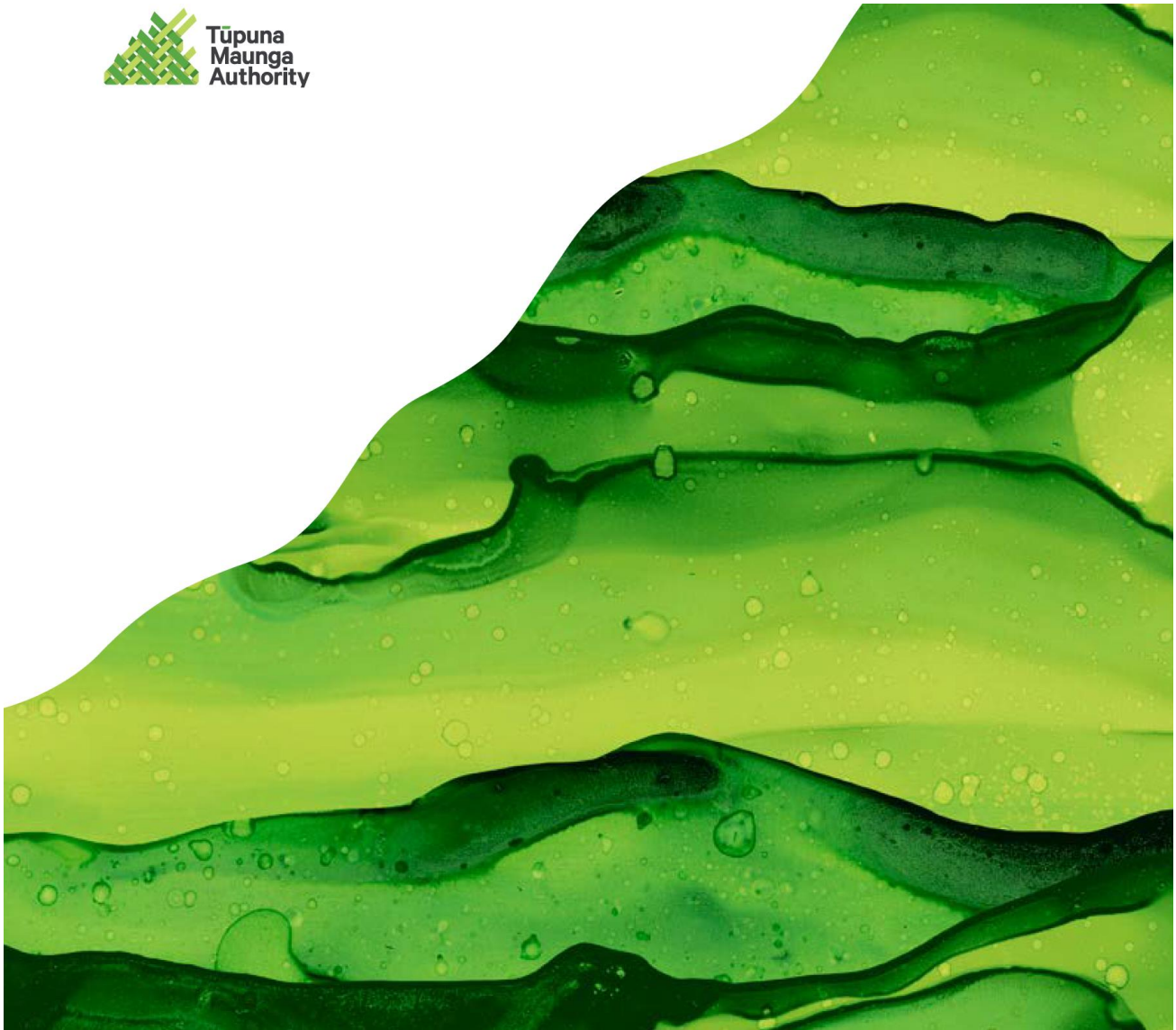


TŪPUNA MAUNGA AUTHORITY

MAUNGAKIEKIE/ONE TREE HILL – REMOVAL OF TWO EXOTIC TREES

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT AND STATUTORY ASSESSMENT



**Prepared by Richmond Planning Limited
May 2019**

1. EXECUTIVE SUMMARY

- 1.1 This application is made by Auckland Council on behalf of Tūpuna Maunga o Tāmaki Makaurau Authority (**Authority**), who has governance and administration of the 14 Tūpuna Maunga.¹ The Authority is seeking discretionary resource consent for the removal of two exotic trees at Maungakiekie/One Tree Hill (**Maungakiekie**).
- 1.2 This assessment of environmental effects and statutory assessment has been prepared in accordance with the Fourth Schedule to the Resource Management Act 1991 (**RMA**) and corresponds with the insignificant scale of the works and the analysis that there are no adverse effects on the environment. The conclusion is that the application may be granted consent on a non-notified basis.

