



ANTONY YATES PLANNING LTD

***Application by the Tūpuna Maunga o Tāmaki Makaurau Authority for
Resource Consent***

For the removal of exotic trees on Maungarei



Figure 1 – Aerial photo Maungarei (Mt Wellington)

September 2017

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1. THE APPLICANT AND PROPERTY DETAILS

Site Address:	32 - 66 Mountain Road, Mt Wellington
Applicant's Name:	Tūpuna Maunga o Tāmaki Makaurau Authority (Tūpuna Maunga Authority)
Legal Description:	SEC 1 SO44947 (32 - 66 Mountain Road) Allot 201 5047116 (36 Mountain Road – Depot Site)
Site Area:	26.7460ha & 1.083ha
Zoning	Open Space - Conservation
Auckland Unitary Plan	Operative in Part
Overlays	Significant Ecological Areas overlay – SEA_T_5244 High-Use Aquifer Management Areas overlay – Mt Wellington Volcanic Aquifer Quality-Sensitive Aquifer Management Areas overlays – Mt Wellington Volcanic Aquifer and Auckland Isthmus Volcanic Notable Trees overlay – 467, Macrocarpa, 474, Pohutukawa (2) Outstanding Natural Features overlay – ID 101, Motor Holdings lava cave and ID 118, Mt Wellington (Maungarei) Regionally Significant Volcanic Viewshafts and Height Sensitive Areas overlay – Mount Wellington, Height Sensitive Areas. Viewshafts (W1, W2, W3, W4, W5, W6, W8, W9, W12, W18, W19, W24, W25, W26) Locally Significant Volcanic Viewshafts overlay - W13, Mount Wellington Historic Heritage overlay – Extent of Place - 1582, Mount Wellington/Maungarei R11_12 Volcanic cone pa site including ditch/s, terrace/s, pit/s and midden
Controls	Macroinvertebrate Community Index (Native, Urban) Flood Prone Areas, Overland Flow Path
Designations	Designations: 9434 and 9435 – Water Supply Purposes – Reservoir, Watercare Services Ltd

1.1 Executive Summary

- 1.1.1 The Tūpuna Maunga Authority are seeking consent for vegetation removal on Maungarei (Mt Wellington) 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.
- 1.1.2 This proposal represents one of the first steps for 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. Ngā Tūpuna Maunga o Tāmaki Makaurau are among the most significant cultural, historical and geological (volcanic) landscapes in the region and are iconic taonga.
- 1.1.3 In summary, the proposal will include:
- The removal of approximately 180 exotic trees from the Maunga;
 - The restoration of the southern “Quarry Face” with indigenous plantings to create a WF7 Pūriri broadleaf forest ecosystem.
- 1.1.4 The AEE concludes that the proposal is consistent with all relevant objectives and policies, that adverse effects are minor, and that the proposal satisfies the requirements of Section 104 and meets the sustainable management purpose of Part 2 of the RMA.

APPENDICES:

- Appendix 1 – Removals Plan and Removal Schedule
- Appendix 2 – Arboricultural Assessment and Removal Methodology
- Appendix 3 – Landscape Visual Assessment
- Appendix 4 – Ecological Assessment and Remediation Planting Plan
- Appendix 5 – Heritage Assessment
- Appendix 6 – Certificate of Title
- Appendix 7 – Mana Whenua Engagement
- Appendix 8 – Relevant Statutory Provisions
- Appendix 9 – Acoustic Assessment
- Appendix 10 – Communications Plan

- 1.1.5 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: November 2017

Limitations:

This Assessment of Environmental Effects has been prepared for the project Maungarei 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. BACKGROUND

2.1 Significance of Tūpuna Maunga

- 2.1.1 Auckland's Tūpuna Maunga (ancestral mountains) hold a paramount place in the historical, spiritual, ancestral and cultural identity of the 13 iwi and hapū of Ngā Mana Whenua o Tāmaki Makaurau (the mana whenua tribes of Auckland).
- 2.1.2 The maunga are at the heart of Auckland's identity and represent a celebration of our Māori identity as the city's point of difference in the world.
- 2.1.3 Aucklanders and visitors to the city know of the historical occupation of the Tūpuna Maunga by Māori, or they will experience, or may recognise, the terraced areas and other archaeological features. However, the fundamental significance of these treasured places is often not fully realised.
- 2.1.4 The continuous relationships of Mana Whenua with the Tūpuna Maunga express unbroken, living connections across the oceans and time and these relationships are underpinned by the fundamental Polynesian ethos of kinship with the physical, spiritual and human worlds.

2.2 History of Tūpuna Maunga

- 2.2.1 Māori settlement of Aotearoa was the final iteration of over 3,000 years of a distinct Polynesian cultural tradition, based on maritime migration to, and adaptation of, hundreds of islands. Māori settlement of Aotearoa was the extreme extent of more than 30,000 years of Pacific expansion through migration.
- 2.2.2 Over time, as Māori society developed in Aotearoa - the last temperate habitable landmass on Earth - Tāmaki Makaurau emerged as a singular centre.
- 2.2.3 The Tūpuna Maunga were developed into the most extensive network of monumental and defensible settlements in Polynesia, supported by expansive areas of volcanic soils suitable for agriculture.
- 2.2.4 Combined with a highly strategic maritime location, this made Tāmaki Makaurau an unparalleled centre of Māori social organisation – and the most active nexus of complex inter-tribal relationships and connections, transit and trade in Māori society.
- 2.2.5 The Tūpuna Maunga are revered by mana whenua as the creations of Mataaho (the guardian of the Earth's secrets) and Ruaumoko (the god of earthquakes and volcanoes). They were significant areas of settlement, of agriculture, of battles, of marriages, of birth and burial.
- 2.2.6 Mana Whenua hold the Tūpuna Maunga as places to be honoured, respected and protected for those who have gone before and for the many generations to come.

2.3 Tūpuna Maunga returned to mana whenua

- 2.3.1 2014 saw the landmark Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Deed passed into law.
- 2.3.2 As part of this Treaty of Waitangi settlement, 14 Tūpuna Maunga were returned to the 13 mana whenua iwi and hapū of Auckland, marking an important milestone in the restoration of these iconic taonga (treasures).
- 2.3.3 The 14 Tūpuna Maunga are:
- Matukutūruru/Wiri Mountain
 - Maungakiekie/One Tree Hill
 - Maungarei/Mount Wellington
 - Maungawhau/Mount Eden
 - Maungauika/North Head
 - Ōwairaka/Te Ahi-kā-a-Rakataura/ Mount Albert
 - Ōhinerau/Mount Hobson
 - Ōhūiarangi/Pigeon Mountain
 - Ōtāhuhu/Mount Richmond
 - Pukewīwī/Puketāpapa/Mount Roskill
 - Rarotonga/Mount Smart
 - Te Kōpuke/Tītīkōpuke/Mount St John
 - Takarunga/Mount Victoria
 - Te Tātua a Riukiuta/Big King.
- 2.3.4 Māngere Mountain and the Maungakiekie/One Tree Hill northern land ownership remains with the Crown but are administered through the Tūpuna Maunga Authority for the purposes of the Reserves Act 1977.

