

**APPLICATION FOR RESOURCE CONSENT (LAND
USE) FOR THE CONSTRUCTION OF A SECTION OF
THE COASTAL CYCLE AND WALKING TRAIL;
TIROHANGA DUNES CONSERVATION AREA**

For

**Department of Conservation
C/- Awhina White
Programme Manager Community Relations
Gisborne Whakatane Area Office
PO BOX 668
GISBORNE**





To: Opotiki District Council

Applicant: Department of Conservation – Gisborne Whakatane Area Office

Location: Tirohanga Dunes Conservation Area – Legally described as Allotment 405,
Waioeka Parish

The Application: Resource Consent (Land Use) for the Construction of a section of the Coastal
Cycle and Walking Trail: Tirohanga Dunes Conservation Area

Zoning: Coastal

Address for Services: Gisborne Whakatane Area Office
C/- Awhina White
Programme Manager, Community Relations
63 Carnarvon Street
PO Box 668
GISBORNE

Tel: (06) 869 0460 DDI: (06) 869 0465

Fax: (06) 867 8015

Email: azwhite@doc.govt.nz

LIST OF ATTACHMENTS

- Appendix 1 *'Assessment of Proposed Cycleway/Walkway against Policies and Objectives of the Coastal Zone and Part 2 of the RMA'*
- Appendix 2 *'Coastal Erosion Hazard Assessment'*, prepared by Jim Dahm, EcoNomos Ltd
- Appendix 3 *'Assessment of Landscape and Visual Effects'*, prepared by Wildland Consultants Ltd in partnership with Richard Hart Ltd
- Appendix 4 *'Ecological Assessment of the Tirohanga Hikuwai Dunes Section of the Proposed Motu Cycle Trail'* prepared by Paul Cashmore, Keith Owen, Rhys Burns East Coast Bay of Plenty Conservancy, Department of Conservation
- Appendix 5 *'Archaeological Assessment Motu Cycle Trails – Coastal Dune Section'* prepared by Lynda Walter InSitu Heritage Ltd
- Appendix 6 *'Technical Specifications, Old Motu Road Cycleway, Tirohanga Reserve Section E1-E4'* prepared by Frame Group Ltd
- Appendix 7 *'Summary of Submissions and Working Group Response – January 2011'*
- Appendix 8 *'Meeting Notes 2 February 2011 with Forest and Bird Appendix'*
- Appendix 9 *'Tirohanga Jim Dahm Meeting Notes January 2011'*
- Appendix 10 *'Tirohanga Meeting 28 July 2010'*
- Appendix 11 Letter of support from the Opotiki District Council Engineering and Services Manager;
- Appendix 12 Plans E1-E2
- Appendix 13 Plans E2-E3
- Appendix 14 Calculations, plans and technical specifications for bridge in section E1-E2



DESCRIPTION OF PROPOSAL

In February 2009, the Government held the jobs summit which aimed to generate ideas for retaining jobs during a time of global economic crisis. One of the ideas was to establish a cycleway running the length of the country. This would not only create jobs, but also create a long term national asset and enhance our reputation as a premium tourist destination. In 2010 funding was granted for the 150km proposed Motu trails cycleway, located in the Gisborne District Council and Opotiki District Council region. Commencing in Matawai, this cycleway travels along the Old Motu road, forking at the Pakihi track to provide two alternative routes, one travels down the Pakihi track to Opotiki via Otara Road, and the other continues on down the old Motu road to Waiaua, where both options then continue along the Tirohanga dunes as a coastal cycle or walking track. This coastal section will provide a dedicated and safe cycle and walking trail for use and enjoyment by the public, as an alternative to the existing road link.

This proposal is for the construction and ongoing maintenance of a section of the coastal cycle and walking trail, which is proposed along the Hikuwai and Tirohanga back dunes. This coastal section commences in the Opotiki township and crosses the Otara River by way of a new bridge to Snell Road (west). From Snell Road, the trail traverses eastward along the back dunes for 8 kilometres, to approximately 600 metres west of the Waiaua River mouth. *This application is only for the section of the trail which commences at 9 Wairakaia Road (5km East of Opotiki), and ends at the private property near the Waiaua River at 962 State Highway 35.* The remainder of the trail which extends west beyond Wairakaia Road is subject to a separate consent application by the Opotiki District Council.

