

Decision on notification of an application for resource consent under the Resource Management Act 1991



Discretionary activity

Application numbers: LUC60311082
 Applicant: Tūpuna Maunga o Tāmaki Makaurau Authority
 Site address: 32-66 Mountain Road, Mt Wellington
 Legal description: SEC 1 SO454947 and Allot 201 SO47116

Auckland Unitary Plan (Operative in part)

Zoning and precinct: Open Space – Conservation Zone
 No precinct applies

Overlays, controls, special features. Natural Resources:
 Significant Ecological Areas Overlay – SEA_T_5244, Terrestrial;
 High-Use Aquifer Management Areas Overlay – Mt Wellington Volcanic Aquifer;
 Quality Sensitive Aquifer Management Overlay Areas – Mt Wellington Volcanic Aquifer;
 Quality Sensitive Aquifer Management Overlay Areas – Auckland Isthmus Volcanic

Natural Heritage:
 Notable Trees Overlay – 467 Macrocarpa, 474 Pohutukawa (2)
 Outstanding Natural Features Overlay – ID 101, Motor Holdings lava cave:
 Outstanding Natural Features Overlay – ID 118, Mt Wellington (Maungarei)
 Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay – Mount Wellington , Height Sensitive Areas
 Regionally Significant Volcanic Viewshafts and Height Sensitive Areas Overlay – W1, W2, W3, W4, W5, W6, W8, W9, W12, W18, W19, W24, W25, and W26, Mount Wellington , Height Sensitive Areas;
 Locally Significant Volcanic Viewshaft overlay – W13, Mount Wellington

Built Heritage:
 Historic Heritage Overlay – Extent of Place 1582, Mount Wellington/Maungarei R11_12 Volcanic

cone pa site including ditch/s, terrace/s, pit/s and midden

Designations

9434 and 9435 – Water Supply Purposes – Reservoir, Watercare Services Ltd

Proposal:

Application by the Tūpuna Maunga o Tāmaki Makaurau Authority for Resource Consent for the removal of exotic trees on Maungarei.

The resource consents required are:

Land use consents (s9) – LUC60311082

Auckland Council Unitary Plan (Operative in Part)

Regional land use

Vegetation Management and Biodiversity (Chapter E15)

- Within an SEA-T, any vegetation removal not otherwise provided for requires consent as a **discretionary activity** pursuant to E15.4.1 (A43);

Note1: The applicant sought consent in terms of vegetation removal as a restricted discretionary activity in accordance with E15.4.1(A10); however it is considered that consent is not required for this activity as although the proposal exceeds the 250m² threshold and was in existence on 30 September 2013 (clause a), it is not outside the rural urban boundary (clause b).

Note2: The applicant sought consent in terms of vegetation removal as a restricted discretionary activity in accordance with E15.4.1 (A22); however it is considered that consent is not required for this activity as although the proposal is within 20m from the top of a cliff (clause a) and a slope steeper than 1 in 3 (clause b), it is not within 150m of the mean high water springs (clause c).

Note3: The applicant sought consent in terms of vegetation removal as a restricted discretionary activity in accordance with E15.4.1 (A24); however it is considered that consent is not required for this activity as the vegetation removal is not either a permitted, controlled or restricted discretionary activity (being discretionary in accordance with E15.4.1 (A43).

District land use

Land Disturbance – District (Chapter E12)

- The activity of replanting will involve 684m² of ground disturbance over the 22800m² quarry face. Consent for a **restricted discretionary activity** is required for earthworks between the thresholds of greater than 500m² up to 1,000m² in the Open Space – Conservation Zone pursuant to Rule E12.4.1 (A4);
- The activity of replanting will involve 684m² of ground disturbance over the 22800m² quarry face. Consent for a **restricted discretionary activity** is required for earthworks in the Historic Heritage Overlay of greater than 5m³ up to 250m³ in pursuant to Rule E12.4.2 (A32);
- The activity of replanting will involve 684m² of ground disturbance over the 22800m² quarry face. Consent for a **restricted discretionary activity** is required for earthworks

within the V1 Outstanding Natural Feature Overlay of greater than 50m³ pursuant to Rule E12.4.3 (A41);

Trees in Open Space Zones (Chapter E17)

- The proposed tree removals include trees that are greater than 4 meters in height and 400mm girth. Consent for a **restricted discretionary activity** is required for these removals pursuant to Rule E17.4.1 (A10);
- Within the memorial grove, tree works do not comply with Standards E16.6.1 and E16.6.2. Consent for **restricted discretionary activities** is required pursuant to E16.4.1 (A6) and (A8).

