

# RESOURCE CONSENT APPLICATION to BOPRC for WALKWAY / CYCLEWAY CONNECTIONS AT WAIHI BEACH



# WAIHI BEACH WALKWAY / CYCLEWAY CONNECTIONS

## RESOURCE CONSENT APPLICATIONS TO BOPRC

Information Accompanying Application for Resource  
Consent Pursuant to Section 88 and the Fourth Schedule  
to the Resource Management Act 1991



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## 1. EXECUTIVE SUMMARY

Western Bay of Plenty District Council (WBOPDC), seek resource consents from the Bay of Plenty Regional Council (BOPRC) to undertake 5 short cycleway / walkway extension and connection projects in the Waihi Beach area.

The walkway / cycleway track sections proposed are located as shown on the maps in Section 3 below, and on the plans contained in **Appendix A**.

The operative Bay of Plenty Regional Water and Land Plan (RWLP) has been assessed in relation to this proposal. Overall resource consent is required for as a Discretionary Activity.

In terms of District Council land-use activity status under WBOPDC District Plan, the Waihi Beach Ward Reserve Management Plan generally provides for the proposed walking / biking activities within the various reserves, and the trails and such activities are generally allowed for, anticipated, and mandated via the community consultation process for the plan. However, there are elements that require consent and overall, resource consent as a Discretionary Activity is required for the proposed activities. This application has been prepared and lodged concurrently with the BOPRC resource consent application.

This current proposal to connect up a number of walkway / cycleway trails in a safe and efficient way within the Waihi Beach community is a small part of a wider network of walkway / cycleway projects proposed within the WBOPDC district as a whole. The Waihi Beach community has been kept informed of the progress of various elements of the walkway / cycleway project through engagement with the Community Board and news articles in the local media. In addition, engagement on this cluster of walkway / cycleway connections via this application, has been carried out with tangata whenua as reported in Section 5.

An assessment of the actual and/or potential adverse effects on the environment as a result of this project has been carried out, and is included in this document. The assessment concludes that any actual and/or potential adverse effects of the proposal will be less than minor.

## 2. THE CONTEXT

### 2.1 *The Setting and Context*

The Waihi Beach community has a number of walkway / cycleway trails, comprising a variety of construction methodologies, which have been developed over time. These existing trails comprise a variety of routes with various surfaces both within existing road reserve corridors and outside of them (off-road).

WBOPDC have ongoing plans to continue the development of additional trails, and have committed to improving the links between some existing trail sections as described in this application.

The proposed improved walkway / cycleway trails will provide useful and safe routes for pedestrians and cyclists to navigate the Waihi Beach community, and will generally provide for this off the roading network.

This application addresses the consenting requirements under the relevant BOPRC Regional rules for 5 proposed trail connection sections within the Waihi Beach community.

### 2.2 *Locations of the Proposed Trail Connections*

The five sections of walkway/cycleway trail proposed under this application are described variously (from North to South) as:

1. Brighton Road to Brighton Reserve;
2. Island View Reserve to The Loop;
3. Emerton Road from Hanlan Avenue to Opposite Waihi Beach Airfield.
4. Emerton Road to Waiti Avenue (Part Existing); and
5. Plom Road to Wakanoi Place.

The location of the walkway / cycleway connection trails proposed in this application are as illustrated on the maps contained in **Appendix A** and each section is described in detail in Section 3 of this document.

### 3. PROPOSED TRAIL CONNECTION WORKS

#### 3.1 Introduction

The proposed trail works, including the construction of a new bridge as part of the *Island View Reserve to The Loop* section will provide useful and safe routes for pedestrians and cyclists to navigate the Waihi Beach community. They will also assist to:

- keep walkers and cyclists on clear designated trails off the roading network; and
- keep walkers and cyclists on specific trails and off significant sites and dune systems.

Careful thought has been given to the methodology for construction and installation of the proposed trail extensions to ensure the minimum possible disturbance to existing vegetation and soil. In addition, through the methods outlined for the various sections of walkway / cycleway, the impact on any surviving buried archaeology, based on the known archaeological information about this area, should be limited.

The ultimate goal is to apply a *light touch* to any disturbance of the existing environment, whilst improving the existing walkway / cycleway experience to provide a safe and pleasant experience for the majority of abilities.

This application represents another stage of walkway / cycleway improvements to the existing network of tracks within the Waihi Beach area.

Specific location plans for each of the proposed trail extensions are included below and in **Appendix A** (at a slightly larger scale). The maps in **Appendix A** also include a figure illustrating the location of the 5 proposed walkway / cycleway sections in relation to the existing walkway / cycleway network in and around the Waihi Beach community. This assists in demonstrating how the trail sections subject to this application provide connections to existing sections of trail – the *big picture*.

### 3.2 Section 1 - Brighton Road to Brighton Reserve

Figure 1 - Brighton Road to Brighton Reserve Section



Status  
 - Existing Cycleway  
 - Proposed Cycleway

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Email: gis@westernbay.govt.nz  
 Date: 8/17/2017  
 Operator: mib  
 Map: E:\Shape\MLB\2017\Projects\Waihi Beach Cycleway-Walkway\Brighton Road to Reserve.aprx

Scale A3 - 1:1,000  
 0 10 20 40 60 80 Meters



WAIHI BEACH CYCLE/WALKWAY  
 BRIGHTON ROAD TO RESERVE



This cycleway / walkway trail section is proposed to extend from the seaward end of Brighton Road along the eastern (seaward) side of Brighton Reserve to marry-in with the existing trail at end of Hinemoa Road.

The portion of the proposed trail from the end of the formed portion of Hinemoa Road to the existing footbridge over the small stream / stormwater outlet is covered in typical rear dune type vegetation and some weed species. The portion from the footbridge to midway along Brighton Reserve is an open grassed area before the proposed trail route again crosses dune type vegetation before exiting onto the end of Brighton Road.

It is proposed, that the Brighton Road to Brighton Reserve trail section comprise a raised boardwalk section within the rear dune vegetation areas. The WBOPDC want to provide walkers and cyclists with a positive recreational experience through the provision of elevated views to the ocean and an experience of the dune systems whilst they enjoy the boardwalk experience. It is considered that this can be achieved without negative impacts on the dune system.

A boardwalk, gravelled or concrete section (subject to final decision making) flush with the ground will be constructed within the (mainly kikuyu) grassed areas. If a concrete surface is installed, the concrete will be tinted half oxide to reduce glare.

It is expected that users will generally not step off the boardwalk onto the dunes as the boardwalk surface will be raised. Boardwalk trails generally provide for good management of where walkers and cyclists are able to travel. The boardwalk will be under 1.5 metres in height so as to avoid the need for handrails, which if installed may create aesthetic issues in this environment.

Signage which advises and educates people about the dunes will enable members of the public to access, experience, and appreciate the reserve and dunes whilst making it clear that users must confine themselves to the formalised trails for the ongoing health of the environment. This has been the standard approach for accessing the beach through the dune environment as undertaken through Coast Care projects.

The raised boardwalk sections will generally involve piles being driven into the sand, and the construction of the boardwalk over the existing dune and vegetation. It is anticipated that the only vegetation removed during construction of the boardwalk would be weed species in the vicinity, and the occasional rear dune plant necessary to allow the installation of boardwalk piles. Any cleared dune areas will be re-vegetated after construction to minimise the potential for erosion, and to ensure that the health and ongoing ability of the dunes is maintained. The WBOPDC are committed to their ongoing involvement as a partner in Coast Care projects, and offer planting as mitigation for the removal of any dune plants during the project implementation.

The boardwalk section flush with the grassed reserve area will involve the top layer of grass and soil/sand (approximately 200mm) to be removed to allow the boardwalk timber to be laid.

An existing foot bridge currently providing access to the beach for reserve users crosses the drain as shown on the photographs below.



*Figure 2 - View N from end of Brighton Rd to beginning of proposed raised boardwalk section*



*Figure 3 - View N from halfway across Brighton Reserve –raised boardwalk section within dune area and flush trail within grassed reserve area proposed*



*Figure 4 - View N along reserve and unformed road towards footbridge*



*Figure 5 - View S from end of Hinemoa Rd across unformed road to the existing footbridge & Brighton Reserve*



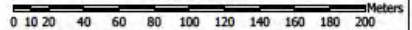
### 3.3 Section 2 - Island View Reserve to The Loop

Figure 6 - Island View Reserve to The Loop section including new bridge over Three Mile Creek



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 Date: 8/17/2017  
 Operator: mlb  
 Map: E:\Shape\MLB\2017\Projects\Waihi Beach Cycleway-Walkway\Island View Reserve to The Loop.aprx



WAIHI BEACH CYCLE/WALKWAY  
 ISLAND VIEW RESERVE TO THE LOOP



The majority of this walkway / cycleway section will travel over the Island View Reserve, generally along the alignment shown in the figure above, until it reaches Seaforth Rd, crosses Three Mile Creek and joins The Loop.

This section of walkway / cycleway includes the requirement for a new approximately 12 to 15m long dual-use pedestrian / cycleway bridge to be constructed over Three Mile Creek (example plan of the type of bridge proposed is included in **Appendix B**). The new bridge will be more elevated than the existing motor vehicle / road bridge therefore it is considered that there is no need for a catchment analysis for the footbridge to accompany the BOPRC resource consent application.

Island View Reserve tends to have a hard dry surface in the summer, but in the winter is wet and boggy particularly around the drainage swale area. It is therefore proposed that the proposed trail will be placed on higher ground rather than being set back too near to the drainage swale. This has the added advantage of generally keeping people away from nesting dotterels in and around the beach/dune area, preserving the openness of the reserve and providing more of a buffer from recorded archaeological sites.

The existing carpark in the centre of Island View Reserve already accommodates a walkway / cycleway through this area. The proposed methodology for additional trail construction within the Island View Reserve land is a concrete trail up to 2.5m wide (tinted quarter oxide to tone-down the stark white colour of un-tinted concrete) flush with the ground for ease of mowing (either with an excavation or building up of the edges of the trail). Excavation of up to 150mm of grass/topsoil will be required to achieve this. If necessary due to the need to protect any in-ground archaeology discovered during works, the placing of geotextile fabric over the land surface and gravel over the top would be an acceptable alternative.

The trail section from The Loop to the Three Mile Creek margin, where it joins an existing portion of trail, crosses an area of rear dune WBOPDC Reserve. It is proposed that this part of the trail be concrete or gravel construction up to 2.5m wide, and excavation of up to 150mm of grass/topsoil will be required to achieve this.

The proposed dual use cycleway / pedestrian bridge will have a design life of a minimum of 50 years. It will require simple track linkages (tie-ins) from each end of the structure. Earthworks required for bridge and track tie-in construction will be minimal and will be generally related only to the removal of vegetation necessary to lay gravel or concrete for tracks.

Access to the bridge location for construction purposes is readily available.

*Figure 7 - View N from Broadway Ave over Island View Reserve*



*Figure 8 - View N of trail through the existing carpark in Island View Reserve*



*Figure 9 - View N from the northern end of the carpark within Island View Reserve*



*Figure 10 - Northern exit from Island View Reserve to Seaforth Rd showing asphalt apron up to Glen Isla PI*



*Figure 11 - Seaforth Rd road reserve between Glen Isla PI and Three Mile Creek*



*Figure 12 - Three Mile Creek and Waihi Beach from existing very narrow pedestrian footpath*



*Figure 13 - Seaforth Rd bridge looking S - new pedestrian bridge to be placed to the left (downstream) side of existing vehicular bridge*



