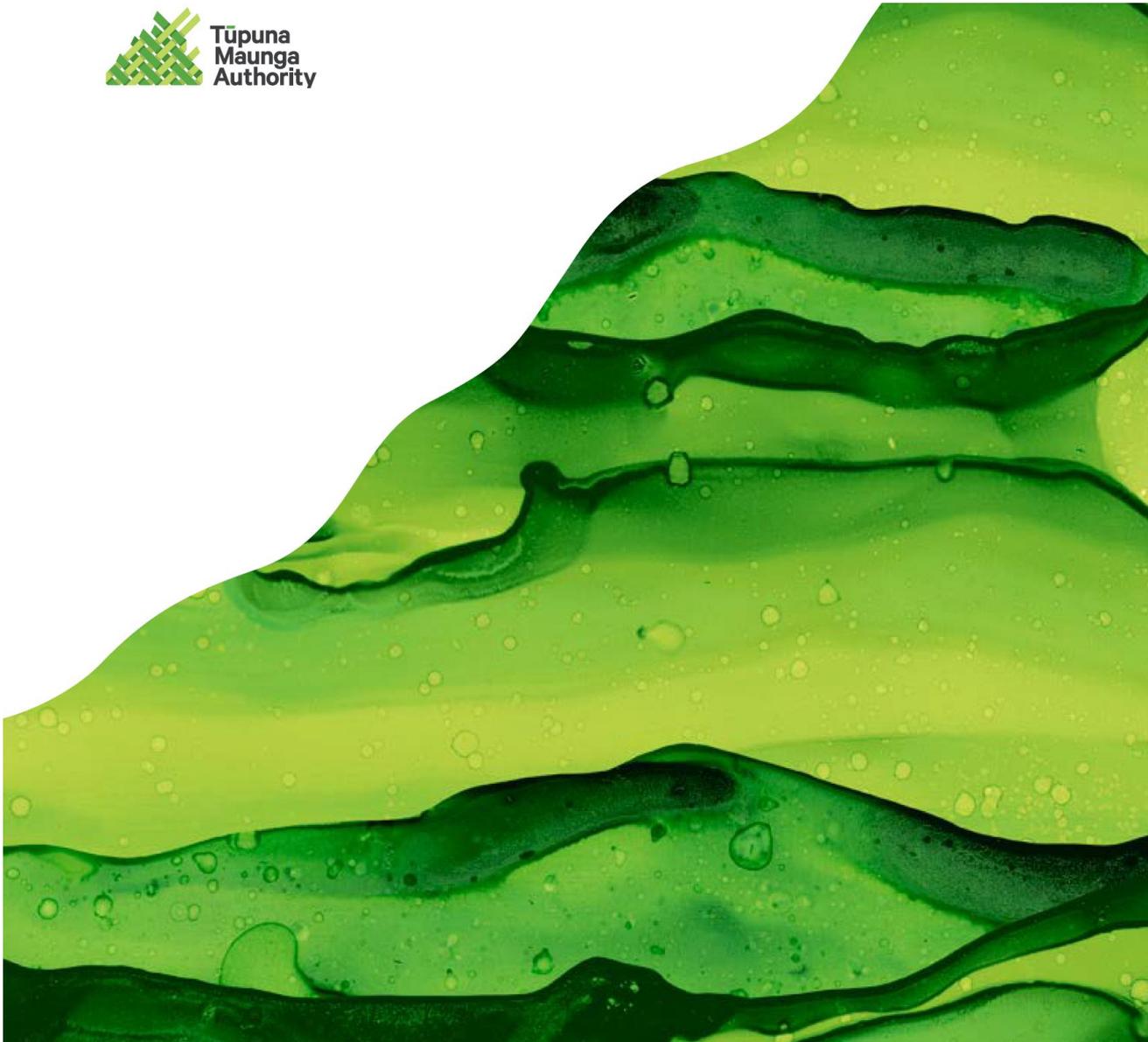


TŪPUNA MAUNGA AUTHORITY

Ōtāhuhu/Mt Richmond - Vegetation restoration and exotic
vegetation removal works

ASSESSMENT OF EFFECTS ON THE ENVIRONMENT AND STATUTORY ASSESSMENT



Prepared by Richmond Planning Limited
For Tūpuna Maunga o Tāmaki Makaurau Authority
August 2021 - Revision 1

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1. EXECUTIVE SUMMARY

- 1.1 This application for resource consent is made by Auckland Council on behalf of the Tūpuna Maunga o Tāmaki Makaurau Authority (**Authority**)¹, who has governance and administration of 14 Tūpuna Maunga in the Auckland region.
- 1.2 The Authority has a revegetation programme that contributes to the restoration of the natural, spiritual and indigenous landscape of the Tūpuna Maunga and restoration and enhancement of the mauri and wairua of the Tūpuna Maunga. The programme gives effect to the Tūpuna Maunga Integrated Management Plan and is scheduled to occur over four years. Successful completion of tree removal has commenced on five of the Tūpuna Maunga. Included in the next stage of the programme is the removal of exotic vegetation and native revegetation on Ōtāhuhu/Mt Richmond (**Ōtāhuhu**).
- 1.3 This application supersedes LUC60433578, lodged in August 2019. This assessment of environmental effects (**AEE**) and accompanying specialist reports respond to the changes in the Council's interpretation of noise standards. The revisions also incorporate a reduction in the number of trees to be removed as part of this application.
- 1.4 The AEE and statutory assessment is prepared in accordance with the Fourth Schedule to the Resource Management Act 1991 (**RMA**) and corresponds with the scale and significance of the effects that the proposed activity may have on the environment.
- 1.5 It concludes that the activity has potential to have less than minor adverse effects on vegetation and amenity and subject to specific measures that form part of the application, there are no adverse effects on archaeology and the outstanding natural feature (**ONF**). Positive effects will result from the activity including improved ecology, amenity and opening of viewshafts between the Tūpuna Maunga. Matters of relevance under the RMA have been considered, and the conclusion is that the application may be granted on a non-notified basis, subject to conditions.

¹ The Tūpuna Maunga Authority is the statutory authority established under Part 3 of the Tāmaki Collective Redress Act.

2. APPLICANT AND PROPERTY DETAILS

Table 1: Applicant and address for service

Applicant	Auckland Council
Address for service	Jodie Mitchell Richmond Planning Limited PO Box 25734 St Heliers Auckland 1740
Name and address for fees	David Bhana Tūpuna Maunga Authority c/- Auckland Council Private Bag 92300 Auckland 1141
Owner of land	Tūpuna Taonga Trust

Table 2: Property details

Tūpuna Maunga	Ōtāhuhu
Address	1110 Great South Road Mount Wellington Auckland 1060
Legal description	Pt Block VI Survey District Ōtāhuhu Section 1 SO 454943
Site area	21.0457 hectares

	Designations: Airspace Restrictions Designation – ID1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Ltd
Controls	Macroinvertebrate Community Index [rcp/dp] – Urban Macroinvertebrate Community Index [rcp/dp] - Rural

3. TŪPUNA MAUNGA AUTHORITY

Tūpuna Maunga governance and administration

- 3.1 Governance and administration of the Tūpuna Maunga is undertaken by the Authority. This is a co-governance body with equal representation from mana whenua and Auckland Council (together with a non-voting Crown representative).
- 3.2 In exercising its powers and carrying out its functions under the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (**Redress Act**), the Authority must have regard to the spiritual, ancestral, cultural, customary, and historical significance of the Tūpuna Maunga to Ngā Mana Whenua.
- 3.3 Section 58 of the Redress Act requires the Authority to prepare and approve an integrated Management Plan (**IMP**) for land under its administration. The purpose of the IMP is to establish how the Tūpuna Maunga will be cared for, managed and maintained both on an integrated basis while also identifying values specific to individual maunga. A single IMP² which sets out the foundations for how the Tūpuna Maunga values are protected, restored, enhanced and managed in the future. The seven values weave together mana whenua world views and the diverse connections all peoples have with the Tūpuna Maunga. Values of Mana Aotūroa / Cultural and Heritage, Takotoranga Whenua / Landscape, Mauri Pūnaha Hauropi / Ecology and Biodiversity are particularly relevant to this application as the works:
- enable to exercise mana whenua role as kaitiaki over the Tūpuna Maunga;
 - protect the integrity of the landscape, and restore and enhance of the natural features of the maunga; and
 - protect and restore the biodiversity of the Tūpuna Maunga.
- 3.4 In September 2019, the Tūpuna Maunga Authority adopted the Proposed Tūpuna Maunga Integrated Management Plan Strategies (**Strategies**) to provide further guidance on achieving the IMP. While the strategies are interconnected, particularly relevant to this application is the biodiversity strategy.

² Approved 23 June 2016

Biodiversity Strategy:

The biodiversity strategy is to reinstate and reconnect the ecology and biodiversity of the Tūpuna Maunga and the wider volcanic landscape across Tāmaki Makaurau. As it relates to revegetation and planting, the strategy outlines an intention to;³

- reintroduce and attract indigenous and culturally appropriate species;
- incorporate remnant ecosystem features;
- restore and enhance bush remnants to increase biodiversity and cultural values;
- incorporate traditional indigenous flora and fauna into restoration for increased biodiversity, cultivation and cultural harvesting of kai, medicinal and textile materials;
- re-establish the Mana Whenua role as kaitiaki of the ecology and biodiversity to protect vulnerable species and remove predators;⁴ and
- remove exotic trees that pose a health and safety risk, or risk to archaeological features, are weed species, or impact on the cultural landscape and viewshafts.⁵

3.5 For each financial year the Authority and Auckland Council must agree an operational plan. The plan outlines the work programme for the financial year, which comprises projects at a regional and individual maunga level. The operational plan sets out how these individual projects contribute to delivery of the Authority's objectives and vision for the Tūpuna Maunga by linking them to one or more of the Tūpuna Maunga Values.⁶

3.6 The work programme for the next 10 years identifies healing the maunga as one of the three priorities to be achieved through projects including restoration of indigenous native ecosystems; reintroducing native plants and attracting native animal species; removing inappropriate exotic trees and weeds⁷. By removing weed species, managing inappropriate exotics and revegetation, the proposed vegetation management is linked to Wairuatanga / Spiritual and Takotoranga / Landscape values⁸.

3.7 A network-wide programme to remove vegetation and revegetate works at Ōtāhuhu remain part of the Operational Plan capital works budget.

