

**Subject:** Fwd: The Scheduled Notable Macrocarpa Tree located on corner of Ash Street and Gt North Road to be cut down tomorrow.  
**Date:** Friday, 19 February 2021 at 12:44:50 PM New Zealand Daylight Time  
**From:** Wendy Gray <[treadvocatewendy@gmail.com](mailto:treadvocatewendy@gmail.com)>  
**To:** Wendy Ang <[wendzgray@orcon.net.nz](mailto:wendzgray@orcon.net.nz)>  
**Category:** Junk

----- Forwarded message -----

From: **Mayor Phil Goff** <[Phil.Goff@aucklandcouncil.govt.nz](mailto:Phil.Goff@aucklandcouncil.govt.nz)>  
Date: Wed, Feb 17, 2021 at 12:06 PM  
Subject: RE: The Scheduled Notable Macrocarpa Tree located on corner of Ash Street and Gt North Road to be cut down tomorrow.  
To: Wendy Gray <[treadvocatewendy@gmail.com](mailto:treadvocatewendy@gmail.com)>

Tēnā koe Wendy

Thank you for your email. The Mayor's office has enquired into this matter and have been advised by our legal department that they are confident that relevant matters have been carefully considered and that the proper process has been followed in this case. Therefore we do not propose to investigate this matter further. You can find more information about the council's process on the council's website: [OurAuckland story](#).

If you are dissatisfied with this response, then you may wish to raise this matter with the Ombudsman.

Ngā mihi

Ropu Erueti | Correspondence Coordinator  
Office of the Mayor of Auckland

Auckland Council

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**From:** Wendy Gray <[treadvocatewendy@gmail.com](mailto:treadvocatewendy@gmail.com)>  
**Sent:** Wednesday, 10 February 2021 2:38 PM  
**To:** Mayor Phil Goff <[Phil.Goff@aucklandcouncil.govt.nz](mailto:Phil.Goff@aucklandcouncil.govt.nz)>

**Cc:** Jim Stabback <[jim.stabback@aucklandcouncil.govt.nz](mailto:jim.stabback@aucklandcouncil.govt.nz)>; Claudia Wyss <[claudia.wyss@aucklandcouncil.govt.nz](mailto:claudia.wyss@aucklandcouncil.govt.nz)>; Rod Sheridan <[rod.sheridan@aucklandcouncil.govt.nz](mailto:rod.sheridan@aucklandcouncil.govt.nz)>; Suad Allie <[suad.allie@aucklandcouncil.govt.nz](mailto:suad.allie@aucklandcouncil.govt.nz)>; Mike Giddey <[Mike.Giddey@aucklandcouncil.govt.nz](mailto:Mike.Giddey@aucklandcouncil.govt.nz)>; [enquiry@oag.parliament.nz](mailto:enquiry@oag.parliament.nz); [Nanaia.mahuta@parliament.govt.nz](mailto:Nanaia.mahuta@parliament.govt.nz); [bernard.orsman@nzherald.co.nz](mailto:bernard.orsman@nzherald.co.nz); [contact@newsroom.co.nz](mailto:contact@newsroom.co.nz); [cass.mason@newsroom.co.nz](mailto:cass.mason@newsroom.co.nz); NZ Herald newsdesk (External) <[newsdesk@nzherald.co.nz](mailto:newsdesk@nzherald.co.nz)>; [michael.neilson@nzherald.co.nz](mailto:michael.neilson@nzherald.co.nz); Radio NZ newsdesk (External) <[aknews@radionz.co.nz](mailto:aknews@radionz.co.nz)>; Checkpoint <[checkpoint@radionz.co.nz](mailto:checkpoint@radionz.co.nz)>; Radio Network news (External) <[news@newstalkzb.co.nz](mailto:news@newstalkzb.co.nz)>; Leighton Smith (External) <[leighton@newstalkzb.co.nz](mailto:leighton@newstalkzb.co.nz)>; Scoop (External) <[editor@scoop.co.nz](mailto:editor@scoop.co.nz)>; Tvnz Co News <[news@tvnz.co.nz](mailto:news@tvnz.co.nz)>; Tv3 Co News <[news@tv3.co.nz](mailto:news@tv3.co.nz)>; [editor@newsroom.co.nz](mailto:editor@newsroom.co.nz); [newsroom@stuff.co.nz](mailto:newsroom@stuff.co.nz); [natasha.smith@tvnz.co.nz](mailto:natasha.smith@tvnz.co.nz); [fiona@nbr.co.nz](mailto:fiona@nbr.co.nz); [tim.murphy@newsroom.co.nz](mailto:tim.murphy@newsroom.co.nz); [alexiacrussell@gmail.com](mailto:alexiacrussell@gmail.com); [nona.pelletier@radionz.co.nz](mailto:nona.pelletier@radionz.co.nz); [todd.niall@stuff.co.nz](mailto:todd.niall@stuff.co.nz); [nick.truebridge@stuff.co.nz](mailto:nick.truebridge@stuff.co.nz); [andrea.vance@stuff.co.nz](mailto:andrea.vance@stuff.co.nz); [callie.schaumkel@maoritelevision.com](mailto:callie.schaumkel@maoritelevision.com); [anthony.stevens@tvnz.co.nz](mailto:anthony.stevens@tvnz.co.nz); [mbarthow@mediaworks.co.nz](mailto:mbarthow@mediaworks.co.nz); [sarahbristow@mediaworks.co.nz](mailto:sarahbristow@mediaworks.co.nz); [jonbridges@mediaworks.co.nz](mailto:jonbridges@mediaworks.co.nz); [Jonathan.Williams@tvnz.co.nz](mailto:Jonathan.Williams@tvnz.co.nz); [pete.cronshaw@tvnz.co.nz](mailto:pete.cronshaw@tvnz.co.nz); [tati.urale@tvnz.co.nz](mailto:tati.urale@tvnz.co.nz); [joanne.mitchell@tvnz.co.nz](mailto:joanne.mitchell@tvnz.co.nz)

**Subject:** The Scheduled Notable Macrocarpa Tree located on corner of Ash Street and Gt North Road to be cut down tomorrow.