*Figure 14 - Existing trail section on N side of Three Mile Creek*



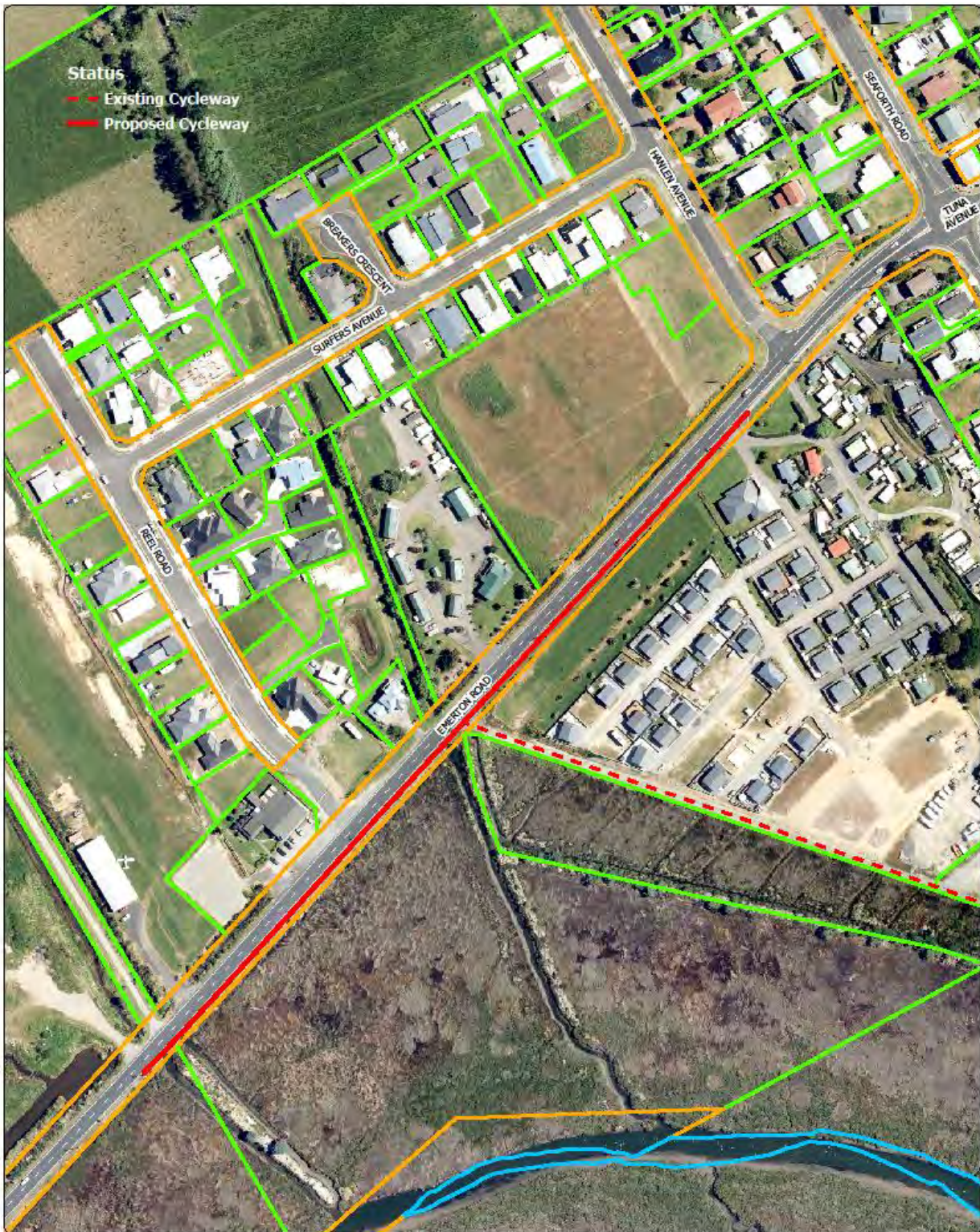


*Figure 15: View from The Loop across to Three Mile Creek where the trail will cut through*



### 3.4 Section 3 - Emerton Road (Hanlan Avenue to Airfield)

Figure 16 - Hanlan Avenue to Airfield Section



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 Date: 8/18/2017  
 Operator: mlb  
 Map: E:\Shape\MLB\2017\Projects\Waihi Beach Cycleway-Walkway\Emerton Road to Cafe.aprx



WAIHI BEACH CYCLE/WALKWAY  
 EMERTON ROAD TO CAFE



This proposed cycleway / walkway trail section extends approximately 400m along the south-eastern side of Emerton Road from just south of the intersection with Hanlan Avenue to approximately opposite the Waihi Beach Airfield as shown below.

This proposed section of trail will be by way of a 2.5m wide concrete footpath extension beside the formed road and located within the legal road reserve corridor.

Consent is being sought for the whole length of this length of new cycleway / walkway, however construction will be completed in two stages. The first stage will be from Hanlan Avenue to the existing formed part of the Emerton Road to Waititi Road trail (approximately opposite 125 Emerton Road). The second stage is subject to WBOPDC completing a feasibility study for a boardwalk across Department of Conservation land over to Athenree. The second stage will also provide access to the New Zealand Motor Caravan overnight stay site adjacent to the airstrip.

*Figure 17 - View looking NE (towards Waihi Beach) along Emerton Rd towards Waihi Beach from mid-point along the section*

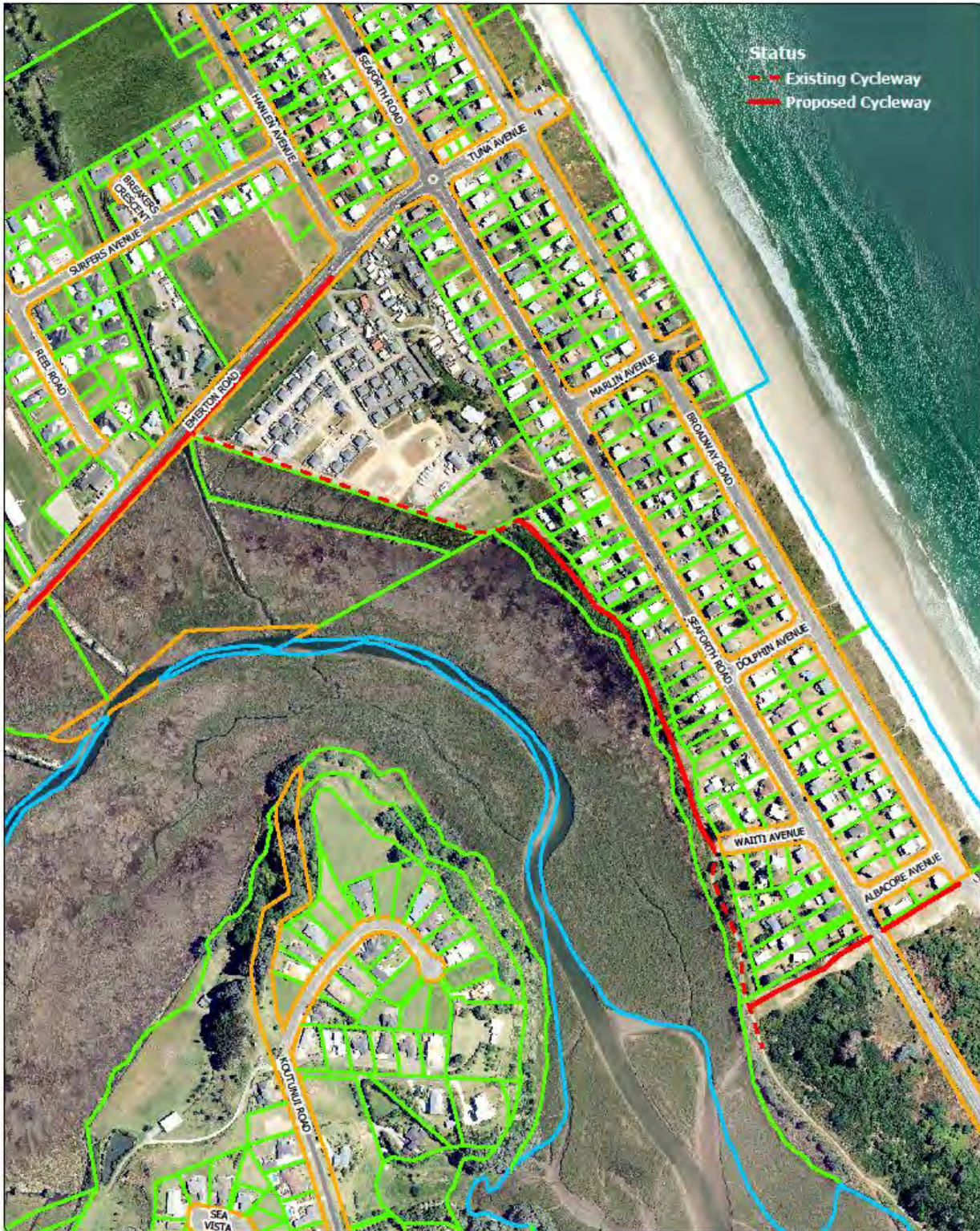


Figure 18 - View SW along Emerton Rd (looking away from Waihi Beach) from mid-point along the section



### 3.5 Section 4 - Emerton Road to Waititi Avenue (Part Existing)

Figure 19 - Emerton Road to Waititi Avenue (part existing)



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Email: gis@westernbay.govt.nz  
 Date: 8/17/2017  
 Operator: mlb  
 Map: E:\Shape\MLB\2017\Projects\Waihi Beach Cycleway-Walkway\Emerton to Waititi Avenue.aprx

Scale A3 - 1:3,500  
 0 10 20 40 60 80 100 120 140 160 180 200 Meters



WAIHI BEACH CYCLE/WALKWAY  
 EMERTON ROAD TO WAITITI AVENUE



This section is already partially formed. An existing gravelled trail begins at Emerton Road and travels south-east for approx. 350m before merging into an open grassy route on recreation reserve land behind Seaforth Road dwellings. The trail currently continues along the grassed area until it again meets a gravelled section at Waiiti Avenue and this continues until the proposed trail section turns east along a cleared and grassed firebreak which continues to Broadway Road.

The proposal is to undertake a ground surface trim of up to 150mm depth and then lay a gravel cycleway / walkway trail within the currently grassed sections of the route. This consists of the areas shown as a solid red line in the plan below, with the exception of the short portion between Waiiti Avenue and the firebreak which is already formed and gravelled.

*Figure 20 - View SE away from Emerton Rd along existing formed section*



Figure 21 - View S from end of existing formed section to beginning of currently unformed section of trail



Figure 22 - View S further along the unformed portion of trail behind Seaforth Road dwellings



*Figure 23 - View S along unformed portion of trail approaching Waiiti Ave*



*Figure 24 - View S from Waiiti Ave to formed trail section between Waiiti Ave and the firebreak*





*Figure 25 - View E along the firebreak with Seaforth Road in the middle distance*



### 3.6 Section 5 - Plom Road to Wakanoi Place

Figure 26 - Plom Road to Wakanoi Place Section



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Operator: mlb  
Map: E:\Shape\MLB\2017\Projects\Waihi Beach Cycleway-Walkway\Plom Road to Wakanoi Place.aprx



WAIHI BEACH CYCLE/WALKWAY  
PLOM ROAD TO WAKANOI PLACE



This proposed cycleway / walkway trail section begins at the southern end of the existing gravelled cycleway / walkway trail running parallel with Seaforth Road which emerges into the carpark at the northern end of Gypsy Park (which is part of Bowentown Reserve).

As shown on the figure above, it is proposed that the trail extension will travel adjacent to the western side of Seaforth Road within the Gypsy Park Reserve boundary before crossing Seaforth Road (via a possible pedestrian refuge or crossing), and continue along the northern side of the Plom Road legal road reserve and then behind residential dwellings adjacent to Bowentown Reserve before re-joining legal formed road at Wakanoi Place via an existing formed and hard surfaced access way approximately 1.5m in width located between 18 and 20 Wakanoi Place.

It is proposed that this entire section of trail will be a concrete path up to 2.5m in width. For ease of mowing it is preferred that the path be constructed flush with the ground level meaning an excavation of up to 150mm is required to form the trail.

*Figure 27 - Trail Location - View S along Reserve Boundary with Seaforth Rd (trail to be constructed within the reserve to the right of the bollards)*



*Figure 28 - Trail Location - View across the Seaforth Rd / Plom Rd intersection*



*Figure 29 - View N along Plom Road (proposed trail to be constructed on the left side of the road before crossing the road and travelling behind the dwellings)*



Figure 30 - Trail Location - View S along Bowentown Reserve behind dwellings



Figure 31 - Trail Location - View to Wakanoi PI from reserve via accessway between 18 and 20 Wakanoi PI



### **3.7 *Timing and Duration***

There is no set plan in relation to timing of the construction of the 5 proposed trail connections.

WBOPDC propose to construct the proposed walkway / cycleway trail connections as budgets permit. Any consent issued will therefore need to accommodate the ability for incremental progress of the proposed activities over a number of years.

## 4. STATUTORY ASSESSMENTS

### 4.1 Overview

The relevant provisions of the Operative Regional Water and Land Plan (RWLP) have been assessed in relation to this proposal.

Section	Summary
Brighton Road to Brighton Reserve	Discretionary Activity Resource Consent required for Vegetation Clearance under RWLP Rule 2C.
Island View Reserve to The Loop Section	Resource Consent as a Discretionary Activity required for Vegetation Clearance within the Coastal Margin under RWLP Rule 2C.  The proposed pedestrian bridge is a Discretionary Activity under BOPRC RWLP Rule 71.
Emerton Road (Hanlan Ave to 105 Emerton Rd) Section	The proposal is a Discretionary Activity and resource consent for Vegetation Removal under RWLP Rule 2C is required.
Emerton Road to Waiiti Road Section	Land and Soil Disturbance by Vegetation Clearance within the Coastal Margin is likely during trail construction works and the proposal would therefore be a Discretionary Activity under RWLP Rule 2C.
Plom Road to Wakanoi Place Section	Vegetation clearance is a Permitted Activity under RWLP Rule 2C and Permitted Activity Conditions are required to be, and can be, complied with during works.  Our assessment is that no resource consent is required from the BOPRC for this section, however it is included in this application for completeness and to cover consent if the BOPRC assessment does not concur with ours.