2.4 Maunga Authority legislation

- 2.4.1 Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 legislated the transfer of ownership of the 14 Tūpuna Maunga to Ngā Mana Whenua o Tāmaki Makaurau.
- 2.4.2 The maunga are to be held in trust for the common benefit of the iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland.

2.5 Management of the Tūpuna Maunga

- 2.5.1 Governance and administration of the Tūpuna Maunga is undertaken by the Tūpuna Maunga Authority. This is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative).
- 2.5.2 Auckland Council is responsible for the routine management of the Tūpuna Maunga under the direction of the Maunga Authority.

2.5.3 The Tūpuna Maunga Authority has produced a single integrated management plan (IMP) to set the direction for their restoration, protection and management.

2.5.4 The plan outlines the long-term vision for the Tūpuna Maunga and sets out values and pathways to achieve an integrated outcome for all the maunga.

- Values provide the framework for the tika approach to caring and protecting the maunga.
- Pathways elaborate on and give tangible expression to the values. They are guiding principles and objectives that set the direction the Tūpuna Maunga Authority proposes for protecting and caring for the maunga and they provide a framework for future decision-making.

2.5.5 The values are:

- Wairuatanga/Spiritual
- Mana Aotūra/Cultural and heritage
- Takotoranga Whenua/Landscape
- Mauri Pūnaha Hauropi/Ecology and biodiversity
- Mana Hononga Tangata/Living connection
- Whai Rawa Whakauka/Economic and commercial
- Mana Whai a Rēhia/Recreational.

2.5.6 As demonstrated above, Ngā Tūpuna Maunga o Tāmaki Makaurau are among the most significant cultural, historical and geological landscapes in the region and are iconic taonga. They are sacred to Mana Whenua as taonga tuku iho (treasures handed down the generations) and their return to iwi and hapū is a significant step in their cultural and spiritual remediation, their protection and management for mana whenua and all of Auckland's communities.

3. CONSENT BACKGROUND

3.1.1 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.

3.1.2 The vegetation removal on Maungarei represents one of the first steps in this process and the proposal seeks to promote the outcomes and values of the IMP.

4. THE PROPOSAL, SITE AND LOCALITY DESCRIPTION

4.1 Proposal

4.1.1 Consent is required for exotic vegetation removal on Maungarei as the applicant is embarking on a major restoration natural, spiritual and indigenous landscape of the Maunga. The consent will restore the integrity of the Maunga through the removal of exotic species, particularly in proximity to the Tihi (Mountain Top).

Tree removal and methodologies

4.1.2 The proposal involves the removal of approximately 180 exotic trees over three metres in height being:

66	<i>Pinus radiata</i>
2	<i>Cupressus macrocarpa</i>
21	<i>Eucalyptus sp.</i>
61	<i>Fraxinus excelsior</i> - european ash
20	<i>Quercus rubra</i>
10	<i>Poplar deltoides</i>

Please note that the proposed tree removal does not include any trees listed as “Notable Trees” within the AUP OP, in particular the large Monterey cypress located within the Winifred Huggins Memorial Grove (ID474).

4.1.3 The location of the trees to be removed is shown in Figure 2, below.



Figure 2 – Proposed Tree Removal

4.1.4 The work is broken down into essentially three areas being:

Southern Face

4.1.5 Vegetation removal on the southern face of the Maunga which is dominated by the historic quarry face and pine plantings. Three methods will be employed on the face, being manual felling, the use of a crane and helicopter extraction. These methods are described in more detail below.

4.1.6 The “depot” site at the bottom of the quarry face will be utilised as a processing area for logs and debris generated from the manual and crane felling. A chipper will be located on the depot site and small tipper or 10t trucks will be used to remove the mulch from the site.

4.1.7 The vegetation in the north-eastern corner and adjacent to the northwest corner of the quarry face will be extracted by way of a helicopter with branches and logs transported over the crater to a processing site on the existing upper carpark. A chipper will be located on the carpark processing site and small tipper or 10t trucks will be used to remove the mulch from the site, via the exit onto Gollan Road. The helicopter is anticipated to be in use for approximately 10 days, with the work in total taking 15 – 20 days.

Removals along entry road and summit area

4.1.8 A combination of crane, MEWP (cherry picker) and helicopter will be utilised to extract the trees that are in close proximity to the access road and from the summit. These trees will be either processed centrally on the upper carpark or on the access road adjacent to the trees. These works are anticipated to take approximately 10 days.

Memorial grove and flat area to the right of entry road

4.1.9 A combination of crane, MEWP (cherry picker), manual felling and helicopter will be utilised to extract the trees that are located on the eastern and northern flanks of the maunga and from within the memorial grove. These trees will be either processed centrally on the upper carpark or on the flat area on the eastern flank of the maunga, though the latter will be subject to approval from archaeologist Russell Foster.

4.1.10 Within the memorial grove, only dead or dying trees will be removed as these are a health and safety hazard to persons.

4.1.11 Overall, these works are anticipated to take approximately 10 days and all works will be undertaken in the drier summer months.

Tree removal methodologies

4.1.12 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 southern Quarry Face from which all in situ archaeological has already been removed.

4.1.13 To achieve the requirement for no ground disturbance, a tree removal methodology has been provided by Treescape Ltd that lists a variety of felling methods. This assessment is contained in Appendix 2.

4.1.14 The Treescape assessment lists eight methods of tree removal; however, due to the sensitivity of the archaeological heritage on Maungarei the following methods are proposed:

- Manual dismantling (Method 4) – Quarry face only

The tree may be accessed using a mobile elevated work platform (Cherry picker or by a climber with a rope and harness). The tree is cut the tree in sections and allowed to free fall to the ground.

- Manual dismantling using rigging techniques (Method 5)

A tree dismantling technique using rigging and when combined with the use of padding or impact resistant materials for crash pads this will avoid the impact of falling debris.

- Mobile Elevated Work Platform (MEWP) (Method 6)

This method uses a “cherry picker” type machine and this method will be used from sealed roads and the depot site. The MEWP operator can cut small sections that can be snapped off by hand. The MEWP can be used to fly the held piece over to an appropriate position where they can be safely dropped.

- Crane assisted dismantling (Method 7)

A crane will be used from sealed roads and the depot site. A suitably qualified climbing arborist (climber) will access the tree. The climber will cut the tree into appropriately sized sections and the crane will transport the cut section of the tree in a sling to the processing site.

