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 5 market name MAUAO REL CHK NEW S92 REF
 6 details ORUAHINE TRACK REPAIRS THE MOUNT PRJ ESM OLD DIN TEC
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 due on 13 Oct 2003
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 1 ADAMS AVENUE 74.5266 14 notified NO
 15 planner [redacted]

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for code LUNN

*Request to Opus to process Friday 19 September.
File collected Monday 22 September*

[redacted]

In Reply Please Quote: P260/1/2
Application Number: LG-2003-1267-00



Tauranga District Council

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19/09/2003

HARRISON GRIERSON CONSULTANTS
LIMITED
P O BOX 1199
SEVENTH AVENUE
TAURANGA 3030

Applicant's Reference: 10920

Dear Sir/Madam

**RESOURCE MANAGEMENT ACT 1991
RECEIPT OF THE APPLICATION FOR RESOURCE CONSENT BY TAURANGA DISTRICT COUNCIL -
RESERVES
SITE ADDRESS: 1 ADAMS AVENUE MT MAUNGAUI**

Your application was received by the Council on 15 Sep 2003.

The processing period for this application is normally no longer than 20 working days for non-notified applications or 70 working days for notified applications from the date of this letter. If the processing of the application is likely to take longer than this or more information is found to be required, you will be contacted by Council staff.

This application is being managed by [REDACTED] s 7(2)(a) - Privacy C/- Opus International Consultants POBox 646 Tauranga. All communication with the Council concerning it should be via this person.

Application fees you have paid are a deposit in accordance with the Tauranga District Council set fees and charges. If these fees are inadequate to cover the actual and reasonable cost of processing this application, the Council may require payment of an additional charge. This additional charge will be made by way of an invoice from the Council.

If the Council needs to obtain advice it can not provide from its own resources you will be advised of this and an estimate of what this may cost in additional processing fees that may be invoiced to you. Processing of the application may be held up until you have provided advice as to whether you agree with this. If you disagree with this requirement you may request the Council to reassess its requirement for this advice.

Yours faithfully

[REDACTED] s 7(2)(f)(ii)

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HARRISON GRIERSON



9 September 2003

Tauranga District Council
Private Bag 12022
Tauranga

TAURANGA DISTRICT COUNCIL		
FILE No.:		
REC.: 10 SEP 2003		
NAME	DATE	SIGN
s 7(2)(f)(ii)		

Attention s 7(2)(f)(ii)

Dear Madam

Tauranga District Council - Application to carry out repairs on Oruahine Track on Mauao.

Harrison Grierson Consultants Limited have been commissioned by Council to investigate, design, tender and administer a contract for repairs to the Oruahine Track on Mauao. We are also required to apply for any resource consents necessary for the work.

Although the repair work is minor in nature the permitted activity conditions for the zone Mauao is located within mean that the repair work is a non-complying activity.

We therefore enclose an application to carry out the carry out the repair work.

It is Councils objective to have the track open to the public by labour weekend. If this objective is to be achieved prompt consideration of this application is required. Your efforts in this regard are appreciated.

As per discussions between s 7(2)(a) - Privacy of this office and yourself no application fees are attached as Council is the applicant and costs will be handled internally.

If you have any queries do not hesitate to contact the writer or s 7(2)(a) - Privacy of this office.

Yours faithfully
Harrison Grierson Consultants Limited

s 7(2)(a) - Privacy

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C O N S U L T I N G E N G I N E E R S S U R V E Y O R S P L A N N E R S