³ Strategy, page 30

⁴ Strategies Plan, Page 31

⁵ Strategies Plan, Page 34

⁶ IMP, Section 8

⁷ Operational Plan 2021/22, page 14

⁸ Operational Plan, 2021/2022, pages 17 - 20

4. DESCRIPTION OF THE TŪPUNA MAUNGA AND CONTEXT

History

- 4.1 Each iwi has their history and connections with the Tūpuna Maunga. The following paragraphs are provided to assist with a contextual understanding of the significance of the Tūpuna Maunga to Mana Whenua.
- 4.2 Human occupation of Aotearoa, including Tāmaki Makaurau dates back about 1,000 years with the arrival of the first tūpuna of the Māori people from Hawaiki. There were several great tribal migrations and originally tribal origins were formed identifying with waka in which the founding ancestors arrived. As new groups arrived and society developed, pressure on resources, defeat in war, disagreements on breach of custom, and mana caused larger hapū to break off into smaller groups. Iwi and hapū formed and larger groups had their own papakāinga (village settlement) or fortified pā.⁹
- 4.3 During this period, the Tūpuna Maunga were developed into the most extensive network of monumental and defendable settlements in Polynesia, supported by expansive areas of volcanic soils suitable for agriculture. They were significant areas of settlement, of agriculture, of battles, of marriages, of birth and burial.¹⁰

Significance

- 4.4 Mana whenua hold the Tūpuna Maunga as places to be honoured, respected and protected for those who have gone before and for the many generations to come¹¹.
- 4.5 The Tūpuna Maunga are among the most significant spiritual, cultural, historical, archaeological and geological landscapes in the Auckland region and hold a paramount place in the identity of the 13 iwi/hapū of Ngā Mana Whenua o Tāmaki Makaurau. The landmark Redress Act marked an important milestone in the restoration of these iconic taonga. The maunga and the volcanic field are central to Auckland's identity. Auckland's key point of difference in the world is its unique Māori identity, with the Tūpuna Maunga being a tangible reminder of mana whenua occupation of Auckland over a millennia.
- 4.6 The Tūpuna Maunga have come to be treasured and celebrated by all communities for their striking landscape and heritage features, the distinct identity and sense of place they inspire and their value as open spaces for all Aucklanders to be active; for respite, relaxation and escape from busy urban lives.¹²

⁹ Rāwiri Taonui, 'Tribal organisation - How iwi and hapū emerged', Te Ara - the Encyclopedia of New Zealand, <http://www.TeAra.govt.nz/en/tribal-organisation/page-2> (accessed 1 August 2018)

¹⁰ about-auckland-council/how-auckland-council-works/kaupapa-maori/comanagement-authorities-boards/tupuna-maunga-tamaki-makaurau-authority/Pages/tupuna-maunga-significance-history.aspx, <https://www.aucklandcouncil.govt.nz> (accessed 31 October 2018)

¹¹ IMP, page 54, 57

¹² IMP, page 4

Ōtāhuhu

- 4.7 The Tūpuna Maunga of Ōtāhuhu is located within the suburb of Mount Wellington. This Tūpuna Maunga covers an area of 21.0457 hectares and is described as a partially intact tuff ring (about 800m diameter) surrounding a swampy depression with a group of small cratered scoria cones at the centre. There are many vents associated with the scoria cones but no known lava flows¹³. In the AUP it is scheduled as an ONF (reflecting the natural heritage values of the Tūpuna Maunga) and a regionally significant height sensitive area traverses the majority of the site.
- 4.8 With the exception of two sections of the former quarry land, the whole of Ōtāhuhu is a place of historic heritage significance for its history, knowledge (archaeological), and aesthetic landscape values.¹⁴ It is a place of significant value to Māori, with various iwi having occupied the land at various times. A large portion of the Tūpuna Maunga is recorded as archaeological site R11/13 as pa site including terrace/s, pit/s, house floors and midden features.
- 4.9 Western and eastern portions containing sports fields are open in nature. This is reflected in the AUP's zoning of these areas as Open Space - Sports and Active Recreation. In contrast the rest of the Tūpuna Maunga is zoned Open Space – Conservation, and covered with mature vegetation, particularly along the southern boundary and around the sides of the cone. In total there are 150 native trees and 443 exotic species.¹⁵ Greatest concentrations of native trees are south of the vehicle access road from Great South Road and on the western and southern slopes from the tihi. Greatest concentrations of exotics are contained within the peripheral track/roadway with a linear belt of trees along the eastern boundary of the sports field. None of the vegetation is recorded in the AUP as being of collective or individual significance.
- 4.10 Vehicle entrances are located from Great South Road and Mount Wellington Highway and provide access to sports clubs. Sealed vehicle access around the lower northern edge of the Tūpuna Maunga connects with access provided to the sports clubs. Locked gates at cattlestops currently prevent vehicles accessing this road, providing all weather pedestrian access around the outer northern edge. Other formal pedestrian pathways are limited consisting primarily of redundant vehicle access. Several worn tracks have also formed. Public parking is provided at various points along the entrance roads and for sports clubs.

Surrounding context

- 4.11 Surrounding land to the north, west and south west is heavy industrial. A service station adjoins the eastern end of the northern boundary. Business mixed use zoning is located opposite the north eastern corner. McManus Park adjoins the south eastern portion of the southern boundary and a Kindergarten fronting Portage Road lies adjacent to the south-eastern corner of the Park.
- 4.12 There are three small pockets of residential land along the southern and south eastern boundaries, and on the opposite, eastern side of Mt Wellington Road. Surrounding environs are

¹³ AUP Schedule 6 – Outstanding Natural Feature Overlay, reference # 111 Mt Richmond (Ōtāhuhu) [sic], category V

¹⁴ Schedule 14.1 - Built Heritage and Character: Historic Heritage Overlay, AUP reference #1571, Mount Richmond/ Ōtāhuhu R11_13 (category A*) applying to the entire Maunga.

¹⁵ Treescape, 2021, pages 4 & 6

generally at a lower elevation than the maunga, but there are higher areas to the west. Works are located over 100m from residential properties.

5. DESCRIPTION OF THE ACTIVITY

Background and purpose

5.1 Vegetation restoration represents a fundamental step in facilitating the protection, restoration and enhancement of the Tūpuna Maunga in an integrated manner.¹⁶ This activity is part of a wider revegetation and weed management programme for all 14 Tūpuna Maunga. The first stage of the re-vegetation programme was for Maungarei and resource consent was approved non-notified. Subsequently, resource consent has been approved (also non-notified) for Māngere, Ohuiarangi, Owairaka, Te Tatua a Ruikuita, and Puketāpapa–Pukewīwī. The approved resource consents adopted the same compendium of methodologies. These methodologies are proposed with this application, except where more restrictive approaches have been adopted. Removals and planting has occurred on Maungarei, Mangere, and Ohuiarangi. To date, the Tūpuna Maunga Authority has complied with all conditions for tree removal and have begun replanting over 74,000 native trees and plants. The positive effects of the project are beginning to be realised including better visibility of the archaeological features of the maunga and increased native flora.

5.2 In addition to achieving the IMP and Strategies, the purpose of the works is to also remove:

- trees in poor health, form or decline and pose a risk of failure; and
- pest species as identified by the Regional Pest Management Strategy or on the research list for unwanted organisms.

Reasons for amended application and reduced scope of works

5.3 This application incorporates responses to matters raised by a duty commissioner to an earlier application (LUC60344578).

Method of assessing noise

5.4 The acoustic assessment originally submitted with the application LUC60344578 applied the construction noise standard on the basis that the project noise sources are a one-off, temporary noise event. A practical approach was adopted by including all noise generated by the works (including all tree removal, processing and helicopter noise) rather than attempting to separate out the different noise sources. This approach was adopted and accepted by the Council for the other vegetation restoration resource consents on the Tūpuna Maunga.

¹⁶ IMP, Page 67, 91

5.5 We understand the duty commissioner disagreed with this approach, requesting that the zone noise limits, not the construction noise limits, be applied to the activity. We also understand the duty commissioner disagreed with the approach of assessing all noise sources on the basis that overflying aircraft largely fall outside the RMA. This requires only the noise generated from take-off and landings of helicopters be taken into account. Using this approach all noise generated when the helicopter “over-flying” (i.e. not landing and taking-off) is permitted. A definition of helicopter take-off and landing is provided in the acoustic report prepared by Mr Styles.¹⁷

Effects of noise on residential receivers

5.6 In response to the duty commissioner’s position on the magnitude of the noise effects from tree removals on residential receivers the scope of proposal has been reduced. Consent is now sought to remove only those trees 100m or farther from residential properties. At this distance and with amendments to the location of chippers and the helicopter refuelling site, the maximum noise level at residential receivers is 57dBA.

Amenity planting

5.7 This application not include the removal of trees in LUC60344578 where the landscape architect recommended amenity planting mitigation. The proposed amenity planting is therefore not part of this application.

Trees to be removed

5.8 This revised proposal involves the removal, to stump, of 278 exotic trees within Ōtāhuhu. The previous application as lodged was to remove 443 trees. The trees are identified on the Treescape itemised tree inventory list¹⁸ and the location shown on Figure 3. All trees are over 3m in height, and a list of species and their numbers are in Table 4.

Table 4 Exotic Tree Population Breakdown by Species

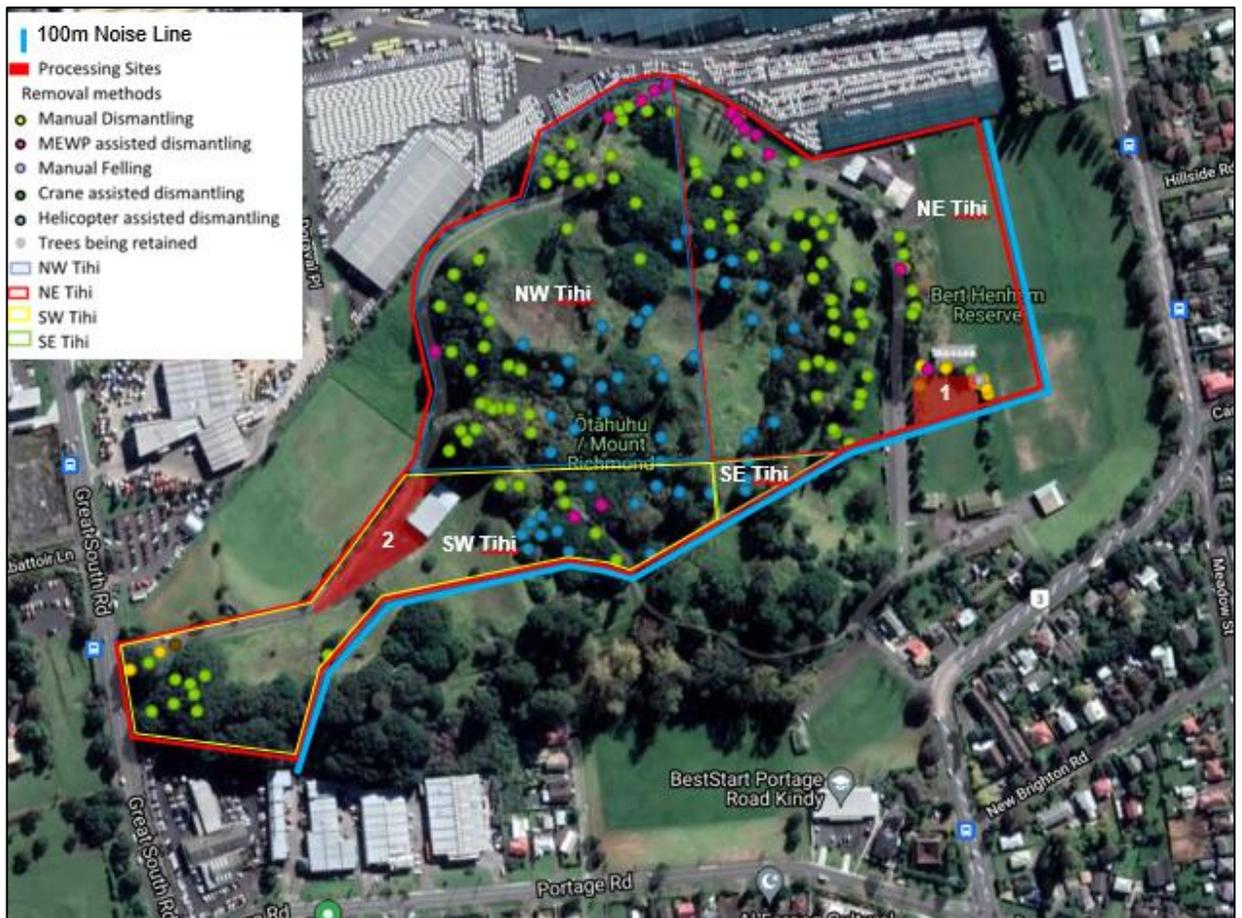
Tree Species	Total
“Acmena smithii, Syzyium – lilly pilly, monkey apple”	12
Camellia sp.	21
Castanea sativa – European chestnut	2
Casuarina sp. – she oak	3
Cinnamomum camphora – camphor laurel	3
Crataegus laevigata – English hawthorn	12
Cupressus macrocarpa – Monterey cypress	8
Cupressus x leylandii – Leyland cypress	1
Fagus sylvatica – European beech	1
Ficus macrophylla – Morten Bay Fig	21