Historic Heritage Overlay (Chapter D17)

- Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay requires consent as a **restricted discretionary activity** pursuant to D17.4.2 (A9).

Note4 The applicant has sought consent on the basis that entire site is included in the Historic Heritage Overlay extent of place ID 11582, Mount Wellington/Maungarei R11_12. As this has a category A and includes additional rules for archaeological sites or features, consent is sought as a precaution, given that A* is described in D17.1 as an interim category (until a comprehensive re-evaluation of these places is undertaken and the category status is addressed through a plan change process) and Council has yet to identify the primary features. This covers the situation should the trees be considered part of the fabric or features.*

- Conservation planting requires consent for a **discretionary activity** pursuant to D17.4.2 (A23).
- The removal of trees greater than 3m in height or greater than 300mm in girth requires consent for a **discretionary activity** pursuant to D17.4.2 (A26).

Noise and Vibration (Chapter E25)

- Construction noise levels exceeding the permitted standards of 75dB Leq (by a maximum of 4dB in two localised areas are anticipated. Construction noise that exceeds the permitted activity standards in E25.6.27 requires consent as a **restricted discretionary activity** pursuant to E25.4.1 (A2).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on notification.

Public notification

Under section 95A of the RMA this application shall proceed without public notification because:

1. Under step 1, public notification is not mandatory as:
 - a. the applicant has not requested it

- b. there are no outstanding or refused requests for further information, and
 - c. the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
2. Under step 2, public notification is not precluded as:
- a. there is no rule or NES that specifically precludes public notification of the activities, and
 - b. the application is for an activity other than those specified in s95A(5)(b).
3. Under step 3, public notification is not required as:
- a. the application is for an activity that is not subject to a rule that specifically requires it, and
 - b. the activity will have or is likely to have adverse effects on the environment that are no more than minor because:
 - In the context of the landscape and visual values of the Maunga, any adverse landscape and visual effects of the proposal are considered to be short term in nature and effectively mitigated by the proposed restoration and replanting such that they can be considered to be less than minor;
 - Any adverse ecological effects arising from the proposal can be appropriately managed as part of the works programme to ensure that any adverse effects are less than minor;
 - Any adverse effects on public access and recreation will be short term in nature and can be considered to be less than minor;
 - The proposed works have been designed to be sympathetic to the heritage values of the Maunga, and can be managed to ensure they are less than minor;
 - Works will not impact on the arboricultural values of the notable trees, and the tree removals methodologies are considered consistent with best arboricultural practice, and any adverse effects are therefore considered to be less than minor;
 - Any effects associated with land disturbance and stability can be appropriately managed to ensure they are less than minor;
4. Under step 4, there are no special circumstances that warrant the application being publicly notified because there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Limited notification

Under section 95B of the RMA this application shall proceed without limited notification because:

- 1. Under step 1, limited notification is not mandatory as:
 - a. there are no protected customary rights groups or customary marine title groups affected by this proposal, and

