

Application for resource consent or fast-track resource consent

(Or Associated Consent Pursuant to the Resource Management Act 1991 (RMA)) (If applying for a Resource Consent pursuant to Section 87AAC or 88 of the RMA, this form can be used to satisfy the requirements of Schedule 4). Prior to, and during, completion of this application form, please refer to Resource Consent Guidance Notes and Schedule of Fees and Charges — [both available on the Council's web page](#).

1. Pre-Lodgement Meeting

Have you met with a council Resource Consent representative to discuss this application prior to lodgement? Yes No

2. Type of Consent being applied for

(more than one circle can be ticked):

- Land Use
- Fast Track Land Use*
- Subdivision
- Consent under National Environmental Standard
(e.g. Assessing and Managing Contaminants in Soil)
- Other (please specify) _____
- Discharge
- Change of Consent Notice (s.221(3))
- Extension of time (s.125)

* *The fast track is for simple land use consents and is restricted to consents with a controlled activity status.*

3. Would you like to opt out of the Fast Track Process?

Yes No

4. Consultation

Have you consulted with Iwi/Hapū? Yes No

If yes, which groups have you consulted with?

Who else have you consulted with?

For any questions or information regarding iwi/hapū consultation, please contact Te Hono at Far North District Council tehonosupport@fndc.govt.nz

5. Applicant Details

Name/s:

Far North District Council (FNDC)

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

6. Address for Correspondence

Name and address for service and correspondence (if using an Agent write their details here)

Name/s:

Northland Planning and Development 2020 Limited c/o - Rochelle Jacobs

Email:

Phone number:

Postal address:

(or alternative method of service under section 352 of the act)

** All correspondence will be sent by email in the first instance. Please advise us if you would prefer an alternative means of communication.*

7. Details of Property Owner/s and Occupier/s

Name and Address of the Owner/Occupiers of the land to which this application relates (where there are multiple owners or occupiers please list on a separate sheet if required)

Name/s:

Kiwi Rail & Far North District Council

**Property Address/
Location:**

Part of railway corridor opposite Lake Road, Okaihau

Lake road, Okaihau

Postcode

8. Application Site Details

Location and/or property street address of the proposed activity:

Name/s:

**Site Address/
Location:**

Postcode

Legal Description:

Val Number:

Certificate of title:

Please remember to attach a copy of your Certificate of Title to the application, along with relevant consent notices and/or easements and encumbrances (search copy must be less than 6 months old)

Site visit requirements:

Is there a locked gate or security system restricting access by Council staff? Yes No

Is there a dog on the property? Yes No

Please provide details of any other entry restrictions that Council staff should be aware of, e.g. health and safety, caretaker's details. This is important to avoid a wasted trip and having to re-arrange a second visit.

9. Description of the Proposal:

Please enter a brief description of the proposal here. Please refer to Chapter 4 of the District Plan, and Guidance Notes, for further details of information requirements.

If this is an application for a Change or Cancellation of Consent Notice conditions (s.221(3)), please quote relevant existing Resource Consents and Consent Notice identifiers and provide details of the change(s), with reasons for requesting them.

10. Would you like to request Public Notification?

Yes No

11. Other Consent required/being applied for under different legislation

(more than one circle can be ticked):

- Building Consent
- Regional Council Consent (ref # if known)
- National Environmental Standard consent
- Other (please specify)

12. National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health:

The site and proposal may be subject to the above NES. In order to determine whether regard needs to be had to the NES please answer the following:

Is the piece of land currently being used or has it historically ever been used for an activity or industry on the Hazardous Industries and Activities List (HAIL) Yes No Don't know

Is the proposed activity an activity covered by the NES? Please tick if any of the following apply to your proposal, as the NESCS may apply as a result. Yes No Don't know

- Subdividing land
- Changing the use of a piece of land
- Disturbing, removing or sampling soil
- Removing or replacing a fuel storage system

13. Assessment of Environmental Effects:

Every application for resource consent must be accompanied by an Assessment of Environmental Effects (AEE). This is a requirement of Schedule 4 of the Resource Management Act 1991 and an application can be rejected if an adequate AEE is not provided. The information in an AEE must be specified in sufficient detail to satisfy the purpose for which it is required. Your AEE may include additional information such as Written Approvals from adjoining property owners, or affected parties.

Your AEE is attached to this application Yes

13. Draft Conditions:

Do you wish to see the draft conditions prior to the release of the resource consent decision? Yes No

If yes, do you agree to extend the processing timeframe pursuant to Section 37 of the Resource Management Act by 5 working days? Yes No

14. Billing Details:

This identifies the person or entity that will be responsible for paying any invoices or receiving any refunds associated with processing this resource consent. Please also refer to Council's Fees and Charges Schedule.

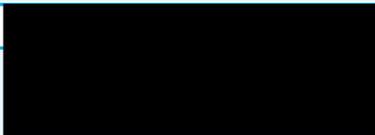
Name/s: (please write in full)	Far North District Council	
Email:		
Phone number:	Work	Home
Postal address: (or alternative method of service under section 352 of the act)	<hr/> <hr/> <hr/> <hr/> Postcode	

Fees Information

An instalment fee for processing this application is payable at the time of lodgement and must accompany your application in order for it to be lodged. Please note that if the instalment fee is insufficient to cover the actual and reasonable costs of work undertaken to process the application you will be required to pay any additional costs. Invoiced amounts are payable by the 20th of the month following invoice date. You may also be required to make additional payments if your application requires notification.

Declaration concerning Payment of Fees

I/we understand that the Council may charge me/us for all costs actually and reasonably incurred in processing this application. Subject to my/our rights under Sections 357B and 358 of the RMA, to object to any costs, I/we undertake to pay all and future processing costs incurred by the Council. Without limiting the Far North District Council's legal rights if any steps (including the use of debt collection agencies) are necessary to recover unpaid processing costs I/we agree to pay all costs of recovering those processing costs. If this application is made on behalf of a trust (private or family), a society (incorporated or unincorporated) or a company in signing this application I/we are binding the trust, society or company to pay all the above costs and guaranteeing to pay all the above costs in my/our personal capacity.

Name: (please write in full)	Ruben Garcia	
Signature: (signature of bill payer)		Date 6 May 2025

MANDATORY

15. Important Information:

Note to applicant

You must include all information required by this form. The information must be specified in sufficient detail to satisfy the purpose for which it is required.

You may apply for 2 or more resource consents that are needed for the same activity on the same form. You must pay the charge payable to the consent authority for the resource consent application under the Resource Management Act 1991.

Fast-track application

Under the fast-track resource consent process, notice of the decision must be given within 10 working days after the date the application was first lodged with the authority, unless the applicant opts out of that process at the time of lodgement. A fast-track application may cease to be a fast-track application under section 87AAC(2) of the RMA.

Privacy Information:

Once this application is lodged with the Council it becomes public information. Please advise Council if there is sensitive information in the proposal. The information you have provided on this form is required so that your application for consent pursuant to the Resource Management Act 1991 can be processed under that Act. The information will be stored on a public register and held by the Far North District Council. The details of your application may also be made available to the public on the Council's website, www.fndc.govt.nz. These details are collected to inform the general public and community groups about all consents which have been issued through the Far North District Council.

15. Important information continued...

Declaration

The information I have supplied with this application is true and complete to the best of my knowledge.

Name: (please write in full)

Ruben Garcia

Signature:



Required if the application is made by electronic means

Date 6 May 2025

Checklist (please tick if information is provided)

- Payment (cheques payable to Far North District Council)
- A current Certificate of Title (Search Copy not more than 6 months old)
- Details of your consultation with Iwi and hapū
- Copies of any listed encumbrances, easements and/or consent notices relevant to the application
- Applicant / Agent / Property Owner / Bill Payer details provided
- Location of property and description of proposal
- Assessment of Environmental Effects
- Written Approvals / correspondence from consulted parties
- Reports from technical experts (if required)
- Copies of other relevant consents associated with this application
- Location and Site plans (land use) AND/OR
- Location and Scheme Plan (subdivision)
- Elevations / Floor plans
- Topographical / contour plans

Please refer to Chapter 4 of the District Plan for details of the information that must be provided with an application. Please also refer to the RC Checklist available on the Council's website. This contains more helpful hints as to what information needs to be shown on plans.

Landuse Resource Consent Proposal
Far North District Council
Twin Coast Cycle Trail Slip Repair

10 June 2025

Attention: Liz Searle and Whitney Peat

Please find attached:

- an application form for a Landuse Resource Consent to reroute a portion of the Twin Coast Cycle Trail which has experienced a slip failure. The subject portion of the cycle trail is located within the Rural Production Zone and the landuse application has been assessed as a **Discretionary Activity** under the Operative District Plan and **Permitted** under the Proposed District Plan.
- an Assessment of Environmental Effects indicating the potential and actual effects of the proposals on the environment.

Given the immediate danger posed by the slip to people, property and the environment, it is likely that some works may need to be completed under the Emergency works provisions ahead of this consent being granted. If this is necessary, further notification under section 330A of the RMA.

If you require further information, please do not hesitate to contact us.

Regards,



Alex Billot
Resource Planner

Reviewed by:



Rochelle Jacobs
Director/Senior Planner

NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED



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Attachments

1. **FNDC Application Signed**
2. **Gazette Notice – LINZ**
3. **Plan Layout – Trine Kel**
4. **Technical Memo – Trine Kel**
5. **Correspondence – Heritage NZ Puhere Taonga**
6. **Correspondence – Te Hono Support – Iwi Contacts**
7. **Correspondence – Iwi**
8. **Correspondence – Kiwi Rail**



Assessment of Environment Effects Report

1.0 DESCRIPTION OF THE PROPOSED ACTIVITY

1.1 The proposal seeks to re-route a portion of the Okaihau Cycle Trail which has experienced failure. The western fence line has collapsed and the crest at the failure edge of the embankment has been barricaded (as shown in **Figure 1** below). The portion of the cycle trail subject to this application is located between Nova Street and Lake Road in Okaihau, with a locality plan shown in **Figure 2** below and a wider aerial image depicting the location shown in **Figure 3** below. The portion subject of this application is adjacent to 164 Lake Road, Okaihau, for ease of reference.



Figure 1: Image of barricaded embankment.

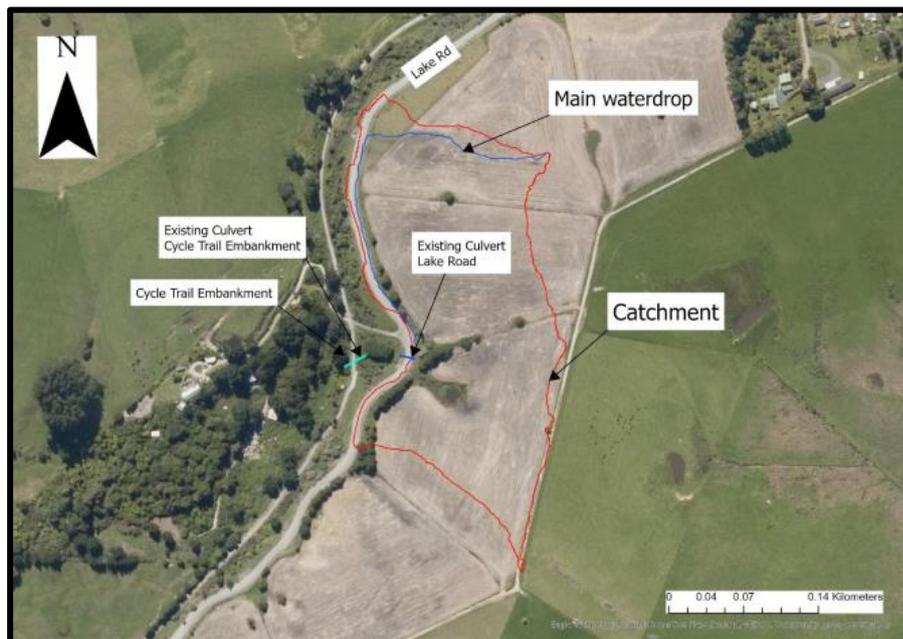


Figure 2: Locality Plan showing location of the embankment and area of works.





Figure 3: Wider aerial image of site and surrounding environment.

- 1.2 Trine Kel Civil Engineering Solutions (Trine Kel) have provided a Technical Memo and set of plans for the proposed works which are attached within **Appendices 3 and 4** of this application.
- 1.3 Originally, it was proposed to lower and reshape the embankment with erosion control methods included to stabilize the embankment. A larger culvert was also proposed in order to mitigate flood risk and ponding. The metalled cycle trail was then to be reconstructed on top of the stabilized embankment, in a similar location to where the metalled cycle trail was located before the slip.
- 1.4 Due to worsening ground conditions, progressive slope regression and updated geotechnical findings, the original proposal was no longer considered to be feasible and therefore a revised remediation strategy has been proposed.
- 1.5 As detailed within the Technical Memo, *'the remediation strategy has shifted to bypass the slip zone entirely via an elevated timber boardwalk that will traverse the margin of the wetland along Lake Road margin. This new approach is being progressed under emergency works provisions in accordance with Section 330 of the Resource Management Act 1990. All stakeholders agreed that rapid deterioration of slope stability beneath a significant public recreational route necessitated swift and decisive action to prevent potential injury and further environmental damage. To ensure protection of the wetland environment, low-impact construction methods have been specified to avoid soil disturbance in and around the wetland. Key features of the revised design include:*
 - *Two new cut/fill gravel cycle trail re-route sections (2.0–3.0 m wide) to the north and south of the slip area;*



- A central 55 m-long, 1.7 m-wide timber boardwalk trail on piles through the wetland, designed to avoid construction sedimentation and disruption of natural drainage pathways;
- Durable timber and stainless steel fixings for long-term resilience;
- Simple, nil-ground-disturbance installation methodology (driven timber piles).

This solution was developed collaboratively with contractor input to ensure both constructability and minimal environmental impact.'

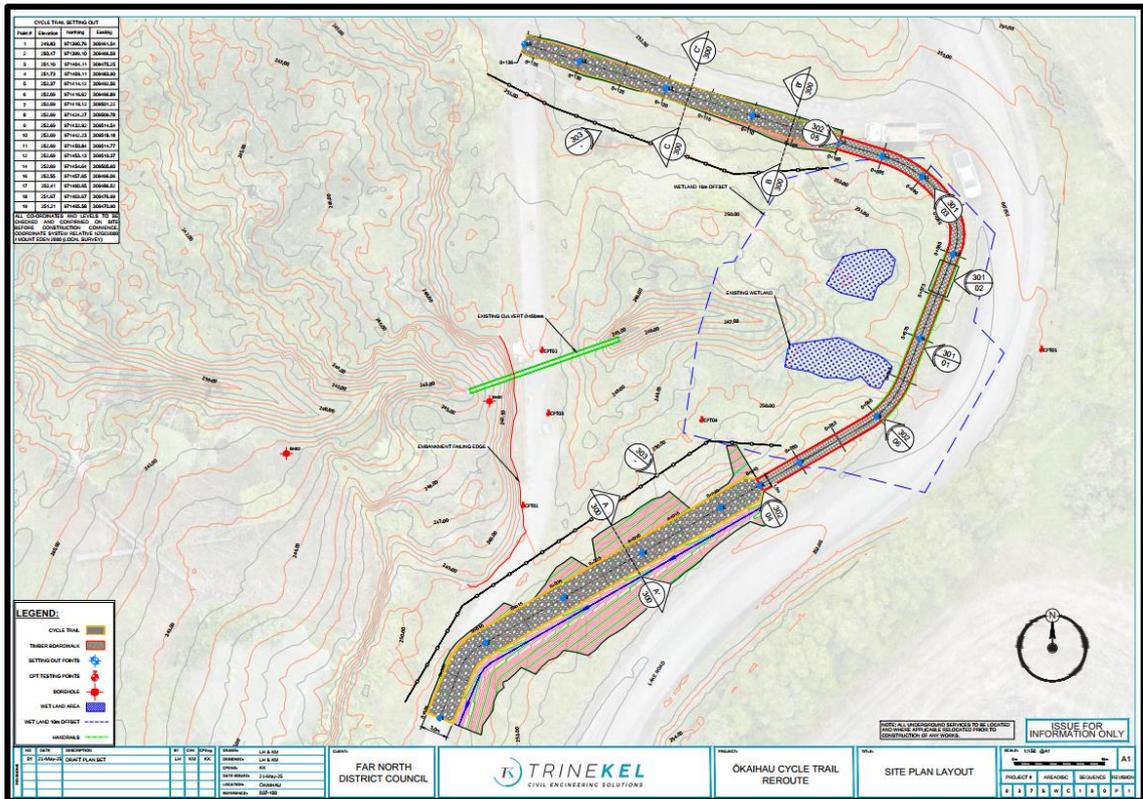


Figure 4: Proposed site plan layout.

- 1.6 Although the cycle trail will be shifted further from the river which begins where the existing culvert (shown in green in the above **Figure 4**) terminates, the metalled trail will still be within 30 metres of this river and therefore triggers consent.
- 1.7 The boardwalk is also classified as a building as it will require building consent under the Building Act 2004. As such, consent is triggered given that the boardwalk will be within 10m from the road boundary. All earthworks will comply with the permitted standards for the Rural Production zone.
- 1.8 Land use resource consent is sought as a **Discretionary Activity** under the Operative District Plan (ODP).



2.0 SITE DESCRIPTION

- 2.1 The Pou Herenga Tai - Twin Coast Cycle Trail is one of the nation’s 22 Great Rides and the regions only Great Ride. The Cycle Trail traverses from the Bay of Islands to the heart of the Hokianga Harbour and is largely off-road over the 87 kilometre length. The Cycle Trail also forms part of Ngā Haerenga – the New Zealand Cycle Trail.
- 2.2 The portion of the trail subject to this application is located within the New Zealand Railways Corporation Designation and legal road designation, with the underlying zone being Rural Production in both cases. The main Cycle Trail is generally located within an area designated as railway; however the use of the land is more for recreational use for cycling, walking and running

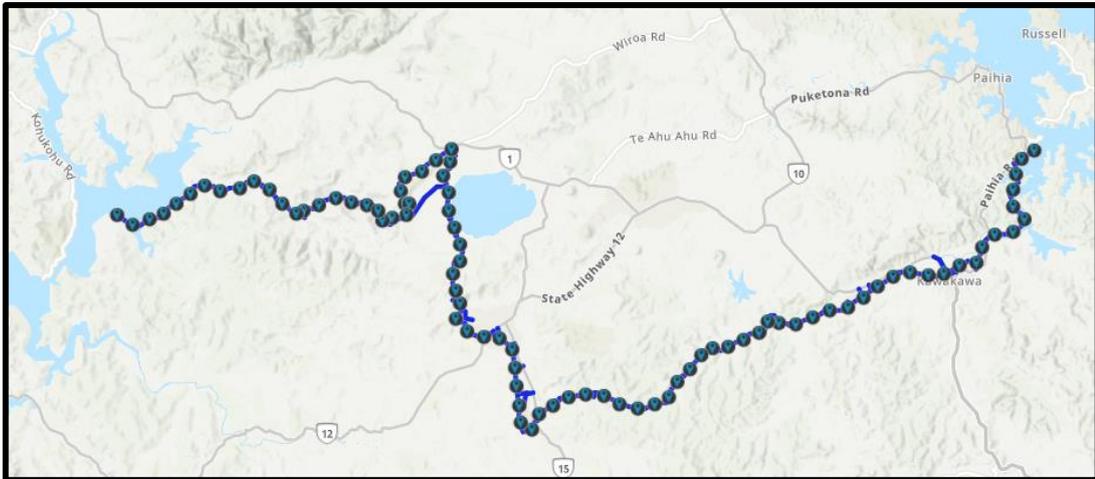


Figure 5: Cycle Trail Map

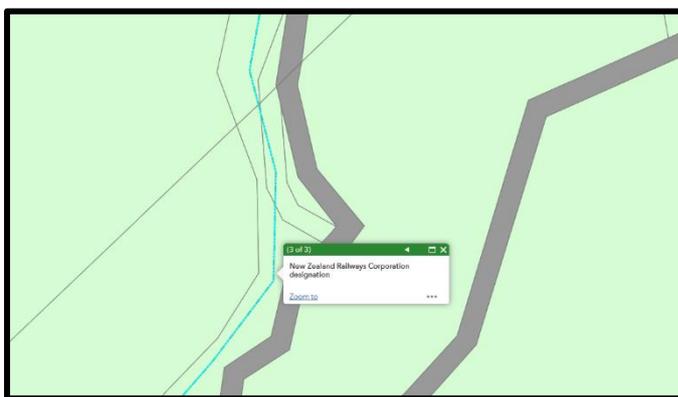


Figure 6: ODP zoning of the sites

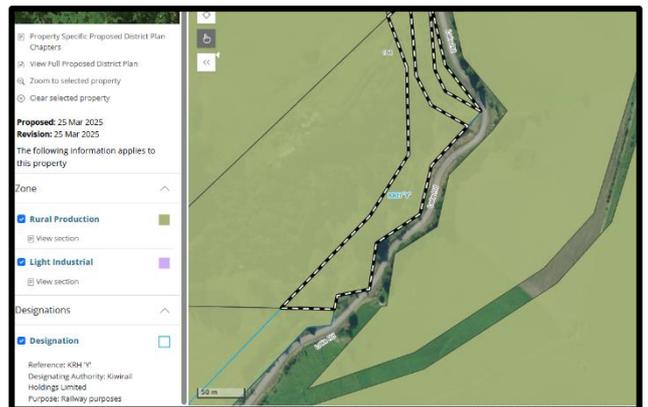


Figure 7: PDP Zoning of the sites

- 2.3 Section 17.1 of the Operative District Plan is the relevant chapter for designated sites. Where a site is designated, and the works being undertaken on site are in accordance with the designation and the requiring authority is undertaking the works the zone rules in the District Plan do not apply. Appendix 5 of the District Plan provides the schedule of requiring authorities and designations within the Far North District. Under this Appendix the NZ



Railways Corporation is described as the requiring authority for the rail network. The preamble for the designation table states the following:

NEW ZEALAND RAILWAYS CORPORATION

Rail is not a predominant mode of transport within the District. Virtually all of the rail land holdings have been held for railway purposes for very many years and no new designations are included. Portions of railway land are no longer part of the operational railway system and therefore no longer require designations. Land designated for railway purposes is shown on the Planning maps and no schedule is incorporated into this Plan.