- Helicopter assisted dismantling (Method 8)

In summary, a suitably qualified climbing arborist (climber) will access the tree using a rope and harness. The climber will cut the tree into appropriately sized sections that are within the load capacity of the helicopter. A lifting dogman will direct the helicopter pilot to manoeuvre the helicopter hook to the climber and the cut section of the tree will be transported in a sling to the processing site, via planned extraction zones.

4.1.15 In addition, to the above a very limited number of trees will be removed using the following method:

- Machine assisted felling (Method 3) – Quarry face only.

An excavator is used to pull the tree in the intended felling direction. The tree is felled to the ground then it is typically dismantled using approved snedding or delimiting techniques to remove side branches. Logs can be cut to required lengths.

4.1.16 Archaeologist Russell Foster has inspected and assessed the areas where tree removal is proposed and he has assessed whether the proposed methodology, as

outlined above, was appropriate with regard to the archaeology of that part of the Maunga. Based on Mr Foster's assessment, the more sensitive the area is from an archaeological perspective, the more cautious the tree removal methodology. This assessment is contained in Appendix 5.

Processing of vegetation

4.1.17 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 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.

4.1.18 Archaeologist Russell Foster has reviewed the methods and he has confirmed the following as acceptable from an archaeological perspective:

- Cut and leave can occur in the former quarry area; however, as noted on the tree plan, the majority of trees will be removed either by helicopter or crane.
- The removal of logs, debris and chipped material from existing roads and the car park.
- Avoidance of large chipper or trucks within the Winfred Huggins Reserve. Cut and leave may be considered as a viable option for tree removal within the Winfred Huggins Reserve.

4.1.19 On this basis, the majority of the vegetation material will be removed from site using trucks either as logs or branches cut to size of chipped material. The removals will occur from the existing road, carpark and depot site.

Disposal of vegetation

4.1.20 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.

4.1.21 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

4.1.22 The proposed vegetation removal maybe undertaken as a single proposal or broken up into stages, depending on funding and or contractor preference.

4.1.23 The duration of the works is anticipated as follows:

- Ten working days for removals along entry road and summit area.
- Fifteen to twenty working days for removals along the quarry face area.
- Ten working days for removals in Memorial grove and flat area to the right of entry road.
- Helicopter extraction on the western edge of the Quarry Face shall be limited to Mondays – Wednesdays only.

4.1.24 The works will occur in the drier summer months to avoid impacting ground and shall be undertaken between the hours of 7:30 am and 6:00 pm, Monday to Saturday. No works shall occur on any Sunday or public holiday.

Noise

4.1.25 Acoustic Specialist, Mr Jon Styles from Styles Group has undertaken an assessment of 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. This assessment is contained in Appendix 9.

4.1.26 Mr Styles has confirmed that the majority of the works will be compliant with the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise and those outlined within the AUP-OP, with the exception of helicopter noise to approximately 20 - 25 residential sites adjacent to the depot site and 3 commercial properties to the northeast on Morrin Road. The infringements to the noise levels will be a maximum of 4dB and will occur for a temporary period of 10 days, and these variances above the permitted standard have been described by Mr Styles as “... *only a just noticeable or slightly noticeable amount*”.

4.1.27 The works will be undertaken a minimum 30 metres from the nearest receivers', the closest being the residential houses along Mountain Road that are adjacent to the depot site. With the exception of the helicopter and the chippers, the machinery used in the extraction is similar to that used in general construction sites.

4.1.28 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 L_{Aeq} at any receiver, under the construction noise standards.

4.1.29 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 relevant permitted standards, and with the anticipated helicopter noise as modelled, and this confirmation will be submitted with the Environmental Management Plan.

Archaeology

4.1.30 The proposal is designed to have no direct impact on the archaeology of the Maunga. On a technical level, tree removal triggers consents under Section D17 of the Heritage section of the AUP OP; however, as discussed later within this AEE, exotic trees are not associated with the fabric of the heritage values for the Maunga and are in fact considered a detracting feature to these values. Notwithstanding this, on the recommendation of Archaeologist Russell Foster it is considered appropriate to obtain

an archaeological Authority from HNZPT under the archaeological provisions of the HNZPTA, in the unlikely scenario that that damage occurs to archaeological features.

4.1.31 The conditions of the Authority from the HNZPT shall be adopted during the works and in particular those related to archaeologist monitoring and supervision. These requirements shall be outlined in an Archaeological Works Plan that will be submitted to the satisfaction of Council within the Environmental Management Plan.

Public access

4.1.32 Where possible public access will be maintained. However, this will largely depend on the health and safety requirements. Whilst it is envisioned that limited public access can be provided during the works, a cautious approach will be taken to public access to ensure both the public and contractors are safe from harm. Areas of the park that are to remain open and the measures to prevent public from being in harm's way will be detailed in the Environmental Management Plan.

4.1.33 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.

This Communications Plan is contained in Appendix 10.

Ecology and ecological remediation planting

4.1.34 Sarah Gibbs, biodiversity officer for the Maunga Authority has assessed the ecological values of the site. This assessment is contained in Appendix 4.

4.1.35 Ms Gibbs assessed the ecological value of the trees proposed for removal through a combination of site visits, review of available literature, review of past vegetation on this site, and site reports relating to threatened species.

4.1.36 Four main areas were identified and assessed:

1. Isolated exotic trees in kikuyu-dominated grassland
2. Winifred Huggins Memorial Grove
3. The native planted area contiguous with Winifred Huggins Memorial Grove
4. The quarry slope above the depot

4.1.37 Due to the implications of ground disturbance adversely affecting heritage features, ecological restoration opportunities are limited. However, Maungarei provides a unique opportunity in that the quarry face has no in situ archaeological features. On this basis, Ms Gibbs has recommended the restoration of critically endangered volcanic rock forest and extinct volcanic crater ecosystem types within the quarry slope area, as well as site management that prevented regeneration of exotic weed species. This shall be implemented as part of the proposal.

Environmental Management Plan (EMP) for approval

4.1.38 To provide flexibility in undertaking the works, it is envisioned that a comprehensive management plan will be provided to Council 15 working days prior to the works being undertaken. On this basis, the following condition of consent is proposed:

A minimum 15 working days prior to the commencement of the vegetation removal outlined within this consent, the consent holder shall submit to Council's Monitoring Team Leader Central a comprehensive environmental management plan outlining the following:

- Vegetation removal plan and methodologies; This plan will also include:
 - Health and safety plan;
 - Confirmation from an acoustic specialist that noise limits as outlined in the Styles Group acoustic assessment will be met;
 - Traffic Management plan
- Mitigation planting plan;
- Communications plan;
- Archaeological Works Plan (as approved by HNZPT)

No construction activity shall commence until confirmation is provided from the council that the EMP satisfactorily meets the requirements of above and all measures identified in that plan, as needing to be put in place prior to commencement of works have been.

