

Brooke Dales

From: tania@richmondplanning.co.nz
Sent: 29 January, 2021 1:14 PM
To: Brooke Dales; 'Fennel Mason'
Subject: RE: TMA - letter from the Chair

Thanks Brooke

I confirm these conditions were endorsed by the applicant. Regards, Tania

From: Brooke Dales <brooke@dcs.gen.nz>
Sent: Friday, 29 January 2021 12:53 PM
To: tania@richmondplanning.co.nz; 'Fennel Mason' <fennel.mason@aucklandcouncil.govt.nz>
Subject: RE: TMA - letter from the Chair

Hi Tania,

Updated footer attached. Must have been a template issue when I cut and pasted the conditions out of my report to send to you.

Please reply confirming you endorse the attached conditions and confirm that they form part of the application, as my assessment relies on them.

I consider we need to include the review comments and your response for this application only as they relate specifically to this application and this information needs to be in front of the decision-maker. My report explains that it is all sorted in any case.

I will send you a copy of my report on Tuesday once Fennel has reviewed it.

Cheers, Brooke

Brooke Dales, Director/Planning Consultant (BPlan)



a Unit 67 Victoria Park Market, 210-218 Victoria Street West, CBD
p PO Box 91247, Victoria Street West, Auckland 1142
m +64 27 432 4283 **t** +64 9 631 0400
e brooke@dcs.gen.nz **w** www.dcs.gen.nz

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From: tania@richmondplanning.co.nz [<mailto:tania@richmondplanning.co.nz>]
Sent: 29 January, 2021 12:06 PM
To: Brooke Dales <brooke@dcs.gen.nz>; 'Fennel Mason' <fennel.mason@aucklandcouncil.govt.nz>
Subject: RE: TMA - letter from the Chair

Thanks Brooke

Just two comments:

1. Check the footer reference
2. Is it necessary to include the letter dated 21 September and attached letter from Buddle Findlay dated 17 September 2020 if these matters are now resolved?

Cheers

From: Brooke Dales <brooke@dcs.gen.nz>
Sent: Thursday, 28 January 2021 3:24 PM
To: tania@richmondplanning.co.nz; 'Fennel Mason' <fennel.mason@aucklandcouncil.govt.nz>
Subject: RE: TMA - letter from the Chair

Hi Tania,

Great result with the HC decision. I have now updated my report and am awaiting some minor changes to the Council Specialists Ecological review.

Please find attached the draft conditions for your review and, if satisfied, could you confirm that they form part of the application.

Cheers, Brooke

Brooke Dales, Director/Planning Consultant (BPlan)



a Unit 67 Victoria Park Market, 210-218 Victoria Street West, CBD
p PO Box 91247, Victoria Street West, Auckland 1142
m +64 27 432 4283 **t** +64 9 631 0400
e brooke@dcs.gen.nz **w** www.dcs.gen.nz

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From: tania@richmondplanning.co.nz [<mailto:tania@richmondplanning.co.nz>]
Sent: Tuesday, 26 January 2021 11:53 AM
To: 'Fennel Mason' <fennel.mason@aucklandcouncil.govt.nz>; Brooke Dales <brooke@dcs.gen.nz>
Subject: TMA - letter from the Chair

Kia ora kōura

Attached is a letter from Chair of the Tūpuna Maunga Authority.

Regards, Tania Richmond

■■■ RICHMOND PLANNING LTD
Telephone **09 521 4639** Mobile **027 681 7799** tania@richmondplanning.co.nz
PO Box 25734, St Heliers, Auckland 1740
13 Godfrey Place, Kohimarama, Auckland 1071

1. Conditions

Under section 108 of the RMA, these consents are subject to the following conditions:

General Conditions

1. The removal of exotic vegetation, trimming of two native pohutukawa trees, and restoration planting activities 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 LUC60347931:
 - Application Form, and Assessment of Effects on the Environment and Statutory Assessment prepared by Jodie Mitchell of Richmond Planning Limited, titled “*Tūpuna Maunga Authority, Puketāpapa–Pukewīwī /Mt Roskill - Vegetation restoration and exotic vegetation removal works*”, dated October 2019 and the following appendices:
 - Appendix 1 Certificates of Title
 - Appendix 2 Rules Assessment
 - Appendix 3 Housing New Zealand - Written Approval
 - Appendix 4 Watercare - Written Approval
 - Appendix 5 Tree removal Methodology
 - Appendix 6 Planting Plan
 - Appendix 7 Draft Communications Plan
 - Appendix 8 Heritage Impact Assessment
 - Appendix 9 Acoustic Assessment
 - Appendix 10 Ecological Assessment & Herpetologist Assessment
 - Appendix 11 Landscape and Visual Effects Assessment
 - Application Section 92 response in the form of a letter from Richmond Planning Limited dated 10 December 2019, with Attachments as follows:
 - Attachment 1 Styles Group Acoustic response/assessment
 - Attachment 2 Te Ngahere Ecology response/assessment
 - Application Section 92 response in the form of a letter from Richmond Planning Limited dated 26 February 2020, and attached Consulting Advice Note prepared by Styles Group.
 - Application Section 92 response in the form of an emails between Andrew Rossaak – Senior Ecologist/Environmental Scientist, Consultant to the Auckland Council and Richard Mairs, Ecologist, Te Ngahere dated 4 February 2020 providing ecology/planting clarifications.
 - Letter from Richmond Planning Limited dated 21 September 2020, and attached letter from Buddle Findlay dated 17 September 2020.
 - Letter from Tupuna Maunga Authority dated 25 January 2021.

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 \$1,500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring charge 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, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

Pre-commencement Conditions

Pre-Construction Meeting with Compliance and Monitoring Staff

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

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

- a. Timeframes for key stages of the works authorised under this consent;
- b. Finalised Communications Plan, including: details regarding implementation of Communications Plan (e.g. sign locations, copies of letters to residents);
- c. Finalised Restoration Plan (Planting Plan);
- d. Finalised Construction Management Plan;
- e. Tree Removal Methodology report;
- f. Finalised Tree Protection Methodologies for trees to be retained;
- g. Finalised Archaeological Works Plan;
- h. Finalised Works Management Plan;

- i. Details of briefing for contractors, including: heritage protocols, location of processing sites, and ecological protocols.

Advice Note:

To arrange the pre-construction meeting please contact the Council's Monitoring Team Leader Central on 373 6292 or email monitoring@aucklandcouncil.govt.nz.

It is noted that these documents may be updated as required for subsequent stages.

Finalised Management Plans to be provided

5. A minimum of 5 working days prior to the commencement of construction activity and the vegetation removal approved by this resource consent, the consent holder shall submit to the Council (Monitoring Team Leader Central) for approval in writing, final versions of the following management plans:
 - a. Finalised Communications Plan;
 - b. Restoration Plan (Planting Plan);
 - c. Tree Removal Methodology report;
 - d. Tree Protection Methodologies for trees to be retained;
 - e. Archaeological Works Plan addressing monitoring, recording, and reporting for tree removals and planting;
 - f. Works Management Plan, including:
 - Health and Safety Plan;
 - Traffic Management Plan; and
 - Incorporation of ecological protection measures;
6. The finalised Restoration Plan (Planting Plan) shall be prepared by a suitably qualified and experienced ecologist in accordance with Appendix 16: Guideline for Native Revegetation Plantings of the Auckland Unitary Plan: Operative in Part, and provided to Council (Monitoring Team Leader Central) for approval. The final planting plan shall include, but not be limited to, the following:
 - a. Plant species, spacing, planting zones (if required), plant numbers, plant densities, plant sources, fertiliser use and specification on plant size as described in the application;
 - b. Planting methodology, including any staging (required for the effective control of weeds prior to planting, and enhancement species to be used for infill planting once initial planting has established).
 - c. Plantings of the 37 large trees to be undertaken in Year 1.
 - d. All plantings from the Myrtaceae family of species shall be sourced from a nursery that is a signatory to Myrtle Rust Nursery Management Declaration V6, 11 October 2017 that certifies that the plant producer has implemented the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol (Myrtle Rust Nursery Management Protocol – V6, 11 October 2017).
 - e. The monitoring and maintenance plan shall include as a minimum:
 - Monitoring criteria, methods and indicators to ensure the performance standards are met, including the removal of pest plants.
 - Pest plant and animal management performance standards and targets.

- All planting shall achieve a minimum of a 90% survival rate for the first five (5) years after planting, apart from the 37 large trees which must achieve a 100% survival.

Monitoring shall be conducted at least four times a year for the first five (5) years and the results reported to the Council (Monitoring Team Leader Central) within twenty (20) working days.

Advice note:

The application material contains a planting plan and the applicant has offered to provide a finalised version prior to the prestart meeting. The above condition is amended from a condition proposed by the applicant, including the 4 times a year monitoring.

