

Wendy Gray Submission for the Tupuna Maunga Authority (TMA) proposed amendment to its Integrated Management Plan consultation 3 August to 8 October 2022 5pm

I wish to present my submission to the Hearings Panel and request that my written and oral submission is minuted.

According to the 9 March 2022 amendment of the Tupuna Manuga Authority Integrated Management (IMP) Plan:

Maunga tū Maunga ora, Maunga ora Tāmaki ora

Translated by TMA to mean If the Maunga are well, Tāmaki Makaurau is well

That whakatauki is not traditional. It has been manufactured for the convenience of TMA and is a distortion of kaitiakitanga. The traditional whakatauki is:

Ka ora te Whenua, ka ora te tangata.

If the land is healthy, the people are healthy.

Caring for the *whenua* is the first priority.

Everything else must be measured against this.

He kaha ake te mahi i ngā kupu.

Actions speak louder than words.

Contrary to its own Biodiversity Strategy the TMA's actions on Mangere, Mangarei/Mt Wellington and Ohuirarangi/Pigeon Mountain and its plans for widespread tree destruction on other maunga are obviously and demonstrably harmful to the Whenua, a betrayal of all the kaitiaki of birds, plants, and all other life that form the balanced and harmonious ecosystems on and in the maunga, all of which are entrusted to the care of the TMA.

1. I believe Tūpuna Maunga Authority's Integrated Management Plan Amendments submission process is legally flawed and designed for a pre-determined outcome. My submission is therefore being made on a "without prejudice" basis.
2. I am a resident of Auckland and an advocate for Auckland's undervalued mature urban forest canopy trees. The environment, climate and biodiversity of Auckland, all are connected. The Government report Environment Aotearoa 2019*¹ recognised that the Auckland Region's biodiversity is in crisis.
3. I do not support the felling of healthy mature climate managing, ecosystem service providing trees which are currently stabilising the maunga slopes,

¹ <https://environment.govt.nz/publications/environment-aotearoa-2019/>

creating soil and providing a balanced and harmonious environment for the biodiversity that resides on all maunga and for migratory species that use the maunga tree habitats from time to time. It is well known that the destruction of these healthy mature trees will result in ecosystem destruction, biodiversity loss, soil loss, erosion and instability of the maunga slopes. Now also evident where clearances have already been undertaken by the Authority on Mangere and Maungarei/Mt Wellington and Ohuiarangi/Pigeon Mt. I therefore do not support this amendment to the Authority's Integrated Management Plan (IMP).

4. My submissions consider the Authority's decision making processes that have led to this amendment to the IMP and this 'consultation'.
5. The Tupuna Maunga Authority's IMP as approved on 23 June 2016 was amended **9 March 2022** by **adding a Chair's introduction of 2 pages**. The original Forward of the approved IMP has been changed to a Message from the Deputy Chair. The IMP document has been repaginated and the contents re-numbered. This is a significant change. Looking at the Chair's introduction one wonders whether it was not included in the original approved document because the original members of the TMA would not have agreed with it? **Where is the TMA Members approval and consultation with the public for this amendment? When did it take place? Why is it not included in this IMP amendment consultation?**
6. The Hui 77 documents contain a proposal to amend the IMP and to approve this public consultation to amend the IMP by adding paragraph 10.2 on page 88 and Appendix 5:
 - Do not highlight that the amendment includes removal of *native* trees as well as non native trees, on **all** maunga;
 - Includes **4 maunga** none of which have Individual Maunga Plans as promised by the IMP.
 - All of which have outstanding Resource Consents to remove hundreds of healthy mature trees obtained non-notified, exactly the same as Owairaka. I submit that the Owairaka Court of Appeal decision's rationale applies equally to all 4 of the outstanding Resource Consents.
 - All of the non-notified Resource Consents have been obtained without proper consideration or compliance with the **Authority's Strategies particularly the Biodiversity Strategy** adopted by the Authority on 25 September 2019.
 - All 4 maunga "*ecological restoration plans*" say "**All native trees will be retained.**" Yet the IMP amendment suggests otherwise.
 - The Authority claims the amendment to the IMP is to meet the requirements of

the Owairaka Court of Appeal decision and the legislation. **I submit that the IMP amendment goes well beyond the Court of Appeal decision on Owairaka by including the proposed “ecological restoration plans” of the 3 “related Maunga” whose local communities have never had the opportunity of genuine engagement or to have their say before any of the “ecological restoration plans” were devised by Council on the instructions of the Authority.**

