

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



Discretionary activity

**Application number:** LUC60317866  
**Applicant:** Tūpuna Maunga Authority  
**Site address:** 32-66 and 36 Mountain Road, Mount Wellington, Auckland 1072  
**Legal description:** SEC 1 SO 454869 and Allot 201 SO 47116

**Proposal:**

To undertake works associated with restricting vehicle access to the tihi/summit and pedestrianisation at Maungarei/Mount Wellington (Maungarei). These works will involve demolition and reinstatement works, redevelopment of carparking areas, entrance improvement and pedestrianisation works, and planting within Maungarei. This includes:

- Removal of cattle-stops and backfilling at the Mountain Road entrance and Gollan Road exit.
- Removal of post and wire fencing at the Gollan Road exit.
- Redevelopment of the existing Mountain Road carpark to provide 10 parking spaces and a two pan permaloo toilet building.
- Landscaping within and around the carpark and along the Mountain Road frontage.
- Construction of a footpath to connect the carpark with the Mountain Road entry.
- Installing sliding automatic gates at the entrance and exit (to replace cattlestops and gates) at Mountain Road, Gollan Road and for the carpark at the base.
- Uplifting of the existing carpark at the tihi and replacing with two grass paver disabled parking spaces. While the area of asphalt surfacing will be reduced access and parking for Watercare maintenance purposes will be retained.
- Removal of bollards as vehicle restraints at the tihi and replace with basalt rocks. Redundant infrastructure (bins, picnic tables) will also be removed.
- Removal of five protected trees, including two Totara, two Monterey Pine and one Moreton Bay Fig.

Pierce Jack Bedogni  
Solicitor  
Auckland

The resource consents required are:

Land use consents (s9) – LUC60317866

Auckland Unitary Plan (Operative in part)

*Open Space Zone – Conservation Zone*

This is the exhibit marked "D" referred to the affidavit of **TANIA EVELYN RICHMOND** sworn at Auckland this <sup>12<sup>th</sup></sup> day of October 2018 before me:

.....  
A Solicitor of the High Court of New Zealand

- The proposal involves the construction of a new building (toilet block) that does not comply with the following standards and is a **discretionary** activity under H7.9.1(A39)
  - The front yard setback is infringed by 1.1m over a length of 2.25m by the proposed toilet block, which exceeds the 5m front yard setback required by standard H7.11.3(1)

#### *Outstanding Natural Feature*

- Construction of buildings and structures within a Large Volcanic Landform (V1) is a **restricted discretionary** activity under rule D10.4.2(A1).

#### *Volcanic Viewshafts and Height Sensitivity Areas*

- To construct a building up to 9m in height that intrudes into a regionally significant viewshaft is **restricted discretionary** under rule D14.4.1(A3). The height of the Toilet block is 2.54m.

#### *Historic Heritage*

- Modification to buildings, structures, fabric or features of the primary feature of a Category A\* place where it is not otherwise provided for in the overlay is a **restricted discretionary** activity under D17.4.1(A9).
- Removal of trees greater than 3m in height or greater than 300mm girth within the scheduled extent of place for a Category A\* place that is subject to additional archaeological rules and not identified as an excluded feature is a **discretionary** activity under D17.4.2(A26).

#### *Regional Land disturbance*

- To undertake earthworks within a significant ecological area of 400m<sup>2</sup> and 96.6m<sup>3</sup>, as the earthworks are greater than 5m<sup>2</sup> and 5m<sup>3</sup>, is a **restricted discretionary** activity under rules E.11.4.3(A28) and (A30) respectively.

#### *District Land disturbance*

- Land disturbance (m<sup>2</sup>) not otherwise listed in the SHHP (Scheduled Historic Heritage Place) overlay, where subject to additional archaeological rules, is a **restricted discretionary** activity under Rule E12.4.2(A30). Earthworks not otherwise permitted is calculated as 400m<sup>3</sup>.
- Land disturbance (m<sup>3</sup>) not otherwise listed in the SHHP overlay where subject to additional archaeological rules is a **restricted discretionary** activity under Rule E12.4.2(A32). Earthworks not otherwise permitted is calculated as 96.6m<sup>3</sup>.
- To undertake earthworks within an Outstanding Natural Feature Overlay – category V1 that is not otherwise listed and is greater than 50m<sup>2</sup>, subject to meeting the standards outlined in E12.6.2 is **restricted discretionary** under E12.4.3(A41). Land disturbance of works of 113.6m<sup>3</sup> is proposed.