Earthworks

4.1.39 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 works, whereby ground may potentially be disturbed on the due to the replanting, in part, 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 replanting.

4.1.40 Earthworks are therefore estimated to involve:

- Replanting – 684m² and 126m³. Depth of excavation determined grade of plants at the time of planting.

4.1.41 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.

Mana Whenua engagement

4.1.42 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 consultation with their members. The following iwi/hapu were informed of the proposal and asked to provide comment and feedback within 20 working days of the notice:

- Ngāi Tai ki Tāmaki
- Ngāti Maru

- Ngāti Pāoa
- Ngāti Tamaoho
- Ngāti Tamaterā
- Ngāti Te Ata
- Ngāti Whanaunga
- Ngāti Whātua Ōrākei
- Ngāti Whātua o Kaipara
- Te Ākitai Waiohua
- Te Kawerau ā Maki
- Te Patukirikiri
- Te Rūnanga o Ngāti Whātua

4.1.43 The response period ended on 30 October and only one response was received to the notice. This consultation is considered to satisfy the statutory requirement for consultation with Mana Whenua as outlined within the AUP-(OP).

4.1.44 The consultation document and an email summary of this consultation are included in Appendix 7.

4.2 Site and locality description

4.2.1 Ms Skidmore describes the subject site and locality within parts 2.1 – 2.8 of her landscape assessment, contained in Appendix 3, as follows:

Maungarei (Mt Wellington) is the second youngest volcano within the Auckland Volcanic Field. It formed around 10,000 years ago. Being 100m high, it is the tallest scoria cone in the Field measured from base to crest. Its name, Maungarei, is translated as “the watchful mountain” or “the mountain of Reipae”.

The historic use and habitation of the Maunga (mountain) is described in the Archaeological report by Russell Foster. Today, former occupation of the volcanic cone is readily evident. Its flanks, particularly on the eastern side, are covered in terraced house sites and food storage pits. The crater rim has three strongpoints, which were each defenced by transverse ditches

In the 1950s quarrying began on the steep southern slopes of the mountain and continued, on and off, until 1967. The quarrying altered the overall form of the Maunga and left a scar on its flanks. Pine trees were planted over the re-contoured slopes soon after quarrying ceased. Today, the mature pine trees form a thick forest on the southern flanks of the cone and the quarried face is not evident (see Attachment 5, Photograph 5). A council works depot is located at the base of the former quarry.

A one-way vehicular access is provided from Mountain Road to a carpark towards the summit of the mountain. An avenue of mature Pohutukawa trees mark the entry from Mountain Road. The road exits onto Gollan Road. Informal walking tracks are also located on the mountain.

The upper area of the volcanic cone is relatively sparsely vegetated. Stand-alone and small clusters of pine and macrocarpa trees provide a dramatic contrast to the landform and its grassed cover (see Attachment 4, Photographs 2 – 4).

Winifred Huggins Woodlands Reserve is located on the lower flanks of the eastern face of the mountain. The Reserve contains a diverse mix of native and exotic specimen trees.

The mountain is a distinctive landscape feature that sits within an established urban environment. The surrounding area contains a mix of industrial, commercial, and residential

environments. Stonefields is a predominantly residential environment that has established recently in the former Winstones Quarry immediately to the north of Maungarei. A more established residential environment extends to the south and up the lower flanks of the mountain. The Stonefields Reserve, accessed from Tidey Road, contains remnants of the formerly extensive stonefield gardens that once surrounded the volcanic cone.



Figure 3 – Site Photo, Source Auckland Council GIS Viewer

KEY: Subject Site: ★

5. STATUTORY CONTEXT

- 5.1.1 A full description of the statutory framework for considering for this application is set out in the Appendix 9. The following represents a brief summary of the key provisions.
- 5.1.2 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.
- 5.1.3 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.

- 5.1.4 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.
- 5.1.5 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.
- 5.1.6 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.

6. REASONS FOR THE APPLICATION

6.1 Auckland Unitary Plan - Operative in Part

- 6.1.1 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 E15.4.2 (A10) Vegetation alteration or removal, including cumulative removal on a site over a 10-year period, of greater than 250m² of indigenous vegetation that:

(a) is contiguous vegetation on a site or sites existing on 30 September 2013;

This requires consent as a Restricted Discretionary Activity.

- Pursuant to Rule E15.4.2 (A22) Vegetation alteration or removal of greater than 25m² of contiguous vegetation, or tree alteration or tree removal of any indigenous tree over 3m in height, that is within:
 - a. a horizontal distance of 20m from the top of any cliff with;
 - b. a slope angle steeper than 1 in 3 (18 degrees);

The proposed vegetation removal works on the Tihi slopes requires consent as a Restricted Discretionary Activity

- Pursuant to Rule E15.4.2 (A24) Permitted, controlled and restricted discretionary activities in Table E15.4.2 that do not comply with one or more of the standards in E15.6 SEA & ONF;

The proposal infringes one or more standards outlined in E15.6 and therefore consent is required as a Discretionary Activity;

Trees in Open Space Zones

- 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.

The works within the memorial grove does not comply with standard E16.6.2 and therefore consent is required as a Restricted Discretionary Activity.

- 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.¹

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

¹ The entire site is included in the Historic Heritage Overlay extent of place ID 11582, Mount Wellington/Maungarei R11_12. 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).

- Pursuant to Rule E12.4.3 the earthworks for planting within a category V1 Outstanding Natural Feature that is between 75m³ – 126m³ assuming a five litre plant size and this requires consent for as a Restricted Discretionary Activity
- Pursuant to Rule E12.4.1 (A4) earthworks greater than 500m² requires consent as a restricted discretionary activity; The activity of replanting will involve 684m² of ground disturbance over the 22800m² quarry face.

Noise

- Pursuant to Rule E25.6.27, construction noise levels exceeding 75dB L_{Aeq} for activities sensitive to noise require consent as a restricted discretionary activity under E25.4 (A2). The proposal will exceed the construction noise limit by a maximum 4dB in two localised areas.

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

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

7. NOTIFICATION ASSESSMENT (SECTIONS 95A TO 95E)

7.1 Statutory matters

7.1.1 Section 95A gives a council discretion to decide whether to publicly notify an application or not. However, an application must be publicly notified if:

- the activity will have, or is likely to have, adverse effects on the environment that are more than minor;*
- the applicant requests public notification of the application; or*
- a rule or national environment standard requires public notification.*

7.1.2 Section 95A(3) provides that an application must not be publicly notified if a rule or national environmental standard precludes public notification and the applicant has not requested public notification.

