

Report No:	REP11-11-01
File No:	RM110394
Report Date:	1 November 2011
Decision Required	

Report to: Commissioner Hearing
Meeting Date: Monday, 7 and Tuesday, 8 November 2011
Subject: Tasman District Council (Nelson Cycle Trails Trust)
Report Author: Michael Croxford, Consent Planner Natural Resources

1. MATTERS ARISING FROM STAFF REPORT DATED 27 OCTOBER 2011

This supplementary report has been prepared to address the following three matters:

1. The writer's Staff Report did not specifically address the cycle trail alignment at the entranceway to Bark Processors Ltd on Lot 1 DP18146 (see Photo 1);
2. Item 3.3 on page 5 of the report refers to a full list of submitters being given in Appendix 1 (this is now appended to this report);
3. Table 2 in item 3.3 on page 5 states that Transpower wishes to be heard at this hearing. The submitter in a letter dated 29 August 2011 advised this was no longer the case and a copy has been provided to the Commissioners in their hearing briefing.



Photo 1: Proposed cycle alignment is to the right joining the road at the first power pole on the left. The writer of this report is standing in the hi-viz vest at the approximate site of the proposed bridge.

2. ALIGNMENT OF CYCLE TRAIL AT ENTRANCE TO BARK PROCESSORS

The application showed two different routes at this point in the trail. Route A as shown on pages 17, 21 and Map 2 of Appendix 2 of the application (see Figure 1 for example) shows the cycle trail passing over a small area of raised ground to the northwest of the entranceway and requires a small bridge to be installed. Route B as shown on page 32 of the Ecological Assessment and on page 11 of the Archaeological Assessment bypasses this area of raised ground and hugs the bank near the entranceway to Bark Processors Limited. The applicant has confirmed in their further information response letter dated 5^h October 2011 that the Route A is their preferred option.

Section 4: Lower Queen Street to Ravensdown



Figure 1: Plan of cycle trail from page 17 of the application with position of trail in yellow showing as crossing the small piece of land near the entranceway to Bark Processors Ltd.

6.3.3 Location of Proposed Cycle way - Section 4



Figure 2: Plan of cycle trail from page 34 of the ecological assessment with position of trail in green showing as following the road near the entranceway to Bark Processors Ltd.

Two submissions have been received regarding the routing of the cycle trail through this area (Forest & Bird and Tils Melis). Both have raised the issue that this piece of land is a high tide refuge for birds which should be protected from disturbance in the absence of any other such land in this area. On page 12 under the heading "Route" of David Melville's report he highlighted the issues regarding the sensitivity of this piece of land. The key points that he makes are:

- Banded Rail have been observed in the area between Ravensdown and Bark Processors Ltd; and
- This piece of land provides potential high tide roosting cover for these birds.

In my opinion, I agree with the two submitters and Mr Melville that the applicant has not given sufficient reason as to the need for using this route. A precautionary approach should be taken and the requirement to route the track beside the entranceway is considered preferable by the writer. It is noted that there are four potential issues with the alternative route:

1. The land is privately owned and alignment may be subject to land owner approval;
2. The alignment would still require the construction of potentially two platforms and/or reclamations due to the width from the existing edge of seal to the bank (see photos 2 & 3);
3. No application for reclamation has been made for the alternative alignment;
4. The proximity to the entranceway may require the installation of a low level barrier to avoid traffic conflicts.

Furthermore, as the application was notified with the two route options then I am satisfied that no party is prejudiced by selecting between them and that it is legally within the Commissioners' ability to grant the precautionary option (ie. Route B). Also, selection of this route does not override any land owner rights.

3. REVIEW OF SECTION 5 AND RECOMMENDATION STATEMENT

As a planner weighing up all of the relevant considerations in terms of Section 5 of the Act, I consider that a grant of consent **would** promote the sustainable management of natural and physical resources and, on balance, I **RECOMMEND** that the application(s) be **GRANTED**, subject to conditions, except for the following matters which should be **DECLINED**:

- the proposed 150 metre long reclamation at Neiman Creek (unless it can be clearly demonstrated that such access on the landward side of the mean high water spring is not feasible).
- the ford at Borck Creek
- the alignment of the cycle trail at the entrance to Bark Processors Ltd on Lot 1 DP 18146 be in accordance with the route shown on pages 17, 21 and Map 2 of Appendix 2 of the application (unless it can be clearly demonstrated that land owner permission is not obtainable).



Photo 2: Location of where a platform or culvert extension and reclamation may be required to achieve adequate width.



Photo 3: Location of where a platform or culvert extension and reclamation may be required to achieve adequate width

Appendix 1: Full list of submitters

#	Submitter
1	Transpower New Zealand Ltd
2	Nelson/Tasman Branch of Royal Forest and Bird Society
3	Stuart Mirfin
4	Kieran Scott
5	Craig Harley
6	Department of Conservation
7	Nelson Airport Limited
8	Merrick Allan
9	John Gardner
10	Air New Zealand Link
11	Anita Gardner
12	Til Melis
13	Sean Trengrove
14	Miles Fritton
15	Robert Jary
16	Marc Jary
17	Alliance Group Limited
18	Tiakina Te Taiao
19	New Zealand Historic Places Trust
20	Glen Leys
21	The Friends of Nelson Haven and Tasman Bay Inc
22	Beverly Greig
23	Fiona Conyers
24	Gordon Roberts
25	Fish & Game New Zealand
26	Marcus Reay
27	Sean Handley
28	Marc Cederman
29	Nigel Gibson
30	Abbie Cederman
31	Greg Taylor
32	William Cook