

Decision following the hearing of an application for resource consent under the Resource Management Act 1991



Proposal

The construction of a new 1km cycleway and the removal of 15 trees and works within the driplines of 34 other trees.

This resource consent is **GRANTED**. The reasons are set out below.

Application number:	R/TRC/2017/293
Site address:	Quay Street (road reserve between Plumer Street and The Strand)
Applicant:	Auckland Transport
Hearing commenced:	Monday 11 September 2017, 9.30am
Hearing panel:	Karyn Sinclair Bridget Gilbert
Appearances:	<p><u>For the Applicant:</u> Natasha Garvan, Counsel Kathryn King, Auckland Transport Fariz Rahman, Principal Civil Engineer Richard Black, Auckland Transport Matthew Paul, Arborist Thomas Lines, Landscape Architect Jamie Swann, Planner</p> <p><u>For the Submitters:</u> Parnell Community Committee represented by Luke Niue, Jenni Goulding and Mike Blackburn Bike Auckland represented by Barbara Cuthbert Tamaki Drive Protection Society Inc. represented by Kenneth Palmer</p> <p><u>For Council:</u> Andrew Gysberts, Team Manager Reina England, Planner Rob Pryor, Landscape Architect Howell Davies, Senior Advisor Urban Forest Simon Cook, Senior Arborist Gavin Donaldson, Senior Arborist Leerina Savage, Hearings Advisor</p>

Hearing adjourned	11 September 2017
Commissioners' site visit	8 September 2017
Hearing Closed:	14 September 2017

Introduction

1. This decision is made on behalf of the Auckland Council ("**the Council**") by Independent Hearing Commissioners Karyn Sinclair and Bridget Gilbert, appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 ("**the RMA**").
2. This decision contains the findings from our deliberations on the application for resource consent and has been prepared in accordance with section 113 of the RMA.
3. The applications were publicly notified on 26 May 2017. A total of 12 submissions were received, with 7 in support and 5 in opposition.

Summary of proposal and activity status

4. The applicant proposes to remove 15 trees and construction works within Quay Street to enable the construction of a new 1 km cycleway. The proposal requires resource consent for the following reasons.
 - a. The proposal involves works within the root zone of 34 generally protected street trees, which do not comply with Standard E17.6.34. Under Rule E17.4.1 (A8), this is a **restricted discretionary** activity.
 - b. The proposal involves works within the root zone of 34 generally protected street trees, which do not comply with Standard E26.4.5.24. Under Rule E26.4.3.1 (A88), this is a **restricted discretionary** activity.
 - c. The proposal involves the removal of trees greater than 4m in height or greater than 400mm in girth within the road reserve. Under Rule E17.4.1 (A10) this is a **restricted discretionary** activity.
 - d. The proposal involves the removal of trees greater than 4m in height or greater than 400mm in girth within the road reserve. Under Rule E26.4.3.1 (A92), this is a **restricted discretionary** activity.
5. Overall the proposal has been considered as a restricted discretionary activity.

Procedural matters

6. Under sections 37 and 37A of the RMA, the time limit for the receipt of submissions is waived to accept the late submissions of Tamaki Drive Protection Society and G K Fitzpatrick for the following reasons:
 - Both submissions were received within a short time period (less than 4 days) after the closing of the submission period.
 - The applicant agreed with the late submissions being accepted.
 - No one is prejudiced or disadvantaged by the late submissions.

Relevant statutory provisions considered

7. In accordance with section 104 of the RMA, we have had regard to the relevant statutory provisions including the relevant sections of Part 2 and section(s) 104, 104C and 108.

Relevant standards, policy statements, plan provisions and other matters considered

8. In accordance with section 104(1)(b)(i)-(vi) of the RMA, we have had regard to the relevant plan provisions of the Auckland Unitary Plan (operative in part) (AUP (OP)).
9. We also considered the following other matters to be relevant and reasonably necessary to determine the application in accordance with section 104(1)(c) of the RMA.
 - The submissions made in relation to the proposal.
 - Central City Masterplan 2012.
 - The Tamaki Drive Masterplan (Orakei Local Board 2013).

Summary of evidence heard

10. The Council planning officer's recommendation report was circulated prior to the hearing and taken as read.
11. The evidence presented at the hearing responded to the issues and concerns identified in the Council planning officer's recommendation report, the application itself and the submissions made on the application.
12. The evidence presented by the applicant at the hearing is summarised below.