2. APPLICANT AND PROPERTY DETAILS

Table 1: Applicant and address for service

Applicant	Auckland Council ²
Address for service	Tania Richmond Richmond Planning Limited P O Box 25734 St Heliers Auckland 1740
Name and address for fees	Lynnette Sams Tūpuna Maunga Authority c/- Auckland Council Private Bag 92300 Auckland 1141
Owner of land	Tūpuna Taonga Trust

Table 2: Property details

Tūpuna Maunga	Maungakiekie
Address	670 Manukau Road Epsom Auckland 1023
Legal description	PTS ALLOTS 1154 SEC 12 AUCKLAND SUBURBS GAZETTE 1980 P313
Site area	49.0226 hectares

¹ The Tūpuna Maunga Authority is the statutory authority established under Part 3 of the Tāmaki Collective Redress Act.

² For administrative purposes relating to the method of invoicing, Auckland Council is listed as the applicant.



3. TŪPUNA MAUNGA AUTHORITY

- 3.1 Governance and administration of the Tūpuna Maunga is undertaken by the Authority.
- 3.2 Section 58 of the Redress Act requires the Authority to prepare and approve an integrated Management Plan (**IMP**) for land under its administration. The purpose of the IMP is to establish how the Tūpuna Maunga will be cared for, managed and maintained both on an integrated basis while also identifying values specific to individual maunga. A single IMP³ sets out the foundations for how the Tūpuna Maunga are values, protected, restored, enhanced and managed in the future.
- 3.3 As it relates to this application, the IMP values around protection and open access on the Tūpuna Maunga⁴, and Kaitiakitanga to ensure operational practices are in accordance with tikanga⁵ are relevant. Activities in keeping with the natural and indigenous landscape and protecting landscape values including archaeology are encouraged.⁶
- 3.4 The operational plan sets out how these individual projects contribute to delivery of the Authority's objectives and vision for the Tūpuna Maunga by linking them to one or more of the Tūpuna Maunga Values. The draft Operational expenditure programme for 2019/2020⁷ includes vegetation management to manage health and safety risks.

³ Approved 23 June 2016

⁴ IMP, page 54

⁵ IMP, Page 61

⁶ IMP, Page 65

⁷ Tūpuna Maunga o Tāmaki Makaurau Authority Draft Operational Plan 2019/20, pages 10 and 23

4. DESCRIPTION OF THE TŪPUNA MAUNGA AND CONTEXT

- 4.1 The following description focuses on those aspects of the site and context relevant to this restricted discretionary activity application.
- 4.2 The Tūpuna Maunga of Maungakiekie is a place of historic heritage significance for its history, knowledge (archaeological), and aesthetic landscape values. This is reflected in the Built Heritage and Character: Historic Heritage Overlay Extent of Place (AUP reference #1585)⁸ (category A*) applying to the entire Maunga. The Category A* status means that all features unless specifically excluded are protected, including trees.
- 4.3 Maungakiekie is a place of significant value to Māori, with many iwi having occupied the land at various times. The entire Tūpuna Maunga is recorded as archaeological site R11/14, described as a volcanic cone pa site with associated features including ditch/s, terraces, pit/s and midden. A further description of the archaeology as it relates to the area of works is provided in the attached assessment by Brent Druskovich⁹, Consultant Archaeologist. Archaeology as it relates to the maunga overall has been detailed in numerous assessments and studies.
- 4.4 Maungakiekie is popular as a tourist attraction and destination for the people of Auckland. Part of this attraction includes the large stands of trees and formal planting.
- 4.5 Land adjoining the two areas of works is zoned residential and are properties on Hayden Avenue and Campbell Road.