Development in Progress Conditions

Implementation of Management Plans

7. No construction activity or vegetation removal approved by this resource consent shall commence until written confirmation is provided by the council that all of the submitted final management plans are acceptable and that all measures identified in these plans, as needing to be put in place prior to commencement of works, have been undertaken.

Communications Plan

8. The consent holder shall ensure that all the actions within the Communications Plan approved as part of the conditions of this consent are undertaken as proposed and submit a written record to the Council (Monitoring Team Leader Central) confirming compliance within 5 days of each stage of work identified within the construction management and restoration plans having commenced. The consent holder shall undertake any additional communications as required by the council following their review of the submitted record(s).

Works Methodology

9. All tree removals shall be carried out in accordance with the approved Tree Removal Methodology Report and Tree Protection Methodologies for trees to be retained.

Works Hours

10. Tree works (including removals, trimming, and processing) shall only be undertaken between the hours of 7:30 am and 6:00 pm, Monday to Friday. No works shall occur on any weekend or public holiday.

Noise

11. The Communications Plan shall require that owners and occupants of all neighbouring buildings within 25m of tree removal(s) shall be advised of the works in writing at least ten (10) days prior to the commencement of works on site. The Communications Plan shall set out a brief overview of the works, its expected duration, the mitigation measures to be implemented, availability of monitoring where concerns about noise are raised, the working hours, and a contact phone number for any concerns regarding noise.
12. The noise from tree removal and processing works shall comply with the following noise limits when measured 1m from the façade of any occupied building in accordance with NZS6803:1999 Acoustics – Construction Noise.

| Receiver | Noise limit, dB LAeq |
|---|----------------------|
| 5A and 9 Youth Street 15 Roseman Avenue 25 and 25A Roseman Avenue 27 Roseman Avenue 31B Roseman Avenue 33, 33A and 2/33 Roseman Avenue 39 and 39A Roseman Avenue 43, 43A, 43B and 43C Roseman Avenue 59A and 59B Roseman Avenue 1131 Dominion Road 133A and 1133B Dominion Road | 81 dB LAeq |
| 31 Roseman Avenue 59C Roseman Avenue | 91 dB LAeq |
| All other receivers | 75 dB LAeq |

13. In addition to condition 12, at least five (5) days prior to the intended removal of trees 135 - 138 adjacent to 59C Roseman Avenue, and trees 99 – 111 adjacent to 31 Roseman Avenue, the consent holder shall consult with the occupiers of the dwellings to schedule the tree removals at a time when the occupiers are not at home where possible. Where this cannot be accommodated, such works shall only be undertaken between the hours of 9:00am to noon and 2:00pm to 5:30pm Monday to Friday (unless otherwise agreed in advance with the occupants of those properties).
14. All processing equipment shall be a minimum of 25m from the facade of any occupied residential dwelling.

Ecology

15. All vegetation shall be removed outside of bird breeding season (bird breeding season is September to January inclusive). If vegetation clearance is undertaken within the bird breeding season, woody vegetation must be confirmed clear of nesting native birds by a suitably qualified ecologist, and confirmation provided to the Council (Monitoring Team Leader Central) prior to undertaking any works. This should ensure no nesting birds, eggs, or chicks are harmed. This includes checking cavities and hollows for nesting birds (e.g. morepork, kingfisher). Should any nesting be observed, a 10 metre buffer of vegetation shall be required to remain around the nest site until an approved and experienced ecologist or ornithologist has confirmed that the nest has failed or the chicks have hatched and naturally left the natal site. Following inspection and confirmation of absence of nesting birds, the consent holder shall submit a completion report to the Council (Monitoring Team Leader Central) for approval.
16. The consent holder shall ensure a suitably qualified and experienced ecologist/herpetologist is present to search for and salvage any native lizards
17. The consent holder shall continue the existing environmental weed control programme currently undertaken.
18. The consent holder shall continue the Animal pest control throughout the site including:
- Rabbit control;
 - Possum control;

c. Rat control.

Historic Heritage

19. Should ground disturbance on the site result in the identification of any previously unknown archaeological site, the land disturbance – Regional Accidental Discovery (ADP) rule [E12.6.1] set out in the Auckland Unitary Plan Operative in part (November 2016) shall be applied.

Advice Note

Noting that the Tūpuna Maunga Authority are contacted as part of the ADP and that the responsibility of informing mana whenua as outlined in the protocol, rests with the Tūpuna Maunga Authority.

