



## Bay of Plenty Regional Council

### Officer's Report for notified resource consent application section 42A Resource Management Act 1991

**Date:** 6 March 2019

**Prepared by:** s 7(2)(f)(ii)  
Consents Officer for Bay of Plenty Regional Council, and processing on behalf of Tauranga City Council

**Report to:** s 7(2)(f)(ii)

**Application ID:** RM18-0434 (Bay of Plenty Regional Council)  
RC 26572 (Tauranga City Council)

**Applicant:** Mauao Trust and Tauranga City Council (Parks and Recreation Department)

**Application:** Earthworks, temporary stormwater discharge, vegetation clearance, disturb the coastal marine area and install a coastal structure (including associated occupation and disturbance) to remediate the Mauao base track

**Location of activity:** Southern end of Mauao (1 Adams Avenue, Mount Maunganui)

#### 1 Background to the proposal

Mauao is the sacred tupuna maunga of the three iwi of Tauranga Moana – Ngāi Te Rangi, Ngāti Pūkenga and Ngāti Ranginui – and the iwi Waitaha. It is a significant and iconic landmark, and has high recreational value for the Tauranga Moana community.

In April 2017 a section of the base track near the southern tip of Mauao failed in a storm (Figure 1). A temporary track, involving two sets of stairs, was subsequently installed to take pedestrians above the slip area. To provide permanent universal access and ensure ongoing resilience of this section of track, a new alignment which takes the track towards and around the coastal marine area (CMA), is proposed. Universal access means the track is suitable for all abilities, including stroller and wheelchair access. The Mauao Historic Reserve Management Plan directs that universal access is provided to the base track at all times.

The applicant provided a comprehensive overview of the historic and cultural significance of Mauao in section 3.1, and the background to the track remediation project in sections 4.1 and 4.1 of the resource consent application.



**Figure 1:** Approximate slip location

## 2 **Summary of the proposal**

The application is to construct a new 360 m long section of the Mauao base track; the new track will be downslope from the existing base track. The proposed section of track comprises three distinct sections (Figure 2):

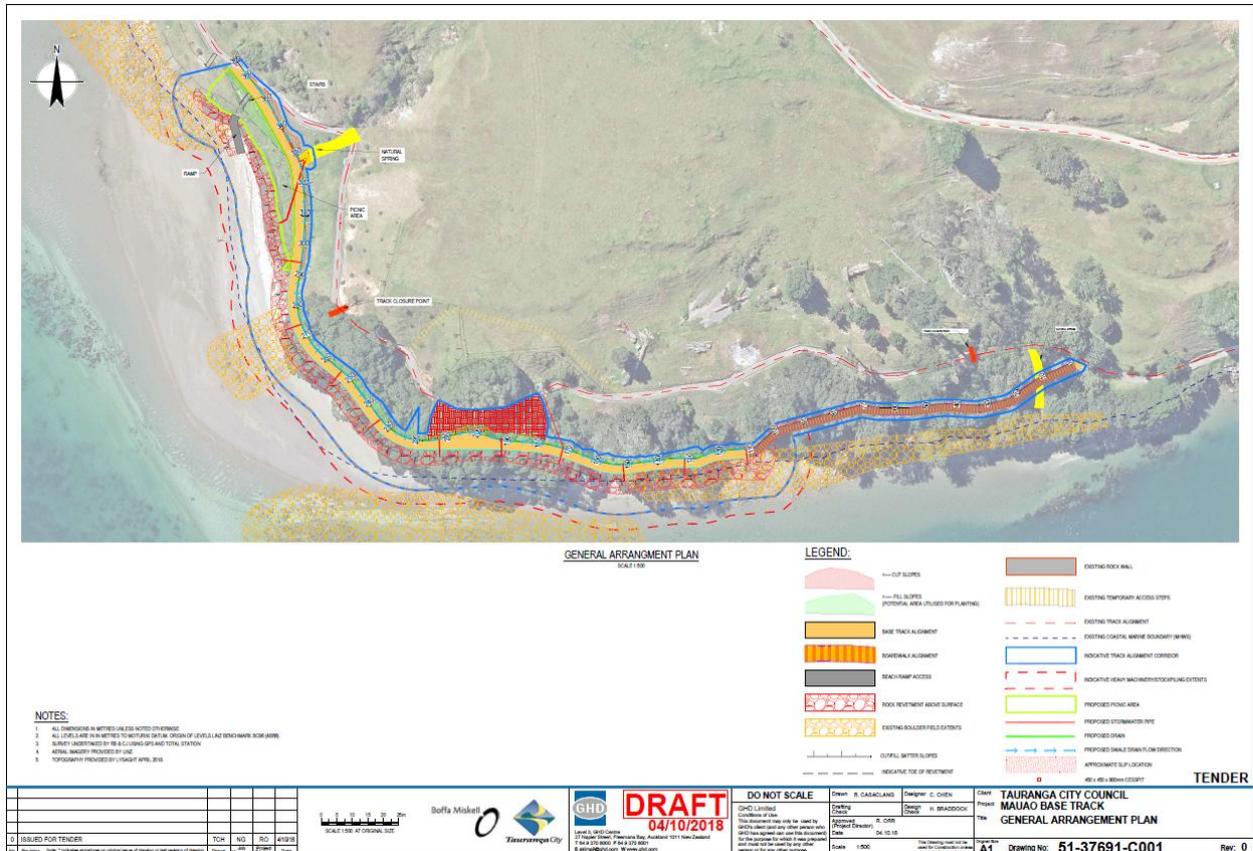
- Beach terrace: 60 m of formed track;
- Te Kawa Point rock revetment: 190 m of rock revetment on the beach next to the toe of the slope; and
- Boardwalk: 110 m long boardwalk traversing the slope above the boulder field, located partially along the alignment of the existing beach access track that forks off the base track.



**Figure 2:** Sections of track to be constructed

The new section of track will reinstate universal access to the entire base track and was the option considered by the applicant to best provide long-term resilience by minimising the impact of future slope failure in this area.

Sections 7.1 to 7.4 of the resource consent application provide details of the proposal.



**Figure 3:** Mauao base track alignment plan from Appendix 8 of the resource consent application

The applicant provided simulated views of the rock revetment from a distance in Appendix 15 of the resource consent application, as shown in Figures 4 and 5 below.



**Figure 4:** Existing view of Mauao base track from boat



**Figure 5:** Proposed view of Mauao base track from boat – year 5

## 2.1 Works methodology

An indicative erosion and sediment control plan (ESCP) is provided in Appendix 20 of the resource consent application. A final ESCP, with detailed design of control measures, will be submitted before the start of the works for certification. A preliminary environmental management plan is provided in Appendix 23 of the resource consent application. The applicant applied for a ten year consent duration for the land use component of consents, and advised that construction time is likely to be up to 12 months including winter earthworks; this could vary depending on the time of year and weather conditions.

## 3 Description of the environment

The applicant has adequately detailed the site and surrounds and provided an overview of the existing consented environment in section 6 of the resource consent application. I adopt the applicant's site description pursuant to s 42A(1B) of the RMA.

## 4 Statutory reasons for requiring resource consents

Resource consents are required under the Bay of Plenty Proposed Regional Coastal Environment Plan, the Bay of Plenty Regional Natural Resources Plan and the Tauranga City Plan. The applicant has adequately analysed the statutory reasons for requiring resource consent in section 8 and Appendix 12 of the resource consent application, as follows:

### **Proposed Regional Coastal Environment Plan (PRCEP):**

Under the PRCEP, the proposed track alignment is subject to the following overlays:

- Coastal Environment Zone
- Outstanding Natural Features and Landscape: Mauao (Mount Maunganui) Moturiki Island and Motuotau Island – ONFL 10
- Areas of Significant Cultural Value: Mauao (Mount Maunganui) – ACSV-6
- Indigenous Biological Diversity Areas B: Mauao 2 – B63
- Indigenous Biological Diversity Areas B: Mauao Marine – B64
- Tauranga Harbour Port Zone

Resource consent is sought under the following rules of the PRCEP, none of which are subject to appeal:

- **Rule SO 11: Discretionary – Structures, occupation and use in the coastal marine area**
  - Applies to the erection, occupation and use of the seabed by the part of the revetment that is located below MHWS (up to approximately 962m<sup>2</sup> in a worst-case scenario<sup>1</sup>).
- **Rule CD 8: Discretionary – Discharges to the Coastal Marine Area**
  - Applies to the discharge of stormwater from the new track areas to the CMA, as the discharge will occur in an area identified as wāhi tapu.
- **Rule PZ 10: Discretionary – Activities in the Port Zone**
  - Applies to the erection, occupation and use of the part of the revetment that is in the Port Zone, being the section below MHWS (up to approximately 962m<sup>2</sup> in a worst-case scenario<sup>3</sup>). This rule is triggered because the proposed revetment is not otherwise an activity anticipated by the Port Zone rules.

Overall, the proposal is a **discretionary activity** under the PRCEP.

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<sup>1</sup> Where no subsurface rock is encountered and the revetment volume and area is increased, which the applicant considers unlikely based on geotechnical investigations undertaken to date.

The applicant also applied for consent under the following rules of the PRCEP, but these rules are not relevant to the application:

- Reclamation under rule RM 2. The applicant interpreted that rule RM 2 applied to the installation of the part of the revetment below MHWS. However, the PRCEP definition of reclamation specifically excludes seawalls, so reclamation consent is not required.
- Disturbance of the foreshore and seabed and deposition of material associated with the revetment below MHWS under rule DD 14. Rule SO 11 covers disturbance and deposition of material so consent under DD 14 is not required.

#### **Bay of Plenty Regional Natural Resources Plan (RNRP):**

Under the RNRP, the proposed track alignment is subject to several planning features relevant to the activity status:

- Slopes greater than 35°
- 20 metre offset from mean high water springs (MHWS)
- Two natural springs/watercourses.

Resource consent is sought under the following RNRP rules:

- **LM R4 Discretionary – Earthworks and Quarries**  
This applies to earthworks activities proposed within 20 m of MHWS and on slopes over 35°.
- **LM R10 Discretionary – Land and soil disturbance by vegetation clearance**  
This applies to the vegetation clearance activities proposed within 20 m of MHWS, including the removal of five mature trees and smaller tree, shrub and grass species.

Overall the proposal is a **discretionary activity** under the RNRP.