- b. no persons to whom a statutory acknowledgement is made is adversely affected by this proposal.
2. Under step 2, limited notification is not precluded as:
 - a. there is no rule or NES that specifically precludes limited notification of the activities, and
 - b. the application is for an activity other than those specified in s95B(6)(b).
3. Under step 3, limited notification is not required as:
 - a. this application is not for a boundary activity or prescribed activity, and
 - b. there are no adversely affected persons because:
 - Noise effects from the proposal arise primarily through the use of the helicopter to remove the trees from the former quarry face, the use of chainsaws and from processing the trees. The applicant has engaged Styles Group to model the potential noise effects of the proposed works (detailed in Appendix 9 of the application A.E.E. and further information responses). This assessment outlines that with the exception of the helicopter, noise levels generated by all activities will comply with the permitted levels of the AUP:OP. With respect to the noise generated by the helicopter, and noting that alternatives are not practicable to undertake the works, Styles Group predict that the helicopter will infringe the permitted noise levels by 4dB at the closest residential and commercial neighbours, and consider that any effects will be “just noticeable or slightly noticeable”. To manage the effects from the helicopter, it is proposed to limit the hours of the helicopter use to between 9am and 5pm Monday to Friday, and to limit the consecutive days that the helicopter may be used to no more than three consecutive days per week. The applicant is to provide confirmation that the methods proposed are consistent with the anticipated noise levels (both in terms of the complying activities and the helicopter use) as part of the finalised construction management plan.

The acoustic assessments provided with the application have been peer reviewed on behalf of Council by Consultant Acoustics Specialist, Mr Peter Runcie. Mr Runcie has advised that the approach and limits identified by Styles Group are appropriate, and generally in accordance with the guidance of NZS6803:1999 Acoustics – Construction. Mr Runcie has also confirmed that he considers the noise model prepared by Styles Groups to be reasonable, and that it is appropriate to mitigate the identified effects through conditions which limit the hours and duration of the helicopter use, and by way of communication (as part of the Communications management plan) with property owners and occupiers in the vicinity of the works prior to the works commencing.

Conditions relating to the use of the helicopter and confirmation of the noise levels have been proposed by the applicant. These conditions can be effectively implemented and monitored by the Council.

It is considered that adverse noise effects on people arising from the proposal are short term in nature and can be sufficiently managed so that they are less than minor.

- Although public access to the Maunga will be temporarily disrupted, this disruption will be short term, and is necessary for health and safety reasons. The Communications plan, as part of the conditions, will ensure that users of the reserve are aware of any restrictions. Overall, it is considered that any adverse effects on people accessing the Maunga will be less than minor.
 - As outlined above with respect to the tests of public notification, any landscape and visual effects of the tree removals experienced by people with an outlook to the Maunga are likely to be short term in nature. It is considered that these effects can be effectively mitigated by the staged removal and proposed restoration planting so that they are less than minor.
 - Given the scale and nature of the works, any construction traffic associated with the removal of the trees, and that associated with the necessary machinery, will be limited in volume, short term in nature, and occur only during the hours of work (7:30am-6pm Monday to Saturday). As such, these effects are considered to be less than minor.
 - The applicant has engaged with local Iwi groups and the general public as part of the consultation process for the Tūpuna Maunga Integrated Management Plan (IMP). This document details the expectations with regard to exotic vegetation and the cultural significance of the restoration of the Maunga. The outcomes of this consultation process and engagement undertaken with the community have been taken into consideration as part of determining notification of this application.
4. Under step 4, there are no special circumstances that warrant the application being limited notified to any persons because there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

Accordingly, this application shall proceed on a **NON-NOTIFIED** basis.



Cherie Lane

Duty Commissioner

19th April 2018

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Auckland Unitary Plan (Operative in part)

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Natural Heritage:
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Historic Heritage Overlay – Extent of Place 1582, Mount Wellington/Maungarei R11_12 Volcanic

cone pa site including ditch/s, terrace/s, pit/s and midden

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Note2: The applicant sought consent in terms of vegetation removal as a restricted discretionary activity in accordance with E15.4.1 (A22); however it is considered that consent is not required for this activity as although the proposal is within 20m from the top of a cliff (clause a) and a slope steeper than 1 in 3 (clause b), it is not within 150m of the mean high water springs (clause c).

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- The proposed tree removals include trees that are greater than 4 meters in height and 400mm girth. Consent for a **restricted discretionary activity** is required for these removals pursuant to Rule E17.4.1 (A10);
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Historic Heritage Overlay (Chapter D17)

- Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay requires consent as a **restricted discretionary activity** pursuant to D17.4.2 (A9).