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TAURANGA DISTRICT COUNCIL

Oruahine Track Repairs – Mauao

Resource Consent Application

September 2003

H A R R I S O N G R I E R S O N

HG

TAURANGA DISTRICT COUNCIL

Oruahine Track Repairs - Mauao

September 2003
Reference 73.10920

CONTENTS

	Page
1.0 INTRODUCTION	1
2.0 PROPOSAL	1
3.0 SITE DESCRIPTION	1
4.0 DISTRICT PLAN REQUIREMENTS	2
4.1 Conservation Zone	2
4.2 Heritage Feature	2
5.0 RESOURCE MANAGEMENT CONSIDERATIONS	3
5.1 Notification	3
5.2 Part II	4
5.2.1 Section 6 (Matters of National Importance) states	4
5.2.2 Section 7 (Other Matters) states:	5
5.2.3 Section 8 (Treaty of Waitangi) states	5
5.3 Section 104	5
6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS	6
6.1 Landscape	6
6.2 Archaeological/Historic	6
6.3 Cultural	6
6.4 Recreational Use	6
7.0 OBJECTIVES AND POLICIES	7
7.1 District Plan	7
7.2 Regional Council	8
8.0 CONSULTATION	8
9.0 CONCLUSION	8
9.1 Possible Consent Conditions	9

APPENDICES

Appendix 1 Location Plan and Archaeological Sites

DRAWINGS

Drawing 1 Construction Sketches

1.0 INTRODUCTION

Following the recent fire on Mauao clearance of rock has caused damage to 4 sections of the Oruahine walking track requiring a section to be closed to the public due to safety concerns. The applicant, Tauranga District Council, seeks resource consent to repair the track to an appropriate safe standard. The repairs will require resource consent, as Mauao is located in a conservation zone in the Tauranga District Plan. This zone limits the removal, deposition or disturbance of earth to not more than 10m³ in any 12-month period and site works to not more than 20m².

2.0 PROPOSAL

The proposal is to undertake repairs to the 4 damaged sections of the track to ensure safe pedestrian use of the track is re-established. Existing scattered "free" rock will be used as the principal construction material to ensure the amount of foreign products is kept to a minimum. No machinery other than hand held devices would be used during construction.

Two primary construction techniques will be used where appropriate, firstly the extension of existing timber steps into the adjoining embankment with associated installation of stormwater diversion pipes under some steps using onsite earth material. Secondly, repairs to partially collapsed sections of the track by undertaking hand excavation of the foundation track which will be rebuilt with 0.5m x 1m wire gabion baskets filled with 50mm to 200mm diameter rock scavenged from the surrounding slopes. The sketch drawings contained in the attached drawing section to this report provide detail of the type of construction techniques to be used.

The total volume of excavation and rock fill along the 3 sections of partially collapsed track is estimated at 13m³, however consent is being sought for 20m³ to allow for any extra work that may be identified during construction. The time to complete the repairs is estimated to take a total of 5 days.

The sections of the track subject to the proposed works encompass four distinct areas as shown in Appendix 1 to this report. A section of track from location 1-2 will require the step upgrades, while locations 2, 3 and 4 will need reconstruction and use of the Gabion baskets.

3.0 SITE DESCRIPTION

The site is known as Mauao – and is commonly referred to as "The Mount",. Legal description of Part Sec 1 Blk VI Tga SD.

The sections of the track subject to repairs are approximately half way up the northern face, which is characterised by relatively steep grades with very little vegetation as a result of the recent fire. The sections of the track subject to repairs are suitably distanced (approximately 120m) from the nearest known archaeological site on Mauao.

Mauao is Crown land that has been vested under the Reserves Act 1977 as both a recreational and historic reserve. The management of the reserve has been transferred to the territorial authority being Tauranga District Council.

4.0 DISTRICT PLAN REQUIREMENTS

The Tauranga District Plan has an operative status for all but the provisions relating to coastal hazards, therefore no reference to the Transitional Plan is provided in this report.

4.1 Conservation Zone

The site is located in the Conservation Zone, which lists as permitted activities

"Works for the purpose of maintaining public sand ladders, fences, signage for beach access and reserves, vegetation on dunes with native plant species, public stormwater pipes, public recreational facilities including, boat ramps; surf lifesaving activities and associated structures; beach grooming, informal recreational and leisure activities".