New Zealand Railways Corporation's Requiring Authority Status relates to the operation, maintenance and improvement of the existing railway system.

- 2.4 In this case, the portion of land is no longer used as an operational railway system and therefore the designation is not applicable to this application. The proposal will not result in the operation, maintenance or improvement of the existing railway system as this is not existent along this portion and is instead utilised as the Twin Coast Cycle Trail. Although the purpose of this area is not for rail, this has not been corrected in the ODP nor the PDP and still states that the purpose is for railway when this is clearly not the case.
- 2.5 Given that the proposed works are not for the purpose of rail, the proposal cannot meet the criteria for the Designation and therefore, an Outline Plan cannot be applied for and a land use resource consent is required in accordance with Chapter 17 of the ODP where there is an infringement to the District Plan. It is worth noting that approval from Kiwirail has been sought and obtained for the proposed works. This has been included within **Appendix 8** of this application.
- 2.6 Part of the boardwalk development is also located within legal road. The Far North District Council (FN) is described as the requiring authority for Councils roading network. The preamble for the designation table states the following:

The Council has responsibility for maintaining the District's local roading network. There are 2,500km of road network (including bridges) within the District for which the Council is responsible for maintaining, all of which is designated. Unformed roads are not designated. The designation provides for the Council, either itself or through its agents, to control, manage and improve the local road network, including planning, design, research, construction and maintenance relating to all land within the designation. Such activities may also involve, but not necessarily be limited to, realigning the road, altering its physical configuration, culverts, bridges and associated protection works. The appropriate resource consents under the Act will be applied for where required.

- 2.7 While this application is being sought by the requiring authority for this designation, the cycle trail does not appear to meet the description of a 'road' noted above or defined in the Local Government Act, such that the establishment of the boardwalk for the cycle trail would not meet the designation purpose. Similar to the above, an Outline Plan cannot be applied for this portion of the activity.



Parcel Details

2.8 The current cycle trail is contained within an area designated for Railway under the ODP. The proposed re-route will utilize part of this land and encroach upon legal road. The legal description of the areas of land which are subject to works as part of this activity are as follows:

- Pt Allotment 15 Parish of Omapere;
- Pt Omapere 1;
- Stopped Road Survey Office Plan 18889; and
- Lake Road.

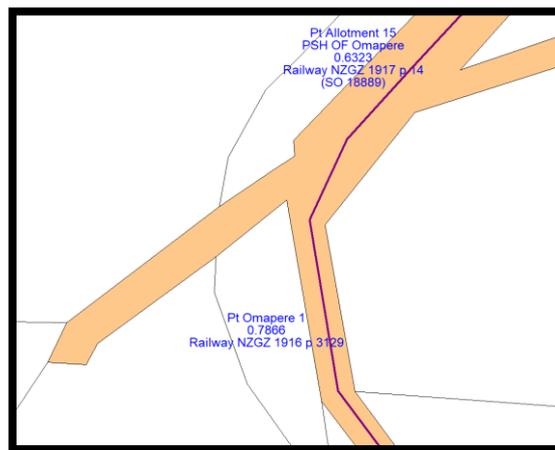


Figure 8 - Allotment boundaries

2.9 The relevant *Gazette Notice* designating the land to Kiwi Rail is *Gazette Notice 1917 p14*. Refer **Appendix 2**.

Site Features

2.10 The sites are located within the Rural Production Zone under the Operative District Plan and Proposed District Plan. In the case of Lake Road and the stopped road, the site assumes the underlying zoning which in all cases is Rural Production.

2.11 This portion of the cycle trail is not identified as HAIL within the FNDC Maps. A portion of the cycle trail to the northeast is identified as HAIL due to previous activities being 'F6. Railway Yards incl. workshops, refuelling or maintenance areas.' Evidence of this still exists with signage depicting this on the trail. This portion of the cycle trail where the failure has occurred is not known to be utilised for such purposes, and as such is not considered HAIL.





Figure 9: FNDC HAIL Maps

- 2.12 There are no known archaeological sites mapped within the vicinity of the works within the NZAA Maps. The proposal has been sent to Heritage New Zealand Pouhere Taonga (HNZPT) for comment, whom have advised the proposal shall proceed under the guidance of an ADP.

- 2.13 The soils within this portion of the cycle trail are mapped as 6s5 which are not considered to be highly versatile. No further assessment regarding the National Policy Statement for Highly Productive Land (NPS-HPL) will be made as part of this application.

- 2.14 The area subject to the proposed works is not shown to be within a Protected Natural Area (PNA) or Outstanding Natural Feature. There are pockets of PNA to the west of the site identified as Puriri Farm Bush. Lake Omapere is located to the east/southeast of the proposed works area as well as surrounding wetland areas. It was determined in a previous Ecological Report that there are two wetland areas near to the proposed works, which are indicated on the Site Plan Layout within the attached plan set. The proposed boardwalk will be within 10 metres of the wetland areas, however no adverse impacts are anticipated.



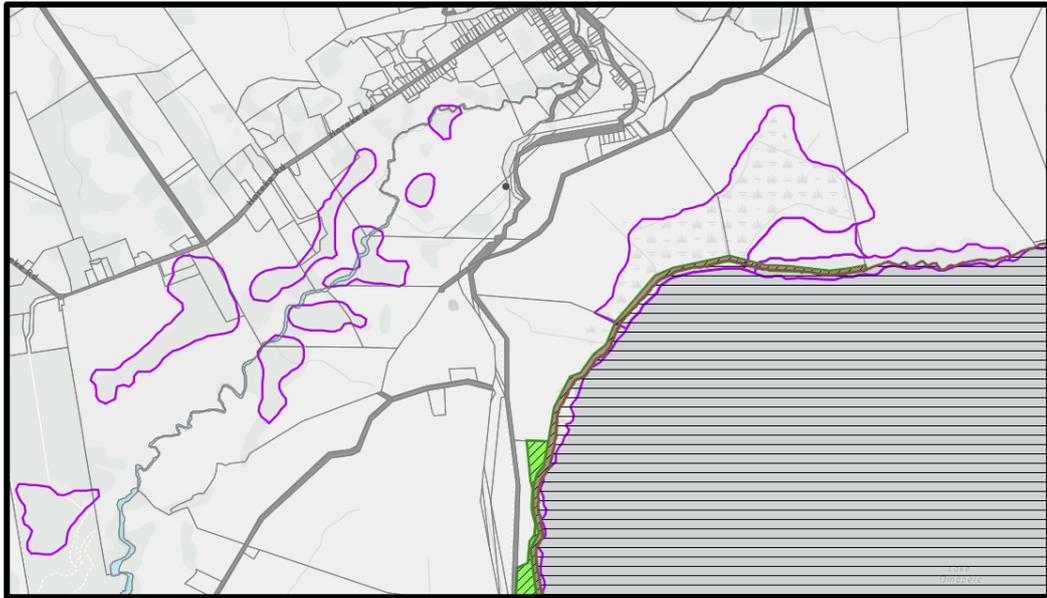


Figure 10: FNDC PNA & Reserves Map

- 2.15 The site is not located within a kiwi present or high-density area.
- 2.16 Lake Omapere and surrounds are noted as being a Top 150 Wetland which is located to the east/southeast of the site as indicated in the image below (area subject to the application is shown as blue circle). Lake Omapere is also noted as an Outstanding Natural Feature under the Regional Policy Statement Maps for Northland (RPSN). The area subject of this application is not identified as either under the NRC Maps. The site is also not located within the Coastal Environment.

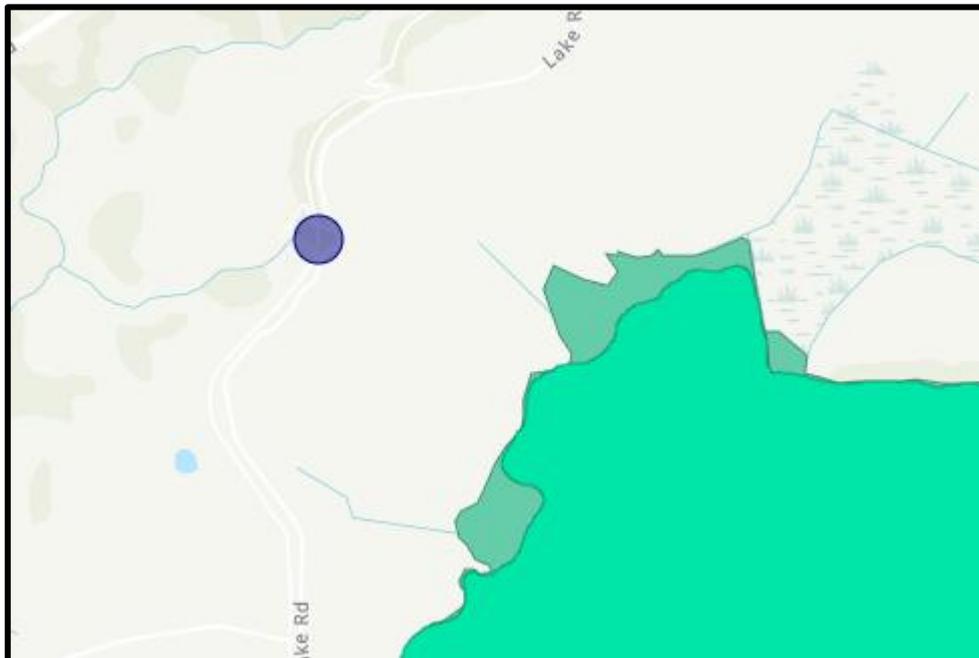


Figure 11: NRC Biodiversity Wetland Maps

- 2.17 In terms of natural hazards, Trine Kel completed an assessment of the area which identified that the current slope is unstable and requires immediate stabilization measures to mitigate



potential failures. Given that the works have shifted such that replacement of the culvert is no longer needed, the proposal is not considered to have any adverse impacts in terms of natural hazards and flood events.

2.18 The proposed works location is not located with a Statutory Acknowledgement Area.

Site Photos



Figure 12 – Slip looking north towards Okaihau (Jan 25)



Figure 14 – Grass area alongside Lake Road



Figure 13 – Wetland area adjacent to slip



Figure 15 - Aerial Image of current cycle trail and the cycle trail re-route.

3.0 WEIGHTING OF PLANS

- 3.1 Within the Proposed District Plan (PDP) part of the development area is designated as ‘KRH Y’ for the purpose of Railway with the Designating Authority being Kiwirail Holdings Ltd. The remaining part of the development area is designated as Lake Road. The underlying zone across the development is Rural Production.

- 3.2 The Council notified its’ PDP on 27 July 2022. The period for public submissions closed on the 21 October 2022. A summary of submissions was notified on the 4 August 2023. The further submission period closed on the 5 September 2023. It is apparent from the summary of submissions relating to the applicable Rural Production zone and the coastal environment overlay that a large number relate to the application of these provisions. Based on the volume and comprehensive nature of these submissions, the Council has confirmed that no other rules will have legal effect until such time as a decision is made on those provisions.

- 3.3 District Plan hearings on submissions are currently underway and are scheduled to conclude in October 2025. No decision on the PDP has been issued. For this reason, little weight is given to the PDP provisions.



3.4 When the PDP was notified, some rules had immediate legal effect. An assessment against these rules is set out below.

4.0 ACTIVITY STATUS OF THE PROPOSAL

Operative District Plan

4.1 As the proposed works do not meet the purpose of the designation, an assessment of the proposal against the rules within the underlying Rural Production zone will be undertaken below.

4.2 An assessment of the relevant zone and district wide rules of the District Plan is set out in the tables below.

Table 1 - Assessment of the Permitted Section 8.6.5.1 Rural Production Zone.		
Plan Reference	Rule	Performance of Proposal
8.6.5.1.1	Residential Intensity	Not applicable. The proposal does not involve residential development.
8.6.5.1.2	Sunlight	Not applicable. The proposed boardwalk where it crosses the boundary is not anticipated to be more than 2m in height (including the handrail) such that sunlight is permitted.
8.6.5.1.3	Stormwater Management	Permitted. The proposal involves the re-establishment of the cycle trail with metal, which is classified as an impermeable surface. The metal coverage will be within 15% of the total site areas.
8.6.5.1.4	Setback from Boundaries	Restricted Discretionary The metallised cycle trail is not defined as a building or structure under the Building Act 2004, however the boardwalk will be defined as a building or structure under the Building Act 2004. As such, the setback standards apply to the boardwalk. As can be seen within the Site Plan layout, the boardwalk crosses the boundary into legal road such that there will be no boundary setback. As such, consent is triggered under this rule.
8.6.5.1.5	Transportation	Full assessment will be made in Table 2 below.
8.6.5.1.6	Keeping of Animals	Not applicable. The proposal does not involve the keeping of animals.
8.6.5.1.7	Noise	Permitted.
8.6.5.1.8	Building Height	Permitted. The boardwalk will be less than 12m in height.



8.6.5.1.9	Helicopter Landing Area	Not applicable. No helicopter landing area is proposed.
8.6.5.1.10	Building Coverage	Permitted. The coverage of the boardwalk will be within 12.5% of the total site area.
8.6.5.1.11	Scale of Activities	Not applicable.
8.6.5.1.12	Temporary Activities	Not applicable.

Table 2 - Assessment of the Chapter 12 District Wide Matters

Plan Reference	Rule	Performance of Proposal
12.1	LANDSCAPE AND NATURAL FEATURES	Not applicable. The site is not identified as an outstanding landscape or natural feature.
12.2	INDGENOUS FLORA AND FAUNA	Not applicable No indigenous vegetation clearance is proposed as the proposal will result in remedial works.
12.3 12.3.6.1.1 (P) 12.3.6.2.3 (RDA)	EXCAVATION AND/OR FILLING, EXCLUDING MINING AND QUARRYING, IN THE RURAL PRODUCTION ZONE OR KAUIR CLIFF ZONE	Permitted. The District Plan allows up to 5000m ³ of excavation per 12 month period and a continuous cut or filled face not exceeding an average of 1.5m in height over the length of the face. The proposal will comply with the permitted threshold as detailed within the Plan Set from Trine Kel.
12.4	NATURAL HAZARDS	Not applicable. The proposed works location is not within a coastal hazard 2 area and does not result in a residential unit such that fire risk is not applicable.
12.5	HERITAGE	Not Applicable. The proposed works will not affect any notable trees, historic sites, buildings or objects. The proposed works are not located within a heritage area or precinct.
12.6	AIR	Deleted Chapter
12.7 LAKES, RIVERS, WETLANDS AND THE COASTLINE		
12.7.6.1.1	Setback from Lakes, Rivers and the Coastal Marine Area	Discretionary The proposal will result in an impermeable surface (metalled cycle trail) within 30 metres of a river with an average riverbed of 3m or more.
12.7.6.1.2	Setback from Smaller Lakes, Rivers and Wetlands	Permitted. The wetlands in proximity to the proposal have been estimated to have an area of 28m ² and 40m ² , which is less than 1 hectare. As such, this rule does not apply to the proposal.
12.7.6.1.3	Preservation of Indigenous Wetlands	Permitted.



		The proposal will not result in a land use activity within an indigenous wetland of 200m ² or more.
12.7.6.1.4-12.7.6.1.6	Not Applicable	
12.8	HAZARDOUS SUBSTANCES	Not applicable
12.9	RENEWABLE ENERGY AND ENERGY EFFICIENCY	Not applicable.
Chapter 15 – Transportation		
15.1.6A	TRAFFIC	Permitted Activity Rule 15.1.6A.2.1 states that construction traffic are exempt from this rule. Furthermore, this proposal will not create a new activity on the site, as it will just be temporary works, and once completed, the land will go back to similar use as before, being for the use of the cycle trail. It is therefore considered that the proposal is exempt from these rules.
15.1.6B	PARKING	Permitted Activity Temporary construction parking is anticipated to be provided and removed on completion of the project. Once again, this proposal will not create a new activity on the site, as it will just be temporary works, and once completed, the land will go back to similar use as before, being for the use of the cycle trail. It is therefore considered that the proposal is exempt from these rules.
15.1.6C	ACCESS	Permitted Activity Temporary construction access is anticipated to be provided and removed on completion of the project. Once again, this proposal will not create a new activity on the site, as it will just be temporary works, and once completed, the land will go back to similar use as before, being for the use of the cycle trail. It is therefore considered that the proposal is exempt from these rules.

Overall Activity Status under the Operative District Plan

4.3 The assessment above has identified the following breaches to the Operative District Plan rules:

- 8.6.5.1.4 Setback from Boundaries
- 12.7.6.1.1 Setback from Lakes, Rivers and the Coastal Marine Area

4.4 The land-use proposal will be assessed a **Discretionary Activity** in accordance with *Rules 8.6.5.4 and 12.7.6.3 Discretionary Activities*. An assessment of the Assessment Criteria within Chapter 11 and Section 12.7.7 will be made as part of this application.



Proposed District Plan

- 4.5 The proposal is also subject to the Proposed District Plan process. The subject site's underlying zone is Rural Production zone under the PDP. An assessment of the matters relating to the Proposed District Plan that have immediate legal effect, has been undertaken below:

Chapter	Rule Reference	Compliance of Proposal
Hazardous Substances	The following rules have immediate legal effect: Rule HS-R2 has immediate legal effect but only for a new significant hazardous facility located within a scheduled site and area of significance to Māori, significant natural area or a scheduled heritage resource Rules HS-R5, HS-R6, HS-R9	Not applicable. The proposal does not include a new significant hazardous facility.
Heritage Area Overlays	All rules have immediate legal effect (HA-R1 to HA-R14) All standards have immediate legal effect (HA-S1 to HA-S3)	Not applicable. The site is not located within a Heritage Area Overlay.
Historic Heritage	All rules have immediate legal effect (HH-R1 to HH-R10) Schedule 2 has immediate legal effect	Not applicable. The site does not contain any areas of scheduled Heritage Resources.
Notable Trees	All rules have immediate legal effect (NT-R1 to NT-R9) All standards have legal effect (NT-S1 to NT-S2) Schedule 1 has immediate legal effect	Not applicable. The site does not contain any notable trees.
Sites and Areas of Significance to Maori	All rules have immediate legal effect (SASM-R1 to SASM-R7) Schedule 3 has immediate legal effect	Not applicable. The site does not contain any scheduled sites and areas of significance to Māori under the PDP.
Ecosystems and Indigenous Biodiversity	All rules have immediate legal effect (IB-R1 to IB-R5)	Not applicable. The site does not include any scheduled Significant Natural Areas. No vegetation clearance is proposed as part of the proposal.
Subdivision	The following rules have immediate legal effect: SUB-R6, SUB-R13, SUB-R14, SUB-R15, SUB-R17	Not applicable. The proposal is not for subdivision.
Activities on the Surface of Water	All rules have immediate legal effect (ASW-R1 to ASW-R4)	Not applicable. The proposal does not involve activities on the surface of water.