The section of the coastal cycle and walking trail which is subject to this consent application, has the natural topography of undulating dunes. Construction will involve the removal of existing vegetation; earthworks to form the trail; placing, spreading and compacting of aggregate; construction of one minor structure and; site rehabilitation.

This consent application addresses;

- the effects of coastal duneland vegetation disturbance as a result of the proposal, and;
- a natural hazard assessment.

The majority of this trail section occupies public land administered by the Department of Conservation as the Tirohanga Dunes Conservation Area. Short sections of the trail will cross over access strips, which provide public access to the Pacific Ocean, and are managed by the Opotiki District Council.

This section of the trail has been designed at a Grade 2 ('easy') level, and aligns with the criteria of the New Zealand Cycle Trails Design Guide, prepared by Via Strada for the Ministry of Tourism, February 2010. In accordance with this guide, the trail will be 2.2 metres wide (excluding water tables) to safely accommodate two way cycle traffic; and will have 0 - 7% gradient for 96% of the trail, with up to a 10% gradient for limited short sections of the trail.

Construction will require the removal of approximately 8,875 square metres of vegetation within the 'Area Sensitive to Coastal Hazard' (ASCH) on variable topography.

The cycle trail is located within the coastal environment, and is typically setback 20 to 50 metres from the seaward crest of the sand dune. Occasionally the trail is located up to 10 metres from the dune crest.



OVERVIEW OF THE PROJECT

The proposal to construct the full walking and cycle trail from Opotiki township to Waiaua River along the coastal dunes, is being advanced by a partnership between the Opotiki District Council, the Department of Conservation and Whakatōhea Māori Trust Board. It has three overarching objectives;

1. improved access to the scenic coastal environment for the benefit and enjoyment of the public;
2. to stimulate local and regional economies by providing a quality recreation activity, and;
3. to foster increased appreciation of the coastal environment and its cultural history that will initiate improvements in the management and enhancement of the natural coastal environment.

The project is backed by financial support from the Ministry of Economic Development who, are likewise, supporting 17 other cycle trails nationally, and will coordinate national and international promotion of the cycle trails.

The project has received considerable support from within the Opotiki community and is viewed as a progressive initiative. The project will result in a quality leisure and recreation experience that is open to the public. It will be centered on managed public access to and along the coast, and will exclude motor vehicles. Very quickly the trail will result in a better managed coast, and improvements to the coastal environment and indigenous habitats. This approach is supported by a range of planning documents that similarly promote improved public access to and along the coast as follows;

Resource Management Act 1991 (RMA)

(Excerpt)

Section 6: Matters of national importance

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

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- (d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- (e) The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga.

This proposal will enhance public access to and along the coastal marine area by providing a dedicated safe and user friendly access way as an alternative to the existing road link. The natural character of the coastal environment will be maintained with the cycle and walkway typically being setback 20 – 50 metres from the dunes and following construction, extensive revegetation will take place. Informal, disused or closed vehicle access tracks will have barriers installed to prevent dune damage, and revegetation will occur at these sites to further enhance coastal preservation. Dogs and off trail use by cyclists, vehicles, or pedestrians will be banned which will result in better management and preservation of the dune and coastal system. Various information / interpretive signs are to be included along the trail. Iwi input into these signs is being provided especially with respect to informing of the cultural history of the coast.



New Zealand Coastal Policy Statement 2010

(Excerpt)

Policy 18: Public open space

Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

- a) ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
- b) taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
- c) maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
- d) considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
- e) recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

This proposal meets the requirements for public open space. A dedicated walk and cycle trail adjacent to the coastal marine area will allow the public to safely pursue the recreational activities of walking and cycling while enjoying the natural character, features and landscapes of the coastal environment.

Policy 19: Walking access

1. Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use
2. Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
 - a) identifying how information on where the public have walking access will be made publicly available;
 - b) avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and
 - c) identifying opportunities to enhance or restore public walking access, for example where:
 - i. connections between existing public areas can be provided; or
 - ii. improving access would promote outdoor recreation; or
 - iii. physical access for people with disabilities is desirable; or
 - iv. the long-term availability of public access is threatened by erosion or sea level rise; or
 - v. access to areas or sites of historic or cultural significance is important; or
 - vi. subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.



3. Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
 - a) to protect threatened indigenous species; or
 - b) to protect dunes, estuaries and other sensitive natural areas or habitats; or
 - c) to protect sites and activities of cultural value to Māori; or
 - d) to protect historic heritage; or
 - e) to protect public health or safety; or
 - f) to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
 - g) for temporary activities or special events; or
 - h) for defence purposes in accordance with the Defence Act 1990; or
 - i) to ensure a level of security consistent with the purpose of a resource consent; or
 - j) in other exceptional circumstances sufficient to justify the restriction.

This proposal meets the requirements for walking access. Walking access in this coastal environment will be improved immensely providing increased opportunities for recreation. The development of this walking and cycle trail will increase management of threatened species and habitats, and will protect public health and safety and historic heritage by means of banned off trail use.

Bay of Plenty Regional Coastal Environment Plan

(Excerpt from: Section 7: Public Access)

7.2.3 Policies

7.2.3(a)

- To promote public access to and along the coastal marine area and ensure that public access is restricted only where necessary;
- To protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;
- To protect Maori cultural values;
- To protect public health or safety;
- To ensure a level of security consistent with the purpose of a resource consent; or
- In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.

7.2.3(b) To promote the use of a limited number of official access ways to and along the coastal marine area in sensitive areas.

7.2.3(c) Esplanade reserves or strips adjacent to the coastal marine area should be required as a condition of subdivision or major development.

7.2.3(d) New facilities should be designed to maximise public use and access as well as private use.

Policy 7.2.3 of the Bay of Plenty Regional Coastal Environment Plan will be met. Public access to the coastal environment will be promoted as a National Cycleway trail. Management of the surrounding coastal marine environment will be better managed with improvements to threatened vegetation and significant habitats.



Opotiki District Plan

(Excerpt from Section 17 Coastal Zone)

17.2.2 Objectives and policies

Objective 1. The retention, preservation and protection of the distinctive natural character of the Opotiki coastal environment for the enjoyment of the community and visitors to the district.

Policies 1.1 Require setback for structures and buildings from the coast to ensure maintenance of the coastal ecosystem and the natural character of the coastline, and to enable esplanade reserves, or esplanade strips to be set aside for the future.

1.2 Ensure that the subdivision and use of land within the district's coastal areas avoids as far as practicable adverse effects on the coastal ecosystem, water bodies, riparian areas, indigenous vegetation, indigenous habitats, natural character and on areas of historical or cultural value.

Objective 2. Improvement in the public access opportunities to and along the coast which do not depreciate the quality of the coastal environment.

Policies 2.1 Require esplanade reserves or esplanade strips to be set aside along the coast and inland water bodies within the Zone at the time of subdivision, or as conditions of resource consent for land use application. The esplanade areas will be used for conservation purposes, water quality enhancement, habitat protection, or for public access except as otherwise provided for in Te Ture Whenua Maori Land Act 1993.

Objective 1 and 2 in the Opotiki District Plan will be met as discussed previously.

LAND OWNERSHIP AND STATUS

The section of trail subject to this application is public land – Tirohanga Dunes Conservation Area, with short sections of the trail crossing over access strips, which provide public access to the pacific ocean, and are managed by the Opotiki District Council.

Public use, enjoyment and access to these lands not only can be anticipated through the status of the land but is an underlying fundamental principle that cannot, without exceptional circumstances, be denied.

It might well be put forward that Department of Conservation has a requisite duty to give effect to the various legislation cited above and status of the land to at least investigate and, where appropriate, promote public access to the coast albeit with due regard to the intrinsic environmental and cultural values.

DISTRICT PLAN CONSENT REQUIREMENTS

Section 7 - Natural Hazards

The proposed activity is within the Area Sensitive to Coastal Hazard (ASCH) District Plan Rule 7.3.2.3 as follows;

'Activities located within areas sensitive to coastal hazards (ASCH) as defined by the Operative Regional Coastal Environment Plan (or identified coastal hazard areas), where a report from a suitably qualified person detailing:

(i) the impacts of the perceived hazard on the proposed activity; and

(ii) the impacts of the proposed activity on the perceived hazard; and



(iii) *Where the outcome of the report indicates there will be no significant adverse effects from the activity, or from the hazard.'*

Under this rule the proposal is a **Controlled Activity**.

