

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



Discretionary activity

Application number:	LUC60347931
Applicant's name:	Tūpuna Maunga o Tāmaki Makaurau Authority and The Auckland Council
Site address:	Puketāpapa- Pukewīwī / Mt Roskill 1109 Dominion Road, Mount Roskill
Legal description and Site Area:	Part Lot 1476 DP 22826, Lots 94 & 211 DP 42694, SEC 3 SO 430425, Lots 103, 106, 107 & 109 DP 41516 (90,714m ²)
Proposal:	To remove exotic vegetation, trimming two native pohutukawa trees and undertake restoration planting on Puketāpapa- Pukewīwī / Mt Roskill at 1109 Dominion Road, Mount Roskill.

Resource consents are required for the following reasons:

Land use consents (s9) – LUC60347931

Auckland Council Unitary Plan (Operative in Part)

District land use

Historic Heritage Overlay (Chapter D17)

- Conservation planting requires consent for a **discretionary activity** pursuant to D17.4.2 (A23).
- The removal of trees greater than 3m in height or greater than 300mm in girth requires consent for a **discretionary activity** pursuant to D17.4.2 (A26).

Land Disturbance – District (Chapter E12)

- The proposed planting earthworks do not meet the permitted standards E12.4.1(A3 & A7) as they do not meet standard E12.6.2(17) which states “*Earthworks/land disturbance for the planting of any tree within the Historic Heritage Overlay must not be undertaken where additional rules for archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps, other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree*”. Consent for a **restricted discretionary activity** is required pursuant to Rule C.1.9(2) for an activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity;

- The activity of replanting will involve 72.46m² of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks in the Historic Heritage Overlay over an area of greater than 50m² pursuant to Rule E12.4.2 (A30);
- The activity of replanting will involve 5.4m³ of ground disturbance over the site. Consent is required for a **restricted discretionary activity** is required for earthworks associated with the activity of replanting in the Historic Heritage Overlay of greater than 5m³ and up to 250m³ pursuant to Rule E12.4.2 (A32);
- The activity of replanting will involve 13.88m³ of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks within the V1 Outstanding Natural Feature Overlay of greater than 5m³ and less than 50m³ pursuant to Rule E12.4.3 (A40);

Trees in Open Space Zones (Chapter E16)

- The proposed tree removals include trees that are greater than 4 meters in height and 400mm girth. Consent for a **restricted discretionary activity** is required for these removals pursuant to Rule E16.4.1 (A10);

Noise and Vibration (Chapter E25)

- Noise levels exceeding the permitted standards of 50dB Leq measured within the boundary of a site in a residential zone (over a limit of 25 days up to a maximum exceedance of 41dB) is anticipated. Noise that exceeds the permitted activity standards in E25.6.18.1 requires consent as a **restricted discretionary activity** pursuant to E25.4.1(A2).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I have read the correspondence from interested parties which was made available to me and I also undertook a site visit on the 8 February 2021. 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. Under step 1, public notification is not mandatory as:
 - a. the applicant has not requested it
 - b. there are no outstanding or refused requests for further information, and
 - c. the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
2. Under step 2, public notification is not precluded as:
 - a. there is no rule or NES that specifically precludes public notification of the activities, and
 - b. the application is for an activity other than those specified in s95A(5)(b).