Dear Mr Mayor

We are writing to you as concerned residents and ratepayers of Auckland and as Tree Advocate and Tree Potector.

This is an open letter because of the imminent removal, scheduled for Thursday 11 February 2021, of the Notable Macrocarpa Tree locally known as "Big Mac" located on the corner of Ash Street and Great North Road Avondale.

We are writing to make a formal complaint regarding the conduct of the CEO of Auckland Council, James Stabback, and members of his executive team, with regards to the decision on 23 December 2020, on delegated authority, to grant permission for the removal of this iconic landmark.

The specific conduct alleged in this complaint is as follows:

1. Failure to follow usual process and making exception for this developer and his partner by escalating this tree owner approval decision, and the decision-making process, to the Executive Team (Claudia Wyss and Rod Sheridan) and to the CEO James Stabback himself.
2. Failure by the Executive team (Claudia Wyss and Rod Sheridan and therefore James Stabback) to consider, (do more than note), the opposition to the removal of this tree from the Whau Local Board (the land owner consent authority), and the Tree Council.
3. Failure to consider (do more than note) the Landscape Architect report (17 December 2020) provided by the Tree Council, disputing claims in the Greenscene report (4 December 2020), relied on by Claudia Wyss and Rod Sheridan and therefore James Stabback, that the tree is in poor health and to justify their favourable decision.

4. Failure by the Executive team (Claudia Wyss and Rod Sheridan and therefore James Stabback) to consider, (do more than note), the opposition to the removal of this tree from Auckland Council's own Resource Consents Department Arborist and Council's Senior Heritage Arborist.

5. Failure by the Executive team (Claudia Wyss and Rod Sheridan and therefore James Stabback) to consider, (do more than note), the opposition to the removal of this tree from mana whenua Ngati Whatua Orakei, thereby failing to implement the Auckland Plan 2050 to adopt a Maori World view to treasure and protect our natural environment. It is not tikanga to destroy the mauri of this mature locally important Notable tree in the circumstances of this decision.

6. Council's commissioning (Claudia Wyss and Rod Sheridan and therefore James Stabback) of the Greenscene report in order to discredit (a fair inference given that this was in fact the effect of the obtaining of this report) the advice of their own skilled arborists in order to enable the Executive Team (and therefore James Stabback) to make a decision favourable to the developer.

7. According to the Tree Owner Approval Guide the aim is to respond to an application within 3 days and the Council will endeavor to process the application within 10 working days. Longer time frames are envisaged for complex applications. The application envisages that the applicant will provide all the information for the approval. In this case Auckland Council commissioned the Greenscene report and then relied on it not its own skilled arborists? The Guide also sets out the matters to be 'considered' by Auckland Council. 'Consideration' requires 'continuous and careful thought, careful weighing of the reasons for and against something' (Webster). Merely noting something without further comment is not 'consideration'; it is box ticking.

8. Failure by the Executive team (Claudia Wyss and Rod Sheridan and therefore James Stabback) to properly investigate the developer's claims. 40% of the trees mass occupies the developer's site (the greater part 60% being on Council/Whau Local Board land), yet the developer claimed that failure to remove this tree would result in the inability to build 34 of the 117 proposed apartments. On the face of it this does appear to be overregging the consequences.

9. Failure by the Executive team (Claudia Wyss and Rod Sheridan and therefore James Stabback) to investigate the developers threats of legal action (the primary reason given for allowing the consent) when a) it was clear from the Resource Consent application that the developer was informed in August and September 2020 that Council arborists were not minded to grant tree owner consent, and b) that they would also be required to obtain tree owner consent to be able to proceed with the development.

10. Subsequent to the decision being made, it has come to attention of the community that there have on-going negotiations between the developers and Mana Rakau, the protest group who are currently occupying a property at Canal Rd, Avondale, and who have also been occupying the site of "Big Mac".

11. The community has been informed that these negotiations have involved James Stabback, and the Chair of Panuku, the prior owner of the development property. It is noted that the Chair of Panuku is also Chair of the applicant's partner in this Aroha development, Hauraki Confederation Marutūāhu. It is also noted that James Stabback was on the group who selected the Chair of Panuku to his position.

12. There is widespread concern within the community that the CEO and the Executive team have not been impartial in this matter.

13. Taken together the cumulative effect is that ultimately by his actions in this matter, James Stabback has brought his office and Auckland Council into disrepute.

It therefore follows that on the facts this decision is unsafe and the developer and the Chair of Marutūāhu/Panuku should be immediately informed.

You are asked to formally investigate this complaint and report back in an open letter to the news media.

This open letter is also being sent to the appropriate minister, committees, the auditor general and the news media.

The public of Auckland are invited to come to the corner of Ash Street and Gt North Road on Thursday 11 February 2020 to protest the failure of Auckland Council to protect Auckland's most important and valuable Scheduled trees and to protest the killing of the mauri and wairua of this living being that is Big Mac.

Yours sincerely ,

Wendy Gray & Caleb Azor  
Mob: 021 149 2267

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