#### **Tauranga City Plan (City Plan):**

Under the City Plan, the site is in the Conservation Zone. Mauao and the new track alignment are also subject to the following overlays of the City Plan:

- Significant Māori Area: M1 – Mauao Maunganui (Group 1)
- Outstanding Natural Features and Landscapes Plan Area: Mauao
- Significant Archaeological Area: A6 – Mauao
- Special Ecological Area (Category 2): 32 – Mauao

Within the Conservation Zone the new track is classified as a permitted activity<sup>2</sup>; resource consent is required under the following rules of the City Plan:

- **Rule 4C.5(c): Earthworks that alter the existing ground level within Outstanding Natural Features and Landscapes in excess of 1 metre (Non-Complying Activity)**
  - Applies to earthworks activities exceeding 1 m, particularly installation of the revetment and the fill activities on the beach terrace.

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<sup>2</sup> Table 13A.7.1 specifies “minor public recreational facilities and activities” as permitted, which includes “Pedestrian ... track construction including pathways ... boardwalks, walkways” as per Chapter 3 Definitions  
BOPRC ID: A9880005

- Rule 5A.6(b): Any activity listed as Restricted Discretionary in Table 5A.1: Status for Activities Within or Adjoining any Special Ecological Area (Restricted Discretionary Activity)**

  - Applies to all indigenous vegetation clearance to be undertaken within the Category 2 SEA overlay (which is on land zoned Open Space<sup>3</sup>), including, but not limited to, removal of three pōhutukawa trees.
  - The matters of discretion relevant to indigenous vegetation clearance (that do not relate to structures, signs or parking areas) are restricted to:
    - c) The nature, location and extent of any proposed earthworks;
    - 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.
  
- Rule 6A.4(b): Any activity listed as Restricted Discretionary in Table 6A.1 (Restricted Discretionary Activity)**

  - Applies to the establishment of the new track/boardwalk and all indigenous vegetation clearance within the Outstanding Natural Features and Landscapes Plan Area overlay (which is on land zoned Open Space<sup>4</sup>). Indigenous vegetation clearance includes, but is not limited to, removal of three pōhutukawa trees.
  - The matters of discretion relevant to indigenous vegetation clearance (not related to structures, signs or parking areas) are restricted to:
    - c) The nature, location and extent of any proposed earthworks;
    - 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.
  
- Rule 7C.7(b): Any activity identified as a Restricted Discretionary Activity in Table 7C.1: Historic and Heritage Activity Status – Significant Māori Areas (Restricted Discretionary Activity)**

  - Applies to the establishment of the new track/boardwalk within the Group 1 Significant Māori Area.
  - The matters of discretion relevant to the establishment of the new track/boardwalk within this area are restricted to:
    - a) The extent of earthworks associated with the proposal;
    - b) The location, extent and scale of the proposal in relation to any features or values of the *Significant Māori Area*;
    - c) Any mitigation measures to address the effects of the proposal on the values and associations of the *Significant Māori Area*.

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<sup>3</sup> The Conservation Zone is classified as an Open Space Zone as per Chapter 3 Definitions

<sup>4</sup> Ibid

- **Rule 7E.4(a): Any Permitted Activity that does not comply with: i) Rule 7E.3.1 – Existing Minor Structures and Activities (Restricted Discretionary Activity)**
  - Applies to the installation of the new track and the associated earthworks, which are classified as a permitted activity<sup>5</sup> in the Significant Archaeological Area overlay where the written approval of the New Zealand Historic Places Trust (now Heritage New Zealand) has been obtained. As mentioned in the application, the written approval of Heritage New Zealand has not been obtained at this stage, as a separate archaeological authority process is being undertaken with Heritage New Zealand in parallel with this resource consent application.
  - The matters of discretion are restricted to:
    - 7A.1.1.2 – Policy – Protection of Historic Heritage;
    - ii) The extent of any pre-application consultation undertaken with the New Zealand Historic Places Trust or any hapū that has the significant archaeological area located within its rohe;
    - iii) The recommendations of the archaeological assessment required under Rule 7E.4.2.1(b).

The proposed earthworks activities that exceed 1 m within the ONFL are a non-complying activity under the City Plan. All other elements of the proposal requiring resource consent under the City Plan are restricted discretionary activities.

## 5 Notification

The applicant requested a public notification process for the application. The Consents Manager (acting under delegated authority) granted approval to process the application on a notified basis on 22 October 2018. Notification commenced on 22 October 2018 and submissions closed on 23 November 2018, a total of 24 working days.

A notice was placed in the Bay of Plenty Times on 19 October, Bay News on Thursday 25 October and the Weekend Sun on Friday 26 October 2018. Letters were sent to:

- Interested government agencies and organisations such as the Minister for Conservation and the Department of Conservation.
- Interested local organisations such as Western Bay Wildlife Trust, Mount Surf Club and Forest and bird.
- Local iwi and hapū and Customary Marine Title and Protected Customary Rights applicants.

Three signs were erected near the proposed works site, one at the Pilot Bay end of the camping ground, one at the base of the southern end of the temporary stairs and one above the beach terrace.

## 6 Submissions

One submission was received, from Heritage New Zealand/Pouhere Taonga (HNZPT). HNZPT advised that the activity would have an adverse effect on historic heritage, in particular the significant archaeological area that includes recorded archaeological sites and potentially some unrecorded archaeological sites, given the proximity of such a large number of recorded sites. HNZPT supports in part only the proposed activities, and requested that additional mitigation should include:

- Ongoing consultation with HNZPT, and

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<sup>5</sup> Table 7E.1 specifies “minor structures and activities” as permitted, which includes “Pedestrian ... tracks including pathways, boardwalks...” as per Chapter 3 Definitions  
BOPRC ID: A9880005

- Development of a communications strategy to be implemented over the duration of the proposed works.

The applicant and HNZPT agreed on the following conditions:

- Before works start, the consent holder shall provide (in writing) to BOPRC evidence of a fortnightly on-site meeting scheduled with a Heritage New Zealand archaeologist/s during the construction period for the purposes of identifying and discussing ongoing management practices in relation to archaeology.  
**Advice note:** For the avoidance of doubt, this condition shall not supersede or otherwise modify any requirement regarding ongoing consultation with Heritage New Zealand imposed through the archaeological authority approved by Heritage New Zealand referenced as '2019/268', dated 7 December 2018."
- During the construction period, the consent holder shall provide to BOPRC the notes from that month's meeting(s) with a Heritage New Zealand archaeologist/s before the end of each calendar month. The consent holder shall not be deemed to be in contravention with this condition in any instance where Heritage New Zealand has not considered a meeting to be necessary.

HNZPT withdrew their wish to be heard in support of their submission.

## 7 Assessment of environmental effects

Section 104(1)(a) of the RMA requires the consenting authority to have regard to the actual or potential effects of allowing an activity. The applicant provided a detailed assessment of environmental effects (AEE) in section 4 of the resource consent application, which I used to inform this section of the report.

### 7.1 Cultural effects

Tauranga Harbour and Mauao are identified as areas of significant cultural value in the PRCEP. A large number of iwi and hapū share strong connections with the Tauranga harbour (Te Awanui). The applicant commented on potential effects of the proposal on tangata whenua values (section 9.1 of the AEE), supported by a Cultural Values Review in Appendix 13 to the application.

The Cultural Values Review concluded that there are no kainga, pa sites, wāhi tapu or urupā within the project corridor. The review also concluded that Part 2 RMA matters relating to cultural values would be achieved, as would the relevant provisions of the Mauao Historic Reserve Management Plan. The applicant advised that consultation with tangata whenua did not identify any substantive cultural issues that have not been addressed by the proposal. The following cultural value mitigation measures were identified through consultation:

- A pool of cultural monitors with the appropriate knowledge, skills, experience and where possible the whakapapa connections to Taiwhanake are established prior to the construction phase and briefed on the project with the archaeologist and construction team.
- Ngā Poutiriao o Mauao approve the source of the rock to be used for the construction of revetment structure.

The applicant included these mitigation measures in the suggested conditions in Appendix 22 to the application. I have included conditions requiring a pool of cultural monitors to be established and permitted to monitor works, and Ngā Poutiriao o Mauao is to approve the source of rock to be used for the revetment structure.

There were no submissions of a cultural nature.

Based on the information provided by the applicant and provided consent conditions are followed, I consider potential cultural effects to be mitigated. Overall I concur with the assessment of cultural effects provided by the applicant and on this basis I adopt section 9.1 of the resource consent application pursuant to s 42A(1B) of the RMA.

## 7.2 Historic heritage effects

The applicant provided an assessment of effects on archaeology in section 9.2 of the application, which is supported by an archaeological assessment included as Appendix 14 to the resource consent application<sup>6</sup>.

The assessment identifies that works will be carried out in close proximity to a number of known archaeological sites, including terraces and middens – the existing base track has been constructed over three of these. The assessment also identifies that it is highly likely that additional subsurface archaeological features are present in the corridor that were not able to be identified by the survey.

The applicant advised that the assessment of the amount of archaeological deposit that will be modified or lost due to the construction and track remediation activities, and conditions to mitigate those effects, would be addressed through the Heritage New Zealand Pouhere Taonga (HNZPT) Act 2014 archaeological authority process; I am happy to defer to HNZPT as the experts in this field. HNZPT's initial preference was to have input to a single process (i.e. to provide conditions only on an archaeological authority, rather than both a resource consent and an archaeological authority); after the application was notified, the applicant and HNZPT agreed on the conditions requiring fortnightly on-site meetings (these conditions are listed in section 6 of this report).

I am satisfied that the applicant's collaboration with HNZPT will ensure that any adverse effects on historic heritage are acceptable. Based on the information provided in the application, I consider effects on historic heritage to be mitigated or remedied. On this basis I adopt section 9.2 of the resource consent application pursuant to s 42A(1B) of the RMA.

## 7.3 Effects on ONFL values

Mauao is designated as an Outstanding Natural Feature and Landscape (ONFL) in the PRECP. The PRCEP categorises and rates the values of each ONFL; the applicant provided the relevant schedules and descriptions in Appendix 3 to the application.

Policy 15 of the New Zealand Coastal Policy Statement directs the avoidance of adverse effects on outstanding natural features and outstanding natural landscapes and Policy NH 4 of the PRCEP directs to avoid effects on the attributes and values of ONFLs. The applicant concluded in the assessment of effects on landscape, natural character and visual amenity (section 9.3 of the application document) that implementing mitigation measures will ensure that effects are limited to the immediate landscape and visual catchment, but would avoid adverse effects on the broader Outstanding Natural Feature and Landscape.