As the walking track is a public recreational facility it therefore follows the works would be considered a permitted activity. However, as a permitted activity a number of conditions need to be complied with. The proposed repair work may infringe 22.2.2.1 Natural Character: Conservation Zone, which requires that any activity in a Conservation Zone, shall not result in:

- a) The clearance of more than 20m² of indigenous vegetation in any 12-month period.
- b) The removal, deposition, or disturbance of more than 10m³ of earth in any 12-month period.
- c) The removal of any native tree
- d) Site works exceeding an area of 20m³ in any 12-month period.
- e) The use of machinery when undertaking maintenance works (excluding hand-held machinery, machinery used for repairing public sand ladders). Maintenance works shall be undertaken to avoid unnecessary disturbance of vegetation, earth or sand.

The proposed repair works are likely to exceed the 10 m³ threshold by up to 10m³ and potentially exceed the 20m² site works area by 10m² (noting it is assumed the site works area clause in the District Plan which references cubic metres is meant to refer to square metres). Given these limits are exceeded the Plan dictates that the activity becomes a non-complying activity for which resource consent must be obtained.

Noting that the consent is for the physical works rather than the activity of the track itself, which has existing use rights.

4.2 Heritage Feature

The District Plan also shows Mauao as containing Heritage site number 2, which is detailed in the register in Chapter 16 as:

Site Number	Item	Location and Legal Description	Heritage Values	Management Method
E 2	Mount Maunganui (Mauao) Domain Reserve (Includes Pa Sites U14/149 and U14/173)	1 Adams Ave, Mount Maunganui Secs 3, 12 BLK VI Tga SD Part Sec 1 Blk VI Tga SD	Archaeological site Maori Heritage Natural Heritage NZHPT Classification Category II One site of coastal vegetation ranked "District" importance another site ranked 'local' importance by Bay of Plenty Regional Council (Environment BOP) Historic Site and Landscape.	Heritage Rules apply Historic Reserve Crown Land, administered by Tauranga District Council Conservation Zone

The District Plan does not specify the locations of the specific protected features, therefore, it is assumed the entire reserve is a heritage site and the application for track repairs is subject to the provisions of Section 16.

The Historic Places Trust also has the three sites on Mauao listed in the register as Category II classification. The three sites are Military Camp and Old Steps (250/U14), Pa (149/U14) and Pa and associated terraces and midden on slopes of Mount (173/U14).

5.0 RESOURCE MANAGEMENT CONSIDERATIONS

5.1 Notification

The Act allows applications for resource consent to be processed on a non-notified basis for non-complying activities where the consent authority is satisfied the adverse effects on the environment are minor. If not notified, notice need not be served on affected parties if every person who may be adversely affected has given their written approval. In determining adverse effects on an affected person the consent authority may disregard an adverse effect permitted by the plan.

In this regard the activities permitted by the Plan (Permitted Baseline) are clearly identifiable as being the 10m³ of earth works and the 20m² of site works area. It seems entirely appropriate to have regard to this baseline, as the effects of the work are insignificant in scale. If the proposed works were to be undertaken in an area devoid of any previous construction activities the potential for adverse effects could be greater. However, much of the site subject to the upgrade repairs has been used for the proposed activity for years. The effects are discussed in section 6 below.

By disregarding those effects permitted by the Plan the scale of works is 10m³ and 10m² of site works area. As can be seen from the assessment of effects in section 6 there are not considered to be any potentially affected parties and therefore the application can be proposed on a non-notified basis with notice not being required to be served on any person.

As detailed in Section 8.0 to this report consultation has been undertaken with the Mauao Advisory Group, s 7(2)(a) - Privacy (Ngaiterangi iwi), Historic Places Trust, Department of Conservation and further consultation will continue as part of the ongoing commitment to consult. No written approvals are considered necessary as the effects are considered de minimus given the 5m³ and 10m² are insignificant.