¹ As updated by PDP Plan Variation 1 dated 14 October 2024



Earthworks	<p>The following rules have immediate legal effect: EW-R12, EW-R13</p> <p>The following standards have immediate legal effect: EW-S3, EW-S5</p>	<p>Permitted Activity. All future earthworks as part of this proposal will proceed under the guidance of an ADP and will be in accordance with the Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region 2016, in accordance with Rules EW-12, EW-R13, EW-S3 and EW-S5.</p>
Signs	<p>The following rules have immediate legal effect: SIGN-R9, SIGN-R10</p> <p>All standards have immediate legal effect but only for signs on or attached to a scheduled heritage resource or heritage area</p>	<p>Not applicable. No signs are proposed as part of this application.</p>
Orongo Bay Zone	<p>Rule OBZ-R14 has partial immediate legal effect because RD-1(5) relates to water</p>	<p>Not applicable. The site is not located in the Orongo Bay Zone.</p>

4.6 The assessment above has identified that the proposal complies with the Proposed District Plan.

Proposed Regional Plan for Northland

4.7 The Proposed Regional Plan for Northland has now been updated to include all provisions arising from the resolution of appeals in the Environment Court. Now that all appeals have been resolved, all rules in the Proposed Regional Plan must be treated as Operative, in accordance with Section 86F of the RMA.

4.8 The original proposal required consent under the Proposed Regional Plan. However, with the amendments made to the design consent is no longer triggered. This has been confirmed with NRC.

National Environmental Standards

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health.

4.9 The NES-CS sets out requirements for development on land which currently has, or has in the past had a Hazardous Activity or Industry operate on it. These prescribed activities are listed in the HAIL.

4.10 In regard to this proposal, the area in which works will be undertaken has not been assessed as a HAIL site. As such the proposal is considered a permitted activity insofar as this regulation.



National Environmental Standards for Freshwater

- 4.11 The NES-F sets out requirements for carrying out activities identified as posing a risk to the health of freshwater and freshwater ecosystems, and to ensure the objectives and policies within the National Policy Statement for Freshwater Management (NPS-FM) are met.
- 4.12 As mentioned, it has been confirmed that there are two natural inland wetlands to the east of the embankment. One comprises of a seepage fed by groundwater and the other a swamp fed by the roadside drain and further natural inland wetland to the east of Lake Road. Both wetlands feed to the Waiharakeke Stream, intermittent through the embankment culvert under normal conditions.
- 4.13 Before going into further detail, it is worthwhile to determine the definition of the natural features in proximity to the proposed works:

Specified Infrastructure

- 4.13.1 Under the NES-F Specified Infrastructure has the following definition:
'specified infrastructure has the meaning given by the National Policy Statement for Freshwater Management.'
- 4.13.2 Under the National Policy Statement for Freshwater Management (NPS-FM), the following definition is provided:
specified infrastructure means any of the following:
- (a) infrastructure that delivers a service operated by a lifeline utility (as defined in the Civil Defence Emergency Management Act 2002)*
 - (b) regionally significant infrastructure identified as such in a regional policy statement or regional plan*
 - (c) any water storage infrastructure*
 - (d) any public flood control, flood protection, or drainage works carried out:*
 - (i) by or on behalf of a local authority, including works carried out for the purposes set out in section 133 of the Soil Conservation and Rivers Control Act 1941; or*
 - (ii) for the purpose of drainage by drainage districts under the Land Drainage Act 1908*
 - (e) defence facilities operated by the New Zealand Defence Force to meet its obligations under the Defence Act 1990*
 - (f) ski area infrastructure*
- 4.13.3 It is considered that '(b) regionally significant infrastructure identified as such in a regional policy statement or regional plan' applies to the proposal. As such, we refer to the definition of Regionally Significant Infrastructure under the PRP, which is as follows:
- Regionally Significant Infrastructure – *'Note: See H.9 Regionally Significant Infrastructure for a list of identified Regionally Significant Infrastructure. Regionally Significant Infrastructure extends to the site-related components that enable the asset to function.'*



- 'H.9 Regionally Significant Infrastructure – 2) Transport (b) roads as well as walking and cycling facilities that are of strategic significance as identified in the Regional Land Transport Strategy⁵⁰;

4.13.4 The Northland Regional Land Transport Strategy does not use the term strategic significance as such, but it does define the Twin Coast Cycle Trail as a priority investment. It is therefore considered that the Twin Coast Cycle Trail is considered to meet the definition of Regionally Significant Infrastructure in accordance with H.9 of the PRPN. The definition of Regionally Significant Infrastructure within the PRPN extends to the site-related components that enable the asset to function, which is determined to include the culvert.

4.13.5 Therefore, it is considered that the proposed works, meet the definition of specified infrastructure under the NES-F and will be assessed as such.

River

4.13.6 Under the NES-F, river has the following definition:

river or connected area means—

(a) a river; or

(b) any part of the coastal marine area that is upstream from the mouth of a river

4.13.7 As per the Wetland Report prepared by Bay Ecological Consultancy (BEC), below the current culvert location is considered to be classified as a river. The current culvert location is not considered to form part of a river.

4.14 Assessment of the relevant rules under the NES-F has been undertaken within the table below:

NATIONAL ENVIRONMENTAL STANDARDS FOR FRESHWATER 2020		
Regulation	Rule Reference	Compliance of Proposal
Subpart 1 – Natural Inland Wetlands		
46 (Permitted)	Maintenance and operation of specified infrastructure and other infrastructure	<p>Post changes to the design works are now required within 10m of the wetland.</p> <p>In discussions with Katie McGuire from NRC it was confirmed that driving piles into the ground has not been considered 'earthworks' on other applications and as such, subsection (2) is not applicable.</p> <p>Regarding subsection (a) it is understood that no vegetation clearance will be required to drive the piles. The boardwalk will be placed along the side of an existing accessway and Lake Road where there is grass cover. No trees will be removed.</p>



		<p>While detailed design has not been fully completed, the primary concept design does not imply that works located within 100m of the natural inland wetland will change or are likely to change, the water level range or hydrological function of the wetland.</p> <p>As subsections 1 & 2 are not applicable, the conditions are also not applicable and do not require further assessment.</p>
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- 4.15 Overall, it has been determined as part of this assessment that consent is not required under the NES-F.

Top Energy

- 4.16 It is noted that works will be required within proximity to overhead powerlines. Top Energy have been contacted by the Project Manager and discussions are currently underway on safety during construction.

5.0 STATUTORY ASSESSMENT

Section 104B of the Act

- 5.1 Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to these activities, a consent authority may grant or refuse the application and if it grants the application, it may impose conditions under Section 108.

Section 104(1) of the Act

- 5.2 Section 104(1) of the Act states that when considering an application for resource consent –

“the consent authority must, subject to Part II, have regard to –

- (a) any actual and potential effects on the environment of allowing the activity; and*
- (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment that will or may result from allowing the activity; and*
- (b) any relevant provisions of –*
 - i. a national environmental standard:*
 - ii. other regulations:*
 - iii. a national policy statement:*
 - iv. a New Zealand Coastal Policy Statement:*
 - v. a regional policy statement or proposed regional policy statement:*
 - vi. a plan or proposed plan; and*
- (c) any other matter the consent authority considers relevant and reasonably necessary*



to determine the application.”

- 5.3 Actual and potential effects arising from a development as described in 104(1)(a) can be both positive and adverse (As described in section 3 of the act). Positive effects arising from this development include utilising low-impact construction methods to re-establish the cycle trail in an area which is more likely to be less impacted by natural hazards, such as flooding as well as ensuring that the construction of the walkway can be undertaken safely whilst ensuring the protection of the wetland areas in proximity to the cycle trail. The proposal will enable the continued use of the cycle trail which is an iconic trail within Northland. The proposal will utilise correct methodology to reduce the likelihood of this situation reoccurring. Adverse effects relate to the impermeable surfaces within proximity to the river.
- 5.4 Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity’. In this case the proposal is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.
- 5.5 Section 104(1)(b) requires the consent authority to consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided below.
- 5.6 Section 104(1)(c) states that consideration must be given to ‘any other matters that the consent authority considers relevant and reasonable, necessary to determine the application.’ There are no other matters relevant to this application.

6.0 ENVIRONMENTAL EFFECTS ASSESSMENT

- 6.1 Having reviewed the relevant plan provisions and taking into account the matters to be addressed by an assessment of environmental effects as outlined in Clause 7 of Schedule 4 of the Act, the following environmental effects warrant consideration as part of this application.
- 6.2 The proposal is to be assessed as a Discretionary Activity as per Rules 8.6.5.4 and 12.7.6.3 *Discretionary Activities*. The Council may approve or refuse an application for a Discretionary Activity, and it may impose conditions on any consent. In assessing an application for a discretionary activity, the Council have full discretion. An assessment of the relevant section of Chapter 11 & 12 has been undertaken below.

Setback from Boudnaries

- 6.3 As detailed earlier in this report, the proposed boardwalk will be defined as a building under the Building Act 2004, and as such, the setback standards apply to the boardwalk. The



boardwalk will cross the boundary into legal road such that it will infringe upon the 10 metres boundary setback. This configuration is required to avoid wetland areas. As has been discussed within this report, multiple reconstruction options have been investigated with the proposed re-routed cycle trail location being the most practical, cost effective and safest option for both construction and use of the trail once completed.

6.4 An assessment of Section 11.6 has been undertaken below:

(a) Where there is a setback, the extent to which the proposal is in keeping with the existing character and form of the street or road, in particular with the external scale, proportions and buildings on the site and on adjacent sites.

(b) The extent to which the building(s) intrudes into the street scene or reduces outlook and privacy of adjacent properties.

(c) The extent to which the buildings restrict visibility for vehicle manoeuvring.

(d) The ability to mitigate any adverse effects on the surrounding environment, for example by way of street planting.

(e) The extent to which provision has been made to enable and facilitate all building maintenance and construction activities to be contained within the boundaries of the site

6.5 The proposal will be in keeping with the existing character and form of the road, given that the site will continue to be utilised for the Cycle Trail. External scale, proportions and buildings on adjacent sites are not considered applicable given the setback infringement is to the road boundary upon which part of the boardwalk will be constructed over. The boardwalk will be constructed to compliment the surrounding area, enhancing the natural character of the site. The boardwalk is not anticipated to intrude on to the street scene nor reduce the outlook and privacy of adjacent properties. The boardwalk is not anticipated to restrict the visibility of vehicles using Lake Road. The boardwalk will create less impact than a building such as a dwelling or shed, given the height will be far less. It ensures safety to cyclists providing a set location for cyclists to use. No adverse effects are anticipated and therefore no mitigation is proposed. No planting / screening is considered necessary. Building maintenance and construction activities will be carefully planned to ensure there is no impact on the local road.

6.6 Overall, it is considered that the setback infringement is less than minor given the proposed use of the boardwalk.

Lakes, Rivers, Wetlands & the Coastline

6.7 The proposal will result in the re-routing of the metalled cycle trail in a location which is further from the river than the previous location. The metalled cycle trail is defined as an impermeable surface and although the cycle trail will be further from the river than the previous location of the cycle trail, it will still be within the 30m setback.

6.8 As the proposed impermeable surface will be replacing the existing cycle trail with material which is like for like and will be further from the river than what was previously there, it is



considered that no adverse effects will be created given the activity has been in existence for many years.

- 6.9 For completeness, an assessment of the criteria within Section 12.7.7 of the ODP has been undertaken below.

(a) the extent to which the activity may adversely affect cultural and spiritual values;
(b) the extent to which the activity may adversely affect wetlands;
(c) the extent to which the activity may exacerbate or be adversely affected by natural hazards;
(d) the potential effects of the activity on the natural character and amenity values of lakes, rivers, wetlands and their margins or the coastal environment;
(e) the history of the site and the extent to which it has been modified by human intervention;
(f) the potential effects on the biodiversity and life supporting capacity of the water body or coastal marine area or riparian margins;
(g) the potential and cumulative effects on water quality and quantity, and in particular, whether the activity is within a water catchment that serves a public water supply;
(h) the extent to which any proposed measures will mitigate adverse effects on water quality or on vegetation on riparian margins;
(i) whether there are better alternatives for effluent disposal;
(j) the extent to which the activity has a functional need to establish adjacent to a water body;
(k) whether there is a need to restrict public access or the type of public access in situations where adverse safety or operational considerations could result if an esplanade reserve or strip were to vest.

- 6.10 No effects on cultural or spiritual values are anticipated given that the proposal will result in reinstatement of the existing cycle trail. Iwi have been contacted as part of the pre-application process with a response acknowledging the situation – See **Appendix 7**. Given the location of the metalled cycle trail being outside of the 10m setback from the wetland areas, there are no adverse impacts anticipated on the wetlands. The proposal will result in a significantly less amount of excavation works compared to the original proposal and will utilise methodology to ensure the wetlands are not adversely affected. Natural hazards are not considered to be exacerbated by the proposal. Management of natural hazards, particularly flooding and instability are anticipated to be significantly enhanced by the proposed works, as the proposal will be located outside of the wetland and river passage, such that it will be less likely to be affected on flood events. Natural character and amenity values of lakes, river, wetlands and their margins are not considered to be adversely affected, in fact the design proposed is more considerate of these features in comparison to the existing set up. The cycle trail has been in existence for many years and the proposal will see the reinstatement of the trail in a safer location, such that the proposal is consistent with the historic use of this portion of the site. No adverse effects on biodiversity or the life supporting capacity of the water body is anticipated. No adverse potential or cumulative effects on water quality and quantity are anticipated given the proposal will result in a superior outcome in terms of being able to cope with future rainfall events so that the current situation does not occur again. Effluent disposal is not proposed. The proposal will result in reinstatement of the cycle trail and is considered to have a functional need to be located as is. No esplanade reserve or strips are proposed.



- 6.11 Overall, the proposal will result in reinstatement of the cycle trail. The works will future proof the cycle trail from future rainfall events. No adverse effects are anticipated on the wetland areas given the methodology proposed. It is considered that the proposal will have a less than minor effect on natural features in the area.

7.0 POLICY DOCUMENTS

- 7.1 In accordance with section 104(1)(b) of the Act the following documents are considered relevant to this application.

National Environmental Standards

National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

- 7.2 As mentioned earlier in this report, there have been no previous or current activities listed on the HAIL, undertaken on the site. The proposal is therefore considered permitted in terms of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011.

National Environmental Standards for Freshwater

- 7.3 The NES-F sets out requirements for carrying out activities identified as posing a risk to the health of freshwater and freshwater ecosystems, and to ensure the objectives and policies within the National Policy Statement for Freshwater Management (NPS-FM) are met. The redesigned proposal is permitted insofar as this legislation.

Other National Environmental Standards

- 7.4 No other National Environmental Standards are considered applicable to this development.

National Policy Statements

- 7.5 There are currently 8 National Policy Statements in place. These are as follows:
- National Policy Statement on Urban Development.
 - National Policy Statement for Freshwater Management.
 - National Policy Statement for Renewable Electricity Generation.
 - National Policy Statement on Electricity Transmission.
 - New Zealand Coastal Policy Statement.
 - National Policy Statement for Highly Productive Land.
 - National Policy Statement for Indigenous Biodiversity.
 - National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023.
- 7.6 The site is not located within the Coastal Environment nor on land classified as highly productive. There are two wetlands located within proximity to the proposed works and as such the National Policy Statement for Freshwater Management (NPS-FM) is considered applicable to this proposal.



National Policy Statement for Freshwater Management

- 7.7 The proposal will result in works within proximity to two wetland areas. While a permitted activity, an assessment of the objective and policies of the NPS-FM has been undertaken below.

2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

- 7.7.1 The health and well-being of the water bodies and freshwater ecosystems within proximity to the proposed works are considered to be maintained. The health needs of people are not considered to be affected given that this area of the river is not known to be utilised for drinking water. The social, economic and cultural well-being of people and communities will be enhanced as the proposal will see the reinstatement of the Cycle Trail, which is currently impassable. Social well-being will be increased by enabling people to utilise the trail again, which in turn will provide economic and cultural well-being to the surrounding communities.

2.2 Policies

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

- 7.7.2 Te Mana o te Wai refers to restoring and preserving the balance between the water, wider environment and the community. The proposal is not considered to have any adverse effects on the health of the freshwater bodies in the area and will provide protection of the freshwater bodies from future slips, given that the design will incorporate methods to cope with future large rainfall events. It is considered that this proposal has given effect to Te Mana o te Wai and will not create any adverse effects on the freshwater bodies in the area.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.

- 7.7.3 Iwi have been contacted as part of the pre-application process and have acknowledged this through an email response. Given the nature and purpose of the proposal, it is considered that the proposal will not result in cultural issues.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

- 7.7.4 The effects of the proposal on the whole catchment as well as receiving environment are considered to be less than minor, given the impermeable surfaces will be located outside of the 10m buffer around the wetland areas. The proposal is considered to result in a superior outcome compared to other proposals.



Policy 4: Freshwater is managed as part of New Zealand's integrated response to climate change.

7.7.5 Climate change has been taken into account within the preliminary design.

Policy 5: Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

7.7.6 The health and wellbeing of the water bodies and freshwater ecosystems in proximity to the proposal are anticipated to be maintained.

Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.

7.7.7 No loss of natural inland wetlands is anticipated. The natural inland wetlands in proximity to the proposal will remain unaffected.

Policy 7: The loss of river extent and values is avoided to the extent practicable.

7.7.8 No loss of river extent and values are anticipated.

Policy 8: The significant values of outstanding water bodies are protected.

Policy 9: The habitats of indigenous freshwater species are protected.

Policy 10: The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

7.7.9 There are no outstanding water bodies known to be affected by the proposal. Habitats of freshwater species will remain unaffected. There are no trout or salmon located within proximity to the proposal.

Policy 11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.

Policy 12: The national target (as set out in Appendix 3) for water quality improvement is achieved.

7.7.10 No freshwater allocation is proposed. Water quality is not anticipated to be affected with erosion and sediment control methods in place during construction.

Policy 13: The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.

Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.

7.7.11 Monitoring can easily be taken place if required, however no adverse effects are anticipated.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

7.7.12 Social, economic and cultural wellbeing will be provided for as discussed earlier in this section.



7.7.13 Overall, it is considered that the proposal is consistent with the objective and policies of the NPS-FM.

Regional Policy Statement

- 7.8 The role of the Regional Policy Statement for Northland (RPSN) is to promote sustainable management of Northland's natural and physical resources by providing an overview of the regions resource management issues and setting out policies and methods to achieve integrated management of Northland's natural and physical resources. It is considered the proposal is compatible with the intent of the RPS.
- 7.9 The proposed works are considered to be consistent with the objectives and policies of the RPSN, as the works will see the reinstatement of the cycle trail which is a popular trail utilised by both visitors and locals to Northland. The location of the cycle trail has been shifted to avoid the embankment area as well as future proof the cycle trail from future weather events. The proposed location has been determined to be the most safe and practical location. The proposal is considered to have less than minor effects on the natural features in the surrounding environment.
- 7.10 Given the proximity of the proposed works to wetlands and the river in the area, the following objectives and policies of the RPSN are considered relative to the proposal:

Objectives

Objective 3.1 – Integrated catchment management

Integrate the management of freshwater and the subdivision, use and development of land in catchments to enable catchment-specific objectives for fresh and associated coastal water to be met.

- 7.10.1 The proposal is not considered to have any adverse effects on freshwater bodies in the area. The proposal is considered to result in a superior outcome given that the cycle trail will be located further from the riverbed as well as not altering the existing culvert between the wetland and river areas.

Objective 3.3 – Ecological flows and water levels

Maintain flows, flow variability and water levels necessary to safeguard the lifesupporting capacity, ecosystem processes, indigenous species and the associated ecosystems of freshwater.

- 7.10.2 As mentioned, the proposal has been determined to result in a less than minor effect on the surrounding water bodies. The proposal is not considered to add more impermeable surfaces to what is currently in existence, given that the metal cycle trail will be replaced like for like. It is considered that the ecosystems in the area will not be adversely affected.

Objective 3.4 – Indigenous ecosystems and biodiversity

Safeguard Northland's ecological integrity by:

- a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;*



b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and

c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.

- 7.10.3 The proposal is not considered to adversely affect any significant indigenous vegetation or habitats of indigenous fauna. Ecosystems will remain unaffected and potentially enhanced by introducing methods to prevent erosion and sediment entering the waterways.

Objective 3.5 – Enabling economic wellbeing

Northland’s natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.

- 7.10.4 The Cycle Trail is a significant attraction to Northland and is considered to aid in economic prosperity of the surrounding communities. The proposal will see this portion of the Cycle Trail reinstated, which is currently impassable at present. The proposal is considered to be the best suited solution for the environment, with less than minor effects anticipated on natural and physical resources.

Objective 3.7 – Regionally Significant Infrastructure

Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland’s economic, cultural, environmental and social wellbeing.

- 7.10.5 As has been discussed throughout this report, the cycle trail is considered to be defined as regionally significant infrastructure. As above, the proposal will see this portion of the cycle trail reinstated which will enable the public to utilise the trail once again.

Objective 3.8 – Efficient and effective infrastructure

Manage resource use to:

(a) Optimise the use of existing infrastructure;

(b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and

(c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing.