**s 7(2)(a) ... Privacy** Principal Landscape Architect for Isthmus, provided a peer review of the landscape, natural character and visual amenity components of the application. **s 7(2)(a) ... Privacy** agreed with the applicant that adverse effects on the ONFL values would be avoided.

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<sup>6</sup> InSitu Heritage Ltd report entitled 'Review of proposed base track alignment corridor: Mauao Historic Reserve, advice for resource consenting purposes'  
BOPRC ID: A9880005

I concur with s 7(2)(a) ... Privacy assessment, and consider that the applicant has provided sufficient information to demonstrate that any adverse effects on ONFL values from the proposal are avoided. On this basis, I adopt section 9.3 of the resource consent application pursuant to s 42A(1B) of the RMA.

#### 7.4 **Landscape, natural character and visual effects**

The applicant assessed effects on landscape, natural character and visual amenity in section 9.3 and Appendix 15<sup>7</sup> of the resource consent application. Effects were assessed at the broad scale and the local scale; it was concluded that the proposal would introduce adverse landscape, natural character and visual effects at varying scales.

##### **Landscape effects**

The applicant assessed long-term potential adverse landscape effects within the beach environment to be minor (9.3.1 of the application document) and at the broad scale to be avoided. s 7(2)(a) ... Privacy agreed that landscape effects would be elevated at a local scale but would reduce over time. At the whole-landscape scale, landscape effects would be either low or avoided.

I concur with s 7(2)(a) ... Privacy assessment, and consider that the applicant has provided sufficient information to demonstrate that localised long-term landscape effects within the beach environment are likely to be at least minor and at the broad scale to be avoided. On this basis, I adopt section 9.3.1 of the resource consent application pursuant to s 42A(1B) of the RMA.

##### **Natural character effects**

Localised effects on the natural character of the area were considered minor (9.3.2 of the application document). The level of effects at the broad scale was not assessed but it was acknowledged that avoidance of adverse natural character effects would not be possible; the approach would be to minimise the adverse effects.

As discussed earlier, s 7(2)(a) ... Privacy advised that, while there would be heightened effects on the localised area, people visiting Mauao have already been exposed to anthropocentric changes to the landscape as part of their experience of arriving or being in that location. The additional section of base track would be encountered as part of an overall experience and is likely to be the reason why visitors are there. s 7(2)(a) ... Privacy agreed with the applicant that local effects on natural character within the beach environment are likely to be minor.

The applicant proposes the following mitigation and remediation measures for natural character effects:

- Align the revetment to follow the natural coastal edge and avoid linear patterns;
- Use local natural stone that visually integrates, in a weathered condition, with existing stone materials present and used on Mauao;
- Include dominant native tree cover along the coastal margin next to the revetment to provide a blanketed cover along the coastal edge;
- Include low coastal planting along the seaward edge of the track and within the top third of the revetment with the purpose of gradually covering with native coastal species; and
- Remediate the sandy shoreline following construction.

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<sup>7</sup> Boffa Miskell report entitled 'Mauao base track remediation: Assessment of natural character and visual effects prepared for Tauranga City Council'  
BOPRC ID: A9880005

I used the Department of Conservation’s NZCPS Policy 13 Guidance Note, which sets out guidance for determining whether an adverse effect is ‘significant’, to determine the level of adverse effect on natural character, as follows:

Guide to determine the extent to which an adverse effect on natural character is ‘significant’	Officer comment
Status of resources: The importance of the area—locally and regionally. (Effects on rare or limited resources are usually considered more significant than impacts on common or abundant resources).	The area is highly important locally and regionally, however as <span style="background-color: black; color: white; padding: 2px;">§ 7(2)(a) ... Privacy</span> advised, the additional section of base track would be encountered as part of an overall experience and is likely to be the reason why visitors are there.
Proportion of resource affected/area of influence: The size of the area affected by the activity will often influence the degree of impact (i.e. affecting a large area will generally be significant). Affecting a large proportion of a limited area or resource will tend to be significant:	This stretch of sandy shore is the only sandy beach in this particular area around the base of Mauao. Approximately 50% of the beach would be covered, as follows in Figure 6:



**Figure 6:** extent of beach to be covered by rock revetment

Persistence of effect: The duration and frequency of effect (for example, long-term or recurring effects as permanent or long-term changes are usually more significant than temporary ones. The ability of the resource to recover after the activities are complete is related to this effect).	Effects would be permanent.
Sensitivity of resources: The effect on the area and its sensitivity to change. (Impacts to sensitive resources are usually more significant than impacts to those that are relatively resilient to	The area has been subject to anthropocentric changes to the landscape so is likely to be less sensitive to change.

impacts).	
Reversibility or irreversibility: Whether the effect is reversible or irreversible. Irreversibility will generally be more significant (depending also on nature and scale), and reversibility the converse.	The change is irreversible.
Probability of effect: The likelihood of an adverse effect resulting from the activity. Unforeseen effects can be more significant than anticipated effects. (Adopting a precautionary approach may reduce the likelihood of adverse effects occurring).	Effects on natural character in this area would be likely.
Cumulative effects: The accumulation of impacts over time and space resulting from the combination of effects from one activity/development or the combination of effects from a number of activities. Cumulative effects can be greater in significance than any individual effect from an activity (for example, loss of multiple important sites).	Cumulative effects were assessed as low-moderate at the local scale and avoided at the broad scale.
Degree of change: The character and degree of modification, damage, loss or destruction that will result from the activity. Activities that result in a high degree of change are generally more significant.	The proposal would result in a high degree of change and mitigation equivalent to the loss of natural beach and natural coastal margin is not possible.
Magnitude of effect: The scale and extent of possible effects caused by an activity (for example on the number of sites affected, on spatial distribution etc). Activities that have a large magnitude of effect are generally more significant.	The scale and extent of possible effects would be limited to the local area, which is a small proportion of the whole Mauao base track.

Based on the assessment above assessment, I conclude that effects on natural character are likely to be more than minor but not significant.

Policy NH 6A of the PRCEP directs that more than minor effects on natural character in an area of “high natural character” are to be avoided, remedied or mitigated. Based on the information and proposed mitigation and remediation measures provided by the applicant, and the technical review of this information, I consider natural character effects to be mitigated. On this basis, I adopt section 9.3.2 of the resource consent application pursuant to s 42A(1B) of the RMA.

**Visual amenity effects**

The applicant assessed visual effects for the immediate viewing audience on the beach and base track to be more than minor (9.3.3 of the application document) and at the broad scale to be avoided. The applicant’s proposed mitigation measures include planting

appropriate native species to soften the new track, boardwalk and revetment, and aligning the revetment to the natural alignment of the existing coastal edge.

§ 7(2)(a) ... Privacy agreed with the applicant that visual effects for the proximate viewing audience (on the beach or the base track) would be moderate in the short term, gradually reducing to low-moderate over time; for distant viewing audiences the visual effects would be very low.

I concur with § 7(2)(a) ... Privacy assessment, and consider that the applicant has provided sufficient information to demonstrate that localised visual effects on the beach are likely to be moderate in the short term, reducing to low-moderate in the longer term, and avoided at the broad scale. Based on the information provided in the application and the technical review of this information, I consider visual amenity effects to be mitigated. On this basis, I adopt section 9.3.3 of the resource consent application pursuant to s 42A(1B) of the RMA.

### **Summary of ONFL, landscape, natural character and visual amenity effects**

The applicant acknowledged that the revetment and boardwalk, set within an ONFL in a coastal landscape with High Natural Character, have the potential to introduce adverse landscape, natural character and visual effects. However, at the broader scale the natural character of the coastal margin would remain intact, and the overall landscape and visual effects would be low to moderate.

§ 7(2)(a) ... Privacy advised that while there would be heightened effects on the localised area, the areas and people affected have already been subject to anthropocentric changes to the landscape as part of their experience of arriving or being in that location. The additional section of base track would be encountered as part of an overall experience and is likely to be the reason why visitors are there. These visitors would be less sensitive to the change to the landscape, as they would be active users of it; the track facilitates visitors' ability to use and enjoy the area. § 7(2)(a) ... Privacy advised that adverse effects on the ONFL values would be avoided. I concur with § 7(2)(a) ... Privacy assessment, and consider that the applicant has provided sufficient information to demonstrate that any adverse effects on ONFL values from the proposal are avoided.

Section 10 of the applicant's Landscape, Natural Character and Visual Effects Assessment (Appendix 15 of the application document) sets out a number of recommendations for managing potential adverse effects of the proposal, including to avoid increasing the height or width of the revetment from the current design, to remediate the sandy shoreline after construction, to align the revetment to follow the natural coastal edge, to use local natural stone to better integrate with existing stone materials used on Mauao and a number of landscape vegetation measures.

§ 7(2)(a) ... Privacy made the following recommendations in section 4 of his peer review (Landscape Visual and Natural Character Assessment Peer Review: Mauao Base Track Alignment. Isthmus 9 January 2019):

- Further design work on the boardwalk to ensure that it incorporates high quality materials and is designed to fit within the sensitive local context.
- Further detail and design work to integrate the proposal into the surrounding overall landscape framework on the southern side of Mauao. Currently the proposal reads as a discrete project, but it is part of a broader pattern. In particular the feathering or integration of the track design and structures at either end of the realignment should be considered.
- Further design and detail in relation to planting should be provided.

The above recommendations have been incorporated into the Tauranga City Council consent conditions.

## 7.5 Ecological effects

The applicant provided an assessment of marine and terrestrial ecological effects in part 9.4 of the application and an ecological assessment as Appendix 16 to the application. Terrestrial and marine flora, fauna and habitats within the indicative track alignment corridor were assessed. Significance of ecological elements within this corridor was measured using the Bay of Plenty Regional Policy Statement significance criteria (from Moderate to Very High Ecological Value) and is summarised in section 9.4 of the application. The ecological assessment includes recommendations for works methodology to avoid or mitigate disturbances and other adverse effects to the following six ecological elements in the corridor:

- Pōhutukawa forest and shrubland community;
- Coastal fringe vegetation;
- Soft sediment and hard shore/boulder habitats;
- Pōhutukawa trees;
- Six *At Risk* avifauna species that use, or may potentially use the corridor (little blue penguin, variable oystercatcher, red-billed gull, pied shag, little black shag and black shag);
  - Grey-faced petrel may potentially be present within the corridor (nationally *Not Threatened* but regionally significant).
  - Shore skink may potentially be present within the corridor (At Risk species).
  - The land snail, *Succinea archeyi* may potentially be present within the corridor (Threatened species).