5.2 Part II

Part II of the Act provides the overriding purposes and principles of the Act, which is the sustainable management of natural and physical resources.

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, "sustainable management" means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which 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.*

Comment: The potential of natural and physical resources to meet the reasonably foreseeable needs of future generations will be sustained by the proposal, which is not anticipated to have any noticeable impact.

5.2.1 Section 6 (Matters of National Importance) states

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*
- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*

Comment: Given the scale of the works proposed neither the quality of the landscape nor any heritage issues are likely to be subjected to inappropriate development. As noted above, the track repairs are located well away from the known archaeological sites.

5.2.2 Section 7 (Other Matters) states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *Kaitiakitanga:*
- [(aa) *The ethic of stewardship:*]
- (b) *The efficient use and development of natural and physical resources:*
- (c) *The maintenance and enhancement of amenity values:*
- (d) *Intrinsic values of ecosystems:*
- (f) *Maintenance and enhancement of the quality of the environment:*
- (g) *Any finite characteristics of natural and physical resources:*
- (h) *The protection of the habitat of trout and salmon.*

Comment: Again due to the scale of the proposed works there will be minimal change to the existing environment, and none of the above matters will be compromised.

5.2.3 Section 8 (Treaty of Waitangi) states

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Comment: There are no known inconsistencies with the treaty principles.

5.3 Section 104

Subject to Part II, those matters relevant to this application are assessed below:

	Section 104	Analysis
a	<i>Any actual and potential effects on the environment of allowing the activity</i>	See Section 6 of this report
b	<i>Any relevant provisions of -</i> <i>(i) a national policy statement</i> <i>(ii) a New Zealand coastal policy statement</i> <i>(iii) a regional policy statement or proposed regional policy statement</i> <i>(iv) a plan or proposed plan</i>	See section 7 of this report.
c	<i>Any other matters the consent authority considers relevant and reasonably necessary to determine the application</i>	There are no 'other matters' considered relevant in determining this application.

To grant consent for a non-complying activity Section 104A requires that the consenting authority must be satisfied that the adverse effects on the environment will be minor, or the application will not be contrary to the objectives and policies of the District Plan.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

Given the scale of the proposed works, which are small in scale, any effects will be less than minor. The specific effects are addressed below:

6.1 Landscape

Any earthworks in a sensitive environment has the potential to detrimentally change the existing landscape from its current character. The current landscape at present is significantly different from its normal state given the recent fire on Mauao has decimated much of the vegetation on the northern face. The tracks are an existing part of the landscape and any repairs need to be undertaken to limit their impact on the landscape. Given the scale of the works and the use of on-site sourced naturally found materials it is considered there will be no effect, all materials will duplicate those that were present before the damage was caused. Walking tracks are an existing recognised feature of the established landscape. Natural colours will be used for the timber steps, the gabion baskets will not be visible from the track location and will be screened once approval is obtained for the proposed replanting programme currently being investigated by Wildlands Consultants. The types of materials used were all present in similar locations prior to the damage occurring and the impact will have no adverse effects.

6.2 Archaeological/Historic

The location of the intended repairs is sufficiently separated from the known sites detailed on the Historic Places Trust Register. The location Plan in Appendix 1 clearly shows there are no known sites within a considerable distance of the repairs. The black lined areas on the plan in Appendix 1 depict the sites. This site data was sourced from Tauranga District Council's GIS department which used the recently completed report by Ken Phillips titled "*Preliminary Archaeological Survey and Identification of Threats to Archaeological Resources – Mauao Historic Reserve - Tauranga, Ken Phillips for Tauranga District Council, August 2003*"

6.3 Cultural

There has been a long association and history of occupation of Mauao. The site is known to be of significance to tangata whenua and this is evident through the number of archaeological sites identified. As such any activities undertaken on Mauao has the potential to adversely affect tangata whenua. The scale of the works is such that there is unlikely to be any change to the existing environment, the current track has been in existence for some time and the repairs will simply restore the track to a safe usable standard. The historic heritage will not be altered, no increase in users of the site will be generated greater than existing levels and no new areas of activity will be impacted upon. Further, maintaining existing access will ensure there is less likelihood of the general public traversing alternative routes potentially impacting known sites in other locations.