5. DESCRIPTION OF THE ACTIVITY

- 5.1 Management of the maunga includes assessing potential risk to users including from failing vegetation, which is the subject of this application. Two exotic trees have been identified as requiring removal due to their poor health and the on-going disproportionate maintenance required to keep the trees safe from failure.
- 5.2 One of the trees, an Oak, is located on the outer side of Bollard Avenue to the south of the Auckland Observatory and Planetarium Building. This is over 40m from the nearest properties on Hayden Avenue. Mr Jason Davis Council Parks Arborist has assessed the tree and while there is no immediate risk, given the failing rootplate and on-going maintenance required, removal is recommended.
- 5.3 Similarly, a Macrocarpa tree located near the Auckland Archery Club lease area located to the north of Bollard Avenue would require pruning and on-going maintenance for long-term retention to avoid failure and manage the risk to people and property, and the arborist recommends removal. This tree is near the boundary with Cornwall Park administered land at 670a Manukau Road and over 400m from the nearest properties on Campbell Road.

⁸ Schedule 14.1 One Tree Hill/Maungakiekie (#1585) R11_14 Volcanic cone pa site including terrace/s, pit/s and midden.

⁹ Refer Appendix 3

- 5.3 A works methodology prepared by Treesafe¹⁰ has been informed by Mr Druskovich's archaeological advice. The Oak tree will be removed using crane assisted dismantling. Crash mats will be laid over the ground for truck access and to position the crane. This method will avoid ground disturbance of areas where archaeological features may be present.
- 5.4 Two techniques are available for removal of the Macrocarpa tree - helicopter and crane assisted removal. Consent is sought for both methods and the final selection will be influenced by ground conditions applying at the time.
- 5.5 Mr Druskovich has identified that the stone wall at the base of the Macrocarpa tree is likely to be pre-1900 and qualifies as an archaeological site. Both removal techniques are appropriate to protect the wall including covering the wall with rubber matting and will be subject to observation by the project archaeologist, although the latter is primarily to assist with information gathering for future works of this nature¹¹. In the event that the crane is used, the route will follow a formed farm track from the road across the paddock, the works will be conducted only when ground conditions are dry and access is limited to wheel or rubber tracked machinery.
- 5.6 Signage, cones and cordoning off of the works areas will alert park users to the works and ensure safety. The works will be carried out over 1-2 days. Appropriate Accidental Discovery Protocols will be in place in the event of any archaeological evidence being uncovered during the works.

Figure 1: Aerial showing location of Oak Tree



Source: Auckland Unitary Plan Maps

¹⁰ Refer Appendix 4

¹¹ Appendix 3, page

Figure 2: Aerial showing location of the Marcrocarpa Tree



Source: Auckland Unitary Plan Maps

6. CONSULTATION

- 6.1 Given the minor nature of the works and that they are required as part of routine maintenance, consultation was not undertaken.

7. REASONS FOR THE APPLICATION

- 7.1 Appendix 2 is an assessment of the rules relating to this activity. Resource consent is required under the AUP for the following reasons:
1. D17.4.1 (A9) Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place (**SHHP**) (category A*), is a restricted discretionary activity except where provided for as a permitted, controlled or restricted discretionary activity in another rule. The removal of two exotic trees is a restricted discretionary activity in the SSHP.
 2. D17.4.2 (A26) Removal of trees greater than 3m in height or greater than 300mm girth is a discretionary activity within the scheduled extent of place of Category A and A* places where additional rules for archaeology apply.

3. E16.4.1 (A10) Tree removal of any tree greater than 4m in height or greater than 400mm in girth is a restricted discretionary activity in the open space zone. Both the Macrocarpa and Oak trees are over 4m in height. Removal of the trees is a restricted discretionary activity.

7.2 As the reasons for consent are interrelated, the application is overall a discretionary activity for the matters specified in the AUP.

8. NOTIFICATION ASSESSMENT

Public notification of consent application (section 95A)

8.1 Section 95A RMA sets out the steps to determine whether to publicly notify an application for resource consent. There are four steps to be addressed:

Step 1	It is not mandatory to notify this application as the applicant is not requesting notification.
Step 2	This application is not for an activity precluded from notification.
Step 3	<p>This application must be publicly notified if:</p> <ol style="list-style-type: none"> i. 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; and ii. 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. <p>There is no rule or national environmental standard that requires public notification of this application.</p> <p>Consideration of whether the adverse effects are likely to be more than minor is addressed below.</p>
Step 4	A determination of whether special circumstances exist in relation to the application that warrant the application being publicly notified is addressed below.

