

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



Discretionary activity

Application number:	LUC60384274
Applicant's name:	Tūpuna Maunga o Tāmaki Makaurau Authority and The Auckland Council
Site address:	Ōtāhuhu / Mt Richmond, 1110 Great South Road, Mt Wellington
Legal description and Site Area:	Refer to the following Figure 2
Operative plan:	Auckland Unitary Plan: Operative in Part
Zoning:	Open Space – Conservation Zone Open Space – Sport and Active Recreation Zone
Precinct	N/A
Special features, overlays etc:	Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Auckland Isthmus Volcanic Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] – Mt Richmond Volcanic Aquifer Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] - ID 111, Mt Richmond (Ōtāhuhu) Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] – Mount Richmond, Height Sensitive Areas Built Heritage and Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 1579, Mount Richmond/ Ōtāhuhu R11_13 Volcanic cone pa site including terrace/s, pit/s, house floors and midden
Controls	Controls: Macroinvertebrate Community Index - Exotic Controls: Macroinvertebrate Community Index - Urban
Designations	Designations – 1657, Road Widening Designations, Auckland Transport Designations: Airspace Restrictions Designation – ID1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Ltd
Proposal	To remove exotic vegetation and undertake restoration planting on Ōtāhuhu / Mt Richmond, 1110 Great South Road, Mt Wellington.

The resource consents are:

Land use consents (s9) – LUC60384274

Auckland Council Unitary Plan (Operative in Part)

District land use

Historic Heritage Overlay (Chapter D17)

- Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay requires consent as a **restricted discretionary activity** pursuant to D17.4.1 (A9).
- Conservation planting requires consent for a **discretionary activity** pursuant to D17.4.2 (A23).
- The removal of trees greater than 3m in height or greater than 300mm in girth requires consent for a **discretionary activity** pursuant to D17.4.2 (A26).

Land Disturbance – District (Chapter E12)

- The proposed planting earthworks do not meet the permitted standards E12.4.1(A3 & A7) as they do not meet standard E12.6.3(17) which states “*Earthworks/land disturbance for the planting of any tree within the Historic Heritage Overlay must not be undertaken where additional rules for archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps, other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree*”. Consent for a **restricted discretionary activity** is required pursuant to Rule C.1.9(2) for an activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity;
- The activity of replanting will involve 1493.7m² of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks in the Historic Heritage Overlay over an area of greater than 50m² pursuant to Rule E12.4.2 (A30);
- Consent is required for a **restricted discretionary activity** is required for earthworks associated with the activity of replanting in the Historic Heritage Overlay of greater than 5m³ and up to 250m³ pursuant to Rule E12.4.2 (A32);
- The activity of replanting will involve 42.5m³ of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks within the V1 Outstanding Natural Feature Overlay of greater than 5m³ and less than 50m³ pursuant to Rule E12.4.3 (A40);

Trees in Open Space Zones (Chapter E16)

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

Noise and Vibration (Chapter E25)

- Noise that exceeds the permitted activity standards in E25.6.2, E25.6.6, E25.6.7 and E25.6.18 for land based works requires consent as **restricted discretionary activities** pursuant to E25.4.1 (A2). Land based-noise is predicted up to 57 dB LAeq at the closest neighbouring sites for some of the time over the total project duration of 40 days. Helicopter noise for helicopter landings and take-offs will comply with the noise limits set out in E25.6.32 for helicopter landings and take-offs.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on notification. I acknowledge that the current application is a modified version of an earlier application (Council ref. LUC60344578). I determined that the previous application should be limited notified on 6 April 2021. The modifications now proposed seek to allow the activity to proceed on a non-notified basis. I have evaluated the current application entirely on its own merits and on the basis of what is now proposed.

