

TŪPUNA MAUNGA AUTHORITY

Ōwairaka/ Te Ahi-kā-a-Rakataura / Mt Albert

Vegetation restoration and exotic vegetation removal works

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT AND STATUTORY ASSESSMENT

**Prepared by Antony Yates Planning Limited
For Tūpuna Maunga o Tāmaki Makaurau Authority**

Date: October 2018

Table of contents

1. EXECUTIVE SUMMARY	3
2. APPLICANT DETAILS	5
3. BACKGROUND	6
4. DESCRIPTION OF THE TŪPUNA MAUNGA AND CONTEXT	9
5. ŌWAIRAKA / TE AHI-KĀ-A-RAKATAURA/MT ALBERT	10
6. DESCRIPTION OF THE PROPOSAL	13
7. STATUTORY CONTEXT	25
8. REASONS FOR THE APPLICATION	25
9. NOTIFICATION ASSESSMENT (SECTIONS 95A TO 95E)	27
10. ASSESSMENT (SECTION 104)	39
11. OFFERED CONDITIONS	46
12. CONCLUSION	50
APPENDICES	52

1. EXECUTIVE SUMMARY

Executive Summary

- 1.1.1 The Auckland Council are seeking consent for exotic vegetation removal and rehabilitation planting on Ōwairaka/Te Ahi-Kā-a-Rakataura/Mt Albert (Ōwairaka) on behalf of the Tūpuna Maunga Authority, who is a statutory authority that has ownership and governance of 14 Tūpuna Maunga in the Auckland region.
- 1.1.2 This proposal to remove exotic trees and undertake rehabilitation to facilitate the restoration of the natural, spiritual and indigenous landscape of the Maunga and to help restore and enhance of the mauri and wairua of their Tūpuna Maunga, represents another step toward the Tūpuna Maunga Authority in giving effect to their Integrated Management Plan (IMP) since the return of Ngā Tūpuna Maunga o Tāmaki Makaurau (Auckland's ancestral mountains) to 13 iwi and hapū of Auckland.
- 1.1.3 In summary, the proposal will include:
- The removal of approximately 345 exotic trees from the Maunga;
 - The restoration of the central and historic quarry faces with indigenous plantings to create a WF7 Pūriri broadleaf forest ecosystem.
 - Mound planting is proposed for on a small area of the south eastern face.
- 1.1.4 This assessment of environmental effects (AEE) and statutory assessment concludes that the proposal is consistent with all relevant objectives and policies, that the activity has the potential to have less than minor adverse effects on vegetation and ecological values, and no adverse effects on archaeology or the outstanding landscape character values, subject to specific measures that form part of the application.
- 1.1.5 Overall, the proposal satisfies the requirements of Section 104 and meets the sustainable management purpose of Part 2 of the RMA.

APPENDICES:

- Appendix 1 – Arboricultural Assessment and Removals Plan
- Appendix 2 – Archaeological Assessment
- Appendix 3 – Landscape Visual Assessment
- Appendix 4 – Ecological Assessment and Remediation Planting Plan
- Appendix 5 – Acoustic Assessment
- Appendix 6 – Herpetology Assessment
- Appendix 7 – Communications Plan
- Appendix 8 – Relevant Statutory Provisions
- Appendix 9 – Development Control Checklist
- Appendix 10 – Mana Whenua Engagement
- Appendix 11 – Certificate of Title

- 1.1.6 Attached, in accordance with the Fourth Schedule to the Resource Management Act 1991, is an assessment of environmental effects that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

Signature duty authorised agent



Antony Yates | MNZPI
Antony Yates Planning Limited

Date: October 2018

Limitations:

This Assessment of Environmental Effects has been prepared for the project Ōwairaka Exotic Tree removal in accordance with the requirements of the Fourth Schedule of the Resource Management Act 1991 for the purposes of a land use resource consent application. This report is for use by Tūpuna Maunga Authority and the Auckland Council only, and should not be used or relied upon by any other person or for any other project.

2. APPLICANT DETAILS

Site Address:	27 Summit Drive, Mt Albert
Applicant's Name:	Auckland Council
Legal Description:	SEC 1 SO 454869
Site Area:	9.547ha
Zoning	Open Space – Conservation Open Space – Sport & Active Recreational
Auckland Unitary Plan	Operative in Part
Overlays	Significant Ecological Areas Overlay – SEA_T_6016 Terrestrial Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic Quality-Sensitive Aquifer Management Areas Overlay [rp] - Western Springs Volcanic Aquifer Outstanding Natural Features Overlay [rcp/dp] – ID 108, Mt Albert (Ōwairaka) Regionally Significant Volcanic Viewshafts and Height Sensitive Areas overlay – Mount Albert, Height Sensitive Areas. Viewshafts (A1, A2, A3, A7, A8, A9, A10 & A13) Built Heritage and Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1576, Mount Albert/ Ōwairaka R11_20 Volcanic cone pa site including terrace/s, ditch/s, pit/s and midden
Controls	Macroinvertebrate Community Index (Native, Urban) Flood Prone Areas, Overland Flow Path
Designations	N/a



Figure 1 – Aerial photo Ōwairaka (Mt Albert)

3. BACKGROUND

Tūpuna Maunga governance and administration

- 3.1.1 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.
- 3.1.2 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).
- 3.1.3 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.

3.1.4 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

3.1.5 Section 58 of the Redress Act requires the Authority to prepare and approve an integrated Management Plan (**IMP**) for land under its administration¹. 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.

3.1.6 Section 59 contains the requirements of the IMP including cultural activities and those that enable Mana Whenua to exercise their kaitiakitanga. Following adoption of the IMP reserve management or conservation plans relating to the maunga will no longer apply.

3.1.7 A single IMP² which sets out the foundations for how the Tūpuna Maunga are values, protected, restored, enhanced and managed in the managed in the future, was approved 23 June 2016.

3.1.8 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 entirety³. 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 relevant to and 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 Māori 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 Maunga⁴.

Landscape

¹ IMP, Page 53, While Ōwairaka is retained in Crown ownership, the administration of Ōwairaka Mountain was transferred to the Tūpuna Maunga Authority.

² Approved 23 June 2016

³ IMP, page 66

⁴ IMP, Page 58

- 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;
- 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 compliment the landform, reduce or minimise visual distractions and respect the cultural, historic and spiritual values⁵;

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

3.1.9 For each financial year the Tūpuna Maunga Authority and Auckland Council must agree an operational plan. The plan outlines the work programme for the financial year, which comprises of a number of projects at a regional and individual maunga level. Importantly, the operational plan sets out how these individual projects contribute to delivery of the Tūpuna Maunga Authority's objectives and vision for the Tūpuna Maunga by linking them to one or more of the Tūpuna Maunga Values.

3.1.10 The work programme in the next 3 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 weeds⁶. Vegetation management specifically removing weed species, managing inappropriate exotics and revegetation of suitable

⁵ IMP, Page 58

⁶ Operational Plan 2018/19, page 8

areas will assist with Tūpuna Maunga Wairuatanga / Spiritual and Takotoranga / Landscape values⁷.

3.1.11 A network-wide programme to remove vegetation and revegetate works at Owairaka are part of the Operational Plan capital works budget for 2018/2019⁸.

4. DESCRIPTION OF THE TŪPUNA MAUNGA AND CONTEXT

History

4.1.1 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.

4.1.2 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 Hawaiiikia. There were several great tribal migrations and originally tribal origins were formed identifying with waka in which the founding ancestors had arrived. As new groups arrived and society developed, pressure on resources, defeat in war, disagreements of 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.⁹

4.1.3 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.

Significance

4.1.4 Mana Whenua hold the *Tūpuna Maunga as places to be protected, restored and enhanced, respected and protected for those who have gone before and for the many generations to come*.¹⁰

4.1.5 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*¹¹. *The landmark Redress Act marked an important milestone in the recognition of this significance and the restoration of these iconic taonga. The maunga and the volcanic field are central to Auckland's identity. Auckland's key point of*

⁷Operational Plan, Table 1 Tūpuna Maunga Work Programme 2018-28

⁸Operational Plan 2018/19, page 58

⁹Rāwiri 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)

¹⁰Operational Plan 2018/19, page 54, 57

¹¹Operational Plan 2018/19, page 4

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.

- 4.1.6 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.¹²
- 4.1.7 As outlined above, the Tūpuna Maunga o Tāmaki Makaurau hold a paramount place in the historical, spiritual, ancestral and cultural identity of mana whenua, and hold paramount place for all of Auckland communities. The implementation of the IMP will facilitate the protection, restoration and enhancement of all the Tūpuna Maunga in an integrated manner for all. At the heart of the IMP is the care for the health and wellbeing of the Tūpuna Maunga.
- 4.1.8 The vegetation removal and restoration planting on Ōwairaka represents a step in this process and the proposal seeks to promote the outcomes and values of the IMP, it also follows the successful consenting and implementation, in part, of exotic vegetation removal on Maungarei (Mt Wellington).

5. ŌWAIRAKA / TE AHI-KĀ-A-RAKATAURA/MT ALBERT

Pre European History

- 5.1.1 Archaeologist Brent Druskovich has provided a summary of the pre European history of Ōwairaka in section 3 of his assessment¹³.

Post European History

- 5.1.2 Archaeologist Brent Druskovich has provided a summary of the post European history of Ōwairaka in section 3 of his assessment.

Site and locality description

- 5.1.3 Ms Peake describes the subject site and locality within part 3 of her landscape assessment, contained in Appendix 3, as follows:

“Ōwairaka is large scoria cone overlying obscured tuff ring remnants with extensive lava flows in three quadrants to the west, north and east. It rises to 140m above sea level and approximately 80m above the underlying ridge of East Coast Bays Formation.

It has been modified since about 1867 when the first scoria pit was opened. Subsequent to this, ballast pits and quarrying occurred on the northern slopes, in the crater, on the eastern side and on the southern side of the maunga.

The existing form reflects the former quarrying and contains two flat areas used for

¹² IMP, page 4

¹³ Appendix 2

archery and playing fields as well as the platforms of former reservoirs. In addition, a driveway forms a circuitous route around the cone, terminating at a carpark with changing sheds and toilets.

A trig station occupies the highest point.

A mix of exotic and native vegetation covers the slopes of the maunga, with the highest concentration on the slope between the main platform areas (site of the former quarry).