The ecological assessment includes recommendations for works methodology to avoid or mitigate disturbances and other adverse effects to flora and fauna within the works area, such as conducting works outside of the breeding season for particular species and minimising the number of trees felled. These recommendations have been incorporated into consent conditions. The applicant concludes that, after mitigation, the overall level of effects range between very low to low.

Bay of Plenty Regional Council's Environmental Scientist (Ecology), § 7(2)(a) ... Privacy undertook a technical assessment of the proposal. § 7(2)(a) ... Privacy did not question or dispute the content or recommendations of the applicant's ecological assessment, but did recommend that the applicant's proposed mitigation measures be imposed as conditions. The applicant proffered a condition requiring an Environmental Management Plan (which includes information and matters set out in the preliminary Environmental Management Plan provided with the application) to be submitted before works start.

I concur with § 7(2)(a) ... Privacy assessment, and consider that the applicant has provided sufficient information to demonstrate that any adverse ecological effects of the proposal can be appropriately mitigated. On this basis, I adopt section 9.4 of the resource consent application pursuant to s 42A(1B) of the RMA.

## 7.6 Arboriculture effects

The applicant provided an assessment of arboriculture effects in section 9.5 of the application and an arboriculture assessment (referred to as a tree protection plan) as Appendix 17 to the application. The applicant advised that three pōhutukawa, one English oak and one macrocarpa would be removed as part of the proposal, as well as removal of deadwood from the remaining trees along the alignment corridor. Some pōhutukawa trees

would be pruned to lift the crown for pedestrians to pass under once the track is constructed and for machinery access during construction.

The arboriculture assessment made the following recommendations:

- Appoint a suitably qualified and experienced arborist to oversee works within the root zone of the trees and to prune and protect any roots over 30 mm that need to be cut;
- If additional trees need extensive excavation closer than 3 metres to the trunk, they will likely require removal (arborist to determine on a case by case basis once the final path location and methodology is determined).

The applicant proffered a set of conditions based on the recommendations in the arboriculture assessment; I have incorporated these conditions into the TCC consent, as well as a condition requiring a final plan to be submitted that clearly identifies the trees to be removed. I am satisfied that the applicant's proposed measures will ensure that any adverse effects on trees in the alignment corridor are mitigated or avoided. I have included the proffered conditions on all consents for land disturbing activities. On this basis, I adopt section 9.5 of the resource consent application pursuant to s 42A(1B) of the RMA.

## 7.7 Natural hazard effects

The applicant provided an assessment of natural hazard effects in section 9.6 of the application, an assessment of the local coastal processes that will affect the revetment structure in Appendix 18 to the application and a geotechnical risk assessment in Appendix 19 to the application. The applicant assessed natural hazards from coastal processes as being less than minor because the revetment would be built to a 1 in 100 year annual return interval event standard and the track would be closed during large storms. The applicant assessed natural hazards from land instability as being less than minor because mitigation measures include battering back and stabilising the April 2017 slip face and preventing localised rock falls where required.

s 7(2)(a) ... Privacy consultant Geotechnical Engineer (Golder Associates) for Bay of Plenty Regional Council, provided a geotechnical review of the application. s 7(2)(a) ... Privacy advised that the design has considered the waves and storms arising from a 1 in 100 year event and the boulder sizes and weights proposed seem reasonable.

Overall I concur with the applicant's assessment of natural hazard effects and I therefore adopt section 9.6 of the resource consent application pursuant to s 42A(1B) of the RMA.

## 7.8 Water quality effects (erosion and sedimentation)

Several of the Regional Council consents involve disturbance to land and soil. During earthworks it is necessary to ensure that loose sediments from worked areas do not become mobilised and enter surface water. The applicant provided an assessment of erosion and sediment runoff effects in section 9.7 of the application and a preliminary erosion and sediment control plan (ESCP) as Appendix 20 to the application.

The applicant advised that the details of the ESCP were not finalised because the contract had not yet been tendered and different contractors would be likely to use different methods for erosion and sediment control. In this instance I recommend effects-based conditions on the consents for land disturbing and temporary stormwater discharge activities. I also recommend conditions requiring the final ESCP to be in accordance with the BOPRC *Guideline 2010/01: Erosion and Sediment Control Guidelines for Land Disturbing Activities* and submitted for certification by a chartered engineer before work can start.

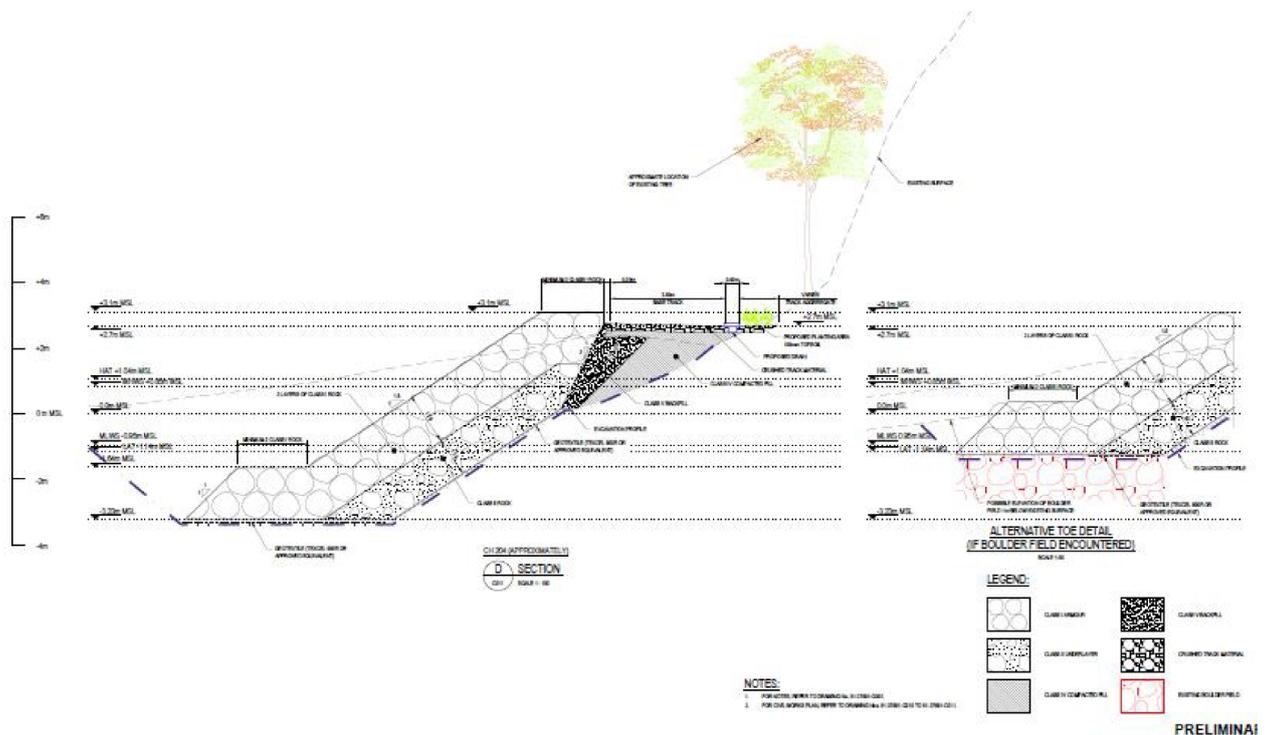
Based on the inclusion of effects-based conditions, and provided the consent holder adheres to consent conditions, I consider any actual or potential water quality effects from the proposal to be mitigated. On this basis, I adopt the applicant's assessment of erosion and sediment runoff effects pursuant to s 42A(1B) of the RMA.

## 7.9 Scouring effects

### *Wave scour from the revetment*

By preventing erosion, seawalls have been found to cut off the local sediment supply. Waves that hit the wall are reflected downward, scouring the toe of the wall (Pilkey and Cooper, 2012). The southern side of the project site consists of a large boulder field overlain by a veneer of sand. The western side of the project site is sandy, and the presence and depth of the boulders beneath is uncertain.

Section 3.5 of the Revetment Detailed Design Report (Appendix 18 to the application) sets out the design parameters taking account of scour effects. The applicant advised that design toe depths were determined to minimise scour, but these are unlikely to be achievable on the southern side or potentially the western side. As a result, the applicant proposes to place an alternative toe detail of the revetment on top of the boulder field by removing the overlying sand, placing the rock, then backfilling the excavated sand to match the existing beach surface. As a minimum, a two-rock wide toe width is adopted in the design. Where no boulders are present, or they are present at depth, the design toe to the full depth would be the preferred arrangement. A plan showing the two foundation scenarios was provided as part of a section 92 further information response (copied as Figure 6 below). The plan factors in design depth for instances where sub-surface rock is encountered and where it is not.



**Figure 6:** Preliminary draft detailed cross section plan of rock revetment showing the two foundation scenarios

The toe elevation (-3.23 m MSL) of the revetment structure would be approximately 2.09 m deeper if no boulder field is present below the revetment structure. Overall slope stability modelled by GHD indicates satisfactory results. s 7(2)(a) ... Privacy (Principal Geotechnical Engineer for Golders) advised that there is inadequate information about the

extents, depth and thickness of the underlying rhyolite boulders if they exist. This means that there is uncertainty around when, how and on what basis the decision for a deeper revetment would be made.

An element of flexibility is required for the design of the revetment, depending on the subsurface material encountered during works. The depth and lateral extents of this boulder field has not been extensively investigated, but the Revetment Detailed Design Report indicates that the supervising engineer will decide which foundation design to adopt during excavation. I have included a condition requiring submission, for certification, of a final rock revetment plan with an assessment of erosion potential before works start. I have also included a condition requiring a maintenance plan and that any scouring of the foreshore or seabed resulting from the presence of the rock revetment is effectively stabilised. I have included a condition requiring this information to be included in the Final Rock Revetment Plan.

Both types of foundations would require deep excavations, which will require significant disturbance to the coastal area. s 7(2)(a) ... Privacy advised that a pragmatic construction methodology would be to include temporary coffer dams and to limit disturbance to the foreshore. Consent conditions will require this information to be provided before construction starts.

Based on the preliminary rock revetment plan, the technical review of this plan, and provided the consent holder adheres to consent conditions, I consider any actual or potential scouring effects from the proposal to be mitigated or remedied.

