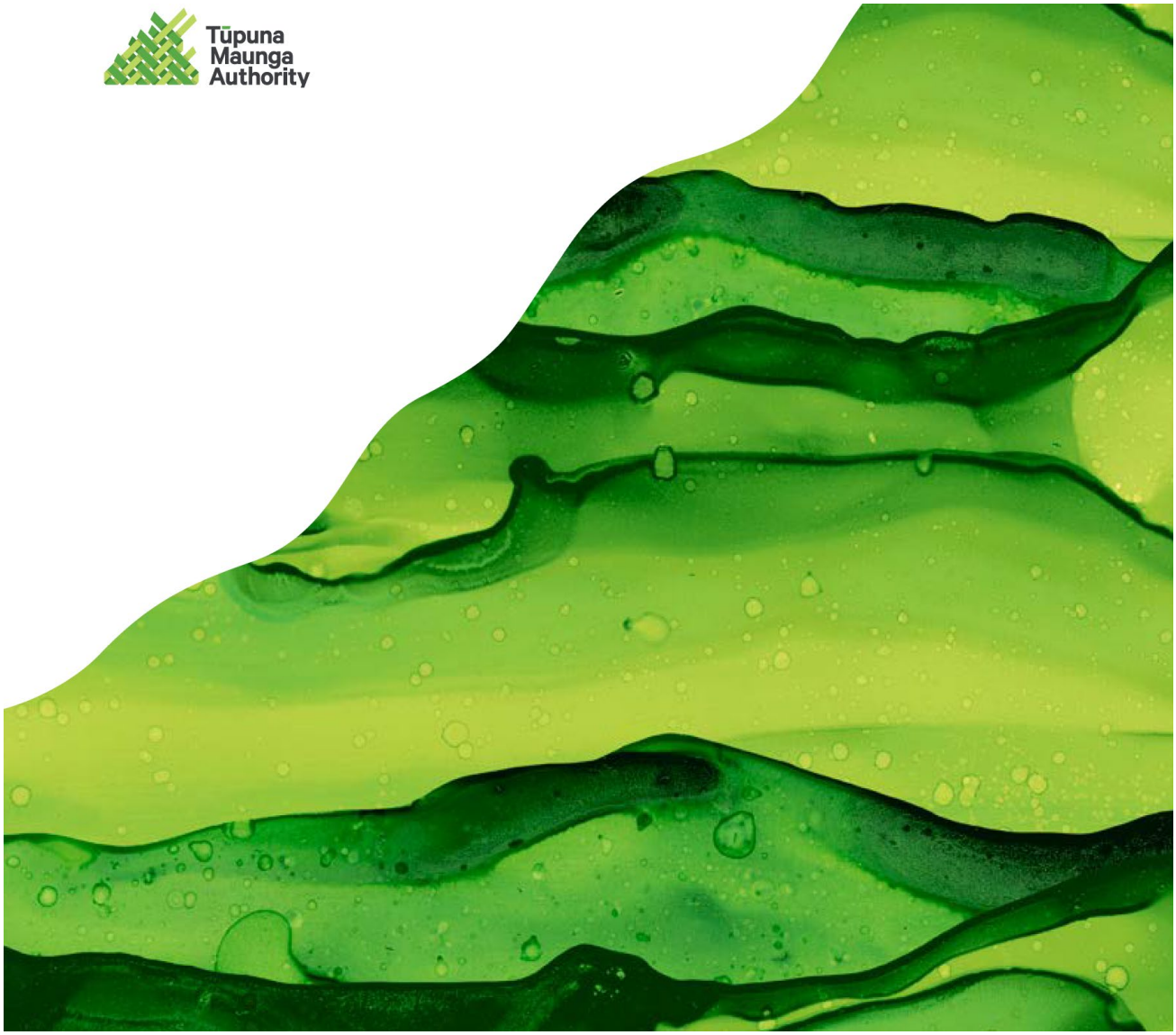
TŪPUNA MAUNGA AUTHORITY

Ōtāhuhu/Mt Richmond - Vegetation restoration and exotic vegetation removal works

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT AND STATUTORY ASSESSMENT



Prepared by Richmond Planning Limited

For Tūpuna Maunga o Tāmaki Makaurau Authority

August 2019

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1. EXECUTIVE SUMMARY

1.1 This application for resource consent is made by Auckland Council on behalf of the Tūpuna Maunga o Tāmaki Makaurau Authority **(Authority**) [1], who has governance and administration of 14 Tūpuna Maunga in the Auckland region.

1.2 The Authority has a revegetation programme that contributes to the restoration of the natural, spiritual and indigenous landscape of the Tūpuna Maunga and restoration and enhancement of the mauri and wairua of the Tūpuna Maunga. The programme gives effect to the Tūpuna Maunga Integrated Management Plan and is scheduled to occur over four years. Works have been successfully completed tree removal on commenced on five of the Tūpuna Maunga . Included in the next stage of the programme is the removal of exotic vegetation and native revegetation on Ōtāhuhu/Mt Richmond **(Ōtāhuhu)**.

1.3 The assessment of environmental effects and statutory assessment is prepared in accordance with the Fourth Schedule to the Resource Management Act 1991 (**RMA**) and corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

1.4 It concludes that the activity has potential to have less than minor adverse effects on vegetation and visual amenity and subject to specific measures that form part of the application, there are no adverse effects on archaeology and the outstanding natural feature (**ONF**). Positive effects will result from the activity including improved ecology, amenity and opening of viewshafts between the Tūpuna Maunga. Matters of relevance under the RMA have been considered, and the conclusion is that the application may be granted on a non-notified basis, subject to conditions.

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

2. APPLICANT AND PROPERTY DETAILS

Table 1: Applicant and address for service

Applicant	Auckland Council
Address for service	Jodie Mitchell Richmond Planning Limited PO Box 25734 St Heliers Auckland 1740
Name and address for fees	David Bhana Tūpuna Maunga Authority c/- Auckland Council Private Bag 92300 Auckland 1141
Owner of land	Tūpuna Taonga Trust North-eastern corner, portion on the South-eastern edge and McManus Park (8, 9, 10, 11, 12, 13, 14, 15 on Figure 2) are in Auckland Council ownership and for (8-11) under Local Board Management.

Table 2: Property details

Tūpuna Maunga	Ōtāhuhu
Address	1110 Great South Road Mount Wellington Auckland 1060
Legal description	Pt Block VI Survey District Ōtāhuhu Section 1 SO 454943
Site area	21.0457 hectares

Figure 1: Location plan

Source: Auckland Council Geomaps

Figure 2: Legal descriptions and classifications

Table 3: Auckland Unitary Plan – Operative in Part (AUP) property summary

Zone	Open Space - Conservation Zone Open Space – Sport and Active Recreation Zone
Overlays	Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] – Mt Richmond Volcanic Aquifer Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] - ID 111, Mt Richmond (Ōtāhuhu) Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] – Mount Richmond, Height Sensitive Areas Built Heritage and Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1579, Mount Richmond/ Ōtāhuhu R11_13 Volcanic cone pa site including terrace/s, pit/s, house floors and midden
Designations	Designations – 1657, Road Widening Designations, Auckland Transport Designations: Airspace Restrictions Designation – ID1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Ltd
Controls	Macroinvertebrate Community Index [rcp/dp] – Urban Macroinvertebrate Community Index [rcp/dp] - Rural

3. TŪPUNA MAUNGA AUTHORITY

Tūpuna Maunga governance and administration

3.1 In 2014, following five years of Te Tiriti of Waitangi settlement negotiations, 14 Tūpuna Maunga were transferred to the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau. The Tūpuna Maunga are held in Trust for the benefit of those iwi/hapū and people of Auckland.

3.2 Governance and administration of the Tūpuna Maunga is undertaken by the Authority. This is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative).

3.3 In exercising its powers and carrying out its functions under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (**Redress Act**), the Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua.

3.4 The Maunga are sacred to Mana Whenua as taonga tuku iho (treasures handed down the generations). The Authority has a direct interest in protecting views to, from and between the Tūpuna Maunga.

Integrated Management Plan

3.5 Section 58 of the Redress Act requires the Authority to prepare and approve an integrated Management Plan (**IMP**) for land under its administration[2]. 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.

3.6 Section 59 contains the requirements of the IMP including cultural activities and those that enable Mana Whenua to exercise their kaitiakitanga. A single IMP[3] which sets out the foundations for how the Tūpuna Maunga values are protected, restored, enhanced and managed in the future, was approved 23 June 2016.

3.7 As it relates to this application, the IMP policies around use, aesthetic and access reflect that the Tūpuna Maunga are part of a broader volcanic field and see the protection and enhancement of the volcanic field in its entirety[4]. Enhancing this natural environment includes protecting, restoration, and enhancing the authenticity and integrity of this unique landscape through the progressive removal of structures and features that detract from the Tūpuna Maunga. Strategies that have guided the preparation of the activity are:

Spiritual

- The importance of the maunga as sites of cultural and spiritual significance to mana whenua is recognised and the relationship between the tangata and the whenua is restored;
- Establish an authentic Maori presence and remove impediment to mana whenua exercising their kaitiakitanga; and
- Protect, maintain and improve the visibility and undertaking of the natural, cultural, geological and heritage features of the Tūpuna Maunga[5].

Landscape

- Increase the biodiversity, structural diversity and native habitat values of the Tūpuna Maunga and their hinterland by enhancing plant health, soil health, native food resources and habitat connectivity through the development and implementation of an Ecological Restoration Strategy;

[2] IMP, Page 53. While parts of the land included in this application were not part of the Treaty Settlement and are owned by the governing body, the Tūpuna Maunga Authority has administrating responsibility (refer Diagram 2).
[3] Approved 23 June 2016
[4] IMP, page 66
[5] IMP, Page 58

- Ensure planting and other landscape features are compatible with the protection of the natural and cultural features of the maunga; and

- Appropriately locate, design and construct new structures, services, areas of planting and facilities to complement the landform, reduce or minimise visual distractions and respect the cultural, historic and spiritual values[6].

Biodiversity

- Protection and enhancement of indigenous species including threatened plant and animal species already present on the Tūpuna Maunga;

- Replanting and restoring the indigenous biodiversity of the Tūpuna Maunga, connections between the Tūpuna Maunga and the wider volcanic landscape;

- Replanting and restoring traditional indigenous mana whenua flora and fauna;

- A planting regime with plant choice based on use of appropriate and representative species; and

- Re-establishing the mana whenua role as kaitiaki of the ecology and biodiversity of the Tūpuna Maunga.

Tūpuna Maunga Authority Operational Plan 2018-2019 (Operational Plan)

3.8 For each financial year the Authority and Auckland Council must agree an operational plan. The plan outlines the work programme for the financial year, which comprises projects at a regional and individual maunga level. 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.

3.9 The work programme for the next three years identifies healing the maunga as one of the three priorities to be achieved through projects including restoration of indigenous native ecosystems; reintroducing native plants and attracting native animal species; removing inappropriate exotic trees and weeds[7]. Vegetation management specifically removing weed species, managing inappropriate exotics and revegetation of suitable areas will assist with Tūpuna Maunga Wairuatanga / Spiritual and Takotoranga / Landscape values[8].