Note4 The applicant has sought consent on the basis that entire site is included in the Historic Heritage Overlay extent of place ID 11582, Mount Wellington/Maungarei R11_12. As this has a category A and includes additional rules for archaeological sites or features, consent is sought as a precaution, given that A* is described in D17.1 as an interim category (until a comprehensive re-evaluation of these places is undertaken and the category status is addressed through a plan change process) and Council has yet to identify the primary features. This covers the situation should the trees be considered part of the fabric or features.*

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Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent(s). I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, and Part 2 of the RMA, the application is **GRANTED**.

Reasons

The reasons for this decision are:

- In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - In the context of the landscape and visual values of the Maunga, any adverse landscape and visual effects of the proposal will be short term in nature and effectively mitigated by the proposed restoration replanting to ensure that they are less than minor;
 - Ecological effects arising from the proposal can be appropriately managed as part of the works programme to ensure that any adverse effects are less than minor;
 - Any adverse effects on public access and recreation will be short term in nature and can be considered to be less than minor;
 - The proposed works have been designed to be sympathetic to the heritage values of the Maunga, and can be managed to ensure that any adverse effects are less than minor;
 - Works will not impact on the arboricultural values of the notable trees, and the tree removals methodologies are considered consistent with best arboricultural practice, therefore any adverse effects are considered to be less than minor;
 - Any effects associated with land disturbance and stability can be appropriately managed to ensure they are less than minor;
 - Construction effects, and in particular noise arising from the helicopter use can be managed effectively through conditions of consent so that any adverse effects are less than minor; and
 - The proposed removal of exotic trees from the Maunga will have positive effects on the landscape and visual qualities of the Maunga, and for the cultural and spiritual values of the Maunga. These positive effects are in line with the mandate on the Tūpuna Maunga o Tāmaki Makaurau Authority in their governance role of taonga tuku, such as Maungarei.

Overall, and having considered the adverse effects in combination with the positive effects of the proposal, the proposed tree removals and restoration planting are considered to be generally positive and are acceptable from a resource management perspective.

- In accordance with an assessment under s104(1)(b) of the RMA the proposal is considered to provide for an acceptable outcome under the relevant statutory documents as:
 - The proposal is considered to be consistent with the anticipated outcomes of the New Zealand Coastal Policy Statement and Hauraki Gulf Marine Park Act. In particular, as a result of careful design of the proposed works, and mitigation provided by the restoration planting, the proposal will not impact on the coastal environment;
 - In terms of the relevant sections of the Auckland Unitary Plan (Operative Part), the proposal is considered to be consistent with the outcomes anticipated by the Outstanding Natural Features, Heritage, and Significant Ecological overlays. In particular, the application manages the restoration of the sensitive environment whilst ensuring that any adverse effects on the receiving environment of the Maunga and surrounding residential and business environments are minimised. This will be achieved by ensuring that the works

are designed and managed to mitigate adverse effects on heritage, ecological, and landscape and visual values. It is considered that the proposed works can be managed to ensure that effects on the sensitive environment of the Maunga and surrounding environment are minimised, whilst public access and recreational use of the reserve can be managed appropriately.

- The proposal is consistent with Part 2 of the Resource Management Act 1991. In particular it is considered that the removal of the trees will support the vision for restoration of the Maunga which, in turn, will enable the social, economic, and cultural wellbeing of people and communities, whilst appropriately managing adverse effects on the sensitive site and surrounding environment. The proposed replanting works also reflect the role of mana whenua; with kaitiakitanga and stewardship of this feature of the natural and cultural landscape, as well as being consistent with the principles of the Treaty of Waitangi. Overall, the application is considered to have a positive effect on the amenity and landscape values of the site and surrounding environment.

Overall, the proposal is considered to be consistent with the relevant matters for consideration under the NZCPS, HGMPA, and the Auckland Unitary Plan (OP). Any actual or potential adverse effects are able to be managed such that they are considered acceptable in the context of the sensitive site and surrounding receiving environment. Furthermore, the application is considered to meet the relevant tests of the RMA, with notable positive effects in terms of the replacement of appropriate tree species on the Maunga. For these reasons, the proposal is considered to be acceptable from a resource management perspective.

Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

General conditions

1. The removal of exotic vegetation and restoration planting activities shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC60311082:
 - Application Form, and Assessment of Environmental Effects prepared by Antony Yates, titled “Application by the Tūpuna Maunga o Tāmaki Makaurau Authority for Resource Consent for the removal of exotic trees on Maungarei”, dated September 2017.

Report title and reference	Author	Rev	Dated
Arboriculture Assessment and Removal Methodology: “Tree Removal Methodology”	Treescape Environmental		15 September 2017
Landscape and Visual Effects Assessment: “Proposed Tree Removal from Maungarei (Mt Wellington)”	RA Skidmore	-	November 2017
Ecological Assessment and Remediation Management Plan: “Assessment of Vegetation Effects: Maungarei exotic tree removal	Sarah Gibbs, Biosecurity Advisor Tūpuna	-	-

<i>consent application</i> .	Maunga		
Heritage Assessment: <i>Maungarei: Exotic Tree Removal, Archaeological Assessment</i>	Russell Foster and Associates	-	September 2017
Acoustic Report " <i>Maungarei Exotic Tree Removal: Assessment of Environmental Noise Effects</i> "	Styles Group	1	7 November 2017
DRAFT Communications Plan for Vegetation Control Maungarei / Mt Wellington	-		January 2018

Plan title and reference	Author	Rev	Dated
Maungarei Trees Removed	Re Creation	-	-
Other additional information	Author	Rev	Dated
Further Information Response (and attachments) "RE: Section 92 response Resource Consent Application LUC60311082 Removal of exotic species on Maungarei"	Antony Yates	-	21-12-2017
Further Information Response (and attachments) "RE: Section 92 response Resource Consent Application LUC60311082 Removal of exotic trees on Maungarei, February 2018"	Antony Yates	-	16-02-2018

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The Council extends the period after which the consent lapses.
3. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

Pre-commencement Conditions

Pre-Construction Meeting with Compliance and Monitoring Staff

4. Prior to the commencement of **each stage** of the tree removals, the consent holder shall hold a pre-construction meeting that:
- is located on the subject site,
 - is scheduled not less than 5 days before the anticipated commencement of tree removals,
 - includes Senior Compliance Advisor (Central) and relevant other specialists (eg Ecologist/ Archaeologist) at the Council's discretion
 - includes the Project Manager and supervising Archaeologist
 - includes representation from the contractors who will undertake the works.

The following information shall be made available at the pre-construction meeting:

- Timeframes for key stages of the works authorised under this consent
- Finalised Communications Plan, including: Details regarding implementation of the Communications Plan (e.g. Sign locations, copies of letters to residents)
- Finalised Restoration Plan
- Finalised Construction Management Plan
- Finalised Tree Protection Methodologies;
- Results of Survey for *Anogramma leptophylla* and *Senecio scaberulus*
- Details of briefing for contractors, including: heritage protocols, and ecological protocols to protect *Anogramma leptophylla*
- Archaeological Works Plan

Advice Note:

To arrange the pre-construction meeting please contact the Council's Monitoring Team Leader Central on 373 6292 or email monitoring@aucklandcouncil.govt.nz.

It is noted that these documents may be updated as required for subsequent stages.

Finalised Management Plans to be provided

5. A minimum of 5 working days prior to the commencement of construction activity and the vegetation removal approved by this resource consent, the consent holder shall submit to the Council (Monitoring Team Leader Central) for approval in writing, final versions of the following management plans:
- Finalised Communications Plan;
 - Restoration Plan;
 - Construction Management Plan, including:
 - Health and Safety Plan;
 - Confirmation from an acoustic specialist that the consented construction noise limits will be met; and

- Traffic Management Plan; and
- Incorporation of ecological protection measures
- Archaeological Works Plan. The Plan should include (but not be limited to) recommendations for:
 - General archaeological monitoring, recording, and reporting.
 - Monitoring of all works involving, or with high potential for, ground disturbance in areas of historic heritage potential (e.g. northern edge of the quarry, in open grassland around the maunga).
 - A post-works condition survey of all areas of tree removal to investigate possible ground disturbance or disturbed historic heritage material or features.
 - Remediation of destabilised surfaces avoiding ground disturbance.