#### ***Stormwater scour***

The drainage plans in Appendix 8 to the application show that a swale drain will be constructed on the landward side of the base track alignment, with stormwater piping to discharge water near the base of the revetment structure. s 7(2)(a) ... Privacy (consultant Geotechnical Engineer) considered this arrangement to be appropriate and did not foresee any scouring issues.

### **7.10 Cumulative effects**

The applicant assessed cumulative effects on ecological interconnections were assessed in section 8.6 of Appendix 16 to the consent application, and cumulative effects on landscape in paragraphs 6.20 and 6.21 of Appendix 15 to the consent application.

The applicant concluded that cumulative effects on landscape, including additional human change to the landform from the new section of base track, would be low to moderate when balanced with the existing walking tracks, 4WD track, water tank and agricultural grazing. I believe a cumulative effect is one that is considered in combination<sup>8</sup> with other effects - the accumulation of incremental changes over time - rather than one to be considered in balance with other effects. Potential cumulative effects on landscape and amenity values could also include an increase in the length of coastal margin protected by a structure and corresponding loss of naturalness and creation of an inappropriately visible hard line separating the boundary between land and water.

The applicant advised that the track is not part of a migratory route and the track corridor does not contain habitat that is vital to sustain indigenous organisms. The applicant acknowledged that the revetment would be an artificial hard structure in an area where there are currently minimal interruptions to ecological sequences, but concluded that, due to proposed mitigation such as facilitation of penguin access, the cumulative effect of

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<sup>8</sup> Section 3(d) of the RMA defines cumulative effects in the meaning of "effect" as "any cumulative effect which arises over time or in combination with other effects".  
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increased disturbance and the effect on ecological interconnections would be low to negligible.

s 7(2)(a) ... Privacy agreed with the applicant that cumulative landscape effects at the wider scale would be low, and at the more immediate scale the change would have a low-moderate cumulative effect.

Based on the applicant's assessment of cumulative ecological and landscape effects and the peer reviews of those assessments, I agree that actual and potential cumulative ecological effects are likely to be avoided and cumulative landscape effects are likely to be low to moderate at the local scale and low at the broader scale. On this basis, I adopt paragraphs 6.20 and 6.21 of Appendix 15 and section 8.6 of Appendix 16 of the resource consent application pursuant to s 42A(1B) of the RMA.

### 7.11 Positive effects

The applicant provided an assessment of positive effects in section 9.8 of the application. The applicant advised that positive effects include reinstating universal access, providing a section of track that is resilient to landslip failure and a reduced need for substantial works over the long term to reinstate the track in future failure events.

I concur with the applicant's assessment of positive effects and I therefore adopt section 9.8 of the resource consent application pursuant to s 42A(1B) of the RMA.

### 7.12 Conclusion of assessment of environmental effects

The proposal will result in varying levels of effects on cultural values, ONFL values, landscape, visual amenity, ecology, arboriculture, natural hazards and water quality. In most cases the effects are likely to be appropriately avoided, remedied or mitigated. I consider effects on natural character in the immediate area of the rock revetment to be more than minor because effects are irreversible and cumulative, result from a high degree of change, and appropriate mitigation for the loss of natural beach and natural coastal margin is not possible. Policy NH 6A, which is discussed further in section 8.3 of this report, directs that more than minor effects on natural character in an area of "very high natural character" are acceptable.

## 8 Statutory analysis

Section 104(1)(b) of the RMA requires that when processing a resource consent application, the consent authority must, subject to Part 2 of the RMA, have regard to the relevant provisions of national and regional policies, plans and standards. An assessment of the relevant s 104(1)(b) matters is included below. The most important statutory documents to consider in my view are the PRCEP, the RNRP and the City Plan. The policies of these three documents collectively give effect to higher order provisions such as those contained in Part 2 of the RMA, the New Zealand Coastal Policy Statement (NZCPS) or the Regional Policy Statement (RPS). On this basis, I have not provided a detailed assessment against these higher order documents, but rather, have focussed on any gaps in the applicant's assessment.

This approach not to revisit the policy of higher order planning documents is supported by the Court of Appeal decision in *R J Davidson Family Trust v Marlborough District Council 2018*. In this case the Court of Appeal clarifies the extent to which Part 2 considerations should be applied to resource consent applications, and directly addresses the issue of whether the reasoning of the Supreme Court in the *Environmental Defence Society v King Salmon 2014 (King Salmon)* case relating to plan changes applies equally to resource consent applications. The Court of Appeal decided that when determining resource consent applications, decision makers are not restricted by *King Salmon* to considering Part 2 matters only where there is 'invalidity, incomplete coverage or uncertainty', so the general presumption is that Part 2 matters can be considered. However, where a plan has

clearly given effect to Part 2 matters, decision makers may not need to refer to Part 2 because “doing so would not add anything to the evaluative exercise”.

### **8.1 New Zealand Coastal Policy Statement**

The applicant concluded in Appendix 21 to the resource consent application document that there are no inconsistencies apparent between the NZCPS and the ‘lower order’ documents, the RPS, PRCEP, RNRP and the City Plan, so an assessment of the application against the policies of the NZCPS was not provided. I concur with the applicant’s assessment and therefore adopt the applicant’s NZCPS assessment in Appendix 21 of the resource consent application pursuant to s 42A(1B) of the RMA.

### **8.2 Bay of Plenty Regional Policy Statement (RPS)**

The applicant provided an assessment of the proposal against the policies of the RPS in Appendix 21 to the resource consent application. I support the applicant’s assertion that the proposal aligns with the policies of the RPS. I adopt the applicant’s assessment of the proposal against the RPS pursuant to s 42A(1B) of the RMA.

### **8.3 Bay of Plenty Proposed Regional Coastal Environment Plan (PRCEP)**

The applicant provided an assessment of the proposal against the relevant policies of the PRCEP in Appendix 21 to the resource consent application. I support the applicant’s assertion that the proposal aligns with the policies of the PRCEP. I adopt the applicant’s assessment of the proposal against the PRCEP pursuant to s 42A(1B) of the RMA. I have provided an additional assessment of the NH policies below for completeness.

Proposed Regional Coastal Environment Plan		
Policy/objective reference	Policy/objective theme	Officer comment
<b>Natural Heritage (NH) policies</b>		
<p><b>Policy NH 1</b> Gives effect to NZCPS Policies 13 and 15, and RPS Policies CE 2B, CE 4A and CE 5A</p>	<p>In relation to the natural heritage of the coastal environment, activities may be considered appropriate if they contribute to the restoration and rehabilitation of natural heritage or cultural values associated with natural heritage (including kaimoana resources and cultural landscape features), or if they:</p> <p>(ee) Involve the operation, maintenance, upgrading or development of existing regionally or nationally significant infrastructure; or</p> <p>(c) Have a functional need to be located in or near the coastal environment in general, or in or near a specific part of the coastal environment and no reasonably practicable alternative locations exist; and</p>	<p>(ee) N/A</p> <p>(c) Six options were investigated and all but one (Option 2) were deemed feasible. All options were within the Coastal Environment as defined by the PRCEP and within the ONFL. The existing track around Mauao does not currently encroach into or modify the natural coastal margin; it is largely above the natural rocky shoreline on the northern and north-eastern edges of Mauao. All except Option 4 involved some form of engineering and erosion protection at the natural coastal margin. Option 5 involves the largest occupation of a hard structure within the CMA out of all options. I do not agree with the applicant that there is a functional need for this section of track to be located on the coastal margin. The applicant states that this is to ensure the long-term resilience of the track against erosion; moving the track to the coastal margin to protect against erosion from the hills and cliffs of Mauao could be said of the entire base track. I consider that positioning the track on the coastal margin is contrary to Policy 14(v) of the NZCPS, which directs to restore and protect intertidal margins, and RPS policy CE 4A, which directs to protect the natural functioning of coastal margins. However, it is not the role of the consent authority to assess alternatives where there is unlikely to be a significant effect on a matter of national importance.</p>
<p><b>NH 1 continued</b></p>	<p>(a) Are compatible with the existing built environment and level of modification to the environment. This includes but is not limited to:</p> <p>(i) Modification that is anticipated as a permitted or controlled activity in an operative District or City Plan; and</p> <p>(ii) Urban development activities and associated provision of quality open spaces in Urban</p>	<p>(a) The landscape assessment<sup>9</sup> (paragraph 7.16) notes that much of the Mauao base track is built on the natural land formation with a series of small retaining walls of varying types holding the track in place. While the track around Mauao does not currently encroach into or modify the natural coastal margin, s 7(2)(a) ... Privacy (landscape peer reviewer) advised that the area has already been subject to anthropogenic changes and the additional section of base track would be encountered as part of an overall experience and is likely to be the reason why visitors are there. .</p> <p>(i) The proposed rock revetment and fill activities on the beach terrace are non-</p>

<sup>9</sup> *Mauao Base Track Remediation: Assessment of Landscape, Natural Character and Visual Effects*. Boffa Miskell, 9 July 2018

## Proposed Regional Coastal Environment Plan

Policy/ objective reference	Policy/objective theme	Officer comment
	<p>Growth Areas contained in the Regional Policy Statement where urban development has been provided for in that area in the relevant District or City Plan, and the development is consistent with the Urban and Rural Growth Management Policies (UG policies) of the RPS; and</p> <p>(b) Are compact, and do not add to sprawl or sporadic development; and</p> <p>(d) Are of an appropriate form, scale and design to be compatible with the existing landforms, geological features and vegetation or will only have temporary and short-term effects on such features; and</p> <p>(e) Will not, by themselves or in combination with effects of other activities, have significant adverse effects on the natural processes or ecological functioning of the coastal marine area; except that clauses (a), (b), (d) and (e) do not apply for the National Grid.</p> <p><b>Advisory note:</b> 1 Particular consideration must be given to Policies NH 4, NH 4A, NH 5 and NH 11 if an activity may have adverse effects on the values and attributes of an Outstanding Natural Feature and Landscape (ONFL), an area of Outstanding Natural Character (ONC) or an Indigenous Biological Diversity Area A (IBDA A).</p>	<p>complying activities in the operative Tauranga City Plan because the works will alter the existing ground level within an ONFL in excess of 1 metre.</p> <p>(ii) N/A</p> <p>(b) N/A</p> <p>(d) The existing track does not currently encroach into or modify the natural coastal margin. Paragraph 8.14 of the Landscape, Natural Character and Visual Effects Assessment (Appendix 15 of the application document) states that the loss of the natural shoreline and parts of the boulder field with the inclusion of a manmade shoreline will see the loss of the natural interface with Mauao, which provides a visual aesthetic unique to Mauao. RPS Policy CE 4A promotes protection and restoration of natural coastal margins. The applicant proposes appropriate coastal margin planting to soften the structure so that proposed vegetation would be compatible with the existing vegetation.</p> <p>(e) Paragraph 7.12 of the AEE notes that the introduction of the revetment structure would modify the natural hydrology and coastal erosion processes. The revetment would introduce considerable change to the natural shoreline and sandy embayment; the natural flotsam line along the high tide mark will be removed from the sandy shore. Such effects on natural processes would be permanent and are assessed as more than minor (see assessment for policy NH 6A).</p> <p><b>Summary of NH 1 considerations</b> The term 'inappropriate' is affected by context and should be assessed with reference to what is sought to be protected. It is not appropriate to take an 'overall judgement' approach to interpreting the meaning of 'inappropriate'. Whether an activity is inappropriate depends upon the extent to which a location can absorb development without adverse effects on the natural qualities of the site and the surrounding environment. This depends on the characteristics of the area and the proposed activity. The environment on Mauao is considered to be already modified, and construction of a walking track around the base of Mauao would be considered an 'appropriate' development. I consider the proposal to be <b>consistent with NH 1</b>.</p>
<b>Policy NH 4</b>	Adverse effects must be avoided on the values and	<b>Policy NH 4 matters:</b>