Generally, there is a healthy mix of native species across the site (predominantly consisting of Pohutukawa, Totara, and Puriri) accounting for 442 trees in the survey area, and a total of 345 other trees (including 131 Cherry and 97 Eucalyptus). Conspicuous amongst these are three very big Holm Oaks, some large Monterey Cypress and Eucalypts as well as Pohutukawa.

Surrounding the cone is residential development - up to approx. 110m contours adjacent to the reservoir area to the southwest (outside the project area). Although it was settled from the 1870s, the suburban residential areas were largely developed from the early 1900s to the 40s and large areas (including all around the maunga) are occupied by single house lots covered by a 'Special Character' overlay.

The mountain is a distinctive landscape feature within the residential context and is widely visible, especially from the west. Multiple regionally significant views have been identified to the mountain and the cone's profile is quite well defined, although housing on its flanks limits the extent of visibility from local roads and public spaces.



Figure 2 – Site Photo, Source Auckland Council GIS Viewer

KEY: Maunga Boundary 
Adjacent Land:  (between Maunga boundary and yellow line)

6. DESCRIPTION OF THE PROPOSAL

6.1.1 Consent is required for exotic vegetation removal on Ōwairaka, as the applicant seeks to restore the natural, spiritual and indigenous landscape of the Maunga. The consent will restore the integrity of the Maunga through the removal of exotic species and native restoration plantings.

Tree removal and methodologies

6.1.2 The proposal involves the removal of approximately 345 exotic trees to the stump. These trees have been identified in Treescape Report¹⁴ schedules and their location shown on Figure 1 being:

Tree Species	Species total
"Acmena smithii, Syzyium - lilly pilly, monkey apple"	5
Banksia sp.	26
Callistemon sp. - bottle brush	2
Crataegus laevigata - English hawthorn	1
Cryptomeria japonica - Japanese cedar	2
Cupressus macrocarpa - Monterey cypress	2
Erythrina sp. - coral/flame tree	1
Eucalyptus eugenioides - thin leaf stringybark	7
Eucalyptus sp.	97
Fraxinus oxycarpa 'Raywood' - claret ash	1
Fraxinus sp.	2
Grevillea robusta - silky oak	8
Ilex sp. - holly	1
Jacaranda sp.	1
Lagunaria patersonia - Norfolk Island hibiscus	1
Ligustrum lucidum - tree privet	1
Magnolia grandiflora - N Am evergreen magnolia	2
Mixed Species	2
Olea sp. - olive	17
Palm-other	1
Platanus x acerifolia - London Plane tree	2
"Populus nigra - Lombardy poplar, black poplar"	1
Populus x euramericana - hybrid poplar P. nigra x P. deltoides	7
Prunus sp.-flowering cherry	131
Quercus coccinea - scarlet oak	3
Quercus ilex - holm oak	7
Quercus robur - English oak	1
Salix sp. - willow	1
Unknown	12

Table 1 – Exotic Trees to Removed¹⁵

6.1.3 The location of the trees to be removed are shown in Figure 3, below.

¹⁴ Appendix 1 – Arboricultural Assessment

¹⁵ Please note that the proposed tree removal does not include any trees listed as "Notable Trees" within the AUP OP.



Figure 3 – Aerial map showing the operating zones, tree locations and removal methods

Areas of Work

- 6.1.4 The removal of exotic species is proposed over the entirety of the maunga with the main areas of work to include the Tihi, two flat modified sports areas either side of the central sloping ridge and the outer shoulders of the maunga. Access to the trees will be facilitated via the existing modified areas primarily being the central access road, existing carparks and the two sports fields. A helicopter will be used to remove trees from areas of the Maunga where mechanical access is not possible and or in-situ archaeology is present. The existing sports fields will be used as processing sites and service vehicles and trucks will enter and leave the site from the Summit Drive entrance.
- 6.1.5 Restoration planting is also proposed on the site, primarily on the flanks of the existing quarries areas where there is no in situ archaeology present. A trial of mound planting is also proposed on the upper southeastern slope of the Maunga, which will consist of low ground cover natives planted on top of the existing soil profile. The intent of the mound planting is to establish low growing natives above archaeological features to improve biodiversity and to discourage pedestrian activity on sensitive archaeological areas.

Areas

Southeastern Shoulder

- 6.1.6 This area spans the eastern boundary of the site including the south-eastern corner and is flanked by both the southern and eastern boundaries of the site and runs up

the slope to meet the main vehicular ring road. This entire area is deemed archaeologically sensitive with visible terracing and some storage pits being the prominent features.

- 6.1.7 Sixteen exotic trees are located in this area, including 11 eucalypts, and as there is limited access to the area, a combination of crane assisted and manual dismantling is to be used with crash pads beneath them to avoid accidental damage to archaeological features and deposits. In addition, there is a large eucalypt located on the south eastern boundary that is proposed for helicopter extraction. However, due to noise and amenity related effects associated with helicopter use close to the residential housing this tree will not be removed without the seven immediately adjacent properties being vacant.

Western Shoulder

- 6.1.8 This area is located in the south-western corner of the site; flanking the eastern and southern boundaries and runs up to the main vehicular ring road. This entire area is deemed archaeologically sensitive as it is largely unmodified. There are 43 exotics trees are located in this area, mostly eucalypts but a strong presence of Banksia which seem concentrated on the western side of the sports field. Due to the presence of in situ archaeology the trees will be dismantled with the assistance of machinery from the roading and others are to be manually dismantled with use of crash mats as appropriate to protect surface and subsurface archaeology.

North East Shoulder

- 6.1.9 This area is located in the north western to north eastern area of the site; flanked by both the eastern and northern boundaries and runs up the slope to meet the main vehicular ring road. This area has been historically modified however, it is not entirely modified with some terracing and pits still evident. Thirty nine exotics trees are located in this area and due location of the ring road on its southern flank, the majority of trees are proposed to be removed with the assistance of a crane. Some manual dismantled is proposed with the use of crash mats beneath them to protect archaeological surface and subsurface evidence.

Sports field mound

- 6.1.10 This area is located in the southern half of the site, sitting inside the main vehicular ring road and adjacent to the main sports and its car park and whilst this area was thought to be historically modified, Archaeologist Brent Druskovich has confirmed that the extent of modification is unclear and intact subsurface archaeology could be present.
- 6.1.11 Ten exotics trees are located in this area, which is divided between the flat section by the car park. Due to the close proximity of the ring road and carpark a combination of crane dismantling and manual dismantled is proposed with the use of crash mats beneath.

Central Rises

6.1.12 This area runs between the main and secondary sports fields that are identified as processing areas. Its western boundary is the main ring road. There are 107 exotics trees located in this area, the majority of which occupy the larger (eastern) flank, of these 47 are flowering cherries and 21 are Eucalyptus. The majority of this area has been modified by quarry activities and the creation of the sports field. However, there are locations on the periphery of this area that have intact archaeological evidence. The area also has a large concentration of semi mature native trees. To avoid effects on the existing native vegetation and any in situ archaeology around the periphery a combination of dismantling methodologies are proposed such as crane dismantling from the edges of the sportsfields and the use of helicopters for the central trees.

Tihi

6.1.13 This area runs from south of the sportsfield up to the tihi apex and down through a well-wooded valley in the southeast corner of the archery field. This “tihi” is not the original Tihi as this has been destroyed by the historic quarrying. Sixty two exotic trees are located in this area, of which just over half (34) are cherries. According to Archaeologist Mr Druskovich archaeological features are present in this location, although quarrying has modified some of the periphery of this area. The majority of the trees to be removed from this area are proposed to be removed by crane, and potentially a helicopter to prevent damage to the intact archaeological features.

Pseudo rim

6.1.14 The vast majority of this area has been significantly modified by the 19th and 20th century quarry activities, the inside of the rim can be considered to be non-archaeological, the outside in contrast appears to be totally natural. The top of this rim is largely non-archaeological, however in places it appears that it is part of a remnant terrace and midden is found upon it. Care needs to be taken when removing any trees on the outside, these will be done by crane as the summit road is immediately adjacent, those on top of the rim maybe removed by crane or other appropriate methods. Crash mats will be employed for any of the trees if these are to be removed by manual means.

Tree removal methodologies

6.1.15 As every Maunga is a heritage site, an overarching principle underpinning the application is the avoidance of ground disturbance on the Maunga. The notable exception to this principle is the proposed works on the historic quarry areas from which all in situ archaeological has already been removed.

6.1.16 To achieve the requirement for no ground disturbance in areas where in situ archaeology is present and to avoid secondary damage to existing native trees, a collaborative approach between experts has been undertaken to inform the proposal and guide the removal methods. The proposed tree removal methodology has been confirmed and provided by Treescape Ltd and this lists a variety of felling methods.

The Treescape assessment lists six main methods of tree removals and these methods are detailed in Appendix 1¹⁶.

6.1.17 Archaeologist Brent Druskovich has inspected and assessed the areas where tree removal is proposed, under the premise that the more sensitive the area is from an archaeological perspective the more cautious the tree removal methodology, and he has confirmed the appropriateness of the proposed removal methodology with regard to the archaeology of that part of the Maunga. Mr Druskovich is satisfied that the methodology proposed by Treescape is appropriate however, he notes that a final walk over with Treescape prior to the start of works is appropriate to confirm the final removal method. Mr Druskovich's assessment is contained in Appendix 2.

Processing of vegetation

6.1.18 Two processing sites shall be used for the processing of vegetation being the sports and archery fields as these areas have been highly modified in the past through quarrying activities. These sites are identified in figure 3 above.

6.1.19 There are a number of processing methods recommended for the trees and debris being:

- Cut and leave material can be left as it lies or stacked into eco piles that will provide lizard habitat and decay over time returning nutrients to the soil.
- Mulch on site: Where mulch can be utilised on site, the chipped material can be chipped directly into a pile or chipped into a truck and tipped at an accessible location. If the cut material is to be chipped directly onto the site, a track mounted chipper can be used for less accessible sites.
- Mulch off site: chip-able material can be fed manually or by an excavator into a wood chipper that sprays the chip into the back of a tipper truck.
- Logs on site: Logs can be left in length or cut into manageable sizes for the public to remove for firewood.
- Logs off site: Larger logs can be cut up and loaded into a truck manually, or loaded in larger lengths with a loader, crane, hiab or excavator.