Development in Progress Conditions

Implementation of Management Plans

6. No construction activity or vegetation removal approved by this resource consent shall commence until written confirmation is provided by the council that **all** of the submitted final management plans are acceptable and that all measures identified in these plans, as necessary to be put in place prior to commencement of works, have been undertaken.
7. The consent holder shall ensure that all the actions within the Communications plan approved as part of the conditions of this consent are undertaken as proposed and submit a written record to the Council (Monitoring Team Leader Central) confirming compliance within 5 days of each stage of work identified within the Construction Management and Restoration plans having commenced. The consent holder shall undertake any additional communications as required by the Council following its review of the submitted record(s).
8. The consent holder shall ensure that all the actions within the Restoration plan approved under the conditions of this consent are undertaken as proposed and submit a written record to the Council (Monitoring Team Leader Central) confirming compliance within 15 days of the completion of each stage of work identified within the Restoration plan, on an ongoing basis.

Works Hours

9. No trees shall be removed between October to January (nesting period and active growing season of *Anogramma leptophylla*) unless it has been demonstrated to the satisfaction of Council (Monitoring Team Leader Central) that the trees do not have active nests and no *Anogramma leptophylla* is present in the works area.
10. Works shall be undertaken in the period from February to April to avoid impacting ground and *Anogramma leptophylla*. As the 2018 programme has works in the western side of the quarry face outside the area of the known *Anogramma leptophylla* habitat, these 2018 felling works can occur in an extended period to May 2018.
11. Tree works (including removals, trimming, and processing) shall only be undertaken between the hours of 7:30 am and 6:00 pm, Monday to Saturday. No works shall occur on any Sunday or public holiday.

Use of Helicopters

12. The use of helicopters for tree removal purposes is only permitted between the hours of 9am to 5pm from Monday to Friday and for a maximum of 20 days in total.
13. The noise from the use of helicopters shall comply with a noise limit of 80dB L_{Aeq} when measured 1m from the façade of any occupied building in accordance with NZS6803:1999 Acoustics – Construction Noise.
14. Where the use of helicopters is required for a period of more than 3 days in any work area which would result in noise levels exceeding 75dB L_{Aeq} at any receiver, the use of helicopters shall be limited to 3 consecutive days per week, and may only be continued on the same 3 consecutive days in the subsequent weeks until the work in that area is complete.

Ecology - *Anogramma leptophylla* and *Senecio scaberulus*

15. The top eastern half of the quarry slope shall be surveyed for *Anogramma leptophylla* and *Senecio scaberulus*. This survey must take place prior to the pine removal in the eastern 75% of the quarry slope (Areas 2 and 4, see map below) and between the months of July and November when *Anogramma leptophylla* is most easily visible and the current extent of the species is mapped. Pine removal in the western 25% of the quarry slope (Area 1 see map below), where there is a dense privet-dominated understorey and no known extant *Anogramma leptophylla* sites, may take place prior to this survey.



16. All local populations of *Anogramma leptophylla* shall be marked and avoided during site works. Following the completion of works all markings shall be removed.
17. All slash (as far as practicable) from extant *Anogramma leptophylla* areas shall be removed from site.

18. The post batten and wire fence surrounding the quarry shall be retained until after the canopy closure is achieved in order to provide a falls barrier for members of the public and secure anchor points where ropes access is required for maintenance and survey activities.

Ecology – Myrtle Rust

19. Prior to any Myrtaceae species being delivered to the site, a signed Myrtle Rust Nursery Management Declaration that certifies that the plant producer has implemented the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol must be obtained by the consent holder and provided to the Council (Monitoring Team Leader Central).

Advice Note

The New Zealand Plant Producers Incorporated has developed a framework of supply chain biosecurity protocols that will satisfy the above condition. A copy of the Myrtle Rust Nursery Management Declaration and the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol can be found at the website (<http://nzppi.co.nz/>). The website explains that a declaration signed by the plant provider will be proof that any Myrtaceae species have been grown and treated according to best practice protocols to reduce the spread of Myrtle rust.

