

27 April 2017

Richmond Planning Limited
PO Box 91689
Victoria Street West
Auckland 1142

Dear Sir/Madam

Resource consent application – advice of decision

Application Number(s):	R/LUC/2017/335
Applicant:	Auckland Council
Proposed Activity(s):	Restoration planting on Maungawhau.
Address:	250 Mount Eden Road, Mount Eden, Auckland 1024

Following an assessment of your resource consent application under the Resource Management Act 1991 (RMA) and with reference to the Auckland Council District Plan (Auckland City Isthmus Plan), and the Proposed Auckland Unitary Plan, a decision has been made to approve your application, subject to conditions of consent.

Please take the time to read and understand the conditions of consent. Council officers will undertake inspections of your project to check compliance with this resource consent. For your reference, a copy of the decision is attached. It outlines the basis for the decision and the conditions.

If you disagree with the decision, or parts of it including the conditions, you can lodge an objection with us or file an appeal with the Environment Court within 15 working days of receiving this decision.

Objections should be addressed to the Principal Planner Hearings and Resolutions - Central, Auckland Council at 35 Graham Street, Auckland. Information on the objection process can be found on our website www.aucklandcouncil.govt.nz (type "objection process" in the search field).

Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/courts/environment-court

A final invoice will be sent shortly. No work is allowed to commence until all outstanding fees have been paid, as stated in condition of your consent.

If you have any queries, please contact [redacted] and quote the application number above.

Yours sincerely



Isabel Braganza
Administrator
Resource Consents

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least 14 days prior to work starting on your development or post it to the address at the bottom of the page.

Site address: 250 Mount Eden Road, Mount Eden, Auckland 1024				
AREA (please tick the box)	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
Resource consent number: R/LUC/2017/335			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	Date:
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Once you have been contacted by the monitoring inspector, all correspondence should be sent directly to them.

SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent monitoring inspector on 09 301 0101 to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.

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



Discretionary activity

Application number: R/LUC/2017/335
Applicant: Auckland Council
Site address: 250 Mount Eden Road, Mount Eden
Legal description: Section 1 SO Plan 454833

Proposal:

To undertake a restoration planting programme on the southern slopes of Maungawhau which will include removal of weeds and replacement native planting.

The resource consents required are:

Land use consents (s9) – R/LUC/2017/355

Auckland Unitary Plan (Operative in Part)

District land use consent

- Restricted discretionary activity for modifications to, or restoration of buildings, structures, fabric or features of a scheduled historic heritage place pursuant to Rule D17.4.1(A9). The application is for the removal of weed plants and planting of native trees on a scheduled extent of place (Maungawhau/Mt Eden);
- Discretionary activity for conservation planting on a scheduled historic heritage place subject to additional archaeological rules pursuant to Rule D17.4.1(A23);
- Discretionary activity for the removal of trees greater than 3m in height or greater than 300mm in girth within a scheduled historic heritage place pursuant to Rule D17.4.1(A26). The proposal includes the removal of weeds plus 3 pine trees;
- Restricted discretionary activity for earthworks greater than 2m³ and up to 10m³ within an Outstanding Natural Feature Category V1 pursuant to Rule E12.4.3(A40). The proposal includes approximately 7m³ of earthworks.
- Restricted discretionary activity for the removal of any tree greater than 4m in height or 400mm in girth in the Open Space Zone pursuant to Rule E16.4.1(A10). The proposal includes the removal of weeds plus 3 pine trees.

Decision

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

Public notification

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

1. The adverse effects on the environment will be no more than minor because:
 - The proposed works are located outside any recorded archaeological site and if any archaeological material is found then a protocol and methodology to follow has been developed by the applicant. Due to the limited nature of each hole for plants this is unlikely to occur;
 - The proposed removal of weeds and digging of holes for replanting will not change the landform due to the shallow depth of the works and the extent of silt/sediment generated is minimal. In addition, no soil will be removed from the maunga and the only imported soil will be from within the planting bags which will be locally sourced.
 - The restoration planting will not affect Tangata Whenua's connections or values associated with the site due to removal of exotic species and replanting with native species.
2. There is no district or regional rule or national environment standard that requires public notification and the applicant has not requested it.
3. There are no special circumstances that warrant public notification under section 95A(4) because there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.
4. There is adequate information and nothing about the specifics or issues of the proposed activity that warrants the exercise of any residual discretion under s95A(1) for public notification to better inform substantive decision making in achieving the purpose of the RMA.