Logs and branch debris removed by crane assisted dismantling techniques will be either loaded directly into transport for processing off site, or transported back to the processing sites via the ring road. Where the helicopter is used, cut sections straight from the tree shall be retrieved to one of the processing sites. Helicopter movements will only occur within the boundary of the Tūpuna Maunga.

6.1.20 On this basis, the majority of the vegetation material will be removed from site using trucks either as logs or branches cut to size or chipped material. The removals will occur from the Summit Drive entrance.

¹⁶ Treescape Ltd Assessment – Appendix A pg 16

Disposal of vegetation

- 6.1.21 Two 10 tonne trucks will operate in rotation to remove mulch (chipped material) from site when processing higher volumes with an excavator. Truck movements can be up to 8-10 movements to and from site per day.
- 6.1.22 Logs can be transported from site in up to 5m lengths using a 10t tip truck or hiab truck with of 5m deck which can tow a trailer with additional 5m deck. Truck movements are estimated to be up to 4-5 movements to and from site per day.

Duration

- 6.1.23 The proposed vegetation removal maybe undertaken as a single proposal or broken up into stages, depending on funding and or contractor preference. Notwithstanding this, the total duration of the works is anticipated as follows:

- Helicopter work: 20 days
- Area 1 - Processing work: 30 days
- Area 2 - Processing work: 15 days

As the helicopter work will occur in conjunction with the processing work, it is estimated that the total working days will be approximately 50 days.

In addition, tree no: 649, a 23m high eucalyptus with a 2.3m diameter bole is proposed for helicopter removal. The timeframes for removing this tree will be 14 hours over 2 days.

- 6.1.24 The works will occur in the drier months of February to June to avoid bird nesting season and to avoid impacting ground. Day to day operations shall be undertaken between the hours of 7:30 am and 6:00 pm, Monday to Saturday with no works shall on any Sunday or public holiday. Helicopter use will occur between 9.00am – 5.00pm Monday to Friday and shall not occur for more than three consecutive days per week in one area.

Public access

- 6.1.25 A cautious approach will be taken to public access to ensure both the public and contractors are safe from harm. Whilst desirable, it is not envisioned that public access, or limited public access, can be provided during the works, due to the limited nature of access to the maunga and the one way ring road, which will be used by heavy vehicles.

Communications Plan

- 6.1.26 To inform public of the works and the areas of the park that will be closed during the works, a comprehensive communication plan will be designed and implemented prior to the start of the works. The communications plan will include:
- Key Messages;
 - Communication objectives;

- Communication audiences / impacted and interested stakeholders, including adjacent landowners / engagement; and
- Communication milestones.

The draft Communications Plan is contained in Appendix 7.

Acoustic Assessment

6.1.27 An acoustic assessment has been prepared by Mr Jon Styles¹⁷ for the noise generating works associated with the tree removals to both inform and assess the proposed methodology. Specific consideration has been given to the removal works involving the helicopter, chipping and logs removal both on, and in the vicinity of, the subject site. As outlined by Mr Styles, the proposal has been assessed against the noise controls that apply to construction activities¹⁸ 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*. Mr Styles models four scenarios that are representative of the works and he concludes:

Our assessment has identified that noise levels generated by all activities (except for the use of the helicopter) will be generally compliant with the permitted noise limits in Rule E25.6.27 of the AUP – OP for most of the project. The use of the helicopter will infringe this rule by up to approximately 7dB at the closest residential receivers.

- 1) *This noise model displays the noise levels generated by the use of the helicopter in the tihī area. The noise level will be above 75dB LAeq at many of the dwellings east of the Maunga, but compliant with a level of 80dB LAeq.*
- 2) *This noise model displays the noise levels generated by the use of the helicopter in the pseudo rim area on the eastern side of the Maunga. The noise levels will be above 75dB LAeq at many of the dwellings east of the Maunga, but compliant with a level of 80dB LAeq. Works involving the helicopter in this area and in the generally central area of the Maunga will comprise the majority of helicopter work.*
- 3) *This noise model display the noise levels generated by the use of the helicopter on the western side of the Maunga. The noise levels will be above 75dB LAeq at many of the dwellings west of the Maunga, but compliant with a level of 82dB LAeq. There is only a few trees in this area, so noise levels over 80dB LAeq will be present only for 1-2 days.*
- 4) *This noise model displays the noise levels generated by the use of the helicopter to remove the large eucalyptus in the south eastern part of the site. The noise levels will be above 80dB LAeq at approximately 10*

¹⁷ Styles, 2018

¹⁸ 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.

dwellings, but compliant with a level of 82dB LAeq at the dwellings themselves (the assessment point in terms of the AUP - OP rules).

The works will also involve the use of cranes, work platforms and chainsaws all around the site, and at times in close proximity to dwellings. However, these works are much quieter than the use of the helicopter, and will move very quickly past each receiver. There may be occasions when a noise level of 75dB LAeq is exceeded by these activities, but these will be intermittent and of a short duration only.

At all other receivers and for the majority of the works (in the middle of the site) the noise levels will be below the relevant noise limit of 75dB LAeq.

- 6.1.28 The chippers and helicopter will have the potential to cause noise related amenity effects; however, their use is temporary and due to the combination of set back distances and the mitigation measures outlined in the Styles assessment, the noise generated is considered to constitute a considerably lower degree of effect overall than what is permitted by the AUP-OP, being up to 100 days (20 weeks) at a level of 75dB LAeq at any receiver, under the construction noise standards.
- 6.1.29 The large eucalyptus¹⁹ adjacent to the south east boundary of the maunga will not be removed unless its removal can be timed with the vacancy of the seven properties outlined in the Styles Assessment. A condition is offered require the applicant to demonstrate that the removal of this tree will only occur when these properties²⁰ are vacant. If this cannot be achieved the tree will not be removed.
- 6.1.30 Prior to the works being undertaken, the consent holder shall provide confirmation from an acoustic specialist that the programmed works, including the location and type of machinery will comply with the anticipated noise as modelled, and this confirmation will be submitted with the Environmental Management Plan.
- 6.1.31 Overall, Mr Styles concludes that due to the temporary nature of the works combined with the set back distances and the mitigation measures outlined in the his assessment, the noise generated is considered to constitute a considerably lower degree of effect overall than what is permitted by the AUP-OP, being up to 100 days (20 weeks) at a level of 75dB LAeq at any receiver, under the construction noise standards.

Archaeology Assessment

- 6.1.32 Archaeologist Brent Druskovich has been engaged by the applicant to identify areas on the Maunga of archaeological value and to inform the removal methodology, and to ensure that the areas proposed for planting are clear of in-situ archaeology. Mr Druskovich has identified areas on the maunga where past activities such as quarrying have destroyed in situ archaeology and where areas of archaeological value remain. The findings of Mr Druskovich have informed the proposed tree removal

¹⁹ Tree 649

²⁰ 25, 27, 29,31, 33, 35 & 37 Mount Royal Avenue

methodology with the proposal being designed to have no direct impact on the archaeology of the Maunga.

- 6.1.33 In areas where in situ archaeologist is present or where the potential for unrecorded archaeology to be present exists, less intrusive removal techniques are proposed such as helicopter and removal with a crane and or the use of crash mats.

Ecology Assessment – Tree Removal and Revegetation

- 6.1.34 Anna Mairs of Te Ngahere, has assessed the ecological values of the site and the proposed tree removals and this assessment has been used to inform the proposed planting plan. This assessment is contained in Appendix 4.

- 6.1.35 Through a combination of site visits, review of available literature, review of past vegetation on this site, and site reports relating to threatened species, Ms Mairs has established the ecological values of the maunga overall and this has been used to assess the impacts on these ecological values from the tree removal, and to ensure impacts sensitive flora and fauna and avoided or suitably mitigated. .

- 6.1.36 In addition to supporting Treescape’s tree removal methodology, to ensure the maintenance and enhancement of ecological values of the site, Ms Mairs recommends the establishment of WF7 Pūriri broadleaf forest type and low native “mound” plantings supported by the following conditions:

- The continuation of the existing environmental weed control programme.
- The continuation of animal pest control throughout the site with the inclusion of additional animal pest control for rats and possums if tree removal occurs outside the months of August, November, January or April.
- Limit the works to outside the main bird breeding season of August – January.

Herpetology

- 6.1.37 Trent Bell - EcoGecko Consultants has undertaken a site visit and a desktop analysis of the herpetological values of the site and these have been used to assess the impacts of the tree removals on these values, and to ensure these impacts are avoided where possible and that overall native herpetological values of the maunga are retained and enhanced.

6.1.38

[REDACTED]
[REDACTED] Mr Bell concludes that [REDACTED] the overall herpetological values of the maunga will be increased subject to the following conditions:

- The development of a lizard management plan (LMP) for Ōwairaka prior to tree removal occurring;

²¹ Low ground cover and native ferns particularly around planting edges

- The inclusion of lower plants and ferns in the planting plan²² to provide lizard habitat
- Where possible leave mulch and some cut logs on site
- Undertake a lizard survey;
- Undertake predator control²³

Revegetation and Planting Plan

6.1.39 A key element of the proposal is the native revegetation of the Maunga following the removal of exotic tree species and the enhancement of ecological and biodiversity values, in particular herpetological values. The enhancement of the ecological values and preventing regeneration of exotic weed species is a key driver of the IMP.

Planting Plan

6.1.40 A planting plan has been prepared by Te Ngahere in collaboration with archaeologist Brent Druskovich and EcoGecko's Trent Bell. The proposed planting plan takes into account the various overlays relating to heritage, archaeological, character and ecological values, and carefully balances the requirements to avoid effects on these values, concurrently with the aim to facilitate the enhancement of ecological and biodiversity values on the maunga. Planting to establish a WF7 Pūriri broadleaf forest type is proposed, as historically this forest type would have been present over much of the site. In addition, the relevant recommendations of EcoGecko's assessment in relation to the establishment of low native cover and ferns to protect and enhance the herpetological values of the site have been incorporated into the proposed planting plan.

6.1.41 Whilst large areas of the maunga are no go areas due to the presence of in situ archaeology that prevents the disturbance of ground, the historic quarry and its faces that surround the archery ground provide an opportunity to undertake restoration planting. In addition, a non evasive²⁴ planting method of "mound planting" shall be trialled on an area of the south eastern face below the loop road²⁵. Mound planting does not involve any digging but will rely on placing native species with a biodegradable approved pot/bag onto the soil among existing grass.

