



SECTION 42A REPORT NOTABLE TREES

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Appendix 1.1: Officer’s Recommended Amendments (Notable trees)

Appendix 1.2: Officer’s Recommended Amendments to Definitions (Notable trees)

Appendix 1.3: Officer’s Recommended Amendments to the Schedule of Notable trees

Appendix 2: Officer’s Recommended Decisions on Submissions (Notable trees)

Appendix 3: Arboriculture Report

List of Abbreviations

Table 1: List of Submitters and Abbreviations of Submitters’ Names

Submitter Number	Abbreviation	Full Name of Submitter
S282	Telco Companies	Chorus New Zealand Limited, Spark New Zealand Trading Limited, Spark TowerCo Limited, Vodafone New Zealand Limited
S368	FNDC	Far North District Council
S331	MOE	Ministry of Education Te Tāhuhu o Te Mātauranga
S421	Federated Farmers	Northland Federated Farmers of New Zealand
S356	NZTA	Waka Kotahi NZ Transport Agency

Note: This table contains a list of submitters relevant to this topic which are abbreviated and does not include all submitters relevant to this topic. For a summary of all submitters please refer to Section 5.1 of this report (overview of submitters). Appendix 2 to this Report also contains a table with all submission points relevant to this topic.

Table 2: Other abbreviations

Abbreviation	Full Term
FNDC	Far North District Council
NPS	National Policy Statement
PDP	Proposed District Plan
RMA	Resource Management Act
RPS	Regional Policy Statement



1 Executive summary

1. The Far North Proposed District Plan ("PDP") was publicly notified in July 2022. The Notable trees chapter is located in the District-wide Matters section of the PDP.
2. 20 original submitters (with 42 individual submission points) and 21 further submitters (with 80 individual submission points) were received on the Notable trees topic. 20 original submission points indicated support for the provisions, 6 submission points indicated support in part, with changes requested, 2 submission points opposed the provisions, whilst 14 submissions didn't state their position.
3. The submissions can largely be categorised into several key themes:
 - Clarity around definitions.
 - Clarity around policies and rules, particularly relating to pruning and trimming of notable trees.
 - The safe and efficient use around infrastructure and network utilities.
 - Consideration to emergency tree works.
 - The addition or removal of trees from the schedule of notable trees.
4. This report has been prepared in accordance with Section 42A of the Resource Management Act ("RMA") and outlines recommendations in response to the issues raised in submissions. This report is intended to both assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP and also provide submitters with an opportunity to see how their submissions have been evaluated, and to see the recommendations made by officers prior to the hearing.
5. The key changes recommended in this report relate to:
 - Amendment to the definition of Rootzone Area.
 - Minor amendments to the policies and rules, including clarification.
 - The removal of the requirement to have a Level 6 Arborist.Addition of trees to the schedule of notable trees.

2 Introduction

2.1 Author and qualifications

6. My full name is Chloe Mackay, and I am a Policy Planner at Far North District Council.



7. I hold the qualifications of a Bachelor of Architectural Studies from the University of Auckland in 2023.
8. I have 1 years' experience in planning and resource management, including submission research, consultation and assisting in the preparation of s42A reports. Additionally, I have 1.5 years of experience as an architectural designer, applying technical expertise to architectural drafting.

2.2 Code of Conduct

9. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
10. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners ("Hearings Panel").

2.3 Expert Advice

11. In preparing this report, I rely on expert advice provided by Jon Redfern from Arborlab Consultancy Services Limited. The scope of this evidence relates to an evaluation of submissions received on the evaluation of notable trees and the chapter provisions in relation to the Notable tree chapter.
12. The expert advice is provided as Appendix 3 to this report. Each submission point that seeks to either add new notable trees or delete notable trees from the schedule, has been addressed in the Arborlab Consultancy Services Limited report. Where technical advice has been relied upon in the s.42A report, the relevant document has been referenced. This approach is intended to assist readers in locating the relevant information.