20. In the event that any unrecorded historic heritage sites are exposed as a result of consented work on the site, then these sites shall be recorded by the consent holder for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holder's project historic heritage expert shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Council (Monitoring Team Leader Central) (who will consult with the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz) within one calendar month of the completion of work on the site.

Tree Removals

21. That each of the Kāinga Ora (Mt Roskill Development/Housing New Zealand) owned sites are inspected prior to the Project Arborist setting up and if archaeological evidence is found those parts of the sections are temporarily fenced off to exclude them from the areas of operations, or if this is not practical other forms of protection such as track mats be used.
22. That any machinery involved with the removal of the Phoenix Palms shall approach them from the northern side, if directional felling is to occur it shall be designed to fell the trees to the north.
23. All processing of the Phoenix Palms shall occur in the area between the cycleway and SH20.
24. In the event that vehicles are not be able to enter the area between the cycleway and SH20 from Dominion Road, any movements across the land to the south of the cycleway shall only occur when ground conditions are dry and across a route laid out with track mats.
25. Crash mats, tyres or similar shall be laid beneath any trees to be felled with significant dead limbs.
26. Crane locations and associated processing sites that are not on the road surfaces shall be archaeologically inspected prior to set up and if areas are deemed to have archaeological evidence they should be temporarily fenced off to exclude them from the areas of operations, or if this is not practical other forms of protection such as track mats be used.
27. Areas of high movement, such as where the excavators may operate within a processing site may require the laying down of track mats for them to operate on.
28. Trees that are to be manually dismantled may be on the edge of earthworked and original ground or archaeological features. Any trees that are to be directionally felled shall be felled towards the summit roading.

29. Trees that are to be manually dismantled shall be assessed on an individual basis to determine whether tyres or track mats should be laid beneath them to protect the ground surfaces.

Conservation Planting

30. The buffer plantings/rongoa (within the Historic Heritage Overlay area) and the nikau/kowhai trees (as depicted in Figure 11 of the Archaeological Assessment) shall be monitored by the Project Archaeologist.
31. That plants that are not defined as suitable for planting on archaeological sites by either Jones (2007) or Mairs (2019) shall be excluded from the lower 10m of the roadside plantings in front of the quarry face area.
32. That the Project Archaeologist shall be consulted as to the final the layout of the “roadside plantings in front of the quarry face” area.

Implementation of Restoration Planting Plan

33. The consent holder shall ensure that all the actions within the restoration plan approved under the conditions of this consent are undertaken in accordance with the Finalised Restoration Plan (Planting Plan) and submit a written record to the Council (Monitoring Team Leader Central) confirming compliance within 15 days of the completion of each stage of work identified within the restoration plan, on an ongoing basis.

Post Development Conditions

Historic Heritage

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

Lizard search and rescue findings

35. Upon completion of works, findings resulting from any lizard search and rescue required during vegetation removal shall be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) and sent the Council (Monitoring Team Leader Central) within twenty (20) workings days from the lizard search and rescue works.

Maintenance of Restoration Planting

36. Once the final implementation stage of work is completed, the consent holder shall maintain in perpetuity the plantings carried out in accordance with the Finalised Restoration Plan (Planting Plan) to the satisfaction of Council (Monitoring Team Leader Central), including the removal of any weed species.

2. Advice notes

1. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring inspector unless otherwise specified. Please contact the Team Leader*

Compliance Monitoring (Central) on 09 3010101 or monitoring@aucklandcouncil.govt.nz to identify your allocated officer.

2. 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.
3. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A 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.
4. 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.
5. The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Auckland Unitary Plan Operative in part (November 2016).

According to the Act (section 6) archaeological site means, subject to section 42(3) –

- a) any place in New Zealand, including any building or structure (or part of a building or structure), that –
 - i. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and
 - ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and
- b) includes a site for which a declaration is made under section 43(1)

It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.

For information please contact the Heritage New Zealand Pouhere Taonga Regional Archaeologist – 09 307 9923 or 307 9924 / archaeologistMN@historic.org.nz.

Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).

According to the Act (section 2) taonga tūturu means an object that –

- a) relates to Māori culture, history, or society; and
- b) was, or appears to have been –
 - i. manufactured or modified in New Zealand by Māori; or

- ii. brought into New Zealand by Māori; or
- iii. used by Māori; and
- c) is more than 50 years old

The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts, but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should to be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum (for Auckland this is the Auckland War Memorial Museum), which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

Under section 11 of the Act, newly found taonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.

For information please contact the Ministry of Culture and Heritage – 04 499 4229 / protected-objects@mch.govt