#### *Vegetation Management and Biodiversity*

- Vegetation alteration or removal of greater than 25m<sup>2</sup> of any contiguous indigenous vegetation is a **restricted discretionary** activity in the ONF – V1 under E15.4.2(A26). The proposed works include the removal of the Moreton Fig, two Totara and two Monterey Pine trees. Works are also required within the rootplate of four Pohutukawa Trees along the northern and eastern boundaries of 36 Mountain Road and within the rootplate of one Karo Tree associated with the Gollan Road exit.
- Any vegetation alteration or removal not otherwise provided for in the SEA overlay is a **discretionary** activity under rule E15.4.2(A43). Removal of one Moreton Bay Fig tree at the Mountain Road entrance, and two Pine trees is required at the tīhi. Works are also required within the rootplate of four Pohutukawa Trees along the northern and eastern boundaries of



36 Mountain Road and within the rootplate of one Karo Tree associated with the Gollan Road exit.

#### *Trees in Open Space zones*

- Tree trimming or alteration in the open space zones that does not comply with Standard E16.6.1 is a **restricted discretionary** activity under E16.4.1(A6). Minor pruning work may be required to provide clearance to the carpark and alteration that does not comply with the PA standards.
- Work within the protected rootplate that does not comply with the standards outlined in E16.6.2. is a **restricted discretionary** activity under E16.4.1(A8). The Mountain Road carpark works, pathway construction, and installation of automatic gates will not meet the permitted activity standards in relation to four Pohutukawa trees and one Karo tree.
- 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 under E16.4.1(A10). The removal of all five trees is a **restricted discretionary** activity as they are greater than 4m in height and have a girth greater than 400mm.

## 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.

### 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. The construction of the toilet block will have a less than minor effect on the Open Space - Conservation Zone, due to the location and scale of the structure, as well as surrounding planting.
  - ii. The proposal will have less than minor adverse effects in terms of the values of Mt Wellington volcano as an Outstanding Natural Feature (ONF) as the proposed works will occur almost entirely within modified parts of the site. Any disturbance beyond modified areas will be minimal and will not detract from the values for which the ONF is identified.
  - iii. There will be less than minor adverse effects in terms of the volcanic viewshaft as the toilet block is suitably located onsite and appropriate measures are proposed to ensure the significant views to the mountain are protected.
  - iv. There will be less than minor adverse effects in terms of historic heritage and archaeological values as the proposed works will be adequately managed and appropriate measures are proposed to ensure that any remnant archaeological features are protected.
  - v. The adverse effects on the environment will be no more than minor because ground disturbance will be sufficiently managed in a manner that minimises any adverse effects in terms of earthworks and instability and appropriate conditions of consent have been imposed in this regard.
  - vi. The removal of 5 trees will have less than minor adverse effects on historic heritage and arboricultural values as the trees are not identified to be of importance, and any adverse effects resulting from the removal of these trees in terms of their contribution to the character of the subject site and on arboricultural values will be sufficiently mitigated by proposed replacement planting of appropriate specimen trees.
4. Under step 4, there are no special circumstances that warrant the application being publicly notified because there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

#### 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:
    - i. There are no adversely affected persons in terms of ONF, Historic Heritage, Volcanic View and Archaeological values because the proposal will result in an outcome that is not discernibly different to the existing nature of the subject site as works will occur within already modified areas of the volcanic cone and summit/Ōhi.
    - ii. The construction of the building within the front yard will have less than minor effects on the persons on adjacent land as the building is of a small scale and appropriate screening will soften the perceived bulk.
    - iii. The removal and alteration of trees is considered to have less than minor adverse effects for persons on adjacent land from where these trees are visible as appropriate replacement planting is proposed and will be located in a manner that makes it not discernibly different from the existing vegetation that is proposed to be removed.
    - iv. The proposed works will be temporary in nature and limited in duration and will be adequately separated from those properties that are adjacent to the subject site.
4. Under step 4, there are no special circumstances that warrant the application being limited notified to any persons because there is nothing exceptional or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

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



**Dave Serjeant**

**Duty Commissioner**

8 June 2018

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## Discretionary activity

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The resource consents required are:

Land use consents (s9) – LUC60317866

Auckland Unitary Plan (Operative in part)

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## 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 the application.