3 Scope/Purpose of Report

13. This report has been prepared in accordance with Section 42A of the Resource Management Act to:
 - a) assist the Hearings Panel in making their decisions on the submissions and further submissions on the Proposed District Plan; and
 - b) provide submitters with an opportunity to see how their submissions have been evaluated, and the recommendations being made by officers, prior to the hearing.
14. This report responds to submissions on notable trees.



15. Wherever possible, I have provided a recommendation to assist the Hearings Panel.
16. Separate to the Section 42A report recommendations in response to submissions, Council has made a number of Clause 16(2) amendments to the PDP to achieve consistent formatting of rules and standards, including inserting semi colons between each standard, followed by “and” after the second to last standard (where all of the standards must be met to comply) or “or” after the second to last standard (when only one of the standards must be met to comply). These changes are neutral and do not alter the effect of the rules or standards, they simply clarify the intent. The Clause 16 corrections are reflected in Appendix 1 to this Report (Officer’s Recommended Provisions in response to Submissions).

4 Statutory Requirements

4.1 Statutory documents

17. I note that the Notable trees Section 32 report provides detail of the relevant statutory considerations applicable to the Notable trees chapter.
18. It is not necessary to repeat the detail of the relevant RMA sections and full suite of higher order documents here. Consequently, no further assessment of these documents has been undertaken for the purposes of this report.
19. However, it is important to highlight the higher order documents which have been subject to change since notification of the Proposed Plan which must be given effect to. Those that are relevant to the Notable Trees chapter are discussed in 4.1.1 - 4.2 below.

4.1.1 Resource Management Act

20. On the 24 March 2025, the Government announced that RMA will be replaced with two new pieces of legislation:
 - a. A Natural Environment Act – focused on managing the natural environment
 - b. A Planning Act – focused on planning to enable development and infrastructure.
21. In the announcement, the Government stated that the new legislation will narrow the scope of the resource management system and the effects it controls, with the enjoyment of private property rights as the guiding principle. It was also signalled that there will be a shift has from a precautionary to a more permissive approach to better enable development, streamline processes, and enhance New Zealand’s ability to meet its housing, infrastructure, and environmental objectives. This includes nationally standardised land use zones, one combined plan per region (including a regional spatial plan) and more cohesive and streamlined national direction. The intention is that the two new pieces of



legislation will be introduced to Parliament by the end of 2025, with a Select Committee process in 2026, and passage into law before the 2026 general election. The RMA continues to be in effect until when and if this new replacement legislation is passed.

4.1.2 National Policy Statements

4.1.2.1 National Policy Statements Gazetted since Notification of the PDP

22. The PDP was prepared to give effect to the National Policy Statements that were in effect at the time of notification (27 July 2022). This section provides a summary of the National Policy Statements, relevant to Strategic Direction that have been gazetted since notification of the PDP. As District Plans must be “prepared in accordance with” and “give effect to” a National Policy Statement, the implications of the relevant National Policy Statements on the PDP must be considered.

23. The National Policy Statement for Indigenous Biodiversity (NPS-IB) took effect on 4 August 2023. This was after the PDP was notified (27 July 2022), but while it was open for submissions. The objective of the NPS-IB is to maintain indigenous biodiversity so there is at least no overall loss in indigenous biodiversity. The objective is supported by 17 policies. These include Policy 1 and Policy 2 relating to the principles of the Treaty of Waitangi and the exercise of kaitiakitanga by tangata whenua in their rohe.

4.1.2.2 National Policy Statements – Announced Future Changes

Table 1 Summary of announced future changes to National Policy Direction (as indicated by current Government, as at March 2024)

National Statement	Policy	Summary of announced future changes	Indicative Timing
National Policy Statement for Freshwater Management (NPS-FM)		<ul style="list-style-type: none"> Changes to hierarchy of obligations in Te Mana o Te Wai provisions Amendments to NPS-FM, which will include a robust and full consultation process with all stakeholders including iwi and the public 	<p>End of 2024</p> <p>2024 - 2026</p>
National Policy Statement on Indigenous Biodiversity (NPS-IB)		<ul style="list-style-type: none"> Amendments to the NPS-IB Work to stop/cease implementation of new Significant Natural Areas 	2025 - 2026
National Policy Statement for Urban Development (NPS-UD)		<ul style="list-style-type: none"> Amendments to NPS-UD, including requirements for Tier 1 and 2 Council to ‘live zone’ enough land for 30 years of housing growth, and making it easier for mixed 	By end of 2024