- 7.10.6 The proposed location of the Cycle Trail has been shifted which will prevent having to undertake gross excavation which could result in further effects. The proposed location will be located further from the slip which is considered to provide resilience of the trail in future weather events. As has been discussed throughout this report, the proposal is considered to aid in regional economic development and community wellbeing.

Objective 3.11 – Regional Form

Northland has sustainable built environments that effectively integrate infrastructure with subdivision, use and development, and have a sense of place, identity and a range of lifestyle, employment and transport choices.

- 7.10.7 The proposal will see the cycle trail reinstated. The proposal will not change the previous use of the space, given it was utilised as a cycle trail in the past. The proposal is considered to be consistent with the sense of place existing in the surrounding environment.



Objective 3.12 – Tangata Whenua role in decision-making

Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

- 7.10.8 Iwi have been contacted as part of the pre-application process, and have acknowledged the project.

Policies

Policy 4.4 – Maintaining and enhancing indigenous ecosystems and species (Policy 4.4.1)

(1) In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on:

- (a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
- (b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;*
- (c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.*

(2) In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:

- (a) Areas of predominantly indigenous vegetation;*
- (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;*
- (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh.*

(3) Outside the coastal environment and where clause (1) does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following:

- (a) Areas of predominantly indigenous vegetation;*
- (b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;*
- (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, northern wet heathlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas.*

(4) For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects:

- (a) Recognise that a minor or transitory effect may not be an adverse effect;*
- (b) Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor;*
- (c) Recognise that there may be more than minor cumulative effects from minor or transitory effects.*

(5) For the purpose of clause (3) if adverse effects cannot be reasonably avoided, remedied or mitigated then it maybe appropriate to consider the next steps in the mitigation hierarchy i.e.



biodiversity offsetting followed by environmental biodiversity compensation, as methods to achieve Objective 3.4.

- 7.10.9 In terms of (1), the proposal is located outside of the coastal environment. No adverse effects on indigenous taxa, areas of indigenous vegetation or indigenous fauna are anticipated. No areas of indigenous biodiversity are considered to be adversely affected. In terms of (2), this is not considered applicable given the site is not located within the coastal environment. In terms of (3), no adverse effects on indigenous vegetation, species or ecosystems and habitats are anticipated. In terms of (4), no adverse effects are anticipated given the nature of the proposal.

Policy 4.6 – Managing effects on natural character, features/landscapes and heritage (Policy 4.6.1)

(1) In the coastal environment:

a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes.

b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include:

(i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and

(ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and

(iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised.

(2) Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes and the natural character of freshwater bodies. Methods which may achieve this include:

a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins;

b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature;

c) Minimising, indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.



(3) When considering whether there are any adverse effects on the characteristics and qualities⁹ of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:

- a) Recognise that a minor or transitory effect may not be an adverse effect;*
- b) Recognise that many areas contain ongoing use and development that:
 - (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established*
 - (ii) May be dynamic, diverse or seasonal;**
- c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and*
- d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.*

7.10.10 Subclause (1) is not considered applicable given the site is not located within the coastal environment. In terms subclause (2), the site is not located within an outstanding natural landscape or features and no effects on outstanding natural landscapes or features are anticipated. No indigenous vegetation clearance is proposed, given the nature of the works. No modification to the wetland areas are proposed, however, there will be a boardwalk within 10m of the wetland areas. Modification has been limited to what is necessary and effects have been considered to be less than minor. In terms of (3), no adverse effects are anticipated. Characteristics and qualities will be enhanced by repairing the slippage and by ensuring proper ongoing erosion and sediment control.

Policy 4.7 – Supporting management and improvement (Policy 4.7.1)

In plan provisions and the resource consent process, recognise and promote the positive effects of the following activities that contribute to active management:

- a) Pest control, particularly where it will complement an existing pest control project / programme;*
- b) Soil conservation / erosion control;*
- c) Measures to improve water quality in parts of the coastal marine area where it has deteriorated and is having significant adverse effects, or in freshwater bodies targeted for water quality enhancement;*
- d) Measures to improve flows and / or levels in over allocated freshwater bodies;*
- e) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement;*
- f) Maintenance of historic heritage resources (including sites, buildings and structures);*
- g) Improvement of public access to and along the coastal marine area or the margins of rivers or lakes except where this would compromise the conservation of historic heritage or significant indigenous vegetation and / or significant habitats of indigenous fauna;*
- h) Exclusion of stock from waterways and areas of significant indigenous vegetation and / or significant habitats of indigenous fauna;*
- i) Protection of indigenous biodiversity values identified under Policy 4.4.1, outstanding natural character, outstanding natural landscapes or outstanding natural features either through legal means or physical works;*



j) Removal of redundant or unwanted structures and / or buildings except where these are of historic heritage value or where removal reduces public access to and along the coast or lakes and rivers;

k) Restoration or creation of natural habitat and processes, including ecological corridors in association with indigenous biodiversity values identified under Policy 4.4.1, particularly wetlands and / or wetland sequences;

l) Restoration of natural processes in marine and freshwater habitats.

7.10.11 Pest control is not considered necessary or relevant for this proposal. Erosion control will be managed throughout the construction process as well as on an ongoing basis. The water quality of the freshwater bodies is considered to be enhanced. Over allocated freshwater bodies are not considered applicable. No effects on historic heritage resources are anticipated. The proposal will result in improved public access. No stock access is proposed. No effects on indigenous biodiversity are anticipated. No structures will be removed. The natural habitat and processes in the area are not considered to be adversely affected.

Policy 5.2 – Effective and efficient infrastructure (Policy 5.2.2)

Encourage the development of infrastructure that is flexible, resilient, and adaptable to the reasonably foreseeable needs of the community.

7.10.12 The proposal will result in infrastructure that is resilient and adaptable to future high rainfall events, which will see the needs of the community met.

Policy 5.3 – Regionally Significant Infrastructure (Policies 5.3.1 & 5.3.2)

5.3.1 - The regional and district councils shall recognise the activities identified in Appendix 3 of this document as being regionally significant infrastructure.

5.3.2 Particular regard shall be had to the significant social, economic, and cultural benefits of regionally significant infrastructure when considering and determining resource consent applications or notices of requirement for regionally significant infrastructure.

7.10.13 The proposal will result in the reinstatement of the cycle trail which is identified as regionally significant infrastructure. The social, economic and cultural flow on effects will be positive and will result in the public being able to utilise the cycle trail once again. Furthermore, no adverse effects are anticipated on the proposal.

Policy 8.1 – Participation in decision-making, plans, consents and monitoring (Policy 8.1.1)

The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.

7.10.14 Iwi have been contacted as part of the pre-application process with no response received to date. Given the nature of the proposal, no cultural issues are anticipated.

7.11 It is therefore concluded that the proposal is consistent with objectives and policies of the RPS for Northland.

Far North District Plan

7.12 The relevant objectives and policies of the Plan are those related to the Rural Environment, Rural Production zone, the Soils and Minerals Chapter as well as the Lakes, Rivers, Wetlands and the Coastline.



- 7.13 An assessment of the objectives and policies contained within the relevant chapters has been undertaken below.

Assessment of the objectives and policies within the Rural Environment

- 7.14 The following assessment is based upon the objectives and policies contained within sections 8.3 and 8.4.

Objectives

8.3.1 To promote the sustainable management of natural and physical resources of the rural environment.

8.3.2 To ensure that the life supporting capacity of soils is not compromised by inappropriate subdivision, use or development.

8.3.3 To avoid, remedy or mitigate the adverse and cumulative effects of activities on the rural environment.

8.3.4 To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna

8.3.5 To protect outstanding natural features and landscapes.

8.3.6 To avoid actual and potential conflicts between land use activities in the rural environment.

8.3.7 To promote the maintenance and enhancement of amenity values of the rural environment to a level that is consistent with the productive intent of the zone.

8.3.8 To facilitate the sustainable management of natural and physical resources in an integrated way to achieve superior outcomes to more traditional forms of subdivision, use and development through management plans and integrated development.

8.3.9 To enable rural production activities to be undertaken in the rural environment.

8.3.10 To enable the activities compatible with the amenity values of rural areas and rural production activities to establish in the rural environment.

- 7.14.1 The proposal will not affect the sustainable management of natural and physical resources. The subject site is utilised as a portion of the Twin Coast Cycle Trail, and is designated for the purpose of rail, however this is not the use of the site and has not been for many years. Life supporting capacity of soils will not be compromised. Adverse and cumulative long-term effects are not anticipated given the proposal will see the cycle trail reinstated. As discussed at length within this report, the proposed works are not anticipated to have adverse effects on the natural features in the surrounding environment. No adverse effects on areas of significant indigenous vegetation, habitats of indigenous fauna, natural features or landscapes are anticipated, as discussed within this report. No conflicts in land use activities are anticipated given the proposal will reinstate the existing use of the cycle trail. The site has not and will not be utilised for productive use given the past and present use of the site as well as the natural features within the site. In saying that, amenity values will be maintained as the use of the site will not be changing. Natural and physical resources will be maintained. The proposal will not alter the ability of rural production activities in the rural environment.



Policies

8.4.1 That activities which will contribute to the sustainable management of the natural and physical resources of the rural environment are enabled to locate in that environment.

8.4.2 That activities be allowed to establish within the rural environment to the extent that any adverse effects of these activities are able to be avoided, remedied or mitigated and as a result the life supporting capacity of soils and ecosystems is safeguarded, and rural productive activities are able to continue.

8.4.3 That any new infrastructure for development in rural areas be designed and operated in a way that safeguards the life supporting capacity of air, water, soil and ecosystems while protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features, and landscapes.

8.4.4 That development which will maintain or enhance the amenity value of the rural environment and outstanding natural features and outstanding landscapes be enabled to locate in the rural environment.

8.4.5 That plan provisions encourage the avoidance of adverse effects from incompatible land uses, particularly new developments adversely affecting existing land-uses (including by constraining the existing land-uses on account of sensitivity by the new use to adverse affects from the existing use – i.e. reverse sensitivity).

8.4.6 That areas of significant indigenous vegetation and significant habitats of indigenous fauna habitat be protected as an integral part of managing the use, development and protection of the natural and physical resources of the rural environment.

8.4.7 That Plan provisions encourage the efficient use and development of natural and physical resources, including consideration of demands upon infrastructure.

8.4.8 That, when considering subdivision, use and development in the rural environment, the Council will have particular regard to ensuring that its intensity, scale and type is controlled to ensure that adverse effects on habitats (including freshwater habitats), outstanding natural features and landscapes on the amenity value of the rural environment, and where appropriate on natural character of the coastal environment, are avoided, remedied or mitigated. Consideration will further be given to the functional need for the activity to be within rural environment and the potential cumulative effects of non-farming activities.

- 7.14.2 Natural and physical resources will be maintained. No adverse effects are anticipated given the mitigation measures proposed. No new infrastructure is proposed. Amenity values will be enhanced by providing an upgraded cycle trail which will be designed to withstand future weather events. No incompatible land uses are anticipated. No adverse effects on significant indigenous vegetation or habitats of indigenous fauna and other natural features are anticipated. The proposed works have a functional need to be located in the environment given the proposed works will reinstate this portion of the Cycle Trail and ensure safe access for users.

Assessment of the objectives and policies within the Rural Production Zone

- 7.15 The following assessment is based upon the objectives and policies contained within sections 8.6.3 and 8.6.4



Objectives

8.6.3.1 To promote the sustainable management of natural and physical resources in the Rural Production Zone.

8.6.3.2 To enable the efficient use and development of the Rural Production Zone in a way that enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety.

8.6.3.3 To promote the maintenance and enhancement of the amenity values of the Rural environment to a level that is consistent with the productive intent of the zone.

8.6.3.4 To promote the protection of significant natural values of the Rural Production Zone.

8.6.3.5 To protect and enhance the special amenity values of the frontage to Kerikeri Road between its intersection with SH10 and the urban edge of Kerikeri.

8.6.3.6 To avoid, remedy or mitigate the actual and potential conflicts between new land use activities and existing lawfully established activities (reverse sensitivity) within the Rural Production Zone and on land use activities in neighbouring zones.

8.6.3.7 To avoid remedy or mitigate the adverse effects of incompatible use or development on natural and physical resources.

8.6.3.8 To enable the efficient establishment and operation of activities and services that have a functional need to be located in rural environments.

8.6.3.9 To enable rural production activities to be undertaken in the zone.

- 7.15.1 Natural and physical resources will be maintained. The proposal will provide for the social, economic and cultural well-being of the community by enabling the continued safe use of the cycle trail which is utilised by both visitors and locals of Northland. Amenity values will be maintained given the existing use of the site for the purpose of the cycle trail. Significant natural values will be maintained by ensuring that the natural features are maintained and enhanced. The site is not located along Kerikeri Road. The proposal will not introduce new land use activities and as such no conflicting land uses are anticipated. There is a functional need for the proposed works as the cycle trail needs to be reinstated to ensure safe passage for the users of the trail. Rural production activities are able to be undertaken in the zone.

Policies

8.6.4.1 That the Rural Production Zone enables farming and rural production activities, as well as a wide range of activities be allowed in the Rural Production Zone, subject to the need to ensure that any adverse effects on the environment, including any reverse sensitivity effects, resulting from these activities are avoided, remedied or mitigated and are not to the detriment of rural productivity.

8.6.4.2 That standards be imposed to ensure that the off-site effects of activities in the Rural Production Zone are avoided, remedied or mitigated.

8.6.4.3 That land management practices that avoid, remedy or mitigate adverse effects on natural and physical resources be encouraged.

8.6.4.4 That the type, scale and intensity of development allowed shall have regard to the maintenance and enhancement of the amenity values of the Rural Production Zone to a level that is consistent with the productive intent of the zone.

8.6.4.5 That the efficient use and development of physical and natural resources be taken into account in the implementation of the Plan.



8.6.4.6 *That the built form of development allowed on sites with frontage to Kerikeri Road between its intersection with SH10 and Cannon Drive be maintained as small in scale, set back from the road, relatively inconspicuous and in harmony with landscape plantings and shelter belts.*

8.6.4.7 *That although a wide range of activities that promote rural productivity are appropriate in the Rural Production Zone, an underlying goal is to avoid the actual and potential adverse effects of conflicting land use activities.*

8.6.4.8 *That activities whose adverse effects, including reverse sensitivity effects cannot be avoided remedied or mitigated are given separation from other activities*

8.6.4.9 *That activities be discouraged from locating where they are sensitive to the effects of or may compromise the continued operation of lawfully established existing activities in the Rural Production zone and in neighbouring zones.*

- 7.15.2 The proposal will not alter the capability of the zone to enable farming and rural productive activities. The site has not and is currently not being utilised for such purposes. No reverse sensitivity effects are anticipated. No offsite effects are anticipated. Natural and physical resources will be maintained. Amenity values will be maintained. The site is not located along Kerikeri Road. Conflicting land use activities are not anticipated. No sensitive activities are proposed, and the proposal will result in the existing use of the site to remain.

Assessment of the objectives and policies within Chapter 12.7 Lakes, Rivers, Wetlands and the Coastline

- 7.16 The following assessment is based upon the objectives and policies contained within sections 12.7.3 and 12.7.4

Objectives

12.7.3.1 *To avoid, remedy or mitigate the adverse effects of subdivision, use and development on riparian margins.*

12.7.3.2 *To protect the natural, cultural, heritage and landscape values and to promote the protection of the amenity and spiritual values associated with the margins of lakes, rivers and indigenous wetlands and the coastal environment, from the adverse effects of land use activities, through proactive restoration/rehabilitation/revegetation.*

12.7.3.3 *To secure public access (including access by Maori to places of special value such as waahi tapu, tauranga waka, mahinga kai, mahinga mataitai, mahinga waimoana and taonga raranga) to and along the coastal marine area, lakes and rivers, consistent with Chapter 14 - Financial Contributions, to the extent that this is compatible with:*

(a) the maintenance of the life-supporting capacity of the waterbody, water quality, aquatic habitats, and

(b) the protection of natural character, amenity, cultural heritage, landscape and spiritual values; and

(c) the protection of public health and safety; and

(d) the maintenance and security of authorised activities (but acknowledging that loss of privacy or fear of trespass are not valid reasons for precluding access).

In some circumstances public acquisition of riparian margins may be required and managed for purposes other than public access, for example to protect significant habitats, waahi tapu or historic sites, or for public recreation purposes.



12.7.3.4 To provide for the use of the surface of lakes and rivers to the extent that this is compatible with the maintenance of the life supporting capacity of the water body, water quality, aquatic habitats, and the protection of natural character, amenity, cultural heritage, landscape and spiritual values.

12.7.3.5 To avoid the adverse effects from inappropriate use and development of the margins of lakes, rivers, indigenous wetlands and the coastline.

12.7.3.6 To protect areas of indigenous riparian vegetation:

(a) physically, by fencing, planting and pest and weed control; and

(b) legally, as esplanade reserves/strips.

12.7.3.7 To create, enhance and restore riparian margins.

7.16.1 The proposal is not considered to have any adverse effects on riparian margins. The proposal will not result in reclamation of the river bed. The proposal is considered to result in the restoration of the area as well as positive ongoing effects to ensure that the area can cope with future rainfall events, which will in turn have positive effects on the natural environment. The area is already utilised for public access and this will not change once the works are complete. No use of the surface of lakes or rivers is proposed. No adverse effects on the wetland areas or river are anticipated. No riparian vegetation will be affected.

Policies

12.7.4.1 That the effects of activities which will be generated by new structures on or adjacent to the surface of lakes, rivers and coastal margins be taken into account when assessing applications.

12.7.4.2 That land use activities improve or enhance water quality, for example by separating land use activities from lakes, rivers, indigenous wetlands and the coastline, and retaining riparian vegetation as buffer strips.

12.7.4.3 That adverse effects of land use activities on the natural character and functioning of riparian margins and indigenous wetlands be avoided.

12.7.4.4 That adverse effects of activities on the surface of lakes and rivers in respect of noise, visual amenity of the water body, life supporting capacity of aquatic habitats, on-shore activities, the natural character of the water body or surrounding area, water quality and Maori cultural values, are avoided, remedied or mitigated.

12.7.4.5 That activities which have a functional relationship with waterbodies or the coastal marine area be provided for.

12.7.4.6 That public access to and along lakes, rivers and the coastline be provided as a consequence of development or as a result of Council (see Method 10.5.19) or public initiatives except where it is necessary to restrict access or to place limits on the type of access, so as to:

(a) protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna or

(b) protect cultural values, including Maori culture and traditions; or

(c) protect public health and safety;

to the extent that is consistent with policies in Chapter 14.



12.7.4.7 That any adverse effects on the quality of public drinking water supplies from land use activities, be avoided, remedied or mitigated. (Refer to Commentary and Methods 12.7.5.6 and 12.7.5.7.)

12.7.4.8 That the Council acquire esplanade reserves, esplanade strips and access strips in accordance with Chapter 14 - Financial Contributions and Method 10.5.10 of the Plan.

12.7.4.9 That riparian areas in Council ownership be managed so as to protect and enhance the water quality of surface waters.

12.7.4.10 That historic buildings erected close to, or over, water bodies be protected and provision be made for new buildings where this form of development is in keeping with the historic pattern of settlement.

12.7.4.11 That the extent of impervious surfaces be limited so as to restore, enhance and protect the natural character, and water quantity and quality of lakes, rivers, wetlands and the coastline.

12.7.4.12 That provision be made to exempt activities on commercial or industrial sites from the need to be set back from the coastal marine area, and from the need to provide esplanade reserves on subdivision or development, where the location of the commercial or industrial site is such as to be particularly suited to activities that cross the land-water interface, or have a close relationship to activities conducted in the coastal marine area. Refer also to Rule 14.6.3.

12.7.4.13 That provision be made to exempt activities on particular sites as identified in the District Plan Maps as adjacent to an MEA from the need to be set back from the coastal marine area where those activities on that site have a functional relationship with marine activities and cross the line of Mean High Water Springs (MHWS).

12.7.4.14 That the efficient use of water and water conservation be encouraged.

12.7.4.15 To encourage the integrated protection and enhancement of riparian and coastal margins through:

(a) planting and/or regeneration of indigenous vegetation;

(b) pest and weed control;

(c) control (including, where appropriate, exclusion) of vehicles, pets and stock.

Note: The Regional Coastal Plan for Northland and Regional Water and Soil Plan for Northland contain policies, rules and other methods to protect and enhance wetlands, lakes, rivers and the coastal marine area. Vehicle, pet and stock control is particularly important in areas and at times when birds are nesting.