6.4 Recreational Use

Undertaking the repairs will ensure recreational use of Mauao is maintained to current levels ensuring these opportunities for informal recreational are retained. This is an important positive effect to the many users of the track facilities.

7.0 OBJECTIVES AND POLICIES

7.1 District Plan

The relevant objectives and policies are addressed below:

Objective or Policy		Comment
3.6.1	Access to Public Recreation and Leisure Resources To provide sufficient and accessible recreation and leisure resources to offset the adverse effects of intensification of use and development.	Approving consent will ensure these opportunities are maintained.
3.6.1.1	Provision of Recreation Resources Subdivision, use and development which increase the density of settlement within a residential area should provide for a contribution to the provision of public open space and/or community facilities sufficient to accommodate the recreation, leisure and open-space needs of residents.	Maintenance of the Mauao resource reduces need for alternative locations.
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.	Works are in existing locations, therefore no increase in effects.
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.	Limited consultation given scale of activity.
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. Note: For information on the location of sites which have been identified, refer to the Heritage Register in Chapter 16 Heritage Rules and Council's Archaeological and Cultural Site Map Series contained in its Geographic Information System (GIS).	Small scale therefore no adverse effects.
5.1.4	Consultation and Information To enable tangata whenua to exercise kaitiakitanga in the management of heritage resources.	Given scale and location of works consultation has been adequate.
5.1.4.1	Consultation by Applicants Applicants should, as recognised good practice, consult tangata whenua where their proposals have the potential to adversely effect ancestral land, water, sites, wahi tapu, and other taonga.	As above
5.1.4.2	Consultation by Council In considering an applicant's Assessment of Environmental Effects for a resource consent, Council officers should consult tangata whenua where proposals may adversely effect ancestral land, water, wahi tapu, and other taonga.	As above

5.3.1	Heritage Management To manage the effects of activities in a way that safeguards the heritage values of sites, buildings, places, trees and areas of significance to the District's residents, including tangata whenua.	As above
5.3.1.1	Heritage Item Registration Heritage items identified as significant through registration in the Heritage Register of the Plan, or by registration with the Historic Places Trust, including natural, physical or cultural elements which contribute to that significance, should be retained and protected.	Re-using existing tracks reduces the impact on other sites.
5.3.1.2	Heritage Item Alteration Alterations and additions to the exterior of any heritage item listed in Appendix 16A: Heritage Register or registered with the New Zealand Historic Places Trust should be carried out in a way that is consistent with the heritage values for which it has been listed and any conservation plan required by the Historic Places Trust.	No threat to feature.

7.2 Regional Council

The subject site (Mauao) is listed in the Regional Coastal Environment Plan as being a site of significance (SSL -119) and an Outstanding Natural Feature (02) and Landscape. This plan contains no specific rules relating to the identifications, rather a series of policies for management. The proposed maintenance works are not inconsistent with these objectives and policies.

8.0 CONSULTATION

Consultation has been undertaken by telephone with staff at the Department of Conservation, Historic Places Trust, the Tauranga District Council Ranger, and s 7(2)(a) - Privacy of Ngaiterangi. There have been no significant concerns expressed over the proposed works, in general there was support for the repair works on the provision that no sites of archaeological significance are to be affected.

The proposed works are also being referred to the Mauao Advisory Group for their consideration. Ongoing consultation will continue with these parties regarding the proposed works.

9.0 CONCLUSION

It is therefore concluded that the proposed repair work is minor in scale and will not produce any adverse effects on the environment which cannot be avoided, remedied or mitigated. The permitted baseline will only be exceeded by an insignificant amount and no parties are considered to be adversely affected.