- **I submit that the amendments amount to a more comprehensive review than is being admitted by the Authority.**
7. The IMP as approved on 23 June 2016 states at paragraph 9.30/10.30 *The IMP will be reviewed every 5 years. No review has yet taken place.*

It is now 2022 and the Authority says of the current consultation *“This is not a comprehensive review of the IMP, rather an amendment to meet the requirements of the Court of Appeal decision and the legislation.”*(para 13 Item 5 Hui 77)*

When will the comprehensive review of the IMP take place?

8. The IMP requires Individual Maunga Plans for each maunga. None have been approved in the last 6 years. Yet since 2017 deliberate actions have been taken, at the Authority’s behest to advance what are called *“ecological restoration plans”*, for multiple maunga. These plans involve the destruction of the urban forest canopy cover, and devastation of ecosystems and habitat for all dependent biodiversity, with none of the genuine engagement with local communities envisaged by the IMP and no Individual Maunga Plans to demonstrate what this *“ecological restoration”* actually means.

Has the Authority’s failure to produce Individual Maunga Plans in accordance with the Reserves Act 1977 with community engagement been delayed by a deliberate policy to avoid community engagement? Is this current IMP amendment consultation again part of the deliberate policy to avoid local community engagement in the preparation of the Authority’s maunga plans by undertaking a box ticking consultation with no intention to change its draft amendment? Is this a breach of the Authority’s governance obligations?

9. *Ecological* means pertaining to ecology, the interrelationships of living organisms and their environment, not harmful to the environment. **The results of the Authority’s plans to date have led to a belief by many in the community that what is being done at the Authority’s direction is harmful.**
10. Where *“ecological restoration”* or clearfelling of large numbers of mature climate managing trees has been carried out, on Maungarei/Mt Wellington, Mangere and Ohuiarangi/Pigeon Mt, the tree canopies have been substantially destroyed and the biodiversity habitat devastated. All demonstrate that the replanting plans and methodologies are inadequate to restore the ecological habitat and ecosystem services in the short and medium term.

- A sapling cannot replace a 60 year old climate managing mature tree. Research demonstrates that it takes many saplings to replace the services of one 60 year old mature tree .
 - The current planting plans are inadequate to restore the ecological habitat if they do not replace the tree cover because they do not address all habitat niches.
 - There is no consideration of the carbon release consequences of clear felling nor the release caused by mulching large numbers of trees. There is also a massive loss of biodiversity caused by mulching.
 - There is no mention of how the increase in stormwater run off, caused by removing significant numbers of urban forest canopy trees, which leads to soil erosion that washes into the harbour, is to be dealt with.
11. The “*ecological restoration plans*” fly in the face of Auckland Council’s Urban Forest Strategy, Environment and Biodiversity policies, Climate Change/Low Carbon policies and stormwater run off lack of infrastructure issues.
 12. The non-notified resource consents sought by the Authority demonstrate that somebody within the Authority had a plan for all of the maunga which they were not sharing with the TMA members or “the other people of Auckland”
 - The Otāhuhu/Mt Richmond Resource Consent the Authority reduced the number of healthy trees it wishes to destroy below the application request of 75% of the forest canopy in order to ensure that the Resource Consent proceeded on a non-notified basis.
 - The community believe that the Authority has merely split the Resource Consent and will apply at a later date to destroy the remaining forest canopy trees it proposed in the original Resource Consent application.
 - The Otāhuhu/Mt Richmond Local Community will be particularly negatively affected by the removal of 75% of its forest canopy cover because Otāhuhu has the lowest level of forest canopy cover in Auckland at 8%.
 13. When the IMP was approved it was envisaged that the Authority would work closely with the 8 Local Boards which have maunga in their areas. This has never happened until September 2022 when a request for feedback from the 8 Local Boards was included in their September meeting agendas. It is questionable whether any of them know anything about their communities’ views, as a number of them refuse to hear their community members on matters to do with Maunga plans.