**The assessment concludes that overall this application under the Operative Regional Water and Land Plan (RWLP) is a Discretionary Activity.**

### 4.2 Brighton Road to Brighton Reserve Assessment

Relevant Provisions	Assessment / Comments
<b>BOPRC Regional Coastal Environment Plan (RCEP) and Proposed RCEP</b>	
<u>Note:</u>  <i>The Regional Council cannot make rules that apply on land to provide for public access or historic or cultural heritage. These matters are regulated by district plans. Section 30(ga) of the RMA does allow the Regional Council to make rules to protect indigenous biodiversity on land; however, Policy IR 8C of the Regional Policy Statement directs that city and district councils are responsible for controlling the use of land to protect indigenous biodiversity (except in the coastal marine area and freshwater bodies).</i>	

<p><i>Therefore, this Plan uses rules only in the coastal marine area, and includes other methods (such as advocacy) with regard to the landward part.</i></p>	
<p>Planning Maps</p>	<p>Maps 1a, 1b and 1c- The proposed section of track is within the <i>Coastal Environment</i>.</p> <p>Map 1a: Landscape - The section of trail is <u>outside</u> the area of Outstanding Natural Features and Landscapes.</p> <p>Map 1b: Ecological – The section of trail is <u>inside</u> Indigenous Biodiversity Area B.</p> <p>Map 1c: Use - The proposed section of trail is <u>outside</u> of any specified area of use.</p>
	<p><u>Schedule 2</u> – Indigenous Biological Diversity Areas in the Coastal Environment <i>Table 2: Indigenous Biological Diversity Areas B - Areas that meet the criteria listed in Policy 11(b) of the NZCPS</i></p> <p><i>Indigenous dune vegetation with areas of exotic vegetation.</i></p> <p><i>Low-tide roosting habitat for red-billed gulls, Caspian tern, variable oystercatcher, northern New Zealand dotterel and Southern blackback gull.</i></p> <p><i>Provides a link between Orokawa (Part), in the north, and Bowentown Sand Dunes and Beach (to the south).</i></p>
<p><b>BOPRC Regional Water and Land Plan</b></p>	
<p>Definitions</p>	<p><u>Coastal Margin</u> – <i>for the purposes of rules in section 9.2 of this regional plan, the Coastal Margin is the land on the edge of an estuary, harbour, or the open rocky coast, excluding Sand Dune Country, as measured horizontally from the Coastal Marine Area to 40 metres landward of the Coastal Marine Area.</i></p> <p><u>Coastal Marine Area</u> – <i>Means the foreshore, seabed, and coastal water, and the air space above the water ...of which the seaward boundary is the outer limits of the territorial sea ...of which the landward boundary is the line of mean high water springs...</i></p> <p><u>Earthworks</u> – <i>Any activity that exposes, disturbs, places or deposits land and soil. Such activities include, but are not limited to, tracking, roading, cleanfill sites, cut and fill operations, quarrying, mining, and recontouring. Excludes area-wide treatment (pavement overlay and strengthening) and road resealing (pavement rehabilitation) of existing roading, normal domestic gardening practices, maintenance of roads and tracks (including railway tracks), the formation of walking tracks, cultivation (except where re-contouring is involved), maintenance of linear network utility support</i></p>



	<p><i>structures, and maintenance (including minor realignment) of existing foot tracks within public reserves and the conservation estate.</i></p> <p><i><u>Vegetation Clearance</u> – The disturbance of land and soil resulting from the disturbance of vegetation by removal, clearance, destruction, and crushing of all forms of scrub, tree, and ground cover vegetation. This excludes:</i></p> <p><i>(a) normal gardening practices,</i></p> <p><i>(b) routine maintenance of existing private and public roads, railways lines or tracks,</i></p> <p><i>(c) maintenance of public reserves and the conservation estate,</i></p> <p><i>(d) trimming and mowing,</i></p> <p><i>(e) pruning,</i></p> <p><i>(f) thinning to waste,</i></p> <p><i>(g) harvesting of plants for scientific, cultural, or traditional medicinal purposes,</i></p> <p><i>(h) the formation and maintenance of tracks constructed by hand, to a width no greater than 1.5 metres,</i></p> <p><i>(i) the harvesting of crops (excluding forestry),</i></p> <p><i>(j) the removal or disturbance of plant pest species,</i></p> <p><i>(k) weed control,</i></p> <p><i>(l) clearance around network utilities, and</i></p> <p><i>(m) cultivation.</i></p> <p><i>(n) Minor and temporary disturbance of vegetation resulting from cable logging of plantation forests that does not lead to the disturbance of land or soil.</i></p>
<p>Section 9.2.1 Earthworks and Quarries</p>	<p><u>Comment:</u></p> <p>The provisions of Rule 1 do not apply to the creation of the proposed trail in this location.</p> <p>Rule 1 notes state that any earthworks in the Coastal Margin between 0 to 20 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast are a Discretionary Activity under Rule 1C.</p> <p>However, the definition of <i>Earthworks</i> excludes the formation of walking tracks (and the BOPRC advise that this is taken to include cycleways).</p>

	<p>Therefore, the BOPRC cannot issue consent for any earthworks for this section of track as earthworks are considered to be a Permitted Activity.</p> <p>Given that the earthworks necessary for this section are permitted under the RWLP, there is no need to consider the horizontal distance of the earthworks to the CMA or the <i>Coastal Margin</i> because according to the RWLP, the formation of the track is not <i>Earthworks</i>.</p>
<p>Section 9.2.3 Land and Soil Disturbance by Vegetation Clearance</p>	<p><u>Advisory Note 2: Where vegetation clearance does not result in the disturbance of land or soil, the vegetation clearance activity is not controlled by this regional plan.</u></p> <p><u>Rule 2 - Permitted – Land and Soil Disturbance by Vegetation Clearance</u></p> <p><i>The disturbance of land and soil resulting from vegetation clearance, where ...the activity is not ... in the Coastal Margin...and either (2) or (3) ...</i></p> <p><u>Rule 2C: Discretionary – Land and Soil Disturbance by Vegetation Clearance</u></p> <p><i>The disturbance of land and soil resulting from vegetation clearance, where the activity:</i></p> <p><i>1 Is not permitted by a rule in this regional plan, and</i></p> <p><i>2 Is not a controlled activity under a rule in this regional plan, and</i></p> <p><i>3 Is not a restricted discretionary activity under a rule in this regional plan;</i></p> <p><i>Is a discretionary activity.</i></p> <p><u>Assessment Criteria</u></p> <p><i>When assessing resource consent applications under this rule, Environment Bay of Plenty will have particular regard to, but not be limited to, the following provisions:</i></p> <p><i>Objective 4, 5, 9, 17, 19, 21, 31, 34 Policy 5, 14, 15, 17, 18, 20, 21, 51, 54</i></p> <p><i>Method 13, 20, 21, 56, 60, 124</i></p> <p><u>Comment:</u></p> <p>This section of trail is within the <i>Coastal Margin</i> but not within the <i>Coastal Marine Area</i>. Any vegetation clearance required to construct the trail, both the elevated boardwalk and the areas of boardwalk flush with the ground, within this proposed section of track makes the proposal a Discretionary Activity under Rule 2C.</p>

### 4.3 Island View Reserve to The Loop Assessment

Relevant Provisions	Assessment / Comments
<b>BOPRC Regional Coastal Environment Plan (RCEP) and Proposed RCEP</b>	
<p><u>Note:</u>  <i>The Regional Council cannot make rules that apply on land to provide for public access or historic or cultural heritage. These matters are regulated by district plans. Section 30(ga) of the RMA does allow the Regional Council to make rules to protect indigenous biodiversity on land; however, Policy IR 8C of the Regional Policy Statement directs that city and district councils are responsible for controlling the use of land to protect indigenous biodiversity (except in the coastal marine area and freshwater bodies). Therefore, this Plan uses rules only in the coastal marine area, and includes other methods (such as advocacy) with regard to the landward part.</i></p>	
<p>Planning Maps</p>	<p>Maps 1a, 1b and 1c- The proposed section of track is within the <i>Coastal Environment</i>.</p> <p>Map 1a: Landscape - The section of track proposed to be gravelled is <u>outside</u> the area of Outstanding Natural Features and Landscapes.</p> <p>Map 1b: Ecological – The section of track is partially <u>inside</u> Indigenous Biodiversity Area B (between The Loop and Glen Isla Place).</p> <p>Map 1c: Use - The proposed section of track is <u>outside</u> of any specified area of use.</p>
<p><u>Proposed RCEP</u> - <i>The Regional Council cannot make rules that apply on land to provide for public access or historic or cultural heritage. These matters are regulated by district plans. Section 30(ga) of the RMA does allow the Regional Council to make rules to protect indigenous biodiversity on land; however, Policy IR 8C of the Regional Policy Statement directs that city and district councils are responsible for controlling the use of land to protect indigenous biodiversity (except in the coastal marine area and freshwater bodies). Therefore, this Plan uses rules only in the coastal marine area, and includes other methods (such as advocacy) with regard to the landward part.</i></p> <p><u>Schedule 2 – Indigenous Biological Diversity Areas in the Coastal Environment Table 2: Indigenous Biological Diversity Areas B - Areas that meet the criteria listed in Policy 11(b) of the NZCPS</u></p> <p><i>Indigenous dune vegetation with areas of exotic vegetation.</i></p> <p><i>Low-tide roosting habitat for red-billed gulls, Caspian tern, variable oystercatcher, northern New Zealand dotterel and Southern blackback gull.</i></p> <p><i>Provides a link between Orokawa (Part), in the north, and Bowentown Sand Dunes and Beach (to the south).</i></p>	
<b>BOPRC Regional Water and Land Plan</b>	

Definitions	<p><u>Coastal Margin</u> – for the purposes of rules in section 9.2 of this regional plan, the Coastal Margin is the land on the edge of an estuary, harbour, or the open rocky coast, excluding Sand Dune Country, as measured horizontally from the Coastal Marine Area to 40 metres landward of the Coastal Marine Area.</p> <p><u>Coastal Marine Area</u> – Means the foreshore, seabed, and coastal water, and the air space above the water ...of which the seaward boundary is the outer limits of the territorial sea ...of which the landward boundary is the line of mean high water springs...</p> <p><u>Earthworks</u> – Any activity that exposes, disturbs, places or deposits land and soil. Such activities include, but are not limited to, tracking, roading, cleanfill sites, cut and fill operations, quarrying, mining, and recontouring. Excludes area-wide treatment (pavement overlay and strengthening) and road resealing (pavement rehabilitation) of existing roading, normal domestic gardening practices, maintenance of roads and tracks (including railway tracks), the formation of walking tracks, cultivation (except where re-contouring is involved), maintenance of linear network utility support structures, and maintenance (including minor realignment) of existing foot tracks within public reserves and the conservation estate.</p> <p><u>Vegetation Clearance</u> – The disturbance of land and soil resulting from the disturbance of vegetation by removal, clearance, destruction, and crushing of all forms of scrub, tree, and ground cover vegetation. This excludes:</p> <ul style="list-style-type: none"> <li>(a) normal gardening practices,</li> <li>(b) routine maintenance of existing private and public roads, railways lines or tracks,</li> <li>(c) maintenance of public reserves and the conservation estate,</li> <li>(d) trimming and mowing,</li> <li>(e) pruning,</li> <li>(f) thinning to waste,</li> <li>(g) harvesting of plants for scientific, cultural, or traditional medicinal purposes,</li> <li>(h) the formation and maintenance of tracks constructed by hand, to a width no greater than 1.5 metres,</li> <li>(i) the harvesting of crops (excluding forestry),</li> <li>(j) the removal or disturbance of plant pest species,</li> <li>(k) weed control,</li> <li>(l) clearance around network utilities, and</li> <li>(m) cultivation.</li> </ul>
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	<p><i>(n) Minor and temporary disturbance of vegetation resulting from cable logging of plantation forests that does not lead to the disturbance of land or soil.</i></p> <p><u>Comment:</u></p> <p>This proposed section of track is inside the <i>Coastal Environment</i> (as shown on the RCEP planning maps).</p> <p>The area of trail around Three Mile Creek within 40 metres landward of the <i>Coastal Marine Area</i> is within the area defined as <i>Coastal Margin</i>.</p>
<p>Section 9.2.1 Earthworks and Quarries</p>	<p><u>Comment:</u></p> <p>The provisions of Rule 1 do not apply to the creation of the proposed trail in this location.</p> <p>Rule 1 notes state that any earthworks in the <i>Coastal Margin</i> between 0 to 20 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast are a Discretionary Activity under Rule 1C.</p> <p>However, the definition of <i>Earthworks</i> excludes the formation of walking tracks (and the BOPRC advise that this is taken to include cycleways). Therefore, the BOPRC cannot issue consent for any earthworks for this section of track as earthworks are considered to be a Permitted Activity.</p> <p>Given that the earthworks necessary for this section are permitted under the RWLP, there is no need to consider the horizontal distance of the earthworks to the CMA or the <i>Coastal Margin</i> because according to the RWLP, the formation of the track is not technically <i>Earthworks</i>.</p>
<p>Section 9.2.3 Land and Soil Disturbance by Vegetation Clearance</p>	<p><u>Advisory Note 2:</u> <i>Where vegetation clearance does not result in the disturbance of land or soil, the vegetation clearance activity is not controlled by this regional plan.</i></p> <p><u>Rule 2 - Permitted – Land and Soil Disturbance by Vegetation Clearance</u></p> <p><i>The disturbance of land and soil resulting from vegetation clearance, where ...the activity is not ... in the Coastal Margin....and either (2) or (3) ...</i></p> <p><u>Permitted activity conditions for Rule 2:</u></p> <p><i>(a) There shall be no point source discharge of sediment contaminated stormwater to surface water from the activity.</i></p> <p><i>(b) The diffuse discharge of sediment contaminated stormwater to surface water from the activity shall not cause the following effects, except where a 20% AEP flood event is exceeded:</i></p> <p><i>(i) The production of any conspicuous oil, grease films, scums or foams, or floatable or suspended solids.</i></p>