3.11 A network-wide programme to remove vegetation and revegetate works at Ōtāhuhu are part of the Operational Plan capital works budget for 2018/2019[9].

[6] IMP, Page 58
[7] Operational Plan 2018/19, page 8
[8] Operational Plan, Table 1 Tūpuna Maunga Work Programme 2018-28
[9] Operational Plan 2018/19, page 42

4. DESCRIPTION OF THE TŪPUNA MAUNGA AND CONTEXT

History

4.1 Each iwi has their history and connections with the Tūpuna Maunga. The following paragraphs are provided to assist with a contextual understanding of the significance of the Tūpuna Maunga to Mana Whenua.

4.2 Human occupation of Aotearoa, including Tāmaki Makaurau dates back about 1,000 years with the arrival of the first tūpuna of the Māori people from Hawaiki. There were several great tribal migrations and originally tribal origins were formed identifying with waka in which the founding ancestors arrived. As new groups arrived and society developed, pressure on resources, defeat in war, disagreements on breach of custom, and mana caused larger hapū to break off into smaller groups. Iwi and hapū formed and larger groups had their own papakāinga (village settlement) or fortified pā.[10]

4.3 During this period, the Tūpuna Maunga were developed into the most extensive network of monumental and defendable settlements in Polynesia, supported by expansive areas of volcanic soils suitable for agriculture. They were significant areas of settlement, of agriculture, of battles, of marriages, of birth and burial.[11]

Significance

4.4 Mana whenua hold the Tūpuna Maunga as places to be honoured, respected and protected for those who have gone before and for the many generations to come[12].

4.5 The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region and hold a paramount place in the identity of the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau. The landmark Redress Act marked an important milestone in the restoration of these iconic taonga. The maunga and the volcanic field are central to Auckland's identity. Auckland's key point of difference in the world is its unique Māori identity, with the Tūpuna Maunga being a tangible reminder of mana whenua occupation of Auckland over a millennia.

4.6 The Tūpuna Maunga have come to be treasured and celebrated by all communities for their striking landscape and heritage features, the distinct identity and sense of place they inspire and their value as open spaces for all Aucklanders to be active; and for respite, relaxation and escape from busy urban lives.[13]

[10] Rāwiri Taonui, 'Tribal organisation - How iwi and hapū emerged', Te Ara - the Encyclopedia of New Zealand, http://www.TeAra.govt.nz/en/tribal-organisation/page-2 (accessed 1 August 2018)

[11] about-auckland-council/how-auckland-council-works/kaupapa-maori/comanagement-authorities-boards/tupuna-maunga-tamaki-makaurau-authority/Pages/tupuna-maunga-significance-history.aspx, https://www.aucklandcouncil.govt.nz (accessed 31 October 2018)

[12] IMP, page 54, 57

[13] IMP, page 4

Ōtāhuhu

4.7 The Tūpuna Maunga of Ōtāhuhu is located within the suburb of Mount Wellington. This Tūpuna Maunga covers an area of 21.0457 hectares and is described as a partially intact tuff ring (about 800m diameter) surrounding a swampy depression with a group of small cratered scoria cones at the centre. There are many vents associated with the scoria cones but no known lava flows[14]. In the AUP it is scheduled as an ONF (reflecting the natural heritage values of the Tūpuna Maunga) and a regionally significant height sensitive area traverses the majority of the site.

4.8 With the exception of two sections of the former quarry land, the whole of Ōtāhuhu is a place of historic heritage significance for its history, knowledge (archaeological), and aesthetic landscape values.[15] It is a place of significant value to Māori, with various iwi having occupied the land at various times. A large portion of the Tūpuna Maunga is recorded as archaeological site R11/13 as pa site including terrace/s, pit/s, house floors and midden features.

4.9 Western and eastern portions containing sports fields are open in nature. This is reflected in the AUP's zoning of these areas as Open Space - Sports and Active Recreation. In contrast the rest of the Tūpuna Maunga is zoned Open Space – Conservation, and covered with mature vegetation, particularly along the southern boundary and around the sides of the cone. In total there are 150 native trees and 444 exotic species.[16] Greatest concentrations of native trees are south of the vehicle access road from Great South Road and on the western and southern slopes from the tihi. Greatest concentrations of exotics are contained within the peripheral track/roadway with a linear belt of trees along the eastern boundary of the sports field. None of the vegetation is recorded in the AUP as being of collective or individual significance.

4.10 Vehicle entrances are located from Great South Road and Mount Wellington Highway and provide access to sports clubs. Sealed vehicle access around the lower northern edge of the Tūpuna Maunga connects with access provided to the sports clubs. Locked gates at cattlestops currently prevent vehicles accessing this road, providing all weather pedestrian access around the outer northern edge. Other formal pedestrian pathways are limited consisting of either redundant vehicle access including through the grove of trees from the north of the motor club building with the vehicle entrance from Mt Wellington Highway. Several worn tracks have also formed. Public parking is provided at various points along the entrance roads and for sports clubs.

Surrounding context

4.11 Surrounding land to the north, west and south west is heavy industrial. A service station adjoins the eastern end of the northern boundary. Business mixed use zoning is located opposite the north eastern corner. McManus Park adjoins the south eastern portion of the southern boundary and a Kindergarten fronting Portage Road lies adjacent to the south-eastern corner of the Park.

[14] AUP Schedule 6 – Outstanding Natural Feature Overlay, reference # 111 Mt Richmond (Ōtāhuhu) [sic], category V
[15] Schedule 14.1 - Built Heritage and Character: Historic Heritage Overlay, AUP reference #1571, Mount Richmond/ Ōtāhuhu R11_13 (category A*) applying to the entire Maunga.
[16] Treescape, 2019, pages 6 & 7

4.12 There are three small pockets of residential land along the southern and south eastern boundaries, and on the opposite, eastern side of Mt Wellington Road. Surrounding environs are generally at a lower elevation than the maunga, but there are higher areas to the west. Aside from the works within the southern and south eastern corner of the site, the work is well away from residential properties. All other works are located over 20m from residential properties.

5. DESCRIPTION OF THE ACTIVITY

Background and purpose

5.1 Vegetation restoration represents a fundamental step in facilitating the protection, restoration and enhancement of the Tūpuna Maunga in an integrated manner.[17] This activity is part of a wider revegetation and weed management programme for all 14 Tūpuna Maunga. The first stage of the re-vegetation programme was for Maungarei and resource consent was approved non-notified. Subsequently, resource consent has been approved (also non-notified) for Māngere, Ohuiarangi, Owairaka and Te Tatua a Ruikuita, all of which adopted the same compendium of methodologies as proposed with this application. Removals and planting has occurred on Maungarei, Mangere, Ōhuiarangi. To date, The Tūpuna Maunga Authority has complied will all conditions for tree removal and have begun replanting over 20,000 native trees and plants. Work is set to begin on Ōwairaka during the summer season. The positive effects of the project are beginning to be realised including better visibility of the archaeological features of the maunga and increase in native flora.

5.2 The purpose of the works is also to remove exotic trees on Tūpuna Maunga that are:

- causing damage to archaeological sites and evidence;
- in poor health, form or decline and pose a risk of failure; and
- pest species as identified by the Regional Pest Management Strategy or on the research list for unwanted organisms.

Trees to be removed

5.3 The proposal involves the removal, to stump, of 443 exotic trees within Ōtāhuhu.[18] These trees are identified on the Treescape itemised tree inventory list[19] and the location shown on Figure 3. All trees are over 3m in height, and a list of species and their numbers are in Table 4.

[17] IMP, Page 67, 91

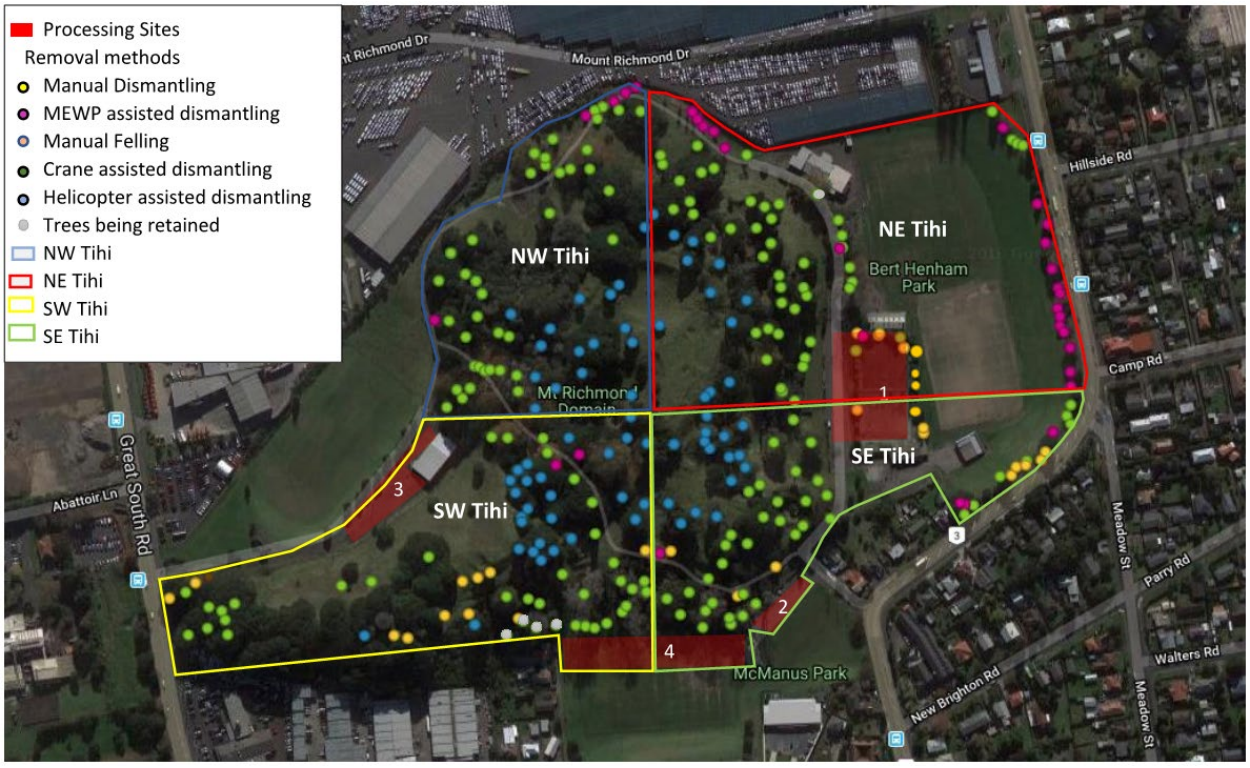
[18] Due to physical constraints, four exotic trees along the southern boundary may not be removed as part of this application. On advice from landscape architect Sally Peak, one London Plane by the clubrooms will be retained and subject to amenity planting, the Camelia near the sportsfields can be removed.