National Statement	Policy	Summary of announced future changes	Indicative Timing
		use zoning around transport nodes.	
National Policy Statement for Renewable Electricity Generation (NPS-REG)		<ul style="list-style-type: none"> Amendments to NPS-REG, to allow renewable energy production to be doubled 	By end of 2024
National Policy Statement for Electricity Transmission (NPS-ET)		<ul style="list-style-type: none"> Amendments to NPS-ET, but at this stage direction and amendments are unclear. 	By end of 2024
National Policy Statement for Highly Productive Land (NPS-HPL)		<ul style="list-style-type: none"> Amendments to the NPS-HPL in light of needing to enable housing growth and remove consenting barriers. Possible amendments to the definition of 'Highly Productive Land' to enable more flexibility 	2024 - 2025
Proposed National Policy Statement for Natural Hazards (NPS-NH)		<ul style="list-style-type: none"> No update on progress has been provided by current government. 	Unknown

4.2 Council's Response to Current Statutory Context

24. The evaluation of submissions and recommendations in this report are based on the current statutory context (that is, giving effect to the current National Policy Statements). I note that the proposed amendments and replacement National Policy Statements do not have legal effect until they are adopted by Government and formally gazetted.

25. Sections 55(2A) to (2D) of the RMA sets out the process for changing District Plans to give effect to National Policy Statements. A council must amend its District Plan to include specific objectives and policies or to give effect to specific objectives and policies in a National Policy Statement if it so directs. Where a direction is made under Section 55(2), Councils must directly insert any objectives and policies without using the Schedule 1 process and must publicly notify the changes within five working days of making them. Any further changes required must be done through the RMA schedule 1 process (such as changing rules to give effect to a National Policy Statement).

26. Where there is no direction in the National Policy Statement under Section 55(2), the Council must amend its District Plan to give effect to the National Policy Statement using the RMA schedule 1 process. The amendments must be made as soon as practicable, unless the National Policy Statement specifies a timeframe. For example, changes can be made by way of a Council recommendation and decision in response to submissions, if the submissions provide sufficient 'scope' to incorporate changes to give effect to the National Policy Statements.

27. I have been mindful of this when making my recommendations and believe the changes I have recommended are either within scope of the



powers prescribed under Section 55 of the RMA or within the scope of relief sought in submissions.

4.2.1 National Planning Standards

28. The National Planning Standards determine the sections that should be included in a District Plan, including the Strategic Direction chapters, and how the District Plan should be ordered. The notable tree provisions proposed and recommended in this report follow this guidance.

4.2.2 Treaty Settlements

29. There have been no further Deeds of Settlement signed to settle historic Treaty of Waitangi Claims against the Crown, in the Far North District, since the notification of the PDP.

4.2.3 Iwi Management Plans

30. Ngā Tikanga mo te Taiao o Ngāti Hine' the Ngāti Hine Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with the Council in 2022, after notification of the PDP in July 2022. In respect of the Notable trees chapter, the Ngāti Hine Environmental Management Plan provides the following direction:

Objectives

- Sacred trees are fully protected.
- Indigenous trees over a certain height or trunk girth are protected from damage or destruction, except where those trees may have spread beyond their normal expected area or if they are required for Ngāti Hine customary tuturui tikanga purposes.

Issues

- Several councils exercising functions within the Ngāti Hine rohe do not have a native tree management plan and therefor indigenous trees are continually damaged and destroyed.
- Trees are considered out tuakana and are critical in ensuring the mauri of air is encouraged and these taonga are at constant risk due to development.

Policies

- Only after appropriate effect engagement and adequate remediation or mitigation, or for safety or security reasons, will Ngāti Hine support any negative or destructive impacts on our indigenous flora and fauna.