7.1.3 Despite the above, a council also has discretion to publicly notify an application if it decides there are special circumstances in relation to the application.

7.1.4 Section 95B provides that if an application is not publicly notified, a council must decide if there are any affected persons in relation to the activity. Limited notification of the application must be given to affected persons unless a rule or environmental standard precludes limited notification.

7.1.5 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.

7.1.6 '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, Maungarei is a large urban maunga that is elevated above the surrounding environment and due to its scale it has a dominant presence in the locality that extends beyond those sites that are immediately abutting. Considering these attributes and based on the surrounding street network, topography and views of the Maunga, in this case, I have assessed the 'adjacent land' as:

- The properties of Rupi Court, 26 – 68 Tihi Street, 1 – 11, 18 – 20 Papango Street, 19 – 50 Taumoa Street, 7 & 9 Reipae Street, 4 – 37 Gollan Road, 17 – 25 Harding Avenue, 2, 3, 4, 5, 7 & 9 Monaco Place, 12, 12A-E & 6-10 Homestead Drive, 2 – 64 Morrin Road (western side of Morrin Road), 7 & 14 Fraser Road, 8 Forge Way and 24 - 80 Mountain Road.

7.1.7 Other land is considered too remote and therefore not 'adjacent land'.

7.1.8 Trade competition is not relevant to this proposal and there are no national standards relevant to the proposal.

Permitted baseline

7.1.9 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

7.1.10 The existing environment includes the established structures and supporting infrastructure within the Maungarei.

7.2 Adverse Effects

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

Landscape effects

7.2.2 Landscape Architect Rebecca Skidmore has provided an assessment of the landscape effects of the proposal, in parts 4.4 – 4.9 of her assessment (reference appendix 3) as follows:

"The existing exotic vegetation starkly contrasts with the natural landform of the volcanic cone. The removal of much of this vegetation 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.

The removal of the pine trees from the quarry face will expose the modification and scarring to this area of the cone. While it is the cultural preference of the Tupuna Taonga Trust to expose the Tihi of the volcanic cones, on this Maunga, the modification and scarring created by the former quarrying has altered the form and visual integrity of the Tihi. In this instance, planting is appropriate to integrate the quarry face with the overall form of the Maunga. Over time, as the restoration planting becomes established, a veil of vegetation will obscure the scars created through quarrying. The planting of native vegetation is more compatible with the natural characteristics of the landform than the exotic pine trees that will be removed.

The removal of the exotic vegetation will restore the integrity of the Maunga and enable its mana to be better recognised and uplifted. This is consistent with the values and pathways set out in the IMP. The replacement of exotic planting with native restoration planting within the former quarry area will also enhance the ecological and biodiversity value of the mountain, making a positive contribution to its landscape value.

The Winifred Huggins Woodland is located on the lower eastern flank of the volcanic cone. The woodland contains a diverse mix of native and exotic mature trees. Given the amenity and historic values of the woodland and its low profile in relation to the overall form of the volcanic cone, it is proposed to retain the woodland as largely intact. Only three trees that are in poor health are proposed for removal.

Stands of trees located outside the Site boundary will continue to provide a vegetated framework for the volcanic cone extending up the lower flanks of the mountain.

Overall, it is concluded that the proposed removal of exotic vegetation and the restoration planting in the area of the former quarry will result in positive landscape effects.”

- 7.2.3 Overall, I concur with Ms Skidmore that the removal of vegetation from the Tihi and upper flanks of the volcanic cone will reinforce its character as a prominent landscape feature and will provide greater integrity to the natural landform and its cultural associations. In addition, the remediation planting of the quarry face will mitigate the exposure of the quarry face. On this basis, the adverse landscape effects from the removal of vegetation will be minor.

Visual Effects

- 7.2.4 Landscape Architect Rebecca Skidmore has provided an assessment of the visual effects of the proposal, in parts 4.10 – 4.25 of her assessment. Ms Skidmore outlines the visual audiences and assesses the magnitude of the visual changes and the resulting effects on these groups. Ms Skidmore concludes:

“Following is a summary of the magnitude of change and the resulting effect of that change when viewed by the various groups identified as comprising the viewing audience

Viewing Group	Magnitude of Change	Visual Effect	Notes
Visitors to Maungarei	Moderate	From positive through to low adverse	Depends on viewers attitude towards existing trees and their contribution to amenity
Users of surrounding street network	Very low to moderate depending on proximity	Positive through to low adverse , changing to positive as mitigation planting within quarry area matures	Response depends on proximity and angle of view.
Users of open space network	Low to high	Positive	

Residents and users of surrounding residential and commercial properties	Negligible to High	From positive to moderately adverse reducing and changing to positive as mitigation planting within the quarry area establishes.	Magnitude of change depends on distance and intervening features.
Temporary effects	Low to moderate	Very low	Magnitude of change depends on distance and location of viewer

The assessment identifies four primary groups that comprise the viewing audience. The volcanic cone is a prominent feature that is highly visible from various locations in the surrounding environment. The magnitude of visual change will vary considerably. The effect resulting from this change in many instances will be perceived at positive. The removal of the pine trees from the former quarry area will expose the quarry face and the resulting modification and scarring of the Maunga. This change may be perceived as negative by some viewers to the south of the mountain. However, this adverse visual effect will be effectively mitigated by the restoration planting in the area of the former quarry, as it establishes and matures.”

- 7.2.5 Overall, I concur with Ms Skidmore 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 the restoration native planting being established on the southern quarry face.

Heritage Effects

- 7.2.6 Archaeologist Russell Foster has provided an assessment of the adverse heritage effects of the proposal, on page 13 of his assessment, as follows:

A key consideration of the whole proposal to remove exotic trees from the maunga has been to ensure that there is no surface disturbance that might affect the archaeology of the maunga. With this in mind the various treefelling methods that are proposed for the project have been tailored to ensure this outcome, as far as is possible.

Apart from minimising damage from the actual felling operations, the project is seen as have beneficial effects for the long-term preservation of the archaeology of the maunga. Large trees have two main effects on archaeological evidence. Firstly their roots disturb and destroy archaeological evidence as they grow, although it is also noted that by the time they reach full size the rate of growth is relatively slow. The second significant impact comes from trees either losing major limbs or being completely felling by storm/wind effects or by dying. These uncontrolled events can cause very significant damage to the surrounding archaeological evidence, particularly in situations when the root plate is ripped from the ground. Many of the trees that are proposed to be removed are getting towards the end of their natural life spans and will become progressively more susceptible to storm damage as they weaken and die. Controlled removal is highly beneficial to the long-term preservation of the archaeological features of the maunga.

The visual aspects of the maunga are also significant. The maunga is highly visible and has highly visible archaeological features. The large exotic trees over the maunga tend to disguise and distract from the visual appreciation of the overall maunga and its visual archaeological aspects.