A number of the 8 maunga Local Board members are also members of the Authority. There is a perception that asking for feedback from the Local Boards at this time is a device to obtain consent to their plans without actually engaging with the maunga local communities as required by the Authority’s governance

documents and Section 41 of the Reserves Act 1977.

- **This demonstrates a deliberate policy of avoiding engagement with vulnerable local communities and gaming the process to be able to claim that they have consulted with the local communities.**
14. There is also a perception that the public consultations undertaken to date by the Authority are box-ticking exercises and that no changes are ever made to the Authority's plans as a consequence of submissions by members of the public.
 15. The litigation evidence established that there is no record of the original decision to remove over 1500 mature climate managing non-native (and native?) trees across Tāmaki Makaurau. This decision had to have been made before the first Resource Consent application on Maungarei/Mt Wellington was made.
 - Who made it? Did the decision, the decision maker and the decision making process comply with the IMP and the Authority's statutory duties?
 - Was there consideration of any risk assessments, environmental and biodiversity reports, stability, soil and erosion reports, base line studies undertaken, carbon and stormwater sequestration assessments, for each maunga,?
 - The only reports available appear to have been produced for the purpose of the Resource Consents that would have taken place some time after the initial decision and *ecological restoration plans* were devised.
 - Has there ever been any international standard tree by tree assessments of the native and non native trees?
 - The only arborist reports are Treescape clear felling tree removal methodologies produced for the purposes of the Resource Consent applications. There are other more efficient and effective methodologies to manage trees that do not lead to the short and medium term negative consequences to the reliant biodiversity currently living on the affected maunga. **Yet there is no evidence that the Authority has ever considered them.**
 - It is concerning that some of these Treescape reports mention native trees in a health and safety sense without having undertaken proper international standard tree by tree assessments on these trees.
 - **Is this preparation for the removal of *native* trees that will now follow once the Authority has secured its current amendment to the IMP?**
 - **Is this the behaviour of a publicly funded statutory organization that follows "*best practice*"?**
 - **Arguably NOT.**
 16. At their last Hui 79 (12 September 2022) the TMA produced 3 Draft Individual Maunga Plans, but not for the 4 maunga included in Appendix 5.
 17. Therefore in respect of this IMP amendment consultation the situation remains

that the IMP has not been followed. Individual Maunga plans, which clearly exist for the 4 maunga, will not be disclosed for consideration, to local communities or the Authority's members, until the Authority has obtained its amendment and undertakes the major ecological destruction of the balanced ecosystems on the 4 maunga sites.

- 18. I submit that the Authority's decision making process is flawed as it does not follow the process as outlined in the IMP. In the circumstances I submit that this consultation for amendment of the IMP is not following proper process and is therefore unsafe.**
19. There is a demonstrable lack of openness and transparency that has produced a significant lack of public trust in the Authority.
20. By Section 41(2) of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 *"The maunga is held by the trustee for the common benefit of Ngā Mana Whenua o Tāmaki Makaurau and the other people of Auckland."* *"Common Benefit"* means communal, shared.
- The Authority has failed to adhere to their IMP, legislative and trust statutory duties to the "other people of Auckland", in the manner in which they have proceeded with their false *"ecological restoration plans"* which do not comply with *ecological best practice* or with *governance best practice*.
- 21. I submit this consultation demonstrates numerous failures of governance and a complete failure to take serious consideration or any consideration of the views of the other peoples of Auckland. If the TMA were genuine in its call for feed-back, it would disclose all its plans openly and transparently, it would engage with communities in producing Individual Maunga Plans instead of its fake "ecological restoration plans", then it would call a conference of all stakeholders and interested persons, pledge to listen and take serious consideration of comments on its plans.**
22. If we open a quarrel between the past and present we shall find we have lost the future.
23. Working together we can all create a better future. I call on the TMA to call a genuine gathering of interested parties, and to open dialogue with the peoples and communities affected by its plans.

Ka ora te Whenua, ka ora te tangata.

If the Earth is healthy and vital, the people are healthy and vital.

"the angel cried with a loud voice, saying, Hurt not the earth, neither the sea nor the trees" Revelation 7:3

7 October 2022 Wendy Gray: Ngāti Hine. Ngāti Awa ki Te Awa o Te Atua