- (ii) Any conspicuous change in colour or visual clarity.*
- (iii) Any emission of objectionable odour.*
- (iv) The rendering of fresh water unsuitable for consumption by farm animals.*
- (v) No more than minor adverse effects on aquatic life.*
- (c) The activity shall not cause or induce erosion to land or to the bed or banks of any surface water body, where the erosion is persistent or requires active erosion control measures to bring it under control. Erosion includes:*
- (i) Instability of land or the banks of the surface water body.*
- (ii) Scour to the bed of the surface water body.*
- (d) The activity shall not disturb vegetation in a wetland; or change the water flow of quantity, or water quality in a wetland.*
- (e) The activity shall not disturb an identified contaminated land.*
- (f) The activity shall not obstruct or divert the flow of water in such a manner that it results in damming, flooding or erosion.*
- (g) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.*
- (h) All vegetation slash shall be managed to avoid accumulation to levels that could cause erosion or instability of land, especially around skid sites or landings.*
- (i) Vegetation or debris resulting from the activity shall be removed from all permanently flowing streams where it will divert or dam the watercourse, obstruct fish passage or destroy the aquatic habitats of indigenous species or trout. The vegetation or debris shall be removed in a manner that minimises the damage or disturbance to the banks of surface water bodies.*
- (j) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.*
- (k) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be discharged to water, or discharged to land in circumstances where the contaminant may enter water, from the activity.*
- (l) Where the activity is in an ephemeral flowpath, vegetation shall not be removed from the site by hauling along the ephemeral flowpath. This does not apply to aerial hauling.*

*Advisory Note:*

	<p><i>1. For the avoidance of doubt, vegetation clearance on slopes 0-35 degrees; and not in the Erosion Hazard Zone, Coastal Margin, Riparian Management Zone, or an ephemeral flowpath; is a permitted activity.</i></p> <p><u><i>Rule 2C: Discretionary – Land and Soil Disturbance by Vegetation Clearance</i></u></p> <p><i>The disturbance of land and soil resulting from vegetation clearance, where the activity:</i></p> <p><i>1 Is not permitted by a rule in this regional plan, and</i></p> <p><i>2 Is not a controlled activity under a rule in this regional plan, and</i></p> <p><i>3 Is not a restricted discretionary activity under a rule in this regional plan;</i></p> <p><i>Is a discretionary activity.</i></p> <p><u><i>Assessment Criteria</i></u></p> <p><i>When assessing resource consent applications under this rule, Environment Bay of Plenty will have particular regard to, but not be limited to, the following provisions:</i></p> <p><i>Objective 4, 5, 9, 17, 19, 21, 31, 34 Policy 5, 14, 15, 17, 18, 20, 21, 51, 54 Method 13, 20, 21, 56, 60, 124</i></p> <p><u><i>Comment:</i></u></p> <p><i>The definition of <b>Vegetation Removal</b> does not exclude removal of grass cover to form a trail, nor does it exclude the formation and maintenance of tracks (except where <i>constructed by hand and no wider than 1.5m</i>).</i></p> <p><i>Parts of this section of trail (around Three Mile Creek) are within the <b>Coastal Margin</b> (within 40m of the CMA), and where the vegetation clearance required to create the proposed section of track is in the <b>Coastal Margin</b>, this makes the vegetation clearance for that section of trail a Discretionary Activity under RWLP Rule 2C.</i></p> <p><i>The part of this trail section that is within Island View Reserve is not within the area defined as <b>Coastal Margin</b>, and doesn't fall under any of the Rule 2 provisions that would require resource consent. Therefore the part of the proposed trail section within the Island View Reserve is a Permitted Activity under BOPRC RWLP Rule 2 and Permitted Activity Conditions associated with the Rule are required to be complied with to ensure it remains a Permitted Activity.</i></p>
<p>Rule 71 - Discretionary – Activity in the Beds of Streams, Rivers and Lakes</p>	<p><u><i>Rule 71</i></u></p> <p><i>Unless provided for by another rule in this regional plan, the:</i></p> <p><i>1 Use, erection, reconstruction, placement, alteration, extension, removal, or demolition of any structure or part of any structure in, on, under, or over the bed of a stream, river or lake,</i></p>

	<p><i>2 Excavation, drilling, tunnelling or other disturbances to the bed of a stream, river or lake,</i></p> <p><i>3 Introduction of planting of any plant or any part of any plant in, on, or under the bed of a stream, river or lake,</i></p> <p><i>4 Disturbance, removal, damage or destruction of any plant or any part of any plant in, on, or under the bed of a stream, river or lake,</i></p> <p><i>5 Deposition of any substance in, on, or under the bed of a stream, river or lake,</i></p> <p><i>6 Reclamation or drainage of the bed of a stream, river or lake,</i></p> <p><i>Is a discretionary activity.</i></p> <p><u>Assessment Criteria</u></p> <p><i>When assessing resource consent applications under this rule, Environment Bay of Plenty will have particular regard to, but not be limited to, the following provisions as appropriate to the type of activity:</i></p> <p><i>Objective 4, 5, 6, 8, 55, 56, 58, 59, 61</i></p> <p><i>Policy 5, 11, 14, 15, 17, 18, 19, 20, 21, 98, 99, 100, 101, 104, 106, 107, 108, 110</i></p> <p><i>Method 13, 17, 18, 20, 21, 56, 60, 205, 206, 209, 224, Schedule 1, 2, 3</i></p> <p><u>Comment:</u></p> <p>If the proposed dual-use pedestrian / cycleway bridge will be a Discretionary Activity under Rule 71.</p>
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#### 4.4 Emerton Road (Hanlan Avenue to Opposite Airfield) Assessment

Relevant Provisions	Assessment / Comments
	<p><b>BOPRC Regional Coastal Environment Plan (RCEP) and Proposed RCEP</b></p> <p><u>Note:</u></p> <p><i>The Regional Council cannot make rules that apply on land to provide for public access or historic or cultural heritage. These matters are regulated by district plans. Section 30(ga) of the RMA does allow the Regional Council to make rules to protect indigenous biodiversity on land; however, Policy IR 8C of the Regional Policy Statement directs that city and district councils are responsible for controlling the use of land to protect indigenous biodiversity (except in the coastal marine area and freshwater bodies). Therefore, this Plan uses rules only in the coastal marine area, and includes other methods (such as advocacy) with regard to the landward part.</i></p>



<p>Planning Maps</p>	<p>Maps 2a, 2b, 2c – Athenree/Bowentown Heads - The proposed section of track is within the <i>Coastal Environment</i>.</p> <p>Map 2a: Landscape The proposed section of track is <u>outside</u> the area of <i>Outstanding Natural Features and Landscapes</i></p> <p>Map 2b: Ecological The proposed section of track is <u>outside</u> of any <i>Indigenous Biological Diversity Area</i> or <i>Areas of Significant Cultural Value</i></p> <p>Map 2c: Use The proposed section of track is <u>outside</u> of any specified area of use.</p>
<p><b>BOPRC Regional Water and Land Plan</b></p>	
<p>Definitions</p>	<p><u>Coastal Margin</u> – for the purposes of rules in section 9.2 of this regional plan, the <i>Coastal Margin</i> is the land on the edge of an estuary, harbour, or the open rocky coast, excluding Sand Dune Country, as measured horizontally from the Coastal Marine Area to 40 metres landward of the Coastal Marine Area.</p> <p><u>Earthworks</u> – Any activity that exposes, disturbs, places or deposits land and soil. Such activities include, but are not limited to, tracking, roading, cleanfill sites, cut and fill operations, quarrying, mining, and recontouring. Excludes area-wide treatment (pavement overlay and strengthening) and road resealing (pavement rehabilitation) of existing roading, normal domestic gardening practices, maintenance of roads and tracks (including railway tracks), the formation of walking tracks, cultivation (except where recontouring is involved), maintenance of linear network utility support structures, and maintenance (including minor realignment) of existing foot tracks within public reserves and the conservation estate.</p> <p><u>Vegetation Clearance</u> – The disturbance of land and soil resulting from the disturbance of vegetation by removal, clearance, destruction, and crushing of all forms of scrub, tree, and ground cover vegetation. This excludes:</p> <ul style="list-style-type: none"> <li>(a) normal gardening practices,</li> <li>(b) routine maintenance of existing private and public roads, railways lines or tracks,</li> <li>(c) maintenance of public reserves and the conservation estate,</li> <li>(d) trimming and mowing,</li> <li>(e) pruning,</li> <li>(f) thinning to waste,</li> <li>(g) harvesting of plants for scientific, cultural, or traditional medicinal purposes,</li> <li>(h) the formation and maintenance of tracks constructed by hand, to a width no greater than 1.5 metres,</li> <li>(i) the harvesting of crops (excluding forestry),</li> <li>(j) the removal or disturbance of plant pest species,</li> <li>(k) weed control,</li> <li>(l) clearance around network utilities, and</li> <li>(m) cultivation.</li> <li>(n) Minor and temporary disturbance of vegetation resulting from cable logging of plantation forests that does not lead to the disturbance of land or soil.</li> </ul> <p><u>Comment:</u> The proposed section of track is within the <i>Coastal Margin</i> as defined above.</p>

<p>Section 9.2.1 Earthworks and Quarries</p>	<p><u>Rule 1 Notes:</u> 3. Any earthworks in the Coastal Margin between 0 to 20 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast are a discretionary activity under Rule 1C.</p> <p><u>Comment:</u> Rule 1 notes state that any earthworks in the Coastal Margin between 0 to 20 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast are a Discretionary Activity under Rule 1C.</p> <p>However, the definition of <i>Earthworks</i> excludes the formation of walking tracks (and the BOPRC advise that this is taken to include cycleways). Therefore, the BOPRC cannot issue consent for any earthworks for this section of track as earthworks are considered to be a Permitted Activity. The provisions of Rule 1 do not apply to the creation of the proposed trail in this location.</p> <p>Given that the earthworks necessary for this section are permitted under the RWLP, there is no need, in relation to Rule 1, to consider the horizontal distance of the earthworks to the CMA or the Coastal Margin because according to the RWLP, the formation of the track is not <i>Earthworks</i>.</p>
<p>9.2.3 Land and Soil Disturbance by Vegetation Clearance</p>	<p><u>Advisory Note 2:</u> Where vegetation clearance does not result in the disturbance of land or soil, the vegetation clearance activity is not controlled by this regional plan.</p> <p><u>Rule 2 - Permitted – Land and Soil Disturbance by Vegetation Clearance</u> The disturbance of land and soil resulting from vegetation clearance, where ...the activity is not ...in the Coastal Margin....</p> <p><u>Rule 2C: Discretionary – Land and Soil Disturbance by Vegetation Clearance</u> The disturbance of land and soil resulting from vegetation clearance, where the activity: 1 Is not permitted by a rule in this regional plan, and 2 Is not a controlled activity under a rule in this regional plan, and 3 Is not a restricted discretionary activity under a rule in this regional plan; Is a discretionary activity.</p> <p><u>Assessment Criteria</u> When assessing resource consent applications under this rule, Environment Bay of Plenty will have particular regard to, but not be limited to, the following provisions: Objective 4, 5, 9, 17, 19, 21, 31, 34 Policy 5, 14, 15, 17, 18, 20, 21, 51, 54 Method 13, 20, 21, 56, 60, 124</p> <p><u>Comment:</u> The definition of <i>Vegetation Removal</i> does not exclude removal of grass cover (as proposed for this section) to form the footpath, nor does it exclude the formation and maintenance of tracks except where <i>constructed by hand and no wider than 1.5m</i>.</p>

	The vegetation clearance required to create the proposed section of track is in the <i>Coastal Margin</i> , and this makes this section of trail (footpath) a Discretionary Activity under RWLP Rule 2C.
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#### 4.5 Emerton Road to Waiiti Road (Part Existing) Assessment