Although the programme is designed to have no significant direct impact on the archaeology of the maunga, accidents do occur and it is possible that there might be

damage caused to archaeological features. For this reason it would be appropriate to obtain an archaeological Authority from HNZPT under the archaeological provisions of the HNZPTA. Such an Authority would provide a measure of confidence that any unintentional damage is appropriately mitigated.

7.2.7 Mr Foster outlines a number of recommendations that are endorsed by the applicant including the requirement for an Archaeological Works Plan to be submitted within the Environmental Management Plan.

7.2.8 Overall, I concur with the assessment of Mr Foster 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 quarry area there will be no disturbance of archaeological features. On this basis, the adverse effects on archaeological features and associated heritage values will be negligible.

Tree removal based effects (noise and amenity)

7.2.9 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 three areas with large separation distances in between, 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 permitted 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 site.
- Chippers will be located and screened by containers or similar, to ensure suitable acoustic mitigation of their noise levels.

7.2.10 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 the modelling demonstrates that these effects will be largely contained within the site boundaries. This assessment is attached in Appendix 9.

7.2.11 The proposal will exceed the relevant noise limits outlined within the AUP-OP by a maximum of 4dB for 20 - 25 adjacent properties close to the depot site and 3 commercial properties to the northeast. As indicated in part 7.1.9 above, due to the scale of Maungarei and the localised nature of these noise effects, these properties are considered to meet the definition of "Adjacent Land" and effects on these persons shall be assessed within the section 95B assessment below. Notwithstanding this, Mr Styles concludes that: *"The difference between the predicted levels and a complaint situation is that the predicted levels will be greater by only a just noticeable or slightly*

noticeable amount. The infringements are expected to last for no more than 10 days over the course of the project at any receiver.”

- 7.2.12 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.
- 7.2.13 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 very temporary nature being in total 40 days or less. The construction noise standards will be breached by the helicopter use by only a slightly noticeable amount for a very small period of time in a very localised area. 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 less than minor.

Ecological effects

- 7.2.14 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 pockets of exotic vegetation such as pines and various weed species.
- 7.2.15 The proposal will result in the removal of the majority of the exotic trees on the site and the replanting of the southern quarry face with native vegetation that broadly reinstates a critically endangered WF7 Pūriri broadleaf forest ecosystem.
- 7.2.16 For the following reasons, the adverse effects on the ecological values of the site will be less than minor:
- 7.2.17 Sarah Gibbs, biodiversity officer has assessed the ecological values of the site. Overall, Ms Gibbs concludes that:

*The proposed activity would have a positive impact on vegetation values at this site in terms of reducing the local seed source of exotic species.
With the exception of the removal of a large number of pines from the quarry slope, the negative effects of this project on ecological values of vegetation are considered to be no more than minor.*

With the proposed mitigation, however, the net negative effect of removing pines from the quarry slope is also considered less than minor, and as arguably there will be result in a net positive ecological benefit, both on Maungarei and within the Maungakiekie-Tamaki Local Board area, over the long term.

Restoration of critically endangered volcanic rock forest and extinct volcanic crater ecosystem types within the quarry slope area, as well as site management that prevented regeneration of exotic weed species and facilitated natural regeneration of native species within the urupa area / Winifred Huggins grove over the long term, would result in a strongly net positive effect on the vegetation values at this site, as well as regionally.

- 7.2.18 Ms Gibbs identifies three sites containing the threatened species *Anogramma leptinella* at the top of the quarry slope. Ms Gibbs notes that these sites are located in an area to be helicopter logged and when combined with the following

recommendations to be implemented prior to the start of works, these factors are considered to considerably mitigate the potential effects on this vegetation:

- *Briefing contractors to avoid Anogramma habitat (rock areas with crust substrate on which Anogramma can establish)*
- *Undertaking pine removal during summer, when Anogramma is largely dormant*
- *Removal of the majority of slash from the site, particularly in extant Anogramma areas.*

7.2.19 Therefore, relying on Ms Gibbs assessment and recommendations and subject to the restoration of the southern quarry face with a WF7 Pūriri broadleaf forest ecosystem, the adverse effects on the ecology of the site will be less than minor

Traffic effects

7.2.20 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 tipper style vehicles.

7.2.21 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 40 days and will be conducted from potentially three individual sites around the maunga;
- The depot site and the exit and entry to the Maunga off Mountain and Gollan Roads, respectively, have good sightlines available and being local roads, they do not experience large traffic volumes;
- 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 depot site and the one-way nature of the access road.

7.2.22 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

7.2.23 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 which 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:

- Where possible, public access will be maintained provided that public and contractor safety can be guaranteed. Notwithstanding this, 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.
- Where 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 developed 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.

7.2.24 Overall, it is envisioned that limited public access will be maintained and all potential stakeholders and residents will be suitably informed prior to works commencing. However, in the unlikely event that health and safety requirements close the entire maunga due to the very temporary nature of the works, the effects will be less than minor.

Earthworks

7.2.25 The remediation planting involves holes for the plants that will create a small amount of ground disturbance within the quarry face only. Due to the nature of the planting being essentially a small hole at a 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 4 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 is considered negligible.

Stability

7.2.26 The pine planting within the quarry face sought to stabilise the land to prevent erosion and debris falling from the quarry face into the Depot site below. On this basis, the removal of these pines has the potential to have adverse effects on the stability of the slope. However, these effects are considered to be less than minor and contained to within the subject site for the following reasons:

- The pines stumps will be retained and these plus their associated roots systems will provide continued stability to the quarry slope for a period of at least 5 years as they slowly rot;
- The planting of the quarry face and the establishment of the broadleaf Puriri forest will ensure that overtime slope stability is maintained;
- The slope and fall of the quarry is directed towards the Depot site at its immediate base. High mesh fences are in place to prevent capture debris should this be dislodged from the slope.

Cultural and Spiritual values

7.2.27 The proposal represents one of the first steps 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.

7.2.28 The Tūpuna Maunga Authority has undertaken consultation with Mana Whenua (its members) and the only response received was in support of the proposal. 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.

7.3 Summary of Effects

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

7.4 Special Circumstances (section 95A(4))

- 7.4.1 There are no special circumstances that would warrant the public notification of this application.
- 7.4.2 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. Therefore, it is submitted that the proposal cannot be described as out of the ordinary and giving rise to special circumstances.
- 7.4.3 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.