[19] Treescape, 2019, Appendix C

Table 4 Exotic Tree Population Breakdown by Species

Tree Species	Total
"Acmena smithii, Syzyium - lilly pilly, monkey apple"	**14**
"Cedrus atlantica - Atlas cedar, blue"	**4**
"Chamaecyparis lawsoniana - Port Orford cedar, Lawson cypress"	**2**
"Fraxinus excelsior - european ash, common ash"	**8**
"Tilia sp. - lime, linden, basswood"	**1**
Araucaria heterophylla- Norfolk Island pine	**1**
Betula pendula- silver birch	**5**
Camellia sp.	**23**
Castanea sativa - European chestnut	**3**
Casuarina sp. - she oak	**3**
Cinnamomum camphora- camphor laurel	**4**
Crataegus laevigata - English hawthorn	**24**
Cryptomeria japonica - Japanese cedar	**5**
Cupressus sp.	**20**
Eriobotrya japonica - loquat	**2**
Eucalyptus sp.	**4**
Fagus sylvatica-european beech	**5**
Ficus macrophylla-Morton Bay fig	**26**
Ginkgo biloba	**1**
Grevillea robusta - silky oak	**6**
Hymenosporum flavum -Australian frangipani	**1**
Ilex sp. - holly	**4**
Laurus nobilis - Bay laurel	**1**
Liquidambar styraciflua - sweetgum	**2**
Liriodendron tulipifera - tulip tree	**1**
Magnolia sp.	**3**
Olea sp. - olive	**101**
Phoenix canariensis -phoenix palm	**5**
Pinus sp.	**27**
Platanus x acerifolia - London Plane tree	**25**
Populus sp.	**39**
Prunus sp.-flowering cherry	**1**
Quercus sp. (Oak)	**30**
Schinus molle- Peruvian Pepper tree	**1**
Sequoia sempervirens	**1**
Ulmus sp. (Elm)	**24**
Unknown species	**1**
Washingtonia filifera - fan palm	**10**
Total	**443**

Figure 3: Aerial map of the subject site showing Operating Zones, Tree Locations and Removal Methods



Source: Treescape Ltd, 2019, Figure 3

5.4 This application does not include one London Plane tree behind the Rovers Clubroom Building within the eastern portion of the maunga as this trees will be initially retained to assist with screening of the building. The removal of these trees will be the subject of a separate resource consent application.

Tree removal methodology

5.5 The overarching principles guiding the methodology relate to:

- avoiding ground disturbance to protect archaeology and the landform;
- avoiding damage to native tree species;
- minimising ecological effects on flora and fauna values;
- limiting effects on sensitive noise receivers; and
- protecting the public and workers whilst minimising disruption and closure of the Tūpuna Maunga to the public.

5.6 A collaborative approach has been adopted to inform the proposal using expert assessments to guide the methodology appropriate for this maunga. A total of 150 Native trees have been

surveyed on Ōtāhuhu[20] predominantly consisting of Pohutukawa and, to a lesser degree, Puriri, Karaka and Totara. Collectively these species account for approximately 90% of the native trees and avoiding damage to these species is an important consideration in determining removal techniques.

5.7 Appendix C of the Treescape Report provides an itemised inventory of trees and proposed removal method for each tree.

5.8 The majority of trees will be removed by a combination of crane assisted dismantling totalling 178 and helicopter assisted removals for 163 trees. Cranes will also be used where they can be set up from existing sealed or metalled accessways around the periphery or lower areas and slopes of the maunga. This method will avoid ground disturbance of areas where archaeological features may be present. Helicopter removals will primarily occur from higher slopes below the tihi, centrally and from an existing area of dense exotic trees located on the south western slope. Trees will be taken to closest processing site.

5.9 The remainder of the trees will be removed manually. These occur primarily in the south eastern edge of the sportsfields adjacent to Mount Wellington Highway and to the south of the toilet building in Bert Henham Park directly adjacent to access. A further 30 trees will be removed by manual felling near the Great South Road entrance and along access roads in the southern portion. Nine trees will be removed by MEWP (Mobile Elevated Work Platform). Most of these occur around the sportfields, northern tip of the site and in a few isolated instances from the edge of sealed access.

Staging of Works

5.10 To manage helicopter fly times and noise effects if work is completed as part of a single operation, the maunga has been divided into two zones – east tihi and west tihi and two sectors within each zone. Works within the two sectors will be carried out in two stages, separated by a timeframe of no less than 6 months and no greater than 18 months. This is with the exception of trees along the entire Mount Wellington frontage as they are subject to other constraints on when they will be removed as follows:

- a minimum of 2 years after the removal of the other trees and the replacement 20 amenity trees along the south-western boundary of the Bert Hanham sportsfields; and

- in the event that the south eastern building is still in place removal shall occur a minimum of 12 months following the establishment of planting around the building.

Processing of vegetation

5.11 Four areas have been identified as suitable processing sites for helicopter drop-off zones and large crane operations. Processing site 1 - the level field to the south of the toilet building in Bert Henham Park, and processing site 3 - the carpark area adjacent to the Motor Club in the south

[20] Treescape, 2019, Table 2

western portion of Ōtāhuhu, will be drop-off zones for helicopter operations. Processing sites 2 and 4 are for crane operations and located adjacent to the southern boundary. Site 4, a sports-field will be accessed through area 2 which occupies the carpark at the southern entrance to McManus Park. These are identified on the Operating Zones Map prepared by Treescape.

5.12 Mr Druskovich confirmed that no archaeological evidence would have survived the works that have occurred in all four locations and there are no archaeological constraints.[21]

5.13 Helicopter use will be limited to retrieving cut sections of the trees and delivering them to the designated processing areas for removal off site. To minimise helicopter activity, generally removals within the western zone will utilise area 3 and the eastern zone area 1. Helicopter movement will occur within the boundaries of the Tūpuna Maunga.

Disposal and duration of removals

5.14 As is the preference of the Authority, except for specific logs suitable for carving, the majority of material removed by helicopter and crane assisted dismantling will be loaded directly into transport and removed from the site either as logs or branches (maximum 5m in length) for processing off-site. The remainder will be chipped using trucks from the existing sealed road, carparking areas and sportsfield and distributed on site. Except where surplus to requirements the mulch will be removed off site.

5.15 Two 10 tonne trucks will operate in rotation to remove the chipped material – when processing times are higher using an excavator. It is anticipated that truck movements will be a maximum of 8-10 per day to and from Domain Road. A smaller (10t tip or hiab) truck, and where required 5m trailer, will remove logs from the site. Vehicle movements are estimated at 4-5 per day to and from the site.

5.16 Expected duration of the works is 69 days with a further 20 days for set up and pack down. Helicopter assisted dismantling will be required for potentially a maximum of 27 days[22]. Helicopter use is restricted between the hours of 9am to 5pm, Monday through Friday.

5.17 The works will occur:

- in the drier summer months to avoid modification to the ground;
- between the hours of 7.30am and 6.00pm, Monday to Friday; and
- no works on Saturday, Sunday or public holidays.

Public access and traffic management during tree removal

5.18 Where practicable public access to the Tupuna Maunga will be maintained. This will largely depend on health and safety requirements, with a cautious approach taken for public access to

[21] Druskovich, 2019, page 23

[22] 27 days is worst case scenario for helicopter use, as advice from Treescape (2019, page 13) is that it may be feasible as the works progress to remove more trees by crane.

ensure public and contractors are safe from harm. Areas of the park that are to remain open and the measures to prevent public harm will be detailed in the Environmental Management Plan.

Communications Plan

5.19 To inform public of the works areas of the park that will be closed during the works, a comprehensive communication plan will be finalised and implemented prior to commencement of the works. A draft of this document is contained in Appendix 6.

Acoustic management and mitigation for tree removal

5.20 An acoustic assessment has been prepared by Mr Jon Styles[23] for the noise generating works associated with the tree removals to both inform and assess proposed methodology. Specific consideration has been given to the removal works involving the helicopter, chipping and log removal. As outlined by Mr Styles, the proposal has been assessed against the noise controls that apply to construction activities[24] at Rule E25.6.27 of the AUP. The AUP states that any construction noise shall be measured and assessed with *NZS 6801:1999 Acoustics and Construction Noise*.

5.21 Noise levels generated by all activities except for the use of the helicopter as it relates to one location in the north and locations to the south, are permitted. As confirmed by Mr Styles, for more than two-thirds of the overall project duration the noise levels will comply.[25]

5.22 Removal of the most north western trees will just reach 80dBA at the façade of the commercial building at 2 Doroval Place. Removal of trees from the south western slopes is expected to exceed by up to 8dBA for one property, being the façade of a commercial building[26] and for 1-2 days only, and up to 6dBA for three residential properties[27] for what is described by Mr Styles as a relatively short portion of the 6 day duration. Noise levels at all other properties with an exceedance of up to 5dBA will be generated for shorter durations within this period.

5.23 The noise of the helicopter over processing site 1 and for the removal of a small number of trees exceeds by up to 4dBA for one residential property. As stated by Mr Styles, modelling is on the assumption that the drop zone will be the centre of the processing area. If the drop zone can be located in the northern-most part of the site the noise levels will be below 75dBA L_{Aeq} for a greater proportion of the time.[28] As recommended by Mr Styles, works will be staged to provide receivers with a sufficient period of respite.

5.24 Mr Styles recommends including a condition of consent which is also offered, requiring that the owners and occupiers of neighbouring buildings within a minimum of 200m, likely to be exposed

[23] Styles, 2019
[24] The tree removal proposed in this application is a one off, temporary construction event, and does not seek to authorise ongoing helicopter movements on the Maunga. The application of construction-related rules to the use of helicopters for construction activities is common and traditional. This interpretation was accepted in the resource consent for exotic tree removal from Maungarei / Mt Wellington.
[25] Styles, 2019, page 12
[26] Styles, 2019, 1/69 Portage Road
[27] Styles, 2019, 57, 59 & 61 Portage Road
[28] Styles, 2019, Page 11

to noise levels above 75dBA to be advised of the works in writing at least ten (10) days prior to the commencement of works.

5.25 Also included as part of the methodology is that the noise from the use of the helicopter will not exceed a noise limit of 85dB L_{Aeq} when measured 1m from the façade of any occupied building.

Archaeological management and mitigation for tree removal

5.26 Archaeologist, Mr Druskovich has identified areas where past earthworks (some substantial) and quarrying will have destroyed any archaeological evidence where this was present in relation to tree removals, processing areas and access. As some of the quarries were identified as likely to be pre-1900, they need to be treated the same way as other archaeological features[29]. The exceptions to these precautions are the works adjacent to the Bert Henham Park and Mt Wellington Highway where there appears to be no archaeological evidence[30], and the processing areas. Figure 11 of the HIA[31] provides a marked up aerial which has both informed and assessed the proposed methodology and the removal works have been developed to avoid any impact on archaeology.

5.27 Mr Druskovich advises that as the majority of trees to be removed are located in an area of dense archaeological significance the majority of trees will be removed by Crane Assisted dismantling or Helicopter assisted dismantling. These less intrusive methods will avoid ground disturbance and archaeological damage.

5.28 Where trees are to be removed by manual and MEWP Mr Druskovich advises that the use of crash mats should be compulsory for all tree sections that are to be lowered onto sensitive ground (as above the only exception where trees are adjacent to Bert Henham Park playing fields or Mt Wellington Highway). Rigging techniques that offer maximum control to meet acceptable risk thresholds will also be adopted.