- Ngāti Hine does not support placing hierarchical values on indigenous flora and fauna within any agency's planning documents in terms of protection.
31. The Ahipara Takiwā Environmental Management Plan was in draft form at the time of the notification of the PDP. This was updated, finalised and lodged with Council in 2023, after notification of the PDP in July 2022. In respect of the Notable trees chapter, the Environmental Management Plan provides direction in relation to the following:
- c) WTO2: TO assess and prioritise the management needs of all wāhi tapu.
 - d) WTO3: Wāhi Tapu are protected from future development and managed in a culturally appropriate way.
 - e) WTO4: The Kōrero and tikanga relating to wāhi tapu is recorded, stored and shared appropriately.
 - f) TWNATO12: To oppose the indiscriminate use of poisons near mahinga kai, wāhi tapu and other culturally sensitive sites.
 - g) WTP1: To require an accidental discoverer protocol for any earthworks or other disturbance of the whenua to provide for discovery of previously unknown wāhi tapu.
 - h) WTP2: To oppose activities which may adversely affect known wāhi tapu.
 - i) WTP3: To require that mana whenua access to wāhi tapu is established, maintained and protected.
 - j) WTP4: To identify wāhi tapu areas and maintain an inventory of sites.
 - k) WTP5: To discourage the erection of structures, both temporary and permanent, near wāhi tapu.
 - l) WTP6: To encourage and promote the importance and relevance of wāhi tapu.
 - m) TWNATP11 – To require the integration of robust biodiversity objectives in land use planning, including but not limited to:
 - a. Indigenous species in shelter belts on farms;
 - b. Use of indigenous plantings as buffers around activities such as silage pits, effluent ponds, oxidation ponds and industrial sites;



- c. Use of indigenous species as street trees in residential developments, and in parks and reserves and other open space; and
 - d. Establishment of planted indigenous riparian margins along waterways
- n) R19 – Ngā Marae o Ahipara are embarking on a journey to become carbon neutral. This includes planting trees under the One Billion Trees programme.
- o) MKO5 – Planting of native trees and other actions to mitigate climate change are encouraged as appropriate.
- p) Appendix 1: Wāhi Tapu Moringai: *'This is an old marae site, which predated Korou Kore Marae. The marae could possibly be Raukura (we are still researching to verify name). The marae was destroyed in the 1910 tsunami. It was also the place where the great chief Toakai tangi was held. The area next to it is called Moringaehē, and is of cultural significance to the hāpu o Ahipara.*

Unfortunately the landmark pohutakawa tree is dying. The development of roads and construction of a housing development has aided in the deterioration of this old tree.'

4.3 Section 32AA evaluation

32. This report uses 'key issues' to group, consider and provide reasons for the recommended decisions on similar matters raised in submissions. Where changes to the provisions of the PDP are recommended, these have been evaluated in accordance with Section 32AA of the RMA.
33. The s32AA further evaluation for each key issue considers:
- a) Whether the amended objectives are the best way to achieve the purpose of the RMA.
 - b) The reasonably practicable options for achieving those objectives.
 - c) The environmental, social, economic and cultural benefits and costs of the amended provisions.
 - d) The efficiency and effectiveness of the provisions for achieving the objectives.
 - a) The risk of acting or not acting where there is uncertain or insufficient information about the provisions.
34. The s32AA further evaluation contains a level of detail that corresponds to the scale and significance of the anticipated effects of the changes that have been made. Recommendations on editorial, minor and consequential



changes that improve the effectiveness of provisions without changing the policy approach are not re-evaluated.

4.4 Procedural matters

35. Due to the clarity of submissions, no correspondence or meetings with submitters need to be undertaken and there are no procedural matters to consider for this hearing.

4.4.1 Proposed Plan Variation 1

36. FNDC notified Proposed Plan Variation 1 (Minor Corrections and Other Matters) for public submissions on 14 October 2024. The submission period closed on 12 November 2024. Proposed Plan Variation 1 makes minor amendments to; correct minor errors, amend provisions that are having unintended consequences, remove ambiguity and improve clarity and workability of provisions. This includes amendments to the zoning of some properties, and the Coastal flood hazard areas.