Public notification

Under section 95A of the RMA this application shall proceed without public notification because:

1. Under step 1, public notification is not mandatory as:
 - a. the applicant has not requested it;
 - b. there are no outstanding or refused requests for further information, and
 - c. the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
2. Under step 2, public notification is not precluded as:
 - a. there is no rule or NES that specifically precludes public notification of the activities, and
 - b. the application is for an activity other than those specified in s95A(5)(b).
3. Under step 3, public notification is not required as:
 - a. the application is for an activity that is not subject to a rule that specifically requires it, and
 - b. the activity will have or is likely to have adverse effects on the environment that are no more than minor because:
 - i. in the context of the landscape and visual values of Ōtāhuhu , any adverse landscape and visual effects of the proposal are considered to be short term in nature and in keeping with the natural landform and landscape, so that overall any adverse effects will be less than minor;
 - ii. any adverse ecological effects arising from the proposal have been proposed to be appropriately managed as part of the works programme to ensure that any adverse effects will be less than minor;

- iii. any adverse effects on public access and recreation will be short term in nature and will be less than minor;
 - iv. the proposed works have been designed to be sympathetic to the heritage values of Ōtāhuhu, and can be managed to ensure they are less than minor;
 - v. the tree removals methodologies are considered consistent with best arboricultural practice, and any adverse effects associated with this will be less than minor;
 - vi. any effects associated with land disturbance and stability have been proposed to be appropriately managed to ensure they are less than minor; and
 - vii. noise effects will be localised to adjacent land and users of that land, and in the wider or general environment will be less than minor.
4. Under step 4, there are no special circumstances that warrant the application being publicly notified because there is nothing exceptional or unusual about the application. Although some in the community might prefer exotic vegetation or are more concerned to not see existing habitat used by fauna removed, the promotion of native vegetation ahead of exotic species as part of the restoration of natural and cultural patterns is a common practice. In light of the outcomes set out in the approved Integrated Management Plan (IMP) administered by the Tūpuna Maunga o Tāmaki Makaurau Authority, and although consent for the works is required under the AUP: OP, the proposal forms a reasonably expectable use of Ōtāhuhu that does not warrant wider public notification in resource management terms.

Limited notification

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

1. Under step 1, limited notification is not mandatory as:
 - a. there are no protected customary rights groups or customary marine title groups affected by this proposal, and
 - b. no persons to whom a statutory acknowledgement is made is adversely affected by this proposal.
2. Under step 2, limited notification is not precluded as:
 - a. there is no rule or NES that specifically precludes limited notification of the activities, and
 - b. the application is for an activity other than those specified in s95B(6)(b).
3. Under step 3, limited notification is not required as:
 - a. this application is not for a boundary activity or prescribed activity, and
 - b. there are no adversely affected persons because any adverse effects on any person will be less than minor for the reasons set out in my s.95A findings above, and in addition:

Noise

- i. Noise effects arising from the proposal will be primarily from the use of a helicopter to remove the trees from the Maunga, the use of chainsaws and from processing of the trees. The Applicant engaged Styles Group to model the

potential noise effects of the proposed works (see Appendix 7 to the submitted A.E.E). The assessment outlines that 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 based on their positioning within the reserve and volunteered mitigation measures. Exceedance of noise levels will be intermittent and for a small portion of time throughout the 40 day works period for any receiver. The methodology designed seeks to ensure removal and processing noise levels do not exceed 57dB LAeq at any residential receiver, with many activities will likely comply at closer distances for much of the time. Styles Group further advise that the noise from the take-off and landing procedures of helicopters will be to up 50 dB Ldn or 85dB LAFmax 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, but that 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 LAeq at many receivers (due to the influence of traffic). This is indicative that it would not of itself be distinguishably offensive. The assessment notes that as Portage Road residential receivers adjoin the Light Industry Zone with an AUP permitted noise level of up to 55dB LAeq, the activity noise levels of 2dB above that permitted level are unlikely to generate annoyance throughout their short duration for the most western residential receivers. I accept this.