¹⁷ Styles, 2021, Page 2

¹⁸ Treescape, Appendix C

Grevillea robusts – silky oak	1
Ilex sp. – holly	3
Liquidamber styraciflua – sweetgum	1
Lirodendron tulipifera – tulip tree	1
Magnolia sp.	1
Olea sp. – olive	81
Phoenix canariensis – phoenix palm	3
Pinus radiata – Monterey Pine	22
Pins sp.	2
Platanus x acerifolia – London Plane tree	24
Populus nigra – Lombardy – poplar	20
Populus deltoids – cottonwood	1
Populus x euramericana – hybrid poplar	3
Quercus sp. (Oak)	10
Dead tree	1
Ulmus sp. (Elm)	10
Washington filifera – fan palm	10
Total	278

Figure 2: Aerial map of the subject site showing Operating Zones, Tree Locations and Removal Methods



Source: Treescape Ltd, 2021, Figure 3

5.9 This application does not include one London Plane tree behind the Rovers Clubroom Building within the eastern portion of the maunga. This tree will be initially retained to assist with screening of the building. The tree is considered to have a scale and location that contributes to the integration of the adjacent building into the landscape. The location of this tree is shown in Figure 4.

Figure 4: Aerial highlighting the London Plane Tree in the south eastern corner of the Rovers Rugby Clubrooms buildings



5.10 Tree removal methodology

The overarching principles guiding the methodology relate to:

- avoiding ground disturbance to protect archaeology and the landform;
- avoiding damage to native tree species;
- minimising ecological effects on flora and fauna values;
- limiting effects on sensitive noise receivers; and
- protecting the public and workers whilst minimising disruption and closure of the Tūpuna Maunga to the public.

5.11 A collaborative approach has been adopted to inform the proposal using expert assessments to guide the methodology appropriate for this maunga. A total of 150 Native trees have been surveyed on Ōtāhuhu predominantly consisting of Pohutukawa and, to a lesser degree, Puriri, Karaka and Totara. Collectively these species account for approximately 90% of the native trees

and avoiding damage to these species is an important consideration in determining removal techniques.

- 5.12 Appendix C of the Treescape Report provides an itemised inventory of trees and proposed removal method for each tree.
- 5.13 The majority of trees will be removed by a combination of crane assisted dismantling totalling 107 and helicopter assisted removals for 120 trees. Cranes will also be used where they can be set up from existing sealed or metalled accessways around the periphery or lower areas and slopes of the maunga. This method will avoid ground disturbance of areas where archaeological features may be present. Helicopter removals will primarily occur from higher slopes below the tihī, centrally and from an existing area of dense exotic trees located on the south western slope. All trees will be taken to processing site 2, the hard stand area by the motor club. All helicopter landing and take-offs for refuelling will occur from processing site 2.
- 5.14 The remainder of the trees will be removed manually or by using a MEWP (Mobile Elevated Work Platform). Most of these occur around the northern tip of the site and in a few isolated instances from the edge of sealed access.
- 5.15 Stumps for larger trees, such as Morten Bay Fig trees, will be cut to approximately 1m above the ground. To reduce the likelihood of stumps re-sprouting they will be coated with Agpro Meturon.¹⁹ Routine on-going maintenance as part of a wider programme for the whole maunga will be in place to manage re-sprouting should this occur.

Processing of vegetation

- 5.16 Two areas have been identified as suitable processing sites for large crane operations and helicopter drop-off zones. Processing site 1 - the level field to the south of the toilet building in Bert Henham Park will be used for large crane operations. Processing site 2 - the carpark area adjacent to the Motor Club in the south western portion of Ōtāhuhu, will be a drop-off zone for helicopter operations. These are identified on the Operating Zones Map prepared by Treescape. Minor processing sites (small mobile working sites comprising a crane, truck, chipper and excavator with rubber tracks) will operate from formed roads on a short-term basis located at least 100m from residential sites.
- 5.17 Mr Druskovich confirmed that no archaeological evidence would have survived the works that have occurred in both processing locations and there are no archaeological constraints.²⁰
- 5.18 Helicopter use will be limited to retrieving cut sections of the trees and delivering them to the designated processing area for removal off site. Helicopter movement will occur within the boundaries of the Tūpuna Maunga and farther than 100m from residential properties.

Disposal and duration of removals

- 5.19 As is the preference of the Authority, except for specific logs suitable for carving, the majority of material removed by helicopter and crane assisted dismantling will be loaded directly into

¹⁹ Currently used by the eco-contractors on other maunga as an effective growth suppressant.

²⁰ Druskovich, 2021, page 23

transport and removed from the site either as logs or branches (maximum 5m in length) for processing off-site. The remainder will be chipped using trucks from the existing sealed road, carparking areas and sportsfield. No more than one log chipper will operate at any one time and will be located at least 190m from the nearest residential property. The mulch will be distributed on site, except where surplus to requirements it will be removed off site.

- 5.20 Two 10 tonne trucks will operate in rotation to remove the chipped material – when processing times are higher using an excavator. It is anticipated that truck movements will be a maximum of 8-10 per day to and from Domain Road. A smaller (10t tip or hiab) truck, and where required 5m trailer, will remove logs from the site. Vehicle movements are estimated at 4-5 per day to and from the site.
- 5.21 Expected duration of the works is 40 days including set up and pack down. Helicopter assisted dismantling will be required for potentially a maximum of 18 days²¹. Helicopter use is restricted between the hours of 9am to 5pm, Monday through Friday.
- 5.22 The works will occur:
- in the drier summer months to avoid modification to the ground;
 - between the hours of 7.30am and 6.00pm, Monday to Friday; and
 - no works on Saturday, Sunday or public holidays.

Public access and traffic management during tree removal

- 5.23 Where practicable public access to the Tupuna Maunga will be maintained. This will largely depend on health and safety requirements, with a cautious approach taken for public access to ensure public and contractors are safe from harm. Areas of the park that are to remain open and the measures to prevent public harm will be detailed in the Environmental Management Plan.

Communications Plan

- 5.24 To inform public of the works areas of the park that will be closed during the works, a comprehensive communication plan will be finalised and implemented prior to commencement of the works. A draft of this document is contained in Appendix 5.

Acoustic management and mitigation for tree removal

- 5.25 An acoustic assessment has been prepared by Mr Jon Styles for the noise generating works associated with the tree removals to both inform and assess proposed methodology. Specific consideration has been given to the removal works involving chipping and log removal. As outlined by Mr Styles, the proposal has been assessed against the noise controls that apply to activities on open space zoned land and receivers located in Business and Residential zones.²²

²¹ 18 days is worst case scenario for helicopter use, as advice from Treescape (Page 11) is that it may be feasible as the works progress to remove more trees by crane.

²²Styles, Table 2 Rule E25.6.18 which controls the noise from activities Open Space Conservation zoned land to the boundary of a site in the residential zone. This applies to all works except for in Bert Henham Reserve. Rule E25.6.17 controls noise on Open Space Sport and Active Recreation zoned land relating to recreational activity. As the noise isn't associated with recreational

Auckland Council has determined that noise effects associated with the use of the helicopter are permitted unless the helicopter lands or takes off from the site, in which case the noise emissions from take-off and landing must comply with E25.6.32. As confirmed by Mr Styles, noise modelling confirms that the use of processing site 2 will comply and is a permitted activity.²³ Specific conditions as recommended by Mr Styles to determine compliance with landing, take-off and refuelling procedures are offered.

- 5.26 Noise levels generated by all activities except the use of the chainsaw and chipper relating to locations to the south, are within permitted standards. Removal of the most southern trees will reach 57dBA at the boundary of the closest receivers in residential zones.
- 5.27 To ensure the noise from the log chipping activity in processing site 1 does not exceed 57 dB L_{Aeq}, only one chipper shall operate at any one time and be placed at least 190m from the nearest residential receiver at 663 Mt Wellington Highway. The chipper will be placed at the northern end of processing site 1 to meet this separation distance.
- 5.28 Mr Styles recommends including a condition of consent which is also offered, requiring that the owners and occupiers of neighbouring buildings, likely to be exposed to noise levels of up to 57dBA be advised of the works in writing at least ten (10) days prior to the commencement of works.

Archaeological management and mitigation for tree removal

- 5.29 Archaeologist, Mr Druskovich has identified areas where past earthworks (some substantial) and quarrying will have destroyed any archaeological evidence where this was present in relation to tree removals, processing areas and access. As some of the quarries were identified as likely to be pre-1900, they need to be treated the same way as other archaeological features²⁴. The exceptions to these precautions are the works adjacent to the Bert Henham Park where there appears to be no archaeological evidence²⁵, and the processing areas. Figure 11 of the HIA²⁶ provides a marked up aerial which has both informed and assessed the proposed methodology and the removal works have been developed to avoid any impact on archaeology.
- 5.30 Mr Druskovich advises that as the majority of trees to be removed are located in an area of dense archaeological significance the majority will be removed by Crane Assisted or Helicopter assisted dismantling. These less intrusive methods will avoid ground disturbance and archaeological damage.
- 5.31 Where trees are to be removed by manual and MEWP Mr Druskovich advises that the use of crash mats should be compulsory for all tree sections to be lowered onto sensitive ground (as above the only exception where trees are adjacent to Bert Henham Park playing fields. Rigging techniques that offer maximum control to meet acceptable risk thresholds will also be adopted.

activity, standard E25.6.22 applies, requiring the activity to comply with the maximum noise levels in residential zones under E25.6.2.

²³ Styles, Page 2, 3 & 9

²⁴ Druskovich, Page 18

²⁵ Druskovich, Page 23

²⁶ Druskovich, Page 19

As dead limbs have the potential to break uncontrollably during dismantling, to avoid striking the ground at velocity, Mr Druskovich recommends all trees with dead limbs have surface protection laid around them to prevent damage to archaeological features where this potential exists.

- 5.32 As recommended by Mr Druskovich, all tree felling works and use of non-tarsealed access tracks will be restricted to periods when the earth is dry unless within the identified processing areas. For any cut material from dismantled trees that is carried or dragged to chippers, protection for surfaces should be laid along the entire route between the tree to the chipper to prevent accidental gouging or other unintentional damage.

Ecological mitigation during tree removal

- 5.33 An ecological assessment has been prepared by Tonkin & Taylor Ltd and is attached as Appendix 8. The ecological value of the trees to be removed has been informed by a desktop review, site walkover, other expert reports including the tree methodology, herpetological habitat assessment²⁷, restoration planting plans, and data on threatened species.