37. Specific to the Notable trees topic, Proposed Plan Variation 1 proposes to amend the wording of notable tree rule NT-R8, which relates to the removal or relocation of a notable tree, so that it does not undermine the permitted rule NT-R3, which relates to the removal or pruning of an unsafe or dead notable tree.

38. Submissions on Plan Variation 1 related to the above mentioned changes are outlined in Appendix 2 to this report and have been evaluated as part of this report (as part of Key Issue 13 below).

5 Consideration of submissions received

5.1 Overview of submissions received.

39. A total of 42 original submissions and 80 further submissions were received on the Notable trees chapter.

40. The main submissions on the Notable trees chapter came from:

- a) Network utility providers – Top Energy Limited (S483), Transpower New Zealand (S454) & Telco Companies (S282).
- b) Government organisations – NZTA (S356) & MOE (S331).
- c) Local Companies – Northland Planning and Development Limited 2020 (S502)
- d) Key interest groups – Waitangi Limited (S503), Kapiro Conservation Trust (S442), Pacific Eco-Logic (S451), Federated Farmers (S421), Russell Protection Society (INC) (S179), Hammi Piripi ONZM (S580), Ahipara Takiwā (S576 & S579), Te Rūnanga O Ngai Takoto Trust



(S390), Te Rūnanga O Whaingaroa (S486), Te Rūnanga Ā Iwi O Ngaphui (S498) & Te Hiku Iwi Development Trust (S399).

- e) Individuals, such as David Truscott (S476), Rowen Ralls (S80), James Frater (S154 & S175) & Walter Hicks (S588).

41. The key issues identified in this report are set out below:

- a) Key Issue 1: Definition
- b) Key Issue 2: Overview
- c) Key Issue 3: NT-O1
- d) Key Issue 4: NT-P1
- e) Key Issue 5: NT-P2
- f) Key Issue 6: NT-P3
- g) Key Issue 7: NT-P5
- h) Key Issue 8: NT-P6
- i) Key Issue 9: NT-R1
- j) Key Issue 10: NT-R2
- k) Key Issue 11: NT-R4
- l) Key Issue 12: NT-R5
- m) Key Issue 13: NT-R8
- n) Key Issue 14: NT-R9
- o) Key Issue 15: Policies and Rules
- p) Key Issue 16: Schedule of Notable trees

42. Section 5.2 constitutes the main body of the report and considers and provides recommendations on the decisions requested in submissions. Due to the large number of submissions received and the repetition of issues, as noted above, it is not efficient to respond to each individual submission point raised in the submissions. Instead, this part of the report groups similar submission points together under key issues. This thematic response assists in providing a concise response to, and recommended decision on, submission points.



5.2 Officer Recommendations

43. A copy of the recommended plan provisions for the Notable trees chapter is provided in:

- **Appendix 1.1: Officer's Recommended Amendments (Notable trees)**
- **Appendix 1.2: Officer's Recommended Amendments to Definitions (Notable trees)**
- **Appendix 1.3: Officer's Recommended Amendments to the Schedule of Notable trees**

44. A full list of submissions and further submissions on the Notable Trees chapter is contained in:

- **Appendix 2: Officer's Recommended Decisions on Submissions (Notable trees)**

45. Additional information can also be obtained from the Summary of Submissions (by Chapter or by Submitter) Submissions database Far North District Council (fndc.govt.nz) the associated Section 32 report on this chapter [section-32-overview.pdf](#) (fndc.govt.nz) the overlays and maps on the ePlan Map - Far North Proposed District Plan (isoplan.co.nz).

5.2.1 Key Issue 1: Definition

Overview

Definition	Officer Recommendation(s)
Rootzone Area	<ul style="list-style-type: none">• Amendment to the Definition

Analysis of Submissions on Key Issue 1

Matters raised in submissions

46. Telco Companies (S282.001) oppose the definition of Rootzone Area, expressing the current definition makes use of an Australian standard and is generally difficult to apply for a plan user. The submitters request an amendment to the definition to align with the following:

'The circular area of ground around the trunk of a protected tree, the radius of which is the greatest distance between the trunk and the outer edge of the canopy. For columnar crown species the protected root zone is half the height of the tree.'