## Proposed Regional Coastal Environment Plan

Policy/objective reference	Policy/objective theme	Officer comment
Gives effect to NZCPS Policies 13, 15 and 17, and RPS Policies CE 2B and CE 6B	attributes of the following areas: (a) Outstanding Natural Character areas; (b) Outstanding Natural Features and Landscapes; (c) Any Indigenous Biological Diversity Area A;	<p><b>Mauao (Mount Maunganui) – ONFL 10</b></p> <p>The applicant concluded in the assessment of effects on landscape, natural character and visual amenity (section 9.3 of the application document) that implementing mitigation measures will ensure that effects are limited to the immediate landscape and visual catchment, but will avoid adverse effects on the broader Outstanding Natural Feature and Landscape.</p> <p>§ 7(2)(a) ... Privacy Principal Landscape Architect for Isthmus, provided a peer review of the landscape components of the application. § 7(2)(a) ... Privacy agreed with the applicant that adverse effects on the ONFL values would be avoided.</p> <p>I concur with § 7(2)(a) ... Privacy assessment, and consider that the applicant has provided sufficient information to demonstrate that any adverse effects on ONFL values from the proposal are avoided. I consider the proposal to be <b>consistent with NH 4</b>.</p>
<b>Policy NH 4A</b> Gives effect to NZCPS Policies 13 and 15, and RPS Policies CE 2B and IR 5B	When assessing the extent and consequence of any adverse effects on the values and attributes of the areas listed in Policy NH 4 and identified in Schedules 2 and 3 to this Plan and Appendix I to the RPS: ...	N/A because ONFL effects avoided
<b>Policy NH 5</b> Gives effect to NZCPS Policies 6, 18 and 19, and RPS Policy CE 8B	Consider providing for subdivision, use and development proposals that will adversely affect the values and attributes associated with the areas listed in Policy NH 4 only where: ...	N/A because ONFL effects avoided
<b>Policy NH 6</b> Gives effect to NZCPS Policies 13 and 15 and RPS Policies CE 2B and CE 6B	Significant adverse effects must be avoided, and other adverse effects avoided, remedied or mitigated, on the values and attributes of: (a) Any Indigenous Biological Diversity Area B (as identified in Schedule 2, Table 2); and (b) Natural features and natural landscapes in the coastal environment that are not listed as outstanding in Schedule 3.	<p>(a) Provided the recommended mitigation measures are used, adverse effects on the values and attributes of IBDA B are considered less than minor.</p> <p>(b) Not applicable: the proposed works area is listed as an ONFL in Schedule 3.</p> <p>I consider the proposal to be <b>consistent with NH 6</b>.</p>

## Proposed Regional Coastal Environment Plan

Policy/ objective reference	Policy/objective theme	Officer comment
<p><b>Policy NH 6A</b> Gives effect to NZCPS Policy 13 and RPS Policy CE 2B</p>	<p>Significant adverse effects on natural character in areas that are not identified as outstanding in Appendix I to the RPS are to be avoided, and other adverse effects avoided remedied or mitigated.</p>	<p>Appendix I of the RPS identifies Mauao as having High Natural Character. Paragraph 7.14 of Appendix 15 of the application document states that effects on natural character from the revetment component of the design are attributed to the changes to the abiotic processes, biotic processes and patterns and the perceptual attributes, particularly in relation to the sense of remoteness on the southern beach edge. The applicant assesses adverse effects on the natural character of the area to be moderate. The applicant proposes remediation planting to improve the biotic values of the coastal edges, but mitigation for the loss of natural beach and associated adverse natural character effects is not possible (paragraph 7.17, Appendix 15 of the application document).</p> <p>I consider effects on naturalness to also include changes to abiotic processes (e.g. reduction in sediment supply to the beach as a result of coastal stabilisation) and the replacement of the natural interface between the coastal margin and Mauao with a manmade structure.</p> <p>Interpretation of this policy hinges on the level of effect. In section 7.4 of this report I used the Department of Conservation's NZCPS Policy 13 Guidance Note, which sets out guidance for determining whether an adverse effect is 'significant', to determine the level of adverse effect on natural character. Based on this assessment, I consider effects on natural character from the proposal to be more than minor. The applicant proposes the following mitigation and remediation measures:</p> <ul style="list-style-type: none"> <li>· Align the revetment to follow the natural coastal edge and avoid linear patterns;</li> <li>· Use local natural stone that visually integrates, in a weathered condition, with existing stone materials present and used on Mauao;</li> <li>· Include dominant native tree cover along the coastal margin next to the revetment to provide a blanket cover along the coastal edge;</li> <li>· Include low coastal planting along the seaward edge of the track and within the top third of the revetment with the purpose of gradually covering with native coastal species; and</li> <li>· Remediate the sandy shoreline following construction.</li> </ul> <p>Based on the proposed mitigation and remediation measures, I consider the proposal to be <b>consistent with NH 6A</b>.</p>
<p><b>Policy NH 7</b> Gives effect to NZCPS Policies 11 &amp; 13 and RPS Policies CE 2B, CE 6B &amp; IR 5B</p>	<p>Areas of indigenous biodiversity in the coastal environment not identified in Schedule 2 contribute to the overall natural character of the environment and cumulative adverse effects on these areas should be avoided, remedied or mitigated.</p>	<p>The applicant assessed potential cumulative effects on areas of indigenous biodiversity as being low to negligible because of proposed mitigation and based on the general low level of ecological effects. I consider the proposal to be <b>consistent with NH 7</b>.</p>

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Policy/objective reference	Policy/objective theme	Officer comment
<p><b>Policy NH 9</b> Gives effect to NZCPS Policies 11 and 13 and RPS Policies CE 4A and IR 3B</p>	<p>Maintain ecological interconnections that are necessary to sustain indigenous species, including migratory routes, intact ecological sequences and ecological corridors. Irreversible and other significant adverse effects on these interconnections should be avoided, including significant cumulative adverse effects; other effects should be avoided, remedied or mitigated.</p>	<p>The applicant assessed effects on ecological interconnections in section 8.6 of the Ecological Impact Assessment (Appendix 16 to the resource consent application) and advised that proposed track construction and operation would not interfere with important ecological interconnections because it is not part of a migratory route and does not contain habitat that is vital to sustain indigenous organisms. The applicant concluded that even though the revetment is an artificial structure in an area where there are currently minimal interruptions to ecological sequences, significant adverse effects on ecological values, habitats or species are unlikely because of proposed mitigation measures such as facilitating penguin access.</p> <p>I consider the proposal to be <b>consistent with NH 9</b>.</p>
<p><b>Policy NH 9A</b> Gives effect to NZCPS Policies 2 and 17, and RPS Policies IW 2B, IW 3B, IW 4B and IW 6B</p>	<p>Recognise and provide for Māori cultural values and traditions when assessing the effects of a proposal on natural heritage, including by:</p> <ul style="list-style-type: none"> <li>(a) Avoiding significant adverse effects, and avoiding, remedying, mitigating or offsetting other effects, on habitats of indigenous species that are important for traditional or cultural purposes; and on cultural and spiritual values associated with natural features and natural landscapes;</li> <li>(b) Avoiding, remedying or mitigating cumulative adverse effects on the cultural landscape;</li> <li>(c) Assessing whether restoration of cultural landscape features can be enabled; and</li> <li>(d) Applying the relevant Iwi Resource Management policies from this Plan and the RPS.</li> </ul>	<p>The applicant prepared a cultural values review (Appendix 13 of the application document). Engagement with Ngā Poutiriao o Mauao has resulted in a number of cultural matters being raised and worked through. There are no known kāinga, pa sites, wahi tapu or urupa located within the proposed track alignment. The cultural values review concluded that the final alignment and construction would avoid and mitigate effects on the Waipatukakahu and the Te Kawa Waipuna. The overall conclusion is that consultation with iwi to date has not identified any substantive cultural issues that will not be addressed by the proposal; no submissions of a cultural nature were received.</p> <p>I consider the proposal to be <b>consistent with NH 9A</b>.</p>
<p><b>Policy NH 10</b> Gives effect to NZCPS Policy 11 and RPS Policy CE 6B</p>	<p>Recognise that there is limited information available on the natural heritage values and attributes of the subtidal coastal environment. A site specific assessment will be required for activities that may have an adverse effect on subtidal areas, including an assessment of whether there is any impact on values and attributes of identified natural heritage areas. A precautionary approach should be adopted if there is scientific uncertainty and the adverse effects have the potential to be serious or irreversible.</p>	<p>The applicant assessed ecological values of the subtidal area including soft sediment habitat and hard shore/boulder habitat and provided an assessment of effects on these values. The ecological assessment assessed the intertidal marine habitat as having moderate ecological value (Appendix 16, Table 11, page 35 of the application document). Construction of the rock revetment will result in the change of approximately 223 m<sup>2</sup> of intertidal sand habitat to intertidal rocky habitat. The recommended mitigation measure is revegetation of the coastal fringe with appropriate native plants; marine habitat loss will be an irreversible effect that cannot be avoided, remedied or mitigated. All other ecological effects are considered mitigated through remedial planting, habitat creation and sediment management (Appendix 16, section 9.7, page 47 of the application document). I consider the proposal to be <b>consistent with NH 10</b>.</p>
<p><b>Policy NH 13</b> Gives effect to</p>	<p>The guidelines contained in Schedule 4 Management Guidelines for Natural Features and Landscapes should be</p>	<p>The applicant's assessment was undertaken with reference to the Quality Planning Landscape Guidance Note (<a href="http://www.qualityplanning.org.nz/index.php/planning-tools/land/landscape">http://www.qualityplanning.org.nz/index.php/planning-tools/land/landscape</a>), the</p>