An expert report is included in the application by Mr Jim Dahm of EcoNomos Ltd; "*Old Motu Coach Road Cycleway: Hikuwai Beach: Coastal Erosion Hazard Assessment*" that addresses points (i) – (iii) above. (Refer Appendix 2)

Section 3 – Landscapes and Habitats

Rule 3.3.3.8(iii) describes the following activity;

'Disturbance of the following in the Coastal, Coastal Settlement and Ohiwa Harbour Zones
(iv) coastal duneland vegetation greater than 100m²'

Under this rule the proposal is a **discretionary activity**.

The proposed Cycle trail is within the Coastal Zone and will result in vegetation clearance greater than 100m².

The application includes the following expert reports that effects on vegetation;

'*Assessment of Landscape and Visual Effects*' by Wildland Consultants Ltd and Richard Hart Ltd (Refer Appendix 3), and;

'*Ecological Assessment of the Tirohanga Hikuwai Dunes Section of the Proposed Motu Cycle Trail*' by Paul Cashmore, Kieth Owen and Rhys Burn from the East Coast BOP Conservancy Office, Department of Conservation. (Refer Appendix 4)

Section 17 – Coastal Zone

Rule 17.3.3.6 describes

'Community and recreation activities involving buildings over 100 m² in area'

as a **discretionary activity**'.

The proposal will include the following structure;

- One 7 metre long bridge, 2.2 metres wide in the E1 – E2 trail section

(Refer Appendix 6 – Frame Group, Technical Specifications, and Appendix 14 - Calculations, plans and technical specifications for bridge in section E1-E2)

The structure does not exceed 100 square metres so Rule 17.3.3.6 does not apply.



Section 4 - Heritage

No known cultural or historic values will be disturbed.

An Archaeological Assessment has been prepared by InSitu Ltd that recommends an 'Accidental Discovery Protocol' be adopted by the applicants.

(Refer Appendix 5).

NOTIFICATION STATUS

Section 95A of the Resource Management Act provides that public notification of a resource consent application is at the consent authority's discretion. It is considered that none of the pre-conditions for notification are relevant, namely:

- An assessment pursuant to Section 95D of the Act indicates that the activity will not create actual or potential adverse effects on the environment that are more than minor; or
- The applicant has not requested the public notification of the application; or
- There is no rule or national environmental standard that requires public notification of the application; or,
- There are no special circumstances that distinguish the application to the extent that it should be publicly notified.

In the event that additional information for this application is requested by Environment Bay of Plenty, the applicant will respond so therefore Section 95C is not relevant.

In making a decision under Section 95D on whether or not an activity will have or is likely to have adverse effects on the environment that are more than minor the consent authority must disregard any effects on persons who:

- Own or occupy the subject land; or
- Persons who own or occupy any adjacent land; or
- Any person who has given written approval to the application.

Section 95E clarifies that a person will be affected by a proposal if the effects are minor or more than minor (but are not less than minor).

The following assessment of environmental effects confirms that the effects of the proposal will be minor.

The applicant therefore requests non – notification of this application.

OTHER CONSENTS

Separate Resource Consent Applications are to be lodged with Bay of Plenty Regional Council for earthworks and vegetation clearance.

LAND AND OWNERS

The proposal will occupy the following land titles within the Coastal Zone;

- i) Crown Land – Tirohanga Dunes Conservation Area, administered by Department of Conservation

There are short sections of the trail which cross over access strips, which provide public access to the Pacific Ocean, and are managed by the Opotiki District Council.

(Refer Appendix 11)

A Letter of approval is included from the Engineering & Services Manager for the Opotiki District Council with respect to where the cycle trail traverses legal road administered by ODC.