6.1.42 The planting is proposed to be staged over 5 years due to the availability of plants and for financial reasons. Year One will include part of the quarry face and the mound planting. The quarry faces will be progressively planted over remaining four years and in all over 12200 plants will be planted.

Archaeological mitigation for the planting

²² Refer Appendix 4 – Planting Plan incorporates this recommendation

²³ Predator control currently undertaken on maunga and this will continue post removals

²⁴ No ground disturbance

²⁵ Appendix 4 Te Ngahere Report - Figure 5 pg 19

6.1.43 Mr Druskovich has reviewed the proposed planting plan to ensure archaeological values of the maunga are not impacted and he supports their location, the planting species and planting methodologies.

Earthworks

6.1.44 The works described above do not involve earthworks in the usual sense as the word. However, under the AUP OP, the proposal includes what is technically defined as 'earthworks' being the planting of vegetation. Due to the nature of the proposed planting, whereby ground may potentially be disturbed to a minimum depth of 300mm at a specific location and spread over a wide area, it is difficult to quantify the amount of earthworks (m² and m³). The most representative scenario requires assumptions to be made about the land that could be disturbed by the proposed planting.

6.1.45 Earthworks are therefore estimated to involve:

- WF7 planting – 489m² and 47m³. Depth of excavation determined grade of plants at the time of planting.
- Mound Planting – 36m² and 5m³.

Total earthworks = 525m² and 52m³.

6.1.46 Due to the nature of the works, which is designed to minimise ground disturbance and the planting and the scale of the site, no silt and sediment controls are deemed necessary.

Environmental Management Plan (EMP) for approval

6.1.47 To provide flexibility in undertaking the works, it is envisioned that a comprehensive management plan will be provided to Council prior to the works being undertaken. The EMP will include final versions of the various plans and mitigation measures included in this application, and specific details on aspects such as staging, timeframes, public communications and health and safety.

Mana Whenua engagement

6.1.48 As part of the proposal the Tūpuna Maunga Authority, being comprised of the relevant iwi and hapū with historic associations to the Maunga, have undertaken consultation²⁶ with:

- Ngāi Tai ki Tāmaki
- Ngāti Maru
- Ngāti Pāoa
- Ngāti Tamaoho
- Ngāti Tamaterā
- Ngāti Te Ata
- Ngāti Whanaunga

²⁶ Reference Appendix 10

- Ngāti Whātua Ōrākei
- Ngāti Whātua o Kaipara
- Te Ākitai Waiohua
- Te Kawerau ā Maki
- Te Patukirikiri
- Te Rūnanga o Ngāti Whātua

7 STATUTORY CONTEXT

- 7.1.1 A full description of the statutory framework for considering for this application is set out in the Appendix 8. The following represents a brief summary of the key provisions.
- 7.1.2 The overarching objectives for the site is outlined within the Regional Policy Statement under Chapter B of the AUP-OP and these are supported and given effect to by the objectives and policies outlined throughout the lower levels of the plan within the Overlay and Zone provisions
- 7.1.3 The overarching provisions relevant to this proposal are outlined within the parts B4.2.1, B5.2.1 & B7.2 and these seek to protect outstanding natural features, significant historic heritage and indigenous biodiversity from inappropriate use and development. These provisions also seek to ensure that the visual and physical integrity and the historic, archaeological and cultural values of Auckland's volcanic features are protected and, where practicable, enhanced. Further, and importantly these provisions also seek to recognise and provided for the ancestral relationships of Mana Whenua and their culture and traditions with the landscapes and natural features of Auckland.
- 7.1.4 At the heart of the Regional Policy Objectives are the objectives outlined in parts B6.2.1, B6.3 & B6.5, which set out a clear directive that the Plans provisions must recognise the Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation, Mana Whenua values and ensure the Protection of Mana Whenua cultural heritage. Significantly, the relationship of Mana Whenua with Treaty Settlement Land is provided for seeking amongst other matters; the recognition of the importance of cultural redress lands and interests to Mana Whenua identity, integrity, and rangatiratanga; and to ensure that the development and use of Treaty Settlement Land is enabled in ways that give effect to the outcomes of Treaty settlements whilst recognising that cultural redress is intended to meet the cultural interests of Mana Whenua.
- 7.1.5 The recognition of the role of Mana Whenua and the aspirations of the Plan to enable Mana Whenua to manage their cultural settlement land in ways to give effect to their cultural and spiritual values and to promote and protect their cultural heritage is an important and significant consideration in context of the assessment below.
- 7.1.6 As demonstrated throughout the following assessment, the Tūpuna Maunga Authority (the applicant) through the implementation of their Integrated Management Plan (IMP) is seeking to facilitate the protection, restoration and enhancement of all the Tūpuna Maunga in line with their cultural and spiritual values.

8 REASONS FOR THE APPLICATION

Auckland Unitary Plan - Operative in Part

- 8.1.1 A resource consent pursuant to the provisions of the Auckland Unitary Plan - Operative in Part is required for the following reasons:

Vegetation Management and Biodiversity

- Pursuant to Rule E15.4.2 (43) Any vegetation alteration or removal not otherwise provided for requires consent as a Discretionary Activity;
- Pursuant to Rule E16.4.1 (A6) Tree trimming or alteration that does not comply with Standard E16.6.1.
- As the tree removal does not comply with standard E16.6.1 consent is required as a Restricted Discretionary Activity.
- Pursuant to Rule E16.4.1 (A8) Works within the protected root zone that do not comply with Standard E16.6.2.
- Pursuant to Rule E16.4.1 (A10) Tree removal of any tree greater than 4m in height or greater than 400mm in girth. The proposed tree removals include trees greater than 4 metres in height and 400mm girth. Therefore, consent is required as a Restricted Discretionary Activity.

Heritage

- Pursuant to Rule D17.4.2 (A9) modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay.²⁷

The proposal results in a modification to the existing features of the maunga and therefore consent is required as a Restricted Discretionary Activity.

- Pursuant to Rule D17.4.2 (A23) conservation planting within a Category A Extent of Place, requires consent as a Discretionary Activity.
- Pursuant to Rule D17.4.2 (A26) the removal of trees greater than 3m in height or greater than 300mm girth. The proposed tree removals include trees greater than 3 metres in height and 300mm girth and therefore requires consent as a Discretionary Activity.

Earthworks

- E12.4.1(A4) Land disturbance, not otherwise permitted, between 500m² up to 1000m² is a restricted discretionary activity in the Open Space Conservation Zone. This only relates to the planting of trees which involves an area of 525m².

²⁷ The entire site is included in the Historic Heritage Overlay extent of place ID 1576, Mount Albert/ Ōwairaka R11_20. This place is category A* and includes additional rules for archaeological sites or features. A* is described in D17.1 as an interim category until a comprehensive re-evaluation of these places is undertaken and the category status is addressed through a plan change process. This means that Council has yet to identify the primary features within the HH extent of place. In the absence of this information consent is sought for the tree removal work (on the basis that the trees are part of the fabric or features).

- E12.4.1(A7) Land disturbance, not otherwise permitted, up to 250m³ is a restricted discretionary activity²⁸ in the Open Space Conservation Zone. This only relates to the planting of trees and involves a volume of 52m³.
- E12.4.2 (A30) Land disturbance (m³) not otherwise listed greater than 50m² is a restricted discretionary activity in the SHHP (FN - Schedule 14 Historic Heritage Schedule, Statements and Maps. where additional archaeological controls apply. Land disturbance within the HHP is limited to the revegetation planting and is calculated at 525m² .
- E12.4.2 (A32) Land disturbance (m³) not otherwise listed greater than 5m³ is a restricted discretionary activity in the SHHP where additional archaeological controls apply. Land disturbance within the HHP is limited to the revegetation planting and is calculated at 52m³ .
- Pursuant to Rule E12.4.3(A41) the earthworks for planting within a category V1 Outstanding Natural Feature that is 52m³ requires consent for as a Restricted Discretionary Activity

Noise

- Pursuant to Rule E25.6.27, construction noise levels exceeding 75dB LAeq for activities sensitive to noise require consent as a restricted discretionary activity under E25.4 (A2). The proposal is anticipated to exceed the construction noise limit by a maximum 7dB at the closest residential receivers. However, to ensure a very small degree of flexibility and to allow for variability in chainsaw noise emissions and 'on-times' when working close to houses, a maximum noise limit of 85dB LAeq is sought

Note: For completeness there are no triggers for consent under the Legacy District Plan or under any NES provisions.

8.1.2 Overall, consent is required as a **Discretionary Activity**.

9 NOTIFICATION ASSESSMENT (SECTIONS 95A TO 95E)

Public notification assessment (section 95A, 95C-95D)

9.1.1 A consent authority must follow the steps set out in this section, in the order given, to determine whether to publicly notify an application for a resource consent:

- Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a))

²⁸ While planting is a permitted activity, it does not meet standards E12.6.2 (17) Earthworks/land disturbance for the planting of any tree within the Historic Heritage Overlay must not be undertaken where additional rules for archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps, other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree.

- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and
 - the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).
- Step 2: if not required by step 1, public notification precluded in certain circumstances

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)), and
 - the application does not involve one or more of the following activities exclusively: a controlled activity; a restricted discretionary or discretionary activity for a residential activity (as defined in s95A of the RMA) or a subdivision; a boundary activity; or a prescribed activity (s95A(5)(b)).
- Step 3: if not precluded by step 2, public notification required in certain circumstances:
 - The application is not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

9.1.1 The following assessment addresses the adverse effects of the activity on the environment, as public notification is required if the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(8)(b)):

Section 95D Assessment

9.1.2 In determining whether to publicly notify an application, section 95D requires a council to decide whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor. In making this decision a council:

- must disregard any effects on persons who own or occupy:
 - the land in, on or over which the activity will occur; or
 - any land adjacent to that land;
- may disregard an adverse effect if a rule or national environmental standard permits an activity with that effect (i.e. council may consider the “permitted baseline”).
- must disregard an adverse effect that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion.
- must disregard trade competition and the effects of trade competition.
- must disregard any effect on a person who has given written approval to the application.

9.1.3 ‘Adjacent Land’ is not defined within the Act and defining ‘Adjacent Land’ in context of this proposal is subsequently a subjective exercise based on the attributes of the local environment. In this case, I have assessed the ‘adjacent land’ as the properties bordering the maunga as identified in Figure 3 above. In addition, to the properties

identified in Figure 3, I considered the properties bordering Summit Drive as adjacent land, as contract vehicles and trucks will utilise Summit Drive to access and leave from the site.