The proposed works are in existing track locations that have been damaged through recent clearance of unsafe rocks near the summit. No known archaeological sites are located within the vicinity of the works and therefore there is no requirement to modify, damage or destroy.

The application demonstrates that there is compliance with the objectives and policies of the District Plan and avoidance of any adverse effects to ensure Part II of the Act is met and the application should be granted consent.

9.1 Possible Consent Conditions

1. That the works be undertaken generally in accordance with the application lodged by Tauranga District Council as detailed in the report by Harrison Grierson Consultants Limited dated September 2003, reference 73.10920.
2. That in the event that an archaeological site/heritage item and or koiwi and/or other taonga are uncovered during earthworks, the consent holder shall ensure that work cease immediately on that part of the site that the items are located and the New Zealand Historic Places Trust is contacted for advice.

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APPENDIX 1

Location Plan and Archaeological Sites



SURVEYED BY:	DRAWN BY:
DATE SURVEYED:	DATE PLOTTED:
SURMAP REF:	CAD REFERENCE: 10920\TOP0.DWG
DESIGNED:	CAD XREF'S:
CHECKED:	APPROVED:

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HARRISON GRIERSON
HG
 CONSULTING ENGINEERS SURVEYORS PLANNERS

PROJECT: **MAUAO
ORUAHINE TRACK REPAIRS**

TITLE: **LOCATION OF ARCHEOLOGICAL SITE
AND AREAS REQUIRING TRACK REPAIRS**

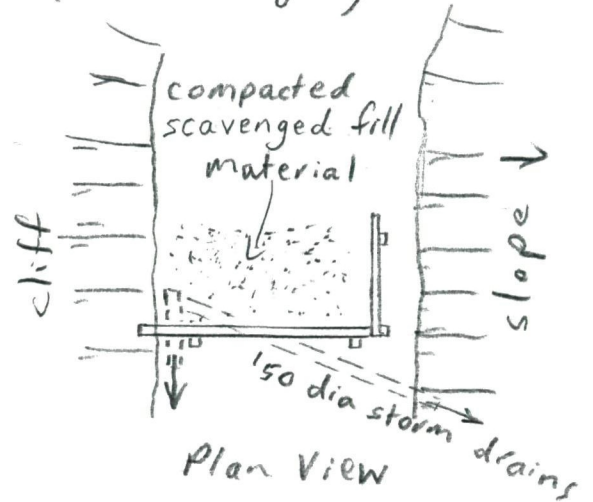
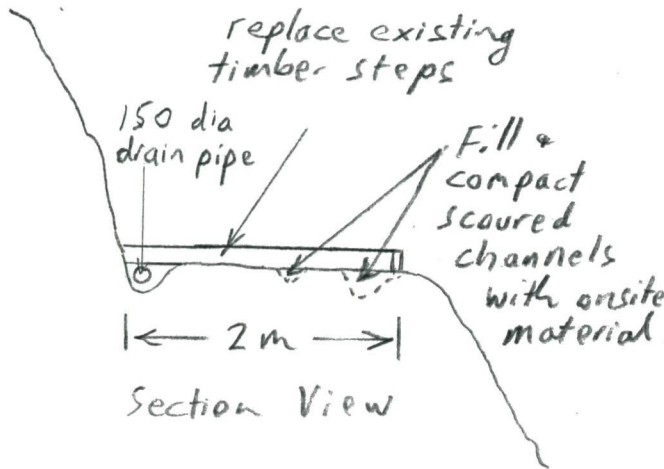
PROJECT No:	REV
DRAWING No:	
ORIGINAL SCALE: 1:4000	A3
REDUCED SCALE:	
REVISIONS	
BY	DATE

DRAWINGS

Construction Sketches

MAUAO Oruahine Track Repairs (Typical)

Track Section N° 1 to N° 2 (100 m length)



Track Sections N° 2, N° 3, and N° 4 (localised collapses approx 10m long)



SKETCH SK 1