(Refer Appendix 11)



LOCATION

Aerial photographs showing the route and indicative cadastral information are included with this application. (Refer Appendix 12)

In addition, detailed plans prepared by consultant engineers Frame Group Ltd are attached. These show in detail the proposed route; long sections and cross sections at 10 metre intervals. These have been used to accurately assess the extent of earthworks and the extent of vegetation clearance. (Refer Appendix 6)

The design route has been selected to; minimise earthworks and vegetation disturbance; maintain suitable gradient and; maximise the coastal experience for users of the trail. While the applicant is confident that this designed route is reliable with respect to these criteria, a 10 metre wide envelope is requested for the construction of the trail. The reason for this is to enable modification to avoid any cultural, heritage or ecological sites that might be discovered during construction and to accommodate any other unforeseen circumstances. It is proposed therefore, that the trail be constructed within 5 metres of the design line - affecting a 10 metre wide 'envelope'. Any such variation from the design line will not result in; i) the trail being located closer than 20 metres from crest of eroding dune face or; ii) the trail being located closer to any existing residential dwellings or, iii) greater area of vegetation disturbance, volume of earthworks or any effect on permanent or ephemeral water courses.

The proposed amendment to the design line will not effect any net change to the trail dimensions in terms of overall length, width and 'over widening' as described above.

ZONING

The location of the activity is zoned 'Coastal'

AREA

The section of the trail pertaining to this consent application is 4,034 metres long

The total area of ground that will be exposed during construction in this section is 15,541 square metres which equates to the total area of vegetation disturbance.

The finished trail will be 2.2 metres in width equating to an area of 8,874 square metres that will be surfaced with aggregate.

The balance of 6,667 square metres will be as a result of forming a widened bench where required to accommodate side cutting or slope battering required to maintain the design gradient of the trail. This 'over widening' will vary along the trail depending on topography, up to a maximum of 10 metres in width. (Refer Appendix 14 for typical cross section drawing).

ASSESSMENT OF EFFECTS

Construction methodology will be as follows;

1. On site route verification - this was undertaken prior to preparation of assessments but will be repeated immediately prior to construction
2. Vegetation removal. Existing vegetation over the route of the trail is variously adventive exotic pasture and weed species or; recovering indigenous vegetation. Indigenous vegetation predominantly consists of *Muehlenbeckia* sp. with occasional knobby clubbrush, houpara and taupata (Refer Vegetation Assessment for more detail). Prior to earthworks vegetation will be either removed by scraping using a mechanical excavator or; reduced by mulching to ground level. Where there is existing indigenous



vegetation - meuhlenbeckia sp. - the vegetation / root mass will be retained and where possible used to reinstate vegetation on areas exposed during construction adjacent to the formed trail

3. Form trail using excavator (up to 10tonne) - bench, cut and fill and compact trail to specified route and gradient
4. Construct timber retaining structures where required
5. Deposit and spread basecourse (weathered rock with high percentage clay content to ensure good binding qualities) 100mm deep x 2.2m wide, level and compact
6. Deposit, spread and compact GAP20 surfacing 50mm deep
7. Trim and dress sides of formed trail to form; water tables and ensure cut slopes do not to exceed 1:1 gradient
8. Install coconut fibre matting on slopes greater than 1 metre (1377 sq m scheduled)
9. Revegetation. Using a mix of indigenous coastal species, predominantly Muehlenbeckia sp.; Isolepis nodosa (Knobby Clubrush) planted at minimum 1 sq m spacing

The following expert reports have been commissioned to assess the environmental effects of the proposal;

1. 'Coastal Erosion Hazard Assessment', prepared by Jim Dahm, EcoNomos Ltd
(Refer Appendix 2)
2. 'Assessment of Landscape and Visual Effects', prepared by Wildland Consultants Ltd in partnership with Richard Hart Ltd
(Refer Appendix 3)
3. 'Ecological Assessment of the Tirohanga Hikuwai Dunes Section of the Proposed Motu Cycle Trail' prepared by Paul Cashmore, Keith Owen, Rhys Burns East Coast Bay of Plenty Conservancy, Department of Conservation (Refer Appendix 4)
4. 'Archaeological Assessment Motu Cycle Trails – Coastal Dune Section' prepared by Lynda Walter InSitu Heritage Ltd
(Refer Appendix 5)

RESPONSE TO REPORTS

Ecology

The Ecological Assessment prepared by Department of Conservation staff (Cashmore, Owen, Burns) makes nine recommendations with respect to the proposal. (Refer Appendix 4).