- 9.1.4 Other land is considered too remote and therefore not 'adjacent land'.
- 9.1.5 Trade competition is not relevant to this proposal and there are no national standards relevant to the proposal.

Permitted baseline

- 9.1.6 There is no permitted baseline relevant to the application, with the exception of the permitted standards in relation to construction generation. Under the construction noise standards up to 100 days (20 weeks) at a level of 75dB L_{Aeq} at any receiver is permitted by the AUP-OP. This permitted baseline underpins an important baseline from which the adverse noise based amenity effects are addressed.

Existing environment

- 9.1.7 The existing environment includes the established structures and supporting infrastructure within the Ōwairaka.

Adverse Effects

- 9.1.8 After an analysis of the application, adverse effects of the activity on the environment have been identified. These are set out and discussed below.

Biophysical and Landscape character effects

- 9.1.9 Landscape Architect Sally Peake has provided a landscape and visual assessment of the proposal, which considers the adverse biophysical²⁹ landscape character effects of the proposal in parts 6.2 & 6.3 of her assessment³⁰.
- 9.1.10 In relation to biophysical effects Ms Peake's notes the following:

"... while the project will have moderate impacts in relation to biophysical change due to the sheer number of trees proposed to be removed, the methods used to effect change will minimise physical effects, and the final outcome will result in positive effects on the key features and attributes (ONF/ landscape quality) through their protection and enhancement

- 9.1.11 In relation to landscape character effects Ms Peake notes that:

"Due to the pattern of vegetation cover and the mix of native and exotic vegetation, the magnitude of change will not be particularly noticeable and there are no areas where there will be total tree removal. In addition, areas where large numbers of exotic trees are proposed to be removed are in visually discrete areas where the change in character will not be visually prominent."

²⁹ Landscape quality

³⁰ Appendix 3

9.1.12 Ms Peake concludes overall that the biophysical and landscape character effects are rated low adverse in the short term (during vegetation removal) and positive following vegetation removal and restoration.

9.1.13 Overall, the retention of the native vegetation on the maunga will ensure that the visual change from the removal of the exotic vegetation will be minimised and the proposed planting over time will ensure any medium to long term adverse biophysical and landscape character effects will be suitably mitigated. On this basis, the adverse biophysical and landscape character effects will be initially minor graduating to less than minor in the medium term.

Visual Effects

9.1.14 Landscape Architect Ms Peake has provided an assessment of the visual amenity effects of the proposal, in part 6.4 of her assessment. Ms Peake outlines the visual audiences and assesses the magnitude of the visual changes and the resulting effects on these groups. Ms Peake concludes:

- Long distant views

“That the regionally significant viewshafts that seek to protect views to and between Auckland’s maunga, will be unaffected by the project, and the proposed vegetation removal will be less discernible in longer more distant views.”

- Surrounding Streets.

“Generally, there is a mix of views for users of the surrounding street. In many places, it is fully or partially obscured or viewed with a foreground of urban development. Views are also generally fleeting and transitory due to the movement of the viewer. The magnitude of visual change will range over time and from positive to moderate adverse depending on the proximity to the maunga and the face/amount visible.”

9.1.15 Ms Peake concludes that the adverse visual effects of the vegetation removal will range from positive through to low adverse, depending on the location of the viewer.

9.1.16 Overall, I concur with Ms Peake and considered that the visual and visual amenity effects on the environment will be, on balance, less than minor, as the magnitude of these effects will be offset by the positive effects from the exposure of the tihi and through the reestablishment of native planting.

Heritage Effects

9.1.17 Archaeologist Brent Druskovich has provided an assessment of the adverse heritage effects of the proposal, on page 23 of his assessment, as follows.

The methodology for removal of trees from this Tūpuna Maunga has been the avoidance of impacts to surface features as well as sub-surface material therefore minimising the potential for any archaeological material, whether identified or

unrecorded to be impacted, therefore protecting the fabric of archaeological features from damage.

- 9.1.18 Mr Druskovich outlines a number of recommendations that are endorsed by the applicant including the requirements:
- a. That as a pre-tree removal condition, consultation will occur between Treescape and the project archaeologist to confirm / finalise the tree removal methodology for each area or in some cases individual trees.
 - b. The finalised methodology will be submitted to Council prior to the works starting.
 - c. That where there is any consideration that damage to underlying archaeological features or subsurface evidence may occur crash mats must be used to protect the ground surface.

9.1.19 Overall, I concur with the assessment of Mr Druskovich that the carefully considered tree removal methodology will ensure that no ground disturbance on unmodified areas of the maunga. In the absence of in situ archaeological features within the historic quarry areas there will be no disturbance of archaeological features either from the removal or the proposed plantings. Mr Druskovich's recommendations shall be adhered to and shall form part of the Archaeological section of the Environmental Management Plan (EMP) that will be submitted, prior to that start of works.

9.1.20 On this basis, the adverse effects on archaeological features and associated heritage values will be less than minor.

Tree removal based effects (noise and amenity)

- 9.1.21 The proposal has the potential to result in adverse noise and noise related amenity effects from the vegetation removal and processing works on the site. However, for the following reasons these adverse effects are considered to be less than minor on the environment:
- The hours of construction will be limited to 'normal' construction hours with no work on Sundays or public holidays.
 - The works constitute construction activities and will be temporary in nature. Being broken into two areas with a reasonable distance between them, the adverse effects will be mitigated by distance and will be short lived.
 - Separation distances from the works and processing areas will be adequate to ensure noise limits can be managed to a suitable level or in the case of helicopter use, a slightly noticeable increase in noise that is very temporary in nature and limited to adjacent land.
 - The use of the helicopter will be very temporary and will be limited to working in one specific area for no more than 3 days at any one time, and generally there will be good separation distances to the environment due to the location of the trees and trees for helicopter extraction and the central processing sites.

- Chippers will be located and on the central processing sites and will be screened by the quarry rim, to ensure suitable acoustic mitigation of their noise levels.

9.1.22 Acoustic Specialist, Mr Jon Styles from Styles Group has reviewed the proposal and has confirmed that all noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site, including the helicopter removal and ancillary activities such as chipping and log removal, will be generally compliant with the permitted noise levels of the Plan.

9.1.23 The acoustic modelling demonstrates that these effects will be largely contained within the site boundaries. Where infringements to the relevant noise limits occur the adverse effects of these infringements whilst temporary will not extend beyond the adjacent land.

9.1.24 Prior to the start of the works, the consent holder shall provide confirmation from an acoustic specialist that the programmed works, including the location and type of machinery will comply with the levels as stated in the Styles acoustic assessment, and this confirmation will be submitted with the Environmental Management Plan.

9.1.25 Overall, the additional noise effects generated from the proposed removal and construction activities, in terms of impacts on the environment, will be less than minor. Noise will be generally compliant with the relative noise standards of the Plan will be of a temporary nature being in total 50 days or less. The construction noise standards will be breached by noticeable amount for a very small periods of time in a very localised areas and the modelling suggests that these effects will not extend beyond the adjacent land. When considering these mitigating factors in combination with the effects of this breach in context with the level of noise and duration of this noise provided for by the permitted baseline of the Plan, the resultant noise effects on the environment will be negligible.

Ecological effects

9.1.26 The entire site is classified as a significant ecological area (SEA) under the Plan despite the majority of the Maunga being covered in exotic kikuyu dominated grassland. This grassland is interspersed with areas of exotic and native vegetation.

9.1.27 Anna Mairs of Te Ngahere has assessed the ecological values of the site and impact of the vegetation removals and the proposed plantings on these values. Ms Mairs concludes that the exotic tree removal and restoration planting on Ōwairaka does not include any notable residual ecological effects and will have an overall positive effect on the existing ecological values of the site.

9.1.28 Ms Mairs recommends a number of conditions to support her conclusions, which include weed and pest management and limiting the works outside the main bird breeding season.

9.1.29 Overall, the proposal will result in the removal of the majority of the exotic trees on the site and the replanting of the historic quarry faces with native vegetation that broadly reinstates a critically endangered WF7 Pūriri broadleaf forest ecosystem and provides

additional habitat for native lizards. In addition the on going animal pest management and proposed mound planting will benefit lizard habitat.

9.1.30 Therefore, relying on Ms Mairs assessment and recommendations, the adverse effects on the ecology of the site will be less than minor.

Traffic effects

9.1.31 The proposal will result in temporary processing activities at various locations around the maunga that will generate the need for trucks to enter and leave the site at a frequency of 12 – 15 movements (in and out) per day. These trucks will be a combination of 10t and hiab or hiab or tipper style vehicles.

9.1.32 These trucks have the potential to result in adverse effects on the surrounding road network, however, for the following reasons these effects will be less than minor:

- The removal activities are limited in duration to no more than 50 days.
- There are good sightlines at exit and entry to the Ōwairaka off Summit Drive and at the entrance of Summit Drive onto Mt Albert Road. Summit Drive being a local road has low – to moderate volumes of traffic from residents and park users.
- The overall frequency of vehicle movements associated with the proposal is low and will be spread out over the day. In addition with the maunga being closed to the public for health and safety reasons the net amount of traffic on Summit Road during the removal period is likely to be less than currently experienced, as visitors will stay away.
- The trucks are small and they are consistent with the size of trucks utilised for construction and earthwork activities within residential areas.
- There will be no reversing on to public roads due to large size of the processing sites and the loop nature of the internal access road.

9.1.33 On this basis, the adverse effects on the safety and functionality of the local road network will be less than minor.

Recreational effects and public access

9.1.34 The Maunga is widely used for recreation activities such as walking and sightseeing by local residents and visitors from other parts of the community. Therefore, the works that will lead to parts or all of the park being closed for temporary periods, will have the potential to impact adversely on public access and recreational activities. However, for the following reasons these adverse effects will be less than minor:

- Whilst the applicant is unsure whether it will be possible to maintain public access during the works as this will rely on public and contractor safety being guaranteed. Such details are only likely to be known once contractors and the works schedule are confirmed. Should the entire maunga be closed for health and safety reasons this will only constitute a short period of time, and full public access will be restored at the conclusion of the works.
- It is envisioned that public access in part will be maintained in part during the restoration planting. However, the areas of planting themselves are likely to be off limits until the planting is successfully established.