- 5.34 In addition to adherence to the proposed tree felling and processing methodology outlined above, and to ensure that no net loss to biodiversity values will occur Tonkin & Taylor recommend the following, which are included in the offered conditions of consent:

- no felling in bird breeding season, without first checking for active nests by a suitably qualified ecologist;
- ensure that the project arborist and machinery operators work within the identified works zones to avoid crushing injuries and mortality of native lizards;
- equipment used to fell trees should be cleaned prior to use on site to avoid spreading pathogens, including potentially myrtle rust. Contractors should observe standard biosecurity hygiene practices (e.g. vehicles and tyres free of mud, mulch and other debris) used to manage spread of other pathogens, such as kauri dieback.

Revegetation and ecological works

- 5.35 The key driver for the works is native revegetation of the Tūpuna Maunga following the removal of exotic tree species. Enhancement of ecological values and preventing regeneration of exotic weed species occur alongside the key driver. This is reflected in the specific pathways to achieve biodiversity in the IMP. While for the most part this is as outlined above in Section 3, as it relates to ecology specifically:

- Restore suitable areas of the Tūpuna Maunga with indigenous ecosystems. Decisions on location, plant choice, and staging would draw on traditional and scientific knowledge.

²⁷ Ecogecko Consultants, 2019

- Reintroduce or attract indigenous species to the Tūpuna Maunga, including microorganisms, invertebrates, lizards and birds, as all of these contribute to resilient and healthy ecosystems.
- Remove invasive plant and animal pests²⁸.
- Acknowledge the ecological linkages and wildlife connections between the Tūpuna Maunga and other important open spaces within Tāmaki Makaurau by treating planting as one environment.

5.36 In support of this, a planting plan prepared by Te Ngahere²⁹ takes into account the various overlays relating to the historic heritage, archaeology, landscape values, historic defense sightlines, and skink habitat concurrently with opportunities for ecological restoration, and herpetofauna and ngā manu (birds), habitat enhancement. The planting plan focuses on the restoration of highly modified areas on the maunga through revegetation to a historically accurate ngahere ecosystem, and the development of suitable habitat to protect and preserve native fauna present at the site.³⁰ Due to the implications of ground disturbance and corresponding impact on heritage features, ecological restoration opportunities are limited to previously modified sportsfields and quarried areas, primarily on the western portion of the maunga.

5.37 Two areas to establish potential native skink and invertebrate habitat are identified in the planting plan to provide basking habitat. Mound planting as a no dig method to establish pōhuehue and native ferns is proposed for the small quarry and rocky slope of the olive quarry. These low growing species will provide shelter and food if native skinks are present and their low growing nature means there will be no impact on historic defensive sightlines. Extending this low growing native species will also reduce grass cover and foot traffic across these areas.

5.38 The base of the olive quarry, that of the large slope and the field provide opportunities for additional planting including Pūriri, which as Te Ngahere advise is likely to have been present across much of this site historically.

5.39 Two types of planting to enhance the ecological values of the maunga have been identified as appropriate in the following locations as detailed:

Large slope

- This area covers the slope from the tihi to the northwest and is predominantly covered by grass including kikuyu, with isolated pohutukawa and olive trees. The plant species are divided into sub-sections with WF7 at the base of the slope to preserve sightlines progressing to low ground cover species towards the summit where the gradient is steep.

²⁸ IMP, Page 71

²⁹ Te Ngahere, 2018

³⁰ Te Ngahere, 2018, Page 3

Field

- Due to the low lying nature of this area, fields are likely to remain waterlogged throughout winter months. WF7 dominated by damp tolerant species to develop a forest canopy will be planted. Small open pockets including along the sides of the proposed track and around the edges will be planted in small clusters.

Olive Quarry

- This old quarry basin area includes a flat base surrounded by a rocky slope. Planting will be split into sub-sections with taller damp tolerant WF7 species including Kahikatea and Pūriri in the flat base. Hardy drought tolerant native species including Kawakawa (a skink food source) on the rocky slope.
- As some native plantings already exist on the slope, additional seedlings will be introduced in the initial plantings to provide shelter and food for native skink. Threatened *Pallaea spp.* were observed in this rocky planting area and as recommended by Te Ngahere extreme care will be taken for plant preparation, weed control and planting to ensure preservation and support existing plants.

Small Quarry

- This area includes a number of small adjoining quarried pockets on the north eastern side of the maunga, it is rocky with steep slopes around the periphery. Proposed plants include low growing species such as pōhuehue, rengarenga and carex grasses that would provide shelter and food for native skinks. While unlikely³¹, this may already be present on the rocky basking habitat or could be potentially introduced to the site. With the exception of existing shrubs already established, this habitat would be low growing. This is also an appropriate option for avoiding impact on archaeological sensitivities or historic defensive sightlines from significant tree growth.³² Threatened *Pallaea spp.* was identified in this area also and precautions as outlined above will be undertaken to ensure there is no impact on this species.

Ecological mitigation to support the planting

- 5.40 Tonkin & Taylor has provided an independent assessment of the proposed native revegetation. To support the planting, they recommend a suite of complementary management such as weed management and predator control. These form part of methodology of works and are included in the offered conditions of consent.

Archaeological mitigation for the planting

- 5.41 Mr Druskovich supports the planting plan prepared by Te Ngahere, and their proposed methods and locations for conservation plantings, subject to defining the limits of conservation planting and supervision of planting by the project archaeologist in one specific area. Further limitations

³¹ Tonkin & Taylor, 2021, Page 9

³² Te Ngahere, Page 15

include planting species suitable for archaeological sites (Jones 2007), including for smaller plantings within 5m of archaeological features, the method of weed management and location of specimen trees.

5.42 An Archaeological Works Plan is proposed to address:

- general archaeological monitoring, recording, and reporting.

Earthworks for the planting

5.43 Earthworks (as defined in Chapter J1) relate solely to revegetation. While planting occurs over a wider area as above, the majority of planting involves small plants, seedlings, mound planting with a no dig option, and requires minimal disturbance. As the amount of earthworks relates directly to plant spacings and root size, it is difficult to calculate the exact sum, but based on the planting plan³³ and adopting a conservative approach earthworks are estimated to involve approximately 1493.7m² and 42.5m³.

5.44 Due to the nature of the works, soil will not be left exposed. There will be minimal soil disturbance. Silt and sediment controls are not warranted.

Environmental Management Plan

5.45 To provide flexibility in undertaking tree removal and revegetation works, a comprehensive Environmental Management Plan (EMP) forms part of the application. This incorporates final versions of mitigation measures included as part of the application and time sensitive documents more appropriately prepared closer to commencement of works e.g. Health and Safety Plan. A condition to this effect is included as part of the suite of offered conditions in section 10 of this AEE.

6. CONSULTATION

Iwi consultation

6.1 The Authority uses Tamaki Collective notices to consult with the iwi/hapū who have interests in this Tūpuna Maunga³⁴. One response was received from Te Rūnanga o Ngāti Whātua who expressed support for the proposal.

7. REASONS FOR THE APPLICATION

7.1 Appendix 2 is an assessment of the AUP rules relating to this activity. Resource consent is required under the AUP for the following reasons:

³³ Planting Plan prepared by Te Ngahere

³⁴ As set out in the Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014, the iwi and hapū who have interests in Ōtāhuhu are: Ngāi Tai ki Tāmaki; Ngāti Maru; Ngāti Pāoa; Ngāti Tamaoho; Ngāti Tamaterā; Ngāti Te Ata; Ngāti Whanaunga; Ngāti Whātua Ōrakei; Ngāti Whātua o Kaipara; Te Ākitai Waiohūa; Te Kawerau ā Maki; Te Patukirikiri; Te Rūnanga o Ngāti Whātua

1. D17.4.2 (A23) Conservation planting is a discretionary activity within the scheduled historic heritage place (category A*). Conservation planting will occur over an area of 19,563m² with 995.8m² over which planting will physically occur.
2. D17.4.2 (A26) Removal of trees greater than 3m in height or greater than 300mm girth is a discretionary activity in the scheduled historic heritage place (category A*). Consent is sought for the removal of all 278 trees within the SHHP.
3. E12.4.3 (A39) Land disturbance not otherwise permitted greater than 10m³ and up to 50m³ is a restricted discretionary activity in ONF – V1 (large volcanic landform) subject to meeting the standards outlined in E12.6.2. Land disturbance of works of 42.5m³ is required for revegetation works.
4. E16.4.1 (A7) Tree removal of any tree greater than 4m in height or greater than 400mm in girth is a restricted discretionary activity in the open space zones. All 278 exotic trees to be removed are over 4m in height.
5. E25.4 (A2) Noise levels exceeding 50dBA LAeq at the Open Space Zone for any activity when measured with the boundary of a site in a residential zone is a restricted discretionary activity. At the closest residential receivers³⁵, works will exceed the noise limit by a maximum of 7 dBA over the 40 day period.

The application is overall a discretionary activity for the matters specified in the AUP.

8. NOTIFICATION ASSESSMENT

Public notification of consent application (section 95A)

- 8.1 Section 95A the Resource Management Act 1991 (**RMA**) sets out the steps to determine whether to publicly notify an application for resource consent. There are four steps to be addressed:

Step 1	It is not mandatory to notify this application as the applicant is not requesting notification.
Step 2	This application is not for an activity precluded from notification.
Step 3	This application must be publicly notified if: <ol style="list-style-type: none"> i. the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification; and

³⁵ 17-19, 15A, 15 and 57, 59 61, 63, 65, 67 Portage Road and 659, 661, 683, 663, 665, 667, 667A, 683-685 and 681 Mount Wellington Highway.

	<p>ii. the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.</p> <p>iii. There is no rule or national environmental standard that requires public notification of this application.</p> <p>Consideration of whether the adverse effects are likely to be more than minor is addressed below.</p>
Step 4	A determination of whether special circumstances exist in relation to the application that warrant the application being publicly notified is addressed below.

More than minor adverse effects on the environment (Section 95D)

Effects to be disregarded

8.2 When determining if the adverse effects of the activity on the environment are more than minor, the following must be disregarded:

- a) 'Adjacent' land, which is not defined by the RMA, but takes into account the characteristics of the landform and surrounding environs. Ōtāhuhu is located within an urban environment and is surrounded by a mix of open space, industrial, residential properties and road frontages. Due to the physical attributes of the maunga noting topography, open space and orientation, adjacent land is considered to be the properties at:
- 671- 679 Mt Wellington Highway (McManus Park to the south)
 - 17-19 Portage Road (Kindergarten property adjacent to the south eastern corner of McManus Park)
 - 681 - 685 Mount Wellington Highway, and 15 & 15A Portage Road (residential properties to the south east of McManus Park)
 - 57 – 69 Portage Road (residential properties to the south)
 - 67A Portage Road (open space land to the south)
 - 69-71 Portage Road, and 1120 Great South Road (Industrial properties to the south)
 - 1100 -1106 Great South Road, 2, 3 & 5 Doraval Place (industrial properties to the west and north)
 - 629 Mount Wellington Road (commercial property to the north)

- 622 – 676 Mount Wellington Highway, 1/2 - 7/2, 3B, 1/4 & 1/5 Hillside Road, 1 & 1A, 2/2 Camp Road, and 4-10A Meadow Street (residential properties to the west and south west on the opposite (eastern) side of Mount Wellington Highway)
- 659 - 667A Mount Wellington Highway (residential properties along the south eastern boundary)

Permitted baseline and existing environment

8.3 The existing environment, against which the effects should be assessed, is described in section 4 of this AEE.

8.4 Of relevance to the permitted baseline, is that:

- removal of trees less than 3m high is permitted; and
- the Council has determined that the effects of overflying helicopter noise falls outside the RMA. Only take-off and landing procedures are subject to the noise limits in standard E25.6.32. Using processing site 2 for all landings and take-off procedures, noise modelling has confirmed that the helicopter noise levels will:
 - comply with a noise limit of 60 dB Ldn at all sites that do not contain and Activity Sensitive to Noise; and
 - comply with a noise limit of 50dB L_{dn} and 85dB L_{AFmax} at all Activities Sensitive to Noise (in the residential zones)

Landscape effects

8.5 The landscape and visual effects assessment prepared by landscape architect Sally Peake identifies that the existing form of Ōtāhuhu reflects the former quarrying and history of the Domain. With a relatively low profile the maunga is not a particularly distinctive or widely visible feature within the landscape context with much of the mountain having been eroded through quarrying and development. The most extensive quarrying occurred on the northwest side with four smaller workings. As described by Ms Peake, native vegetation is one of the natural features of Ngā Tūpuna Maunga o Makaurau that has diminished over many decades, removed through quarrying and replaced by exotic specimens³⁶. As described by Tonkin & Taylor³⁷ Pines and Moreton Bay Fig are a dominant landscape feature, being the largest trees present on the volcano flanks and near the tihi. These exotic trees and others are also particularly noticeable on the southern and western boundaries and obscure the natural volcanic landform.