7.16.2 The proposal will result in reinstatement of the cycle trail. All effects have been considered throughout this application and accompanying reports, with effects considered to be less than minor. The natural character and functioning of riparian margins and indigenous wetlands are not anticipated to be adversely affected. The proposal has a functional need to be located in such a location as it is the reinstatement and replacement of the cycle trail. Reinstatement in its current location would require large excavations which due to the topography would be costly and may continue to fail. Public access will be maintained once works are complete. No effects on public water drinking supplies are anticipated. No esplanade reserves, strips or access strips are proposed or considered necessary. There are no riparian areas in Council ownership applicable to the application. There are no historic buildings located within the vicinity of the works. The impervious surfaces are limited to the metalled cycle trail, which will replace the previous cycle trail, such that effects are considered to remain unchanged. The



site is not commercial or industrial. The site is not identified as being adjacent to an MEA. Water use and water conservation is not applicable. Pest and weed control is not considered necessary. The site will only be accessed by pedestrians and cyclists once the project is complete; control of vehicles, pets and stock is not considered applicable.

Proposed District Plan Objectives and Policies

- 7.17 Under the Proposed District Plan, the site is zoned Rural Production and therefore an assessment of the objectives and policies within these chapters have been included below. The proposal is considered to create no more than minor adverse effects on the environment. The proposal is considered to be consistent with the objectives and policies of the Proposed District Plan.

Rural Production Zone

Objectives

RPROZ-O1 - The Rural Production zone is managed to ensure its availability for primary production activities and its long-term protection for current and future generations.

RPROZ-O2 - The Rural Production zone is used for primary production activities, ancillary activities that support primary production and other compatible activities that have a functional need to be in a rural environment.

RPROZ-O3 - Land use and subdivision in the Rural Production zone:

- (a) protects highly productive land from sterilisation and enables it to be used for more productive forms of primary production;*
- (b) protects primary production activities from reverse sensitivity effects that may constrain their effective and efficient operation;*
- (c) does not compromise the use of land for farming activities, particularly on highly productive land;*
- (d) does not exacerbate any natural hazards; and*
- (e) is able to be serviced by on-site infrastructure.*

RPROZ-O4 - The rural character and amenity associated with a rural working environment is maintained

- 7.17.1 The site has not been utilised for rural productive activities given the existing designation of the site and the past and present use. The proposal will not alter the availability of land for primary production activities given the proposal will enable the existing use of the site as well as not encroach on lots which are utilised for primary production activities. The cycle trail has a functional need to be located in the environment as it forms part of the Twin Coast Cycle Trail which traverses through rural areas of Northland. The site is not identified as HPL and no reverse sensitivity effects are anticipated. The proposal will not compromise the use of adjoining land for farming activities. The proposal is not anticipated to exacerbate natural hazards. Onsite



infrastructure is not required given the nature of the proposal. Rural character and amenity will be maintained.

Policies

RPROZ-P1 - Enable primary production activities, provided they internalise adverse effects onsite where practicable, while recognising that typical adverse effects associated with primary production should be anticipated and accepted within the Rural Production zone.

RPROZ-P2 - Ensure the Rural Production zone provides for activities that require a rural location by:

- (a) enabling primary production activities as the predominant land use;*
- (b) enabling a range of compatible activities that support primary production activities, including ancillary activities, rural produce manufacturing, rural produce retail, visitor accommodation and home businesses.*

RPROZ-P3 - Manage the establishment, design and location of new sensitive activities and other non-productive activities in the Rural Production Zone to avoid where possible, or otherwise mitigate, reverse sensitivity effects on primary production activities.

RPROZ-P4 - Land use and subdivision activities are undertaken in a manner that maintains or enhances the rural character and amenity of the Rural Production zone, which includes:

- (a) a predominance of primary production activities;*
- (b) low density development with generally low site coverage of buildings or structures;*
- (c) typical adverse effects such as odour, noise and dust associated with a rural working environment; and*
- (d) a diverse range of rural environments, rural character and amenity values throughout the District.*

RPROZ-P5 - Avoid land use that:

- (a) is incompatible with the purpose, character and amenity of the Rural Production zone;*
- (b) does not have a functional need to locate in the Rural Production zone and is more appropriately located in another zone;*
- (c) would result in the loss of productive capacity of highly productive land;*
- (d) would exacerbate natural hazards; and*
- (e) cannot provide appropriate on-site infrastructure.*

RPROZ-P6 - Avoid subdivision that:

- (a) results in the loss of highly productive land for use by farming activities;*
- (b) fragments land into parcel sizes that are no longer able to support farming activities, taking into account:
 - 1. the type of farming proposed; and*
 - 2. whether smaller land parcels can support more productive forms of farming due to the presence of highly productive land.**
- (c) provides for rural lifestyle living unless there is an environmental benefit.*



RPROZ-P7 - Manage land use and subdivision to address the effects of the activity requiring resource consent, including (but not limited to) consideration of the following matters where relevant to the application:

- (a) whether the proposal will increase production potential in the zone;*
- (b) whether the activity relies on the productive nature of the soil;*
- (c) consistency with the scale and character of the rural environment;*
- (d) location, scale and design of buildings or structures;*
- (e) for subdivision or non-primary production activities:*
 - i. scale and compatibility with rural activities;*
 - ii. potential reverse sensitivity effects on primary production activities and existing infrastructure;*
 - iii. the potential for loss of highly productive land, land sterilisation or fragmentation*
- (f) at zone interfaces:*
 - i. any setbacks, fencing, screening or landscaping required to address potential conflicts;*
 - ii. the extent to which adverse effects on adjoining or surrounding sites are mitigated and internalised within the site as far as practicable;*
- (g) the capacity of the site to cater for on-site infrastructure associated with the proposed activity, including whether the site has access to a water source such as an irrigation network supply, dam or aquifer;*
- (h) the adequacy of roading infrastructure to service the proposed activity;*
- (i) Any adverse effects on historic heritage and cultural values, natural features and landscapes or indigenous biodiversity;*
- (j) Any historical, spiritual, or cultural association held by tangata whenua, with regard to the matters set out in Policy TW-P6*

7.17.2 The proposal will not alter the ability of production activities in the zone. No new sensitive activities are proposed. Character and amenity will be maintained. No incompatible land use activities are proposed. There is a functional need for the works to be undertaken. There will be no loss of HPL. Natural hazards are not anticipated to be exacerbated. Onsite infrastructure is not required. The proposal does not involve subdivision and there RPROZ-P6 is not applicable. In terms of RPROZ-07, the proposal will not alter the productive potential of the zone, there will be no loss of HPL, character and amenity will remain unchanged, location of the structures has been discussed within this report, the site is not located at a zone interface, onsite infrastructure is not required, roading is not considered applicable, historic heritage, cultural values, natural features and indigenous biodiversity have been discussed at length within this report, with no adverse effects anticipated. Heritage NZ and tangata whenua have been contacted as part of this proposal, with Heritage NZ advising the proposal shall proceed under the guidance of an ADP, with no response received from Iwi to date.

Summary

7.18 The above assessment of the relevant policy documents demonstrates that the proposal will be consistent with the relevant objectives and policies of those statutory documents.



8.0 NOTIFICATION ASSESSMENT – SECTIONS 95A TO 95G OF THE ACT

Public Notification Assessment

8.1 Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

Step 1 Mandatory public notification in certain circumstances

(2) Determine whether the application meets any of the criteria set out in subsection (3) and, —

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 2.

(3) The criteria for step 1 are as follows:

(a) the applicant has requested that the application be publicly notified:

(b) public notification is required under section 95C:

(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.

8.1.1 It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore step 1 does not apply and Step 2 must be considered.

Step 2: Public Notification precluded in certain circumstances.

(4) Determine whether the application meets either of the criteria set out in subsection (5) and, —

(a) if the answer is yes, go to step 4 (step 3 does not apply); and

(b) if the answer is no, go to step 3.

(5) The criteria for step 2 are as follows:

(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:

(b) the application is for a resource consent for 1 or more of the following, but no other, activities:

(i) a controlled activity:

(ii) [Repealed]

(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.

(iv) [Repealed]

(6) [Repealed]

8.1.2 Public Notification is not precluded as the proposal is a discretionary activity and includes an activity other than a boundary activity. Therefore Step 3 must be considered.

Step 3: Public Notification required in certain circumstances

(7) Determine whether the application meets either of the criteria set out in subsection (8) and, —

(a) if the answer is yes, publicly notify the application; and

(b) if the answer is no, go to step 4.

(8) The criteria for step 3 are as follows:

(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:

(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.



- 8.1.3 The proposal is not subject to a rule or NES requiring public notification and the proposal does not have effects that will be more than minor. Therefore, Public Notification is not required, and Step 4 must be considered.

Step 4; Public notification in special circumstances

(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—
(a) if the answer is yes, publicly notify the application; and
(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.

- 8.1.4 There are no special circumstances that exist to justify public notification of the application because the proposal is not considered to be controversial or of significant public interest, particularly given that the proposal will see the reinstatement of a portion of the Twin Coast Cycle Trail which will enable the continued use of the trail. The application is neither exceptional nor unusual.

Public Notification Summary

- 8.1.5 From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

Limited Notification Assessment

- 8.2 If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

Step 1: Certain affected groups and affected persons must be notified.

(2) Determine whether there are any—
(a) affected protected customary rights groups; or
(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).
(3) Determine—
(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and
(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.
(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).

- 8.2.1 The site is not known to adjoin a Statutory Acknowledgement Area and there are no known affected customary rights groups or marine title groups. Therefore Step 1 does not apply and Step 2 must be considered.

Step 2: Limited notification precluded in certain circumstances.

(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—
(a) if the answer is yes, go to step 4 (step 3 does not apply); and
(b) if the answer is no, go to step 3.
(6) The criteria for step 2 are as follows:



(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification;

(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).

- 8.2.2 There is no rule in the plan or national environmental standard that precludes notification. The application is not solely for a controlled activity therefore Step 2 does not apply and Step 3 must be considered.

Step 3: Certain other affected persons must be notified.

(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.

(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.

(9) Notify each affected person identified under subsections (7) and (8) of the application. The proposal is not for a boundary activity nor is it a prescribed activity

- 8.2.3 The proposal does include a boundary activity which is a setback infringement to the road boundary and vice versa.

In deciding who is an affected person under section 95E, a council under section 95E(2):

(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section,—

(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and

(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and

(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.

- 8.2.3.1 A council must not consider that a person is affected if they have given their written approval, or it is unreasonable in the circumstances to seek that person's approval.

- 8.2.3.2 In this case, the Far north District Council is the requiring authority for Lake Road, and the proposal is being sought by the same entity. No specific written approvals have been obtained on this basis. The proposal is not considered to adversely affect users of the road, with sight lines and visibility anticipated to be maintained. Building maintenance and construction will be managed such that no adverse impacts from this are anticipated.

- 8.2.3.3 With respect to section 95B(8) and section 95E, the permitted baseline was considered as part of the assessment of environmental effects undertaken in Section 6 of this report, which found that the potential adverse effects on the environment will be less than minor. In regard to effects on persons, the assessment in Sections 5, 6 & 7 are also relied on and the following comments made:

- The proposal will result in the reinstatement and establishment of a portion of the cycle trail which is currently not fit for purpose due to slippage events. These works are necessary to ensure the continued and future use of this portion of the trail.



- The proposal will result in positive outcomes for the surrounding environment, socially, culturally and economically.
- Excavations and cut and fill faces will be controlled and remedied to ensure no adverse effects are created. Erosion and sediment measures will be in place to ensure no downstream effects.
- No adverse effects on the natural features within the surrounding environment are anticipated.
- The proposal is not considered to be contrary to the objectives and policies under the Operative and Proposed District Plan and Regional Policy Statement.

8.2.3.4 Therefore, no other persons will be affected to a minor or more than minor degree.

8.2.3.5 Overall, the adverse effects on any persons are considered to be less than minor. Therefore Step 3 does not apply and Step 4 must be considered.

Step 4: Further notification in special circumstances

(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),

8.2.4 It is considered that no special circumstances exist in relation to the application.

Limited Notification Assessment Summary

8.3 Overall, from the assessment undertaken Steps 1 to 4 do not apply and there are no affected persons.

Notification Assessment Conclusion

8.4 Pursuant to sections 95A to 95G it is recommended that the Council determine the application be non-notified for the above-mentioned reasons.

9.0 PART 2 ASSESSMENT

9.1 The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.

9.2 The proposal will meet Section 5 of the RMA as the proposal will sustain the potential of natural and physical resource whilst meeting the foreseeable needs of future generations as the site is being used for its intended use. In addition, the proposal will avoid adverse effects on the environment and will maintain the character of the site and surrounding environment.

9.3 Section 6 of the Act sets out a number of matters of national importance. The subject site is not located within the coastal environment under the RPSN. The proposal will be complementary to the existing activities on the site and will not have adverse effects on the natural environment values. Public access along the coastline is not considered relevant to this application. The



proposal has taken into account the relationship of Māori and their culture and traditions, and it is considered that the proposal will not create any adverse effects on Māori and their relationships with their ancestral lands, water, sites, waahi tapu and other taonga. Consultation has been had with Heritage NZ who advised the proposal shall proceed under the guidance of an ADP and no response received from Iwi to date. The proposal is not anticipated to exacerbate natural hazards.

9.4 Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent, including the maintenance and enhancement of amenity values. The proposal maintains amenity values in the area as the proposal is in keeping with the existing character of the surrounding environment. The proposal also maintains and enhances the quality of the environment.

9.5 Section 8 requires Council to take into account the principals of the Treaty of Waitangi. It is considered that the proposal raises no Treaty issues. The proposal has been sent to the relevant Iwi who have acknowledged the activity. The proposal has taken into account the principals of the Treaty of Waitangi; and is not considered to be contrary to these principals.

9.6 Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the proposal achieves the purposes of sustainable management set out by section 5 of the Act.

10.0 CONCLUSION

10.1 The proposal will see works undertaken to reinstate the cycle trail which has become subject to failure due to weather events. Preliminary engineering design has been undertaken which has determined a suitable location for the cycle trail. Land Use Resource consent is required from FNDC due to the metal cycle trail being within 30 metres of an existing river as well as being within the permitted setback distance from the road boundary and vice versa. The metal cycle trail will replace the existing cycle trail. Effects are considered to be less than minor given that the trail exists at present.

10.2 The proposed location and design works are considered to be the most practical and will result in the least impact on adjacent waterbodies.

10.3 No significant adverse effects are anticipated to arise from the activity included in the application and no consideration of alternatives has been undertaken. All effects of the activity are being managed within the locality. Overall, it is considered that the proposal will result in no more than minor effects on the environment.

10.4 In terms of section 104(1)(a) of the Act, the actual and potential effects of the proposal will be less than minor. The relevant provisions within Part 2 of the Act have been addressed as part of this application. The overall conclusion from the assessment of the statutory considerations



is that the proposal is considered to be consistent with the sustainable management purpose of the Resource Management Act 1991.

- 10.5 It is also considered that the proposal will have less than minor adverse effects on the wider environment; no persons will be adversely affected by the proposal and there are no special circumstances.
- 10.6 In terms of section 104(1)(b) of the Act, the proposal is found to be generally consistent with the objectives, policies and assessment criteria of the relevant statutory documents as set out in this report.
- 10.7 As a Discretionary Activity, the application has been assessed under the matters specified under Section 104 and 104B of the Resource Management Act 1991. It is considered that the proposal results in no more than minor effects on the environment. It is considered appropriate for consent to be granted on a non-notified basis, subject to fair and reasonable conditions.

11.0 LIMITATIONS

- 11.1 This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.
- 11.2 Copyright of Intellectual Property remains with Northland Planning and Development 2020 Limited, and this report may NOT be used by any other entity, or for any other proposals, without our written consent. Therefore, no liability is accepted by this firm or any of its directors, servants or agents, in respect of any information contained within this report.
- 11.3 Where other parties may wish to rely on it, whether for the same or different proposals, this permission may be extended, subject to our satisfactory review of their interpretation of the report.
- 11.4 Although this report may be submitted to a local authority in connection with an application for a consent, permission, approval, or pursuant to any other requirement of law, this disclaimer shall still apply and require all other parties to use due diligence where necessary.



Approximate Area of the Pieces of Land taken.	Being Portion of	Situated in Block	Situated in Survey District of	Sheet No. of Plan.	Coloured on Plan
FOR ROAD-DIVERSIONS.					
1 0 18	Crown land	II	Waihi South	4	Yellow.
6 0 25	"	"	"	5	"
0 1 32.9	Section 21	"	"	7	"
0 0 2.3	Crown land	"	"	7	"
2 0 22.6	"	"	"	7	"
1 2 34	Pukehina Block, Section M 2	"	"	7	"
0 0 6.1					
1 0 1.2	Lot 2, Section 2	IV	"	11	"
[S.O. 18770 (1 to 12)]					

In the Auckland Land District; as the same are more particularly delineated on the plan marked P.W.D. 39532, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Provincial District, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House at Wellington, this twentieth day of December, in the year of our Lord one thousand nine hundred and sixteen.

GOD SAVE THE KING!

W. FRASER,
Minister of Public Works.

Land taken for a Portion of a Branch Railway from the East Coast Main Trunk Railway, from a Point in Repongaere A Block to a Quarry in Section 79, Block IV, Patutahi Survey District.

[L.S.] LIVERPOOL, Governor.

A PROCLAMATION.

WHEREAS the land mentioned in the Schedule hereto is required to be taken for a portion of a branch railway from the East Coast Main Trunk Railway, from a point in Repongaere A Block to a quarry in Section 79, Block IV, Patutahi Survey District:

And whereas all the conditions precedent required by law to be observed and performed prior to the taking of such land for the purposes hereinbefore specified have been observed and performed:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred on me by section one hundred and eighty-eight of the Public Works Act, 1908, and of every other power and authority in anywise enabling me in this behalf, do hereby proclaim and declare that the land mentioned in the Schedule hereto is hereby taken for a portion of the said branch railway.

SCHEDULE.

APPROXIMATE area of the piece of land taken: 10 acres 1 rood.

Portion of Section 79, Block IV, Patutahi Survey District (Poverty Bay R.D.).

In the Hawke's Bay Land District; as the same is more particularly delineated on the plan marked P.W.D. 41132, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Provincial District, and thereon edged pink.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House at Wellington, this twenty-third day of December, in the year of our Lord one thousand nine hundred and sixteen.

W. FRASER,
Minister of Public Works.

GOD SAVE THE KING!

Land taken for a Further Portion of the Kawakawa-Hokianga Railway, and for Road-diversions in connection therewith.

[L.S.] LIVERPOOL, Governor.

A PROCLAMATION.

WHEREAS the land described in the Schedule hereto is required to be taken for a further portion of the Kawakawa-Hokianga Railway, and for road-diversions in connection therewith:

And whereas all the conditions precedent required by law to be observed and performed prior to the taking of such land for the purposes hereinbefore specified have been observed and performed:

Now, therefore, I, Arthur William de Brito Savile, Earl of Liverpool, the Governor of the Dominion of New Zealand, in pursuance and exercise of the powers and authorities conferred on me by section one hundred and eighty-eight of the Public Works Act, 1908, and of every other power and authority in anywise enabling me in this behalf, do hereby proclaim and declare that the land mentioned in the Schedule hereto is hereby taken for a further portion of the said line of railway hereinbefore specified, and for the road-diversions in connection therewith as aforesaid.

SCHEDULE.

Approximate Area of the Pieces of Land taken.	Being Portion of	Situated in Block	Sheet No. of Plan.	Coloured on Plan
FOR RAILWAY.				
A. R. P.				
2 3 12	Closed road	X	4, 5	Blue.
0 0 18	"	"	5	"
1 2 10	Section 15	VI, X	5	Yellow.
2 3 25		30	VI	
0 0 31.5	" 30	Omapere Parish	VI, VII	6
1 2 18.6			22	"
1 3 17	" 22	"	6	Purple.
0 0 1	" 22	VII	"	"
0 2 3	Road	X	5	Green.
0 1 31	"	"	5	"
0 3 6	"	"	5	"
0 0 29	"	VI, VII	6	"
0 0 29	"	VI	6	"
0 2 29	"	VI, VII	6	"
0 0 29	"	VII	6	"
4 2 30	Section 30	Omapere Parish	6	Yellow.
7 2 24			30	
FOR ROAD-DIVERSIONS.				
0 0 0.04	Section 22	VI	6	Blue.
0 3 10	" 30	Omapere	VI, VII	6
0 3 32	" 22	Parish	6	Blue.
4 2 16	" 30	"	VII	6

Situated in Omapere Survey District (S.O. 18889).

In the Auckland Land District; as the same are more particularly delineated on the plan marked P.W.D. 39682, deposited in the office of the Minister of Public Works at Wellington, in the Wellington Provincial District, and thereon coloured as above mentioned.

Given under the hand of His Excellency the Right Honourable Arthur William de Brito Savile, Earl of Liverpool, Knight Grand Cross of the Most Distinguished Order of Saint Michael and Saint George, Member of the Royal Victorian Order, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand and its Dependencies; and issued under the Seal of the said Dominion, at the Government House at Wellington, this twenty-ninth day of December, in the year of our Lord one thousand nine hundred and sixteen.

W. FRASER,
Minister of Public Works.

GOD SAVE THE KING!