- If limited public access can be provided during the works, measures to prevent public from being in harm's way will be detailed health and safety plan.
- A comprehensive communications plan will be development to inform the public and nearby residents of the works and the areas of the park that will be closed during the works, and this will be implemented prior to, and throughout, the works.

9.1.35 Overall, whilst it is envisioned that public access will be not be maintained during the works, due to the temporary nature of the works and the communications plan that will suitably inform the public, stakeholders and residents the adverse effects of the closure will be less than minor.

Earthworks

9.1.36 The remediation planting involves holes for the plants that will create a small amount of ground disturbance within the historic quarried areas only. Due to the nature of the planting being essentially a small hole at metre spacing with the majority of the soil reused and or compacted around the base of the plant, no specific sediment control is considered necessary. In addition, the planting will be broken up into 5 stages which will further reduce the amount of earth disturbance at any one time. On this basis, adverse effects from off-site sediment run off will be avoided.

Cultural and Spiritual values

9.1.37 The proposal represents a step in the process by the Tūpuna Maunga Authority to restore the spiritual and cultural heritage of the maunga, including the enhancement of ecological and biodiversity values.

9.1.38 The Tūpuna Maunga Authority has engaged with Mana Whenua (its members) with support from the project being received. The proposal seeks to implement the Integrated Management Plan formulated by Mana Whenua and it represents a major restoration of the natural, spiritual and indigenous landscape of the Maunga. On this basis, the proposal will avoid adverse effects on the cultural and spiritual values of the Maunga.

Summary of Effects

9.1.39 Due to the no ground disturbance premise underpinning the proposal, the restoration of the quarry faces and the temporary nature of the works, it is concluded that overall the proposal will result in minor adverse effects on the environment.

- Step 4: public notification in special circumstances (section 95A(9))

9.1.40 There are no special circumstances that would warrant the public notification of this application.

9.1.41 In this case, the proposal comprises of restricted discretionary and discretionary development provided for by the Operative Unitary Plan and the Resource Management Act, and the individual components of the proposal are not usual nor are they collectively special. Proposals to remove trees within open spaces and the urban

environment are common in nature. In addition, public opinion on exotic vegetation removal has been canvassed during the formation of the Tūpuna Maunga Authorities Integrated Management Plan and no persons or public groups submitted in opposition to exotic tree removals. Therefore, it is submitted that the proposal cannot be described as out of the ordinary and giving rise to special circumstances.

- 9.1.42 In addition, for the reasons outlined above there is nothing about the specifics or issues of the proposed activity that warrants exercise of any residual discretion under s95A(1) for public notification to better inform substantive decision making in achieving the purpose of the RMA.

Affected Persons (section 95B and 95E)

- 9.1.43 If the application is not publicly notified, a council must decide if there are any affected persons and give limited notification to those persons. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

Step 1: certain affected protected customary rights groups must be notified

- 9.1.44 There are no protected customary rights groups or statutory acknowledgements affected by the proposal.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

- 9.1.45 Limited notification under s95B(6) as the application is not subject to a rule or national standard that requires limited notification and the application is not a controlled activity.

Step 3: if not precluded by step 2, certain other affected persons must be notified

- 9.1.46 The application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)). However, in accordance with section 95E a wider consideration of persons affected by the activity, is required.
- 9.1.47 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, no written approvals have been provided.
- 9.1.48 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:

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

(b) in relation to sites of significance or value to Mana Whenua³¹ the iwi authority in whose rohe the proposal is located.

9.1.49 The Tūpuna Maunga Authority has engaged with mana Whenua with support for the proposal being received, It is reasonable to conclude that there is no adverse effect on Mana Whenua.

Adversely affected persons assessment (sections 95B(8) and 95E)

9.1.50 For the following reasons, all persons and in particular those persons identified in part Figure 2 above will be adversely affected to a less than minor degree as:

9.1.51 Landscape Architect, Ms Peake has assessed the visual effects on persons as follows:

Surrounding Residents

Visual effects for residents will be similar to those from surrounding streets., although views will be static so that the magnitude of change may be perceived as greater. Generally, the visual effect of the removal of vegetation may be perceived as positive by some and negative by others, depending on the nature of the view and whether they appreciate the difference between native and exotic vegetation.

It is concluded that the visual effects of the vegetation removal will range from positive through to low adverse, depending on the location of the viewer.

9.1.52 Visitors

The extent of visual change resulting from the vegetation removal will be moderate, mainly due to the number of trees proposed to be removed. The overall pattern will not be changed and the overall appearance will be similar, although removal of some of the larger and taller trees will change the skyline and view from some areas.

Generally, the removal of the exotic vegetation will reinstate the natural character of the volcanic feature and mountain, and has the opportunity to enhance the visitor experience. Although the existing trees to be removed may be perceived by some viewers as providing some amenity, so that their loss would be perceived as negative, it is considered that the restoration to native forest and grassland will result in positive effects.

It is concluded that the visual effects of the vegetation removal will range from positive through to low adverse.

Users of the open space network

Users of the open space on the maunga (in addition to visitors and walkers/runners) comprise those using the sports facilities (archery and football fields). For this user group, their focus is likely to be on the activity with the visual context being a secondary and minor element so that the removed trees would have low impacts.

³¹ AUP Schedule 14.1 Schedule of Historic Heritage ID 1576 identified as a place of Māori interest or significance.

It is concluded that the visual effects of vegetation removal on this user group will be neutral.

9.1.53 Overall, despite the exotic tree removal that may result in a change in the skyline and view for some persons, the overall appearance of the maunga will be similar, and the effects of the removal will be balanced in part by the exposure of the natural character of the volcanic feature and mountain. These factors in combination with the restoration of the quarry faces with suitable native broadleaf forest will ensure that adverse visual effects on persons will be less than minor.

Noise and removal activities

9.1.54 Two central processing sites will be utilised for the processing of the vegetation and this is anticipated to take approximately 35 days. Work hours will be normal construction hours with no work on Sundays or on Public holidays and this will mitigate amenity effects on neighbours.

9.1.55 Acoustic specialist Jon Styles, has modelled the proposed noise and the related amenity effects on adjacent persons from the felling, processing and helicopter activities and has concluded:

We have assessed the effects of the construction noise infringement based on noise levels of up to 75dB L_{Aeq} being permitted by the AUP-OP for a project affecting any receiver for up to 20 weeks. The subjective difference in effects between the permitted noise level of 75dB L_{Aeq} and the predicted noise levels of up to 82dB L_{Aeq} will be greater by a noticeable or appreciable amount (but noticeably less than twice as loud) compared to a compliant situation.

It is also relevant to note that the project is only expected to take 50 days (10 weeks) in total to complete. The duration of the project works that will generate noise levels over 75dB L_{Aeq} is likely to be no greater than 10-12 days at any receiver, and the noise levels at any particular receiver will be between 60-70dB where works are undertaken at other areas of the site for the remaining days.

In our opinion, this constitutes a considerably lower degree of effect overall than what is permitted by the AUP-OP, being up to twice the project duration (100 days or 20 weeks) at a level of 75dB L_{Aeq} at any receiver.

9.1.56 In addition, Mr Styles recommends that the removal of eucalyptus tree 649 in the south-eastern part of the site may only be undertaken when the properties 25, 27, 29, 31, 33, 35 & 37 Mount Royal Avenue are unoccupied. Should consent be granted that applicant will seek to engage the persons residing at these properties and if their absence from these properties can be guaranteed for the required 14 hour period tree 649 will be removed by helicopter.

9.1.57 Based on Mr Styles assessment and recommended conditions the noise effects generated from the proposed removal and construction activities, in terms of impacts on adjacent persons, will be less than minor. Noise will be generally compliant with the relative noise standards of the Plan and will be of a very temporary nature. The

construction noise standards will be breached by a noticeable or appreciable amount for very small period of time. The overall noise generated is considered to constitute a considerably lower degree of effect overall than what is permitted by the AUP-OP, under the construction noise standards. When considering these factors in context with the level of noise and duration of this noise provided for by the permitted baseline of the Plan, the resultant noise effects on persons will be less than minor.

General amenity effects

- 9.1.58 Short term effects relating to the activity are anticipated with service vehicles, trucks and machinery being operated on the site. Due to the short term nature of the proposal and the central and enclosed nature of the processing sites, the adverse effects on persons will be less than minor.
- 9.1.59 Traffic to and from the site will low at between 12 – 15 trucks per day and will utilise the existing access off Summit Drive.
- 9.1.60 As noted in Appendix 7 a detailed communications plan will be implemented prior to the start of works to ensure all adjacent persons and the general public have up to date information pertaining to the works, including the proposed scope and timing of the works. Surrounding persons will be notified of the works and closed areas of the maunga and will be kept up to date via this communications plan.
- 9.1.61 Recreation activities will be interrupted for a short and temporary period during the works for health and safety reasons. However, these will resume in full at the conclusion of the works. All maunga closures and the period of closure will be clearly communicated to persons through the implementation of the communications plan, before and during the works.
- 9.1.62 The works will be undertaken in a manner to ensure no adverse health and safety effects to adjacent persons.
- 9.1.63 The remediation of the quarry slopes with native WF7 Puriri Broadleaf forest type will mitigate over time any visual amenity related effects associated with the removal of the exotic trees from the maunga when viewed by adjacent persons.

Consultation

- 9.1.64 The applicant has engaged with Mana Whenua and the general public as part of the consultation process for the formation of the Tūpuna Maunga Integrated Management Plan (IMP). The IMP has clear expectations with respect to exotic vegetation and cultural significance of the restoration of the Maunga, and the outcomes of this engagement have been incorporated in the application.
- 9.1.65 All relevant Mana Whenua have been consulted and the only response received provides support to the proposal.
- 9.1.66 Overall, the adverse effects on persons will be less than minor. On this basis, there are no persons are considered adversely affected by the proposal.

Notification conclusion

9.1.67 Based on the above analysis, this application may be processed without public or limited notification because:

- The adverse effects of the activity on the environment will be minor.
- There are no special circumstances to warrant notification.
- No persons are adversely affected.

10 ASSESSMENT (SECTION 104)

Statutory Matters

10.1.1 Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received the Council must, in accordance with section 104(1) of the Act 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 a Council considers relevant and reasonably necessary to determine the application.