Relevant Provisions	Assessment / Comments
<b>BOPRC Regional Coastal Environment Plan (RCEP) and Proposed RCEP</b>	
<p><u>Note:</u>  <i>The Regional Council cannot make rules that apply on land to provide for public access or historic or cultural heritage. These matters are regulated by district plans. Section 30(ga) of the RMA does allow the Regional Council to make rules to protect indigenous biodiversity on land; however, Policy IR 8C of the Regional Policy Statement directs that city and district councils are responsible for controlling the use of land to protect indigenous biodiversity (except in the coastal marine area and freshwater bodies). Therefore, this Plan uses rules only in the coastal marine area, and includes other methods (such as advocacy) with regard to the landward part.</i></p>	
Planning Maps	<p>Maps 2a, 2b, 2c – Athenree/Bowentown Heads - The proposed section of track is within the <i>Coastal Environment</i>.</p> <p>Map 2a: Landscape - The section of track proposed to be gravelled is <u>outside</u> the area of <i>Outstanding Natural Features and Landscapes</i></p> <p>Map 2b: Ecological - The proposed section of track is <u>outside</u> of any <i>Indigenous Biological Diversity Area</i> or <i>Areas of Significant Cultural Value</i></p> <p>Map 2c: Use - The proposed section of track is <u>outside</u> of any specified area of use.</p>
<b>BOPRC Regional Water and Land Plan</b>	
Definitions	<p><u>Coastal Margin</u> – <i>for the purposes of rules in section 9.2 of this regional plan, the Coastal Margin is the land on the edge of an estuary, harbour, or the open rocky coast, excluding Sand Dune Country, as measured horizontally from the Coastal Marine Area to 40 metres landward of the Coastal Marine Area.</i></p> <p><u>Earthworks</u> – <i>Any activity that exposes, disturbs, places or deposits land and soil. Such activities include, but are not limited to, tracking, roading, cleanfill sites, cut and fill operations, quarrying, mining, and recontouring. Excludes area-wide treatment (pavement overlay and strengthening) and road resealing (pavement rehabilitation) of existing roading, normal domestic gardening practices, maintenance of roads and tracks (including railway tracks), the formation of walking tracks, cultivation (except where re-contouring is involved), maintenance of linear network utility support</i></p>

	<p><i>structures, and maintenance (including minor realignment) of existing foot tracks within public reserves and the conservation estate.</i></p> <p><i><u>Vegetation Clearance</u> – The disturbance of land and soil resulting from the disturbance of vegetation by removal, clearance, destruction, and crushing of all forms of scrub, tree, and ground cover vegetation. This excludes:</i></p> <ul style="list-style-type: none"> <li><i>(a) normal gardening practices,</i></li> <li><i>(b) routine maintenance of existing private and public roads, railways lines or tracks,</i></li> <li><i>(c) maintenance of public reserves and the conservation estate,</i></li> <li><i>(d) trimming and mowing,</i></li> <li><i>(e) pruning,</i></li> <li><i>(f) thinning to waste,</i></li> <li><i>(g) harvesting of plants for scientific, cultural, or traditional medicinal purposes,</i></li> <li><i>(h) the formation and maintenance of tracks constructed by hand, to a width no greater than 1.5 metres,</i></li> <li><i>(i) the harvesting of crops (excluding forestry),</i></li> <li><i>(j) the removal or disturbance of plant pest species,</i></li> <li><i>(k) weed control,</i></li> <li><i>(l) clearance around network utilities, and</i></li> <li><i>(m) cultivation.</i></li> <li><i>(n) Minor and temporary disturbance of vegetation resulting from cable logging of plantation forests that does not lead to the disturbance of land or soil.</i></li> </ul> <p><u>Comment:</u></p> <p>The majority of the proposed section of track (behind the Seaforth Road residential area and the seaward end of the firebreak) is within the <i>Coastal Margin</i> as defined above.</p>
<p>Section 9.2.1 Earthworks and Quarries</p>	<p><u>Comment:</u></p> <p>Rule 1 notes state that any earthworks in the <i>Coastal Margin</i> between 0 to 20 horizontal metres as measured from the Coastal Marine Area on the edge of an estuary, harbour, or the open rocky coast are a Discretionary Activity under Rule 1C.</p>

	<p>However, the definition of <i>Earthworks</i> excludes the formation of walking tracks (and the BOPRC advise that this is taken to include cycleways). Therefore, the BOPRC cannot issue consent for any earthworks for this section of track as earthworks are considered to be a Permitted Activity. The provisions of Rule 1 do not apply to the creation of the proposed trail in this location.</p> <p>Given that the earthworks necessary for this section are permitted under the RWLP, there is no need to consider the horizontal distance of the earthworks to the CMA or the Coastal Margin because according to the RWLP, the formation of the track is not <i>Earthworks</i>.</p>
<p>Section 9.2.3 Land and Soil Disturbance by Vegetation Clearance</p>	<p><u><i>Advisory Note 2: Where vegetation clearance does not result in the disturbance of land or soil, the vegetation clearance activity is not controlled by this regional plan.</i></u></p> <p><u><i>Rule 2 - Permitted – Land and Soil Disturbance by Vegetation Clearance</i></u>  <i>The disturbance of land and soil resulting from vegetation clearance, where ...the activity is not ... in the Coastal Margin....and either (2) or (3) ...</i></p> <p><u><i>Rule 2C: Discretionary – Land and Soil Disturbance by Vegetation Clearance</i></u>  <i>The disturbance of land and soil resulting from vegetation clearance, where the activity:</i></p> <p><i>1 Is not permitted by a rule in this regional plan, and</i>  <i>2 Is not a controlled activity under a rule in this regional plan, and</i>  <i>3 Is not a restricted discretionary activity under a rule in this regional plan;</i>  <i>Is a discretionary activity.</i></p> <p><u><i>Assessment Criteria</i></u>  <i>When assessing resource consent applications under this rule, Environment Bay of Plenty will have particular regard to, but not be limited to, the following provisions:</i>  <i>Objective 4, 5, 9, 17, 19, 21, 31, 34 Policy 5, 14, 15, 17, 18, 20, 21, 51, 54</i>  <i>Method 13, 20, 21, 56, 60, 124</i></p> <p><u><i>Comment:</i></u>  <i>This section of trail is within the area of Coastal Margin.</i></p> <p>The definition of <i>Vegetation Removal</i> does not exclude removal of grass cover (as proposed for this section) to form the trail, nor does it exclude the formation and maintenance of tracks except where <i>constructed by hand and no wider than 1.5m</i>.</p> <p>The vegetation clearance required to create the proposed section of trail is in the <i>Coastal Margin</i>, and this makes this section of trail a Discretionary Activity under RWLP Rule 2C.</p>

## 4.6 Plom Road to Wakanoi Place Assessment

Relevant Provisions	Assessment / Comments
<b>BOPRC Regional Coastal Environment Plan (RCEP) and Proposed RCEP</b>	
<p><u>Note:</u>  <i>The Regional Council cannot make rules that apply on land to provide for public access or historic or cultural heritage. These matters are regulated by district plans. Section 30(ga) of the RMA does allow the Regional Council to make rules to protect indigenous biodiversity on land; however, Policy IR 8C of the Regional Policy Statement directs that city and district councils are responsible for controlling the use of land to protect indigenous biodiversity (except in the coastal marine area and freshwater bodies). Therefore, this Plan uses rules only in the coastal marine area, and includes other methods (such as advocacy) with regard to the landward part.</i></p>	
<p>Planning Maps</p>	<p>Maps 2a, 2b, 2c – Athenree/Bowentown Heads - The proposed section of track is within the <i>Coastal Environment</i>.</p> <p>Map 2a: Landscape - The proposed section of track is <u>outside</u> the area of <i>Outstanding Natural Features and Landscapes</i>.</p> <p>Map 2b: Ecological - The proposed section of track is <u>outside</u> of <i>Indigenous Biological Diversity Area A2 – Bowentown Sand Dunes and Beach</i>.</p> <p>Map 2c: Use - The proposed section of track on the western side of Seaforth Road is <u>within</u> a specified area of use identified as <i>Harbour Development Zone</i> (western side of Seaforth Road).</p>
<p>Schedule 8 Harbour Development Zones</p>	<p><u>Schedule 8 Harbour Development Zones:</u></p> <p><i>The Bowentown Harbour Development Zone is in the northern Tauranga Harbour adjacent to Bowentown Reserve and Pio Road. Existing facilities include boat ramps, a jetty, the Bowentown Boat and Fishing Club, the Waihi Beach Coastguard, swing moorings and land based facilities (including car-parking). The majority of the site and facilities are owned and managed by Western Bay of Plenty District Council under the Reserves Management Plan for the area.</i></p> <p><i>The area is popular for water-based recreation and there are some existing congestion conflicts amongst different recreational user groups. There is scope for limited development of public infrastructure, such as additional boat-ramps, pontoons, wharves, jetties, boating berths, boating storage, car and trailer parking areas, provisioning and unloading of boats including commercial operators and fishers, recreational activities and public toilets.</i></p> <p><u>Comment:</u> No specific rule provisions apply to this proposal.</p>
<b>BOPRC Regional Water and Land Plan</b>	

Definitions	<p><u>Coastal Margin</u> – for the purposes of rules in section 9.2 of this regional plan, the Coastal Margin is the land on the edge of an estuary, harbour, or the open rocky coast, excluding Sand Dune Country, as measured horizontally from the Coastal Marine Area to 40 metres landward of the Coastal Marine Area.</p> <p><u>Coastal Marine Area</u> – Means the foreshore, seabed, and coastal water, and the air space above the water ...of which the seaward boundary is the outer limits of the territorial sea ...of which the landward boundary is the line of mean high water springs...</p> <p><u>Earthworks</u> – Any activity that exposes, disturbs, places or deposits land and soil. Such activities include, but are not limited to, tracking, roading, cleanfill sites, cut and fill operations, quarrying, mining, and recontouring. Excludes area-wide treatment (pavement overlay and strengthening) and road resealing (pavement rehabilitation) of existing roading, normal domestic gardening practices, maintenance of roads and tracks (including railway tracks), the formation of walking tracks, cultivation (except where re-contouring is involved), maintenance of linear network utility support structures, and maintenance (including minor realignment) of existing foot tracks within public reserves and the conservation estate.</p> <p><u>Vegetation Clearance</u> – The disturbance of land and soil resulting from the disturbance of vegetation by removal, clearance, destruction, and crushing of all forms of scrub, tree, and ground cover vegetation. This excludes:</p> <ul style="list-style-type: none"> <li>(a) normal gardening practices,</li> <li>(b) routine maintenance of existing private and public roads, railways lines or tracks,</li> <li>(c) maintenance of public reserves and the conservation estate,</li> <li>(d) trimming and mowing,</li> <li>(e) pruning,</li> <li>(f) thinning to waste,</li> <li>(g) harvesting of plants for scientific, cultural, or traditional medicinal purposes,</li> <li>(h) the formation and maintenance of tracks constructed by hand, to a width no greater than 1.5 metres,</li> <li>(i) the harvesting of crops (excluding forestry),</li> <li>(j) the removal or disturbance of plant pest species,</li> <li>(k) weed control,</li> <li>(l) clearance around network utilities, and</li> <li>(m) cultivation.</li> <li>(n) Minor and temporary disturbance of vegetation resulting from cable logging of plantation forests that does not lead to the disturbance of land or soil.</li> </ul> <p><u>Comment:</u></p>
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	<p>This proposed section of track is inside the <i>Coastal Environment</i> (as shown on the RCEP planning maps), but outside the <i>Coastal Marine Area</i> (CMA) and outside the <i>Coastal Margin</i>.</p>
<p>Section 9.2.1 Earthworks and Quarries</p>	<p><u>Comment:</u>  The definition of <i>Earthworks</i> excludes the formation of walking tracks (and the BOPRC advise that this is taken to include cycleways). Therefore, the BOPRC cannot issue consent for any earthworks for this section of track as earthworks are considered to be a Permitted Activity. The provisions of Rule 1 do not therefore apply to the creation of the proposed trail in this location.</p> <p>Given that the earthworks necessary for this section are permitted under the RWLP, there is no need to consider the horizontal distance of the earthworks to the CMA or the <i>Coastal Margin</i> because according to the RWLP, the formation of the track is not <i>Earthworks</i>. In any case, the proposed section of track is outside the <i>Coastal Margin</i> as defined above.</p>
<p>Section 9.2.3 Land and Soil Disturbance by Vegetation Clearance</p>	<p><u>Advisory Note 2:</u> <i>Where vegetation clearance does not result in the disturbance of land or soil, the vegetation clearance activity is not controlled by this regional plan.</i></p> <p><u>Rule 2 - Permitted – Land and Soil Disturbance by Vegetation Clearance</u>  <i>The disturbance of land and soil resulting from vegetation clearance, where ...the activity is not ... in the Coastal Margin....and either (2) or (3) ...</i></p> <p><u>Permitted activity conditions for Rule 2:</u></p> <p>(a) <i>There shall be no point source discharge of sediment contaminated stormwater to surface water from the activity.</i></p> <p>(b) <i>The diffuse discharge of sediment contaminated stormwater to surface water from the activity shall not cause the following effects, except where a 20% AEP flood event is exceeded:</i></p> <ul style="list-style-type: none"> <li>(i) <i>The production of any conspicuous oil, grease films, scums or foams, or floatable or suspended solids.</i></li> <li>(ii) <i>Any conspicuous change in colour or visual clarity.</i></li> <li>(iii) <i>Any emission of objectionable odour.</i></li> <li>(iv) <i>The rendering of fresh water unsuitable for consumption by farm animals.</i></li> <li>(v) <i>No more than minor adverse effects on aquatic life.</i></li> </ul> <p>(c) <i>The activity shall not cause or induce erosion to land or to the bed or banks of any surface water body, where the erosion is persistent or</i></p>