7.5 Affected Persons (section 95B and 95E)

- 7.5.1 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).
- 7.5.2 In deciding who is an affected person under section 95E, a council:
- may disregard an adverse effect of an activity on a person 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 environmental standard reserves control or restricts discretion;
 - must have regard to every relevant statutory acknowledgement made in accordance with a statute set out in Schedule 11 of the Act.
- 7.5.3 A council must not consider that a person is affected if they have given their written approval or it is unreasonable in the circumstances to seek that person’s approval.
- 7.5.4 For the following reasons, all persons and in particular those persons identified in part 6.1.6 above will be adversely affected to a less than minor degree as:

Persons located at Rupi Court, 4 – 37 Gollan Road, 17 – 25 Harding Avenue, 2, 3, 4, 5, 7 & 9 Monaco Place, 7 & 14 Fraser Road, 8 Forge Way and 24 - 80 Mountain Road.

- 7.5.5 These persons will have view of the excavation of the quarry face and some will be adjacent to the depot site. On this basis, they have the potential to be adversely affected by the activities and the visual changes to part of their outlook.
- 7.5.6 Landscape Architect, Ms Skidmore has assessed the visual effects on these parties as follows:

“For residents in the neighbourhood immediately to the south of the former quarry, the removal of the pine trees from this face will result in high visual change (see Attachment 5, Photograph 5). From many viewpoints in the surrounding urban environment, the change will be perceived as positive, better revealing the volcanic form of the mountain. For

residents in the neighbourhood to the south, the visual effect of the removal of vegetation will be perceived as positive by some; but it may also be perceived as having a moderate adverse effect by others, revealing the quarried face of the mountain and the scarring it has created. As the restoration planting in this area establishes, this perceived adverse effect will reduce and become positive in time."

- 7.5.7 Views to the Maunga will be screened in part due to the location and orientation of these properties, the screening effect of the surrounding residential development and vegetation. These factors in combination with the restoration of the quarry face with suitable native broadleaf forest will ensure that adverse visual effects will be less than minor.

Noise and removal activities

- 7.5.8 The large depot site will be utilised for the processing of the vegetation and this is anticipated to take approximately 15 -20 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.
- 7.5.9 As confirmed by acoustic specialist Jon Styles, due to the large nature of the depot site and the setback to adjacent neighbours there is enough space to locate machinery and plant material within the Depot site, so that the noise effects on neighbours will not exceed the relevant noise limits set out in the Plan.
- 7.5.10 Felling on the northwestern edge, and the northeastern corner of the quarry face will be undertaken using a helicopter and based on the noise modelling undertaken by Styles Group there will be a maximum 4dB infringement to the construction noise standards for the properties identified within the 75dB noise contour outlined in the Plans referenced - "Version of Area Site 1 Heli (NW Face) predictor V11-10) and "Version of Area Site 4 Heli (27/28) predictor V11-10) (reference Appendix 9).
- 7.5.11 In relation to the above mentioned properties, Acoustic engineer Mr Styles comments as follows:

"We have assessed the effects of the construction noise infringement based on noise levels of up to 75dB LAeq 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 LAeq and the predicted noise levels of up to 79dB LAeq will be generally noticeable or perceptible. The additional 4 dB which is predicted (over the permitted noise level) may be noticed by the receivers will be greater by only a just noticeable or slightly noticeable amount compared to a compliant situation. As above, we understand that such noise levels are likely to be generated at any receiver for a duration of no more than 10 days each over the course of the project.

It is also relevant to note that the project is only expected to take 40 days (8 weeks) in total to complete, with approximately 4 weeks of work on either side of the Maunga. The duration of the project works that will generate noise levels over 75dB LAeq is no greater than 10 days at any receiver, and the noise levels at any particular receiver will be between 55-65dB where works are undertaken at other areas of the site for the remaining 30 days. In our opinion, this constitutes 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."

- 7.5.12 Based on the assessment of Mr Styles, the noise effects generated from the proposed removal and construction activities, in terms of impacts on these 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, being in total 15 - 20 days in this locality. The construction noise standards will be breached by the helicopter use by only a slightly noticeable amount for a very small period of time on these persons. When considering these factors in combination with the slightly noticeable 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 these persons will be less than minor.
- 7.5.13 A MEWH (cherry picker) may be used within 20 metres of the properties at 30 & 30A Mountain Road. These trees will be carefully dismantled to ensure no adverse safety effects on these persons. In addition, the work will progressively move up the slope away from these properties further mitigating safety and amenity / noise related effects.
- 7.5.14 Traffic to and from the site will be no more than 12 – 15 trucks per day and due to the wide flat nature of the road and the low volumes of traffic the adverse effects on neighbours will be less than minor.
- 7.5.15 Residents will be notified of the works and closed areas of the maunga and will be kept up to date via the communications plan.
- 7.5.16 In addition, the remediation of the slope with native forest will mitigate over time any amenity related effects associated with the removal of the pines.

All persons, including those residing at Tihi Street, Gollan Road, Homestead Drive, Morrin Road, 7 & 14 Fraser Road

Visual effects

- 7.5.17 Landscape Architect, Ms Skidmore has assessed the visual effects on persons as follows:

Short Term Effects

“ ... Structures such as platforms, cranes, and helicopters will introduce visual features that contrast with the natural character of the Maunga. However, their temporary use and their small size, relative to the overall scale of the mountain, means their introduction will result in only very low adverse visual effects for a limited time frame.”

Conclusion

“The assessment identifies four primary groups that comprise the viewing audience. The volcanic cone is a prominent feature that is highly visible from various locations in the surrounding environment. The magnitude of visual change will vary considerably. The effect resulting from this change in many instances will be perceived as positive. The removal of the pine trees from the former quarry area will expose the quarry face and the resulting modification and scarring of the Maunga. This change may be perceived as negative by some viewers to the south of the mountain. However, this adverse visual effect will be effectively mitigated by the restoration planting in the area of the former quarry, as it establishes and matures”.

7.5.18 Ms Skidmore has assessed the visual change for visitors, the users of the surrounding road networks and the residents, and users of the surrounding residential and commercial properties, beyond the southern quarry face. Overall, she concludes that the adverse effects of the visual change on these persons to be from low to moderate moving to positive as the remediation planting on the quarry face establishes.

7.5.19 Based on Ms Skidmore's assessment, it is considered that the adverse visual and visual amenity effects on persons will be less than minor.

Noise effects

7.5.20 Due to the scale of the maunga, the tree removals works outside the quarry face are more sporadic and there are large separation distances to the boundaries, and in particular, the residential boundaries of the western flanks. This combination of separation distances and the temporary nature of the works will ensure noise effects are suitably mitigated to below the permitted levels of the Plan.

7.5.21 The works on the memorial grove will be adjacent to industrial zoned land and due to the temporary nature of the works and the hours of operation, effects on these neighbours will be negligible.