Analysis

47. I acknowledge the submitters amendment to the definition of Rootzone Area may simplify the identification of the root zone. However following advice from technical expert, Jon Redfern, I propose a revised wording of



the notified definition as more appropriate. My proposed definition below aligns more closely with other district plans, for example Gore and Porirua City. In addition, the proposed amended definition identifies a more arborculturally appropriate assessment of root growth. This definition is an allometric calculation using the stem diameter and doesn't have any bearing on the canopy elongation, therefore there is no need to provide a separate measurement for columnar trees.

Recommendation

48. I recommend the definition of Rootzone Area is amended as follows:

'Rootzone Area: means the circular area surrounding a notable tree, measured from the centre of the trunk, with a radius calculated by multiplying the trunk diameter by 12, measured 1.5 above ground level.'

~~'is determined by using the Australian Standards (AS 4790-2009) Protection of trees on development sites, which uses the trunk diameter at breast high (DBH) to identify a tree rootzone area. The formula used is RZA = DBH x 12 for a single stem tree, and for multiple stem trees~~

$$DBH = \sqrt{(DBH)^2 + (DBH)^2 + (DBH)^2}$$

49. For the reasons above, I recommend that the submission is accepted in part as set out in Appendix 2.

Section 32AA evaluation

50. The recommended amendment is appropriate as it provides greater clarity on how the definition is understood but does not change the intent. On this basis, no evaluation under Section 32AAA is required.

5.2.2 Key Issue 2: Overview

Overview

Provision(s)	Officer Recommendation(s)
Overview	<ul style="list-style-type: none"> Retain as notified

Analysis of Submissions on Key Issue 2

Matters raised in submissions

51. Federated Farmers (S421.130) request minor amendments to the notable trees overview to insert a sentence that discusses how best to achieve the protection of a notable tree/s primarily through engagement between the Council and landowners.



Analysis

52. In response to Federated Farmers submission, in my opinion it is unnecessary to include an additional sentence regarding how to achieve the protection of a notable tree between Council and landowners. This information does not add significant value to the overview and given its non-enforceable nature, would not have any practical effect. I note that it is generally common practice for Councils to engage with landowners when reviewing the notable tree list.

Recommendation

53. I recommend the Overview is retained as notified.

54. For the reasons above, I recommend that the submission and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

55. No change to the Overview as recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.3 Key Issue 3: NT-01

Overview

Provision(s)	Officer Recommendation(s)
NT-01	<ul style="list-style-type: none">Retain as notified

Analysis of Submissions on Key Issue 3

Matters raised in submissions

56. NZTA (S356.054) supports NT-01 and requests the objective be retained as notified.

57. Top Energy Limited (S483.128) request to amend objective NT-01 to include:

'Notable Trees and groups of trees which contribute to the botanical, ecological, historical, cultural or amenity value of the district are identified and protected, while enabling the safe and efficient use, development, maintenance, operation, repair and upgrading of infrastructure and network utilities.'

Analysis

58. I acknowledge the submitters who request to retain NT-01 as notified.



59. In response to Top Energy Limited’s request, the following below approach was agreed on after discussions with the author of the Infrastructure Chapter. Additionally, it is noted that network utilities fall under infrastructure, in accordance with Section 2 of the RMA. I consider it unnecessary to include the additional sentence within the objectives as it is already sufficiently addressed in NT-P4. NT-P4 widely covers the maintenance, repair and upgrading of infrastructure and incorporating these provisions within NT-O1 would result in unnecessary duplication within the plan.

