



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

*For*

**Opotiki District Council  
PO BOX 44  
OPOTIKI 3162**







**To:** Opotiki District Council  
**Applicant:** Opotiki District Council  
**Location:** Hikuwai Dunes  
**The Application:** Resource Consent (Land Use) for the Construction of Coastal Cycle and Walking Trail: Hikuwai Dunes  
**Zoning:** Coastal  
**Address for Services:** Opotiki District Council  
C/- Mike Houghton  
Parks, Recreation and Tourism Manager  
108 St John Street  
PO Box 44  
OPOTIKI 3162  
**Tel:** (07) 315-3030  
**Fax:** (07) 315-7050  
**Email:** [mikeh@odc.govt.nz](mailto:mikeh@odc.govt.nz)  
**Document ID:** A21207

### LIST OF ATTACHMENTS

Appendix 1	<i>'Assessment of Proposed Cycleway/Walkway against Policies and Objectives of the Coastal Zone and Part 2 of the RMA'</i>
Appendix 2	<i>'Coastal Erosion Hazard Assessment'</i> , prepared by Jim Dahm, EcoNomos Ltd
Appendix 3	<i>'Assessment of Landscape and Visual Effects'</i> , prepared by Wildland Consultants Ltd in partnership with Richard Hart Ltd
Appendix 4	<i>'Ecological Assessment of the Tirohanga Hikuwai Dunes Section of the Proposed Motu Cycle Trail'</i> prepared by Paul Cashmore, Keith Owen, Rhys Burns East Coast Bay of Plenty Conservancy, Department of Conservation
Appendix 5	<i>'Archaeological Assessment Motu Cycle Trails – Coastal Dune Section'</i> prepared by Lynda Walter InSitu Heritage Ltd including Accidental Discovery Protocol
Appendix 6	<i>'Technical Specifications, Old Motu Road Cycleway, Tirohanga Reserve Section EI-E4'</i> prepared by Frame Group Ltd – Attached as separate document.
Appendix 7	<i>'Summary of Submissions and Working Group Responses – January 2011'</i>
Appendix 8	<i>'Meeting Notes 2 February 2011 with Forest and Bird Appendix'</i>
Appendix 9	<i>'Tirohanga Jim Dahm Meeting Notes January 2011'</i>
Appendix 10	<i>'Tirohanga Meeting 28 July 2010'</i>
Appendix 11	Letters of support from Whakatohea Maori Trust Board and; Opotiki Valuation & Consultancy Ltd; Opotiki District Council Engineering and Services Manager; Department of Conservation
Appendix 12	Plans 1 and 2
Appendix 13	Typical cross section drawing



## **DESCRIPTION OF PROPOSAL**

The construction and ongoing maintenance of a coastal cycle and walking trail is proposed along the the Hikuwai and Tirohanga back dunes. Commencing in Opotiki town, the trail will cross the Otara River by way of a new bridge to Snell Road (west). From Snell Road the trail traverses back dunes eastwards for 8 kilometres to approximately 600 metres west of the Waiaua River mouth. This application is only for the section of the trail from Snell Road (west) to a location approximately 280 metres west of Wairakaia Road occupying predominantly Council reserve land and private land. Where the trail extends east beyond Wairakaia Road is the subject of a separate consent application by the Department of Conservation.

This coastal trail is a component of a more comprehensive 150 km cycleway that commences at Matawai and will link to Opotiki via two alternative routes, either; Motu Road to Waiaua and then along the coastal route as described, or; via the Pakihi track to Opotiki, via Otara Road. The coastal section will link Opotiki township with Motu Road and provide a dedicated safe cycling and walking and provide an alternative to the existing road link for use and enjoyment by the public.

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

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 section of the trail occupies public land administered by the Opotiki District Council as either reserve or unformed legal road, and a 900 metre section between Snell (Beach) Road and Hikuwai Recreation reserve which is private land. Short sections of the trail will occupy legal road administered by New Zealand Transport Agency, and the Department of Conservation.

The trail has been designed to conform with Grade 2 ('easy') criteria of the New Zealand Cycle Trails Design Guide prepared by Via Strada for the Ministry of Tourism, Feb 2010. In accordance with this guide the trail will be 2.2 metres wide to safely accommodate two way cycle traffic and have 0 - 7% gradient for 96% of the trail and up to 10% grade for limited short sections.

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.

Construction will require the disturbance of approximately 9,900 square metres of vegetation within the "Area Sensitive to Coastal Hazard" (ASCH) on variable topography.

The cycle trail is located within the coastal environment typically set back from the seaward crest of the dunes by 20 to 50 metres and, on occasion comes within 10 metres of the dune crest.

Detailed location of the trail is identified on attached design plans and aerial photographs.

## **OVERVIEW OF THE PROJECT**

This proposal to construct a walking / cycle trail along the coast from Opotiki township to Waiaua River is being advanced by a partnership between the Opotiki District Council, Department of Conservation and Whakatohea Maori Trust Board. It has three overarching objectives;

1. To improve 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 asset, 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 available for public use centred 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 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.

**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.

**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 Maori; 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.

**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 accessways 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.

### **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.

### **LAND OWNERSHIP AND STATUS**

Over 80% of the section of the trail subject to this application is public land - either reserve land (under the Reserves Act 1977) or legal road. The balance is private land currently grazed. The remainder of the trail (not subject of this application) includes a significantly greater proportion of public land, either road reserve or Department of Conservation administered conservation area.

Public use, enjoyment and access to these lands is anticipated through the status of the land and is a fundamental principle that cannot, without exceptional circumstances, be denied.

It might well be put forward that Council has a requisite duty where it is the land owner to give effect to the various legislation cited above and status of the land to at least investigate and where appropriate, provide public access to the coast while protecting 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 dune land vegetation greater than 100m<sup>2</sup>*

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 100m<sup>2</sup>.

The application includes the following expert reports that consider effects of the proposal 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, Keith 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 m<sup>2</sup> in area'*

as a **discretionary activity**'.

The proposal will include the following structures which may be classified as 'community recreation buildings';

- Two retaining walls located 200 metres west of Snell (Beach Road) to a maximum height of 1.435 metres above ground level, 30 metres long;
- Two bridges at Hikuwai reserve 7 metres long and 2.2 metres wide



(Refer Appendix 6 – Frame Group, Technical Specifications)

(Note, the proposed Otara Bridge is outside of the Coastal Zone and not subject to this consent application.)

The two structures do not exceed 100 square metres so Rule 17.3.3.6 does not apply.

17.3.2 Controlled activities

The following activities may be established after a land use consent has been granted by Council. Activities must comply with the Zone Standards stated in Section 17.4;

- 1. Community and outdoor recreation activities where any buildings and structures are less than 100 m<sup>2</sup> in area.

Structures associated with the proposal are identified above are less than 100m<sup>2</sup> and so is a 'controlled activity' and must comply with Section 17.4

Section 17.4 assessment as follows;

17.4 Zone Standards

**These Zone Standards apply to all permitted activities and controlled activities and will be used as guidelines when assessing applications for discretionary activities and non-complying activities.**

The applicant considers that the proposal requires consideration under the following two provisions of Section 17.4;

17.4.1 SITE REQUIREMENTS

- 1. Site Coverage Non Residential Activities subject to compliance with condition 17.4.5 PA1

17.4.5 PA1as follows;

17.4.5 PARKING AND ACCESS

PA1 Parking and loading

On site carparking and provision for loading shall be provided in relation to every activity whether new, reconstructed, extended or where the use is changed, as follows:

- 1. On-site carparking shall be provided as follows:

Outdoor community recreation	1 space per 20 m <sup>2</sup> of the net site area
	One space for every 2 full time equivalent employees and one space for every 10 detainees.
	One space for every 2 full time equivalent employees and one space for every 10 detainees

The applicant requests that the above carparking provisions not be applied for the following reasons;

- The cycleway is a linear entity – applying 'carpark per 20 m<sup>2</sup>' is not valid.



- There will no employees accommodated on the cycle trail site
- Users of the cycleway will not need parking en route although there will be some demand at 'node' points where the trail meets existing legitimate vehicle access points.
- Existing carparking opportunities are currently provided by the applicant these 'nodes' - Memorial Park, Hikuwai Beach, Tirohanga Beach Road.
- An increase in carparking requirements is anticipated at Memorial Park – the commencement of the trail for many. There is currently a 2500m<sup>2</sup> carpark which is used only occasionally during sport fixtures. This site will be adequate to accommodate the increased demand as a result of the cycle way.

And; **17.4.13 COASTAL HAZARD ASSESSMENT**

A Coastal Hazard Assessment is included with the application

The applicant requests exemption from Rules 17.3.2 and 17.4.

### **Section 4 - Heritage**

An Archaeological Assessment has been prepared by InSitu Ltd. No known cultural or historic values will be disturbed and further 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) Allotment 311, Waioeka Parish, between Otara River and Snell Road (west) owned by Whakatohea Maori Trust Board;
- ii) Legal Road, partially formed section of Snell Road (west), owned by the Opotiki District Council;
- iii) Part Allotment 381, Waioeka Parish, Recreation Reserve vested in the Opotiki District Council;
- iv) Allotment 375 Waioeka Parish, Recreation Reserve vested in the Opotiki District Council;
- v) Legal Road, partially formed section of Snell (Beach) Road owned by the Opotiki District Council;
- vi) Part Allot 320, Waioeka Parish owned by Ms Justine Gordon / Ruby Trust;
- vii) Legal Road (unformed) extends eastwards from Snell (Beach) Road parallel to the coast, owned by the Opotiki District Council;
- viii) Section 1 Block III, Opotiki Survey District, Hikuwai Recreation Reserve, vested in the Opotiki District Council;
- ix) Legal Road (unformed) extending east from Hikuwai Reserve to approximately Wairakaia Road owned by the Opotiki District Council.
- x) Allot 306A Waioeka Parish, vested in Department of Conservation
- xi) Crown Land under action SO 3111, administered by Department of Conservation

In two instances the proposed route occupies private land; Allot 311 owned by Whakatohea Maori Trust Board and Part Allot 320 owned by Justine Gordon / Ruby Trust. Letters of approval are included from representatives of these land owners for the proposal and the applicants intention to secure access by legal instrument; easement, lease, Right of Way or similar.

(Refer Appendix 11)

In addition letters of approval are included from the Engineering & Services Manager for the Opotiki District Council with respect to where the cycle trail traverses legal road administered by ODC and; the Area Manager for the Department of Conservation for where the trail traverses DOC administered land and; Asset manager for NZTA with respect to a section of the trail that traverses legal road administered by NZTA.

(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)

Department of Conservation has requested some alternative alignments as described in Appendix 4, which will be implemented.



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.

Further, the applicant has recently been advised that the Gordon Estate farm has been put on the market. This introduces some uncertainty with respect to the existing arrangement whereby the current owner, Ruby Trust, has offered their authorisation to locate an 850 metre section of the trail partly on the coastal margin of the land owned by the estate. In the event of a change of owner or withdrawal of authorisation, the applicant requests to amend the proposed route so that the trail occupies a corridor of legal unformed road that is set back approximately 20 metres landward of the design line.

Neither of these potential amendments to the design line will 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 trail is 4,464 metres long over the section relating to this application.

The total volume of material to be excavated (*section E4 to E7*) will be 4008 cubic metres. Of this 3375 cubic metres will be used as fill to form the trail bench. The surplus of 633 cubic metres will be cast to the side of the trail.

In sections where there is a good coverage of *Muehlenbeckia*, the majority of the excavation surplus will consist of topsoil and the root mass and replanted will be attempted.

The surplus sand equates to 0.14 cubic metres per lineal metre of trail. Side casting the surplus will result in minimal disturbance to the dominant existing indigenous vegetation – *muehlenbeckia*, as it is a dense, matted vine able to withstand moderate overlying. Any remaining exposed sand that results will be replanted.

The total area of ground that will be exposed during construction is 21,375 square metres which equates to the maximum total area of vegetation disturbance

The finished trail will be 2.2 metres in width equating to an area of 9,820 square metres that will be surfaced with aggregate.

The balance of 11,555sq m 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 6 or Appendix 14 for typical cross section drawing)



## **ASSESSMENT OF EFFECTS**

Effects of the proposal relate directly to the construction of the trail.

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 clubrush, 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 - Muehlenbeckia 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 (one at 30 lineal metres scheduled)
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.

## **EXPERT REPORTS**

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

1. *'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)
2. *'Coastal Erosion Hazard Assessment'*, prepared by Jim Dahm, EcoNomos Ltd  
(Refer Appendix 2)
3. *'Archaeological Assessment Motu Cycle Trails – Coastal Dune Section'* prepared by Lynda Walter InSitu Heritage Ltd  
(Refer Appendix 5)



4. 'Assessment of Landscape and Visual Effects', prepared by Wildland Consultants Ltd in partnership with Richard Hart Ltd (Refer Appendix 3)

**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 pages 28-29).

Table 1 Summary of recommendations and the applicants response.

<b>Recommendation</b>	<b>Applicants Response</b>
<i>Avoid pohuehue vinelands where possible</i>	Three amendments to the route are recommended east of Hikuwai recreation reserve.  All three recommendations are accepted.
<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>	Realigning the trail on these grounds does not relate to the section subject to this application. Support restoration of vegetation on informal disused / closed vehicle access tracks. Support excluding unauthorised / informal vehicles access to the dunes. Barriers will be installed at vehicle access points to the trail.
<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 winter season.
<i>Continue (existing) plant 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  Source of imported aggregate material will be inspected for potential weed contamination plus on going weed control will be implemented post construction.



<i>Explore banning of domestic dogs along the trail to protect weka population</i>	Supported The coastal environment and bio diversity is a key attraction of the cycle trail and the applicant is committed to enhancing such attributes. While supportive, an out right ban may prove difficult to enforce however education and information about the threats to the weka population will be promoted.
<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.

<b>Recommendation</b>	<b>Applicants Response</b>
Tirohanga Stream (p11)	Not applicable to this application
<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>	Supported 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.
<i>'disruption to dune vegetation is minor and can be readily addressed .... Consider formation of access to beach and viewing points ..... Work with Coast Care to increase community understanding of dune ecosystem' (p12)</i>	Supported Selected public access and viewing points will be provided consistent with BOP Coast Care standards and maintained by the applicant.  In addition interpretive signs will be installed to inform about the coastal environment.

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
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)	Supported
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 on the environment, expert reports commissioned to assess these effects all conclude that the effects are 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, Hikutaia Domain and nationally at Whirinaki Forest and Karori Sanctuary.

### **PROPOSED MITIGATION MEASURES**

The applicant offers the following mitigation measures;

#### Route Selection

Any variation from the design line to accommodate change in ownership / authorisation of Gordon Farm or unforeseen reasons will be minor and 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) any increased vegetation disturbance, volume of earthworks or have any effects on permanent or ephemeral water courses.

#### 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 Opotiki District Council. 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 managed 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 Otago District Council 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 customer 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 Otago District Council, Department of Conservation and Whakatohea Maori Trust Board for the integrated management of the cycle trail and all land over which it passes.

The process to prepare 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 from trail
- Vehicle controls
- Dog control
- Litter
- Sites of cultural significance
- Improved indigenous habitat
- Education
- Community care groups
- Security and privacy of adjacent properties



## **CONSULTATION**

Considerable 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.

'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 including Accidental Discovery Protocol
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	'Letters of support from Whakatohea Maori Trust Board and; Opotiki Valuation & Consultancy Ltd; Opotiki District Council Engineering and Services Manager;
Appendix 12	Maps
Appendix 13	Plans 1 and 2
Appendix 14	Typical cross section drawing