



Our refs: OIA 20-E-0203
DOC-6266314

24 April 2020

[REDACTED]

Dear [REDACTED]

OFFICIAL INFORMATION REQUESTS

Thank you for your Official Information Act requests to the Minister of Conservation, dated 11 March 2020. On 30 March 2020 the Minister transferred your requests to the Department of Conservation.

Request

You requested the following in relation to the felling of trees on Ōwairaka/Mount Albert:

- 1. Did Department of Conservation approve Tūpuna Maunga Authority felling last year of 152 healthy mature non-native trees on Māngere Mountain (which is DoC owned but administered by the Authority)? Please provide all documents that shows approval for this action.*
- 2. Is DoC aware that native birdlife has since largely vanished from Māngere and from other maunga where such large-scale tree felling has also occurred? Please provide documentation in relation to DoC's awareness about this question.*
- 3. Is DoC aware that very little native planting has since been done on Māngere since the trees were felled (and other maunga where tree felling has occurred) and the majority of those plantings have died due to poor planting practice and neglect?*
- 4. A number of other DoC owned reserves (eg. North Head) are passing into Tūpuna Maunga Authority management. Has DoC agreed to the felling of non-native trees in these reserves? Please provide all documents that show approval / disapproval / discussion for such actions.*
- 5. Does DoC permit the felling of non-native trees on all DoC-owned lands that are in urban areas even if they are not managed by Tūpuna Maunga Authority? Please provide documents in relation to this question.*

6. *Has DoC sought independent (ie. not used by Council or the Authority) expert review of the Tūpuna Maunga Authority's "expert" reports relating to non-native tree felling on Auckland's maunga and public reserves in DoC ownership?*
7. *A plan for each of the maunga is required under the Reserves Act designation. Does DoC have the Tūpuna Maunga Authority's plans for those Maunga, whose Special Ecological Areas, environments and ecologies are being significantly harmed by the Authority's plans to remove all non-native trees from those maunga in a short timeframe, even though those actions do not follow accepted ecological and arboricultural best practices? Please provide those plans if you have them.*
8. *Please provide the name, role and contact details for the person/s in DoC responsible for regulating compliance with the application of the Reserves Act designation on Auckland's maunga that are under Tūpuna Maunga Authority's administration?*
9. *Is DoC aware of the risks posed to the UNESCO World Heritage bid due to significant – and growing – community unrest over Tūpuna Maunga Authority's plans to fell all exotic tress of all maunga under its management? Please provide documentation relating to any communication around this matter.*
10. *Please provide the name, role and contact details of the manager or head of department tasked with processing the bid to have Auckland's maunga conferred as UNESCO World Heritage sites.*

Clarification of request

On 6 April 2020 in an email to the Department you clarified (or refined) Question 5 of your request, and I set out the Question as clarified below:

5. *Does DoC permit the felling of non-native trees on all Crown-owned land that the Department of Conservation administers as public conservation land that are in urban areas, even if they are not managed by Tūpuna Maunga Authority? Please provide documents in relation to this question.*

Context

By way of context for my response the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (the "Redress Act") declared the Tūpuna Maunga o Tāmaki Makaurau Authority (the Maunga Authority) to be the administering body of certain Auckland maunga that were held as reserves, for the purposes of the Reserves Act 1977. The Redress Act provides that the provisions of the Reserves Act are to be applied as if the reserves were vested in the Maunga Authority as the administering body (for example see sections 18-29 of the Redress Act).

However, the application of the Reserves Act is subject to the provisions of the Redress Act (section 47 of the Redress Act refers). In other words, the Reserves Act is not to be applied without constraint, and its application must be within the context of the provisions of the Redress Act.

As the administering body, the Maunga Authority has the autonomy to exercise a broad range of decision-making powers conferred on it under the Reserves Act. It does not have a totally free hand, however, and is required to comply with the provisions of the Reserves Act (to the extent already mentioned) and the Tūpuna Maunga Integrated Management Plan, which was prepared under the Redress Act.

Responses

Your questions and our responses are listed below:

1. *Did Department of Conservation approve Tūpuna Maunga Authority felling last year of 152 healthy mature non-native trees on Māngere Mountain (which is DoC owned but administered by the Authority)? Please provide all documents that shows approval for this action.*

The Department of Conservation did not approve the felling of trees on Māngere, as approval by the Department was not required. Under the Redress Act the Maunga Authority is the administering body for this reserve (section 54 of the Redress Act refers). The Authority can make decisions about the management of trees on the reserve under its Reserves Act powers.

I regret I must therefore refuse the part of your request for documents, under section 18(e) of the Official Information Act as the information does not exist. In reaching my decision I have borne in mind section 18B of the Official Information Act.

2. *Is DoC aware that native birdlife has since largely vanished from Māngere and from other maunga where such large-scale tree felling has also occurred? Please provide documentation in relation to DoC's awareness about this question.*

The Department holds no information about any changes to the populations of wildlife on Māngere or other maunga following removal of trees, other than an email comment, dated 14 November 2019, from a member of the public that there were fewer morepork on one maunga. It is attached but with some deletion of information under section 9(2)(a) to protect the privacy of individuals

In the circumstances of this case, the withholding of that information is not outweighed by other considerations which would render it desirable, in the public interest, to make it available.

3. *Is DoC aware that very little native planting has since been done on Māngere since the trees were felled (and other maunga where tree felling has occurred) and the majority of those plantings have died due to poor planting practice and neglect?*

The Department is aware of public concerns about the Maunga Authority's planting programmes on Māngere or on other maunga following the removal of trees as a result of media coverage.