Limited notification

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

1. There are no adversely affected persons because:
 - The works will be undertaken in accordance with a management plan and an operational plan proposed by the applicant; and
 - Consultation with iwi has been undertaken with positive response received from those who have responded. In addition, the Maunga authority support the application.
 - The works will not affect the privacy or amenity of adjacent sites to the area of works as the works will occur during daylight hours and will occur for a short duration; and
 - Users of the walking tracks will be inconvenienced temporarily due to the short duration of the works and notices will be erected prior to works to advice of the period that closure of the area will occur.
2. There are no protected customary rights groups in the region adversely affected by this proposal.

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



Greg Hill

Duty Commissioner

26 April 2017

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



Discretionary activity

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Applicant: Auckland Council
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- Restricted discretionary activity for earthworks greater than 2m³ and up to 10m³ within an Outstanding Natural Feature Category V1 pursuant to Rule E12.4.3(A40). The proposal includes approximately 7m³ of earthworks.
- Restricted discretionary activity for the removal of any tree greater than 4m in height or 400mm in girth in the Open Space Zone pursuant to Rule E16.4.1(A10). The proposal includes the removal of weeds plus 3 pine trees.

Decision

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

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

1. Reasons

The reasons for this decision are:

1. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be mitigated and minimised as:
 - The proposed works are located outside any recorded archaeological site and if any archaeological material is found then a protocol and methodology to follow has been developed. Due to the limited nature of each hole for plants it is unlikely that disturbance to archaeological material will occur;
 - The proposed removal of weeds and digging of holes for replanting will not change the landform of the volcano due to the shallow depth of the works and the extent of silt/sediment generated is minimal. In addition, no soil will be removed from the maunga and the only imported soil will be from within the planting bags will contain locally sourced soil.
 - The removal of the weeds will visual improve the amenity values of the maunga and increase the biodiversity with the addition of native vegetation.
 - The restoration planting will not affect Tangata Whenua's connections or values associated with the site due to removal of exotic species and replanting with native species.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the Auckland Unitary Plan (Operative in Part) relating to Open Space - Conservation (Section H7), historic heritage (Section D17) and removal of vegetation in Open Space (Section E16).

The proposal meets the relevant objectives and policies of the Open Space – Conservation Zone (H7.2, H7.3& H7.4) as the works will protect the geological, historic heritage and Mana Whenua values of the reserve by the works being undertaken in accordance with the relevant management plans that have been developed to protect the Maunga. In addition, the restoration will enhance the visual, and ecological values of the Maunga through the removal of weed species and replacing with native plants.

Maungawhau/Mt Eden is identified under the Unitary Plan as being an Outstanding Natural feature plus a Category 'A' Historic Place. These planning mechanisms protect the natural and built heritage that occurs on the Maunga and this application is respectful of the relevant objectives and policies (D17.2, D17.3 and E12.3) relating to these protection orders as the works are not occurring within the area of any known archaeological sites plus the amount of earthworks is limited to reduce the possibility of damaging the natural and historic environment. The proposal will restore the natural vegetation that occurred on site through the removal of weeds plus the large pine trees which are all introduced species to the Maunga and the Auckland ecology. This therefore meets the objectives and policies for vegetation removal in Open Space Zones. (E16.2 and 16.3)

3. In accordance with an assessment under s104(1)(c) of the RMA the application has been developed in accordance with the Management Plan for the Maunga which includes weed removal and restoration planting. In addition, conditions pertaining to methodology of works and extent of works have been included to ensure the restoration planting is undertaken in accordance with the application.

4. Overall the proposal will improve the natural environment of a significant open space area close to Auckland Central by the restoration planting while ensuring that the historic, geological and landform features of the site are protected.
5. This proposal achieves the sustainable management purpose of the RMA under Part 2 because the methodology and extent of works have been developed to ensure that the works will protect heritage, both natural and built, while enhancing the visual and ecological values of a key feature of the Auckland Landscape. This will increase the amenity that people experience when visiting the open space associated with Maungawhau/Mt Eden.

2. Conditions

Under section 108 of the RMA, I recommend the following conditions:

1. The discretionary activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number R/LUC/2017/335.
 - Application Form, and Assessment of Environmental Effects prepared by Tania Richmond of Richmond Planning Ltd, titled “Assessment of Environmental Effects. Maungawhau Planting restoration works (southern area)” dated January 2017.
 - Heritage New Zealand Authority to modify No: 2017/534 expiry date 1 February 2022.