Actual and Potential Effects on the Environment (section 104(1)(a))

10.1.2 Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

10.1.3 Pursuant to section 104(2), when forming an opinion for the purposes of section 104(1)(a) a council may disregard an adverse effect of the activity on the environment if the plan or national environmental standard permits an activity with that effect (i.e. the Council may consider the “permitted baseline”). As referenced in part 6.1.9 above, there is no permitted baseline relevant to the application, with the exception of the permitted standards in relation to noise generation.

10.1.4 Pursuant to section 104(3)(a), when forming an opinion for the purposes of section 104(1)(a), a council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competition or effects of trade competition. In this case, neither of these considerations are applicable.

10.1.5 In accordance with the provisions outlined above the actual and potential effects are outlined below:

Adverse Effects

10.1.6 An assessment of adverse effects has been set out in section 9 above, where it was concluded that the activity would generate minor adverse effects on the environment and less than minor effects on persons.

Positive Effects

- 10.1.7 As part of the section 104(1)(a) analysis, a Council is required to have regard to any positive effects on the environment as a result of the activity. In this case, the proposal will contribute to the implementation of the Tūpuna Maunga Integrated Management Plan, through the proactive management of exotic vegetation on Ōwairaka. This will facilitate the restoration of the natural spiritual and indigenous landscape of the maunga and help to restore and enhance of the mauri and wairua of the Tūpuna Maunga.
- 10.1.8 The removal of the exotic vegetation will restore the integrity of the Maunga and enable its mana to be better recognised and uplifted and the replacement of exotic planting with native restoration planting within the former quarry areas will also enhance the ecological and biodiversity value of the mountain, making a positive contribution to its landscape values.
- 10.1.9 The removal of the exotic trees over the maunga from the Tihi and upper flanks of the volcanic cone will better reveal the underlying landform. This will reinforce its character as a prominent landscape feature and will provide greater integrity to the natural landform together with its cultural associations, and it will improve the visual appreciation of the overall maunga and its visual archaeological aspects.
- 10.1.10 Based on the above assessment, the effects of the proposal on the environment will be minor in the short-term, but in the medium to long term, the effects will be positive as the indigenous biodiversity and the mauri of the maunga is restored and enhanced. In consideration of the competing effects outlined above, on balance the actual and potential effects on the environment from the works will be appropriate and acceptable.

Auckland Unitary Plan (AUP-OP) and any Relevant Statutory Documents (section 104(1)(b))

- 10.1.11 Ōwairaka is zoned Open Space in the AUP-OP and is subject to a number of overlays, including the Significant Ecological Area, Outstanding Natural Feature, Regionally Significant Volcanic Viewshafts and Height Sensitive Areas, and Historic Heritage overlays.
- 10.1.12 The relevant AUP-OP provisions are summarised and discussed below. The full text of the relevant AUP-OP objectives, policies and assessment criteria is contained in Appendix 8.

Objectives and policies – AUP-OP – Regional Policy Statement

- 10.1.13 Chapter B of the AUP-OP contains all regional policy statement objectives and policies. In particular, the following objectives and policies are relevant to the proposal:
- B4 Te tiaki taonga tuku iho - Natural heritage:
 - Objectives B4.2.1 (1), (2), (3), Policies B4.2.2 (6), (7), (8)
 - B5 Ngā rawa hanganga tuku iho me te āhua - Built heritage and character:

- Objectives B5.2.1 (1), (2), Policies B5.2.2 (6), (7)
- B6 Mana Whenua:
 - B6.2 Recognition of Treaty of Waitangi/Te Tiriti o Waitangi partnerships and participation: Objectives B6.2.1 (1), (2), (3), (4), Policies B6.2.2 (1), (2), (3), (4), (5)
 - B6.3 Recognising Mana Whenua values: Objectives B6.3.1 (1), (2), (3), Policies B6.3.2 (1), (2), (3), (4), (6)
 - B6.5 Protection of Mana Whenua cultural heritage: Objectives B6.5.1 (1), (2), (3), (4), (5), Policies B6.5.2 (1), (6)
- B7 Toitū te whenua, toitū te taiao – Natural resources:
 - B7.2 Indigenous biodiversity: Objectives B7.2.1 (1), (2), Policies B7.2.2 (5)

Objectives and policies – AUP-OP – overlays

10.1.14 Chapter D of the AUP-OP contains the provisions relating to overlays. The following objectives, policies and assessment criteria are particularly relevant to the proposal:

- D9 Significant Ecological Areas Overlay: Objectives D9.2 (1), (2), (3), Policies D9.3 (1), (3), (4), (5)
- D10 Outstanding Natural Features Overlay and Outstanding Natural Landscapes Overlay: Objectives D10.2 (1), (2), (3), Policies D10.3 (3), (4), (5)
- D14 Volcanic Viewshafts and Height Sensitive Areas Overlay: Objectives D14.2 (1), (2), Policies D14.3 (2), (3)
- D17 Historic Heritage Overlay: Objectives D17.2 (1), (2), (3), Policies (D17.3 (3), (4), Assessment Criteria D17.8.2 (1)

Objectives and policies – AUP-OP – Auckland-wide

10.1.15 Chapter E of the AUP-OP contains provisions relating to Auckland-wide issues. The following objectives, policies and assessment criteria are relevant to the proposal:

- E11 Land disturbance – Regional: Objectives E11.2 (1), (2), (3), Policies E11.3 (1), (2), (3), (4), Assessment Criteria E11.8.2 (1), (2)
- E12 Land disturbance – District: Objective E12.2 (1), Policies E12.3 (1), (2), (3), (4), (5), (6), Assessment Criteria E12.8.2 (10), (2)
- E15 Vegetation Management and Biodiversity: Objectives E15.2 (1), (2), Policy E15.3 (2), Assessment Criteria E15.8.2 (1)
- E16 Trees in Open Space Zones: Objective E16.2 (1), Policies E16.3 (1), (2), (3), Assessment Criteria E16.8.2 (1)

- E21 Treaty Settlement Land: Objectives E21.2 (1), (2), (3), (4), (5), Policies E21.3 (1), (2), (5), (9)

Objectives and policies – AUP-OP – Open Space zone

10.1.16 Chapter H of the AUP-OP contains all regional policy statement objectives and policies. In particular, the following objectives and policies are relevant to the proposal:

- H7 Open Spaces zones:
 - All zones: Objectives H7.2 (1), (2), Policies H7.3 (1), (2)
 - Conservation Zone: Objectives H7.4.2 (1), (2), Policies H7.4.3 (1), (2), (3), (4)

Assessment

10.1.17 The proposal is considered consistent with the objectives and policies outlined in parts 7.3.3-7.3.6 above for the following reasons

10.1.18 The main intent of the relevant regional policy statement objectives and policies is to recognise and protect outstanding natural features, historic heritage places and significant indigenous biodiversity. The objectives and policies also seek to provide opportunities for mana whenua to actively participate in the sustainable management of natural and physical resources, to recognise and provide for mana whenua values and to enhance the mauri of, and the relationship of mana whenua with natural and physical resources.

10.1.19 The proposal involves the removal of exotic vegetation, in order to restore and enhance the values of the maunga. Approximately 345 exotic trees that are over 3m in height will be removed as part of this proposal. The vegetation removal will be undertaken using methodology that reduces the risk of damage to the maunga and the proposal will ultimately result in the enhancement of the historic, archaeological and cultural values at the site, as the removal of the exotic vegetation will better reveal the distinctive form of the volcanic cone and the integrity of the maunga will be restored. The restoration planting of indigenous species proposed will further enhance the values of the area.

10.1.20 As discussed above, the proposal to remove exotic vegetation from Ōwairaka represents the a step in the implementation of the Tūpuna Maunga Integrated Management Plan, by the Tūpuna Maunga Authority and a step in the healing of the Maunga by iwi and hapū. Ultimately, the implementation of the IMP will facilitate the protection, restoration and enhancement of all the Tūpuna Maunga in an integrated manner for all.

10.1.21 The provisions in Chapters D and E of the AUP-OP support the regional policy statement objectives and policies through ensuring Auckland’s outstanding natural features and historic heritage places are protected, regionally and locally significant views to Auckland’s maunga are protected and indigenous biodiversity values of

significant ecological areas are enhanced. Importantly, the provisions of E21 Treaty Settlement Land provide clear direction on the importance of the relationship of Mana Whenua with land acquired through the Treaty settlement process, and the intent of the planning provisions to allow Mana Whenua the ability to manage, use and develop land acquired as cultural redress. This proposal represents Mana Whenua desire to manage, use and develop land acquired as cultural redress to achieve a positive outcome for all.

- 10.1.22 The proposal is consistent with the overlays and Auckland-wide provisions, as the only vegetation removal relates to exotic species and the values of the natural feature will be enhanced.
- 10.1.23 The proposal is not contrary with the policy framework of the Open Space – Conservation zone, as the removal of the exotic trees from the maunga will result in the enhancement of the historic, archaeological and cultural values at the site and allow the open and spacious character and the amenity, historic and natural values to be maintained, and over time enhanced. The removal of hazardous and exotic trees and replacing them with suitable native, indigenous plantings will over time improve the amenity and underlying values of the Open Space, while providing for the relationship of mana whenua with the area.
- 10.1.24 Overall, the vegetation removal will be undertaken in a manner that is consistent with the provisions of the AUP-OP.

Auckland Unitary Plan Conclusion

- 10.1.25 Overall, the proposal will give effect to the values of the Tūpuna Maunga Authority's IMP ensuring the remediation, in part, of the cultural, landscape and ecological values of Ōwairaka for the benefit of mana whenua and the wider Auckland community. On this basis, the proposal is considered entirely consistent with relevant objectives and policies of the Plan.

S104(1)(b) – Relevant Rules and Assessment Criteria – AUP(OP)

- 10.1.26 In terms of the infringements listed under section 8 of this report, the relevant assessment criteria subject to these infringements are outlined in appendix 8 of the Plan. For the reasons outlined in section 9 and parts 10.1.7 – 10.1.25 above and the suite of mitigation measures outlined in the expert reports they will be appropriate and acceptable in context of the outcomes envisioned by the relevant assessment criteria.
- 10.1.27 Overall, the proposal has been carefully designed and constructed to ensure that the cultural, heritage, landscape and ecological values of the Maunga are protected and enhanced.

National Policy Statements – s104(1)(b)(v)

The New Zealand Coastal Policy Statement (NZCPS)

10.1.28 The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand, the proposal is located within a coastal catchment and it is visible from the coast. Due to the careful design and mitigation measures to avoid effects on landscape, visual and heritage values combined with mitigation planting, no adverse effects are considered to result on the coastal environment and therefore the proposal will not offend the intent of the NZCPS.