CYCLE TRAIL SETTING OUT			
Point #	Elevation	Northing	Easting
1	249.83	971390.76	309461.54
2	250.47	971399.10	309466.59
3	251.10	971404.11	309475.25
4	251.73	971409.11	309483.90
5	252.37	971414.12	309492.56
6	252.69	971416.62	309496.89
7	252.69	971419.12	309501.22
8	252.69	971424.27	309509.78
9	252.69	971432.92	309514.54
10	252.69	971442.23	309518.18
11	252.69	971450.84	309514.77
12	252.69	971453.13	309510.37
14	252.69	971454.64	309505.60
16	252.55	971457.85	309496.06
17	252.41	971460.65	309486.52
18	251.67	971463.67	309476.99
19	251.21	971465.58	309470.90

ALL CO-ORDINATES AND LEVELS TO BE CHECKED AND CONFIRMED ON SITE BEFORE CONSTRUCTION COMMENCE. COORDINATE SYSTEM RELATIVE NZGD2000 / MOUNT EDEN 2000 (LOCAL SURVEY)

LEGEND:

- CYCLE TRAIL
- TIMBER BOARDWALK
- SETTING OUT POINTS
- CPT TESTING POINTS
- BOREHOLE
- WET LAND AREA
- WET LAND 10m OFFSET
- HANDRAILS

NO	DATE	DESCRIPTION	BY	CHK	CPEng
01	21-May-25	DRAFT PLAN SET	LH	KM	KK

DRAWN:	LH & KM
DESIGNED:	LH & KM
CPENG:	KK
DATE ISSUED:	21-May-25
LOCATION:	ŌKAIHAU
REFERENCE:	037-100

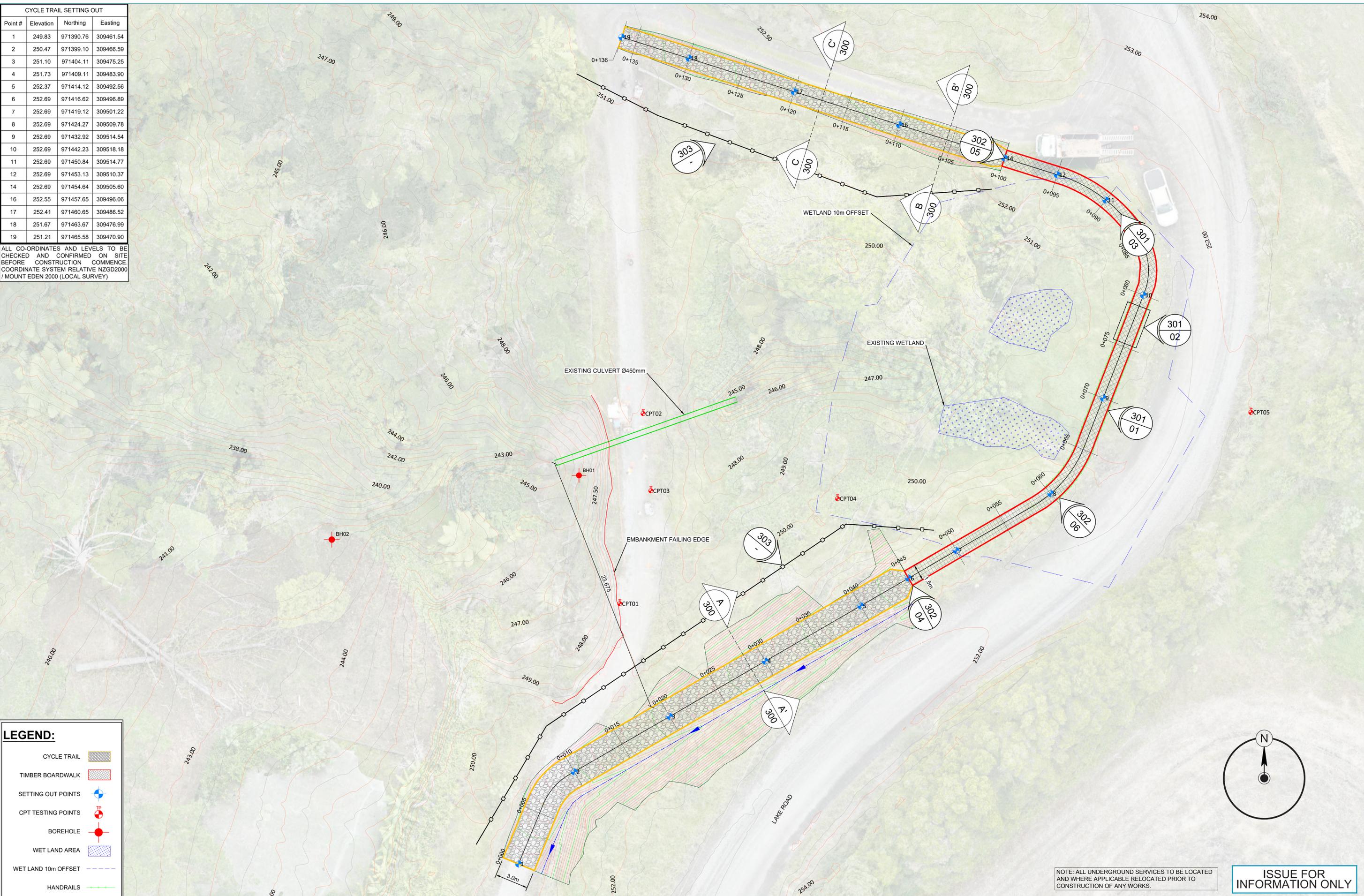
CLIENT:
FAR NORTH DISTRICT COUNCIL



PROJECT:
ŌKAIHAU CYCLE TRAIL REROUTE

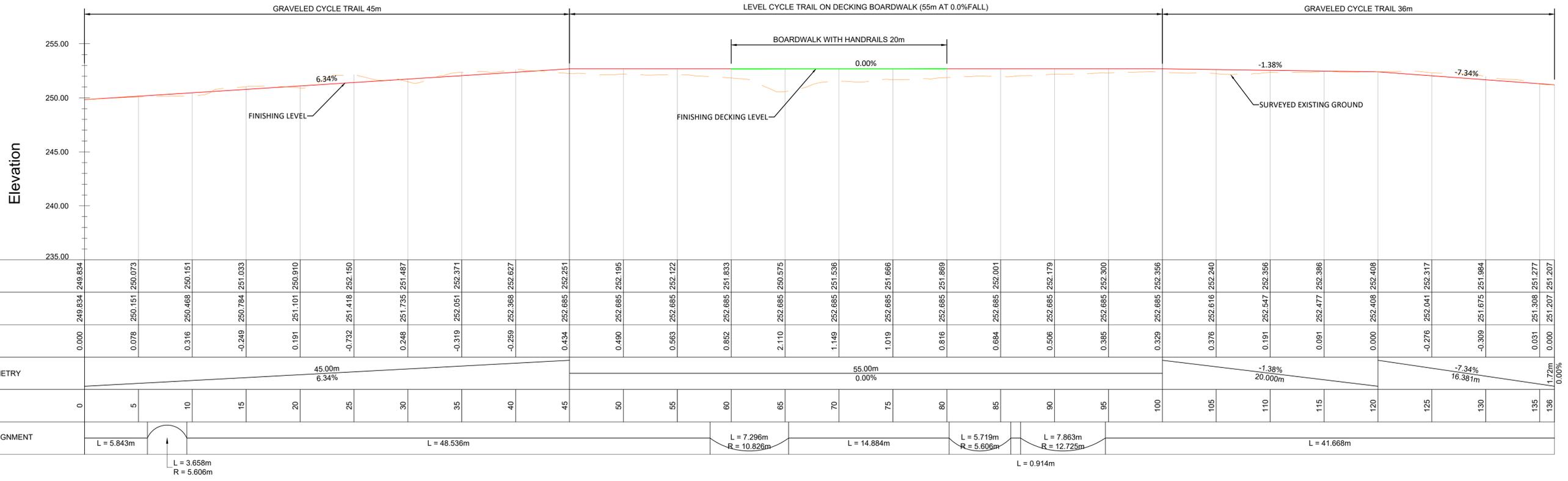
TITLE:
SITE PLAN LAYOUT

SCALE: 1:150 @A1	A1		
PROJECT #	AREADISC	SEQUENCE	REVISION
0 3 7	S W C	1 0 0	P 2



NOTE: ALL UNDERGROUND SERVICES TO BE LOCATED AND WHERE APPLICABLE RELOCATED PRIOR TO CONSTRUCTION OF ANY WORKS.

ISSUE FOR INFORMATION ONLY



PROFILE VIEW
CYCLE TRAIL REROUTE
SCALE 1:200

ISSUE FOR INFORMATION ONLY

NO	DATE	DESCRIPTION	BY	CHK	CPEng
01	21-May-25	DRAFT PLAN SET	LH	KM	KK

DRAWN:	LH & KM
DESIGNED:	LH & KM
CPENG:	KK
DATE ISSUED:	21-May-25
LOCATION:	ŌKAIHAU
REFERENCE:	037-200

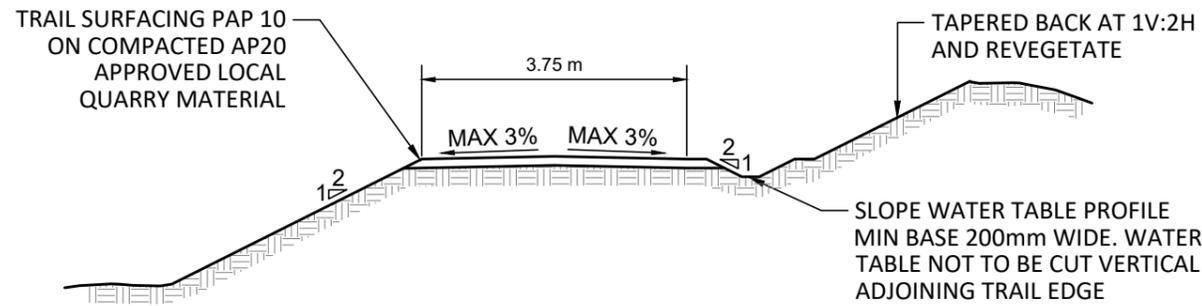
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FAR NORTH DISTRICT COUNCIL



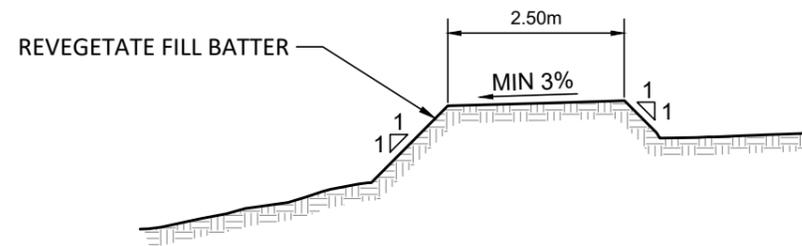
PROJECT:
ŌKAIHAU CYCLE TRAIL REROUTE

TITLE:
SITE PLAN LAYOUT

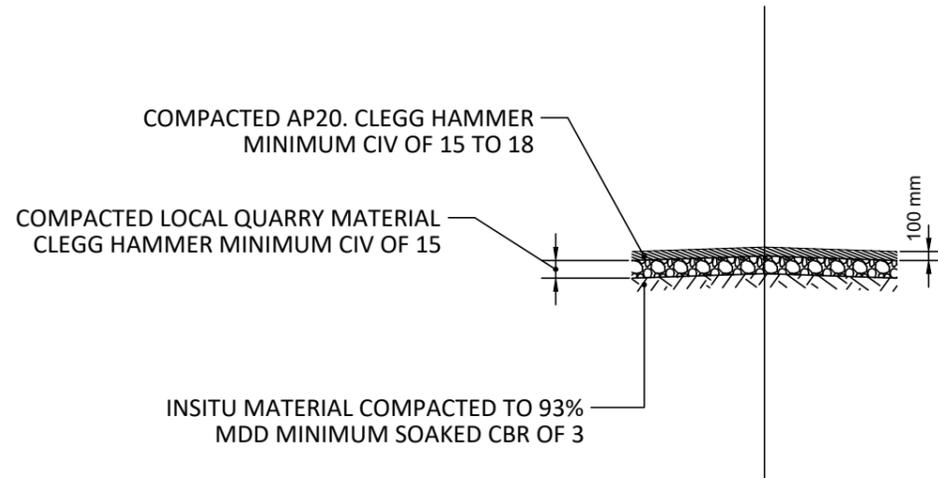
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PROJECT #	AREADISC	SEQUENCE	REVISION
0	3	7	S W C 2 0 0 P 1



A-A' CYCLE TRAIL RE ROUTE - CROSS SECTION A-A' SINGLE CROSS FALL
100 1:100



B-B' CYCLE TRAIL RE ROUTE - CROSS SECTION B-B' FULL CUT BENCH
100 1:100



C-C' CYCLE TRAIL RE ROUTE - TYPICAL TRAIL PAVEMENT SECTION
100 1:100

NOTES:

ALL WORKS SHALL COMPLY WITH LOCAL COUNCIL ENGINEERING STANDARDS

ALL THE TIMBER STRUCTURAL WORKS MUST COMPLY WITH NEW ZEALAND STANDARD NZS3604 TIMBER-FRAMED BUILDINGS

TEST ALL EARTH-FILLS OTHER THAN THOSE SPECIFICALLY IDENTIFIED AS UNCONTROLLED FILL IN ACCORDANCE WITH NZS4431 USING STANDARD TESTING PROCEDURES AS SET OUT IN NZS 4402

TAKE ALL NECESSARY MEASURES TO PREVENT EXCESSIVE WATER-LOGGING OF SURFACE MATERIALS YET TO BE EXCAVATED OR COMPACTED OR BOTH, AND TO PREVENT FILL MATERIAL FROM BEING ERODED AND RE-DEPOSITED AT LOWER LEVELS.

CONSTRUCT ALL EXCAVATION IN SUCH A MANNER THAT THE SURFACE IS FREE DRAINING OVER THE ENTIRE AREA. NO WATER TO POND ON ANY COMPLETED SURFACE

MINIMUM TERRAIN CROSS FALL ON CORNERS = 3% TRAIL SHOULD SAG AT GULLIES AND CREST AT RIDGES TO ASSIST DRAINAGE

WATER TABLES, WHERE USED, SHALL BE SLOPED AND NOT VERTICALLY CUT AT TRAIL EDGE

REPLACE TOPSOIL TO ORIGINAL DEPTH AS NECESSARY

UNSATISFACTORY FOUNDATION MATERIAL IS TO BE UNDERCUT AND REPLACED WITH COMPACTED HARDFILL. IN POOR SOILS SUCH AS SWAMP, PEAT, AND IN ROCK THE MINIMUM DEPTH OF GRANULAR BEDDING MATERIAL BELOW THE INVERT IS TO BE 200MM OR SPECIFIC DESIGN AS NECESSARY.

QUARRY SHALE MAY BE USED FOR FILL AS ARGUED

ISSUE FOR INFORMATION ONLY

NO	DATE	DESCRIPTION	BY	CHK
01	21-May-25	DRAFT PLAN SET	LH	KM

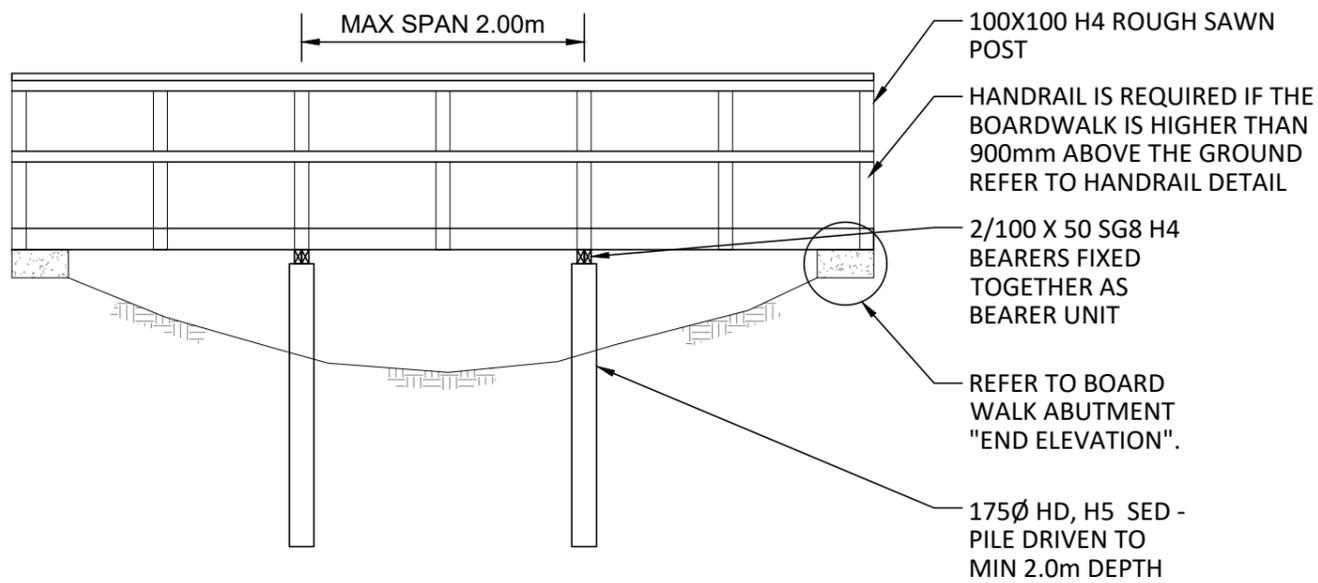
DRAWN:	LH & KM
DESIGNED:	LH & KM
CPENG:	KK
DATE ISSUED:	21-May-25
LOCATION:	OKAIHAU
REFERENCE:	037-300



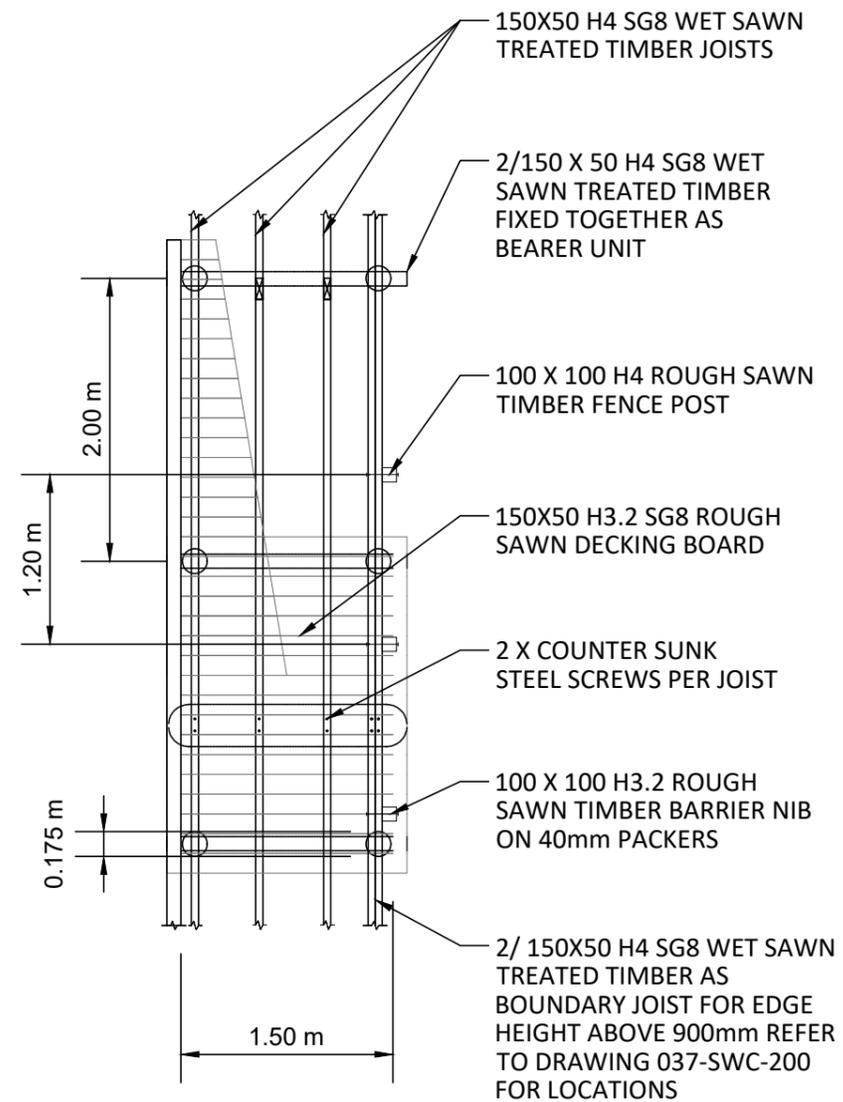
CLIENT:	FAR NORTH DISTRICT COUNCIL
PROJECT:	ŌKAIHAU CYCLE TRAIL REROUTE
TITLE:	GRAVEL TRAIL CIVIL DETAILS