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

## 1. Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - a. The proposed works will occur in a manner that protects the physical and visual integrity of the outstanding natural volcanic feature as the works will not result in further modification of the scoria cone and be contained to those already modified areas.
  - b. The upgrade of public access and infrastructure associated with this proposal maintains the protection of these values associated with the volcanic landform as an outstanding natural feature.
  - c. The proposed works is not considered to adversely affect the significance of Mount Wellington as a volcanic cone pā and will contribute to the ongoing functional use of the place.
  - d. The modifications to the summit, including the reinstatement of grass, is supported as it is removing the existing asphalt concrete that is considered to compromise the heritage values of the place.
  - e. The modifications to the existing vegetation is not considered to compromise the ability to interpret the place, and the provision of replacement planting will contribute to this.



- f. The proposed toilet block will be of a small scale and suitably screened through proposed planting. Additionally, the location at the base of the mountain will result in no adverse effects on the visual integrity of the volcanic maunga as seen from the identified viewing point or line.
  - g. The proposed works will be temporary in nature and is not considered to be out of the ordinary for works to upgrade and modify access and parking areas.
  - h. Appropriate measures to manage effects resulting from the proposed earthworks, such as those relating to silt and sediment control, have been proposed and will be imposed as appropriate conditions of consent.
  - i. The scale, location and nature of works will not result in adverse instability effects for persons on adjacent land or on the wider environment.
  - j. Any effects from the removal of vegetation on ecological, natural features, and amenity values are sufficiently mitigated by way of replacement planting.
  - k. In terms of positive effects, the proposed works will maintain access to the summit/tīhi of the volcano in a manner that will contribute to public education and appreciation, whilst recognising the importance of the site to Mana Whenua by protecting the summit/tīhi from vehicular use.
  - l. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the following are noted:

**Auckland Unitary Plan Operative in Part (AUP OP)**

Outstanding Natural Features in accordance with Chapter D10

The proposal will avoid adverse effects on the natural characteristics and qualities that contribute to the values of the volcanic landform as an outstanding natural feature's values. In particular, the Mt Wellington volcano (Maungarei) maintains its status as a representative example of the diversity of Auckland's natural landforms and geological features and maintains access in a manner that enables public appreciation and community association. The anthropogenic changes to the natural characteristics and qualities of the volcano will be reduced, as those proposed changes will either occur over existing paved surfaces or reduce the area of paved surfaces on the scoria cone.

Volcanic view shafts and Height Sensitive Areas in accordance with D14

The values associated with the significant volcanic views will be protected and are considered to be maintained as part of the proposed works, as the construction of the toilet block at the base of the mountain will be in a location and manner that will result in no adverse effect on the visual integrity of the volcanic maunga as seen from the identified viewing point or line.

Historic Heritage and Archaeological sites in accordance with D17

The values associated with historical, knowledge, and aesthetic factors of the subject site are considered to be maintained as part of the proposed works, as the adaptation of the

place will not result in cumulative adverse effects on the historic heritage values of the place and support the on-going use of the site. Where the proposed works may adversely affect archaeological values, accidental discovery protocols will be implemented in order to protect any archaeological features remaining on site.

#### Earthworks/land disturbance in accordance with Chapter E12

The proposal includes provision for a silt control plan prior to works that will be implemented in a manner to protect the safety of people and mitigates adverse effects on the environment, whilst enabling a level of land disturbance to provide for economic and social well-being.

#### Vegetation management and biodiversity in accordance with Chapter E15

Any adverse effects from the removal of the contiguous vegetation will be minimised as replacement planting is proposed as appropriate mitigation. This ensures that the outcome of the proposal adequately maintains biodiversity values whilst providing for infrastructure access and open space.

#### Trees in open space zones in accordance with Chapter E16

The management of the trees associated with the proposal will occur in a manner that balances the functional requirements of the site whilst maintaining cultural, amenity, landscape and ecological values on the site. In this instance, the replacement planting will equate to the same number of trees being removed.

3. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
4. This proposal achieves the sustainable management purpose of the RMA under Part 2 because there will be less than minor adverse effects on the wider environment and persons on adjacent land in a manner that provides for the social, environmental, and cultural well-being of the community.