8.6 Ms Peake makes a distinction between the extent of the change relating to the removals and the effects of the change³⁸. While there will be a noticeable alteration to the key features and

³⁶ Peake, Page 6

³⁷ Tonkin & Taylor, page 5

³⁸ Peake, Page 13

landscape patterns, particularly noting the elevated areas where larger trees are located, the effects of the change are able to be managed.

- 8.7 Ms Peake considers the removal of the exotic vegetation will restore the integrity of the Maunga and enable its mana to be better acknowledged and recognised.³⁹ Overall, Ms Peake concluded the proposed removal of existing vegetation, together with conservation planting, will enhance the character of the landscape through restoration of the visual integrity of the maunga and new vegetation patterns, and in the long-term will result in positive landscape effects.⁴⁰
- 8.8 The LVA is based on the removal 443 exotic trees. As the number of trees to be removed has reduced by 165 to 278, any corresponding landscape effects will be less than previously assessed. Ms Peak concluded that overall the landscape effects would be positive.
- 8.9 Ms Peake's conclusion was subject to the planting of 20 native trees in Bert Henham Park to mitigate visual amenity effects from Mt Wellington Highway relating to the loss of 20 Camellia trees. As the trees along Mt Wellington Highway will not be removed, this area will not be visible from Mt Wellington Highway. Amenity planting as mitigation is no longer required and does not form part of the application.

Visual amenity effects

- 8.10 While the mountain is a distinctive landscape feature, with a relatively low profile (the highest scoria mound being 50m) it is not widely visible within the surrounding business and residential context, noting that no regionally significant viewshafts have been identified in the AUP. Nevertheless from close distances, notably surrounding roads, there are clear views of the maunga and surrounding sports fields. From further afield the maunga is generally screened from view. There are some residential areas immediately adjacent to the reserve with clear views of the project area with overall what is described by Ms Peake as a small visual catchment. The attendant vegetation is also visible to visitors who regularly use the sports facilities and tracks.
- 8.11 Three groups of viewing audiences and the corresponding degree of visual changes and therefore effects on each group in relation to the vegetation removal have been identified by Ms Peake. As these relate to effects on persons, they are discussed when assessing section 95B and Section 95E of the RMA. It is noted that Ms Peake has identified the magnitude of change to inform visual effects both positive and adverse and in many instances the visual effects are at worst low adverse initially⁴¹, with low to positive visual effects at the end of the project.

Ecological effects

- 8.12 The proposal will result in the removal of the majority of exotic trees from the site, including four identified as pest species and native revegetation. Pest species for sustained control represent approximately 14% of the total number of trees to be removed. The ecological value of the exotic terrestrial habitats is described in the Ecological Assessment prepared by Tonkin & Taylor as

³⁹ Peake, Page 14

⁴⁰ Peake, Page 14

⁴¹ Peake, Page 14 With reference to Section 95 of the RMA it is considered that 'moderate' used in this assessment equates to minor adverse effects (adverse effects that are noticeable but will not cause any significant adverse impacts).

overall low⁴² and the magnitude of ecological effects resulting from the removal of the exotic trees is moderate.⁴³ As a result, the overall level of potential ecological effects to determine whether mitigation is necessary is identified by Tonkin & Taylor as moderate, noting that low and positive effects are also assessed. Positive effects in terms of removal being limited to unwanted plants.

- 8.13 Tonkin & Taylor conclude that the proposal demonstrates the avoidance of potential negative effects and this together with other mitigation measures will ensure that there will be no net loss of biodiversity⁴⁴. The proposed restoration of a native WF7 Puriri forest on the fields and lower slope will increase biodiversity values. Proposed low stature native plantings around the slopes and quarries will increase biodiversity values and together with the pest management programme enhance native skink habitat. Weed management will provide additional mitigation by removing unwanted plants that compete with native species. Overall the exotic tree removal and restoration will result in positive benefits on flora and fauna values and an increase to biodiversity values of the site.⁴⁵

Archaeological (Heritage)

- 8.14 The HIA prepared by Mr Druskovich identifies that the heritage values of this place relate to history, archaeological evidence and landscape context. As stated by Mr Druskovich, the historical values will not be affected.⁴⁶ Effects relating to landscape have been addressed by Ms Peake and concluded to be positive or low adverse. The focus of Mr Druskovich's assessment is the archaeological effects of the tree removal and the planting. For completeness, while Ōtāhuhu has also been listed for its Mana Whenua values (Place of Maori interest or Significance), the focus of the HIA is on archaeological values of the place. As outlined in section 6 above, the iwi that responded expressed support for the proposal.
- 8.15 Tree removal methodology has been developed to avoid and minimise impact on archaeological features or unknown subsurface evidence should it be present with the majority of trees to be removed by Crane assisted or Helicopter assisted dismantling. Given the dense distribution of archaeological features, all other tree removals involving use of the ground for lowering tree sections, machinery or access, or where dead limbs may fall, will use crash mats and other surface protection to prevent accidental damage and avoid adverse effects on archaeology. Mr Druskovich advises that as processing is within areas where there is clear evidence that substantial past earthworks has removed any archaeological evidence that might once have existed, there can be no adverse effects on archaeology in these locations⁴⁷.
- 8.16 The works methodology has been developed to avoid any ground disturbance where archaeological features are present or could exist. Nonetheless, the potential for archaeology to be encountered and damaged while low does exist. To address this potential effect, and as

⁴² Tonkin & Taylor, page 8

⁴³ Tonkin & Taylor, page 9

⁴⁴ Tonkin & Taylor, Page 9

⁴⁵ Tonkin & Taylor, page 9

⁴⁶ Druskovich, Page 28

⁴⁷ Druskovich, Page 23

outlined in Section 5 above, if unrecorded evidence related to early Māori occupation is encountered, appropriate Council Accidental Discovery protocol will be followed.

- 8.17 Earthworks are limited to those required for revegetation. The location of revegetation have been informed by the archaeologist to generally avoid areas of previously identified archaeological features, or to inform planting⁴⁸. As in the majority of the proposed planting areas, uncertainty exists around the exact extent of past quarrying and ground modification. The project archaeologist will be involved in setting the limits of planting to ensure that it does not occur outside of previously modified areas or impact archaeology. Specific areas requiring boundary definition by the project archaeologist are included as consent conditions.
- 8.18 On this basis, it reasonable to conclude that the tree removal and replanting works will have no more than minor adverse effects on archaeology.

Mana Whenua values

- 8.19 The proposal implements directions in the IMP, Strategies, and Operational Plan, documents that have been developed with input from Mana Whenua. In addition, Mana Whenua were provided details of this project and the response received is positive. While it is for Mana Whenua to determine effects on their values, it is reasonable to conclude that there is no adverse effect on their values.

Earthworks and ground stability

- 8.20 The earthworks are for the planting. Effects usually associated with earthworks, such as sediment or erosion are therefore not relevant.
- 8.21 Effects of earthworks within an ONF are discussed below.

Outstanding natural feature effects

- 8.22 There is no adverse effect on the geological values of Ōtāhuhu as the method of tree removal avoids ground disturbance and earthworks is limited to shallow planting within previously modified areas. As noted by Ms Peake, existing vegetation varies across the project area with older larger trees mainly located on the higher area of cones. Due to the number of trees to be removed, there will be a noticeable alteration to the key features/attributes of the project area, particularly on the elevated areas/tihi with the integrity of the maunga enhanced and it's mana to be better acknowledged and recognised. Overall, the character of the landscape will be enhanced through restoration of the visual integrity of the maunga with new vegetation patterns making positive contribution to its landscape value⁴⁹.

⁴⁸ Druskovich, page 19

⁴⁹ Peake, Page 13

Noise effects

- 8.23 Effects of noise on fauna are discussed in the ecological assessment and concluded to be less than minor. Effects on persons are discussed when assessing section 95B and Section 95E of the RMA.

Traffic management during tree removal works

- 8.24 Tree removal works require trucks to enter and leave the site during the day using existing vehicle access. Up to 15 vehicle movements per day are anticipated over the 40 day works timeframe. This increase in traffic will result in no more than minor adverse effects as the trucks are small and consistent with the size of trucks commonly used for construction, maintenance works and earthworks for open space and residential areas. No reversing is required onto public roads given the manoeuvring space available within the site.
- 8.25 The works are afforded generous separation to residential properties by roads, open space, topography and fencing. Any increase in traffic will be insignificant, temporary and easily absorbed into the surrounding road network.
- 8.26 Overall, any effects arising from traffic are considered to be negligible and temporary in nature being limited to the duration of works.

Public access during tree removal works

- 8.27 The tree removal works require parts of the reserve to be closed to the public. There may be some minor inconvenience to regular park users during the works, in particular those who use the carpark area entrance to access Bert Henham Park, and users of the sports field. There may be minor disruption to the Rovers RLFC however they use the facility primarily evenings and weekends. Similarly, the Northern Sports Car Club who use the clubrooms on the western side do so in the evenings. Where health and safety for contractors and public can be assured, public access can be maintained and it is anticipated that any disruption to pedestrians will be low level, minimal and limited to duration of works.
- 8.28 Disruption to the public will be minimised by implementation of a comprehensive communications plan to inform local community and nearby residents of the works with information on temporary closure of certain areas.

Step 4 - special circumstances (sections 95A and 95B)

- 8.29 In this case, the proposal comprises restricted discretionary and discretionary activities and therefore activities envisaged by the AUP, and the individual components of the proposal are not unusual or collectively special. Removal of trees and planting within public open space zoned land and the urban environment are not unusual and as such it is considered that there are no special circumstances that would warrant the public notification or limited notification of this application.