More than minor adverse effects on the environment (Section 95D)

Effects to be disregarded

- 8.2 When determining if the adverse effects of the activity on the environment are more than minor, the following must be disregarded:
- a. 'Adjacent land' – is:
 - 19, 21, 23 and 27 Hayden Avenue (Oak tree); and
 - 670A Manukau Road and 110, 112, 114, 116, 118 Campbell Road.
 - b. 'Permitted baseline' and 'existing environment' – as detailed in Appendix 2, any modification of a SHHP category A* requires consent. The existing environment, against which the effects should be assessed, is described in section 4 of this AEE. Of particular relevance is that there are extensive trees on the land and in better condition than those to be removed.
- 8.3 While the activity is discretionary, given the reasons for consent, the focus of the effects assessment is on heritage, landscape amenity, ecology, and health and safety.

Adverse Effects on the Environment (section 95A and 95D)

- 6.5 The actual and potential adverse effects on the environment of the activity are identified and assessed below and are commensurate with the small nature and scale of the works.

Historic Heritage effects

- 8.4 The proposed tree removals will have no adverse effects on the identified historic heritage values of the place as:
- the attached Heritage Impact Assessment (HIA) by Mr Druskovich identifies that the stone wall is likely to qualify as an archaeological site, and that the adjacent Marcrocarpa tree while of some historic value, is not high enough to compensate for the fact that it is damaging the drystone walling;¹²
 - removing the Marcrocarpa tree will avoid further loss of fabric by protecting the higher historic values of the wall;
 - historic heritage values associated with the wall will be protected as the proposed methodology will ensure that it is not damaged and remains intact;
 - removal of the Marcrocarpa tree will be monitored by the project archaeologist;
 - at best the oak tree is of very low historic value, but as it is likely to fail soon it does not fit within the orderly Victorian English Park environment and therefore has minimal if any historic heritage value;¹³

¹² Refer Appendix 3, page 3 'as it is one of a number planted along a paddock fenceline'

¹³ Refer Appendix 3, page 1

- no obvious subsurface archaeological features are present in the operations area for removal of the Oak tree and subsurface evidence relating to Maori gardens that exists in the immediate vicinity will be protected by the methodology noting that no ground disturbance is required; and
- the purpose of the removals is to avoid loss of fabric that contributes to the significance of the place through damage caused from tree roots, and there are no adverse effects that compromise its threshold for scheduling.

Amenity and ecology effects

8.5 The proposed tree removals will have no adverse effects on amenity and the ecology of the area as:

- there are other mature trees in the immediate vicinity of the same species, the loss of the trees will not be discernible, and there will be no impact on the ecosystem, ecology or habitat for birds, or landscape amenity; and

Health and safety

8.6 The proposed tree removals will have no adverse effects on health and safety as:

- a specific methodology will be adopted under the direct supervision of the project arborist for the duration of the works.

Step 4 - special circumstances (sections 95A and 95B)

8.5 There are no special circumstances that would warrant the public notification or limited notification of this application.

Limited notification and affected persons (sections 95B and 95E)

8.6 Having regard to the various provisions in section 95B, 95E and Clause C1.13(4) of the AUP, no persons are considered adversely affected by the insignificant works.

Notification conclusion

8.7 That, this application be processed without public or limited notification because:

- there are no adverse effects of the activity on the environment;
- there are no special circumstances to warrant notification or limited notification;
- there are no protected customary rights groups or marine title groups in the region adversely affected by this proposal; and
- no persons are adversely affected by the activity.

9. SECTION 104 ASSESSMENT

Statutory matters

- 9.1 As overall the activity is discretionary, the consent authority must therefore consider all effects relating to the activity.

Actual and potential effects on the environment - section 104(1)(a) and (ab)

- 9.2 An assessment of adverse effects has been set out at section 8 of this AEE where it was concluded that the activity would have no adverse effects on the environment.
- 9.3 Rule C1.8(3) of the AUP provides for the Council to consider positive effects of allowing an activity regardless of whether there is any specific reference to positive effects in the objectives, policies, or where relevant matters of discretion or assessment criteria. The works will facilitate:
- the continued provision of a safe environment for recreational users and members of the archery club in a manner that prevents further damage to the landscape, cultural and archaeological values of the maunga;
 - avoidance of future damage to sub-surface archaeological and the drystone wall, through uncontrolled failure; and
 - protection of the underlying archaeological and cultural values during the works, including the access route.

