
Notice of Motion to Western Springs Native Bush Restoration Project, 859 Great North Road

In accordance with Standing Orders, please place the following Notice of Motion on the agenda for the Waitematā Local Board meeting being held on 19 March 2019:

Ngā tūtohunga Recommendation/s

That the Waitematā Local Board:

- a) receive the Notice of Motion
- b) acknowledges the Hearing Commissioners view that the project must not focus on tree removal rather than protecting, enhancing and restoring the Sensitive Ecological Area (SEA)
- c) provide the following direction to staff regarding the delivery of the Western Springs Native Bush Restoration Project:
 - i. request council staff to commission an independent and comprehensive Ecological Management Plan for the area
 - ii. that the Ecological Management Plan is informed by an independent ecologist undertaking a tree-by-tree assessment of the pines and makes a recommendation of how removal methodology has been designed to achieve the desired outcomes of protecting and enhancing the SEA
 - iii. that the Ecological Management Plan include an accurate overall site plan and map of priority areas for protection
 - iv. that the Ecological Management Plan provide for the reinstatement of the walking access track
 - v. that the Ecological Management Plan is consulted with the community and a community reference group is established to provide further guidance before the Plan is adopted; and
 - vi. that an independent ecologist is empowered through the Ecological Management Plan to direct tree removal on an as-needed basis consistent with a transition from the dominant pine canopy to native forest.

Horopaki Context

The local board was established in 2010. Within that first term an operational project was presented to the local board called the Western Springs Pine Stand Removal Project. At the time the project was not being championed by an elected member but was put forward by council staff with the intent to remove pine trees as officers informed us they were unsafe and coming to the end of their life.

In 2014, the Waitematā Local Board was approached by residents concerned about the clear-felling of pine trees around the south eastern edge of the stadium near the outer sports field. At the time the Waitematā Local Board was unaware of this project that had been carried out by Regional Facilities Auckland, a CCO of Auckland Council, that had informed neither elected members nor the public about these activities.

At the time elected members Vernon Tava and I, along with Auckland Council Park managers met with residents at Annette Izby's house. We informed Council staff and CCO's to implement a "no surprises" approach to any future works to be undertaken in the reserve.

Between 2010 and 2017 almost no works were undertaken by Auckland Council relating to the pine-stand removal project and the local board re-named the project the "Western Springs Native Bush Restoration Project."

In 2017 with a new Auckland Council project manager, staff approached the local board pushing the project ahead once again with a request by the local board for a "no-surprises" approach to project management. A number of workshops were undertaken with the local board highlighting officers' concerns that the pine trees in the reserve posed a risk to the public and that if the project did not progress that the park would need to be closed.

In late 2017, the Waitematā Local Board received communication from residents in the area that a permanent wooden fence had been erected at the south-western entrance of the reserve and a door prevented access through the western edge of the reserve. Auckland Council staff had not kept their promise to ensure there were no surprises in the execution of the project. Once again officers were asked to explain their actions which were a breach of their delegated responsibilities as they had not sought the land owner's (i.e. Waitematā Local Board's) approval.

When asked why they did not seek the local board's permission there was no explanation. When asked why they put up a permanent fence at the entrance they said it was cheaper than a non-permanent, see-through fence. One local board member observed that, if they had been asked, they would never have permitted

Council to put up a permanent structure, especially one that residents could not see through.

In late 2018, at a local board workshop, Member Thomas requested information about insurance for the project, land stability reports, and the methodology being used to assess the trees to be felled.

The Waitematā Local Board requested that the officers submit an application to remove the remaining 200 pine trees in Western Springs Reserve. The methodology put forward by council would potentially destroy 75% of the natural bush undergrowth and, hence, the majority of the Sensitive Ecological Area (SEA).

A week prior to Christmas, Auckland Council issued evacuation notices to neighbours at the top end of the reserve using emergency powers for the urgent removal of 13 trees. Once again, I heard this through the media.

At the same time Auckland Council had received the Commissioner's first report with recommendations indicating that the Auckland Council's approach to the consent was not taking into consideration the importance of the SEA.

Local residents who had received the notification of evacuation and were also submitting to the resource consent hearing approached the elected members of the Local Board and Waitematā and Gulf Councillor, Mike Lee.

Councillor Lee was the first to respond saying that works for the removal of the 13 trees should stop until after the Commissioners' report provided guidance. Further correspondence with staff found that Auckland Council had not undertaken an adequate arborist's assessment of the 13 trees.

After a number of emails directed to the CEO's office, residents finally met with Council staff and reached an agreement that no road would be built for the 13 trees to be removed, that only 9 needed to be section felled, and two would be trimmed. This saved 4 trees and prevented a logging road from destroying a significant amount of native growth.

On the 8 March 2019 the Independent Hearing Panel chaired by David Serjeant issued a second direction by Hearing Commissioners under section 41C of the Resource Management Act 1991 for 859 Great North Road:

"The conditions presented at the hearing appeared to be focused on tree removal rather than protecting, enhancing and restoring the SEA, consequently we consider that they should be redrafted where relevant for this approach;"

The second direction attached to this NOM has given clear direction to Council. It also confirms to the residents and many of the submitters that Auckland Council has

not adequately considered the status of the SEA in its assessment of the project. It further highlights that Council staff have failed in their duty to act independently, seek independent expert advice, and/or provide good advice to elected members, and transparency to the public.

To date Auckland Council has wasted a significant amount of ratepayers' money and caused major distress to residents.

This Notice of Motion has been developed to reflect the Hearing Commissioner's recommendations, give voice to the concerns of local residents, and provide some direction and leadership to Council officers.

Signatory

Author	Rob Thomas Elected Member Waitematā Local Board	
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