SCALE:	1:100 @ A3									
	PROJECT #			AREADISC			SEQUENCE		REVISION	
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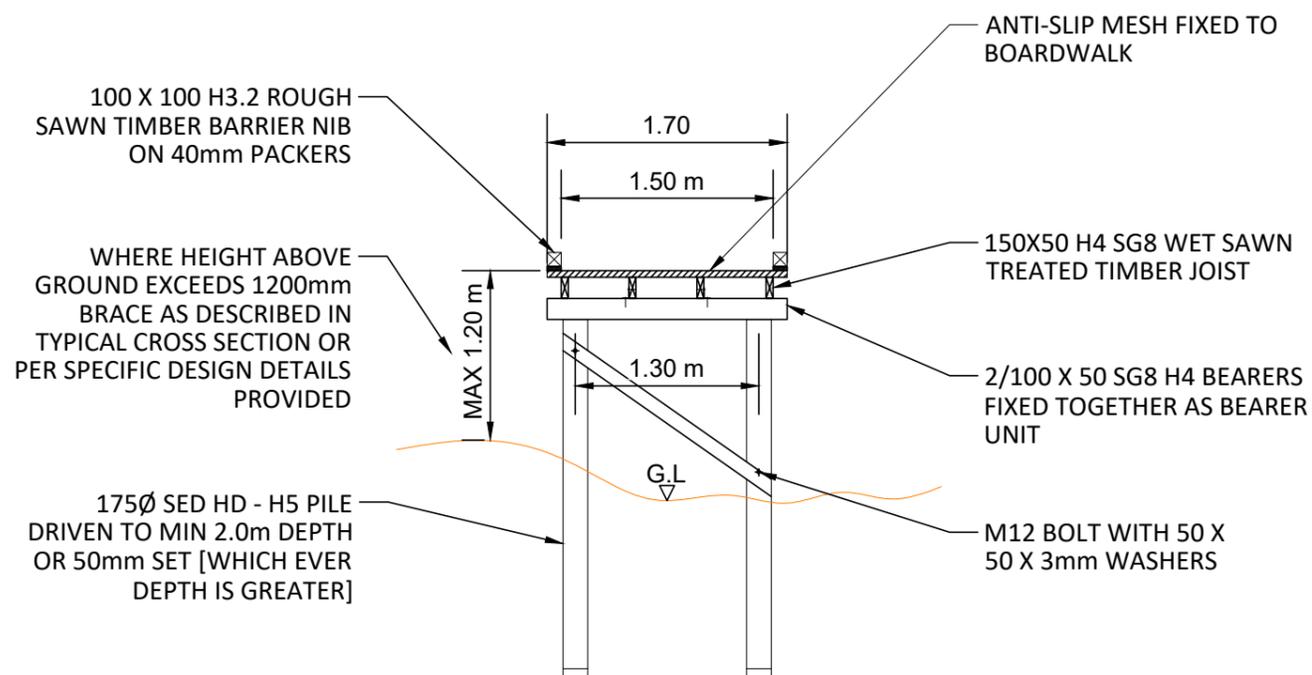
A3



01 TYPICAL LONGITUDINAL ELEVATION DETAIL
100 1:50



02 TYPICAL BOARDWALK PLAN VIEW DETAIL
100 1:50



03 TYPICAL CROSS SECTION DETAIL - BOARDWALK OF DRIVEN TIMBER PILES
100 1:50

NOTES:

ALL WORKS SHALL COMPLY WITH LOCAL COUNCIL ENGINEERING STANDARDS

ALL THE TIMBER STRUCTURAL WORKS MUST COMPLY WITH NEW ZEALAND STANDARD NZS3604 TIMBER-FRAMED BUILDINGS

TEST ALL EARTH-FILLS OTHER THAN THOSE SPECIFICALLY IDENTIFIED AS UNCONTROLLED FILL IN ACCORDANCE WITH NZS4431 USING STANDARD TESTING PROCEDURES AS SET OUT IN NZS 4402

TAKE ALL NECESSARY MEASURES TO PREVENT EXCESSIVE WATER-LOGGING OF SURFACE MATERIALS YET TO BE EXCAVATED OR COMPACTED OR BOTH, AND TO PREVENT FILL MATERIAL FROM BEING ERODED AND RE-DEPOSITED AT LOWER LEVELS.

CONSTRUCT ALL EXCAVATION IN SUCH A MANNER THAT THE SURFACE IS FREE DRAINING OVER THE ENTIRE AREA. NO WATER TO POND ON ANY COMPLETED SURFACE

MINIMUM TERRAIN CROSS FALL ON CORNERS = 3% TRAIL SHOULD SAG AT GULLIES AND CREST AT RIDGES TO ASSIST DRAINAGE

WATER TABLES, WHERE USED, SHALL BE SLOPED AND NOT VERTICALLY CUT AT TRAIL EDGE

REPLACE TOPSOIL TO ORIGINAL DEPTH AS NECESSARY

UNSATISFACTORY FOUNDATION MATERIAL IS TO BE UNDERCUT AND REPLACED WITH COMPACTED HARDFILL. IN POOR SOILS SUCH AS SWAMP, PEAT, AND IN ROCK THE MINIMUM DEPTH OF GRANULAR BEDDING MATERIAL BELOW THE INVERT IS TO BE 200MM OR SPECIFIC DESIGN AS NECESSARY.

QUARRY SHALE MAY BE USED FOR FILL AS ARGUED

ISSUE FOR INFORMATION ONLY

NO	DATE	DESCRIPTION	BY	CHK
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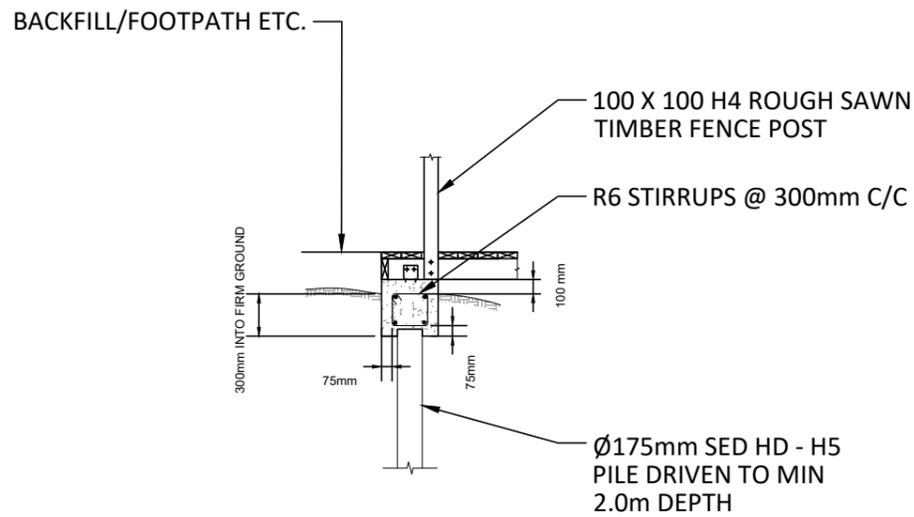
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 DESIGNED: LH & KM
 CPENG: KK
 DATE ISSUED: 21-May-25
 LOCATION: OKAIHAU
 REFERENCE: 037-301



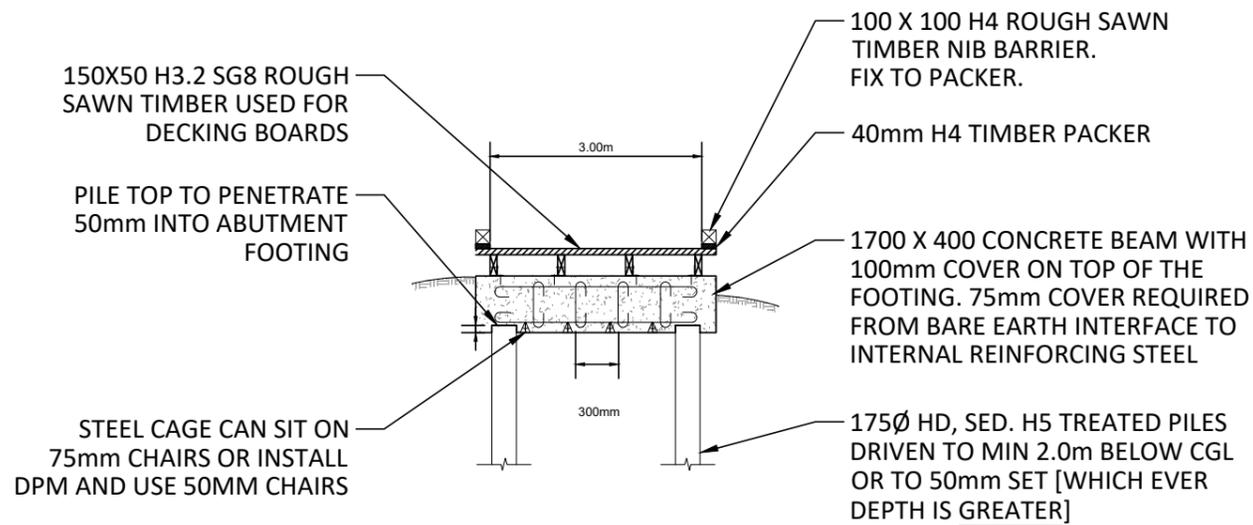
CLIENT: FAR NORTH DISTRICT COUNCIL
 PROJECT: OKAIHAU CYCLE TRAIL REROUTE
 TITLE: BOARDWALK TYPICAL DETAILS

SCALE: 1:50 @ A3									
PROJECT #			AREADISC			SEQUENCE		REVISION	
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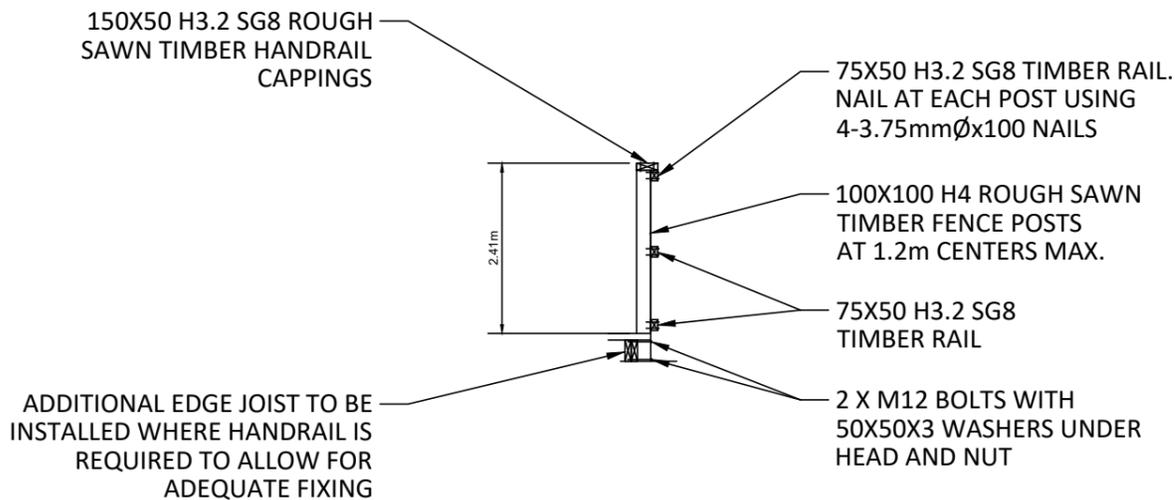
A3



04 CONCRETE ABUTMENT DETAIL FOR BOARDWALK ENTRY AND EXIT
100 1:100



05 CONCRETE ABUTMENT ELEVATION DETAIL
100 1:100



06 HAND RAIL DETAIL
100 1:100

NOTES:

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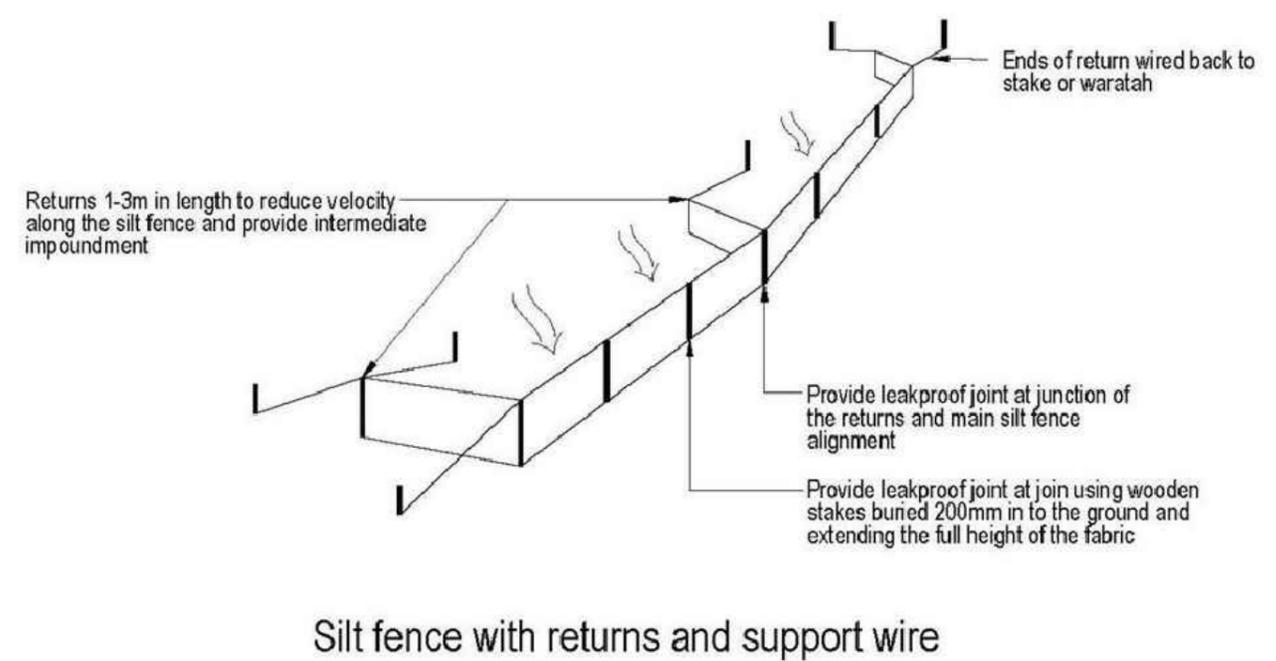
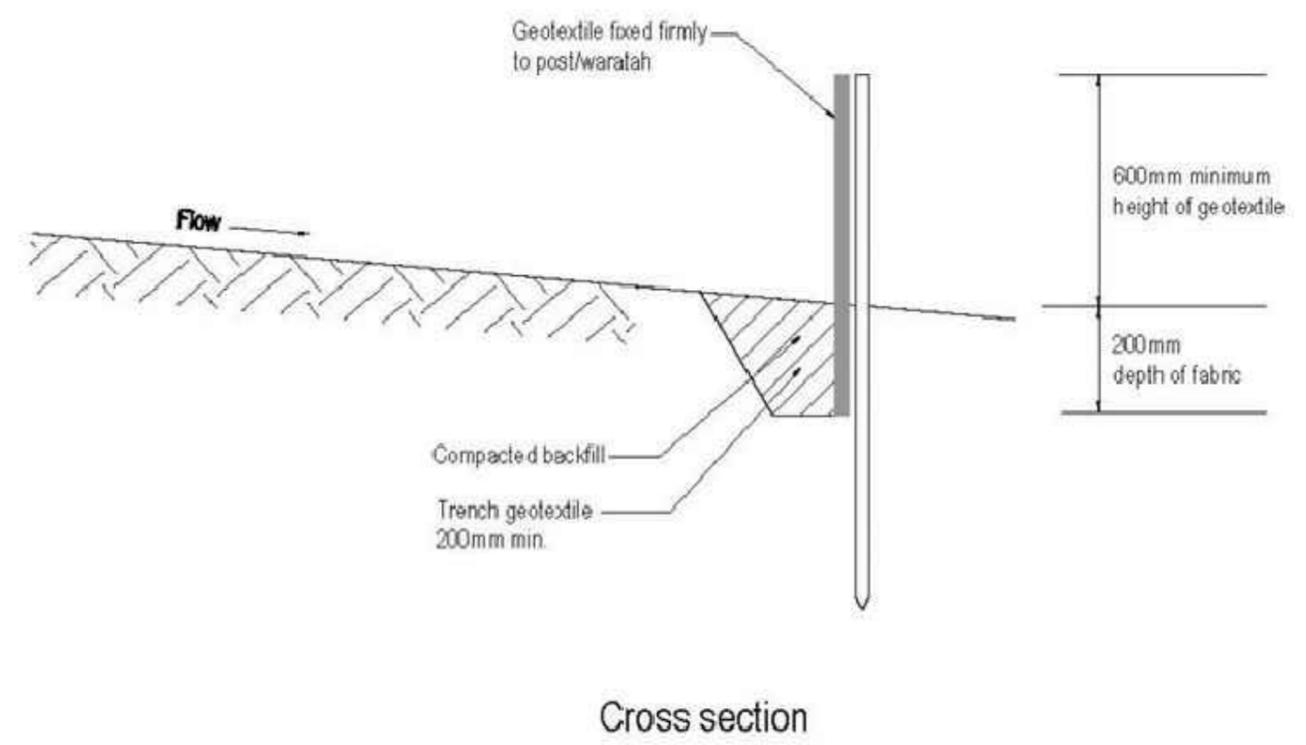
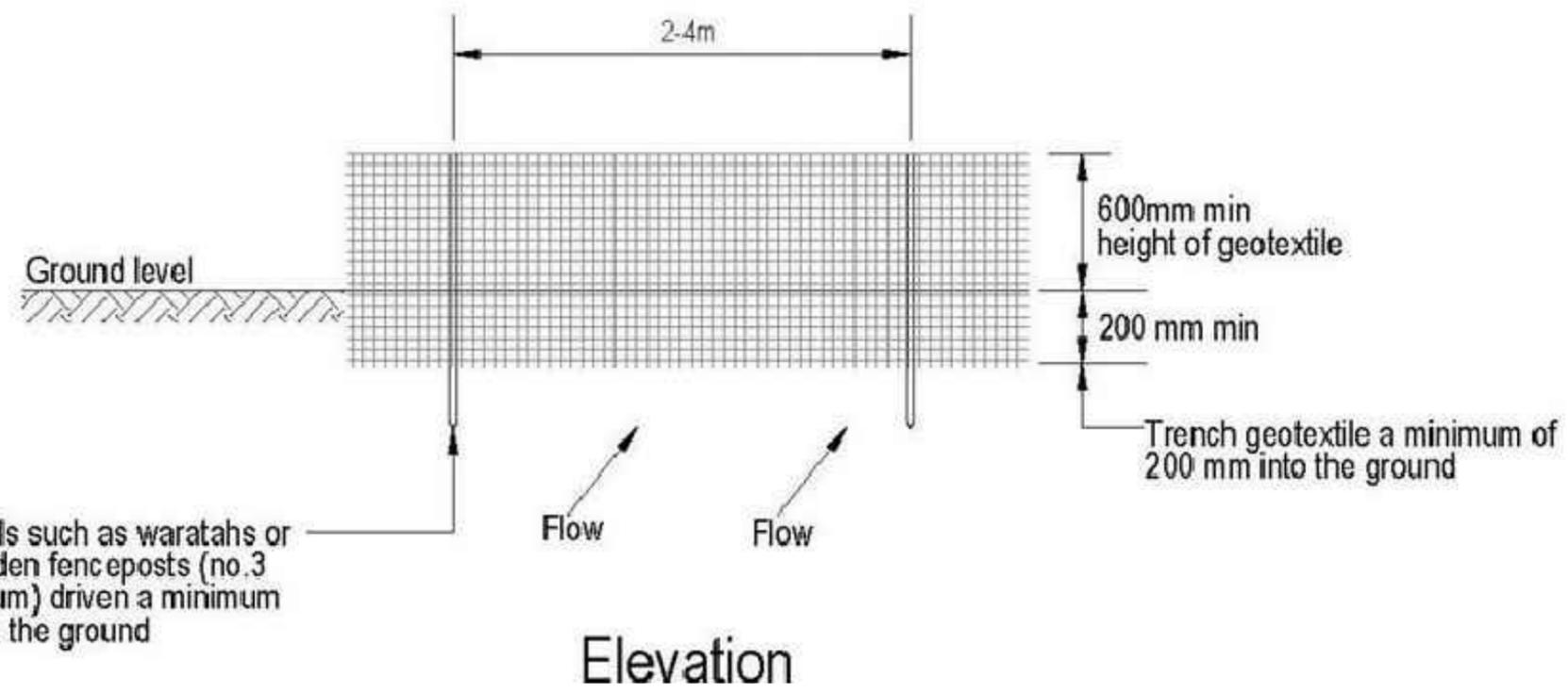
NO	DATE	DESCRIPTION	BY	CHK
01	21-May-25	DRAFT PLAN SET	LH	KM

DRAWN: LH & KM
 DESIGNED: LH & KM
 CPENG: KK
 DATE ISSUED: 21-May-25
 LOCATION: OKAIHAU
 REFERENCE: 037-302



CLIENT: FAR NORTH DISTRICT COUNCIL
 PROJECT: OKAIHAU CYCLE TRAIL REROUTE
 TITLE: BOARDWALK TYPICAL DETAILS

SCALE: 1:100 @ A3		0 3.25 6.5 Meters		A3
PROJECT #	AREADISC	SEQUENCE	REVISION	
0 3 7	S W C	3 0 2	P 1	



ISSUE FOR INFORMATION ONLY

NO	DATE	DESCRIPTION	BY	CHK
01	21-May-25	DRAFT PLAN SET	LH	KM

DRAWN: LH & KM
 DESIGNED: LH & KM
 CPENG: KK
 DATE ISSUED: 21-May-25
 LOCATION: OKAIHAU
 REFERENCE: 037-303



CLIENT: FAR NORTH DISTRICT COUNCIL
 PROJECT: OKAIHAU CYCLE TRAIL REROUTE
 TITLE: SILT FENCE TYPICAL DETAILS

SCALE: NOT TO SCALE										A3
PROJECT #		AREADISC			SEQUENCE		REVISION			
0	3	7	S	W	C	3	0	3	P	1

TECHNICAL MEMO

To:	Tracy Dalton	Organisation:	Far North District Council
From:	Keavy Mitchell	Organisation:	Trine Kel Limited
Reference:	TKL Project ID: 037 - Okaihau Cycle Trail Slip		
Date:	19 May 2025		
Subject:	Okaihau Cycle Trail Slip – Change in Design Approach from MSE Wall to Boardwalk Bypass		

1. INTRODUCTION

This memorandum outlines the revised remediation strategy for the slip-affected section of the Ōkaihau Cycle Trail and supersedes the embankment and MSE wall concept described in the April 2024 technical memorandum. Due to worsening ground conditions, progressive slope regression caused by sustained high rainfall, and updated geotechnical findings, the original Mechanically Stabilised Earth (MSE) wall design is no longer considered feasible.