Planning documents – section 104(1)(b)(vi)

Open Space Zones (H7)

- 9.4 In general, the objective of Open Space Zones is to cater for recreational needs while avoiding adverse effects on residents, communities and the environment. Policies include providing for the needs of the community, providing open spaces that are safe and attractive to users, and enabling maintenance. For the reasons as outlined it is reasonable to conclude that the activity is entirely consistent with the objectives and policies relating to Open Space Zones.

Scheduled historic heritage place (Chapter D17)

- 9.5 In accordance with Rule C1.8(1) the objectives and policies for scheduled historic heritage places are relevant to this discretionary activity. In the context of what is proposed, the removal of two exotic trees is consistent with the objectives and policies for the reasons that:
- the protection and conservation of the scheduled historic heritage place is supported and enabled;¹⁴
 - the activity is not an inappropriate use or modification;¹⁵

¹⁴ Objective D17.2(1)

¹⁵ Objective D17.2(2)

- the modification enables maintenance and enhancement of the historic heritage values, noting protection of the wall also minimises loss of fabric that contributes to the significance of the place;¹⁶
- there are no adverse effects on the significance of the historic, knowledge (archaeological) and aesthetic values of the place¹⁷; and
- it supports the long-term viability and ongoing use of the place without adversely impacting its significance through the use of good practice conservation methodology.¹⁸

9.6 Special Information Requirements are outlined at D17.9 requires this application be accompanied by a heritage impact assessment commensurate to the effects of the proposed works on the overall significance of a historic heritage place. This assessment, undertaken by Mr Brent Druskovich, is attached.

Trees in Open Space Zones (E16)

9.7 Given the minor nature, basis of the tree works and that it has been established it will have no adverse effects, the proposal is consistent with the objective and policy framework relating to tree protection as:

- trees with amenity, cultural, ecological and landscape values are protected¹⁹;
- the trees that contribute to the amenity, landscape and ecological values will be protected and given the vegetated nature of the immediate vicinity in both locations there will be no discernible reduction in the amount of tree canopy²⁰.
- on-going maintenance and management is encouraged while recognising the constraints and functional requirements of the site²¹.
- Removal of both trees is on the basis that they pose, while not immediate, but without significant pruning, a risk of damage to people and property; and
- The alternative of heavy pruning and on-going maintenance has been assessed and is disproportionate to the values that the trees provide.

Other matters

9.8 For the reasons detailed above, the proposal is consistent with the IMP, and considerable weight should be given to achieving this document as another matter under section 104(1)(c) of the RMA.

¹⁶ Policy D17.3(8)(a)

¹⁷ Policy D17.3(8)(a) & (f)

¹⁸ Policy 17(9)(c) & (e)

¹⁹ Objective 16.2

²⁰ Objectives 16.2(1 & (2)

²¹ Policy 16.3 (1) and (2)

Part 2 of the RMA

- 9.9 The AUP is a recently operative planning document that has been properly prepared in accordance with Part 2 of the RMA. Based on the foregoing assessment, this activity is consistent with the outcomes sought in the relevant objectives and policies. In relation to this application, further consideration of Part 2 is not necessary.²² Notwithstanding, and in support of the proposal, this activity is to facilitate safe and continued public enjoyment and appreciation of the heritage, natural and Māori values of the Tūpuna Maunga. The Authority, who through Treaty settlement, is responsible for governance and administration of the land is seeking to enable the relationship of the iwi and hāpu with its whenua and exercise kaitiakitanga.²³ The proposal gives effect to the principles of the Treaty of Waitangi by enabling iwi and hāpu, through the Authority, to manage their ancestral land.²⁴

10. CONCLUSION

- 10.1 The Authority is seeking discretionary activity resource consent to remove two exotic trees which are failing at Maungakiekie. There are no adverse effects on significant historic heritage, including archaeology and Mana Whenua values. Overall, it is considered that the proposal meets the overriding sustainable management purpose of the RMA and the application may be granted.

Author



Jodie Mitchell BRPlan (Hons)
Richmond Planning Limited

DATE: 10 May 2019

Reviewed by



Tania Richmond, BPlan, MNZPI
Richmond Planning Limited

DATE: 10 May 2019

²² R J DAVIDSON FAMILY TRUST v MARLBOROUGH DISTRICT COUNCIL [2018] NZCA 316 [21 August 2018]

²³ Part 2, section 7(a)

²⁴ Part 2, section 8

Appendix 1 – Certificate of title
Appendix 2 – Rule assessment
Appendix 3 – Heritage Impact Assessment
Appendix 4 – Tree Removal Methodology