Ecology – Pine removals

20. Pine tree removals on the former quarry face shall be undertaken across at least two seasons to provide refuge for herpetofauna.
21. Planting shall be undertaken as soon as practicable following each stage of vegetation removal in order to minimise slope instability risk following pine tree removal, in accordance with the approved Restoration Plan;
22. The quarry slope is to be revegetated in native species suitable to achieve slope stability and enhance the ecological values of the Maunga through restoration of ecosystem WF7, as defined by Singer et al, in accordance with the approved Restoration Plan;

Ecology – Rat Control

23. Rat control is to be serviced on four pulses per year. This is to start following the commencement of this consent and is to continue at least until the clearance and replanting works on the quarry slope are completed. These measures are intended to reduce predation of copper skinks by rats and to enable their numbers to increase in order to replace any copper skinks potentially affected by the logging operation.

Tree removal methodology

24. All tree removals shall be undertaken in accordance with the finalised Tree Removal Methodology and protection measures identified in the Treescape Arboriculture Assessment and Removal Methodology Report.

Historic Heritage

25. Should ground disturbance on the site result in the identification of any previously unknown archaeological site, the land disturbance – Regional Accidental Discovery (ADP) rule [E12.6.1] set out in the Auckland Unitary Plan Operative in part (November 2016) shall be

applied. Noting that the Tūpuna Maunga Authority is contacted as part of the ADP and that the responsibility of informing mana whenua as outlined in the protocol, rests with the Tūpuna Maunga Authority.

26. In the event that any unrecorded historic heritage sites are exposed as a result of consented work on the site, these sites shall be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holder's project historic heritage expert shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory. This is to be forwarded to the Council (Monitoring Team Leader Central), within one calendar month of the completion of work on the site, and who will consult with the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz.

Post Development Conditions

Historic Heritage

27. Within one calendar month of the completion of work on the site the consent holder's supervising archaeologist shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Council (Monitoring Team Leader Central, who will consult with the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz).

Maintenance of Restoration Planting

28. Once the final implementation stage of work is completed, the consent holder shall maintain the site as per the requirements of the approved Restoration plan to the satisfaction of Council, including the removal of any weed species and the replanting of native plant cover to ensure a continuous vegetated cover is achieved over the old quarry face on the southern side of Maungarei.

Ecology

29. Populations of *Anogramma leptophylla* identified in the pre work survey shall be surveyed and reported to Council in order to assess population health and, insofar as they remain consistent with other consent conditions, management plans adjusted as required to ensure the survival of *Anogramma leptophylla* in this area. Means of accessing populations of *Anogramma leptophylla* present at the time of this consent being granted shall be maintained, including maintenance of anchor points for ropes access only sites.

Advice notes

1. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact the Team Leader Compliance Monitoring (Central) on 09 3010101 or monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
2. *For more information on the resource consent process with Auckland Council see the council's website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*
3. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to*

sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.

4. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
5. The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Auckland Unitary Plan Operative in part (November 2016).

According to the Act (section 6) archaeological site means, subject to section 42(3) –

any place in New Zealand, including any building or structure (or part of a building or structure), that –

was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

- ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

includes a site for which a declaration is made under section 43(1)

It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.

For information please contact the Heritage New Zealand Pouhere Taonga Regional Archaeologist – 09 307 9923 or 307 9924 / archaeologistMN@historic.org.nz.

Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).

According to the Act (section 2) taonga tūturu means an object that –

- a) relates to Māori culture, history, or society; and

- b) was, or appears to have been –

manufactured or modified in New Zealand by Māori; or

- ii. brought into New Zealand by Māori; or

- iii. used by Māori; and

c) is more than 50 years old

The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts, but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should to be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014. It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum (for Auckland this is the Auckland War Memorial Museum), which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

Under section 11 of the Act, newly found taonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.

For information please contact the Ministry of Culture and Heritage – 04 499 4229 / protected-objects@mch.govt.nz.

6. *Designations 9434 and 9535 apply to parts of the site to which this consent relates. Any works to be undertaken within these designated areas will require the written approval of the requiring authority under s176 of the RMA.*



Cherie Lane

Duty Commissioner

19th April 2018