



Craggy Range

WALKING TRACK OPTIONS

Options		Explanation of Option	Legal Implications *	Landscape Implications **	Craggy Range (CR) Assessment of Consequences & Feasibility	
SOLUTIONS	Practical Remediation	<p>Involves:</p> <ul style="list-style-type: none"> <li>Turning the sods back onto the track, making it inaccessible</li> <li>Leveling the batters</li> <li>Regrassing</li> <li>Track remains closed</li> </ul> <p>Was discussed by interested parties (Ngati Kahungunu, Waimarama Hapu, HDC, HBRC, Te Mata Park Trust) at January 5 meeting at HDC.</p>	<ul style="list-style-type: none"> <li>This will probably require a surrender or variation of the existing consent and/or a new consent, which will be publicly notified (as there would be the loss of a popular public facility).</li> <li>There could be a health &amp; safety issue because it is possible the public won't stop walking the track.</li> </ul>	<ul style="list-style-type: none"> <li>Inferior long-term outcomes for the landscape compared with implementing the current consent and undertaking ongoing maintenance. It is also inferior relative to the additional mitigation option as there is no material landscape benefit closing the track.</li> <li>The community loses a facility that enables people the opportunity to experience and interact with the landscape and actively recreate in it.</li> </ul>	<ul style="list-style-type: none"> <li>Will involve Craggy Range being caught up in further legal processes through the Resource Management Act as it is probable that it will need to be a notified consent. This will be contentious as there is no landscape benefit and leads to a loss of recreational benefit that is valued by many in the community.</li> </ul>	
	Geo Tech Restoration	<p>Involves:</p> <ul style="list-style-type: none"> <li>Geo-technical earthworks</li> <li>Track remains closed</li> <li>Millions of dollars to complete</li> </ul>	<ul style="list-style-type: none"> <li>It will need a surrender or variation of the existing consent and/or a new consent.</li> </ul> <p>It is almost certain consent would need to be publicly notified, and that will be contentious because:</p> <ul style="list-style-type: none"> <li>There is the loss of a popular public facility;</li> <li>There would be no further/ongoing maintenance of the track</li> <li>The scale of risks of such an engineered solution are significant</li> <li>Any decision by HDC in that process may be challenged by an interested party.</li> </ul>	<ul style="list-style-type: none"> <li>The track's visibility will be reduced but the landscape will never be restored to its original condition.</li> <li>Loss of an associational value – i.e. the community's opportunity to experience and interact with the landscape and actively recreate in it.</li> </ul>	<ul style="list-style-type: none"> <li>This option delivers only marginal landscape benefit and a recreational loss to the community, all at a cost of millions of dollars. This is not a solution Craggy Range would ever consider.</li> <li>HDC can choose to undertake this but it would be a ridiculous waste of community money and likely challenged in a court by interested parties.</li> </ul>	
	Additional Mitigation	Site Planting	<p>The existing track would remain, but the 4.9ha surrounding the track would be planted with native flora, hiding the track and providing a native bird corridor.</p> <p>Involves:</p> <ul style="list-style-type: none"> <li>Planting out the land surrounding the track in native flora and planting mountain flax on section six.</li> </ul> <p><i>Note - potential to become a pilot project for a broader planting project across the eastern face of Te Mata Peak</i></p>	<ul style="list-style-type: none"> <li>No legal implications, but may still be subject to judicial review (although unlikely).</li> </ul>	<ul style="list-style-type: none"> <li>Significant improvement in natural habitat, a bird corridor and reduction in visibility of the track.</li> <li>An improved environment in which people can continue to enjoy the walking track.</li> </ul>	<ul style="list-style-type: none"> <li>Win-win solution, with maximum benefits for the whole community and meets all relevant Central Government and local Government policies.</li> <li>Improved environmental outcomes; e.g. bird habitat, biodiversity, etc.</li> <li>Alignment with Iwi aspirations and HBRC plans and policies.</li> <li>The start of a positive opportunity to enhance Te Mata Peak's eastern slope to an 'outstanding natural landscape' through native re-vegetation.</li> </ul>
		Track Realignment	<p>Involves:</p> <ul style="list-style-type: none"> <li>Building stairs along the southern fence line for the first few sections of the track, reducing the number of switch backs or zig zags.</li> </ul>	<ul style="list-style-type: none"> <li>Re-alignment element may need to be checked to make sure it is in the scope of the existing consent.</li> </ul>	<ul style="list-style-type: none"> <li>Further reduction in the visual impact of the zig zag, but reduced accessibility (e.g. prams) due to steps replacing path.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced visual impact of the zig zag in the short term. Long term the impacts will not differ greatly from the less than minor impact of the existing track, as addressed by the HDC.</li> </ul>
LEGAL OPTIONS	Compliance with HDC Consent	<p>Craggy Range would complete the works associated with finishing the track and comply with the current consent.</p> <p>Involves:</p> <ul style="list-style-type: none"> <li>Implementing the existing consent</li> <li>Re-grassing</li> <li>Finishing batters</li> <li>Ongoing maintenance</li> <li>Implementing council easement</li> </ul>	<ul style="list-style-type: none"> <li>No legal implications.</li> <li>However there remains a risk of judicial review against HDC.</li> <li>Contractually CR is already required to do this and HDC's enforcement officers have already requested this.</li> </ul>	<ul style="list-style-type: none"> <li>Over time, visibility will reduce to less than minor impact by natural processes and high-quality completion.</li> </ul>	<ul style="list-style-type: none"> <li>If stakeholders prefer this option, Craggy Range is comfortable to defend and adhere to our current consent.</li> </ul>	
	Forced Abandonment	<p>Involves the Court revoking the consent through a judicial review. The consent would no longer exist and therefore the track would remain in its current condition.</p>	<ul style="list-style-type: none"> <li>Possible health &amp; safety liability because it is likely the public won't stop walking the track.</li> <li>No legal implications, in terms of any future obligations or duties, but no further work could be carried out.</li> </ul>	<ul style="list-style-type: none"> <li>Very unsatisfactory. Leaves the landscape in worse condition than it is currently.</li> <li>Opportunity to enhance an associational value is lost – i.e. the community's opportunity to experience and interact with the landscape and actively recreate in it.</li> </ul>	<ul style="list-style-type: none"> <li>Craggy Range considers this a terrible outcome for everyone in the community. The landscape is left in a worse condition and the community loses the opportunity to enjoy the track. H&amp;S liability is unwittingly shifted from Craggy Range to the original landowner.</li> <li>The society seeking to protect the track could apply for resource consent for the existing track, so the issue would be ongoing.</li> </ul>	

(\*) refer Maassen report

(\*\*) refer Hudson, Bray reports