Legal Submissions

Ms Garvan provided legal submissions on behalf of Auckland Transport. She outlined the cycleway project and provided the statutory context for our consideration. She noted that any conditions imposed must be limited to the matters over which our discretion is limited under the AUP (OP). Ms Garvan confirmed that the site of the proposed tree relocation was within the road reserve, an issue that had vexed the Council's arborists with respect to long term sustainability of the proposal. She submitted that, given the various contrasting positions of the Environment Court and higher Courts with respect to whether a Part 2 analysis was appropriate, that a cautious approach should be taken and that Part 2 should be relevant to our consideration.

Kathryn King

Ms King gave evidence in her role as Walking, Cycling and Road Safety Manager at Auckland Transport. She provided a strategic overview regarding cycling in Auckland, the purpose of the Quay Street project and its relationship to existing and proposed cycleways and gave an outline of the proposed cycleway. She responded to some points raised in submissions. Ms King outlined that there are extensive initiatives from both Auckland Transport and the Transport Agency around increasing the number of cyclists, and their safety, through dedicated cycleways. Ms King provided details on cyclist numbers on existing cycleways and noted that the cycle route from Tamaki Drive into the city via Quay Street is the busiest in Auckland (para 33).

Ms King noted that the project was a priority project as part of the urban Cycleways Programme, which will join the existing cycleway on Quay Street to the west and, in the future, proposed cycleways to the east.

Fariz Bin Abdul Rahman

Mr Rahman, a consultant engineer, provided the background to the options considered for the cycleway, including 9 options originally identified, and four options that were considered in more detail. The cross sections of the 9 options were appended to his evidence. Mr Rahman addressed the need to maintain functionality of the road reserve, including the bus layover.

Richard Black

Mr Black, Team Lead in the Property and Planning Team of Auckland Transport, outlined the consultation that had been undertaken. Mr Black reinforced the requirement to maintain the bus layover which he regarded as being “essential for efficient bus operations, punctuality and reliability” (para 20). He also noted that with the roll out of the New Network bus services the demand for layover parking for buses will increase (para 31). Mr Black addressed the issue raised in the submission of Mr J Warden, relating to asset owner approval, acknowledging that this was a matter outside the scope of the Resource Management Act, and that the asset owner approval will be sought in due course.

Matthew Paul

Mr Paul, an independent arborist, gave evidence in relation to the proposed translocation of 14 of the 15 trees proposed to be removed. He noted that, in his opinion, the existing location of the trees is and would continue to constrict the potential of the trees in the future, given the median strip has live traffic lanes on both sides. Mr Paul stated that in his opinion that the proposed transplant locations would “... increase the ability for the 14 Pohutukawa trees to reach a more typical un-modified canopy form...” (para 28).

Mr Paul responded to the comments from Auckland Parks and submitters.

Thomas Lines

Mr Lines, an independent landscape architect, gave expert evidence in relation to the visual and landscape effects of the proposal. He noted that he was not the original author of the landscape and visual assessment that accompanied the application and AEE, and that he had undertaken his own assessment. In his opinion, the effects on the street character would result in moderate - low adverse effects with low beneficial (positive) effects in the wider character context. Mr Lines considered that the greatest visual effects would be on pedestrians and cyclists who would experience moderate-low adverse effects due to their sensitivity to change and perceived widening of the road corridor. Mr Lines explained that in his view the avenue of pohutukawas along the north and south side of Quay Street are of more importance to the amenity of Quay Street than the fragmented central median plantings. He advised that the transplanted trees would ‘fill in’ an existing gap in the pohutukawa avenue between The Strand and Plumer Street.

Mr Lines noted that he agreed with the independent peer review undertaken by Mr Pryor for Auckland Council.

Mr Lines noted in questions from the Commissioners that he did not consider the replanting of the fourteen pohutukawa was necessary to mitigate the effects of their removal. In addition it was Mr Line's view that shrub or groundcover planting throughout the central median was not required to mitigate the effects of the tree removals and that the proposal was in keeping with the intentions of the City Centre Masterplan 2012. He also acknowledged that there were positive effects to be gained by a dedicated cycleway which would balance the loss of the trees. In his view the overall amenity of the area would not reduce significantly as the cycleway would assist with making the city more "liveable".