5.29 As recommended by Mr Druskovich, all tree felling works and use of non-tarsealed access tracks will be restricted to periods when the earth is dry unless within the identified processing areas. For any cut material from dismantled trees that is carried or dragged to chippers, protection for surfaces should be laid down between the tree to the chipper along the entire route to prevent accidental gouging or other unintentional damage.

Ecological mitigation during tree removal

5.30 An ecological assessment has been prepared by Tonkin & Taylor Ltd and is attached as Appendix 9. The ecological value of the trees to be removed has been informed by a desktop review, site walkover, other expert reports including the tree methodology, herpetological habitat assessment[32], restoration planting plans, and data on threatened species.

[29] Druskovich 2019, Page 18
[30] Druskovich, 2019, page 22
[31] Druskovich, 2019, page 19
[32] Ecogecko Consultants, 2019

5.31 In addition to adherence to the proposed tree felling and processing methodology outlined above, and to ensure that no net loss to biodiversity values will occur Tonkin & Taylor recommend the following, which are included in the offered conditions of consent:

- no felling in bird breeding season, without first checking for active nests by a suitably qualified ecologist;
- ensure that the project arborist and machinery operators work within the identified works zones to avoid crushing injuries and mortality of native lizards;
- equipment used to fell trees should be cleaned prior to use on site to avoid spreading pathogens, including potentially myrtle rust. Contractors should observe standard biosecurity hygiene practices (e.g. vehicles and tyres free of mud, mulch and other debris) used to manage spread of other pathogens, such as kauri dieback.

Revegetation and ecological works

5.32 The key driver for the works is native revegetation of the Tūpuna Maunga following the removal of exotic tree species. Enhancement of ecological values and preventing regeneration of exotic weed species occur alongside the key driver. This is reflected in the specific pathways to achieve biodiversity in the IMP and while for the most part as outlined above in Section 3, as it relates to ecology specifically:

- Restore suitable areas of the Tūpuna Maunga with indigenous ecosystems. Decisions on location, plant choice, and staging would draw on traditional and scientific knowledge.
- Reintroduce or attract indigenous species to the Tūpuna Maunga, including microorganisms, invertebrates, lizards and birds, as all of these contribute to resilient and healthy ecosystems.
- Remove invasive plant and animal pests[33].
- Acknowledge the ecological linkages and wildlife connections between the Tūpuna Maunga and other important open spaces within Tāmaki Makaurau by treating planting as one environment.

5.33 In support of this, a planting plan prepared by Te Ngahere[34] takes into account the various overlays relating to the historic heritage, archaeology, landscape values, historic defense sightlines, and skink habitat concurrently with opportunities for ecological restoration, and herpetofauna and ngā manu (birds), habitat enhancement. The planting plan focuses on the restoration of highly modified areas on the maunga through revegetation to a historically accurate ngahere ecosystem, and the development of suitable habitat to protect and preserve native fauna present at the site.[35] Due to the implications of ground disturbance and corresponding impact on

[33] IMP, Page 71
[34] Te Ngahere, 2018
[35] Te Ngahere, 2018, Page 3

heritage features, ecological restoration opportunities are limited to previously modified sportsfields and quarried areas, primarily on the western portion of the maunga.

5.34 Two areas to establish potential native skink and invertebrate habitat are identified in the planting plan to provide basking habitat. Mound planting as a no dig method to establish pōhuehue and native ferns is proposed for the small quarry and rocky slope of the olive quarry. These low growing species will provide shelter and food if native skinks are present and their low growing nature means there will be no impact on historic defensive sightlines. Extending this low growing native species will also reduce grass cover and foot traffic across these areas.

5.35 The base of the olive quarry, that of the large slope and the field provide opportunities for additional planting including Pūriri, which as Te Ngahere advise is likely to have been present across much of this site historically.

5.36 Two types of planting to enhance the ecological values of the maunga have been identified as appropriate in the following locations as detailed:

Large slope

- This area covers the slope from the tihi to the northwest and is predominantly covered by grass including kikuyu, with isolated pohutukawa and olive trees. The plant species are divided into sub-sections with WF7 at the base of the slope to preserve sightlines progressing to low ground cover species towards the summit where the gradient is steep.

Field

- Due to the low lying nature of this area, fields are likely to remain waterlogged throughout winter months. WF7 dominated by damp tolerant species to develop a forest canopy will be planted. Small open pockets including along the sides of the proposed track and around the edges will be planted in small clusters.

Olive Quarry

- This old quarry basin area includes a flat base surrounded by a rocky slope. Planting will be split into sub-sections with taller damp tolerant WF7 species including Kahikatea and Pūriri in the flat base. Hardy drought tolerant native species including Kawakawa (a skink food source) on the rocky slope.
- As some native plantings already exist on the slope, additional seedlings will be introduced in the initial plantings to provide shelter and food for native skink. Threatened *Pallaea spp.* were observed in this rocky planting area and as recommended by Te Ngahere extreme care will be taken for plant preparation, weed control and planting to ensure preservation and support existing plants.

Small Quarry

- This area includes a number of small adjoining quarried pockets on the north eastern side of the maunga, It is rocky with steep slopes around the periphery. Proposed plants include low growing species such as pōhuehue, rengarenga and carex grasses that would provide shelter and food for native skinks. While unlikely[36], this may already be present on the rocky basking habitat or could be potentially introduced to the site. With the exception of existing shrubs already established, this habitat would be low growing. This is also an appropriate option for avoiding impact on archaeological sensitivities or historic defensive sightlines from significant tree growth.[37] Threatened *Pallaea spp.* was identified in this area also and precautions as outlined above will be undertaken to ensure there is no impact on this species.

Ecological mitigation to support the planting

5.37 Tonkin & Taylor has provided an independent assessment of the proposed native revegetation. To support the planting, they recommend a suite of complementary management such as weed management and predator control. These form part of methodology of works and are included in the offered conditions of consent.

Amenity planting

5.38 To mitigate the visual amenity effects of the removals from Mount Wellington Highway, replacement planting for the removal of the 20 Camelia along the south-western boundary of the Bert Hanham will be undertaken. This will be implemented prior to the removal of the trees along Mount Wellington Highway. All trees will be native have a maximum height of 18m to preserve views to the tihi. As this is additional to the ecological planting, it is included separately in the suite of offered conditions. Examples of species include:

Melicope ternata	Wharangi
Coprosma lucida	shining karamū
Coprosma robusta	karamū
Myrsine australis	māpou
Sophora microphylla	kōwhai (inland)
Olearia albida	Tanguru
Dodonaea viscosa	akeake
Kunzea robusta	kānuka (Auckland)
Pennantia corymbosa	Kaikomako
Melicytus ramiflorus	māhoe
Hoheria populnea	Houhere
Cordyline australis	Ti Kouka
Rhopalostylis sapida	Nikau
Pseudopanax crassifolius	Horoeka
Hedycarya arborea	pigeonwood / porokaiwhiri

[36] Tonkin & Taylor, Page 9
[37] Te Ngahere, 2018, Page 15

Archaeological mitigation for the planting

5.39 Mr Druskovich supports the planting plan prepared by Te Ngahere, and their proposed methods and locations for conservation plantings, subject to defining the limits of conservation planting and supervision of planting by the project archaeologist in one specific area. Further limitations include planting species suitable for archaeological sites (Jones 2007), including for smaller plantings within 5m of archaeological features, the method of weed management and location of specimen trees.

5.40 An Archaeological Works Plan is proposed to address:

- general archaeological monitoring, recording, and reporting.

Earthworks for the planting

5.41 As the removal works involve removing the trees to a minimum of 300mm above ground level, earthworks (as defined in Chapter J1) relate solely to the revegetation element. While planting occurs over a wider area as above, the majority of planting involves small plants, seedlings, mound planting with a no dig option, and requires minimal disturbance. As the amount of earthworks relates directly to plant spacings and root size, it is difficult to calculate the exact sum, but based on the planting plan[38] and adopting a conservative approach earthworks are estimated to involve approximately 1493.7m^2 and 42.5m^3.

5.42 Due to the nature of the works, soil will not be left exposed. There will be minimal soil disturbance. Silt and sediment controls are not warranted.

Environmental Management Plan

5.43 To provide flexibility in undertaking tree removal and revegetation works, a comprehensive Environmental Management Plan (EMP) forms part of the application. This incorporates final versions of mitigation measures included as part of the application and time sensitive documents more appropriately prepared closer to commencement of works e.g. Health and Safety Plan. A condition to this effect is included as part of the suite of offered conditions in section 10 of this AEE.

[38] Planting Plan prepared by Te Ngahere

6. CONSULTATION

Iwi consultation

6.1 The Authority uses Tamaki Collective notices to consult with the iwi/hapū who have interests in this Tūpuna Maunga[39]. One response was received from Te Rūnanga o Ngāti Whātua who expressed support for the proposal.

Community Facilities – Auckland Council

Following consultation about the proposed revegetation works, written approval of Mace Ward, General Manager Parks Sport and Recreation at Auckland Council has been provided and is attached at Appendix 3. The General Manager Parks Sport and Recreation has the delegation for maintenance of trees and vegetation, and works in Council Open Spaces.

7. REASONS FOR THE APPLICATION

7.1 Appendix 2 is an assessment of the AUP rules relating to this activity. Resource consent is required under the AUP for the following reasons:

17. D17.4.1 (A9) Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place (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 443 exotic trees does result in a modification of the SHHP.

18. D17.4.2 (A23) Conservation planting is a discretionary activity within the scheduled historic heritage place (category A*). Conservation planting will occur over an area of 19,563m^2 with 995.8m^2 over which planting will physically occur.

19. D17.4.2 (A26) Removal of trees greater than 3m in height or greater than 300mm girth is a discretionary activity in the scheduled historic heritage place (category A*). All trees to be removed within the HHP are greater than 3m in height.

20. E12.4.3 (A39) Land disturbance not otherwise permitted greater than 10m^3 and up to 50m^3 is a restricted discretionary activity in ONF – V1 (large volcanic landform) subject to meeting the standards outlined in E12.6.2. Land disturbance of works of 42.5m^3 is required for revegetation works.

21. E16.4.1 (A7) 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 zones. Consent is sought for the removal of all 443 exotic trees as a restricted discretionary activity.

[39] As set out in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the iwi and hāpu who have interests in Ōtāhuhu are: Ngāi Tai ki Tāmaki; Ngāti Maru; Ngāti Pāoa; Ngāti Tamaoho; Ngāti Tamaterā; Ngāti Te Ata; Ngāti Whanaunga; Ngāti Whātua Ōrakei; Ngāti Whātua o Kaipara; Te Ākitai Waiohua; Te Kawerau ā Maki; Te Patukirikiri; Te Rūnanga o Ngāti Whātua

22. E25.4 (A2) Construction noise levels exceeding 75dB LAeq for activities sensitive to noise is a restricted discretionary activity. In specific areas identified, the helicopter removals will exceed the construction noise limit by between 8dBA 5dBA for limited durations.