Report title and reference	Author	Rev	Dated
Friends of Maungawhau Southern Planting Programme, Maungawhau/Mt Eden: archaeological assessment	Arden Cruickshank or CFG Heritage		12 December 2016
Review of Maungawhau Planting Plan Batger Rd to Owens Rd Area	Janeen Collings		20 th February 2017
Friends of Maungawhau Southern Planting Programme, Maungawhau/Mt Eden: Site Instruction	Arden Cruickshank of CFG Heritage		17 January 2017
draft NgāTūpunaMaunga o Tamaki Makaurau – tree pruning or removal protocols	Matthew Campbell and Arden Cruickshank of CFG Heritage plus Greg Jenks of NgāTūpunaMaungaTeam		undated
Other additional information	Author	Rev	Dated
Heritage advisor review – weed management and planting restoration works – 250 Mt Eden Road (Maungawhau)	Tania Richmond of Richmond Planning Ltd		21 March 2017

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

- a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$600 inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

Advice note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

4. The consent holder is to ensure that all contractors, volunteers and work site supervisory staff who are carrying out works authorised by this consent are advised of the conditions of consent. The conditions are to be available at all times on the work site when the works are occurring.

Archaeology

5. The consent holder shall employ an archaeologist (project archaeologist) to be on site for:
- a) the annual meeting required under condition 10
 - b) any earthworks that may affect the archaeological site; and
 - c) in the event of encountering archaeological evidence.
6. The Project Archaeologist has the following roles and responsibilities
- provide an onsite briefing to FOM about the work required and how to identify possible archaeological sites during works;
 - ensure that the methodology and Friends of Maungawhau Southern Planting Programme, Maungawhau/Mt Eden: Site Instruction set out above is correctly implemented;
 - Maintain communication with the contractors, tangata whenua and the Heritage NZ; and Auckland Council Heritage Unit.
 - the Project Archaeologist will have responsibility for deciding if potential archaeological features pre-date 1900.
7. Prior to the start of project works, the Project Archaeologist will meet the Friends of Maungawhau (MOF) on site to brief them on the archaeological requirements, Accidental Discovery Rule (E 12.6.1 of the Auckland Unitary Plan OIP) and any areas to be monitored by the archaeologist.
8. The Project Archaeologist will ensure that the FOM have a copy of the Authority, Archaeological Site Instruction and the Accidental Discovery Rule available on site, and will provide confirmation to Heritage NZ and Auckland Council's Heritage Unit that they have been received and understood, either by providing copies of both documents signed by the applicant

(Auckland Council and FOM), Contractor/Project Manager, or by obtaining email confirmation from the Applicant's Auckland Council and FOM, copied to Heritage NZ and Auckland Council Heritage Unit.

9. The works shall be carried out in accordance with the draft *Nga TupunaMaunga o Tamaki Makaurau – tree pruning or removal protocols* written by CFG Heritage Ltd and Greg Jenks of NgāTūpunaMaungaTeam.
10. An annual Accidental Discovery Protocol brief of contractors and/or volunteers shall occur prior to weed clearance and planting. This briefing shall discuss the following:
 - a) What constitutes historic heritage materials; the legal requirements of unexpected historic heritage discoveries;
 - b) The appropriate procedures to follow if historic heritage materials are uncovered whilst the project archaeologist is not on site, to safeguard materials; and
 - c) The contact information of the relevant agencies (including the project historic heritage expert, the Team Leader: Monitoring, the Auckland Council Heritage Unit and Heritage New Zealand PouhereTaonga) and mana whenua

Replanting

11. If excavation methodologies used for planting differs from that detailed in the Friends of Maungawhau Southern Planting Programme, Maungawhau/Mt Eden: Site Instruction than approval shall be obtained from the Auckland Council Heritage Unit prior to commencing planting.
12. The restoration planting for this consent is to occur in the area identified below (blue area) and:
 - a) is restricted to a maximum of 2000 native plants.
 - b) Only shallow rooting plants should be used on the archaeological site.



13. Prior to the removal of the pine trees, a specific removal methodology shall be submitted to and approved by the Team Leader Monitoring – Central. The methodology shall be prepared in consultation with the project archaeologist and parks arborist. The methodology shall take into account the following:
- a) The potential to encounter archaeological evidence and measures to avoid the risk of large limbs falling;
 - b) Measures to protect existing native vegetation; and
 - c) Notice to residents adjoining the works area of the proposed work, including dates and times where removal is proposed.

Advice Note

This consent does not provide for ground disturbance for the pine removal therefore if disturbance was to occur a separate consent would be required.

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact Central Monitoring Team on monitoring@aucklandcouncil.govt.nz to identify your allocated officer.

3. *For more information on the resource consent process with Auckland Council see the council's website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*
4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision and/or notification of additional charges.*
5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*



Greg Hill

Duty Commissioner

26 April 2017