Limited notification and affected persons (sections 95B and 95E)

- 8.30 Section 95B sets out the process for determining limited notification. Section 95E sets out the considerations for defining if a person is an affected person.
- 8.31 With respect to sections 95B(2) and (3), protected customary rights groups and statutory acknowledgements are not affected.
- 8.32 Limited notification is not required under section 94B(6) as the application is not subject to a rule or national standard that requires limited notification and nor is the application a controlled activity.
- 8.33 With respect to section 95B(7), the reasons for consent are not boundary activities. A wider consideration of persons affected by the activity, in accordance with section 95E, is therefore required.
- 8.34 As the application is overall discretionary, all effects on persons must be considered. Where a person has provided written approval, section 95(3)(a) deems that they are not then an affected person. In this case, given the minor nature of the works, limited duration and that there are no adverse effects, no persons are considered to be adversely affected to the extent that their written approval would be required.
- 8.33 Clause C1.13(4) of the AUP requires that when deciding whether any person is affected in relation to an activity for the purposes of section 95E of the Resource Management Act 1991, the consent authority will give specific consideration to the entities with responsibility for any natural or physical resources which may be affected by the activity, including:

(b) in relation to historic heritage, Heritage New Zealand Pouhere Taonga;

(e) in relation to sites of significance or value to Mana Whenua⁵⁰, the iwi authority in whose rohe the proposal is located.

As the historic heritage values relate solely to archaeological features, an Archaeological Authority to modify will be sought if required. As detailed above in Section 6 feedback was sought from the relevant iwi groups. The one response received expressed support for the proposal with no assessment on cultural values or on-going involvement considered necessary. It is reasonable to conclude that there is no adverse effect on Mana Whenua.

Street network users

- 8.34 Representative views have been taken for drivers and pedestrians using the surrounding street network. All views are from relatively close proximity as only the tops of trees are visible in longer views with negligible visual effects. Views from users of surrounding streets is generally transient and for the most part screened by fences and buildings in the foreground, and what Ms Peake describes as the clutter of traffic, commercial environment and busy commercial roads.

⁵⁰ AUP Schedule 14.1 Schedule of Historic Heritage ID 1571 identified as a place of Māori interest or significance.

- 8.35 Viewpoints have been identified as having less than minor to nil adverse effects on visual amenity initially. As noted by Ms Peake, this conservative rating does not take into account the positive effects of the enhanced cultural and visual integrity on the landscape as a result of the restoration programme. This means that over time, there will be enhanced vegetative patterns and greater legibility of the maunga.
- 8.36 The three viewpoints looking across the sportsfields from the east and south were previously exposed to buildings from tree removal. With this application, these trees are retained.

Visitors to the Tūpuna Maunga

- 8.37 The main entry points are identified as locations from where the removals may be discernible as visitors arrive at the maunga. Ms Peake considers that the visual change from either the Great South Road or Atkinson Avenue entrances will not be particularly noticeable to visitors given mature native vegetation at a higher level that will be retained and for Great South Road specifically the proposed wetland planting to the west of the driveway.
- 8.38 It is considered that the purpose of the visitor's trip will influence the effects that the tree removals may have. Two main groups are identified – those engaged in active sports and using the facilities and those engaged in passive or informal use. As the focus of active users is unlikely to be natural landscape, effects at worst will be low. As the landscape is more likely to form part of the activity for passive users, there may be some initial visual impacts however, this will vary according to the sensitivity of the receiver⁵¹. The final outcome for this group will result in positive effects on their visitor experience given the protection and enhancement of the integrity of the feature and its landscape.
- 8.39 Any temporary closure of parts of the park will be communicated in advance. The need to close parts of a park for operational or maintenance works is not an uncommon occurrence. There may be some minor inconvenience to regular park users during the works, in particular those who use the carparking area entrance to access the clubrooms, and users of the Bert Henham sports field. Where health and safety for contractors and public can be assured, public access can be maintained. It is anticipated that any disruption to pedestrians will be low level, minimal and limited to the duration of works.
- 8.40 The communications plan specifically acknowledges the need to communicate with regular users being the car and sports clubs regarding noise and inconvenience. While the Kindergarten is outside of the maunga and effects on this activity are avoided, as a courtesy the Kindergarten will be included.

Residential neighbours

- 8.41 A large number of the surrounding neighbouring properties are commercial/industrial with a transient population. Effects therefore are rated similar to street network users – nil to less than minor. Residential neighbours are concentrated to the south and eastern sides of the Maunga

⁵¹ Peake, Page 19

and for the most part separated by roads with views limited to those from elevated viewpoints. Adverse visual effects on these residential neighbours are assessed as low.

- 8.42 There are two small residential enclaves directly adjacent to Bert Henham and McManus Park where closer views are available. All trees within 100m of these properties will be retained. While for some there may be a perceived adverse visual or amenity impact, the closest and most visible trees are being retained.⁵² This will maintain a vegetated element in the foreground view. As the vegetated slope to the rear of Portage Road properties will be retained, the outlook will be unchanged. Long-term, there will be potentially positive effects through reduced shading and the grass slopes will allow the maunga profile to be better defined and revealed⁵³, enabling legibility and appreciation of the volcanic feature.
- 8.43 Short term effects relating to the introduction of machinery are anticipated, particularly for a small number of immediate neighbours, although the separation of over 100m from works will for the most part provide mitigation. Visually, given the scale of the works and elements relative to that of the Maunga, any adverse visual effects will be low level and limited in duration. For some the operation may be of interest with no negative effects.
- 8.44 In terms of noise effects, the use of log chippers and chainsaws will infringe the permitted noise levels by a maximum of 7dBA being at the closest residential receivers to the south. Exceedance of noise levels will be intermittent and for a small portion of time throughout the 40 days at any of receiver.⁵⁴ Due to the various tree removal locations within and around the perimeter of the maunga, and dynamic nature of works, Mr Styles advises it is not possible to determine the precise level of noise that will be experienced by each receiver during the works, however the methodology has been designed to ensure removal and processing noise levels do not exceed 57dB L_{Aeq} at any residential receiver.⁵⁵ As the noise setback recommendations are inherently conservative, as stated by Mr Styles, many activities will likely comply at closer distances for much of the time.⁵⁶
- 8.45 As outlined by Mr Styles, the noise from the take-off and landing procedures of helicopters will be up to 50 dB L_{dn} 85dB L_{AFmax} at residential zones. For almost half the time that the chipper and chainsaw are operating the helicopter will be in use generating noise approximately 25 dBA over the permitted noise level for residential receivers. Due to the high ambient noise levels the works will be barely audible, or not audible at all, and it would not be possible to measure compliance with a noise limit of 50dB L_{Aeq} at many receivers (due to the influence of traffic).⁵⁷ The Portage Road residential receivers adjoin the Light Industry Zone. As the AUP permits noise levels of up to 55dB L_{Aeq} from the Light Industry Zone, activity noise levels of 2dB above the permitted level are unlikely to generate annoyance throughout their short duration for the most western residential receivers.⁵⁸

⁵² LVA Attachment Sheet 4, View a & b

⁵³ Peake, Page 19

⁵⁴ Styles, Page 11

⁵⁵ Styles, Page 11

⁵⁶ Styles, Page 8

⁵⁷ Styles, Page 12

⁵⁸ Styles, Page 13

- 8.46 I concur with the opinion of Mr Styles⁵⁹, that this revised proposal is unlikely to generate annoyance and noise effects on nearby persons will be reasonable. Separation of the works to residential properties, limiting working hours and taking into account the short duration provide mitigation.
- 8.47 As outlined in the attached draft Communications Plan, all audiences, including nearby residents, will be provided with accurate information of the scope of the proposed works. Nearby residents will be provided information on temporary closure of certain areas and the proposed works in advance of the tree removal works. Consultation shall take place at least ten days before commencement of works and shall set out a brief overview of the works, including its expected duration, mitigation measures, availability of monitoring where concerns are raised, and a contact phone number for any concerns regarding noise.
- 8.48 Based on the above assessment, no persons are considered to be affected beyond the less than minor threshold provided for in the RMA.

Notification conclusion

- 8.49 That this application be processed without public or limited notification because:
- there are less than minor adverse effects of the activity on the environment;
 - there are no special circumstances to warrant notification or limited notification;
 - there are no protected customary rights groups or marine title groups in the region adversely affected by this proposal; and
 - no persons are adversely affected by the activity.

9. SECTION 104 ASSESSMENT

Statutory matters

- 9.1 Subject to Part 2 of the RMA, when considering an application for resource consent and any submissions received the consent authority must, in accordance with section 104(1) of the RMA have regard to; any actual and potential effects on the environment of allowing the activity; any relevant provisions of a national policy statement, a New Zealand coastal policy statement; and a regional policy statement or proposed regional policy statement; a plan or proposed plan; and any other matter the Council considers relevant and reasonably necessary to determine the application.
- 9.2 When considering discretionary activities, the consent authority must consider all adverse effects. Those matters that are relevant to the assessment of this application are considered in the following sections of this AEE.

⁵⁹ Styles, Page 12

Actual and potential effects on the environment - section 104(1)(a) and (ab)

9.3 An assessment of adverse effects has been set out at section 8 of this AEE where it was concluded that parts of the activity would have less than minor adverse effects on the environment.

9.4 Significant positive effects will result from the activity and these include:

- contributing to the cultural restoration and healing of the Tūpuna Maunga through implementation of policies in the IMP;
- removal of 39 trees which are classified as pest plant species on Ōtāhuhu;
- revegetation, in particular the WF7 Pūriri Ngahere habitat, will increase biodiversity values, and have positive effects on both flora and fauna values at the site;⁶⁰
- the proposed low stature native planting around the slopes and quarries will enhance the complexity and diversity of habitat, and provide food sources for native fauna;⁶¹
- weed management and mound planting will reduce competition, enabling a better growing environment for native species⁶² further enhancing the natural landscape aesthetics and generating positive landscape effects;
- visual enhancement of archaeological features as large exotic trees conceal and confuse opportunities for visual appreciation of the landscape, particularly so for the pa as following removals it will be visible as the dominant feature of the maunga;⁶³
- views from the pa in the contextual landscape will be more visible reinforcing the distinctive landscape feature of Ōtāhuhu in the local environment and its relationship to the land and the Manukau Harbour⁶⁴;
- historic heritage values of the Tūpuna Maunga will be enhanced by removing trees that are damaging the maunga without causing any physical impact, except in locations where earlier earthworks have already modified the form and archaeological features;⁶⁵
- the potential to impact surface features or sub-surface material whether identified or unrecorded will be avoided and the fabric of archaeological features will be protected from damage;⁶⁶

⁶⁰ Tonkin & Taylor, Page 10

⁶¹ Tonkin & Taylor, Page 10

⁶² Tonkin & Taylor, Page 10

⁶³ Druskovich, Page 28

⁶⁴ Druskovich, Page 30

⁶⁵ Druskovich, Page 29

⁶⁶ Druskovich, Page 28

- the proposal plantings have been designed to remedy erosion issues currently evident on the Mountain assisting with protection and conservation;⁶⁷
- ecological values will be enhanced by native revegetation which will provide additional opportunities for skink and bird habitat including increasing stepping stones to other habitats;⁶⁸ and
- the pest control programme will reduce predation pressure on native birds, chicks and eggs.

9.5 Overall, the proposal will result in continued public enjoyment and appreciation of the heritage, natural and Māori values of the Tūpuna Maunga.

Planning documents – section 104(1)(b)(vi)

Introduction

9.6 There are no appeals to the AUP that trigger consent under the operative planning documents. The focus of this assessment is therefore on the AUP. The many overlays applying to the land seek similar outcomes – primarily the protection of the feature from use and development. As a discretionary activity overall, the objectives and policies form the basis for the assessment. Assessment criteria relevant to restricted discretionary activities are addressed only where the criteria raise matters not otherwise addressed in the objectives and policies.