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 the Resource Management Act 1991 (**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	This application must be publicly notified if: 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. iii. There is no rule or national environmental standard that requires public notification of this application. Consideration of whether the adverse effects are likely to be more than minor is addressed below.
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, which is not defined by the RMA, but takes into account the characteristics of the landform and surrounding environs. Ōtāhuhu is located within an urban environment and is surrounded by a mix of industrial, residential properties and road frontages. Due to the physical attributes of the maunga noting topography, open space and orientation, adjacent land is considered to be the properties at:

- 671- 679 Mt Wellington Highway (McManus Park to the south)
- 17-19 Portage Road (Kindergarten property adjacent to the south eastern corner of McManus Park)
- 681 - 685 Mount Wellington Highway, and 15 & 15A Portage Road (residential properties to the south east of McManus Park)
- 57 – 69 Portage Road (residential properties to the south)
- 67A Portage Road (open space land to the south)
- 69-71 Portage Road, and 1120 Great South Road (Industrial properties to the south)
- 1100 -1106 Great South Road, 2, 3 & 5 Doraval Place (industrial properties to the west and north)
- 629 Mount Wellington Road (commercial property to the north)
- 622 – 676 Mount Wellington Highway, 1/2 - 7/2, 3A, 4 & 5 Hillside Road, 1 & 1A, 3, 3A, 4, 4A & 6 Camp Road, and 4-12A Meadow Street (residential properties to the west and south west on the opposite (eastern) side of Mount Wellington Highway)
- 659 - 667A Mount Wellington Highway (residential properties along the south eastern boundary)

Permitted baseline and existing environment

8.3 The existing environment, against which the effects should be assessed, is described in section 4 of this AEE.

8.4 Of relevance to the permitted baseline, is that:

- removal of trees less than 3m high is permitted; and
- under the construction noise standards up to 100 days (20 weeks) at a level of 75dB L_{Aeq} at any receiver is permitted. This noise standard forms the permitted baseline from which the noise based amenity effects are assessed.

Landscape effects

8.5 The landscape and visual effects assessment prepared by landscape architect Sally Peake identifies that the existing form of Ōtāhuhu reflects the former quarrying and history of the Domain. With a relatively low profile the maunga is not a particularly distinctive or widely visible feature within the landscape context with much of the mountain having been eroded through quarrying and development, while a substantial part of the project area has been converted to sports-fields. The most extensive quarrying occurred on the northwest side with four smaller workings. As described by Ms Peake, native vegetation is one of the natural features of Ngā Tūpuna Maunga o Makaurau that has diminished over many decades, removed through quarrying and replaced by exotic specimens[40]. As described by Tonkin & Taylor[41] Pines and Moreton Bay fig are a dominant landscape feature, being the largest trees present on the volcano flanks and near the tihi. These exotic trees and others are also particularly noticeable on the southern and western boundaries and obscure the natural volcanic landform.

8.6 Ms Peake makes a distinction between the extent of the change relating to the removals and the effects of the change[42]. While there will be a noticeable alteration to the key features and landscape patterns, particularly noting the elevated areas where larger trees are located, the effects of the change are able to be managed.

8.7 Ms Peake considers the removal of the exotic vegetation will restore the integrity of the Maunga and enable its mana to be better acknowledged and recognised.[43] Overall, as concluded by Ms Peake the proposed removal of existing vegetation, together with conservation planting, will enhance the character of the landscape through restoration of the visual integrity of the maunga and new vegetation patterns, and in the long-term will result in positive landscape effects.[44]

Visual amenity effects

8.8 While the mountain is a distinctive landscape feature, with a relatively low profile (the highest scoria mound being 50m) it is not widely visible within the surrounding business and residential context, noting that no regionally significant viewshafts have been identified in the AUP. Nevertheless from close distances, notably surrounding roads, there are clear views of the maunga and surrounding sports fields. From further afield the maunga is generally screened from view. There are some residential areas immediately adjacent to the reserve with clear views of

[40] Peake, Page 6
[41] Tonkin & Taylor, page 5
[42] Peake, Page 13
[43] Peake, Page 14
[44] Peake, Page 14

the project area with overall what is described by Ms Peake as a small visual catchment. The attendant vegetation is also visible to visitors who regularly use the sports facilities and tracks.

8.9 Three groups of viewing audiences and the corresponding degree of visual changes and therefore effects on each group in relation to the vegetation removal have been identified by Ms Peake. As these relate to effects on persons, they are discussed when assessing section 95B and Section 95E of the RMA. It is noted that Ms Peake has identified the magnitude of change to inform visual effects both positive and adverse and in many instances the visual effects are at worst low adverse[45] initially, with low to positive visual effects at the end of the project.

Ecological effects

8.10 The proposal will result in the removal of the majority of exotic trees from the site, including three identified as pest species and two earmarked for further research[46] and native revegetation. Noteworthy is that the pest species equate to 44 trees and those subject to surveillance represent 127 of the total number of trees to be removed. The ecological value of the exotic terrestrial habitats is described in the Ecological Assessment prepared by Tonkin & Taylor as overall low[47] and the magnitude of ecological effects resulting from the removal of the exotic trees is moderate.[48] As a result, the overall level of potential ecological effects to determine whether mitigation is necessary is identified by Tonkin & Taylor as moderate, noting that low and positive effects are also assessed. Positive effects in terms of removal being limited to unwanted plants.

8.11 Tonkin & Taylor conclude that the proposal demonstrates the avoidance of potential negative effects and this together with other mitigation measures will ensure that there will be no net loss of biodiversity[49]. The proposed restoration of a native WF7 Puriri forest on the fields and lower slope will increase biodiversity values. Proposed low stature native plantings around the slopes and quarries will increase biodiversity values and together with the pest management programme enhance native skink habitat. Weed management will provide additional mitigation by removing unwanted plants that compete with native species. Overall the exotic tree removal and restoration will result in positive benefits on flora and fauna values and an increase to biodiversity values of the site.[50]

Archaeological (Heritage)

8.12 The HIA prepared by Mr Druskovich identifies that the heritage values of this place relate to history, archaeological evidence and landscape context. As stated by Mr Druskovich, the historical values will not be affected.[51] Effects relating to landscape have been addressed by Ms Peake and concluded to be positive or low adverse. The focus of Mr Druskovich's assessment is the archaeological effects of the tree removal and the planting. For completeness, while Ōtāhuhu has also been listed for its Mana Whenua values (Place of Maori interest or

[45] Peake, Page 14 With reference to Section 95 of the RMA it is considered that 'moderate' used in this assessment equates to minor adverse effects (adverse effects that are noticeable but will not cause any significant adverse impacts).
[46] Tonkin and Taylor, 2019 Page 3
[47] Tonkin & Taylor, page 8
[48] Tonkin & Taylor, page 9
[49] Tonkin & Taylor, Page 9
[50] Tonkin & Taylor, page 10
[51] Druskovich, Page 27

Significance), the focus of the HIA is on archaeological values of the place. As outlined in section 6 above, the iwi that responded expressed support for the proposal.

8.13 Tree removal methodology has been developed to avoid and minimise impact on archaeological features or unknown subsurface evidence should it be present with the majority of trees to be removed by Crane assisted or Helicopter assisted dismantling. Given the dense distribution of archaeological features, all other tree removals involving use of the ground for lowering tree sections, machinery or access will use crash mats and other surface protection to prevent accidental damage and avoid adverse effects on archaeology. As processing is within areas where there is clear evidence that substantial past earthworks including for quarrying, access formation and levelling for sportsfields has removed any archaeological evidence that might once have existed there can be no adverse effects on archaeology in these locations[52].

8.14 The works methodology has been developed to avoid any ground disturbance where archaeological features are present or could exist. Nonetheless, the potential for archaeology to be encountered and damaged while low does exist. To address this potential effect, and as outlined in Section 5 above, if unrecorded evidence related to early Māori occupation is encountered, appropriate Council Accidental Discovery protocol will be followed.

8.15 Earthworks are limited to those required for revegetation. The location of revegetation have been informed by the archaeologist to generally avoid areas of previously identified archaeological features, or to inform planting[53]. As in the majority of the proposed planting areas, uncertainty exists around the exact extent of past quarrying and ground modification. The project archaeologist will be involved in setting the limits of planting to ensure that it does not occur outside of previously modified areas or impact archaeology. Specific areas requiring boundary definition by the project archaeologist are included as consent conditions.

8.16 On this basis, it reasonable to conclude that the tree removal and replanting works will have no more than minor adverse effects on archaeology.

Mana Whenua values

8.17 The proposal implements directions in the IMP and Operational Plan, documents that have been developed with input from Mana Whenua. In addition, Mana Whenua were provided details of this project and the response received is positive. While it is for Mana Whenua to determine effects on their values, it is reasonable to conclude that there is no adverse effect on their values.

Earthworks and ground stability

8.18 The earthworks are for the planting. Effects usually associated with earthworks, such as sediment or erosion are therefore not relevant.

8.19 Effects of earthworks within an ONF are discussed below.

[52] Druskovich, Page 23
[53] Druskovich, page 19

Outstanding natural feature effects

8.20 There is no adverse effect on the geological values of Ōtāhuhu as the method of tree removal avoids ground disturbance and earthworks is limited to shallow planting within previously modified areas. As noted by Ms Peake, existing vegetation varies across the project area with older larger trees mainly located on the higher area of cones. Due to the number of trees to be removed, there will be a noticeable alteration to the key features/attributes of the project area, particularly on the elevated areas/tihi with the integrity of the maunga enhanced and it's mana to be better acknowledged and recognised. Overall, the character of the landscape will be enhanced through restoration of the visual integrity of the maunga with new vegetation patterns making positive contribution to its landscape value[54].

Noise effects

8.21 Effects of noise on fauna are discussed in the ecological assessment and concluded to be less than minor. Effects on persons are discussed when assessing section 95B and Section 95E of the RMA.

Traffic management during tree removal works

8.22 Tree removal works require trucks to enter and leave the site during the day using existing vehicle access located at the north eastern edge of the site. Up to 15 vehicle movements per day are anticipated over the 20 day works timeframe. This increase in traffic will result in no more than minor adverse effects as the trucks are small and consistent with the size of trucks commonly used for construction, maintenance works and earthworks for open space and residential areas. No reversing is required onto public roads given the manoeuvring space available within the site.

8.23 Temporary traffic management of Great South Road and Mt Wellington Highway will be required along these road frontages and as outlined by Treescape, the contractor will provide a detailed plan showing processes/ procedures to ensure appropriate traffic management systems are used to ensure work processes meet all legislative requirements for temporary traffic control.[55]

8.24 Apart from those properties toward the southern end of Mount Wellington Highway adjoining the maunga, generally the works are afforded generous separation to residential properties by roads, open space, topography and fencing. Any increase in traffic will be insignificant and easily absorbed into the surrounding road network.

8.25 Overall, any effects arising from traffic are considered to be negligible and temporary in nature being limited to the duration of works.

Public access during tree removal works

8.26 The tree removal works require parts of the reserve to be closed to the public. There may be some minor inconvenience to regular park users during the works, in particular those who use the carpark area entrance to access McManus and Bert Henham Parks, and users of the sports field.

[54] Peake, Page 13
[55] Treescape, Appendix D: Recommended Operational Management Requirements: Traffic Management Plan.

There may be minor disruption to the Rovers RLFC however they use the facility primarily evenings and weekends. Similarly, the Northern Sports Car Club who use the clubrooms on the western side do so in the evenings. While the works will be broken down into west and east geographic areas for noise mitigation purposes, being separated by no less than 6 months and no more than 18 months, this methodology means that not all of the maunga will be closed to the public at one time. Where health and safety for contractors and public can be assured, public access can be maintained and it is anticipated that any disruption to pedestrians will be low level, minimal and limited to duration of works.