Jamie Swan

Mr Swan, a consultant planner, concluded that the key issues relating to the proposal and submissions received were with respect to visual amenity, landscape values and the health of the existing trees. In his opinion the proposal was consistent with the relevant objectives and policies of the AUP(OP). He considered that, overall, the effects of the proposal were less than minor.

Mr Swan outlined the context of the proposal, including noting the 92 specimen trees within this section of Quay Street, which primarily "frame" either side of the road and the existing "shared" cycleway/pedestrian footpath on the northern side of the road.

Mr Swan noted he concurred with the reporting planner with respect to the assessment against the relevant provisions of the AUP(OP). Mr Swan considered that the proposal was consistent with the Tamaki Drive Master Plan, and with the City Centre Master Plan (2012).

Mr Swan addressed matters relevant to planning matters within his expertise, including noting that there was a sufficient consideration of alternatives as required under the assessment criteria of E17.8.2 of the AUP(OP). He confirmed that the relevant statutory matters had been considered and that he remained of the opinion that "the proposal satisfies and is consistent with" specific provisions and policy direction (para 83 and 84). Mr Swan outlined some recommended amendments to conditions as contained in the reporting planner's section 42A report.

13. The evidence presented by the submitters is summarised as follows.

Parnell Community Committee Inc

Mr Niue, with Mr Blackburn and Ms Goulding, appeared in support of the submission made by the Parnell Community Committee (PCC) and provided a powerpoint presentation to underline some of the points made. It was the basis of their submission that the proposal failed to meet some of the criteria against which the proposal must be considered, that the translocation site is inappropriate, referring to it as a "dumping ground", and noted that there was no mitigation for the loss of the trees in the immediate area of Quay Street. Mr Niue did not support the reporting planner's opinion that the permitted baseline could be appropriately applied in this situation. It was the position of the PCC, as noted in their submission, that "Auckland will have a greatly reduced liveability and amenity if its natural resources are sacrificed for "laned" transport. PCC would prefer that a balanced approach was taken in the provision of a cycleway that

ensured the trees were retained, and it was their submission that this could be achieved if the bus layover was removed. In response to questions from the Commissioners, it was PCC's view that were the trees removed, tree or shrub planting in the central median should be required to mitigate effects.

Bike Auckland

Ms Cuthbert addressed Bike Auckland's submission in support of the project. She noted that shared facilities were not desirable, and could be hazardous especially for pedestrians. Ms Cuthbert noted that Auckland Transport was inevitably "retrofitting" Auckland's transport environment with dedicated cycleways and that this in turn resulted in compromises of necessity. She noted she would like to see the trees kept, but that it would be difficult to maintain them within a reduced median. Ms Cuthbert observed that cyclists generally notice the trees next to them, but not those in the central medians of wider road corridors.

Tamaki Drive Protection Society

Dr Ken Palmer addressed the Tamaki Drive Protection Society's submission in support for the proposal. Dr Palmer noted that the Society was in support of improving the safety of cyclists, and that their area of interest extended along Quay Street, having been involved in the discussions around Sheds 1 and 2 on Princes Wharf. He noted that the application was limited to the removal of the 14 trees and works in the driplines of those remaining, and not in relation to the design of the cycleway per se.

Dr Palmer noted the strong focus on pohutukawa through the corridor and along Tamaki Drive, and noted that if consent was granted, this would be maintained by the lines of pohutukawa on both sides of the road. He noted that the issue re the bus layover was not really a matter for our consideration. He considered the translocation of the trees to be appropriate offset mitigation, and that the permitted baseline was a useful consideration in this case. He noted that had the tree issues not been present, the cycleway would have been developed without the need for resource consent.

14. Council Officers

Mr Davies addressed the Commissioners on behalf of Auckland Council Community Facilities Urban Forestry Team. Mr Davies considered the effects of the proposed development on the ecosystem services of the area advising that there would be a nett negative effect with respect to ecosystem services. Mr Davies also expressed concern that the transplanted trees were unlikely to thrive in the Teal Park road reserve due to spatial constraints.

Mr Cooke provided evidence on behalf of the asset owner. As asset owner approval is outside the scope of the RMA and will be sought in due course. We do not consider Mr Cooke's comments further in our decision.

Mr Pryor and Ms England confirmed that having heard the evidence they remained of the opinions set out in the s42A report.