Open Space zones (Chapter H7)

9.7 There are two broad objectives applying to all open space zones⁶⁹. These relate to the provision of a range of quality open spaces and that adverse effects of the use and development of open space on residents, communities and the environment are avoided, remedied or mitigated. This proposal supports the continued provision of quality open space within Ōtāhuhu through the enhancement of the vegetative aesthetic and landscape amenity. For reasons detailed in section 8, while there are adverse effects on the environment from this activity, these effects are no more than minor, and primarily limited to potential effects, the risk of which can be avoided or mitigated by methodologies.

9.8 General policies to give effect to the open space objectives are set out at H7.3 and the activity is consistent with these as:

- The proposal reflects the natural, heritage and landscape values of the area;⁷⁰

⁶⁷ Druskovich, page 28

⁶⁸ Tonkin & Taylor, Page 12

⁶⁹ Objectives H7.2 (1) & (2)

⁷⁰ H7.7(1)(f)

- Open space is developed in such a way to reflect Mana Whenua values⁷¹ specifically through restoring and enhancing ecosystems and indigenous biodiversity;⁷²
- Opportunities for residents and visitors to experience Māori cultural heritage are provided, while protecting these sites and features⁷³ through mitigation for erosion and facilitating legibility of a heritage landscape.

9.9 Specific objectives and policies for Open Space Conservation zones are set out at H7.4.2 and H7.4.3. Relevant to this application, the activity is consistent with this framework as the natural, ecological, landscape, Mana Whenua, historic heritage and conservation values are protected from adverse effects⁷⁴. Use of the open space is managed in a way that enhances Mana Whenua values and re-establishes their relationship and their culture and traditions to their ancestral lands, sites and taonga⁷⁵.

9.10 Within the Open Space Sport and Active Recreation zone, 16 exotic trees will be removed within Bert Henham Park. Restoration planting in this zone involves the field on the western portion of the maunga. A walkway will be formed through the field planting, enabling pedestrian permeability and opportunities for visitors to appreciate the vegetation. All works are consistent with the objectives and policies contained at H7.6.2 and H7.6.3 as outdoor active recreational needs including those accessory in nature will continue to be provided for while enhancing amenity values for residents and the community.

Treaty Settlement Land (Chapter E21)

9.11 The Tūpuna Maunga fall within the AUP definition of Treaty Settlement land. As a discretionary activity, the objectives and policies in Chapter E21 can be considered as part of the assessment of this application. These provisions recognise the importance of the relationship of Mana Whenua with land acquired through the Treaty settlement process, and the desire of Mana Whenua to re-establish ahi kā on lands within their ancestral rohe.⁷⁶

9.12 Objective E21.2(4) is particularly relevant to this application.

Mana Whenua use and develop Treaty settlement land in areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character, provided that adverse effects on those values are avoided, remedied or mitigated.

9.13 Removal of exotic species, native revegetation on the Tūpuna Maunga and improving sightlines of the tihi are key strategies in the IMP to enhance ecological values and respect the sacredness of the tihi. For reasons detailed earlier, the effects of the works are primarily positive rather than adverse. Where there is the potential for adverse effects on natural resources and historic

⁷¹ H7.3(2)

⁷² H7.3(2)(a)

⁷³ H7.3(2)(c)

⁷⁴ H7.4.2(1) & (2)

⁷⁵ H7.4.3(1), (2) & (3)

⁷⁶ E21.1 Background

heritage, these have been avoided or mitigated by the methodologies included in the scope of the application.

Conservation planting and tree removal in an archaeological site (chapter D17)

9.14 Objectives and policies for scheduled historic heritage places (**SHHP**) including those subject to additional rules for archaeology are at Chapter D17. In the context of what is proposed, the proposal is consistent with the objectives and policies for the reasons that:

- the protection and conservation of the scheduled historic heritage placed is supported and enabled⁷⁷.
- the SHHP is protected from inappropriate use, including inappropriate modification⁷⁸.
- the activity will not result in any adverse effects on the significance of the historic, knowledge (archaeological) and context values of the place⁷⁹.
- the proposal will contribute to the ongoing maintenance and enhancement of the historic heritage values of the place, particularly as it will reveal the natural landform of the maunga and supports the long-term viability and ongoing use of the place without leading to significant adverse effects on the surrounding area⁸⁰.

9.15 Special Information Requirements are outlined at D17.9 and requires that works affecting scheduled historic heritage places must be accompanied by a heritage impact assessment commensurate to the effects of the proposed works on the overall significance of a historic heritage place and taking into account whether the works affect a primary, non-primary, non-contributing or excluded site or feature.

9.16 In his assessment Mr Druskovich outlines at 8.1 and 8.2 the historic heritage value and corresponding assessment of effects. There are no historic heritage values relating to the trees to be removed and the works methodology will avoid impacts to surface features and sub-surface archaeological material. The conservation plantings occur within areas where significant earthworks have occurred in the past. Subject to archaeological definition of the edges of past landform modification there will be no effects on archaeology.⁸¹

Land disturbance in an Outstanding Natural Feature, (Chapter D10)

9.17 Objectives and policies in Chapter E12 Land disturbance are focused on ensuring, where land modification is necessary, that it protects the safety of people and avoids, remedies and mitigates adverse effects on the environment. Policy 12.3(1) is particularly relevant to this application as it is about avoiding where practicable, and otherwise, mitigating adverse effects of land disturbance on scheduled places e.g. natural heritage, and Mana Whenua. Policy 12.3(4) which seeks to manage the impact on Mana Whenua cultural heritage that may be discovered during land

⁷⁷ Objective D17.2(1)

⁷⁸ Objective D17.2(2)

⁷⁹ Policy D17.3 (3)(a)

⁸⁰ Policy 17.3(b), (c) & (e)

⁸¹ Druskovich, page 30

disturbance through protocols including accidental discovery and undertaking specific measures to avoid adverse effects⁸² are also of specific relevance.

9.18 As the trigger for earthworks is the ONF it is appropriate to consider the objectives and policies contained in D10. Objective D10.2 requires that ancestral relationships of Mana Whenua with ONF's are recognised and provided for. Policies including the protection of the physical and visual integrity and avoidance of adverse effects on the qualities that contribute to the values of the ONF⁸³ are relevant. Specific mention to volcanic cones in protecting the integrity of ONF is made at D10.3(3), including avoiding adverse effects on the natural characteristics, qualities and Mana Whenua. Protecting the value of the ONF in its wider historic heritage, cultural, landscape, natural character and amenity context is also outlined.⁸⁴

9.19 Restricted discretionary activity assessment criteria for earthworks is set out at E12.8.2(2)(d) for the ONF. General restricted discretionary assessment criteria including for earthworks is listed at E12.8.1. The matters of discretion are largely effects based and have therefore been addressed in section 8 where it was concluded that effects would be less than minor. Suffice to note that:

- earthworks will comply with the standards and managing and monitoring will be undertaken where necessary to ensure the sensitivity of the maunga is protected;
- there will be no impact on the stability/safety of the surrounding area as the earthworks are minor in nature, shallow, and occur within areas of the site already modified;
- given the minor nature of the earthworks no stockpiling is anticipated;
- the duration of the earthworks is expected to be less than two months; and
- land disturbance cannot be avoided as it is necessary to undertake revegetation and protect and enhance the identified archaeological, natural and ecological values of the maunga.

Tree Removal in Open Space zones and Scheduled Historic Heritage Place (Chapters E16 and D17)

9.20 The trigger for tree removals relates to the SHHP (where additional archaeological controls apply), and the open space zone. The objectives and policies relating to the SHHP are discussed above. Given the nature of the tree works, limited to exotic species and native revegetation offered with only insignificant potential adverse effects, the proposal is considered consistent with the objective and policy framework outlined in E16 as trees that contribute to cultural, amenity, landscape and ecological values are protected⁸⁵ and the use of indigenous trees and vegetation for planting to recognise and reflect these values is encouraged⁸⁶.

⁸² Policy E12.3(4)(a) and (c)

⁸³ Policy D10.3(2)

⁸⁴ Policy D10.3(4)(a)

⁸⁵ Objective E16.2(1)

⁸⁶ Policy E16.3(3)

9.21 Assessment criteria for restricted discretionary activities for trees in open space zones is outlined at E16.8.2. Being largely effects based and relating to vegetative, ecological, and habitat values of trees, the criteria has been addressed in Section 8. For completeness, in response to the criteria, the following comments are made:

- no alternatives are available that could result in retaining the trees as the work is necessary to remove exotic trees, almost half of which are pest species from the tupuna maunga;⁸⁷
- methods to control plant pathogens and diseases will be in place for the safe disposal of plant material;
- the need for direction and supervision of the works by a project arborist has been identified to avoid adverse effects on native trees to be retained and forms part of the methodology;
- a planting plan has been prepared to address the effects of the tree removals on ecological values; and
- the activity is consistent with the framework of E20 in that it contributes to and encourages, the long-term viability and/or ongoing functional use of the Tūpuna Maunga, facilitating development in accordance with mātauranga and tikanga to support the social, cultural and economic wellbeing of Mana Whenua thus providing for tikanga values.

Noise (Chapter E25)

9.22 Objectives and Policies for noise are contained at E25. Given the minor nature of the infringement to the noise standards, the proposal is considered to be consistent with the objective and policy framework relating to noise.

9.23 It is considered that noise has been minimised to mitigate adverse effects on adjacent sites⁸⁸ thereby having regard to the sensitivity of the residential receiving environment⁸⁹.

9.24 Based on the assessment of Mr Styles, people and the amenity values of residential zones will be protected from unreasonable noise⁹⁰ and the adverse effects of the works unable to meet the permitted noise levels are minimised by the separation distance of the tree removal and processing sites from residential receivers.⁹¹

Macroinvertebrate Index

9.25 The Macroinvertebrate Native and Urban Indexes apply to the site. This requires consideration of the objectives and policies as outlined at E1.2. Objectives seek to maintain and improve the quality of fresh and coastal water. Managing discharge and other indicators of water quality and

⁸⁷ E16.8.2(d)

⁸⁸ Policy E25.3(2)

⁸⁹ Policy E25.3(10)

⁹⁰ Objective E25.2(1) & (2)

⁹¹ Policy E25.3(2)

ecosystem health by appropriate use and development will assist with achieving the desired outcomes. It is considered that the works as they relate to water quality are relevant insofar as there will be no ground disturbance relating to the tree removal. Additional planting, in particular ground cover and weed control will assist with filtration and minimise run-off of sediment. No new paved surface is proposed. The proposal is therefore consistent with the objectives and policies.

Section 104(1)(c) Other matters

- 9.26 The IMP is a statutory document that replaces Reserve Management Plans. For reasons detailed above the proposal is consistent with the IMP, and considerable weight should be given to achieving the outcomes of this document as another matter under section 104(1)(c) of the RMA.
- 9.27 Ōtāhuhu is also subject to the requirements of the Reserves Act 1977. Section 53(1)(d) allows the administering body of a recreation reserve to close the reserve for a maximum of 40 days as follows:
- (1) The administering body of a recreation reserve may from time to time, in the exercise of its functions under section 40 and to the extent necessary to give effect to the principles set out in section 17,—*
- (d) prescribe, as to not more than 40 days in any year as it thinks fit, that the public shall not be entitled to have admission to the reserve or to any part or parts thereof set apart for a particular purpose or purposes unless on payment of a charge or charges as hereinafter mentioned.*
- 9.28 The duration of the tree removal is 40 days. As outlined above in Section 5 of this, parts of the reserve will remain open and available to the public. The proposal is not contrary to the Reserve Act provisions.