- ii. The acoustic assessments provided with the application have been peer reviewed on behalf of the Council by Consultant Acoustics Specialist, Mr Peter Runcie. Mr Runcie has advised that the approach and limits identified by Styles Group are appropriate, and generally in accordance with the guidance of NZS6803:1999 Acoustics – Construction. Mr Runcie also confirms that in his experience the noise model prepared by Styles Groups is reasonable, and that it is appropriate to mitigate these effects through limiting the hours and duration of helicopter use, and through advising properties in the vicinity of the works prior to the works commencing as has been volunteered by the Applicant or otherwise adopted by it.
- iii. The two acoustic assessments have resulted in a number of conditions of consent being volunteered or adopted by the Applicant, including:
 - o Using only processing sites 1 and 2 as identified in the application documentation (those sites located furthest from the residential receivers).
 - o Ensuring the use of chainsaws, mobile elevated work platforms and/or an excavator must be undertaken at least 100m from any residentially zoned site. This requirement has been incorporated into the project (as per the 100m noise line shown in the proposed tree removal plan).
 - o No more than one log chipper can operate at any single time at processing site 1. This chipper must be at least 190m from nearest receiver (663 Mt Wellington Hwy). The chipper should be placed at the northern end of processing site 1 to meet this separation distance.

- Any helicopter landing or take-offs shall be undertaken from processing site 2; and
 - A requirement to communicate with specific surrounding receivers (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) at least 10 days prior to commencement works on site.
- iv. Mr Runcie acknowledges that the Council interpretation is that over-flying noise is not a consideration within the remit of the Resource Management Act. To control the effects of noise associated with the proposed activities SLR recommends that the following should be implemented:
- The inclusion of appropriately conditioned noise limits and hours for the proposed activities (helicopter activity) which are identified as expected to exceed the standard noise limits (see below).
 - The implementation of a management plan, clearly describing the location(s) of where activities as identified in the Styles assessment can take place (the locations of the processing sites being critical to achieving the predicted levels at surrounding receivers); and
 - Advising surrounding neighbours prior to commencing work.”
- v. The above proposed consent conditions have been adopted by the Applicant, which can be monitored by the Council to ensure that noise levels are properly managed. One additional recommendation made by Mr. Runcie which has not been adopted by the Applicant and is not supported by the Council's s.42A planner Mr. Dales is to expand a works-notification (communications plan) area to 200m around the Site. Based on the likely noise emissions and sound profile of the works, I am satisfied that the properties between those identified by the Applicant based on Mr. Styles' analysis, and those identified by Mr. Runcie, will not be subject to adverse effects of concern and will not be adversely affected by the omission of Mr. Runcie's recommended condition from my consideration.
- vi. With the above considerations in mind, and having considered these specialist comments in the context of the notification threshold tests of the Act, it is considered that adverse noise effects on people arising from the proposal will be short term in nature and can be managed so that any effects are less than minor.
- Other adverse effects
- vii. Although public access to the Maunga will be temporarily disrupted, this disruption will be short term in nature and will not permanently or unreasonably limit people's use or enjoyment of the Maunga. Also, the Applicant has proposed a communications plan to ensure that users of the reserve are aware of any access restrictions.
- viii. Following from the Applicant's expert assessments including the Council's peer reviews, it can be concluded that any landscape and visual effects of the tree removals experienced by people with an outlook to, or using the Maunga, will have limited effects and such effects will be adequately mitigated by the

proposed restoration planting.

- ix. Given the scale and nature of the works, any construction traffic associated with the removal of the processed trees, and that associated with the necessary machinery, will be limited in volume, short term in nature, and occur only in the hours of work (7:30am-6pm Monday to Friday with no work on weekends or public holidays), and as such can be considered to be less than minor; and
 - x. The applicant has engaged with local Iwi groups and the general public as part of the consultation process for the Tūpuna Maunga Integrated Management Plan (IMP). Having reviewed the IMP, this document makes clear expectations with respect to exotic vegetation and cultural significance of the restoration of the Maunga, and the outcomes of the Applicant's engagement have been incorporated in the application detail.
4. Under step 4, there are no special circumstances that warrant the application being limited notified to any persons for the same reasons that were found to apply in respect of my s.95A decision above.