Table 1 Summary of recommendations and the applicants response.

Recommendation	Applicants Response
<i>Avoid pohuehue vinelands where possible</i>	Supported. Will avoid where possible.



<i>If the route must go through vinelands ... narrow track width to minimise vegetation disturbance</i>	The 2.2 metre design width is critical in terms of conforming with the design criteria of NZ Cycle Trails to safely accommodate two way cycle traffic. It is anticipated that the coastal section of the cycle trail in particular will have significant two way use and the applicant does not support compromising the safety of the trail in this regard.
<i>Maximise use of existing vehicle tracks to avoid vegetation disturbance and creation of multiple tracks Restore vegetation on disused (closed) tracks</i>	Where gradient can be met existing vehicle track will be used.
<i>Planting on all areas of exposed bare sand as a result of track development ... using Muehlenbeckia sp sourced from site</i>	Supported. 7000 nursery raised Muehlenbeckia plants have been ordered for this purpose. A mix of other indigenous species will be planted. Further, as part of Councils on going commitment to re-establishing coastal species some 1500 plants were planted along the cycle route last wainter season.
<i>Continue (existing) pant pest control initiatives (by ODC / DOC)especially target boxthorn and periwinkle</i>	Supported Actions have already been undertaken to control periwinkle identified in this report – irrespective of the cycle trail Council has a commitment to plant pest control on its reserves.
<i>Take steps to avoid spreading further plant pests as a result of track construction</i>	Supported The department is undertaking plant pest control and will continue to do so
<i>Explore banning of domestic dogs along the trail to protect weka population</i>	Supported The Department of Conservation will investigate this option
<i>Management of any increase in off track useage and impacts on vegetation as a result of cycle trail</i>	Supported Any 'off trail' use either by cyclists, pedestrians or other vehicles will be monitored and control measures taken where required.

Coastal Erosion and Hazards

Refer; "Old Motu Road Cycleway: Hikuwai Beach: Coastal Erosion Hazard Assessment' (prepared by Jim Dahm, Eco Nomos Ltd)
(Refer Appendix 2)

Table 2: Summary of recommendations and the applicants response.

Recommendation	Applicants Response
Tirohanga Stream (p11)	The Department of Conservation is committed to investigating options around the bluff.



<p><i>'trail is kept at least 10 – 15 metres from the top edge of the presently eroding dune face – with alterations to the route as required Particularly important between Tirohanga Stream and Snell Road' (p11)</i></p>	<p>Supported</p> <p>The trail is set back from the eroding dune face by a minimum of 10 metres at two short sections – for the most part the trail has a 20 + metres set back.</p>
<p><i>'disruption to dune vegetation is minor and can be readily addressed Consider formation of access top beach and viewing points Work with Coast Care to increase community understanding of dune ecosystem' (p12)</i></p>	<p>Supported</p> <p>Selected public access and viewing points will be provided consistent with BOP Coast Care standards and maintained by the applicant.</p> <p>In addition interpretive signs will be installed to inform about the coastal environment.</p>

Heritage Values

Consistent with the recommendations of the the Archaeological Assessment;

- i) archaeologist will be on site to inspect earthworks at Opotiki Domain Allot 381 & 375) , acting on advice Historic Places trust to be informed
- ii) An Accidental Discovery Protocol (example attached) will be entered into with contractors engaged on the project and contractors made aware of their responsibilities in this regard
- iii) In the event of discovery of any artifacts or koiwi, work will cease immediately in the vicinity; archaeologist, HPT, Iwi / hapu representative advised as appropriate. Work will not resume until approved by respective authority.
- iv) The applicant acknowledges that while specific cultural sites have not been identified tangata whenua have a substantial cultural history associated with the coastal dunes. While iwi and hapu have supported the proposal, there are requests that 'off trail' use is controlled to avoid any possible incursions into culturally sensitive areas. This request is supported by the applicant.
- v) Various information / interpretive signs are to be included along the trail. Iwi input into these signs is being provided especially with respect to informing of the cultural history of the coast.