## 2. Conditions

Under section 108 of the RMA, this consent is subject to the following conditions:

#### Activity in accordance with application

1. The proposed activity shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60317866
  - Application Form and Assessment of Environmental Effects prepared by Jodie Mitchell of Richmond Planning Limited, dated 29 March 2018

<b>Report title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Maungarei / Mt Wellington Domain Pedestrianisation: Archaeological Assessment	Russell Foster and Associates		December 2017
Mt Wellington Car Park, Mt Wellington: Arbicultural Report	Arbolab Consultancy		20 December 2017



Site Investigation Report Remediation  
Action Plan & Assessment of  
Environmental Effects: 36 & 32-66  
Mountain Road Mount Wellington  
Auckland

services Ltd.  
Focus  
Environmental  
Services Ltd.

December  
2017

<b>Drawing title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Mountain Road Entrance & Carpark General Arrangement (Detailed Design), Drawing no. GA01	LA4 Landscape Architects	B	05/12/2017
Mountain Road Entrance & Carpark Planting Plan, Drawing no. PP01	LA4 Landscape Architects		07/12/2017
Summit Carpark General Arrangement, Drawing no. GA02	LA4 Landscape Architects	B	05/12/2017
Gollan Road Exit General Arrangement, Drawing no. GA03	LA4 Landscape Architects	B	05/12/2017
Mountain Road demolition and Protection Plan, Drawing no. DP01	LA4 Landscape Architects	A	05/12/2017
Summit Carpark Demolition and Protection Plan, Drawing no. DP02	LA4 Landscape Architects	A	05/12/2017
Gollan Road Demolition and Protection Plan, Drawing no. DP03	LA4 Landscape Architects	A	05/12/2017
Design Details 01, Drawing no. DD01	LA4 Landscape Architects		05/12/2017
Design Details 02, Drawing no. DD02	LA4 Landscape Architects		05/12/2017
Design Details 03, Drawing no. DD03	LA4 Landscape Architects		05/12/2017
Design Details 04, Drawing no. DD04	LA4 Landscape Architects		05/12/2017
Design Details 05, Drawing no. DD05	LA4 Landscape Architects		05/12/2017
ISO Pachs – Cut & Fill, Drawing no. C200	Crang Civil	0	08/12/2017
Erosion & Sediment Control, Drawing no. C220	Crang Civil	0	08/12/2017
Mountain Road Overall Civic Layout Plan, Drawing no. C300	Crang Civil	1	08/12/2017
Drainage Details, Drawing no. C300	Crang Civil	0	08/12/2017
Road 1 & 2 Longitudinal Sections, Drawing no. C310	Crang Civil	0	08/12/2017
Summit Carpark Overall Civil Layout, Drawing no. C500	Crang Civil	0	08/12/2017
Summit Carpark ISO Pachs Cut & Fill, Drawing no. C600	Crang Civil	0	08/12/2017
Plan & Elevation Views, Drawing no. A-1	Permacrete,		25/10/2017

	Permanent Solutions	
Accessible Setout Elevations, Drawing no. A-2	Permacrete, Permanent Solutions	25/10/2017
Plumming & Drainage Plan & Paving, Drawing no. A-3	Permacrete, Permanent Solutions	25/10/2017
Cross Section A, Drawing no. A-4	Permacrete, Permanent Solutions	25/10/2017

Correspondence title and reference	Author	Dated
Fw: Resource Consent Application Ref: Luc60317866 At 32-66 Mountain Road, Final Conditions	Jodie Mitchell	05/06/18

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 \$960 inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

**Advice note:**

*The initial monitoring deposit 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, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

Pre-Start Meeting

4. Prior to the commencement of any works, the consent holder shall hold a pre-start meeting that:
  - a. is located on the subject site;
  - b. is scheduled not less than five (5) working days notice before the anticipated commencement of any earthworks or activity authorised by the consent.
  - c. to which the following persons are invited:
    - Compliance Monitoring Officer;
    - Council regulatory arborist;
    - Auckland Council archaeologist;



- Stormwater Engineer;
- d. includes representation from the contractors that will undertake the works;
- e. includes the Project Arborist and Project Archaeologist; and
- f. will discuss the following matters:
  - Tree protection methodologies and monitoring;
  - Archaeological protection and monitoring; and
  - Erosion and Sediment Control Plan.

