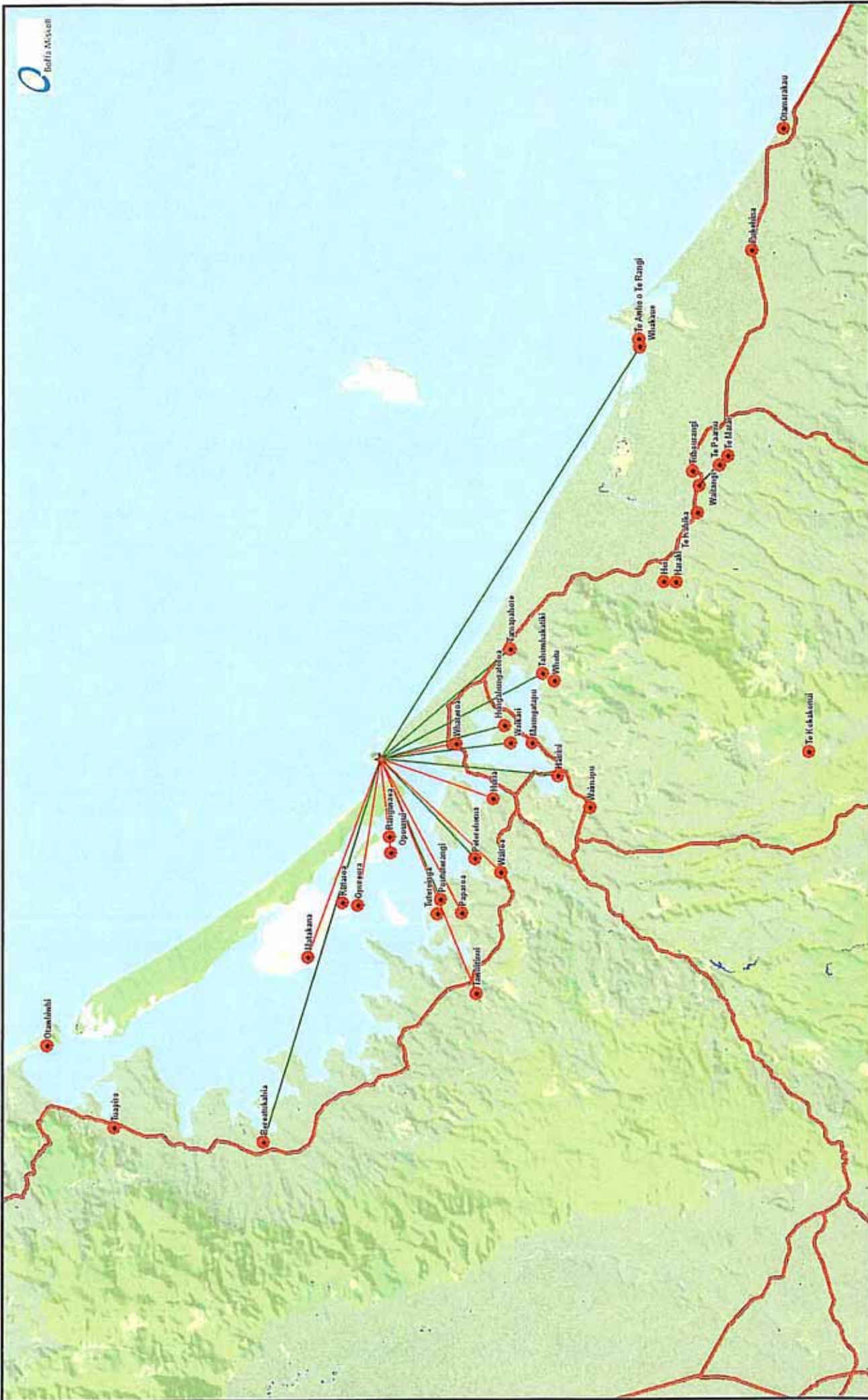
Green indicates areas where Mauao can be seen, and red indicates where Mauao can't be seen. It should be noted that this *visibility analysis* uses the ground topography ie trees and buildings etc have not been considered.

The source data used is the Land Information New Zealand 20 metre contours and therefore is indicative only. If this approach was to be used then the use of more accurate height data from the regions local authorities should be done.

Legend

- Observation Point
- Marae
- State Highway





**SmartGrowth
Marae Sightlines**
 Mapping by Boffa Alistair for 6475719211 | www.boffaalistair.co.nz
 0 10 20 30 40 50 60 70 80 90 100

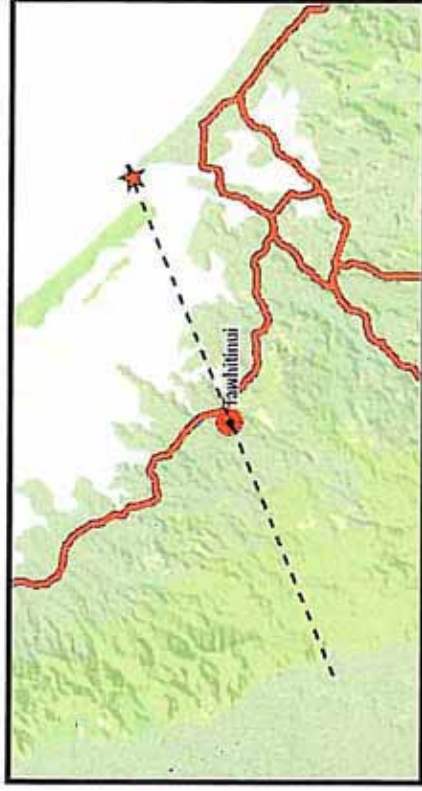


Legend

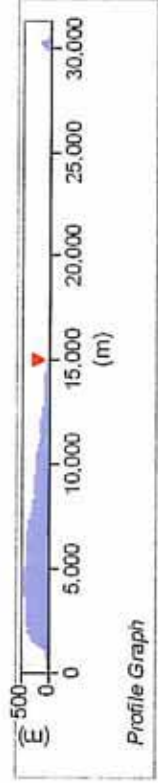
- Marae
- State Highway
- Sightline, compromised and important
- Sightline, visible and important
- Target



Visibility sightline to Mauao. Green lines represent visible ground level and red is not visible.



Visibility cross-section to Mauao. The black line indicates the profile of the direct sightline to Mauao.



Profile Graph

Location. Tawhitinui, is situated 15 kilometres west of Tauranga on the junction of Barretts Road and Old Wahi Road and is clearly visible from State Highway 2.

Quality of View. A glimpse of mauao is visible from the north east corner of the Marae reserve.

Historical/Traditional. Tawhitinui was manned by about 70 Ngati Ranginui and Ngai-Te-Rangi (many of them Pitrakau) and also about 30 of the Koheniki tribe under chieftain Wi Koka from Maraetai, near Auckland. The pa was designed especially for musket warfare, with the top of the hill levelled and enclosed by a scarped rampart and a double timber stockade, but for all their time and effort no fight with the soldiers eventuated, instead the final battle took place at Pukehinahina.

The present marae is built at the base of the pa site and even to this day, evidence of the intricate web of trenches is apparent, especially at the top of the hill.

In 1934 Mr Fred Parnwell Snr built a meeting house on the piece of land set aside by Mr Nicholas for a reserve. In 1936, the dining room was built by Mr David Borell of Te Puna. These buildings were opened by Iarapipi of Ngati Haua and were financed without Government assistance.



From marae to Mauao. A peek of Mauao is visible in the top left hand corner.



Legend

- ★ Target
- Marae
- State Highway