Hauraki Gulf Marine Park Act 2000 (HGMPA)

10.1.29 For the coastal environment of the Hauraki Gulf, the HGMPA requires that sections 7 and 8 of that Act must be treated as a New Zealand coastal policy statement. Whilst the proposal is visible from the coastal environment³² due to the mitigation measures the enhancement of the cultural and environmental values of the maunga, the proposal is considered consistent with the intent of the HGMPA.

Other Matters (section 104(1)(c))

10.1.30 Section 104(1)(c) allows the consideration of any other matter the consent authority considers relevant and reasonably necessary to determine the application. In this case, following matter is considered relevant to the proposal:

Reserves Act

10.1.31 Ōwairaka is also subject to the requirements of the Reserves Act 1977. The applicant is cognisant of the requirements of this Act and they will ensure that proposal complies with its requirements.

Part 2 of the Act

10.1.32 The above assessment under section 104 is subject to Part 2 of the Act. The purpose of the RMA is stated in section 5 as: “... *to promote the sustainable management of natural and physical resources*”. This requires managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

10.1.33 The proposal will promote the sustainable management of natural and physical resources and it will provide for the efficient use and development of natural and physical resources through the remediation of the cultural, landscape and ecological values of Ōwairaka an iconic natural and cultural feature. Any potential adverse effects are limited to the removal phase and will become positive once the replanting is established and overall, the effects of this can be avoided or mitigated to an acceptable level.

³² Parts of the upper Waitemata Harbour

10.1.34 In achieving the purpose of this RMA, section 6 requires that persons exercising functions under the RMA shall recognise and provide for matters of national importance and there are a number of Section 6 matters of national importance that are directly relevant to the proposal, being 6(b), 6(c), 6(e) & 6(f), being –

- *The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- *The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- *The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- *The protection of historic heritage from inappropriate subdivision, use, and development:*

10.1.35 The proposal has been carefully considered and designed to recognise and provide for these section 6 matters. As a result, there is no conflict between these provisions. The proposal provides for the efficient use of natural resources, while providing for the cultural wellbeing and enhancement of cultural and natural values and the maintenance and enhancement of the quality of the Maunga. In addition, the works are on iwi and hapu land and enable the relationship of the iwi and hapū with its whenua.

10.1.36 In terms of Section 7 RMA considerations, the following matters are relevant to the proposal:

- a) *Kaitiakitanga:*
 - (aa) *The ethic of stewardship:*
 - (b) *The efficient use and development of natural and physical resources:*
 - (c) *The maintenance and enhancement of amenity values:*
 - (d) *Intrinsic values of ecosystems:*
 - (f) *Maintenance and enhancement of the quality of the environment:*

10.1.37 Having regard to these matters the proposal embodies the ethos of kaitiakitanga by mana whenua through the guardianship of the natural and physical resources of the Maunga. In addition, amenity values and the intrinsic values of the Maunga will be enhanced as a result of the proposal.

10.1.38 Section 8 relates to the Treaty of Waitangi. The proposal is giving effect to the principles of the Treaty of Waitangi as it enables the iwi and hapū to manage and restore their ancestral land.

10.1.39 On balance, the proposal is consistent with the sustainable management purpose of Part II of the Resource Management Act 1991.

11 OFFERED CONDITIONS

11.1.1 Specialists have included recommendations to inform specific elements of the works. These recommendations have been compositely put together and modified where appropriate to meet Section 108 requirements.

Pre-commencement Conditions

Pre-Construction Meeting with Compliance and Monitoring Staff

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

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

- Timeframes for key stages of the works authorised under this consent
- The finalised Environmental Management Plan (EMP) that shall include the following subsections:
 - Finalised Communications Plan, including: Details regarding implementation of the Communications Plan (e.g. Sign locations, copies of letters to residents)
 - Finalised Restoration Plan;
 - Finalised Construction Management Plan;
 - Finalised Tree Protection Methodologies;
 - Details of briefing for contractors, including: heritage protocols, and ecological protocols;
 - Finalised Lizard Management Plan

Finalised Management Plans to be provided

2. A minimum of 5 working days prior to the commencement of construction activity and the vegetation removal approved by this resource consent, the consent holder shall submit to the Council (Monitoring Team Leader Central) for approval in writing, the Environmental Management Plan (EMP) that shall include the final versions of the following management plans:
 - Finalised Communications Plan;
 - Restoration Plan;
 - Construction Management Plan, including:

Health and Safety Plan;

- Confirmation from an acoustic specialist that the consented construction noise limits will be met; and
 - Traffic Management Plan; and
 - Incorporation of ecological protection measures
- Archaeological Confirmation. The supervising archaeologist shall provide written confirmation that they support the finalised tree protection methodologies.

Development in Progress Conditions

Implementation of Management Plans

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

Use of Helicopters

6. The use of helicopters for lifting is only permitted between the hours of 9am to 5pm from Monday to Friday.
7. The noise from all works shall comply with noise limits of 85dB L_{Aeq} when measured 1m from the facade of any occupied building in accordance with NZS6803:1999 *Acoustics – Construction Noise*
8. The 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 written advice 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.
9. Where the use of a helicopter is required for a period of more than 3 days in any work area which would result in noise levels exceeding 75dB L_{Aeq} at any receiver, the use of the helicopter shall be limited to 3 consecutive days per

week, and may only be continued on the same 3 consecutive days in the subsequent weeks until the work in that area is complete.

10. The use of a helicopter for the removal of tree 649 (eucalyptus in the south-eastern part of the site) may only be undertaken when the properties at 25 to 37 (odd numbers) Mount Royal Avenue are unoccupied.

Ecology

11. All vegetation shall be removed outside of bird breeding season (bird breeding season is August to January inclusive). If vegetation clearance is undertaken within the bird breeding season, woody vegetation must be confirmed clear of nesting native birds by a suitably qualified ecologist. This should ensure no nesting birds, eggs, or chicks are harmed.
12. 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 lizard survey must:
 - (i) Target potential lizard habitat identified during the herpetological assessment, including the quarry and rock bomb areas in the craters;
 - (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.
13. A finalised Lizard Management Plan for the site shall be prepared by a suitably qualified herpetologist after surveys have been conducted on site and provided to Auckland Council for approval prior to vegetation clearance commencing. This shall include, but not be limited to, the following:

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

 - (i) Project ecologist and permit details;
 - (ii) Specific targeted predator control in any areas of high value skink habitat;
 - (iii) Habitat enhancement including any specific weed management in identified high value skink habitat areas; and
 - (iv) Survey outcomes and management methods.
14. The finalised planting plan shall be prepared by a suitably qualified ecologist and provided to Auckland Council for approval within two months of completion of the lizard survey, for all restoration areas within the site. The final planting plan shall include, but not be limited to, the following:

- (i) Final locations of planting following the completion of the lizard survey;
 - (ii) Plant species, spacing, planting zones (if required), plant numbers and specification on plant size as described in this assessment report;
 - (iii) Inclusion of threatened species;
 - (iv) Planting methodology, including any staging;
 - (v) Plant maintenance and weed management until canopy closure (minimum of five years); and
 - (vi) Monitoring and reporting.
15. A predator management plan targeting potential habitat of native lizard and bird species shall be provided to and approved by Auckland Council. The predator management plan will mitigate for any residual impacts on native lizards and birds.

Historic Heritage (archaeology)

16. For the WF7 planting 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 unmodified parts of the mountain.
17. The project archaeologist should be on site for the set out of the WF7 plantings to define the limits of the adjacent archaeological evidence to facilitate condition 16 above.
18. Should ground disturbance on the site result in the identification of any previously unknown archaeological evidence, 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.

In the event that any unrecorded historic heritage evidence is exposed as a result of consented work on the site, then evidence shall be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holders project historic heritage expert 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 only occur when the earth is dry to reduce the risk of pugging of the ground surface from repeated vehicle movements over soft ground.
20. All tree removal shall be undertaken in accordance with the Finalised Tree Protection Methodologies as outlined and approved in the final Environmental Management Plan.

21. All planting shall be undertaken in accordance with the approved Restoration Plan and in particular:
- i. That the archaeologist marks out on the ground the area boundaries that the mound plantings are to be confined to prior to any mound plantings occurring.
 - ii. The archaeologist marks out on the ground the area boundaries that the WF7 plantings are to be confined to prior to any WF7 plantings occurring.

The planting shall be maintained thereafter.

Post Development Conditions

Historic Heritage

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

12 CONCLUSION

- 12.1.1 The Tūpuna Maunga Authority is seeking resource consent to remove 345 exotic trees to facilitate cultural and spiritual restoration of Ōwairaka. The works are the first part of the implementation of the IMP that seeks to restore and heal the values of Ngā Tūpuna Maunga o Tāmaki Makaurau which are among the most significant cultural, historical and geological landscapes in the region.
- 12.1.2 The works give effect to various statutory and non-statutory documents, and the proposal will not impact upon the Maunga's high heritage, landscape, visual and cultural values.
- 12.1.3 While some adverse effects may be generated in the short-term, in the medium to long term, there will be significant positive effects on the cultural and ecology values of the Maunga.
- 12.1.4 Having regard to the principal statutory tests contained in Part 2, Sections 104 and 104B of the Act, I consider that the proposal achieves an appropriate balance between the effects of the activity on the locality. The proposal is consistent with the objectives, policies and assessment criteria of the district plan and higher statutory documents and will mitigate and avoid adverse effects on the surrounding environment and neighbouring properties. Overall, the proposal is consistent with the sustainable management purpose of Part 2 of the Resource Management Act 1991 and therefore consent should be granted.

Author:



Antony Yates BSc (REP) MNZPI

Dated: October 2018

APPENDICES

Appendix 1 – Treescape’s Arboricultural Assessment and Removals Plan

Appendix 2 – Archaeological Assessment

Appendix 3 – Landscape Visual Assessment

Appendix 4 – Ecological Assessment and Remediation Planting Plan

Appendix 5 – Acoustic Assessment

Appendix 6 – Herpetology Assessment

Appendix 7 – Communications Plan

Appendix 8 – Relevant Statutory Provisions

Appendix 9 – Development Control Checklist

Appendix 10 – Mana Whenua Engagement

Appendix 11 – Certificate of Title