4. *A number of other DoC owned reserves (eg. North Head) are passing into Tūpuna Maunga Authority management. Has DoC agreed to the felling of non-native trees in these reserves? Please provide all documents that show approval / disapproval / discussion for such actions.*

The transfer of responsibility for Maungauika/North Head from the Department to the Maunga Authority took place in January 2019, as provided for under the Redress Act (Schedule 6 of the Redress Act refers). There are no provisions under the Redress Act for any other areas of public conservation land administered by the Department to be transferred to the Maunga Authority.

The Department of Conservation has not agreed to the felling of trees on Maungauika as approval by the Department is not required. Under the Redress Act the Maunga Authority is the administering body for this reserve (section 54 of the Redress Act refers). The Authority makes decisions about the management of trees on the reserve under its Reserves Act and Redress Act powers.

As there are no relevant documents, I am declining your request for documents, under section 18(e) of the Official Information Act. In reaching my decision I have borne in mind section 18B of the Official Information Act.

5. *Does DoC permit the felling of non-native trees on all Crown-owned land that the Department of Conservation administers as public conservation land that are in urban areas, even if they are not managed by Tūpuna Maunga Authority? Please provide documents in relation to this question.*

The Department administers a large number of areas throughout the Auckland urban area. These include reserves held under the Reserves Act and marginal strips held under the Conservation Act 1987. Many of these areas contain non-native trees. From time to time, if necessary, the Department would allow pruning of non-native trees as part of grounds management, or in some cases the removal of trees, if they were badly diseased, are plant pest species or pose a significant safety risk.

The Department does not actively manage all of these areas because it focusses its resources on places that are of higher priority for conservation. As a consequence, the Department does not have a proactive programme of tree management for the areas it administers in the urban area.

You have asked for documents in relation to this question. The overarching information on how reserves are to be managed, subject to any Treaty legislation or other legislation that overrides the Reserves Act, is to be found in the Reserves Act itself, in Conservation Management Strategies and Conservation Management Plans. These are already publicly available on the Department's website and therefore your request for documentation is declined under section 18(d) of the Official Information Act.

6. *Has DoC sought independent (ie. not used by Council or the Authority) expert review of the Tūpuna Maunga Authority's "expert" reports relating to non-native tree felling on Auckland's maunga and public reserves in DoC ownership?*

In November 2019 a Department staff member in the Tāmaki Makaurau District's biodiversity team prepared an analysis of information provided to the Department by the Maunga Authority concerning its planned tree removal programme. The Department staff member's analysis was submitted to the Operations Manager, Tāmaki Makaurau District, who, in turn, forwarded it to the Maunga Authority's Operations Manager for their consideration.

7. *A plan for each of the maunga is required under the Reserves Act designation. Does DoC have the Tūpuna Maunga Authority's plans for those Maunga, whose Special Ecological Areas, environments and ecologies are being significantly harmed by the Authority's plans to remove all non-native trees from those maunga in a short timeframe, even though those actions do not follow accepted ecological and arboricultural best practices? Please provide those plans if you have them.*

As I noted above, the Maunga Authority must prepare and have regard to an integrated management plan, to be prepared and approved by the Maunga Authority pursuant to section 58 of the Redress Act. Section 58(3) of the Redress Act directs that the process and requirements for the preparation of management plans, as set out in section 41 of the Reserves Act, apply to the preparation of the integrated management plan.

The Redress Act does not require the preparation of separate management plans for the individual maunga administered by the Maunga Authority.

The Tūpuna Maunga Integrated Management Plan can be viewed on the Auckland Council website at this link:

<https://www.aucklandcouncil.govt.nz/about-auckland-council/how-auckland-council-works/kaupapa-maori/comanagement-authorities-boards/tupuna-maunga-tamaki-makaurau-authority/Pages/tupuna-maunga-integrated-management-plan.aspx>

This part of your request is declined under section 18(d) of the Official Information Act as the information is already publicly available.

8. *Please provide the name, role and contact details for the person/s in DoC responsible for regulating compliance with the application of the Reserves Act designation on Auckland's maunga that are under Tūpuna Maunga Authority's administration?*

As I noted above in the context I provided for my responses, the application of the Reserves Act to the maunga transferred to the Maunga Authority is subject to the provisions of the Redress Act. Any concerns about the application of the Reserves Act by the Maunga Authority would need to be considered within that context.

I am the senior official in the Department responsible for the administration of the Reserves Act in the Auckland Region (contact by mobile 027 281 5638 or email abaucke@doc.govt.nz).

9. *Is DoC aware of the risks posed to the UNESCO World Heritage bid due to significant – and growing – community unrest over Tūpuna Maunga Authority's plans to fell all exotic trees of all maunga under its management? Please provide documentation relating to any communication around this matter.*

The Department holds no information about risks for a nomination to UNESCO for World Heritage Area status for the Auckland Volcanic Field site, if such a nomination were to be progressed, arising from the Maunga Authority's proposals

for the felling of trees on the maunga it administers. The Department has not received any communications about any such risks.

I regret I must therefore refuse this part of your request under section 18(e) of the Official Information Act as the information does not exist.

10. Please provide the name, role and contact details of the manager or head of department tasked with processing the bid to have Auckland's maunga conferred as UNESCO World Heritage sites.

At the time of writing the Department is not actively working on a nomination for the Auckland Volcanic Field site.

The accountable person for managing the Department's programme of work related to the World Heritage Convention, including the progressing of any nominations, is Danica Stent, International Manager, National Office, Wellington (contact by mobile 027 354 8863 or by email dstent@doc.govt.nz).

Review

You are entitled to seek an investigation and review of my decisions by writing to an Ombudsman as provided by section 28(3) of the Official Information Act.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A Baucke', written in a cursive style.

Andrew Baucke
Director Operations, Auckland
for Director-General