

**IN THE MATTER OF** the Resource Management Act 1991

**AND**

**IN THE MATTER OF** Application for resource consents by Auckland Council Community Facilities for the removal of pine trees within the northern corner of Te Wai Ōrea - Western Springs Lakeside Park.

**Second Direction issued by Hearing Commissioners under section 41C of the Resource Management Act 1991**

1. The Commissioners thank all parties for their extensive input to the first direction dated 18 December 2018 relating to further information.
2. The full consideration of any proposal includes the mitigation offered. Such mitigation is set out in conditions of consent. We did not specifically ask for a revised set of conditions from the applicant in the first direction. However, clearly with the significant amendments to the proposal a revised set of conditions offered is very important to our understanding of how environmental effects are to be avoided and mitigated.
3. We therefore seek an amended set of conditions from the applicant relating to its revised proposal. Matters that should be considered for specific revised or additional attention in the conditions in our view are:
  - 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;
  - Protecting, enhancing, and restoring the SEA and transitioning it from pine canopy to native forest should be the primary goal of the project and stated upfront in conditions particularly in relation to any management plans;
  - Many restoration projects that are of interest to the community include consent conditions with ongoing community engagement and methods by which information is disseminated in a regular and timely manner using modern communications. e.g. community liaison group and website. We consider such a condition is appropriate in this case.
  - The conditions should refer to a revised overall site plan and map of Priority Areas for Protection – including accurate mapping of the area (2.2ha);
  - The revised tree removal methodology should be clearly specified in the conditions for the different areas (Area 1; Area 2; PAPs);
  - Consistent with the above focus on the SEA, a comprehensive ecological management plan, incorporating all aspects of the environment, is needed given the revised methodology;
  - The plan should provide explicitly for the reinstatement of the access track to indigenous vegetation following tree removal;

- We consider that the conditions should provide for a suitably experienced arborist and ecologist independent of the consent process to be engaged to manage the implementation of any consent granted.
  - In order to achieve the desired SEA outcomes, the independent ecologist should be empowered to direct tree removal and earthworks on a day-to-day onsite basis, and required to log a daily or weekly report on how removal methodologies have been designed and implemented.
  - Ongoing weed and pest control for the site, and monitoring of plantings to ensure transition to native forest over a long term in order for the project to meet its goal of enhancing and restoring the SEA.
4. The above list contains suggestions of the Commissioners and it is the applicant's prerogative to provide updated conditions as it sees fit.
  5. The Commissioner's request for conditions should not be interpreted that we have reached a view on whether to grant or decline consent. As stated above, it is simply that the consideration of the revised project must be informed by a clear set of conditions.
  6. We set out the following timetable for responses:
    - a) The applicant is to provide a set of revised conditions by 4pm Thursday 14 March, 2019; and
    - b) The Council and submitter's are to provided any comments on the new conditions by 4pm Wednesday, 20 March 2019. No extensions will be given and the submitters are requested to confine comments to the conditions and no other matters.
  7. All correspondence is to be sent to: [sam.otter@aucklandcouncil.govt.nz](mailto:sam.otter@aucklandcouncil.govt.nz)



Dave Serjeant

Chair

**Independent Hearing Panel**

8 March 2019