Part 2 of the RMA

- 9.29 Recent case law confirms⁹² and with a recently operative planning document, there is no need to refer to Part 2 of the RMA.
- 9.30 Notwithstanding, and in support of the proposal, this activity enables continued public enjoyment and appreciation of the heritage, natural and Māori values of the Tūpuna Maunga. The proposal will assist with protecting and maintaining visibility and understanding of the natural and heritage features of the place through enhanced legibility of the feature and planting.⁹³ The Authority, who through Treaty settlement, is responsible for governance and administration of the land seeks to enable the relationship of the iwi and hāpu with its whenua and exercise kaitiakitanga.⁹⁴ The proposal gives effect to the principles of the Treaty of Waitangi by enabling iwi and hāpu, through the Authority, to give careful consideration to management of their ancestral land.⁹⁵

⁹² R J Davidson Family Trust V Marlborough District Council [2018] NZCA 316 [21 August 2018]

⁹³ Part 2, section 6

⁹⁴ Part 2, section 7(a)

⁹⁵ Part 2, section 8

10. OFFERED CONDITIONS

- 10.1 Specialists have included recommendations to inform specific elements of the works. These recommendations are included in the offered condition below with modification where necessary to meet Section 108 requirements.

Pre-commencement Conditions

Pre-Commencement Meeting with Compliance and Monitoring Staff

1. Prior to the commencement of tree removals, the consent holder shall provide notice of the pre-commencement meeting that:
 - (i) is located on the subject site;
 - (ii) is scheduled not less than 5 days before the anticipated commencement of tree removals;
 - (iii) Compliance Advisor and relevant other specialists (e.g. Ecologist/ Archaeologist) at the Council's discretion are invited;
 - (iv) includes the Project Manager and supervising Archaeologist; and
 - (v) includes representation from the contractors who will undertake the works.
2. The following information shall be made available at the pre-commencement meeting:
 - (i) Finalised Communications Plan including copies of letters to residents;
 - (ii) Finalised Planting Plan;
 - (iii) Finalised Health and Safety Plan;
 - (iv) Archaeological Works Plan;

Finalised Management Plans to be provided

3. A minimum of 5 working days prior to the commencement of 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:
 - (i) Finalised Communications Plan;
 - (ii) Planting Plan;
 - (iii) Health and Safety Plan;
 - (iv) Archaeological Works Plan addressing monitoring, recording, and reporting for tree removals and planting;

Written notice of works

4. The owners and occupants of the neighbouring buildings* shall be provided written notice of the works at least ten (10) days prior to commencement on site. Written advice shall include:
 - (i) a brief overview of the works and its expected duration;
 - (ii) mitigation measures to be implemented;
 - (iii) working hours; and
 - (iv) contact phone number(s) for any concerns regarding noise.

* The neighbouring buildings that shall be provided with written notice are: 17-19, 15A, 15 and 57, 59, 61, 63, 65, 67 Portage Road and 659, 661, 683, 663, 665, 667, 667A, 683-685 and 681 Mount Wellington Highway.

Development in Progress Conditions

Implementation of Management Plans

5. No 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 necessary to be put in place prior to commencement of works, have been undertaken.
6. The consent holder shall ensure that all the actions within the Planting plan approved under the conditions of this consent are undertaken as proposed and submit a written record to the Council (Monitoring Team Leader Central) confirming compliance within 15 days of the completion of the work identified within the Planting plan.

Log Chipping Activities in Processing Site 1

7. The consent holder shall ensure no more than one log chipper operates at any one time in processing site 1. The chipper must be at least 190m from the nearest receiver (663 Mt Wellington Highway). The chipper shall be placed at the northern end of processing site 1 to meet this separation distance.

Helicopter Landing and Take-offs

8. Any helicopter landing or take-offs shall be undertaken from processing site 2.
9. The noise from the landing, take-off and refuelling of the helicopter shall comply with a noise limit of Ldn 50dB or 85dB LAFmax measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and Ldn 60dBA within the boundary of any other site, when measured and assessed in accordance with condition 10.

10. Any noise level measurements undertaken to determine compliance with condition shall be based on the definitions of landings, take-offs and refuelling procedures set out in the application documents. Those definitions are:
 - a) The landing procedure beginning from the time the helicopter disconnects its load over the processing site, and ending when the machine lands on the ground adjacent to the processing site.
 - b) The noise measurement then includes the period when the helicopter is on the ground for refuelling.
 - c) The take-off procedure beginning when the machine lifts off the ground, and ends when the machine reaches an altitude of 75-90m (245- 295 ft) above the local ground level. Once the machine reaches that altitude, it will transition immediately back into the lifting and transport work and the noise measurement shall cease.
 - d) The noise level of the full procedure in (a) to (c) shall be aggregated into one Sound Exposure Level measurement for use in the calculation to derive the L_{DN} level for comparison with condition 9 in accordance with the requirements of NZS6801:2008.
 - e) Any reference in NZS6801:2008 to other standards for the measurement and assessment of helicopter noise shall be ignored.
11. The Communications Plan shall require that owners and occupants of the neighbouring buildings as listed in condition 4 above shall be advised of the works in writing at least ten (10) days prior to the commencement of works on site. The Plan shall set out a brief overview of the construction works, its expected duration, the mitigation measures to be implemented, the working hours, and a contact phone number for any concerns regarding noise.
12. All vegetation shall be removed outside of bird breeding season (September to January inclusive), except where a suitably qualified ecologist has confirmed that woody vegetation is clear of nesting native birds, eggs, or chicks.
13. A survey to confirm the presence of native lizards, particularly rare 'At Risk' species of skinks, shall be carried out by a suitably qualified and experienced herpetologist. The survey must:
 - (i) Target potential lizard habitat identified during the herpetological assessment, including the quarry and rock bomb areas;
 - (ii) Be carried out at a time of year and during weather conditions that will maximise the chance of locating native lizards, including rare and 'At Risk' species potentially present at the site;

- (iii) Utilise no-dig, non-pitfall methodologies suitable for deployment in high value archaeological areas with public access; and
 - (iv) Be conducted after the implementation of specific targeted predator control in any areas of high value skink habitat to be surveyed.
14. A finalised Adaptive Lizard Management Plan for the site shall be prepared by a suitably qualified herpetologist and provided to Auckland Council for approval prior to vegetation clearance commencing. This shall include, but not be limited to, the following:
- (i) Tree felling and associated works methodologies and restrictions based on the Ecogecko Herpetology report;
 - (ii) Project ecologist and permit details;
 - (iii) Specific targeted predator control in any areas of high value skink habitat;
 - (iv) Habitat enhancement including any specific weed management in identified high value skink habitat areas; and
 - (v) Survey outcomes and management methods.
15. The finalised Planting Plan shall be prepared by a suitably qualified ecologist and provided to Auckland Council for approval prior to tree felling, for all restoration areas within the site. The final Planting Plan shall include, but not be limited to, the following:
- (i) Plant species, spacing, planting zones (if required), plant numbers and specification on plant size as described in this assessment report;
 - (ii) 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) in order to promote a WF7 rock forest habitat type;
 - (iii) Plant maintenance and weed management until canopy closure (minimum of five years); and
 - (iv) Monitoring and reporting.
16. A comprehensive predator management plan targeting potential habitat of native lizard and bird species shall be provided to and approved by Auckland Council. The predator control relating to native lizards shall be implemented at sites identified as high-value lizard habitat. The comprehensive predator management plan will mitigate for any residual impacts on native lizards and birds.

Historic Heritage (archaeology)

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

18. 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 holders' project archaeologist shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Team Leader (for the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz) within one calendar month of the completion of work on the site.

Tree Removals

19. All tree felling works and use of non-tarsealed access tracks or routes across the Reserve should occur only when the earth is dry to reduce risk of damage from repeated vehicle movements over soft ground, unless it is within the two identified processing areas which have no archaeological significance.
20. The use of crash mats shall be compulsory where limbs are to be lowered to the ground except where trees are adjacent to Bert Henham Park playing field.
21. Where manual dismantled trees are carried or dragged to chippers this is to occur (except when adjacent to Bert Henham Park playing fields or across hard surfaces) protection for surfaces should be laid down along the length of the route to prevent accidental gouging or other unintentional damage.
22. All trees shall be inspected for dead limbs prior to felling. If a tree is found to have dead limbs crash mats or other protective measures shall be applied to the surfaces within the immediate area beneath the tree.

Conservation Planting

Large Slope Area

- (i) Within the Large Slope Area only species that are defined as suitable for planting on archaeological sites, as per the Department of Conservation (Jones 2007) publication or any updated list that is subsequently released by the Department of Conservation, should be planted within 5m of archaeological features or apparently unmodified ground.
- (ii) For the Large Slope Area any large trees or species with larger root systems should not be planted within 10m of archaeological features or apparently unmodified ground.
- (iii) The project archaeologist should be on site for the set out for the Large Slope Area to define the limits of the adjacent archaeological evidence to facilitate recommendations (i) and (ii) above.

Field Area

- (i) Within the Field Area only species that are defined as suitable for planting on archaeological sites, as per the Department of Conservation (Jones 2007) publication or any updated list that is subsequently released by the Department of

Conservation, should be planted within 5m of archaeological features or apparently unmodified ground at the eastern and western ends.

- (ii) The project archaeologist should be on site for the set out for the Field Area to define the limits of the adjacent archaeological evidence to facilitate recommendation (i) above.

Olive Quarry Area

- (i) The project archaeologist should be on site for the set out for the Olive Quarry Area to define the limits of the adjacent archaeological evidence, and therefore the limits of the area to be planted.

Small Quarry Area

- (i) The project archaeologist should be on site for the set out for the Small Quarries Area and define the limits of the adjacent archaeological evidence, and therefore the limits of the area to be planted.

Post Development Conditions

Maintenance of Restoration Planting

- 23. Once the work is completed, the consent holder shall maintain the site as per the requirements of the approved Restoration plan to the satisfaction of Council, including the removal of any weed species and the replanting of native plant cover to ensure canopy closure occurs (or once bare ground is covered for low growing plants).

11 CONCLUSION

- 11.1 Auckland Council, on behalf of the Authority is seeking resource consent for works to carry out native revegetation and the removal of exotic trees at Ōtāhuhu. The application is overall assessed as a discretionary activity.
- 11.2 Subject to the methodologies and offered conditions that form part of the proposal, the potential for adverse effects are limited to no more than minor effects from tree works and those temporary in nature during the works period. This application supersedes an earlier proposal. The amendments reduce the number of trees to be removed and the duration of the activity and provides greater separation to residential properties. Noise effects from the aspects of the project requiring consent (i.e. excluding the over-flying helicopter) are unlikely to generate any appreciable degree of annoyance.
- 11.3 The proposal will result in significant positive effects on the environment through cultural and ecological restoration, enhanced landscape aesthetics and opening of historic defensive sightlines and views between the Tūpuna Maunga. Spiritual associations with the Tūpuna

Maunga including culture and traditions will be re-established. Improved legibility of the heritage features will enrich the visitor experience through enhanced understanding and appreciation of the heritage, natural and Māori values of the place.

- 11.4 Overall, it is considered that the proposal meets the overriding sustainable management purpose of the RMA and the application may be granted, subject to the offered conditions.

Author



**Jodie Mitchell BRPlan (Hons)
Richmond Planning Limited**

16 August 2021

Reviewed by



**Tania Richmond, BPlan, MNZPI
Richmond Planning Limited**

16 August 2021