2. BACKGROUND

Trine Kel Limited was originally engaged to assess slope stability and stormwater capacity along the affected section of the Ōkaihau Cycle Trail and develop a stabilisation solution for a historic slip site that had recently reactivated. Initial site assessments confirmed the presence of decades-old, non-engineered fill material placed over a gully with poor drainage conditions, contributing to renewed instability. The original concept involved retaining the trail's alignment through the construction of a reinforced fill structure supported by a stepped Mechanically Stabilised Earth (MSE) wall. Referring to [Figure 1-2](#) below, the design included:

- A geogrid-reinforced fill embankment;
- Subsurface drainage layers and a toe key;
- Replacement of the existing $\varnothing 450$ mm culvert with a $\varnothing 600$ mm culvert and outlet structures;
- Regrading and reconnecting the trail over a new 3:1 stabilised slope with erosion control.

This approach was supported by extensive slope stability modelling, earthworks planning, and drainage analysis.

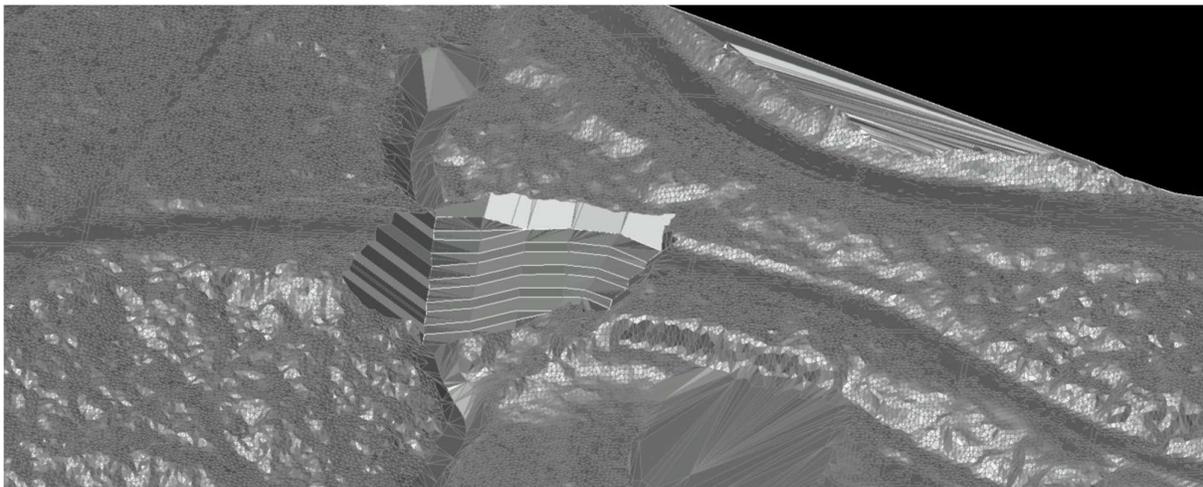


Figure 1: 3D Render of the completed Civil3D model depicting the basal cut and morphology of MSE foundation

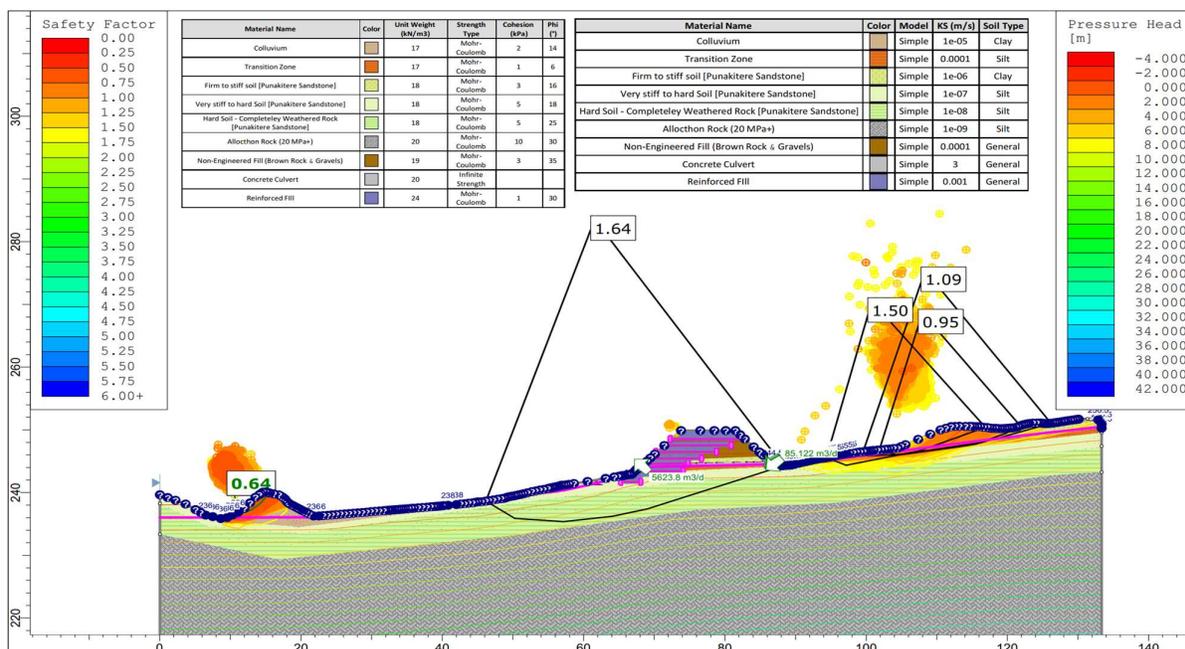


Figure 2: Excerpt from the final slope stability analysis output based on the MSE solution. Adequate factors of safety for global stability were able to be populated utilising geotextile reinforcement and robust drainage measures.

Despite efforts to finalise the design in adequate timeframes, progressive deterioration of the site due to the onset of poor winter conditions, including the regressing slip uncovering unsuitable fill material, the originally designed approach is now infeasible both from a geotechnical and constructability standpoint.

3. SITE MEETINGS AND MONITORING VISITS

Staged site inspections and contractor input confirmed that conditions at the site have deteriorated. Further investigation into the head scarp feature revealed that the underlying subsoils are unsuitable for reuse as engineered fill. As a result, the initial MSE wall concept now presents significant geotechnical, safety, and budgetary risks.

A recent site meeting was held with Neil Cate (Head Contractor) and Cycle Trail representatives Tracy Dalton and Blue Newport to review the feasibility of proceeding with the MSE wall under current conditions. The following key findings and constraints were identified:

- **Budget Constraints:** The volume of engineered fill required for the MSE wall would necessitate large-scale importation of certified material, pushing total costs well beyond the allocated \$150,000 MBIE budget.
- **Seasonal Construction Constraints:** Over 600 mm of recent rainfall has saturated the slope and surrounding ground, which included the occurrence of Cyclone Tam, rendering the site unsafe for heavy machinery and excavation until late 2025.
- **Drainage Risk:** Installation of a deep replacement culvert system (up to 5 m depth) to adequately control groundwater would require extensive excavation and shoring, posing significant health and safety risks and cost escalation.
- **Access Requirements:** Safe construction access would require significant bench widening and formation, further increasing scope and environmental impact.

Collectively, these factors led to a consensus that the MSE wall is no longer a feasible or prudent solution under current site and budget constraints.

4. REVISED DESIGN APPROACH: BOARDWALK RE-ROUTE

Due to the high geotechnical risk of works within the existing trail alignment, the remediation strategy has shifted to bypass the slip zone entirely via an elevated timber boardwalk that will traverse the margin of the wetland along Lake Road margin. This new approach is being progressed under emergency works provisions in accordance with Section 330 of the Resource Management Act 1991.

All stakeholders agreed that rapid deterioration of slope stability beneath a significant public recreational route necessitated swift and decisive action to prevent potential injury and further environmental damage. To ensure protection of the wetland environment, low-impact construction methods have been specified to avoid soil disturbance in and around the wetland.

Key features of the revised design include:

- Two new cut/fill gravel cycle trail re-route sections (2.0–3.0 m wide) to the north and south of the slip area;
- A central 55 m-long, 1.7 m-wide timber boardwalk trail on piles through the wetland, designed to avoid construction sedimentation and disruption of natural drainage pathways;
- Durable timber and stainless steel fixings for long-term resilience;
- Simple, nil-ground-disturbance installation methodology (driven timber piles).

This solution was developed collaboratively with contractor input to ensure both constructability and minimal environmental impact.

5. COST AND RISK COMPARISON

RISK

Risk Factor	MSE Wall	Boardwalk Bypass
Geotechnical Uncertainty	High – extensive fill, groundwater	Low – located outside slip zone
Construction Risk	High – complex sequencing and shoring	Moderate – standard pile installation
Environmental Impact	Medium-High – cut/fill in sensitive zone	Low – minimal footprint
Programme Delay	High risk of ongoing delays	Low – fast-track under emergency works
Long-term Resilience	Moderate – dependent on backfill integrity	High – durable, flexible structure

COST

Design Option	Estimate (Excl. GST)	Key Cost Drivers
Original MSE Wall with Gravel Trail	\$180,000	Bulk earthworks, engineered fill, geogrid, labour, delays
Revised Hybrid Boardwalk/Gravel Trail	\$95,000	Timber supply, pile driving, access, stainless fixings

While the boardwalk appears more expensive per metre, the reduction in earthworks, risk, and programme delay offers significant overall savings and certainty.

6. CONCLUSION

In summary, the revised boardwalk re-route represents a pragmatic and low-risk solution that aligns with the safety, environmental, and budgetary constraints of the project. We believe this approach will provide a durable, long-term outcome for the cycle trail while minimising further disruption to the community and surrounding environment.

Please don't hesitate to get in touch if you require any further detail or would like to discuss the next steps.

Authored



Keavy Mitchell BSc (Geol) | PGDipSci (Env Mgt) | MEngGeol | MEngNZ
Senior Engineering Geologist | Trine Kel Limited

Review & Approved



Kelvin Kapp CPEng | CMEngNZ | IntPE(NZ)
Principal Civil Engineer & Director | Trine Kel Limited

Alex Billot

From: Bill Edwards <BEdwards@heritage.org.nz>
Sent: Friday, 30 May 2025 11:45 am
To: Alex Billot; James Robinson; Stuart Bracey
Subject: RE: Okaihau Cycle Trail - revised remediation strategy
Attachments: Heritage New Zealand Northland ADP 2016.doc

Kia ora Alex,

Rochelle did come and speak to us about the proposal and Dr Robinson and I did a desk-based assessment and concluded that the works could proceed under an ADP which I have attached.

Nga mihi

Bill

Bill Edwards Area Manager, Northland | Heritage New Zealand Pouhere Taonga | Northland Area Office, 21 Hobson Ave, PO Box 836 Kerikeri 0245, New Zealand | Ph: (64 09) 407 0470 | DDI: (64 09) 407 0471 | Visit www.heritage.org.nz and learn more about New Zealand's heritage places

Tairangahia a tua whakarere; Tatakihia nga reanga o amuri ake nei- Honouring the past; Inspiring the future

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From: Alex Billot <Alex@northplanner.co.nz>
Sent: Friday, 30 May 2025 11:15 am
To: Bill Edwards <BEdwards@heritage.org.nz>; James Robinson <jrobinson@heritage.org.nz>
Subject: Okaihau Cycle Trail - revised remediation strategy

Kia ora Bill & James,

I am not sure if you are familiar with this project from communications with Rochelle, but due to worsening ground conditions, progressive slope regression and updated geotechnical findings, the original proposal is no longer considered to be feasible and therefore a revised remediation strategy has been proposed.

As detailed within the revised Technical Memo attached to this email, *“the remediation strategy has shifted to bypass the slip zone entirely via an elevated timber boardwalk that will traverse the margin of the wetland along Lake Road margin. This new approach is being progressed under emergency works provisions in accordance with Section 330 of the Resource Management Act 1990.*

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- *Simple, nil-ground-disturbance installation methodology (driven timber piles).*

This solution was developed collaboratively with contractor input to ensure both constructability and minimal environmental impact.

If you could please review the proposal and attached documents and provide any comments on the works, that would be greatly appreciated.

If you require any further information, please do not hesitate to contact our office.

Kind regards,



Alex Billot
Resource Planner

Offices in Kaitaia & Kerikeri
☎ 09 408 1866
Northland Planning & Development 2020 Limited

My office hours are Monday, Thursday & Friday 9am – 2pm.

Rochelle

From: Lawrence Wharerau <Lawrence.Wharerau@fndc.govt.nz>
Sent: Tuesday, 29 April 2025 2:02 pm
To: Rochelle
Cc: Piripi Rakena
Subject: Contacts for slip mitigation on Lake Road Ōkaihau

Kia ora Rochelle,

My best advice is to contact the following people;

Rio Greening riogreening@hotmail.com
Joanne Civil joanne.civil.nz@gmail.com

Hope this is helpful.

Technically this is in The Kaikohe – Hokianga Ward which is the domain of Piripi Rākena, though he is on leave today and Te Hono are happy to tautoko...



Lawrence Wharerau

Kaiarahi Kaupapa Maori - Te Hono

M 274042162 | P 6494015384 | Lawrence.Wharerau@fndc.govt.nz

Te Kaunihera o Te Hiku o te Ika | Far North District Council

Pokapū Kōrero 24-hāora | 24-hour Contact Centre 0800 920 029

fndc.govt.nz



Northland Planning Development

From: Rio Greening <riogreening@hotmail.com>
Sent: Friday, 30 May 2025 1:03 pm
To: Northland Planning Development
Subject: Re: Proposed works to Okaihau Cycle Trail

Kia ora Alex

Thank you for this ka pai .

Chair of Te Aranga hou marae lake rd.

Rio

From: Northland Planning Development <info@northplanner.co.nz>
Sent: Friday, 30 May 2025 11:11 am
To: riogreening@hotmail.com <riogreening@hotmail.com>; joanne.civil.nz@gmail.com <joanne.civil.nz@gmail.com>
Subject: FW: Proposed works to Okaihau Cycle Trail

Mōrena,

Further to the below email dated 29th April 2025, due to worsening ground conditions, progressive slope regression and updated geotechnical findings, the original proposal is no longer considered to be feasible and therefore a revised remediation strategy has been proposed.

As detailed within the revised Technical Memo attached to this email, *‘the remediation strategy has shifted to bypass the slip zone entirely via an elevated timber boardwalk that will traverse the margin of the wetland along Lake Road margin. This new approach is being progressed under emergency works provisions in accordance with Section 330 of the Resource Management Act 1990.*

All stakeholders agreed that rapid deterioration of slope stability beneath a significant public recreational route necessitated swift and decisive action to prevent potential injury and further environmental damage. To ensure protection of the wetland environment, low-impact construction methods have been specified to avoid soil disturbance in and around the wetland.

Key features of the revised design include:

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- *Durable timber and stainless steel fixings for long-term resilience;*
- *Simple, nil-ground-disturbance installation methodology (driven timber piles).*

This solution was developed collaboratively with contractor input to ensure both constructability and minimal environmental impact.

If you could please review the proposal and attached documents and provide any comments on the works, that would be greatly appreciated.

If you require any further information, please do not hesitate to contact our office.

Kind regards,



Alex Billot
Resource Planner

Offices in Kaitaia & Kerikeri
☎ 09 408 1866
Northland Planning & Development 2020 Limited

*My office hours are Monday, Thursday &
Friday 9am – 2pm*

From: Northland Planning Development
Sent: Tuesday, 29 April 2025 2:13 pm
To: riogreening@hotmail.com; joanne.civil.nz@gmail.com
Subject: Proposed works to Okaihau Cycle Trail

Tena koutou,

We are preparing an emergency works resource consent application to submit to both FNDC and NRC which seeks to reconstruct a portion of the Twin Coast Cycle Trail which has experienced failure. The western fence line has collapsed and the crest at the failure edge of the embankment has been barricaded (as shown in **Figure 1** below). The portion of the cycle trail subject to this application is located adjacent to Lake Road just south of Okaihau, with a locality plan shown below and a wider aerial image depicting the location shown below. The portion subject of this application is adjacent to 164 Lake Road, Okaihau, for ease of reference.



Trine Kel Civil Engineering Solutions (Trine Kel) have provided a Technical Memo and set of plans for the proposed works which are attached to this email. Bay Ecological Consultancy (BEC) have provided a Wetland Report in support of this application which is also attached. It was concluded that the proposed works would have a less than minor effect on the wetland areas in the vicinity of the works.

Trine Kel determined that due to the instability of the slope, immediate stabilization measures are required to mitigate further potential failure. Trine Kel have recommended the following as a proposed solution:

- Lowering the embankment height and reshaping to a 3:1 slope. The regarded

embankment is proposed to be stabilized using erosion control methods, including the strategic planting of native grasses or the use of geosynthetics.

- To mitigate potential flooding risks for the cycle trail embankment, a larger 600mm diameter culvert is proposed to manage future 1% AEP storm (2101-2120) events, ensuring the infrastructure is solid during the extreme weather conditions.

Detailed design works are still being undertaken, however given the weather we are hoping to begin some works as soon as possible to ensure the hazard does not worsen. We are currently working on lodging the consents as soon as possible.

The proposal will result in works required to replace the existing culvert under the cycle trail, excavation works to remove the earth which has slipped from the bank and reinstate this uphill as well as re-establishment of the metal cycle trail.

If you could please review the proposal and attached documents and provide any comments on the works, that would be greatly appreciated.

If you require any further information, please do not hesitate to contact our office.

Kind regards,



Alex Billot
Resource Planner

Offices in Kaitaia & Kerikeri
☎ 09 408 1866
Northland Planning & Development 2020 Limited

*My office hours are Monday, Thursday &
Friday 9am – 2pm*

Hi Darren,

Regarding the embankment removal, our civil engineering team have no objections to the temporary reroute of the cycle trail from Nova St to adjacent to Lake Road until the permanent cycle trail is ready. Note that as the applicant, it's your responsibility to maintain and decommission or restore the area at the end of its usage.

In principle, KiwiRail have no major concerns with the proposed concept for the permanent cycle trail along Nova St, which includes lowering and strengthening the embankment with drainage extensions. Figure 6 cross sectional schematic shows steep embankment slope on the right-hand side.

Please submit the detailed design for the embankment rebuild and stormwater design to ensure there are no long-term effects within the KiwiRail boundary.

Thanks.

Kind regards,

Maggie Lo | Lease Manager - Northern

MOB: +64 27 217 3449

Level 1, KiwiRail Building, 604 Great South Road, Ellerslie, Auckland 1051



www.kiwirail.co.nz

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