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



Ian Munro

Duty Commissioner

15 September 2021

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



Discretionary activity

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Designations	Designations – 1657, Road Widening Designations, Auckland Transport Designations: Airspace Restrictions Designation – ID1102, Protection of aeronautical functions – obstacle limitation surfaces, Auckland International Airport Ltd
Proposal	To remove exotic vegetation and undertake restoration planting on Ōtāhuhu / Mt Richmond, 1110 Great South Road, Mt Wellington.

The resource consents are:

Land use consents (s9) – LUC60384274

Auckland Council Unitary Plan (Operative in Part)

District land use

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- Modifications to, or restoration of, buildings, structures, fabric or features of a scheduled historic heritage place, except where provided for as a permitted, controlled or restricted discretionary activity in another rule in this overlay requires consent as a **restricted discretionary activity** pursuant to D17.4.1 (A9).
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- The proposed planting earthworks do not meet the permitted standards E12.4.1(A3 & A7) as they do not meet standard E12.6.3(17) which states “*Earthworks/land disturbance for the planting of any tree within the Historic Heritage Overlay must not be undertaken where additional rules for archaeological sites or features apply as listed in Schedule 14 Historic Heritage Schedule, Statements and Maps, other than as a replacement for a pre-existing tree; and, within the area previously occupied by the root plate of the pre-existing tree*”. Consent for a **restricted discretionary activity** is required pursuant to Rule C.1.9(2) for an activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity;
- The activity of replanting will involve 1493.7m² of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks in the Historic Heritage Overlay over an area of greater than 50m² pursuant to Rule E12.4.2 (A30);
- Consent is required for a **restricted discretionary activity** is required for earthworks associated with the activity of replanting in the Historic Heritage Overlay of greater than 5m³ and up to 250m³ pursuant to Rule E12.4.2 (A32);
- The activity of replanting will involve 42.5m³ of ground disturbance over the site. Consent for a **restricted discretionary activity** is required for earthworks within the V1 Outstanding Natural Feature Overlay of greater than 5m³ and less than 50m³ pursuant to Rule E12.4.3 (A40);

Trees in Open Space Zones (Chapter E16)

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

Noise and Vibration (Chapter E25)

- Noise that exceeds the permitted activity standards in E25.6.2, E25.6.6, E25.6.7 and E25.6.18 for land based works requires consent as **restricted discretionary activities** pursuant to E25.4.1 (A2). Land based-noise is predicted up to 57 dB LAeq at the closest neighbouring sites for some of the time over the total project duration of 40 days. Helicopter noise for helicopter landings and take-offs will comply with the noise limits set out in E25.6.32 for helicopter landings and take-offs.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent(s). I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, and Part 2 of the RMA, the application is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - Adverse effects will be appropriately avoided, remedied or mitigated through the combination of how the proposed works have been designed and will be undertaken, and the conditions of consent that have been volunteered and/or adopted by the Applicant. I have determined to impose the proposed conditions of consent.
 - In the context of the landscape and visual values of the Maunga, any landscape and visual effects of the proposal will be acceptable and in keeping with the natural landform and landscape. The native restoration program will over time result in positive landscape effects.
 - Ecological effects arising from the proposal can be appropriately managed as part of the works programme and will in time be at least remedied if not enhanced by the revegetation initiative;
 - Any adverse effects on public access and recreation will be short term in nature and in keeping with the reasonable limitations on access that are expectable and part of every-day reserve management;
 - The proposed works have been designed to be sympathetic to the heritage values of the Maunga, and will maintain these;
 - The tree removal methodologies are consistent with best arboricultural practice, and removals can be undertaken in a way that will minimise unnecessary damage to vegetation and be otherwise safe and efficient;
 - Any adverse effects associated with land disturbance and stability can be appropriately managed;