8.27 Disruption to the public will be minimised by implementation of a comprehensive communications plan to inform local community and nearby residents of the works with information on temporary closure of certain areas.

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

8.28 In this case, the proposal comprises restricted discretionary and discretionary activities and therefore activities envisaged by the AUP, and the individual components of the proposal are not unusual or collectively special. Removal of trees and planting within public open space zoned land and the urban environment are not unusual and as such it is considered that 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)

8.29 Section 95B sets out the process for determining limited notification. Section 95E sets out the considerations for defining if a person is an affected person.

8.30 With respect to sections 95B(2) and (3), protected customary rights groups and statutory acknowledgements are not affected.

8.31 Limited notification is not required under section 94B(6) as the application is not subject to a rule or national standard that requires limited notification and nor is the application a controlled activity.

8.32 With respect to section 95B(7), the reasons for consent are not boundary activities. A wider consideration of persons affected by the activity, in accordance with section 95E, is therefore required.

8.33 As the application is overall discretionary, all effects on persons must be considered. Where a person has provided written approval, section 95(3)(a) deems that they are not then an affected person. In this case, given the minor nature of the works, limited duration and that there are no adverse effects, no persons are considered to be adversely affected to the extent that their written approval would be required.

8.34 Clause C1.13(4) of the AUP requires that when deciding whether any person is affected in relation to an activity for the purposes of section 95E of the Resource Management Act 1991, the consent authority will give specific consideration to the entities with responsibility for any natural or physical resources which may be affected by the activity, including:

(b) in relation to historic heritage, Heritage New Zealand Pouhere Taonga;

(e) in relation to sites of significance or value to Mana Whenua[56], the iwi authority in whose rohe the proposal is located.

As the historic heritage values relate solely to archaeological features, an Archaeological Authority to modify will be sought if required. As detailed above in Section 6 feedback was sought from the relevant iwi groups. The one response received expressed support for the proposal with no assessment on cultural values or on-going involvement considered necessary. It is reasonable to conclude that there is no adverse effect on Mana Whenua.

Street network users

8.33 Representative views have been taken for drivers and pedestrians using the surrounding street network. All views are from relatively close proximity as only the tops of trees are visible in longer views with negligible visual effects. Views from users of surrounding streets is generally transient and for the most part screened by fences and buildings in the foreground, and what Ms Peake describes as the clutter of traffic, commercial environment and busy commercial roads.

8.37 Viewpoints have been identified as having less than minor to nil adverse effects on visual amenity initially, with one exception. Three viewpoints looking across the sportsfields from the east and south that may initially be perceived as adverse as the removal of the trees exposes the buildings. This will be mitigated by staging of the works until the buildings are removed. In the event the vacant buildings are not removed within the duration of the consent, amenity planting around the buildings will be implemented.[57] As noted by Ms Peake, this conservative rating does not take into account the positive effects of the enhanced cultural and visual integrity on the landscape that will occur as a result of the restoration programme. This means that over time, there will be enhanced vegetative patterns and greater legibility of the maunga.

Visitors to the Tūpuna Maunga

8.38 The main entry points are identified as locations from where the removals may be discernible as visitors arrive at the maunga. Ms Peake considers that the visual change from either the Great South Road or Atkinson Avenue entrances will not be particularly noticeable to visitors given mature native vegetation at a higher level that will be retained and for Great South Road specifically the proposed wetland planting to the west of the driveway.

8.39 It is considered that the purpose of the visitor's trip will influence the effects that the tree removals may have. Two main groups are identified – those engaged in active sports and using the facilities and those engaged in passive or informal use. As the focus of active users is unlikely to be natural landscape, effects are assessed at low. As the landscape is more likely to form part of the activity for passive users, there may be some initial visual impacts however, this will vary according to

[56] AUP Schedule 14.1 Schedule of Historic Heritage ID 1571 identified as a place of Māori interest or significance.
[57] Two of the three buildings will be removed in September 2019 following the grant of resource consent LUC60342119 dated 20 August 2019

the sensitivity of the receiver[58]. The final outcome for this group will result in positive effects on their visitor experience given the protection and enhancement of the integrity of the feature and its landscape.

8.40 Any temporary closure of parts of the park will be communicated in advance. The need to close parts of a park for operational or maintenance works is not an uncommon occurrence. There may be some minor inconvenience to regular park users during the works, in particular those who use the carparking area entrance to access the clubrooms, and users of the sports field. Where health and safety for contractors and public can be assured, public access can be maintained. It is anticipated that any disruption to pedestrians will be low level, minimal and limited to the duration of works.

8.41 The communications plan specifically acknowledges the need to communicate with regular users being the car and sports clubs regarding noise and inconvenience. While the Kindergarten is outside of the maunga and effects on this activity are avoided, as a courtesy the Kindergarten will be included.

Residential neighbours

8.42 A large number of the surrounding neighbouring properties are commercial/industrial with a transient population with effects therefore rated similar to street network users – nil to less than minor. Residential neighbours are concentrated to the south and eastern sides of the Maunga and for the most part separated by roads with views limited to those from elevated viewpoints. Adverse visual effects on these residential neighbours are assessed as low.

8.43 There are two small residential enclaves directly adjacent to Bert Henham and McManus Park where close views are available and there will be a noticeable, particularly in the short-term, change to the scene. While for some there may be a perceived adverse visual or amenity impact, the closest and most visible trees are being retained[59]. This will maintain a vegetated element in the foreground view. In the long-term, there will be potentially positive effects through reduced shading and the grass slopes will allow the maunga profile to be better defined and revealed[60], enabling legibility and appreciation of the volcanic feature.

8.44 Short term effects relating to the introduction of machinery are anticipated, particularly for a small number of immediate neighbours. Visually, given the scale of the works and elements relative to that of the Maunga, any adverse visual effects will be low level and limited in duration. For some the operation may be of interest with no negative effects.

8.45 In terms of noise effects, the use of the helicopter close to buildings will infringe the permitted noise levels for generally short portions over the total 27 day period over which helicopter assisted dismantling is required. The staged division of works will result in 13 days of helicopter use in the Western sector and 14 days in the Eastern sector. As confirmed by Mr Styles, this will provide

[58] Peake, Page 19
[59] LVA Attachment Sheet 4, View a & b
[60] Peake, page 19

receivers with a sufficient period of respite with the works being separated by a period of somewhere between 6 and 18 months.[61]

8.46 Mr Styles confirms that the noise from the proposed helicopter use exceeds the permitted noise levels by a maximum of 8dBA for removals on the south western slopes, being at the very closest a commercial receiver and for 1-2 days only. For residential receivers the exceedance is lower being only 4-5 dBA. As described by Mr Styles, subjective differences in effects between the permitted and predicted noise levels of up to 83dBA will be greater by a noticeable degree however the proposal constitutes a considerably lower degree of effect overall than what is permitted by the AUP.[62] Noteworthy is that noise level modelling has been based on worst case scenario for the processing areas, and in the event that the drop-zone can be located in the northern-most part of the processing site the noise levels will be several decibels lower and therefore compliant for receivers south of Bert Henham Park.

8.47 I concur with the opinion of Mr Styles[63], that subject to mitigation limiting working hours and duration of works, the effects of noise levels on nearby persons will be reasonable.

8.48 As outlined in the attached draft Communications Plan, all audiences, including nearby residents, will be provided with accurate information of the scope of the proposed works. Nearby residents will be provided information on temporary closure of certain areas and the proposed works in advance of the tree removal works. Consultation shall take place at least ten days before commencement of works and shall set out a brief overview of the works, including its expected duration, mitigation measures, availability of monitoring where concerns are raised, and a contact phone number for any concerns regarding noise.

8.49 Based on the above assessment, no persons are considered to be affected beyond the less than minor threshold provided for in the RMA.

Notification conclusion

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

- there are less than minor 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.

[61] Styles, 2019, Page 11
[62] Styles, 2019, Page 12
[63] Styles, Page 12

9. SECTION 104 ASSESSMENT

Statutory matters

9.1 Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received the consent authority must, in accordance with section 104(1) of the RMA have regard to; any actual and potential effects on the environment of allowing the activity; any relevant provisions of a national policy statement, a New Zealand coastal policy statement; and a regional policy statement or proposed regional policy statement; a plan or proposed plan; and any other matter the Council considers relevant and reasonably necessary to determine the application.

9.2 When considering discretionary activities, the consent authority must consider all adverse effects. Those matters that are relevant to the assessment of this application are considered in the following sections of this AEE.

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

9.3 An assessment of adverse effects has been set out at section 8 of this AEE where it was concluded that parts of the activity would have less than minor adverse effects on the environment.

9.4 Significant positive effects will result from the activity and these include:

- contributing to the cultural restoration and healing of the Tūpuna Maunga through implementation of policies in the IMP;
- removal of 171 trees which are classified as a surveillance pest plant or being investigated as unwanted organisms on Ōtāhuhu;[64]
- revegetation, in particular the WF7 Pūriri Ngahere habitat, will increase biodiversity values, and have positive effects on both flora and fauna values at the site;[65]
- the proposed low stature native planting around the slopes and quarries will enhance the complexity and diversity of habitat, and provide food sources for native fauna;[66]
- weed management and mound planting will reduce competition, enabling a better growing environment for native species[67] further enhancing the natural landscape aesthetics and generating positive landscape effects;

[64] Tonkin & Taylor, Page 3 – species identification
[65] Tonkin & Taylor, Page 10
[66] Tonkin & Taylor, Page 10
[67] Tonkin & Taylor, Page 10

- visual enhancement of archaeological features as large exotic trees conceal and confuse opportunities for visual appreciation of the landscape, particularly so for the pa as following removals it will be visible as the dominant feature of the maunga;[68]

- views from the pa in the contextual landscape will be more visible reinforcing the distinctive landscape feature of Ōtāhuhu in the local environment and its relationship to the land and the Manukau Harbour[69];

- historic heritage values of the Tūpuna Maunga will be enhanced by removing trees that are damaging the maunga without causing any physical impact, except in locations where earlier earthworks have already modified the form and archaeological features;[70]

- the potential to impact surface features or sub-surface material whether identified or unrecorded will be avoided and the fabric of archaeological features will be protected from damage;[71]

- the proposal plantings have been designed to remedy erosion issues currently evident on the Mountain assisting with protection and conservation;[72]

- ecological values will be enhanced by native revegetation which will provide additional opportunities for skink and bird habitat including increasing stepping stones to other habitats;[73] and

- the pest control programme will reduce predation pressure on native birds, chicks and eggs.

9.5 Overall, the proposal will result in continued public enjoyment and appreciation of the heritage, natural and Māori values of the Tūpuna Maunga.

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

Introduction

9.6 There are no appeals to the AUP that trigger consent under the operative planning documents. The focus of this assessment is therefore on the AUP. The many overlays applying to the land seek similar outcomes – primarily the protection of the feature from use and development. As a discretionary activity overall, the objectives and policies form the basis for the assessment. Assessment criteria relevant to restricted discretionary activities are addressed only where the criteria raise matters not otherwise addressed in the objectives and policies.