15. The applicant's right of reply was given by Ms Garvan and addressed the following matters.

Effect of removal of 15 and relocation of 14 pohutukawa

Ms Garvan submitted that Mr Lines and Mr Pryor agreed that the relocation of 14 pohutukawa was sufficient mitigation (noted as offset mitigation) for the effects of the tree removal on Quay Street. Ms Garvan noted that the amendments to Section 104 of the Resource Management Act to come into force in October 2017 that will make specific reference to measures proposed to ensure positive effects to offset any adverse effects (para 5), and submitted that this amendment is relevant to the consideration of the Commissioners in this instance.

Ms Garvan submitted that the translocation of 14 pohutukawa would retain their contribution to the wider ecosystem, and that while the translocation would result in some constraints, that such constraints were appropriate.

Ms Garvan submitted that the PCC criticism of the lack of consideration of alternatives was not relevant to consideration of the proposal under the Resource Management Act, as there has not been any evidence that the proposal will result in significant adverse effects. She noted that Auckland Transport will retain the bus layover to assist with the implementation of the New Network bus service early-mid in 2108.

With respect to median planting, Ms Garvan submitted there were three questions to answer – being what positive effects median planting has, negative effects and whether there was an effect of the Project that had not been adequately mitigated? In her view, median planting was “nice to have”, and was not necessary to mitigate the effect of the project. She concluded her reply by noting that liveable amenity was as much about cycleways as it was trees.

Principal issues in contention

16. After analysis of the application and evidence (including proposed mitigation measures), undertaking a site visit, reviewing the Council planning officer’s recommendation report, reviewing the submissions and concluding the hearing process, the proposed activity raises a number of issues for consideration. The principal issues in contention are:
- whether the tree removal is warranted to facilitate the project;
 - the effects of the tree removal; and
 - whether the effects are satisfactorily mitigated through transplanting 14 of the 15 trees to be removed.

Main findings on the principal issues in contention

17. Our main findings on the principal issues that were in contention are.

Tree removal

18. PCC stated that Auckland Transport had not considered alternatives to tree removal in developing the plans for the extension of the Quay Street cycleway. As noted above, Ms Garvan in her reply noted that consideration of alternatives was not necessary under the Resource Management Act, unless there were significant adverse effects. The Commissioners note that the assessment criteria related to those matters over which we have discretion under the AUP(OP) include (at E17.8.2) (d)) any alternative methods that could result in retaining the tree or trees. We accept that there is discretion for us to

consider alternative methods. We further note that Mr Rahman addressed this issue in his evidence, including the range of options considered. He noted that there were a range of considerations taken into account, including the operational requirements of Auckland Transport, options for retaining the shared path, tree trimming and the requirements to design to the standards required by Auckland Transport and the Transport Agency. The Commissioners find that there has been adequate consideration of alternative methods to achieve the outcomes sought by the project that include retaining the trees. Overall the project can be undertaken while retaining the significant number of trees within the corridor including all of those on the outer edges of the traffic lanes, and undertaking works within the dripline of 34 of those.

Effect of tree removal

19. The Commissioners consider that the effect of tree removal is measured in a number of ways, as outlined by various witnesses, and in drawing from the AUP(OP) discretion and assessment criteria. Unfortunately for the Commissioners, very little was provided to us as evidence of the “effect on the value” of the trees beyond their visual/amenity value. It did not seem to us, from any commentary from Council arborists contained in the s 42A report, that the trees had specific or measurable “ecological value” (E17.8.2.1(a)) and certainly there was no evidence from qualified ecologists to come to any conclusion in relation to this aspect. It would appear from Mr Donaldson’s assessment that the Applicant’s arborist has recommended a credible tree translocation strategy, and that pathogens are not at issue in this instance (memo to T Hegarty and R England updated 3/07/2017).
20. The evidence from PCC was that the tree removal would result in Auckland having “... a greatly reduced liveability and amenity...” (PCC submission point 2). The Commissioners consider this position to be focused solely on tree removal, rather than the outcome being sought by the project. We are entitled to consider the benefits derived from infrastructure, and the functional and operational needs of infrastructure, in consideration of tree removal (E17.8.1.1(g) and (h)). We acknowledge that there is a tension in the matters that we have discretion over, and therefore need to consider liveability and amenity in a wider context than that submitted by PCC which is more aligned with the definition of amenity values of the RMA¹. Ms Cuthbert, for Bike Auckland, noted that the Quay Street route to the eastern suburbs is the busiest cycle routes in Auckland. This supports the evidence of Ms King for Auckland Transport, who noted that this cycleway was “one of the priority cycleway projects for the next three years” (para 20).
21. To assist in informing us of the loss or reduction on amenity values provided by the trees we also turned to the evidence of the qualified landscape architects in relation to the visual effects. We noted on our site visits, that the trees in question are in groupings, and that the median is interrupted by turning lanes and merge lanes. The effect is not a continuous line of trees. It was the evidence of both the applicant’s and Council’s landscape architects that the visual effects, whilst noticeable, would not be significant, and that the overall effect of the “Quay Street avenue” would be maintained

¹ **amenity values** means those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes

by the retention of trees on either side of Quay Street. We note that there was very little commentary or evidence on the removal of the tree along the north side of Quay Street to provide for new bus stop.

22. Overall the Commissioners find that while there will be a change to the amenity of Quay Street through the removal of trees from the central median, the loss of amenity values from tree removal will not be significant and when considered overall are an improvement given the provision of the dedicated cycleway.

Whether the effects are satisfactorily mitigated through transplanting 14 of the 15 trees to be removed.

23. The applicant proposes transplanting the 14 pohutukawa to the road reserve immediately adjacent to Teal Park. The application material included a Transplanting Feasibility Assessment (Peers Brown Miller Ltd January 2017). The conclusion of this report was that provided the works were undertaken appropriately (including appropriate root ball management during removal, appropriate preparation and ongoing maintenance once transplanted) the 14 pohutukawa would likely survive transplanting. Mr Lines noted that if the trees remained in the central median, they would require ongoing maintenance, and their overall growth would be compromised given the limited area for root growth and pruning requirements. In response to questions relating to whether offset mitigation was appropriate, Mr Lines confirmed that his assessment would not change if there was no offset mitigation. He went on to say that planting was not required, in his opinion, to mitigate the effects of the project. Overall Mr Lines considered that the positive effects of providing a dedicated cycleway balances the loss of the trees, and that the cycleway promotes liveability. Mr Pryor noted that while the loss of 14 pohutukawa from their current location was regrettable, the transplanting of those trees and maintenance of the “avenue” of pohutukawa is sufficient.
24. With respect to concerns raised in relation to the spatial arrangement of the transplanted trees in Teal Park, we were advised by Mr Paul that there is a range of transplanted tree sizes and variable ground conditions in the Teal Park road reserve. The consent conditions provide for the preparation and approval of a plan detailing the location of the transplanted trees that is cognisant of tree sizes and ground conditions to enable the smaller trees to be positioned in the more spatially constrained and/or difficult ground conditions, to enable them to adapt to the specific circumstances.
25. With respect to effects in relation to ecosystem services, we note that there will be no nett reduction in the number of trees throughout this portion of Quay Street.
26. The Commissioners find that with proposed conditions around the mechanism to facilitate the transplanting to the road reserve at Teal Park and ongoing maintenance, the proposed relocation of the trees is an appropriate outcome. Overall the effects of the removal of the trees from their current location in Quay Street will contribute to the improvement of the amenity of the area through facilitation of a safe and dedicated cycleway.

Statutory Assessment

27. In terms of section 104(1)(C) of the Resource Management Act 1991, the Commissioners have had regard to those matters over which they have restricted discretion, as noted in the discussion above. We note that the works would be consistent with those matters over which our discretion is limited to. With respect to the assessment of the proposal against the relevant objectives and policies of the AUP(OP) we adopt the assessment of the applicant's planner, and that of the reporting planner, whose assessments align, and will not repeat that here.

Decision

28. In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104 and Part 2 of the RMA, we determine that resource consent for the removal of 15 trees and works within the driplines of 34 other trees to enable the construction of a cycleway is granted for the reasons and subject to the conditions set out below.

Reasons for the decision

- In accordance with an assessment under s104(1)(C) of the Resource Management Act the actual and potential effects from the proposal will be acceptable for the following reasons:
 - The environment is currently urban and the median trees are intermittent. The removal of these trees will result in a change to the environment. However, the median strip is not planted in its entirety and relies on the avenue trees to provide a coherent, vegetated appearance. The effects from the loss of the 15 trees is acceptable, especially in the context of the overall enhancement of the amenity of the area through provision of a dedicated cycleway.
 - The tree removal and transplanting will ensure that works are undertaken in accordance with best practice methodologies and under the supervision of a qualified arborist. As such, the effects on trees will be less than minor.
- The relevant objectives and policies within the Trees within Roads section of the AUP:OP provisions acknowledge that street trees contribute to the amenity, while acknowledging that multiple uses can occur within the road zone. The proposal will be consistent with these provisions as trees have been retained where practicable and the removal will be required to accommodate the construction of the cycleway which will provide for multiple uses of the road zone.
- The conditions of resource consent will adequately avoid, remedy or mitigate any actual and potential effects.
- The proposal is consistent with Part 2 of the Resource Management Act as it enables an efficient use of the road reserve for vehicles and cyclists and ensures that potential adverse effects will be appropriately managed. It provides for the health, safety and wellbeing of individuals.

Conditions

These conditions apply to all resource consents.

1. The removal and transplanting of trees and construction of the cycleway activity 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 R/TRC/2017/293.
 - Application Form, and Assessment of Environmental Effects prepared by Martin Swaffield of BECA, dated 27 January 2017.
 - Section 92 response from Auckland Transport, dated 17 February 2017;
 - Section 92 response from Auckland Transport, dated 8 March 2017;
 - Arboricultural Report prepared by Peers Brown Miller Limited, dated 26 January 2016;
 - Transplanting Feasibility Assessment by Peers Brown Miller Limited, dated 26 January 2017;
 - Landscape and Visual Assessment prepared by Boffa Miskell Limited, dated 27 January 2017; and

Plan title and reference	Author	Rev	Dated
Civil Works Plan (Sheets 1 – 5)	Beca Limited	C	16 November 2016
Teal Park, Tree Planting (Sheets 1 – 2)	Beca Limited	D	12 August 2017

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 \$300 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.

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.

Arboricultural conditions

4. Prior to tree works commencing the consent holder shall advise Council's Community Facilities Arborist of the Appointed Supervisory (Works) Arborist engaged by the consent holder to prepare a final Tree Transplant Methodology and advise upon and supervise the tree protection measures.
The Works Arborist must be experienced in tree transplant methodologies, and will need to be able to coordinate site works ensuring that the tree transplant methodology is correctly implemented.
The Tree Transplant Methodology shall include a scaled aerial plan showing the location of each of the transplanted trees. The positioning of each of the transplanted trees shall be cognisant of the size of the specimen and the localised ground conditions in the Teal Park road reserve.
A copy of the final Tree Transplant Methodology shall be provided to Auckland Council – Team Leader, Central Monitoring 10 days prior to works commencing. Any subsequent variations to the methodology shall be agreed in writing with Auckland Council prior to works commencing.
5. All tree works, tree removal, soil excavation and construction work for the proposed cycle path which occur within the root zone of protected trees shall be undertaken in general accordance with the Tree Protection Methodology listed in Section 10 of the tree report from Peers Brown Miller Ltd, dated 28th November 2016. A copy of this tree report must be kept on site at all times during the construction period. Any variations to the proposed methodology shall be approved in writing by Auckland Council – Team Leader, Central Monitoring prior to works commencing
6. Within the current or next planting season (i.e. autumn to spring) immediately following completion of the works, the consent holder shall plant two (2) appropriate replacement NZ native trees within the proposed works area shown on the application drawings in Condition 1. The replacement trees will have a minimum root ball size of 160 litres and a minimum height of 3 metres at the time of planting. All replacement and re-located trees shall be vetted for approval by the Councils Community Facilities Arborist prior to planting.

Advice note:

The planting location of the two new native trees is expected to be in Teal Park but could be located anywhere within the proposed works area. This will be based on factors such as the final location of the transplanted Pohutukawa Trees, ground conditions, stability and space required for trees to mature.

7. The location of newly planted and re-located trees shall comply with the Council standards for setbacks from kerb line, street lights, bus stops etc. The re-located tree's growth and development shall be monitored and maintained for 36 months following planting. If any tree dies or declines beyond recovery during this period, it shall be

replaced by the consent holder, at the consent holder's expense, with a new specimen tree of a similar size and species to that which was originally planted.

8. The consent holder shall submit a memorandum from the Works Arborist to Auckland Council – Team Leader, Central Monitoring within one month of the completion of site works to confirm that the tree works have been undertaken in accordance with the tree protection measures outlined in the conditions of consent and under the direction of the Works Arborist.

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 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. 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.
4. If you disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to section 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



Karyn Sinclair
Chairperson

29 September 2017