Landscape and Amenity

Reference; 'Otara-Tirohanga Dune Section of the Proposed Motu Cycle Trail - Assessment of the Landscape and Visual Effects' by Wildland Consultants.

Recommendation	Applicants Response
<p>Re-establishment of dune vegetation on all exposed cut and fill slopes, with on-going weed and pest control along the length of the trail (p12, 18)</p>	<p>Supported</p> <p>It is proposed to use methods</p>



Implement on going weed monitoring and management plan	Supported Although note that plant pest control in the dunes has been an on going initiative by both DOC and ODC and supported by BOPRC
Address private property encroachments at Tirohanga	Not applicable to this application
Public access should be maintained to a high standard especially at Hikuwai and Tirohanga beaches	Supported Selected public access and viewing points will be provided consistent with BOP Coast Care standards under the existing permitted activities status provided to Coast Care under the Regional Coastal Management Plan and will be maintained by the applicant.

Other Matters

Consideration has been given by the applicants to matters relating to security and loss of privacy by some property owners at Tirohanga Beach. As these matters relate more directly to the effects of the use of the trail and; that the Tirohanga properties are outside of the geographic location of this application, they are considered to be outside the scope of resource consent.

Nevertheless, the applicant advises that attempts have been made to address and alleviate these concerns by offering the following;

- locating the trail as far as practicable from residential property boundaries;
- applicant has initiated some discussion with Police about establishing a Tirohanga 'neighbourhood watch'
- undertaking to install barriers to prevent motor vehicles or motor cycles accessing the trail;
- undertake regular litter patrols along the trail and;
- offering to plant larger (indigenous) plants to provide an element of visual screening and separation.

Requests to relocate the trail within the highway corridor on the landward (rather than coastal) side of properties have not been supported because this would degrade the scenic / amenity value of the trail; introduce an additional traffic hazard and; merely transfer some of the perceived concerns from the beachfront properties to the road front properties.

Summary of Effects and Mitigation

Reports have been prepared and submitted with this consent application addressing the potential effects of the construction, use and ongoing maintenance of the Cycle Trail where it occupies the coastal environment.

The separate reports have assessed the effects of the proposal on;

- Ecology;
- Coastal Hazard Assessment;
- Archaeology and Heritage and;
- Landscape and Visual Effects.



Whilst the applicant acknowledges that the proposal will result in some effect to the environment, expert reports commissioned to assess these effects all conclude that the effects manageable, less than minor and, on balance, acceptable. The applicant maintains that the mitigation measures proposed as part of the proposal represent a dynamic and progressive shift in the management of a small but significant part of the coastal environment and that the proposal represents a net environmental betterment. Further, it is the applicants firm belief that environmental betterment will not be accomplished without a corresponding improvement in the publics, use, enjoyment and understanding of the coastal environment – in this case improved public access. Examples of similar improved environmental responsibility linked to improved access can be seen locally at the Nukuhou marshlands, Hikutatia Domain and nationally at Whirinaki Forest and Karori Sanctuary.

PROPOSED MITIGATION MEASURES

The applicant offers the following mitigation measures;

Revegetation

All disturbed ground disturbed as a result of construction of the trail, including stockpile sites, will be replanted with indigenous vegetation (or, where located on existing pasture with pasture grasses) within 3 months or before August 30 2011

Camping

No overnight camping will be permitted along the trail – this is currently supported by ODC by law where it applies to reserves and roads.

Weed free construction / maintenance

All practical precautions will be taken to prevent importation of plant pests to the site as a result of construction; earthmoving machinery to be cleaned prior to commencement of work on site and; source of aggregate to be inspected prior to delivery.

Vehicles on Cycle Trail

Vehicles will not be permitted on cycle trail without the permission of the Department of Conservation. Barriers will be installed at locations where existing roads access the cycle trail or at other locations where access might be achieved. For purposes of clarity, this condition does not include access from the beach to the trail over the dunes. While such incursions might occur it is not anticipated that they will be common and they will be handled through enforcement of the vehicle ban.

No Fires

Fires will not be permitted on the trail or its direct environment. Council has an existing policy of fire by permit only.