*requires active erosion control measures to bring it under control. Erosion includes:*

*(i) Instability of land or the banks of the surface water body.*

*(ii) Scour to the bed of the surface water body.*

*(d) The activity shall not disturb vegetation in a wetland; or change the water flow of quantity, or water quality in a wetland.*

*(e) The activity shall not disturb an identified contaminated land.*

*(f) The activity shall not obstruct or divert the flow of water in such a manner that it results in damming, flooding or erosion.*

*(g) All practicable measures shall be taken to avoid vegetation, soil, slash or any other debris being deposited into a water body or placed in a position where it could readily enter or be carried into a water body.*

*(h) All vegetation slash shall be managed to avoid accumulation to levels that could cause erosion or instability of land, especially around skid sites or landings.*

*(i) Vegetation or debris resulting from the activity shall be removed from all permanently flowing streams where it will divert or dam the watercourse, obstruct fish passage or destroy the aquatic habitats of indigenous species or trout. The vegetation or debris shall be removed in a manner that minimises the damage or disturbance to the banks of surface water bodies.*

*(j) No machinery refuelling or fuel storage shall occur at a location where fuel can enter any water body.*

*(k) No contaminants (including, but not limited to, oil, hydraulic fluids, petrol, diesel, other fuels, paint, solvents or anti-fouling paints), excluding sediment, shall be discharged to water, or discharged to land in circumstances where the contaminant may enter water, from the activity.*

*(l) Where the activity is in an ephemeral flowpath, vegetation shall not be removed from the site by hauling along the ephemeral flowpath. This does not apply to aerial hauling.*

*Advisory Note:*

*1. For the avoidance of doubt, vegetation clearance on slopes 0-35 degrees; and not in the Erosion Hazard Zone, Coastal Margin, Riparian Management Zone, or an ephemeral flowpath; is a permitted activity.*

*Comment:* This trail section is not in the *Coastal Margin* and doesn't fall under any of the Rule 2 provisions that would require resource consent.

	<p>Therefore this proposed trail section is a Permitted Activity under BOPRC RWLP Rule 2.</p> <p>Permitted Activity Conditions associated with BOPRC RWLP Rule 2 are required to be complied with.</p>
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#### ***4.7 WBOPDC District Plan – Activity Status***

The relevant provisions of the Operative Western Bay of Plenty District Plan (2012) have also been assessed in relation to this proposal and for the sake of completeness, it is noted that resource consent (land-use) as a Discretionary Activity is required.

A resource consent application (land use) has therefore been lodged with the WBOPDC to be assessed and processed concurrently with the resource consent application lodged with BOPRC.

## **5. CONSULTATION / ENGAGEMENT**

### **5.1 *Tangata Whenua***

Engagement with Ngāi Te Rangi, Te Whanau a Tauwhau ki Otawhiwhi and Ngāti Tamaterā has occurred through representatives of these iwi during the consent development process via phone calls and e-mail, and meetings with Te Whanau a Tauwhau ki Otawhiwhi / Ngai Te Rangi Iwi.

A record of iwi/hapu engagement is included as Appendix C.

A hikoī over the proposed work areas by representatives of Te Whanau a Tauwhau ki Otawhiwhi and Ngāi Te Rangi occurred in early August with the project archaeologist. The feedback on the project was generally positive, both in relation to the application for resource consent and the archaeological authority application, with some concerns raised in relation to protection of dune systems from erosion, and the ongoing health and stability of dunes as a result of unrestricted access to the beach. Suggestions around moving the proposed alignment of trails within the Island View reserve to provide a buffer from recorded archaeological sites and to retain more of a reserve openness have been incorporated into the application. Comments about undertaking minimal works to construct the trails have been noted and the methodologies proposed will ensure this is the case.

WBOPDC are open to the possibility of ongoing dialogue between WBOPDC and iwi / hapu during the processing phases of the resource consents, and the archaeological authority application to Heritage New Zealand.

Provision will be made for construction pre-start cultural induction/s, karakia, and cultural monitoring.

### **5.2 *Waihi Beach Community***

The community have had the opportunity to be kept abreast of the proposals for upgraded and additional walkway/cycleway trails within the Waihi Beach area through occasional newspaper reports, and through the Community Board.

Residents and users of the existing trails understand that the walkway/cycleway projects are continuing and there will be more improvements over time.

## 6. ASSESSMENT OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

### 6.1 Introduction

An assessment of the actual and/or potential effects of the proposed activities in such detail as corresponds with the scale and significance of the effects that the activity may have on the environment is required pursuant to Section 88 and Schedule 4 of the RMA.

This section addresses the actual and / or potential effects of the proposed activities on the environment.

The matters for assessment have been identified through consideration of actual and/or potential effects on the environment and via reference to the relevant Regional Plan provisions as they relate to the construction of walkways / cycleways.

### 6.2 Cultural Matters

RWLP Rules 2C and 71 identify various objectives and policies that relate to ensuring that the concerns and aspirations of tangata whenua in relation to the resource management matters of the proposed activity are considered, taken into account and addressed.

The proposed trail connections involve minimal earthworks (which are Permitted Activities) and vegetation clearance of mainly grass. No waterways will be adversely affected by proposed works, and works within dune areas will be sensitively managed to minimise the potential for adverse effects on this environment.

In relation to the potential for archaeological remains to be uncovered, the proposed trail works have been located so as to generally avoid recorded archaeological sites altogether, and the trail methodologies adopt a *light touch* approach to the land surface. There remains however the potential for archaeology (including koiwi) to be uncovered during works as the trails are located within a Waihi Beach archaeological landscape, and the project archaeologist has recommended that an archaeological authority be obtained which will allow for appropriate monitoring and recording of any archaeological remains that are revealed during the course of the development works.

The archaeological assessment is not an assessment of cultural values or significance associated with land in this area and the archaeologist has recommended further that cultural monitoring protocols be put in place for the works, and this monitoring should be provided by tangata whenua. Provisions will be put in place for pre-start cultural induction for workers, karakia, monitoring, and an on-call archaeologist in the event of archaeological material being uncovered.

Ngāi Te Rangi, Te Whanau a Tauwhau ki Otawhiwhi, and Ngāti Tamatera have been engaged with prior to and during the preparation of this application in relation to the walkway / cycleway connection project. The results of engagement are reported in Section 5.1 of this document and a summary document of engagement undertaken is included in **Appendix C**.

Comments received and concerns raised from Te Whanau a Tauwhau ki Otawhiwhi and Ngāi Te Rangi after a hikoi over the proposed work areas in early August have been incorporated into this application.

WBOPDC are open to the possibility of ongoing dialogue during the processing phases of the resource consents and the archaeological authority application to Heritage New Zealand Pouhere Taonga.

It is considered that any actual and/or potential adverse effects on cultural values are able to be managed and/or mitigated to a level where they are less than minor.

### **6.3 Archaeological and Historic Heritage Values**

The Waihi Beach area is considered to be part of a continuous archaeological landscape and there are recorded heritage/archaeological sites in the general area of all the proposed walkway / cycleway sections.

Consulting archaeologist Brigid Gallagher has prepared an assessment of the proposed trail connection works and the proposed walkway / cycleway bridge (**Appendix D**). She has concluded that although the proposed earthworks associated with the proposed works are minimal, there is reasonable cause to suspect that further unrecorded archaeological features may be encountered during works associated with forming the proposed trail connections, and that a general Archaeological Authority should be approved by Heritage New Zealand Pouhere Taonga prior to works commencing. She has recommended further that cultural monitoring protocols be put in place for the works, and this monitoring should be provided by tangata whenua.

The archaeological assessment and archaeological authority will inform and guide archaeological work and legal obligations associated with the upgrade and construction of the walkway / cycleway trails. An Archaeological Authority application for the proposed work has been lodged with Heritage New Zealand Pouhere Taonga concurrently with this application for resource consent.

Generally the proposed trail works avoid recorded archaeological sites, and the trail methodologies adopt a *light* approach to the land surface. There remains however the potential for archaeology to be uncovered during works, and an Archaeological Authority application has been made, and once consented should allow for appropriate monitoring and recording of any archaeological remains that are revealed during the course of the development works.

It is considered that the trail construction methodologies, and the Archaeological Authority process and provision through this for appropriate monitoring and recording of any archaeological remains that are revealed, will ensure that actual and/or potential adverse effects on archaeology and historic heritage values are managed and/or mitigated to a level where they are less than minor.

### **6.4 Effects of Earthworks, Vegetation Removal & Boardwalk Location**

As outlined in Section 4 above, the definition of *Earthworks* in the RLWP excludes the formation of walking tracks (and the BOPRC advise that this is taken to include cycleways). The BOPRC cannot issue consent for any earthworks for this section of track as earthworks are considered to be a Permitted Activity. In any case, minimal earthworks are proposed, compromising the stripping of a thin layer of vegetation/topsoil to allow for the trail formations on mainly grassed areas. The earthworks provisions of Rule 1 do not apply to the creation of the proposed trail sections.

For clarity, the definition of *Vegetation Clearance* does not exclude removal of grass, nor does it exclude the formation and maintenance of tracks (except where constructed by hand and is no wider than 1.5m which is not the case for this application), and therefore this application is a Discretionary Activity under RWLP Rule 2C which relates to vegetation clearance.

A minimal amount of vegetation removal is associated with the proposed works, generally comprising 150mm (and 200mm for Brighton Reserve grassed area) depth of grass/vegetation stripping along a 2.5m trail width to provide for the proposed concrete and gravel paths, boardwalk sections and bridge. Each section of the proposed walkway / cycleway has a different scope of works associated with it outlined above in Section 3.

Council has a good knowledge of working within dune environments, both as an organisation responsible for the management of a great deal of this type of land, and as a Coast Care partner.

Boardwalk sections will be constructed as low as possible to the existing ground surface level (and no higher than 1.5m). The sections of raised boardwalk as part of the Brighton Road to Reserve section will not involve removal of areas of significant indigenous dune vegetation. During works, the opportunity will be taken to remove exotic weeds and introduce further appropriate indigenous vegetation as necessary and appropriate. Any cleared area will be re-vegetated after construction to minimise the potential for erosion, and to ensure that the health and ongoing ability of the dunes is maintained.

The methodology for raised boardwalk construction will generally involve boardwalk piles being driven into the sand (as it is expected that drilled or excavated holes may collapse before piles could be inserted) and the construction of the boardwalk over the existing rear dune vegetation. A hand auger or machinery-assisted auger may be used. Machinery will not be driven into frontal dune vegetation systems, and the smallest sized machinery required to complete the work effectively and efficiently will be used.

It is expected that users will generally not step off the boardwalk areas as the boardwalk surface will be elevated above the land surface. Council proposes additional planting of appropriate vegetation, and educational signage in conjunction with Coast Care with which Council is a partner. Additional planting within the reserve, and signage advising and educating people about the dune systems will enable members of the public to access, experience, and appreciate the reserve environment whilst making it clear that users must confine themselves to the formalised trails for the ongoing health of that environment.

RWLP Rule 2C identifies relevant objectives, policies and methods that relate to ensuring that effects of vegetation removal are managed to avoid, remedy or mitigate adverse effects. It is considered that the proposed activities are not inconsistent with relevant objectives 9, 17, 19, 21 and 31 and associated policies 1 and 51. The vegetation to be removed is almost wholly grass on areas of relatively flat land, and stormwater management and erosion is unlikely to be an issue as the sections being prepared for concrete, gravel or boardwalk will be uncovered for a very short period of time. Any areas of vegetation around Three Mile Creek which are cleared to make way for the proposed pedestrian / cycleway bridge and associated tie-in trails will be managed to ensure that runoff does not enter the creek (further detail below). The protective function of coastal sand dunes will be maintained and improved with weed vegetation being removed and further indigenous plantings introduced.

The proposal will enable members of the public to access, experience, and appreciate existing reserve and dune areas whilst ensuring that users will be confined to formalised trails for the ongoing health of the physical environment. It is considered that any actual and/or potential adverse effects of earthworks and vegetation removal carried out as part of the proposed works to facilitate user access will be less than minor.