- Construction effects, and in particular noise effects arising from the helicopter use can be managed effectively through conditions of consent limiting hours of operation and by limiting consecutive day activity;
 - There has been a difference of opinion between the acousticians Mr. Styles and Mr. Runcie, as to the extent to which a communications plan should be provided to occupants of land adjacent to the Site (proposed condition 13). Mr. Style's has identified specific properties whereas Mr. Runcie prefers a 200m area. I am satisfied that Mr. Styles' approach, which is agreed with by the Council's s.42A planner Mr. Dales, is sufficient and that there is no need for broaden the identified area as preferred by Mr. Runcie; and
 - Mr. Runcie also seeks proposed condition 20 be amended to include details of noise monitoring when (if) any concerns are raised. The Applicant has not supported this inclusion on the basis that its methodology sets out specific methodologies to be followed and Mr. Styles' analysis indicates that these would result in acceptable noise levels. I find that provision to monitor real-world noise levels is a reasonable and appropriate matter for a resource management condition to govern and I have changed condition 20 to make this clear.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is considered to provide for an acceptable outcome in respect of the relevant statutory documents as:
- The proposal is consistent with the anticipated outcomes of the New Zealand Coastal Policy Statement, although this is not of itself a fundamentally determinative matter. In particular due to the careful design of the proposed, works, and mitigation provided by the restoration planting the proposal will not impact on the coastal environment;
 - In terms of the relevant sections of the Auckland Unitary Plan (Operative Part), the proposal is consistent with the outcomes anticipated by the Outstanding Natural Features, and Heritage Overlays. In particular, the application will manage the restoration of a sensitive environment whilst ensuring that any adverse effects on the receiving environment of the Maunga and surrounding residential and business environments are minimised through ensuring that the works are designed and managed to mitigate adverse effects on heritage, ecological, recreational and landscape and visual values.
3. In accordance with an assessment under s104(1)(c) of the RMA, all relevant other matters including the Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014, and Reserves Act 1977 have been identified and suitably addressed. These documents collectively support the granting of consent subject to the conditions that have been proposed.
4. Any consideration of an application under s104(1) of the RMA is subject to Part 2. The Court of Appeal in R J Davidson Family Trust v Marlborough District Council [2018] NZCA in section 104 plainly contemplates direct consideration of Part 2 matters. However, the Court considered that where a plan has been competently prepared under the RMA, it may be that in many cases there will be no need for the Council to refer to Part 2. Though if there is doubt that a plan has been "competently prepared" under the RMA, then it will be appropriate and necessary to have regard to Part 2. That

is the implication of the words “subject to Part 2” in s104(1) of the RMA. In this instance and in light of the public interest that has been generated by the wider program of Maunga native restoration projects proposed in Auckland, I have determined that it is appropriate to consider Part 2 of the Act and I have done so. I find that the proposal is consistent with Part 2 of the Resource Management Act 1991. In particular the restoration of the Maunga will enable the social, economic, and cultural wellbeing of people and communities, whilst appropriately avoiding, remedying or mitigating adverse effects on this sensitive site and surrounding environment. The proposed restoration works also reflect the role of mana whenua through the Applicant exercising its kaitiakitanga and stewardship of this iconic feature of the natural and cultural landscape.

Conditions

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

General Conditions

1. The removal of exotic vegetation and restoration planting activities shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number LUC603484274:
 - a. Application Form, and Assessment of Effects on the Environment and Statutory Assessment prepared by Jodie Mitchell of Richmond Planning Limited, titled “*Tūpuna Maunga Authority, Ōtāhuhu / Mt Richmond - Vegetation restoration and exotic vegetation removal works*”, dated August 2021 and the following appendices:

Appendix 1	Certificates of Title
Appendix 2	Rules Assessment
Appendix 3	Tree removal Methodology
Appendix 4	Planting Plan
Appendix 5	Draft Communications Plan
Appendix 6	Heritage Impact Assessment
Appendix 7	Acoustic Assessment
Appendix 8	Ecological Assessment & Herpetologist Assessment
Appendix 9	Landscape and Visual Effects Assessment
 - b. Letter from Tupuna Maunga Authority dated 25 January 2021.
 - c. Email from Richmond Planning Limited dated 31 August 2021 confirming the applicant’s acceptance of conditions.
2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The Council extends the period after which the consent lapses.
3. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1,500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

Pre-commencement Conditions

Pre-Commencement Meeting with Compliance and Monitoring Staff

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

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

- a. Timeframes for key stages of the works authorised under this consent;
- b. Finalised Communications Plan, including: Details regarding implementation of Communications Plan (e.g. Sign locations, copies of letters to residents);
- c. Finalised Restoration Plan (Planting Plan);
- d. Tree Removal Methodology report;
- e. Finalised Tree Protection Methodologies for trees to be retained;
- f. Finalised Lizard Management Plan (and surveys);
- g. Finalised Predator Management Plan (Lizards);
- h. Finalised Archaeological Works Plan;
- i. Finalised Works Management Plan;
- j. Details of briefing for contractors, including: heritage protocols, location of processing sites, and ecological protocols.

Advice Note:

To arrange the pre-commencement meeting please contact the Council Monitoring on 373 6292 or email monitoring@aucklandcouncil.govt.nz.

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

Finalised Management Plans to be provided

5. A minimum of 5 working days prior to the commencement of vegetation removal approved by this resource consent, the consent holder shall submit to the Council for approval in writing, final versions of the following management plans:
 - a. Finalised Communications Plan;
 - b. Restoration Plan (Planting Plan);
 - c. Tree Removal Methodology report;
 - d. Tree Protection Methodologies for trees to be retained;
 - e. Lizard Survey Results and Finalised Lizard Management Plan;
 - f. Predator Management Plan (Lizards);
 - g. Archaeological Works Plan addressing monitoring, recording, and reporting for tree removals and planting;
 - h. Works Management Plan, including:
 - Health and Safety Plan;
 - Traffic Management Plan; and
 - Incorporation of ecological protection measures;

Finalised Restoration Plan (Planting Plan)

6. The finalised Restoration Plan (Planting Plan) shall be prepared by a suitably qualified and experienced ecologist (informed by the lizard survey required by the conditions of this consent) in accordance with Appendix 16: Guideline for Native Revegetation Plantings of the Auckland Unitary Plan: Operative in Part, and provided to Council for approval. The final planting plan shall include, but not be limited to, the following:
 - a. Plant species, spacing, planting zones (if required), plant numbers, plant densities, plant sources, fertiliser use and specification on plant size as described in the application. All plants shall be eco-sourced from the Tamaki Ecological District and inclusion of threatened species;
 - b. Planting methodology, including any staging (required for the effective control of weeds prior to planting, and enhancement species to be used for infill planting once initial planting has established).
 - c. Plantings of the large trees to be undertaken in Year 1.
 - d. All plantings from the Myrtaceae family of species shall be sourced from a nursery that is a signatory to Myrtle Rust Nursery Management Declaration V6, 11 October 2017 that certifies that the plant producer has implemented the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol (Myrtle Rust Nursery Management Protocol – V6, 11 October 2017).
 - e. The monitoring and maintenance (management until canopy closure) plan shall include as a minimum:
 - Monitoring criteria, methods and indicators to ensure the performance standards are met, including the removal of pest plants.
 - Pest plant and animal management performance standards and targets.
 - All planting shall achieve a minimum of a 90% survival rate for the first five (5) years after planting, apart from the large trees which must achieve a 100% survival.

- f. The restoration plan shall also include a methodology and procedures for the reinstatement of the playing fields where they are used for the processing of trees removed as part of this consent.

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

Advice note:

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

Lizard Survey to be undertaken

7. 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 lizard survey must:
- a. Target potential lizard habitat identified during the herpetological assessment, including the quarry and rock bomb areas;
 - b. 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;
 - c. Utilise no-dig, non-pitfall methodologies suitable for deployment in high value archaeological areas with public access; and
 - d. Be conducted after the implementation of specific targeted predator control in any areas of high value skink habitat to be surveyed.
 - e. Place Artificial Cover Objects or Live Capture Traps (e.g. pitfall traps or funnel traps which need to be checked daily by a suitably qualified and experienced ecologist/herpetologist) on site for a continuous period of at least five days and nights, or
 - f. Undertake any other scouting/surveying method agreed with the Council.
8. Upon completion of works, all findings resulting from the lizard scouting/surveying shall be recorded by a suitably qualified and experienced ecologist/herpetologist approved by the council on an Amphibian/Reptile Distribution Scheme (ARDS) Card (or similar form that provides the same information) and sent to the Council within twenty (20) working days from the lizard search and rescue works.

Advice Note:

The Wildlife Act 1953

All native lizards are totally protected under the Wildlife Act 1953 under which it is an offence to disturb, harm, or remove them without a permit from the Minister of Conservation.

For further information on lizards that are protected under the Wildlife Act and determination of a suitable new habitat please contact the council's Biodiversity team (Team Leader Central/South Biodiversity, on biodiversity@aucklandcouncil.govt.nz)

Correspondence

All correspondence relating to lizard management conditions can be emailed to monitoring@aucklandcouncil.govt.nz and cc'd to biodiversity@aucklandcouncil.govt.nz

9. A finalised Adaptive Lizard Management Plan for the site shall be prepared by a suitably qualified herpetologist after surveys have been conducted on site and provided to the Council for certification prior to vegetation clearance commencing. This shall include, but not be limited to, the following:
 - a. Tree felling and associated works methodologies and restrictions based on the Ecogecko Herpetology report and best practice scouting and rescue conditions;
 - b. Project ecologist and permit details;
 - c. Specific targeted predator control in any areas of high value skink habitat;
 - d. Habitat enhancement including any specific weed management in identified high value skink habitat areas; and
 - e. Survey outcomes and management methods.
10. A predator management plan targeting potential habitat of native lizard and bird species shall be provided to and approved by Council. The predator management plan shall incorporate pest animal control work already being undertaken on the site, including rabbit, possum and rat.
11. A suitably qualified and experienced ecologist/botanist shall be onsite to inspect for the presence of sickle fern (*Pellaea falcata*) within the vegetation removal areas. Any sickle fern plants identified shall be clearly marked and avoided as far as practicable.

Development in Progress Conditions

Implementation of Management Plans

12. 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 needing to be put in place prior to commencement of works, have been undertaken.

Communications Plan

13. The Communications Plan shall require that owners and occupants of the neighbouring buildings* 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.

* The neighbouring buildings 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.

Works Methodology

14. All tree removals shall be carried out in accordance with the approved Tree Removal Methodology Report and Tree Protection Methodologies for trees to be retained.
15. All tree felling works and use of non-tarsealed access tracks or routes across the Reserve should only occur when the earth is dry to reduce the risk of pugging of the ground surface

from repeated vehicle movements over soft ground, unless it is within the two identified processing areas which have no archaeological significance

16. The use of crash mats shall be compulsory where limbs are to be lowered to the ground except here trees are adjacent to Bert Henham Park playing fields.
17. Where manually 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 shall be laid down along the length of the route to prevent accidental gouging or other unintentional damage.
18. 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.

Works Hours

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

Noise (except the use of the helicopter)

20. The owners and occupants of the neighbouring buildings* shall be provided written notice of the works at least ten (10) days prior to the commencement of works 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;
 - (iv) contact phone number(s) for any concerns regarding noise; and
 - (v) a process to monitor noise levels in the event that a concern (or concerns) is raised.

* The neighbouring buildings 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.

21. The noise from all works (except the use of the helicopter) shall comply with the noise limits of 57dB_{L_{aeq}} when measured at or within the boundary of any Residential zoned receivers and the relevant AUP Standards for all other zones.
22. 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 nearest receiver (663 Mt Wellington Highway). The chipper should be placed at the northern end of processing site 1 to meet this separation distance.

Noise from Helicopters

23. Noise from the landing, take-off and refuelling of a helicopter must not exceed a noise limit of 50dB L_{dn} or 85dB LAF_{max} measured within the boundary or the notional boundary of any adjacent site containing activities sensitive to noise and 60 dB L_{dn} within the boundary of any other site, when measured and assessed in accordance with the definitions of landings, take-offs and refuelling procedures set out below:
- 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 the limits in conditions in accordance with the requirements of NZS 6801:2008.

- e. Any reference in NZS 6801:2008 to other standards for the measurement and assessment of helicopter noise shall be ignored.
- 24. Any helicopter landing or take-offs shall be undertaken from processing site 2.
- 25. The consent holder must ensure the use of a helicopter is only permitted between the hours of 9am to 4.30pm.

Ecology

- 26. All vegetation shall be removed outside of bird breeding season (bird breeding season is September to January inclusive). If vegetation clearance is undertaken within the bird breeding season, woody vegetation must be confirmed clear of nesting native birds by a suitably qualified ecologist, and confirmation provided to the Council prior to undertaking any works. This should ensure no nesting birds, eggs, or chicks are harmed. This includes checking cavities and hollows for nesting birds (e.g. morepork, kingfisher). Should any nesting be observed, a 10 metre buffer of vegetation shall be required to remain around the nest site until an approved and experienced ecologist or ornithologist has confirmed that the nest has failed or the chicks have hatched and naturally left the natal site. Following inspection and confirmation of absence of nesting birds, the consent holder shall submit a completion report to the Council for approval.

Ecology – Myrtle Rust

- 27. Prior to any Myrtaceae species being delivered to the site, a signed Myrtle Rust Nursery Management Declaration that certifies that the plant producer has implemented the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol must be obtained by the consent holder and provided to the Council for certification.

Advice Note

The New Zealand Plant Producers Incorporated has developed a framework of supply chain biosecurity protocols that will satisfy the above condition. A copy of the Myrtle Rust Nursery Management Declaration and the New Zealand Plant Producers Incorporated Myrtle Rust Nursery Management Protocol can be found at the website (<http://nzppi.co.nz/>). The website explains that a declaration signed by the plant provider will be proof that any Myrtaceae species have been grown and treated according to best practice protocols to reduce the spread of Myrtle rust.

Historic Heritage

- 28. The project archaeologist shall be on site for the set out for the Large Slope Area, Field Area, Olive Quarry Area and Small Quarry Area to define the limits of the adjacent archaeological evidence. Within the Large Slope Area and 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. Any large trees or species with larger root systems should not be planted within 10m of archaeological features or apparently unmodified ground. The consent holder shall advise the council (at least 2 days in advance) of this work occurring.
- 29. Should ground disturbance on the site result in the identification of any previously unknown archaeological site, the land disturbance – Regional Accidental Discovery (ADP) rule

[E12.6.1] set out in the Auckland Unitary Plan Operative in part (November 2016) shall be applied.

Advice Note

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

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

Post Development Conditions

Historic Heritage

31. Within one calendar month of the completion of work on the site the consent holder's supervising archaeologist shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Council (who will consult with the Council Heritage Unit).

Maintenance of Restoration Planting

32. The consent holder shall submit a written record to the Council confirming compliance within the Restoration plan within 15 days of the completion of each stage of work identified within the restoration plan, on an ongoing basis.
33. Once the final implementation stage of work is completed, the consent holder shall maintain in perpetuity the plantings carried out in accordance with the approved Restoration plan to the satisfaction of Council, and continue the existing environmental weed programme currently undertaken.

Advice notes

1. *For the purpose of compliance with the conditions of consent, "the Council" refers to the council's monitoring inspector unless otherwise specified. Please contact the Council Compliance Monitoring on 09 3010101 or monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
2. *For more information on the resource consent process with Auckland Council see the council's website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*
3. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
4. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand*

Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

5. *The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under the Auckland Unitary Plan Operative in part (November 2016).*

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

any place in New Zealand, including any building or structure (or part of a building or structure), that –

was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

ii. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

includes a site for which a declaration is made under section 43(1)

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

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

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

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

relates to Māori culture, history, or society; and

was, or appears to have been –

manufactured or modified in New Zealand by Māori; or

ii. brought into New Zealand by Māori; or

iii. used by Māori; and

is more than 50 years old

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

It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum (for Auckland this is the Auckland War Memorial Museum), which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by

Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

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

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

A handwritten signature in black ink, appearing to read 'Ian Munro', with a stylized flourish at the end.

Ian Munro

Duty Commissioner

15 September 2021