**Advice Note:**

*To arrange the pre-start meeting please contact the Team Leader - Compliance Monitoring Central to arrange this meeting on [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz), or 09 301 0101. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.*

Protection of the Outstanding Natural Feature

4. Works shall be restricted to the extent of works area as shown on the approved plans. During works, temporary fencing shall be installed to restrict activities to the consented areas

Historic Heritage and Archaeological Matters

5. All works involving ground disturbance in the vicinity of the Moreton Bay Fig Tree on Mountain Road are archaeologically monitored by the project archaeologist. Any archaeological site material (including post 1900 material) encountered during monitoring should be archaeologically investigated by the project archaeologist.
6. Should earthworks 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 2017) shall be applied.
7. Copies of reporting resulting from archaeological investigations and monitoring are provided to the Team Leader (for the Manager: Heritage Unit, [heritageconsents@aucklandcouncil.govt.nz](mailto:heritageconsents@aucklandcouncil.govt.nz)) within 6 months of the completion of works.
8. In the event that any unrecorded archaeological sites (including post 1900 material) 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](mailto:heritageconsents@aucklandcouncil.govt.nz)) within one calendar month of the completion of work on the site.

## Earthworks

9. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in Condition 1 shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
10. There shall be no deposition of earth, mud, dirt or other debris on any public road resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

### **Advice Note:**

*In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur.*

- *provision of a stabilised entry and exit(s) point for vehicles*
- *provision of wheel wash facilities*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *catchpits*

*In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.*

*It is recommended that you discuss any potential measures with the council's Monitoring Inspector who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader – Compliance Monitoring Central on [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) for more details. Alternatively, please refer to Auckland Council Guideline Document number 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Guideline Document 2016/005 (GD05).*

11. Temporary protection shall be installed where required to prevent construction vehicles damaging, kerbs and the road during construction.

## Trees

12. A copy of the resource consent and the Arboricultural Assessment prepared by Peter van Loon, Arborlab dated 20 December 2017 shall be kept (available) on site at all times during the work.
13. The consent holder shall employ the services of a competent arborist ('appointed arborist') to directly oversee all removal works, works within the dripline of the four (4) protected Pohutukawa Trees and one (1) protected Karo tree that are to be retained.



14. All work shall be completed in accordance with the Tree Protection and Methodology for the Mt Wellington Carpark plan included in the arboricultural report prepared by Peter van Loon, Arborlab, dated 20 December 2017. Where there is any conflict between the aforementioned report and the conditions of consent, the conditions of consent shall be adhered to.
15. The removal of any vegetation shall be undertaken in a manner that avoids any unnecessary damage or disturbance to any retained vegetation and their root zones (for example sectional felling in conjunction with the modern rigging techniques where required).
16. Pruning of any vegetation shall be undertaken by suitably trained and experienced individuals and in a manner, which avoids any unnecessary damage or disturbance to any retained vegetation and their root zones. The pruning should be in accordance with the current accepted arboricultural best practice, adopting natural target pruning techniques. Where possible this should be restricted to third and fourth order branches only.
17. In the first planting season following completion of works, six new specimen trees of a minimum PB95 grade shall be planted in suitable locations within Maungarei/Mt Wellington. The exact location(s) shall be determined in conjunction with the project archaeologist. Aftercare for the newly planted trees shall be supplied for a minimum of three years following planting.

### 3. Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring inspector unless otherwise specified. Please contact XX [insert unit specific detail and/or general council #] on [insert phone number or email address or monitoring@aucklandcouncil.govt.nz] to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://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](http://www.mfe.govt.nz).*
4. *If you as the applicant 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 your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
5. *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), [where the nature of the activity necessitates the reference of another act (i.e. the Prostitution Reform Act) the advice note should*

*be expanded to include this reference] 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.*

6. *In the event that further areas of contamination are identified during earthworks, works should cease so that the soils can be assessed by a Suitably Qualified and Experienced Practitioner to determine if further controls or consent under Chapter E30 of the AUP(OP) is required.*

7. **Heritage New Zealand Pouhere Taonga Act 2014**

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

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

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

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

*For information please contact the Heritage New Zealand Pouhere Taonga Northern Regional Archaeologist – 09 307 0413 / [archaeologistMN@historic.org.nz](mailto:archaeologistMN@historic.org.nz).*

8. **Protected Objects Act 1975 –**

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

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

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



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

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

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

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

*For information please contact the Ministry of Culture and Heritage – 04 499 4229 / [protected-objects@mch.govt.nz](mailto:protected-objects@mch.govt.nz).*



**Dave Serjeant**

**Duty Commissioner**

8 June 2018