## **6.5 Effects of Bridge on Bed and Banks of Three Mile Creek**

The proposal to construct a single-span shared cycle/pedestrian use bridge approximately 12 to 15m long over Three Mile Creek is not inconsistent with Objectives 4, 5, 6, 8, 55, 56, 58, 59, 61 and Policies 5, 11, 14, 15, 17, 18, 19, 20, 21, 98, 99, 100, 101, 104, 106, 107, 108, 110 of the RWLP which require variously that concerns of tangata whenua are taken into account and addressed, that there is integrated management of land and water resources, that structures don't impede the flow of flood waters and don't lead to erosion, that access is maintained, contamination is avoided, that adverse effects on significant natural character is avoided, ecological values are considered, and consideration is given to the assessment of effects on aquatic ecosystems.

RWLP Objectives 58 and 59 contain elements that are specifically relevant to the assessment of structures which are over the beds of streams. These relate to ensuring that proposed activities do not significantly impede the flow of flood waters or adversely affect natural hydrological processes, that they maintain existing public access to and along the margin of the stream, avoid or mitigate the contamination of water by sediment, and are designed to commonly accepted design standards (including flood design standards) in relation to the use and location of the structure and are constructed to a standard to withstand flood events.

The proposed bridge will be a single-span bridge located close to the existing Seaforth Road vehicular bridge and it will have no effect on the water channel. The proposed bridge structure will be located at a higher level than the existing road bridge and it is considered that catchment calculations are not required for the bridge. The proposed structure will have no adverse effect on the flow of flood waters or natural hydrological processes greater than the existing bridge, and its provision will have a significant positive effect on public access.

The proposed bridge structure will have abutments located outside the banks of the stream. There will be no construction within the bed of the stream nor up the stream banks, and therefore the bridge foundations will not affect the hydraulic characteristics of the stream flow.

The structures or works to construct the bridge will be managed so as to not contaminate water by sediment discharge.

It is considered that this application to construct and use a single-span shared cycle/pedestrian bridge over Three Mile Creek as proposed, is not inconsistent with the objectives and policies of the RMLP, and will have actual and/or potential adverse effects that are less than minor.

## **7. RESOURCE MANAGEMENT ACT 1991**

This application is made pursuant to Section 88 and Schedule 4 of the RMA.

In relation to this application, and pursuant to Section 104 of the RMA, BOPRC must, subject to Part 2, consider the actual and potential effects of the activity on the environment, the operative Bay of Plenty Regional Water and Land Plan, and any other matter the consent authority considers relevant and reasonably necessary to determine the application.

In relation to Section 104B, BOPRC may grant or refuse the application and if granting it, may impose conditions under Section 108.



## **8. CONCLUSION**

The proposed activity constitutes a Discretionary Activity under Rules 2C and 71 of the operative Bay of Plenty Regional Water and Land Plan.

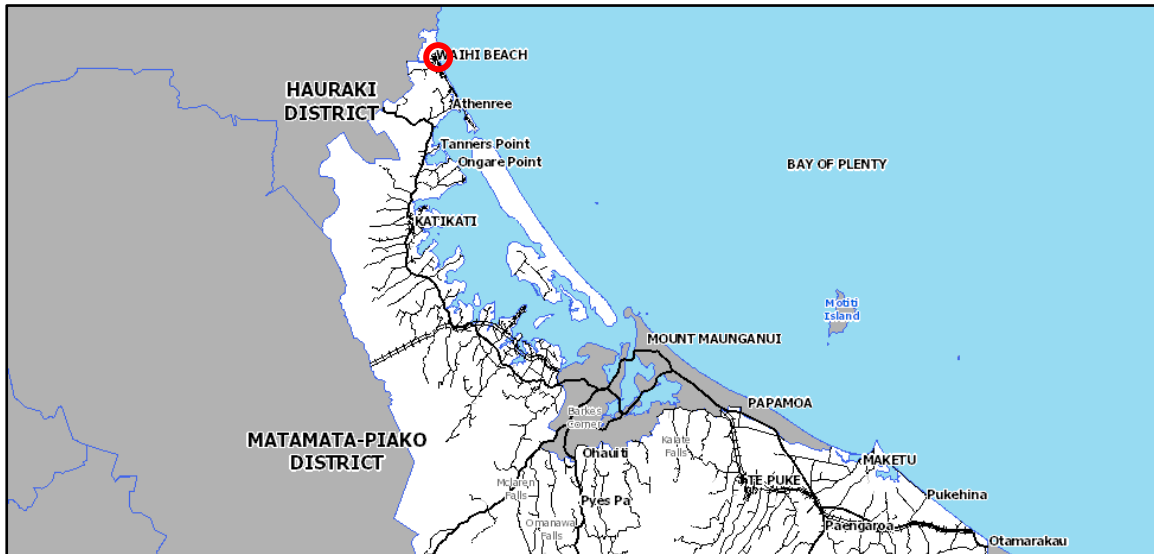
It is considered that the proposal is not contrary to the Objectives and Policies of the Plan and the actual and potential effects of the proposal are less than minor.

No persons/parties are considered to be adversely affected by the proposal.

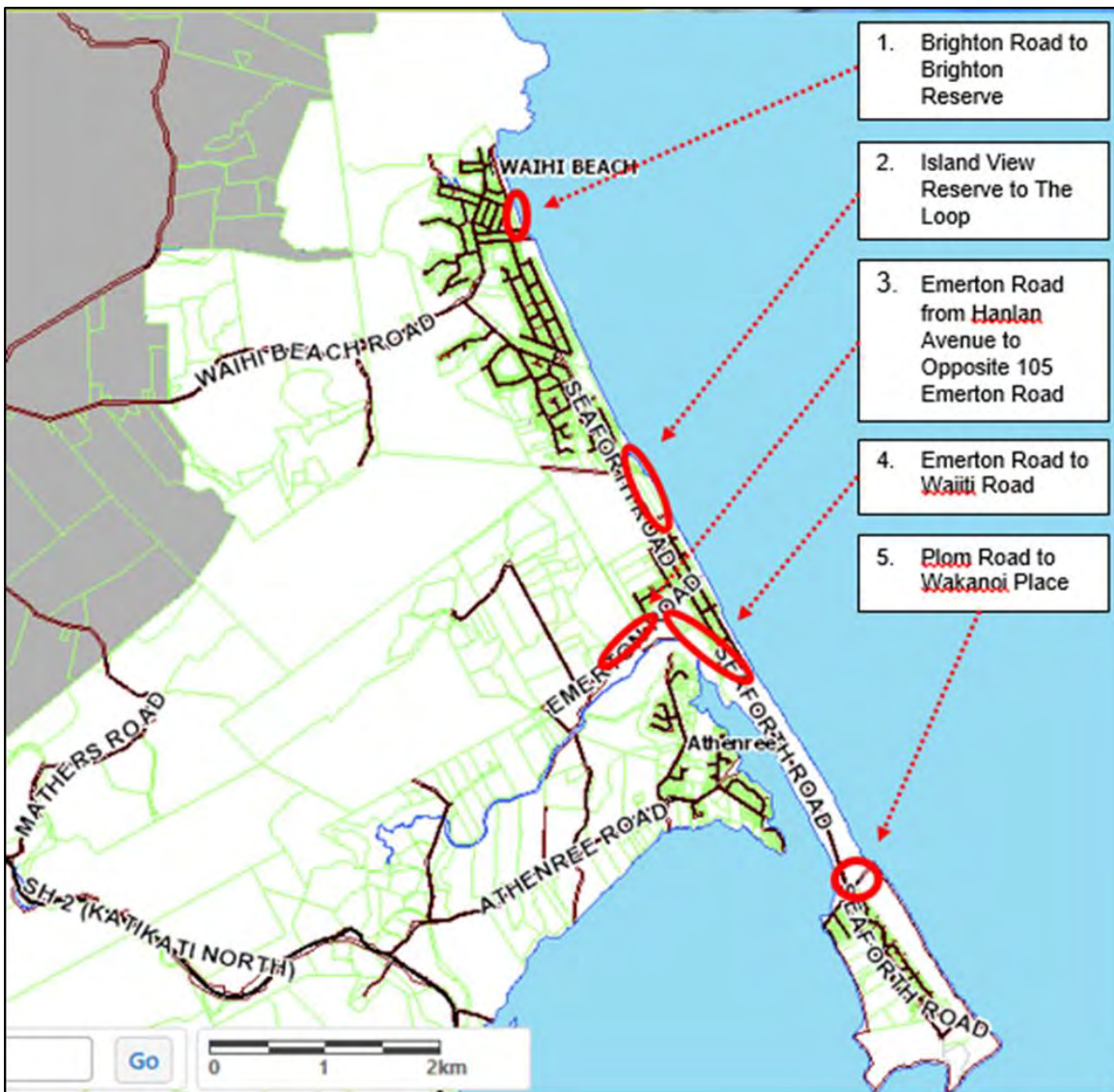
It is therefore considered that a resource consent as described in this application should be granted.

## Appendix A: Trail Location Plans

Map 1: Location of Project within WBOPDC District



Map 2: General Locations of Proposed Cycleway / Walkway Connections at Waihi Beach

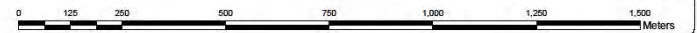


WAIHI BEACH WALKWAY / CYCLEWAY CONNECTIONS - RESOURCE CONSENT APPLICATION BOPRC



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 Location of services is indicative only. Council accepts no liability for any error.  
 Archaeological data supplied by NZ Archaeological Assoc./Dept. of Conservation.

Email: gis@westernbay.govt.nz  
 Date: 8/18/2017  
 Operator: mhb  
 Map: E:\2\paper\MLB\2016\Cycleways\Waihi Beach Cycle Trail.mxd





Status  
 - - Existing Cycleway  
 - - Proposed Cycleway

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Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
 Date: 8/17/2017  
 Operator: mlb  
 Map: E:\Shape\MLB\2017\Projects\Waihi Beach Cycleway-Walkway\Brighton Road to Reserve.aprx

Scale A3 - 1:1,000  
 0 10 20 40 60 80 Meters



**WAIHI BEACH CYCLE/WALKWAY  
 BRIGHTON ROAD TO RESERVE**

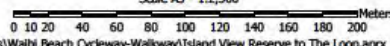




Status  
 ■ Existing Cycleway  
 ■ Proposed Cycleway

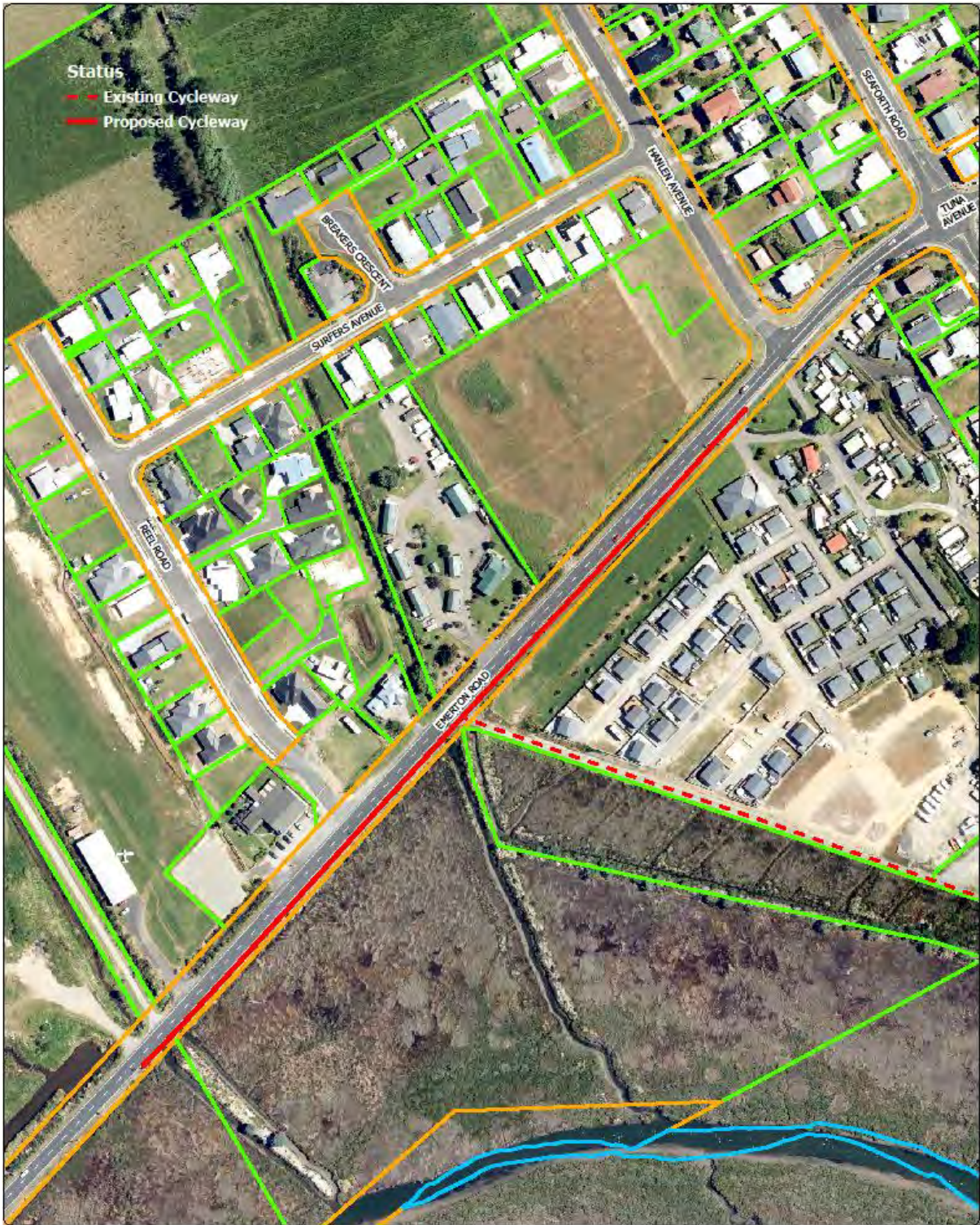
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Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz) Scale A3 - 1:2,500  
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 Operator: mb  
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**WAIHI BEACH CYCLE/WALKWAY  
 ISLAND VIEW RESERVE TO THE LOOP**





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 Archaeological data supplied by NZ Archaeological Assoc./Dept. of Conservation.