3. Under step 3, public notification is not required as:
 - a. the application is for an activity that is not subject to a rule that specifically requires it, and
 - b. the activity will have or is likely to have adverse effects on the environment that are no more than minor because:
 - In the context of the landscape and visual values of the Maunga, any adverse landscape and visual effects of the proposal are considered to be short term in nature and in keeping with the natural landform and landscape, so that overall any adverse effects are less than minor;
 - Any adverse ecological effects arising from the proposal can be appropriately managed as part of the works programme to ensure that any adverse effects are less than minor;
 - Any increase in traffic associated with the tree removals will be insignificant and easily absorbed into the surrounding road network. Any effects arising from traffic are considered negligible and temporary in nature being limited to the duration of works;
 - Any adverse effects on public access and recreation will be short term in nature and can be considered to be less than minor;
 - The proposed works have been designed to be sympathetic to the heritage values of the Maunga, and can be managed to ensure they are less than minor;
 - The tree removals methodologies are considered consistent with best arboricultural practice, and any adverse effects are therefore considered to be less than minor; and
 - Any effects associated with land disturbance and stability can be appropriately managed to ensure they are less than minor.
4. Under step 4, there are no special circumstances that warrant the application being publicly notified 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. I agree with the view of Mr Dales for the rationale set out in his report, that the proposal is generally consistent with the direction of the AUP:OP as applied through the discretion of the relevant activities of the AUP:OP, with the range of matters relevant to the development provided for in the plan specifically as either restricted discretionary or discretionary activities. In addition, noting the correspondence received from interested parties, I concur with him that there is no other factors that would give rise to special circumstances.

Limited notification

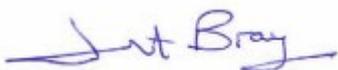
Under section 95B of the RMA this application shall proceed without limited notification because:

1. Under step 1, limited notification is not mandatory as:
 - a. there are no protected customary rights groups or customary marine title groups affected by this proposal, and

- b. no persons to whom a statutory acknowledgement is made is adversely affected by this proposal.
2. Under step 2, limited notification is not precluded as:
 - a. there is no rule or NES that specifically precludes limited notification of the activities, and
 - b. the application is for an activity other than those specified in s95B(6)(b).
3. Under step 3, limited notification is not required as:
 - a. this application is not for a boundary activity or prescribed activity, and
 - b. there are no adversely affected persons because:
 - In the context of the site and surrounding environment, and the agreed conditions (including management practices), it is considered that adverse noise effects arising from the proposal will be short term in nature and can be managed so that any effects are less than minor.
 - Any increase in traffic will be insignificant and easily absorbed into the surrounding road network. Any effects to persons arising from traffic are considered negligible and temporary in nature being limited to the duration of works.
 - Although public access to the Maunga will be temporarily disrupted, this disruption will be short term in nature, and necessary for health and safety reasons, and the applicant has proposed a communications plan to ensure that users of the reserve are aware of any restrictions. Overall, it is considered that any adverse effects on people accessing the Maunga will be less than minor;
 - As outlined with respect to the tests of public notification, any landscape and visual effects of the tree removals experienced by people with an outlook to or using the Maunga are likely to be short term in nature and in keeping with the natural landform and landscape, so that overall any adverse effects are less than minor;
 - Given the scale and nature of the works, any construction traffic associated with the removal of the processed trees, and that associated with the necessary machinery, will be limited in volume, short term in nature, and occur only in the hours of work (7:30am-6pm Monday to Friday with no work on weekends or public holidays), and as such can be considered to be less than minor; and
 - The applicant has engaged with local Iwi groups and the general public as part of the consultation process for the Tūpuna Maunga Integrated Management Plan (IMP). Having reviewed the IMP, this document makes clear the expectations with respect to exotic vegetation and cultural significance of the restoration of the Maunga, and the outcomes of this engagement have been incorporated in the application.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons 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 notification to any other persons should occur. I again agree with the view of Mr Dales for the rationale set out in his report that, the proposal is generally consistent with the direction of the AUP:OP as applied through the discretion of the relevant activities of the AUP:OP, with the range of matters

relevant to the development provided for in the plan specifically as either restricted discretionary or discretionary activities. In addition, noting the correspondence received from interested parties, I concur with him that there is no other factors that would give rise to special circumstances that warrant the application being limited notified to any other persons.

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

A handwritten signature in blue ink that reads "Just Bray". The signature is written in a cursive style with a long horizontal stroke at the end.

Justine Bray

Duty Commissioner

9 February 2021