Hazardous Substances

No refuelling or fuel storage shall be carried out within the Coastal Zone.

Coast Care

The Department of Conservation is a financial partner in Coast Care Bay of Plenty; has contributed to the development of the Coast Care guidelines for the management of the coastal environment and; is committed to the furthering the goals and objectives of Coast Care. The Coast Care resource will be used in the future development and improvements to the coastal environment associated with the cycle trail, especially with regard to revegetation and the development of viewing points and access tracks to the beach from the trail.

Interpretation



Interpretive signs are an part of the Cycle Trail project. They will include information on guidelines for the use of the trail as well as serving to inform and educate the public on a range of interest points associated with the trail including environmental and cultural aspects.

Maintenance & Monitoring

The trail will have regular maintenance inspections at a minimum of weekly intervals. The inspections will address operational matters such as litter, track repair, sign inspections and damage to any infrastructure.

Use will be surveyed in terms of numbers, demograph and satisfaction.

Annual reports will be prepared collating user information, costs, issues and recommended improvements.

Management Plan

A joint Management Plan will be prepared by the Opotiki District Council, Department of Conservation and Whakatohea Maori Trustboard for the management of the cycle trail and all land over which it passes.

The process to draft the Management Plan will be consistent with that prescribed for reserves under the Reserves Act 1977.

Preparation of the Management Plan will commence before October 2011.

Without restricting the scope of the Plan it will address the following elements that have been identified in the process of developing the cycle trail;

- Plant pests
- Animal pests
- Access to coast
- Vehicle controls
- Dog control
- Litter
- Sites of cultural significance
- Improved indigenous habitat
- Education
- Community care groups
- Security and privacy of adjacent properties

CONSULTATION

Public consultation has been undertaken. Notes from '*Summary of Submissions and Working Group Response January 2011*' are included which provides a summary of consultation commencing in July 2010.
(Refer Appendix 7)

While this consultation identifies a range of issues, it is the applicants considered opinion that the requisite hazard assessment and assessment of vegetation disturbance has been adequately addressed in terms of identifying the effects of the proposal as being minor and that proposed mitigation is more than adequate.



Department of Conservation
Te Papa Atawhai

Application for Resource Consent

'Meeting Notes 2 February 2011 with Forest and Bird Appendix' (Refer Appendix 8)

'Tirohanga Jim Dahm Meeting Notes January 2011' (Refer Appendix 9)

'Tirohanga Meeting 28 July 2010' (Refer Appendix 10)



LIST OF ATTACHMENTS

- Appendix 1 *'Assessment of Proposed Cycleway/Walkway against Policies and Objectives of the Coastal Zone and Part 2 of the RMA'*
- Appendix 2 *'Coastal Erosion Hazard Assessment'*, prepared by Jim Dahm, EcoNomos Ltd
- Appendix 3 *'Assessment of Landscape and Visual Effects'*, prepared by Wildland Consultants Ltd in partnership with Richard Hart Ltd
- Appendix 4 *'Ecological Assessment of the Tirohanga Hikuwai Dunes Section of the Proposed Motu Cycle Trail'* prepared by Paul Cashmore, Keith Owen, Rhys Burns East Coast Bay of Plenty Conservancy, Department of Conservation
- Appendix 5 *'Archaeological Assessment Motu Cycle Trails – Coastal Dune Section'* prepared by Lynda Walter InSitu Heritage Ltd
- Appendix 6 *'Technical Specifications, Old Motu Road Cycleway, Tirohanga Reserve Section E1-E4'* prepared by Frame Group Ltd
- Appendix 7 *'Summary of Submissions and Working Group Response – January 2011'*
- Appendix 8 *'Meeting Notes 2 February 2011 with Forest and Bird Appendix'*
- Appendix 9 *'Tirohanga Jim Dahm Meeting Notes January 2011'*
- Appendix 10 *'Tirohanga Meeting 28 July 2010'*
- Appendix 11 Letter of support from the Opotiki District Council Engineering and Services Manager;
- Appendix 12 Plans E1-E2
- Appendix 13 Plans E2-E3
- Appendix 14 Calculations, plans and technical specifications for bridge in section E1-E2 - prepared by Frame Group Ltd