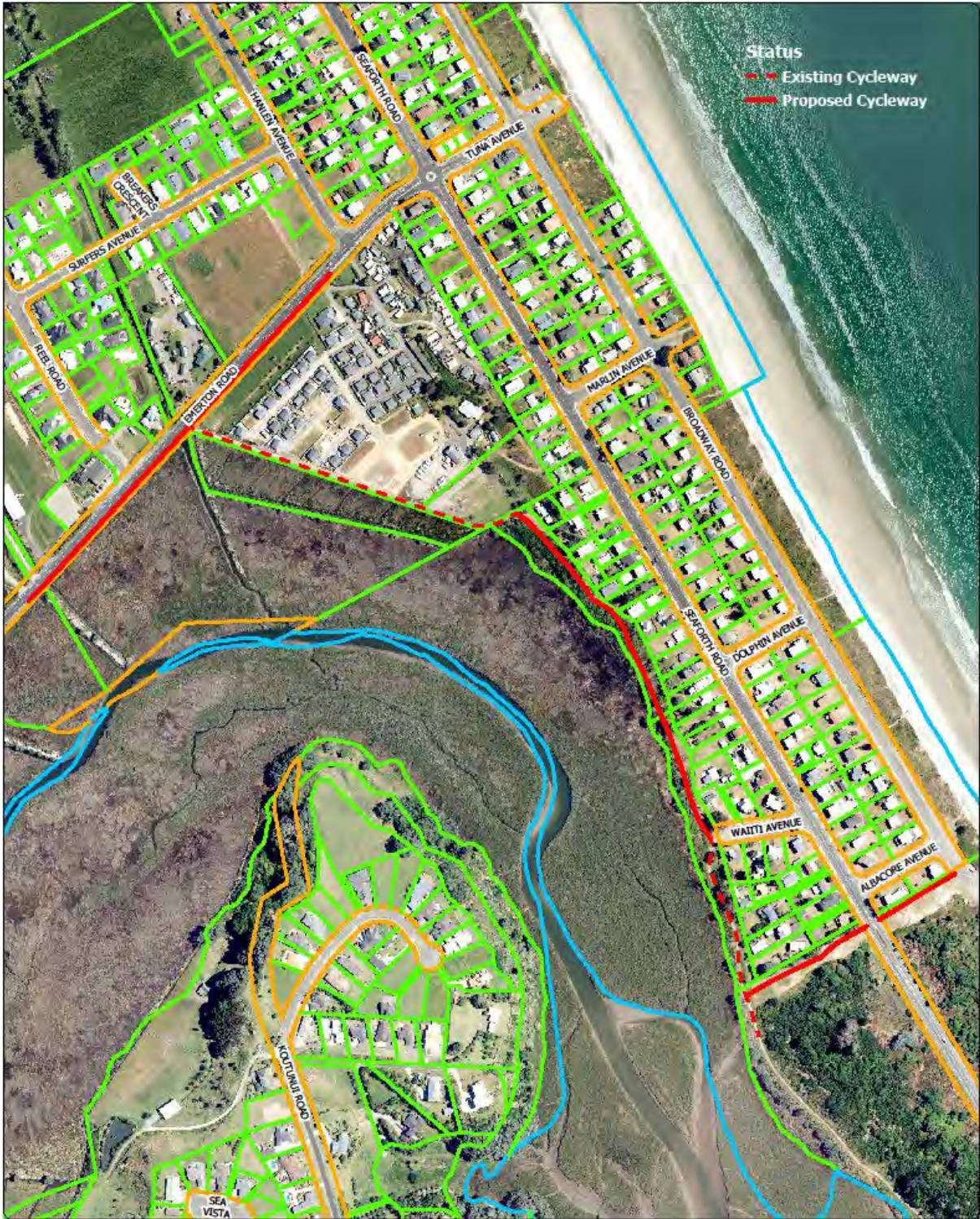
Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
 Date: 8/18/2017  
 Operator: milb  
 Map: E:\Shape\MLB\2017\Projects\Waihi Beach Cycleway-Walkway\Emerton Road to Cafe.aprx

Scale A3 - 1:1,750  
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WAIHI BEACH CYCLE/WALKWAY  
 EMERTON ROAD TO CAFE





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 Archeological data supplied by NZ Archeological Assoc/Dept. of Conservation.

Email: [gis@westernbay.govt.nz](mailto:gis@westernbay.govt.nz)  
 Date: 8/17/2017  
 Operator: mib  
 Map: E:\Shape\MLB\2017\Projects\Waihi Beach Cycleway-Walkway\Emerton to Waititi Avenue.aprx

Scale A3 - 1:3,500  
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**WAIHI BEACH CYCLE/WALKWAY  
 EMERTON ROAD TO WAITITI AVENUE**





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 Location of services is indicative only. Council accepts no liability for any error.  
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Email: gis@westernbay.govt.nz  
 Date: 8/17/2017  
 Operator: mib  
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Scale A3 - 1:1,000

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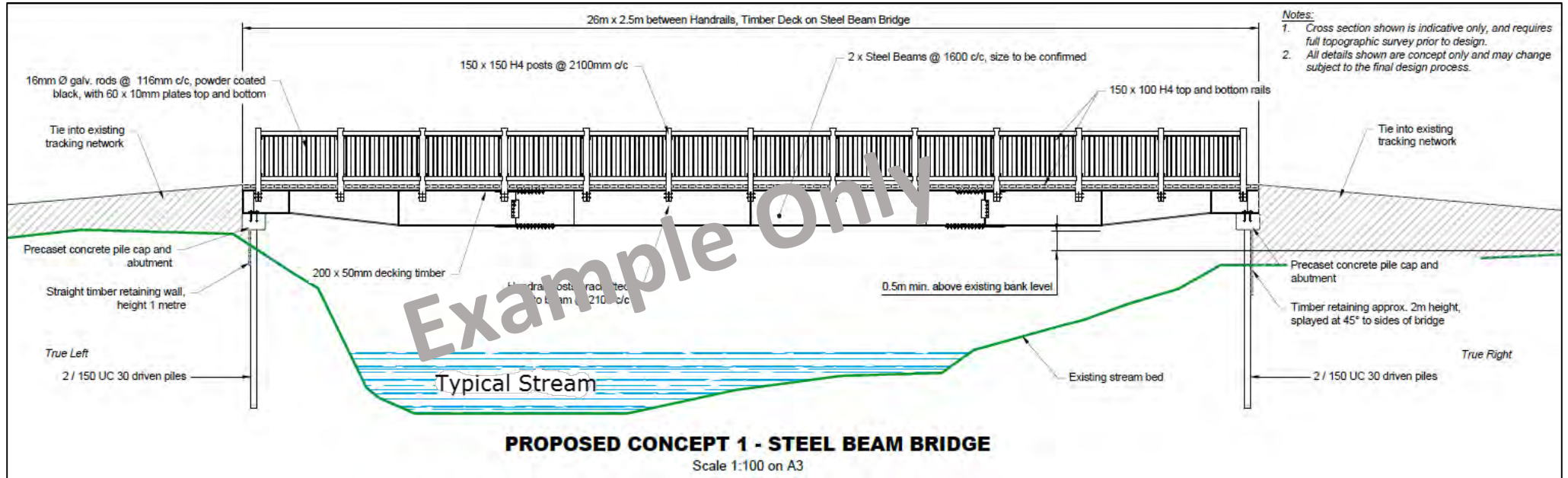


**WAIHI BEACH CYCLE/WALKWAY  
 PLOVER ROAD TO WAKANOIA PLACE**





Appendix B: Three Mile Creek Bridge Plan Example



## Appendix C: Record of Iwi / Hapu Engagement

### TANGATA WHENUA ENGAGEMENT - IWI & HAPU WITH AFFILIATIONS WITH WAIHI BEACH – Summary & Outcomes

The following table identifies the engagement carried out with people and their respective Iwi and hapū affiliations to Waihi Beach, and provides a summary of engagement and consultation outcomes in relation to this application to establish walkway/cycleway connections.

Iwi / Hapū	Representative	Engagement
<b>Whānau o Tauwhao ki Ōtāwhiwhi and Te Rūnanga o Ngāi Te Rangi</b>	Reon Tuanau	<ul style="list-style-type: none"> <li>1/8/17 – Hikoi around trail sections (Brigid Gallagher and Reon Tuanau), outcomes document circulated 8/8/17.</li> <li>11/8/17 – E-mail Fiona Low to Reon Tuanau advising that resource consent documents were being prepared and would be provided in draft once ready for comment, and that comments provided from the hikoi with the archaeologist would be incorporated into the application as able to be.</li> <li>19/8/17 – Draft resource consent documents provided via e-mail (including archaeological assessment).</li> <li>31/8/17 – No response received. Phoned, texted and e-mailed to follow up and find out whether there were any questions or comments.</li> <li>6/9/17 – Phone call to Reon, message left. Phoned Brigid Gallagher (archaeologist) who confirmed that Reon had been comfortable about the project and unlikely to have additional concerns.</li> <li>13/9/17 – Phone call and texts to Reon regarding catching up on this and other projects. Reon responded that he's been snowed under lately and would call the next day.</li> <li>14/9/17 - No phone call received.</li> <li>25/9/17 – Phoned and texted Reon letting him know that the applications are being lodged in the next day or two.</li> </ul>
<p><b>Outcomes:</b></p> <ul style="list-style-type: none"> <li>➤ No formal comments have been received to date, however informal comment and input during the hikoi with archaeologist Brigid Gallagher.</li> <li>➤ A response may be received from Whānau o Tauwhao ki Ōtāwhiwhi and Te Rūnanga o Ngāi Te Rangi on or after 25 September 2017.</li> <li>➤ Any comments received after the application is lodged will be forwarded to the BOPRC and WBOPDC consent processing planners.</li> </ul>		
<b>Ngati Tamatera</b>	Liane Ngamane	<ul style="list-style-type: none"> <li>20/6/17 Email sent to Liane introducing the project and asking what interest Ngati Tamatera have and what involvement they would like. Offered to meet.</li> <li>23/6/17 No response from e-mail so called and spoke with Liane. Ngati Tamatera are very busy with treaty settlement matters and she does not have time to meet. Has an RMA day set aside next week so may get to have a look at the info sent through to her. I suggested the applications (when completed) could be forwarded for comment and she agreed.</li> </ul>

		<ul style="list-style-type: none"> <li>• 19/8/17 – DRAFT resource consent application documents provided via e-mail (including archaeological assessment).</li> <li>• 31/8/17 – No response as yet. E-mailed to follow up and find out whether there were any questions or comments.</li> <li>• 31/8/17 – E-mail response received advising that the focus is presently on Treaty settlement, and that in a couple of weeks she will be free to look at the applications.</li> <li>• 21/09/17 – E-mailed Liane asking whether she had had a chance to consider the DRAFT application documents.</li> <li>• 25/09/17 – No response from Ngati Tamatera has been received to date.</li> </ul>
<p><b>Outcomes:</b></p> <ul style="list-style-type: none"> <li>➤ No formal comments have been received to date.</li> <li>➤ A response may be received from Ngati Tamatera on or after 25 September 2017.</li> <li>➤ Any comments received after the application is lodged will for forwarded to the BOPRC and WBOPDC consent processing planners.</li> </ul>		

## **Appendix D: Archaeological Assessment**

## Appendix E: Walkway / Cycleway Construction Details

### Appendix E: Walkway / Cycleway Construction Details

Typical Construction Cross-Sections:

