

Date: Thursday 12 March 2015
Time: 6.30pm
Meeting Room: Waitakere Ranges Local Board Office
Venue: 39 Glenmall Place
Glen Eden

Waitākere Ranges Local Board OPEN MINUTE ITEM ATTACHMENTS

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Chair's Report

Native trees in Paturoa Road, Titirangi

Clearly, the most overwhelming matter for the Board in recent weeks, is the public protest at the plan to fell a large kauri and a large rimu at 40-42 Paturoa Road, Titirangi.

Local residents have turned out in force to protest about the loss of the trees, a young man from Waiheke, Michael Traveres, sat up the tree for several days, and the matter has become a cause celebre.

It has been debated in Parliament and a number of politicians (even Helen Clark, former PM) have come out in favour of saving it. It has made the national television news several nights in a row, along with radio and print media, and as I write, there are nearly 30,000 signatures on a petition to save it.

People are astonished that such a mature tree (some say 500 years old) could fall to the chainsaw, and they have quickly made the connection between the Council's Keep Kauri Standing campaign - designed to highlight the importance of this iconic tree and the threat of kauri dieback – and the decision to let it be removed.

In the Board's case, we were mortified to learn on the day of our Kauri Carnival, news of the imminent destruction of the trees the next day. We are fully in support of those protesting and have been attending the demonstration.

42 Paturoa Road

Paturoa Road is an area of regenerating kauri forest sloping down to the Manukau Harbour, with people living within tall forest canopy.

40 and 42 Paturoa Road were two of a few vacant sites, both in the same ownership. In late 2013, the owners applied to build on 42 Paturoa Road. Although the sections were completely bush covered - and from October 2013 when the Proposed Auckland Unitary Plan (PAUP) was notified, covered by an SEA or Significant Ecological Area - the owner had a right to build a dwelling on each site. However, where on the site is a matter over which the Council has jurisdiction.

The Local Board became aware of the application when contacted by neighbours in early 2014. At this stage our main concern was the role of Auckland Transport, to which the applicant had applied to clear bush in the road reserve to enable the building of a carport. We learned that AT had already granted permission for the clearance and carport building to go ahead, however, we were relieved to hear that two large kauri on the road reserve would not be removed, although their health could well be compromised by building occurring on their root systems.

Just to digress here, Local Boards do not have the ability to approve or disallow RMA applications, or set conditions, but in some cases are asked to provide comment, as representing the community.

The Board was not asked by the Consents Department to provide feedback on 42 Paturoa Road.

We also receive a weekly schedule of RMA applications for the whole region so we are able to ask for applications, though it is hard from the scant details on the schedule to assess the significance of a particular application. Very often it just says "tree removal" without even specifying whether the tree is native or how mature it is.

In mid-2014, in response to community concerns about the removal of kauri, the Local Board contacted the Manager of the Consents Department to express our concern about the removal of the trees at 42 Paturoa Road and noting that the Board had not seen this property mentioned in the schedules of RMA applications that are sent to local boards.

In the same period (June 2014) Cr Linda Cooper asked questions of the Consents Department about 42 Paturoa Road.

In June, the Waitakere Ranges Protection Society requested that the Council review the decision not to notify the consent (on the basis that a report from a Council ecologist stated that the proposal would have "adverse effects that are more than minor on the existing natural environment and on visual amenity" though overall he supported the proposal).

The Local Board wrote to the Manager of the Consents Department supporting the need for a review.

The decision was reviewed, but the non-notification decision was confirmed. The decision not to notify, even to neighbours, hinged on the Council planner's report which determined that the adverse effects of the development were "no more than minor".

In late June 2014, the Local Board learned that consent had been granted by a Commissioner for the removal of trees at 42 Paturoa Road to enable building to go ahead. This included the majestic rimu on the site.

Local Boards and Resource Consents

When the Board learned of the granting of the consent, I wrote to the Manager of Consents Department:

"...as I read the various consents decisions I have seen, I am perturbed at how consents' officers and commissioners are taking into account the Waitakere Ranges Heritage Area Act 2008 and also the presence of kauri dieback."

Following this, the Board had two meetings with the Consents Department.

In the first, we discussed how the Waitakere Ranges Heritage Area Act 2008 was taken into account as RMA applications were being processed. At this stage we are unsure whether this made a difference.

Secondly, we asked that the Board's "trigger points" be increased. These are "triggers" for the Consents Department to show us applications of interest to us. One of our triggers is removal of native trees.

Since we have increased our triggers we have received a lot more applications to look at, although we do not believe we receive all of them, as we sometimes see applications in the schedules sent to local boards that we have not received. We then ask for them.

However, the board is not resourced to do this work, there is no staff member available to look at them. It falls to our RMA portfolio holder, Greg Presland, and myself to look at them. Sometimes they can be very many pages, others contain so little information we cannot make a comment, for example, the species of the tree is not mentioned. There is rarely a photograph of the tree or trees. Consequently, this reviewing process is not as thorough as we would like. Secondly, we rarely receive back any advice as to how our feedback has been taken into account, or not. So we don't know the result of our advice.

There are a surprising number of applications for tree removal from the Titirangi/Laingholm area. Sometimes there are good reasons, but sometimes it is just about leaves in the roof gutter: you do wonder why people would live in these "bush living" areas if they find trees so troublesome.

40 Paturoa Road

When the owners applied to develop 42 Paturoa Road in 2013, they said they had no immediate plans to build on 40 Paturoa Road. However later in 2014, an application was lodged for a dwelling on this site. The owner had already obtained permission to build a garage and crossing across the road reserve from Auckland Transport. This is the site that contains the large kauri tree that is the subject of the protests. The case for removing the tree largely rests on keeping access to the site near the road, which is why the AT decision to allow the carport on the road reserve is important, as it facilitated the removal of the tree.

Once again an independent commissioner decided the application would not be notified.

In this case the Board was asked for feedback and supplied a response expressing:

1. Concern about the use of the road reserve, and lack of consultation with the Board on this
2. Concern at number of trees being removed, especially large kauri, "although it appears the applicant has considered alternatives"
3. Concern about conditions regarding kauri dieback
4. Preference for notification
5. Full support for protection of kauri in road reserve.

In November 2014, a Commissioner approved the building of a dwelling on 40 Paturoa Road.

Public representation of these matters by Council

Given this history, the Local Board has been dismayed at public statements by spokespersons for Council, that state or imply that the Local Board did not have concerns and even tacitly approved the developments.

In a media statement on 10 March, about which the Local Board was not consulted, Chief Operating Officer Dean Kimpton stated that "We consulted with the local board and iwi and the final decision was made by independent commissioners"

As can be seen by the history given above, the Local Board was not consulted about 42 Paturoa Road on which the kauri stands. It was consulted on 40 Paturoa Road and expressed considerable concern about the application. On the matter of notification, it advocated notification on both occasions.

Kauri Dieback

I'd like to discuss the issue of kauri dieback. Early in 2014, the Local Board became concerned at the lack of any but cursory mention of kauri dieback in reports, especially a lack of evidence of involvement of the Council's Biosecurity team in applications.

In talking to the Biosecurity Manager about this it was ascertained, that there was no consistent approach by the Consents Department.

Consequently, at the request of Biosecurity Manager, the Board began referring to him any consents it looked at that involved works in kauri areas or removal of kauri.

This was a "hit and miss" process, but it did result in the Board referring to the Biosecurity team applications it had otherwise not seen.

Clearly, the Consents Department was not consistently involving the Biosecurity Team in resource consent applications where their expertise was needed.

In the case of 40 and 42 Paturoa Road, there appears to have been very little involvement of the Kauri Dieback team. There has been no thorough examination of the site or trees for evidence of kauri dieback or assessment of the proposals for their ecological impact from the perspective of kauri forest protection.

This area does contain trees with kauri dieback. From above 40 Paturoa Road it is possible to see stags' horns of dead kauri trees and lesions on trees that appear to be on the lower part of the site.

It is planned to remove the felled kauri trees to the roadside, chip them and return this debris to the site. This is to avoid transporting infected material across the city.

However, the outcome is that possibly infected material will be returned to the site, where it will inevitably find its way downhill, potentially infecting other trees.

It is hard to see how the two apparently healthy kauri on the roadside will not be endangered by the process. Entry to the building site for 42 Paturoa Road is between the two kauri. The road reserve slopes very steeply and it is hard to see how the roots of the trees will not be impacted by this activity. As well, AT has given permission for a permanent crossing over this land, so there will be a permanent impact on the land surrounding the trees containing the root system.

Issues have also been raised about what we can learn from the apparently healthy tree that is to be removed. If it is disease-free in an infected area, does it have the potential to tell us about immunity? These possibilities will be lost once the tree is removed.

What can be done now

A judicial review of the notification decision could be taken by an individual or group. This is an expensive course of action and the outcome is not certain.

At this stage, it is not possible for the Council to revoke the decisions it has made. It is only public pressure that could lead to another course of action, such as redesigning the house to enable the tree to be kept. This is something the Council could raise with the developer and there is a precedent for this. In early 2011, the Mayor sat down with the developer of a site in St Heliers, where permission had been given to the developer to remove three Spanish Mission-style houses, part of the heritage of the Bay.

This intervention did not result in saving the houses, but it is open to the Council to initiate such as discussion. We learned late on 11 March that the Mayor was indeed talking to the developer. On the 12th the owner issued a public statement that he was open to looking at how the trees could be saved. All good!

The Local Board has already spoken at the Parks, Sport and Recreation Committee where support for retention of the tree was given by the Committee, and at the Environment, Climate Change and Sustainability Committee, where a number of motions of support were given. The matter was referred to the Auckland Development Committee chaired by Penny Hulse.

This has just occurred so it is not possible to report fully on what happened. Suffice to say there was a certain amount of soul-searching going on, with recognition from some councillors of deficiencies in the process, while the mayor and some councillors adopted a, to use the Mayor's words, "stand behind the staff" stance.

Local people presented the petition with various requests and the Local Board spoke, mainly about the role of the Board – correcting the impression we had not expressed concerns about the proposals – and our fears about kauri dieback both for trees on the sites, and for the trees in the road reserve.

The Council adopted a strategy of not re-examining the substance of the consents, but talked about the need to review its processes to address deficiencies that had been exposed, basically, a "lessons learned" approach. These lessons would inform the Council's submissions on proposed changes to the RMA. The motions went through unanimously.

Sadly this does nothing for the threatened trees so we are left relying on the mercy of the land owner to protect them.

There were also no motions about the need to examine the site and all trees for kauri dieback. The Board will be following up on this.

Cllr Cathy Casey put a motion to support the Waitakere Ranges Local Board in its opposition to the felling of the kauri and rimu. Sadly this was lost 10-9. Voting was as follows:

For the motion:

Cathy Casey; Ross Clow; Chris Darby; Christine Fletcher; Mike Lee; Liane Ngamane; David Taipari; Wayne Walker; John Watson

Against the motion:

Len Brown; Cameron Brewer; Bill Cashmore; Linda Cooper; Denise Krum; Dick Quax; Sharon Stewart; Penny Webster; George Wood; Penny Hulse

This is not the end of the matter for the Local Board. We have a lot of follow up to do, on the particular issues of the trees and kauri dieback and also on improving the processes whereby local boards are involved in RMA decisions.

We see this as an opportunity to substantially improve our role and better enable us to carry out our responsibilities in representing the community in these processes.

Sandra Coney

Chair WRLB