[68] Druskovich, Page 29
[69] Druskovich, Page 29
[70] Druskovich, Page 28
[71] Druskovich, Page 28
[72] Druskovich, page 28
[73] Tonkin & Taylor, Page 12

Open Space zones (Chapter H7)

9.7 There are two broad objectives applying to all open space zones[74]. These relate to the provision of a range of quality open spaces and that adverse effects of the use and development of open space on residents, communities and the environment are avoided, remedied or mitigated. This proposal supports the continued provision of quality open space within Ōtāhuhu through the enhancement of the vegetative aesthetic and landscape amenity. For reasons detailed in section 8, while there are adverse effects on the environment from this activity, these effects are no more than minor, and primarily potential effects, risk of which can be avoided or mitigated by methodologies.

9.8 General policies to give effect to the open space objectives are set out at H7.3 and the activity is consistent with these as:

- The proposal reflects the natural, heritage and landscape values of the area;[75]
- Open space is developed in such a way to reflect Mana Whenua values[76] specifically through restoring and enhancing ecosystems and indigenous biodiversity;[77]
- Opportunities for residents and visitors to experience Māori cultural heritage are provided, while protecting these sites and features[78] through mitigation for erosion and facilitating legibility of a heritage landscape.

9.9 Specific objectives and policies for Open Space Conservation zones are set out at H7.4.2 and H7.4.3. Relevant to this application, the activity is consistent with this framework as the natural, ecological, landscape, Mana Whenua, historic heritage and conservation values are protected from adverse effects[79]. Use of the open space is managed in a way that enhances Mana Whenua values and re-establishes their relationship and their culture and traditions to their ancestral lands, sites and taonga[80].

9.10 Removal work within the Open Space Sport and Active Recreation zone is limited to 27 exotic trees within Bert Henham Park. Restoration planting in this zone involves the field on the western portion of the maunga. A walkway will be formed through the field planting, enabling pedestrian permeability and opportunities for visitors to appreciate the vegetation. All works are consistent with the objectives and policies contained at H7.6.2 and H7.6.3 as outdoor active recreational needs including those accessory in nature will continue to be efficiently provided for while enhancing amenity values for residents and the community.

[74] Objectives H7.2 (1) & (2)
[75] H7.7(1)(f)
[76] H7.3(2)
[77] H7.3(2)(a)
[78] H7.3(2)(c)
[79] H7.4.2(1) & (2)
[80] H7.4.3(1), (2) & (3)

Treaty Settlement Land (Chapter E21)

9.11 The Tūpuna Maunga fall within the AUP definition of Treaty Settlement land. As a discretionary activity, the objectives and policies in Chapter E21 can be considered as part of the assessment of this application. These provisions recognise the importance of the relationship of Mana Whenua with land acquired through the Treaty settlement process, and the desire of Mana Whenua to re-establish ahi kā on lands within their ancestral rohe.[81]

9.12 Objective E21.2(4) is particularly relevant to this application.

Mana Whenua use and develop Treaty settlement land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those values are avoided, remedied or mitigated.

9.13 Removal of exotic species, native revegetation on the Tūpuna Maunga and improving sightlines of the tihi are key strategies in the IMP to enhance ecological values and respect the sacredness of the tihi. For reasons detailed earlier, the effects of the works are primarily positive rather than adverse. Where there is the potential for adverse effects on natural resources and historic heritage, these have been avoided or mitigated by the methodologies included in the scope of the application.

Modification of a Scheduled Historic Heritage Place, conservation planting and tree removal in an archaeological site (chapter D17)

9.14 Objectives and policies for scheduled historic heritage places (**SHHP**) are at Chapter D17. In the context of what is proposed, the proposal is consistent with the objectives and policies for the reasons that:

- the protection and conservation of the scheduled historic heritage placed is supported and enabled[82].
- the SHHP is protected from inappropriate use, including inappropriate modification[83].
- the activity will not result in any adverse effects on the significance of the historic, knowledge (archaeological) and context values of the place[84].
- the proposal will contribute to the ongoing maintenance and enhancement of the historic heritage values of the place, particularly as it will reveal the natural landform of the maunga and supports the long-term viability and ongoing use of the place without leading to significant adverse effects on the surrounding area[85].

[81] E21.1 Background
[82] Objective D17.2(1)
[83] Objective D17.2(2)
[84] Policy D17.3 (9)(a)
[85] Policy 17.3(b), (c) & (e) and 17(9)(a), (c), (e) & (f)

9.15 Special Information Requirements are outlined at D17.9 and requires that works affecting scheduled historic heritage places must be accompanied by a heritage impact assessment commensurate to the effects of the proposed works on the overall significance of a historic heritage place and taking into account whether the works affect a primary, non-primary, non-contributing or excluded site or feature.

9.16 In his assessment Mr Druskovich outlines at 8.1 and 8.2 the historic heritage value and corresponding assessment of effects. There are no historic heritage values relating to the trees to be removed and the works methodology will avoid impacts to surface features and sub-surface archaeological material. The conservation plantings occur within areas where significant earthworks have occurred in the past. Subject to archaeological definition of the edges of the past landform modification there will be no effects on archaeology.[86]

9.17 Assessment criterion at D17.8.2 (d) requires consideration of whether the proposed works, including those of a cumulative nature, will result in adverse effects on the overall significance of the scheduling to such an extent that it no longer meets the thresholds for which it was scheduled. As the proposal enhances the values for which Ōtāhuhu was scheduled, the works are consistent with this criterion.

Land disturbance in an Outstanding Natural Feature, (Chapter D10)

9.18 Objectives and policies in Chapter E12 Land disturbance are focused on ensuring, where land modification is necessary, that it protects the safety of people and avoids, remedies and mitigates adverse effects on the environment. Policy 12.3(1) is particularly relevant to this application as it is about avoiding where practicable, and otherwise, mitigating adverse effects of land disturbance on scheduled places e.g. natural heritage, and Mana Whenua. Policy 12.3(4) which seeks to manage the impact on Mana Whenua cultural heritage that may be discovered during land disturbance through protocols including accidental discovery and undertaking specific measures to avoid adverse effects[87] are also of specific relevance.

9.19 As the trigger for earthworks is the ONF it is appropriate to consider the objectives and policies contained in D10. Objective D10.2 requires that ancestral relationships of Mana Whenua with ONF's are recognised and provided for. Policies including the protection of the physical and visual integrity and avoidance of adverse effects on the qualities that contribute to the values of the ONF[88] are relevant. Specific mention to volcanic cones in protecting the integrity of ONF is made at D10.3(3), including avoiding adverse effects on the natural characteristics, qualities and Mana Whenua. Protecting the value of the ONF in its wider historic heritage, cultural, landscape, natural character and amenity context is also outlined.[89]

9.20 Restricted discretionary activity assessment criteria for earthworks is set out at E12.8.2(2)(d) for the ONF. General restricted discretionary assessment criteria including for earthworks is listed at E12.8.1. The matters of discretion are largely effects based and have therefore been

[86] Druskovich, page 29
[87] Policy E12.3(4)(a) and (c)
[88] Policy D10.3(2)
[89] Policy D10.3(4)(a)

addressed in section 8 where it was concluded that effects would be less than minor. Suffice to note that:

- earthworks will comply with the standards and managing and monitoring will be undertaken where necessary to ensure the sensitivity of the maunga is protected;
- there will be no impact on the stability/safety of the surrounding area as the earthworks are minor in nature, shallow, and occur within areas of the site already modified;
- given the minor nature of the earthworks no stockpiling is anticipated;
- the duration of the earthworks is expected to be less than two months; and
- land disturbance cannot be avoided as it is necessary to undertake revegetation and protect and enhance the identified archaeological, natural and ecological values of the maunga.

Tree Removal in Open Space zones and Scheduled Historic Heritage Place (Chapters E16 and D17)

9.21 The trigger for tree removals relates to the SHHP (where additional archaeological controls apply), and the open space zone. The objectives and policies relating to the SHHP are discussed above. Given the nature of the tree works, limited to exotic species and native revegetation offered with only insignificant potential adverse effects, the proposal is considered consistent with the objective and policy framework outlined in E16 as trees that contribute to cultural, amenity, landscape and ecological values are protected[90] and the use of indigenous trees and vegetation for planting to recognise and reflect these values is encouraged[91].

9.22 Assessment criteria for restricted discretionary activities for trees in open space zones is outlined at E16.8.2. Being largely effects based and relating to vegetative, ecological, and habitat values of trees, the criteria has been addressed in Section 8. For completeness, in response to the criteria, the following comments are made:

- no alternatives are available that could result in retaining the trees as the work is necessary to remove exotic trees from the tupuna maunga;[92]
- methods to control plant pathogens and diseases will be in place for the safe disposal of plant material;
- the need for direction and supervision of the works by a project arborist has been identified to avoid adverse effects on native trees to be retained and forms part of the methodology;

[90] Objective E16.2(1)
[91] Policy E16.3(3)
[92] E16.8.2(d)

- a planting plan has been prepared to address the effects of the tree removals on ecological values; and

- the activity is consistent with the framework of E20 in that it contributes to and encourages, the long-term viability and/or ongoing functional use of the Tūpuna Maunga, facilitating development in accordance with mātauranga and tikanga to support the social, cultural and economic wellbeing of Mana Whenua thus providing for tikanga values.

Noise (Chapter E25)

9.23 Objectives and Policies for noise are contained at E25. Given the minor nature of the infringement to the noise standards, the proposal is considered to be consistent with the objective and policy framework relating to noise.

9.24 The practicability of complying with permitted noise standards is a significant factor in this application. As outlined by Mr Styles[93] there is little, if anything that can be done to reduce noise levels associated with helicopter movements. Whilst a quieter machine could be used, it would likely take greater than twice as long to complete the works, and there would be an increase in duration of other noise such as that generated from a chainsaw. It is considered that where practicable, the noise has been minimised to mitigate adverse effects on the adjacent sites[94] thereby having regard to the sensitivity of both the commercial and residential receiving environments[95].

9.25 Based on the assessment of Mr Styles, people and the amenity values of residential zones will be protected from unreasonable noise[96] and the adverse effects of the works unable to meet the permitted construction noise levels are managed by the two phases of the removal works, durations and timing[97].

Macroinvertebrate Index

9.23 The Macroinvertebrate Native and Urban Indexes apply to the site. This requires consideration of the objectives and policies as outlined at E1.2. Objectives seek to maintain and improve the quality of fresh and coastal water. Managing discharge and other indicators of water quality and ecosystem health by appropriate use and development will assist with achieving the desired outcomes. It is considered that the works as they relate to water quality are relevant insofar as there will be no ground disturbance relating to the tree removal. Additional planting, in particular ground cover and weed control will assist with filtration and minimise run-off of sediment. No new paved surface is proposed. The proposal is therefore consistent with the objectives and policies.

[93] Styles, Page 11
[94] Policy E25.3(2)
[95] Policy E25.3(10)
[96] Objective E25.2(1) & (2)
[97] Objective E25.2(4)

Section 104(1)(c) Other matters

9.24 The IMP is a statutory document that replaces Reserve Management Plans. For reasons detailed above the proposal is consistent with the IMP, and considerable weight should be given to achieving the outcomes of this document as another matter under section 104(1)(c) of the RMA.