## Proposed Regional Coastal Environment Plan

Policy/ objective reference	Policy/objective theme	Officer comment
NZCPS Policy 13 and RPS Policies CE 2B and CE 8B	considered during the development of a proposal to undertake an activity in the coastal environment unless more specific provisions apply in a relevant district or city plan. These guidelines will be taken into account during the consideration of resource consent applications to undertake activities in the coastal marine area.	<i>Guidelines for Landscape and Visual Impact Assessment</i> ( 3 <sup>rd</sup> Edition, 2013) and <i>Best Practice Note Landscape Assessment and Sustainable Management</i> (10.1, NZILA). The applicant considered the Schedule 4 Management Guidelines for Natural Features and Landscapes, under which Mauao is considered to be a 'headland' landscape features so S4.1 of Schedule 4 applies. The applicant advised that the guidelines were considered inherently in the assessment; in particular, S4.1.1, S4.1.2 and S4.1.3 (Natural Character, Public Access and Visual Corridors). I consider the proposal to be <b>consistent with NH 13</b> .
<b>Policy NH 14</b> Gives effect to NZCPS Policy 13 and RPS Policies CE 2B and CE 8B	Subdivision, use and development in the coastal environment should consider the use of design techniques, materials and colours that assist in avoiding significant adverse effects on natural character values and attributes. Markers or high visibility materials may be required to provide for safety where relevant. Development in the coastal environment may require set-back from beaches and sand dunes to avoid significant adverse effects on natural character.	The applicant proffered a set of conditions (section 7.8 of the application document) that require the use of specific plants, materials and design to integrate the boardwalk, new track and rock revetment into the landscape. The development is not set back from the beach but rather involves a loss of the natural coastline edge with the inclusion of the revetment across the sandy interface between the coastal cliffs and harbour margin. Policy NH 14 wording 'may require set-back' is not a specific directive for the applicant or consenting authority to follow. NH 14 does not specifically direct applicants to set back from beaches, so I consider the proposal to be <b>consistent with NH 14</b> .
<b>Policy NH 15</b> Gives effect to NZCPS Policy 11 and RPS Policy CE 6B	Planting associated with remediation or mitigation of effects on natural heritage should use appropriate native species, and give preference to the use of eco-sourced native plants. The introduction of exotic plants into areas of Outstanding Natural Character (as identified in Appendix I to the RPS) or an Indigenous Biological Diversity Area A is	The applicant proposed native planting of appropriate species. Consent conditions will require eco-sourced native plants. I consider the proposal to be <b>consistent with NH 15</b> .
<b>Policy NH 16</b> Gives effect to NZCPS Policies 11, 13, 14 and 15 and RPS Policies CE 2B, CE 4A, CE 5A and CE 6B	Where the natural heritage values of the coastal marine area are likely to be adversely affected by the effects of activities, the consent authority may impose financial contributions as set out in Schedule 11 Financial Contributions, in order to remedy, mitigate or offset those adverse effects.	The focus of the relevant Natural Heritage provisions of the PRCEP is on protecting ONFL values and attributes and areas of High Natural Character, maintaining Indigenous Biological Diversity Areas B and recognising Maori cultural values. Adverse effects on several of the values and attributes of the ONFL are permanent and are considered more than minor (as discussed for Policy NH 4); natural character effects are permanent and are considered more than minor (loss of natural beach; off-setting or mitigation of this effect is not possible); localised long-term visual effects are permanent and considered minor.  NH4 directs that adverse effects on the attributes and values of the ONFL <u>must be avoided</u> . In my opinion, the proposal will not avoid effects on the aesthetic, transient and shared and recognised values of ONFL 10 and is therefore inconsistent with Policy NH 4. Given the strong directive to avoid adverse effects, I do not believe that financial contributions as mitigation would be appropriate in this situation. <b>I do not consider that NH 16 applies to this proposal.</b>
<b>Policy NH 17</b>	In the consideration of resource consents, maintain	The applicant advised that the proposal will not alter view shafts associated with ONFL 10. Mr

Proposed Regional Coastal Environment Plan		
Policy/objective reference	Policy/objective theme	Officer comment
Gives effect to NZCPS Policies 13 and 15 and RPS Policies CE 1b and CE 2B	identified view shafts of the outstanding natural features and landscapes identified in Schedule 3 Outstanding Natural Features and Landscapes.	s 7(2)(a) ... Pr advised in his landscape, visual and natural character assessment peer review that he generally agrees with the outcomes of the assessment. Based on the information provided by the applicant and the peer review of this information, I consider the proposal to be <b>consistent with NH 17</b> .
<b>Policy NH 18</b> Gives effect to NZCPS Policies 2, 11, 13, 14, 15, 17 and 21 and RPS Policies CE 2B, CE 6B, CE 8B, CE 10B, IW 2B, IW 3B, IW 5B, MN 4B	To maintain or enhance natural heritage values by encouraging landowners and the community to: <ul style="list-style-type: none"> <li>(a) Maintain or improve water quality in wetlands, estuaries and harbours, while recognising that wetlands themselves are natural water filtering systems;</li> <li>(b) Maintain or improve the hydrological regime, including enhancing water quantity and flows, providing for flood retention, connectivity and fluctuations of water levels;</li> <li>(c) Maintain or improve aquatic and terrestrial indigenous biodiversity;</li> <li>(d) Maintain or enhance cultural values;</li> <li>(e) Maintain or enhance amenity values;</li> <li>(f) Retain natural landforms;</li> <li>(g) Covenant or otherwise protect significant landscape and natural character areas; and</li> <li>(h) Enhance ecological interconnections that are necessary to sustain indigenous species, including migratory routes.</li> </ul>	<ul style="list-style-type: none"> <li>(a) The applicant assessed water quality effects as being short term and mitigated by an appropriate erosion and sediment control plan;</li> <li>(b) The applicant assessed effects on hydrological regime/coastal processes in section 4 of Appendix 18 to the application document. The applicant concluded that coastal processes and geomorphology of the area are not likely to be significantly modified or impacted by the revetment; the structure would be parallel to the shoreline so would be similar to the existing foreshore.</li> <li>(c) The applicant assessed ecological effects on terrestrial and marine flora, fauna and habitats within the track alignment corridor. The applicant recommended mitigation measures and concluded that after mitigation, the overall level of effects would be less than minor.</li> <li>(d) The applicant's cultural values review (Appendix 13 of the application document) concluded that the final alignment and construction would avoid and mitigate effects on the Waipatukakahu and the Te Kawa Waipuna. The overall conclusion is that consultation with iwi to date has not identified any substantive cultural issues that will not be addressed by the proposal; no submissions of a cultural nature were received.</li> <li>(e) The applicant assessed overall landscape and visual effects, which relate to the amenity values of a landscape, on the site's immediate landscape values and its viewing audience to be moderate to high. See discussion for Policy NH 11.</li> <li>(f) Natural landforms will not be retained. See discussion for Policy NH 11.</li> <li>(g) N/A</li> <li>(h) The applicant concluded that effects on ecological interconnections would be low to negligible because the proposed position of the new section of track is not part of a migratory route and does not contain habitat that is vital to sustain indigenous organisms.</li> </ul> <p>I consider the proposal to be <b>consistent with NH 18</b>.</p>
<b>Summary of natural heritage policies consideration</b> My assessment has concluded that the proposal is consistent with the above PRCEP NH policies.		

#### 8.4 Bay of Plenty Regional Natural Resources Plan

The applicant provided an assessment of the proposal against the relevant policies of the RNRP in Appendix 21 to the resource consent application. I support the applicant's assertion that the proposal aligns with the policies of the RNRP. I adopt the applicant's assessment of the proposal against the RNRP pursuant to s 42A(1B) of the RMA.

#### 8.5 Tauranga City Plan

The applicant provided an assessment of the proposal against the relevant policies of the Tauranga City Plan (City Plan) in Appendix 21 to the resource consent application. I support the applicant's assertion that the proposal aligns with the policies of the TCP. I adopt the applicant's assessment of the proposal against the City Plan pursuant to s 42A(1B) of the RMA. I have provided an additional assessment of some of the Natural Features and Landscapes policies below for completeness.

Tauranga City Plan		
Policy/objective reference	Policy/objective theme	Officer comment
<b>Natural features &amp; landscapes objectives and policies</b>		
<i>Natural features &amp; landscapes:</i> Objective 6A.1.1	<b>Outstanding Natural Features and Landscapes</b> 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.	The applicant states that landscape and visual effects on the site's immediate landscape values would be moderate to high, but effects at the broader scale would be avoided because the landscape and natural character would remain intact. s 7(2)(a) ... Privacy peer review of the landscape, visual and natural character assessment agreed with the applicant's conclusions that effects on ONFL values and attributes are likely to be avoided.  Given the above, I consider the proposal to be <b>consistent with objective 6A.1.1 and policy 6A.1.1.2.</b>
<i>Natural features &amp; landscapes:</i> Policy 6A.1.1.2	<b>Protection of Outstanding Natural Features and Landscapes</b> By protecting the particular factors, values and associations that make an area an <i>outstanding natural feature and landscape</i> from the adverse effects of inappropriate <i>subdivision</i> , use and development by <u>having regard to</u> : a) The character and degree of modification, damage, loss or destruction that will result from the <i>activity</i> ; b) The duration and frequency of effect (for example long-term or recurring effects); c) The magnitude or scale of effect (for example the number of <i>sites</i> affected, spatial distribution, landscape context); d) The irreversibility of effect (for example loss of unique or rare features, limited opportunity for remediation, the technical feasibility of remediation or mitigation); e) The resilience of heritage value or place to change (for example the ability of the feature to assimilate change, the vulnerability of the feature to external effects); f) The opportunities to remedy or mitigate pre-existing or potential adverse	

Tauranga City Plan

Policy/ objective reference	Policy/objective theme	Officer comment
	<p>effects (for example restoration or enhancement), where avoidance is not practicable;</p> <p>g) The probability of effect (for example the likelihood of unforeseen effects, ability to take a precautionary approach);</p> <p>h) Cumulative effects (for example the loss of multiple features or values);</p> <p>i) Need for, or purpose of, the works;</p> <p>j) The provision of public amenity and access to land acquired by <i>Council</i> for <i>reserve</i> purposes.</p>	
<p><i>Natural features &amp; landscapes:</i> Objective 6A.1.3</p>	<p><b>Preservation of the natural character of the coastal environment, wetlands, rivers and streams</b></p> <p>The natural character of the City’s coastal environment, wetlands, rivers and streams is preserved and protected from inappropriate subdivision, use and development.</p>	<p>More than minor effects on natural character are considered to be an acceptable effect in an area of “very high natural character” under NH 6A of the PRCEP. The applicant has had regard to the matters listed in Policy 6A.1.3.2 and the analysis of the level of effect under NH 6A of the PRCEP indicates that the level of effect is acceptable. The matters in Policy 6A.1.3.2 have been ‘had regard to’ as directed by the policy.</p>
<p><i>Natural features &amp; landscapes:</i> Policy 6A.1.3.2</p>	<p><b>Preservation of the natural character of coastal environment, wetlands, rivers and streams</b></p> <p>By ensuring that subdivision, use and development preserves the natural character of the coastal environment, wetlands, rivers and streams by having regard to:</p> <p>a) The extent to which natural processes, elements and patterns that determine the area’s natural character are sustained;</p> <p>b) The degree of change to landform and relief;</p> <p>c) The degree of protection of vegetation cover and patterns;</p> <p>d) The presence of human influence, modification, intervention or manipulation to wetlands, rivers, and the coastal environment including buildings, structures and other activities;</p> <p>e) The ability to mitigate any potential adverse effects of subdivision, use, and development;</p> <p>f) The provision of public amenity and access to land acquired by Council for reserve purposes.</p> <p>g) The ability to restore or rehabilitate natural character.</p>	<p>Given the above, I consider the proposal to be <b><i>consistent with objective 6A.1.3 and policy 6A.1.3.2.</i></b></p>
<p><i>Natural features &amp; landscapes:</i> Objective</p>	<p><b>Interface with the coastal marine area (being MHWS), Outstanding Natural Features and Landscapes and Important Amenity Landscapes</b></p> <p>The open space character of the coastal marine area and the factors, values</p>	<p>It is recognised that Mauao has a number of modifications, which in their current state they do not disrupt the overall perceived naturalness of Mauao, which is</p>

Tauranga City Plan		
Policy/objective reference	Policy/objective theme	Officer comment
6A.1.8	and associations of outstanding natural features and landscapes and important amenity landscapes and their margins is maintained and enhanced.	largely derived from its form and vegetated grassy slopes.
<p><i>Natural features &amp; landscapes:</i> Policy 6A.1.8.1</p>	<p><b>Interface with the coastal marine area (being MHWS), Outstanding Natural Features and Landscapes and Important Amenity Landscapes</b></p> <p>By ensuring that <i>buildings, structures and activities</i> along the margins of the <i>coastal marine area, outstanding natural features and landscapes and important amenity landscapes</i> do not compromise the <i>natural character, factors, values and associations</i> of the those areas, through:</p> <ul style="list-style-type: none"> <li>a) The impact of the bulk and scale of <i>buildings, structures and activities</i> on the amenity of the <i>environment</i>;</li> <li>b) Significant modification of the existing landform or topography and the extent of <i>earthworks</i>;</li> <li>c) Development being of a size or proportion beyond the capacity of the <i>site</i> and surrounding area being able to absorb that development;</li> <li>d) <i>Buildings, structures and activities</i> detracting from the existing open space character and the factors, values and associations of <i>outstanding natural features and landscapes and important amenity landscapes</i> and their margins;</li> <li>e) The effects on <i>indigenous</i> and exotic flora and fauna, with an overall goal to retain existing vegetation patterns and enhance those patterns around the <i>outstanding natural features and landscapes and important amenity landscapes</i> and their margins through mitigation planting.</li> </ul>	<p>Each aspect of Policy 6A.1.8.1 is assessed below:</p> <ul style="list-style-type: none"> <li>a) § 7(2)(a) ... Privacy advised in his peer review of the landscape, visual and natural character assessment, that while there would be heightened effects on the localised area, the area has already been subject to anthropocentric changes. The additional section of base track would be encountered as part of an overall experience and is likely to be the reason why visitors are there.</li> <li>b) I do not consider modification of the existing landform or topography to be significant because at a whole-landscape feature scale, landscape effects have been assessed as being low or avoided.</li> <li>c) The area has already been subject to anthropocentric changes. The additional section of base track would be encountered as part of an overall experience and is likely to be the reason why visitors are there, so the new development would be able to be absorbed.</li> <li>d) The proposal has been assessed as avoiding effects on ONFL values.</li> <li>e) Effects on indigenous and exotic flora and fauna have been assessed as being mitigated.</li> </ul> <p>Given the above, I consider the proposal to be <b>consistent with objective 6A.1.8 and policy 6A.1.8.1.</b></p>

## 8.6 **Mauao Historic Reserve Management Plan**

The applicant provided an assessment of the proposal against the relevant policies of the Mauao Historic Reserve Management Plan (MHRMP) in Appendix 21 to the resource consent application. I support the applicant's assertion that the proposal aligns with the policies of the MHRMP. I adopt the applicant's assessment of the proposal against the MHRMP pursuant to s 42A(1B) of the RMA.

## 9 **Restrictions for non-complying activities**

Section 104D of the RMA sets particular restrictions for non-complying activities, which in this case is for earthworks that alter the existing ground level within Outstanding Natural Features and Landscapes in excess of 1 metre, under Rule 4C.5(c) of the Tauranga City Plan. The objective of the Natural Features and Landscapes provisions in the Tauranga City Plan is to protect the factors, values and associations that define the city's outstanding natural features and landscapes from inappropriate use and development.

Under s104D, a resource consent for a non-complying activity may be granted only if either:

- the adverse effects of the activity on the environment will be minor; or
- the application is for an activity that will not be contrary to the objectives and policies of the relevant plan and/or proposed plan.

As discussed in section 9.6 above, the proposal is consistent with the relevant objectives and policies of the Tauranga City Plan (to protect the factors, values and associations that define the city's ONFLs from inappropriate use and development) and effects on the ONFL values and attributes are considered to be avoided. In my opinion, the proposal passes the tests under s104D for a non-complying activity.

## 9.1 **RMA Part 2**

The applicant provided an assessment of the proposal against Part 2 of the RMA in section 10.9 of the resource consent application. This assessment concludes that, on balance, the activity is not contrary to the relevant planning instruments and therefore to Part 2 of the RMA.

*RJ Davidson Family Trust v Marlborough District Council [2018] NZCA 316* suggests that separate recourse to Part 2 is not required for proposals demonstrably in breach of the NZCPS, because it has already been reflected in the NZCPS "and (notionally) by the provisions of the regional coastal plan giving effect to the NZCPS".

Based on my analysis of the PRCEP, which gives effect to the NZCPS, I consider that separate recourse to Part 2 of the RMA is not required.

## 10 **Conclusion and recommendation**

The proposed works would result in the construction of a new 360 m long section of base track, located downslope of the existing base track. The new section of track would reinstate universal access around Mauao. The proposal requires a range of consents from the Bay of Plenty Regional Council under the PRCEP, the RNRP and the Tauranga City Plan.

The environmental effects of the proposal were assessed in section 7 of this report. It is considered that any adverse effects of the proposal will be appropriately avoided, remedied or mitigated. Regard has been had to the relevant statutory plans and policies, and the proposal is not considered to be inconsistent with any of these policies.

Having considered all relevant matters under sections 104-104D of the RMA, I recommend granting BOPRC resource consent RM18-0434 and TCC resource consent RC 26572 subject to the recommended conditions.

## 11 Term of consent

A term of five years is recommended for the physical works. The five year term has been supported by the applicant; five years is considered sufficient to enable the works to be undertaken while allowing for potential delays.

A term of 35 years is recommended for the coastal structure and occupation consents. It is recognised that the rock revetment is permanent infrastructure and so the maximum consent term is appropriate.

I recommend the following consent terms:

- RC26572 (TCC) for earthworks, indigenous vegetation clearance, establishment of the new track and boardwalk: 10 year term to allow staging of works.
- RM18-0434-CC.01 to deposit material in, on or under foreshore and seabed: 10 year term to allow staging of works such as the upgrade of the beach terrace.
- RM18-0434-CC.02 to disturb the foreshore and seabed: 10 year term to allow staging of works.
- RM18-0434-CC.03 to occupy space in the coastal marine area: 35 year term.
- RM18-0434-CC.04 to erect a structure in, on, under or over the foreshore and/or seabed: 35 year term.
- RM18-0434-DC.01: to temporarily discharge sediment-contaminated stormwater from the Mauao base track to the coastal marine area: 10 year term to allow staging of works.
- RM18-0434-LC.01: to carry out vegetation clearance within 20 m of MHWS: 10 year term to allow staging of works.
- RM18-0434-LC.02: to disturb land and soil as a result of earthworks: 10 year term to allow staging of works.

§ 7(2)(f)(ii)

**Consent Officer**

### Reasons for the decision:

- 1 *The decision meets the purpose of the Resource Management Act 1991 and is consistent with the provisions of Part 2 of the Act.*
- 2 *The activity is not contrary to the relevant rules, objectives and policies of the New Zealand Coastal Policy Statement, the Bay of Plenty Regional Policy Statement, Regional Natural Resources Plan or Operational and Proposed Regional Coastal Environment Plan.*
- 3 *The effects of the activity are considered to be avoided, remedied or mitigated subject to compliance with consent conditions.*
- 4 *The term is considered appropriate.*

## Appendix 1

No.	Submitter details	Support /oppose	Summary of submission	Reporting officer comment
1	Heritage New Zealand/Pouhere Taonga (HNZPT)	Support in part	<p>The activity will have an adverse effect on historic heritage, in particular the significant archaeological area that includes recorded archaeological sites and potentially some unrecorded archaeological sites, given the proximity of such a large number of recorded sites. HNZPT supports in part only the proposed activities. Additional mitigation should include:</p> <ul style="list-style-type: none"> <li>· Ongoing consultation with HNZPT, and</li> <li>· Development of a communications strategy to be implemented over the duration of the proposed works</li> </ul>	Noted