7.5.22 In relation to persons owning or occupying the commercial properties (30, 50-56 Morrin Road) as identified within the 75dB noise contour outlined in the Plan referenced "Version of Area Site 2 Heli (25) predictor V11-10), Acoustic engineer Mr Styles comments as follows:

"The additional 4 dB which is predicted (over the permitted noise level) may be noticed by the receivers will be greater by only a just noticeable or slightly noticeable amount compared to a compliant situation. As above, we understand that such noise levels are likely to be generated at any receiver for a duration of no more than 10 days each over the course of the project."

7.5.23 Based on the assessment of Mr Styles, the noise effects generated from the proposed removal and construction activities, in terms of impacts on these persons, will be less than minor. Noise will be generally compliant with the relative noise standards of the Plan will be of a very temporary nature being in total 10 days in this locality. The construction noise standards will be breached by the helicopter use by only a slightly noticeable amount for a very small period of time on these persons. When considering these factors in combination with the industrial activities undertaken at these sites and in consideration of the permitted baseline, the resultant noise effects on these persons will be less than minor.

Other Persons

7.5.24 The noise modelling demonstrates that other than the persons identified in the Plans referenced - "Version of Area Site 1 Heli (NW Face) predictor V11-10), "Version of Area Site 2 Heli (25) predictor V11-10) and "Version of Area Site 4 Heli (27/28) predictor V11-10), the noise generated from the proposal will be within the permitted levels of the Plan.

7.5.25 Traffic to and from the site will low at between 12 – 15 trucks per day and will utilise the existing accessway.

- 7.5.26 Surrounding residents and commercial sites will be notified of the works and closed areas of the maunga and will be kept up to date via the communications plan.
- 7.5.27 The works will be undertaken in a manner to ensure no adverse health and safety effects to adjacent residents or commercial operators.
- 7.5.28 The remediation of the quarry slope with native forest will mitigate over time any visual amenity related effects associated with the removal of the pines and the exposure of the quarry face when viewed from adjacent properties. In addition, the planting will retain the stability of the slope.
- 7.5.29 Recreation activities will potentially continue in a reduced form during the works due to the limited public access that are based on health and safety requirements. However, these will resume in full at the conclusion of the works. All closed and open areas will be clearly communicated to persons through the implementation of the communications plan, before and during the works.
- 7.5.30 All relevant Mana Whenua have been consulted and the only response received provides support to the proposal.
- 7.5.31 Overall, the adverse effects on persons will be less than minor. On this basis, there are no persons considered adversely affected by the proposal.

7.6 Notification conclusion

- 7.6.1 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.

8. ASSESSMENT (SECTION 104)

8.1 Statutory Matters

- 8.1.1 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.

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

- 8.2.1 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.
- 8.2.2 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.

8.2.3 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.

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

Adverse Effects

8.2.5 An assessment of adverse effects has been set out in parts 6.2 – 6.5 above, where it was concluded that the activity would generate minor adverse effects on the environment.

Positive Effects

8.2.6 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 Maungarei. 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.

8.2.7 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 area will also enhance the ecological and biodiversity value of the mountain, making a positive contribution to its landscape values.

8.2.8 The removal of the large 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.

8.2.9 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.

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

8.3.1 Maungarei is zoned Open Space in the AUP-OP and is subject to a number of overlays, including the Significant Ecological Area, Notable Trees, Outstanding Natural Feature, Regionally Significant Volcanic Viewshafts and Height Sensitive Areas, Locally Significant Volcanic Viewshafts and Historic Heritage overlays.

8.3.2 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 9.

Objectives and policies – AUP-OP – Regional Policy Statement

8.3.3 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

8.3.4 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

8.3.5 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

8.3.6 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

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

8.3.8 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.

8.3.9 The proposal involves the removal of exotic vegetation, in order to restore and enhance the values of the maunga. Approximately 180 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.

- 8.3.10 As discussed above, the proposal to remove exotic vegetation from Maungarei represents the first step in the implementation of the Tūpuna Maunga Integrated Management Plan, by the Tūpuna Maunga Authority and one of the first steps 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.
- 8.3.11 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.
- 8.3.12 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.
- 8.3.13 The proposal is not contrary with the policy framework of the Open Space – Conservation zone. The majority of the trees to be removed on the quarry face are in very poor and in a hazardous condition with large gaps of “wind throw” occurring. Other exotics to be removed whilst in good health their removal 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.
- 8.3.14 Overall, the vegetation removal will be undertaken in a manner that is consistent with the provisions of the AUP-OP.

Auckland Unitary Plan Conclusion

- 8.3.15 Overall, the proposal will give effect to the values of the Maunga Authorities IMP ensuring the remediation, in part, of the cultural, landscape and ecological values of Maungarei 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.

8.4 S104(1)(b) – Relevant Rules and Assessment Criteria

Relevant Rules and Assessment Criteria – AUP (OP)

- 8.4.1 In terms of the infringements listed under part 5.1 of this report, the relevant assessment criteria subject to these infringements are outlined in appendix 9 of the Plan. For the reasons outlined in parts 6.2 and 7.3, they will be appropriate and

acceptable in context of the outcomes envisioned by the relevant assessment criteria, as:

- 8.4.2 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.

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

The New Zealand Coastal Policy Statement (NZCPS))

- 8.5.1 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)

- 8.5.2 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 environment 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.

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

- 8.6.1 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

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

(1) *The administering body of a recreation reserve may from time to time, in the exercise of its functions under [section 40](#) and to the extent necessary to give effect to the principles set out in [section 17](#),—*

(d) prescribe, as to not more than 40 days in any year as it thinks fit, that the public shall not be entitled to have admission to the reserve or to any part or parts thereof set apart for a particular purpose or purposes unless on payment of a charge or charges as hereinafter mentioned:

- 8.6.3 The proposal will not be contrary to the Reserve Act provisions, as the length of the works estimated to be between 35 – 40 days.

8.7 Part 2 of the Act

- 8.7.1 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.

8.7.2 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 Maungarei 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.

8.7.3 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:*

8.7.4 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.

8.7.5 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:*

8.7.6 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.

8.7.7 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.

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

8.8 Conclusion

8.8.1 The Tūpuna Maunga Authority is seeking resource consent to remove 180 exotic trees to facilitate cultural and spiritual restoration of Maungarei. 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.

8.8.2 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.

8.8.3 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.

8.8.4 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:



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Dated: November 2017

APPENDICES

Appendix 1 – Removals Plan and Removal Schedule

Appendix 2 – Arboricultural Assessment and Removal Methodology

Appendix 3 – Landscape Visual Assessment

Appendix 4 – Ecological Assessment and Remediation Planting Plan

Appendix 5 – Heritage Assessment

Appendix 6 – Certificate of Title

Appendix 7 – Mana Whenua Engagement

Appendix 8 – Relevant Statutory Provisions

Appendix 9 – Acoustic Assessment

Appendix 10 – Communications Plan