9.25 Ōtāhuhu is also subject to the requirements of the Reserves Act 1977. Section 53(1)(d) allows the administering body of a recreation reserve to close the reserve for a maximum of 40 days as follows:

> *(1) The administering body of a recreation reserve may from time to time, in the exercise of its functions under section 40 and to the extent necessary to give effect to the principles set out in section 17,—*
>
> *(d) prescribe, as to not more than 40 days in any year as it thinks fit, that the public shall not be entitled to have admission to the reserve or to any part or parts thereof set apart for a particular purpose or purposes unless on payment of a charge or charges as hereinafter mentioned.*

9.26 Duration of the works is 69 days. As outlined above in Section 5, tree removal works will be separated into two geographic areas with works in the western portion undertaken over a 33 day period and works within the eastern portion, a 36 day period. The two phases will be undertaken a minimum of 6 months and a maximum of 18 months apart. Taking into account that the works may not fall exactly 12 months apart and while there may be a minor deviation in this regard, each phase occurs over a portion of the reserve so only one half of the reserve will be unavailable at any one time with the other portion remaining available to the public. The proposal will not be contrary to the Reserve Act provisions. The duration of works in either the western or eastern portion is less than 40 days.

Part 2 of the RMA

9.27 Recent case law confirms[98] and with a recently operative planning document, there is no need to refer to Part 2 of the RMA.

9.28 Notwithstanding, and in support of the proposal, this activity enables continued public enjoyment and appreciation of the heritage, natural and Māori values of the Tūpuna Maunga. The proposal will assist with protecting and maintaining visibility and understanding of the natural and heritage features of the place through enhanced legibility of the feature and planting.[99] The Authority, who through Treaty settlement, is responsible for governance and administration of the land seeks to enable the relationship of the iwi and hāpu with its whenua and exercise kaitiakitanga.[100] The proposal gives effect to the principles of the Treaty of Waitangi by enabling iwi and hāpu, through the Authority, to give careful consideration to management of their ancestral land.[101]

[98] R J Davidson Family Trust V Marlborough District Council [2018] NZCA 316 [21 August 2018]
[99] Part 2, section 6
[100] Part 2, section 7(a)
[101] Part 2, section 8

10. OFFERED CONDITIONS

10.1 Specialists have included recommendations to inform specific elements of the works. These recommendations are included in the offered condition below with modification where necessary to meet Section 108 requirements.

Pre-commencement Conditions

Pre-Commencement Meeting with Compliance and Monitoring Staff

1. Prior to the commencement of tree removals, the consent holder shall provide notice of the pre-commencement meeting that:

    (i) is located on the subject site;

    (ii) is scheduled not less than 5 days before the anticipated commencement of tree removals;

    (iii) Compliance Advisor and relevant other specialists (e.g. Ecologist/ Archaeologist) at the Council's discretion are invited;

    (iv) includes the Project Manager and supervising Archaeologist; and

    (v) includes representation from the contractors who will undertake the works.

2. The following information shall be made available at the pre-commencement meeting:

    (i) Finalised Communications Plan including copies of letters to residents;

    (ii) Finalised Planting Plan;

    (iii) Finalised Traffic Management Plan;

    (iv) Finalised Health and Safety Plan;

    (v) Archaeological Works Plan;

    (vi) Amenity tree plan.

Finalised Management Plans to be provided

3. A minimum of 5 working days prior to the commencement of 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:

    (i) Finalised Communications Plan;

    (ii) Planting Plan;

    (iii) Finalised Traffic Management Plan:

    (iv) Health and Safety Plan;

(v) Archaeological Works Plan addressing monitoring, recording, and reporting for tree removals and planting;

(vi) Amenity tree plan and methodology.

Amenity tree planting

4. The amenity tree plan and methodology to replace the Camelia along the south-western boundary of the Bert Hanham shall include:

(i) Species list with no tree exceeding a fully-grown height of 18m to protect views to the tihi;

(ii) the planting locations;

(iii) the origin of the sourced trees;

(iv) planting specification; and

(v) aftercare maintenance plan.

Written notice of helicopter use

4. The owners and occupants of all neighbouring buildings within a minimum of 200m of the site shall be provided written notice of the works at least ten (10) days prior to commencement on site. Written advice shall include:

(i) a brief overview of the works and its expected duration;

(ii) mitigation measures to be implemented;

(iii) working hours; and

(iv) contact phone number(s) for any concerns regarding noise.

Development in Progress Conditions

Implementation of Management Plans

6. No 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 Planting 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 the work identified within the Planting plan.

Use of Helicopters

8. Noise from all works (except use of the helicopter) shall comply with the noise limits of 80dB LAeq when measured 1m from the facade of any occupied building in accordance with NZS6803:1999 Acoustics – Construction Noise.

9. Noise from use of the helicopter shall comply with a noise limit of 85dB LAeq when measured 1m from the facade of any occupied building in accordance with NZS6803:1999 Acoustics – Construction Noise.

10. The Communications Plan shall require that owners and occupants of all neighbouring buildings within a minimum of 200m of the extent of helicopter use within site shall be advised of the works in writing at least ten (10) days prior to the commencement of works on site. The Plan shall set out a brief overview of the construction works, its expected duration, the mitigation measures to be implemented, availability of monitoring where concerns about noise are raised, the working hours, and a contact phone number for any concerns regarding noise.

11. The use of a helicopter for lifting is only permitted between the hours of 9am to 5pm, Monday to Friday.

Ecology

12. All vegetation shall be removed outside of bird breeding season (September to January inclusive), except where a suitably qualified ecologist has confirmed that woody vegetation is clear of nesting native birds, eggs, or chicks.

13. A survey to confirm the presence of native lizards, particularly rare 'At Risk' species of skinks, shall be carried out by a suitably qualified and experienced herpetologist. The survey must:

    (i) Target potential lizard habitat identified during the herpetological assessment, including the quarry and rock bomb areas;

    (ii) Be carried out at a time of year and during weather conditions that will maximise the chance of locating native lizards, including rare and 'At Risk' species potentially present at the site;

    (iii) Utilise no-dig, non-pitfall methodologies suitable for deployment in high value archaeological areas with public access; and

    (iv) Be conducted after the implementation of specific targeted predator control in any areas of high value skink habitat to be surveyed.

14. A finalised Adaptive Lizard Management Plan for the site shall be prepared by a suitably qualified herpetologist and provided to Auckland Council for approval prior to vegetation clearance commencing. This shall include, but not be limited to, the following:

(i) Tree felling and associated works methodologies and restrictions based on the Ecogecko Herpetology report;

(ii) Project ecologist and permit details;

(iii) Specific targeted predator control in any areas of high value skink habitat;

(iv) Habitat enhancement including any specific weed management in identified high value skink habitat areas; and

(v) Survey outcomes and management methods.

15. The finalised Planting Plan shall be prepared by a suitably qualified ecologist and provided to Auckland Council for approval prior to tree felling, for all restoration areas within the site. The final Planting Plan shall include, but not be limited to, the following:

(i) Plant species, spacing, planting zones (if required), plant numbers and specification on plant size as described in this assessment report;

(ii) Planting methodology, including any staging (required for the effective control of weeds prior to planting, and enhancement species to be used for infill planting once initial planting has established) in order to promote a WF7 rock forest habitat type;

(iii) Plant maintenance and weed management until canopy closure (minimum of five years); and

(iv) Monitoring and reporting.

16. A comprehensive predator management plan targeting potential habitat of native lizard and bird species shall be provided to and approved by Auckland Council. The predator control relating to native lizards shall be implemented at sites identified as high-value lizard habitat. The comprehensive predator management plan will mitigate for any residual impacts on native lizards and birds.

Historic Heritage (archaeology)

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

18. In the event that any unrecorded historic heritage sites are exposed as a result of consented work on the site, then these sites shall be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holders' project archaeologist shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Team Leader (for the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz) within one calendar month of the completion of work on the site.

Tree Removals

19. All tree felling works and use of non-tarsealed access tracks or routes across the Reserve should occur only when the earth is dry to reduce risk of damage from repeated vehicle movements over soft ground, unless it is within the two identified processing areas which have no archaeological significance.

20. The use of crash mats shall be compulsory where limbs are to be lowered to the ground except in the following two locations:

    (i) where trees are adjacent to Bert Henham Park playing fields; and

    (ii) Mt Wellington Highway.

21. Where manual dismantled trees are carried or dragged to chippers this is to occur (except when adjacent to Bert Henham Park playing fields or Mt Wellington Highway) protection for surfaces should be laid down along the length of the route to prevent accidental gouging or other unintentional damage.

Conservation Planting

Large Slope Area

(i) Within the Large Slope Area only species that are defined as suitable for planting on archaeological sites, as per the Department of Conservation (Jones 2007) publication or any updated list that is subsequently released by the Department of Conservation, should be planted within 5m of archaeological features or apparently unmodified ground.

(ii) For the Large Slope Area any large trees or species with larger root systems should not be planted within 10m of archaeological features or apparently unmodified ground.

(iii) The project archaeologist should be on site for the set out for the Large Slope Area to define the limits of the adjacent archaeological evidence to facilitate recommendations (i) and (ii) above.

Field Area

(i) Within the Field Area only species that are defined as suitable for planting on archaeological sites, as per the Department of Conservation (Jones 2007) publication or any updated list that is subsequently released by the Department of Conservation, should be planted within 5m of archaeological features or apparently unmodified ground at the eastern and western ends.

(ii) The project archaeologist should be on site for the set out for the Field Area to define the limits of the adjacent archaeological evidence to facilitate recommendation (i) above.

Olive Quarry Area

(i) The project archaeologist should be on site for the set out for the Olive Quarry Area to define the limits of the adjacent archaeological evidence, and therefore the limits of the area to be planted.

Small Quarry Area

(i) The project archaeologist should be on site for the set out for the Small Quarries Area and define the limits of the adjacent archaeological evidence, and therefore the limits of the area to be planted.

Amenity tree planting

22. The amenity tree planting to replace the Camelia along the south-western boundary of the Bert Hanham shall be planted a minimum of 12 months prior to the removal of the trees on Mount Wellington frontage.

Post Development Conditions

Maintenance of Restoration Planting

23. Once the 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 canopy closure occurs (or once bare ground is covered for low growing plants).

11 CONCLUSION

11.1 Auckland Council, on behalf of the Authority is seeking resource consent for works to carry out native revegetation and the removal of exotic trees at Ōtāhuhu. The application is overall assessed as a discretionary activity.

11.2 Subject to the methodologies and offered conditions that form part of the proposal, the potential for adverse effects are limited to no more than minor effects from tree works and those temporary in nature during the works period.

11.3 The proposal will result in significant positive effects on the environment through cultural and ecological restoration, enhanced landscape aesthetics and opening of historic defensive sightlines and views between the Tūpuna Maunga. Spiritual associations with the Tūpuna Maunga including culture and traditions will be re-established. Improved legibility of the heritage features will enrich the visitor experience through enhanced understanding and appreciation of the heritage, natural and Māori values of the place.

11.4 Overall, it is considered that the proposal meets the overriding sustainable management purpose of the RMA and the application may be granted, subject to the offered conditions.

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