Recommendation

- 60. I recommend NT-O1 is retained as notified.
- 61. For the reasons above, I recommend that the submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

- 62. No change to the definition as recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.4 Key Issue 4: NT-P1

Overview

Provision(s)	Officer Recommendation(s)
NT-P1	<ul style="list-style-type: none"> • Minor amendment

Analysis of Submissions on Key Issue 4

Matters raised in submissions

63. Te Hiku Iwi Development Trust (S399.054) suggests that STEM assessments are irrelevant to an assessment of cultural values and requests to amend clause b. NT-P1 as follows:

Identify notable trees and groups of trees within APP2 – Schedule of notable trees where: ...

The tree or group of trees have significant cultural values, taking into account any assessment undertaken under the STEM including heritage, amenity, botanical and/or ecological values and are identified in either the relevant iwi/hapū management plan or in a Cultural Impact Assessment for the site.'

Analysis

64. I acknowledge the submitters request to amend NT-P1. The STEM assessment, despite including evaluation of culturally significant values



seeks to consider a comprehensive understanding of the tree's value. However, the relief sought would require Council to initiate a Plan Change each time an IHEMP and/or MOU with Council is signed or updated. Where protection is not otherwise provided that is bespoke enough to manage a tree or trees, it may be appropriate to apply the Notable trees chapter to manage effects. The STEM score helps assess the trees condition, providing objective information on its health, structure and any potential risks, however when cultural value is a relevant consideration this is also included. By setting a threshold of 130, the policy ensures that only trees with significant value, whether cultural, heritage, botanical or ecological and in good health are included in the Schedule of Notable trees. The STEM assessment supports the identification process and while not the sole factor in determining notability, provides vital information on the trees well-being. The S32 report highlights the benefits of using STEM for its national consistency and alignment with best practices.

65. In addition, I consider the amendment sought may go beyond the intention of policy NT-P1 in that it includes reference to iwi/hapū management plans or cultural impact assessments which are documents lodged with Council outside of the district planning process. However, I consider that amending clause b to include *'historic heritage'* aligns with the submitters request to include an assessment of cultural values, as the definition of historic heritage includes reference to historic sites and sites of significance to Māori, including wāhi tapu.

Recommendation

66. I recommend that NT-P1 is amended as follows:

'Identify notable trees and groups of trees within APP2- Schedule of notable trees where: ...

... b. The tree or group of trees have significant cultural values, taking into account any assessment undertaken under the STEM, including historic heritage, amenity, botanical and/or ecological values.'

67. For the reasons above, I recommend that the submission is accepted in part as set out in Appendix 2.

Section 32AA evaluation

68. The recommended amendment is appropriate as it provides greater clarity on historic heritage but does not change the intent. On this basis, no evaluation under Section 32AAA is required.



5.2.5 Key Issue 5: NT-P2

Overview

Provision(s)	Officer Recommendation(s)
NT-P2	<ul style="list-style-type: none"> Amendments to the wording and structure of the policy

Analysis of Submissions on Key Issue 5

Matters raised in submissions

69. Top Energy Limited (S483.129) suggests that NT-P2 does not specifically refer to notable trees and requests the inclusion of an additional clause into the policy that relates to infrastructure and network utilities. Top Energy Limited requests to amend the wording of NT-P2 as follows:

'Enable the pruning and trimming of branches on notable trees where the works ~~will~~:

- a. Retain or improve the health of the notable tree; and*
- b. Allow the regular ~~maintenance~~ pruning of the notable tree; or*
- c. ~~Will~~ improve public safety, or prevent damage to property or infrastructure; or*
- d. Enable the safe and efficient use and operation of infrastructure or network utilities.*
- e. Control any other maintenance work to ensure that the works will:*
 - i. Maintain the health, form and shape of the tree; and*
 - ii. Be supervised or undertaken by a suitable qualified and experienced arborist.*

70. Transpower New Zealand Ltd (S454.079) supports the inclusion of a notable tree policy to address work that needs to occur to maintain the National Grid, but requests to amend the wording of Policy NT-P2 as follows:

'Enable the pruning and trimming of ~~branches~~ notable trees where the works will:'

and

'c. ~~Will~~ improve public safety or prevent damage to property or infrastructure.'



Analysis

71. As a Clause 16 amendment, I propose restructuring the policy to improve its coherence, intent and alignment with relevant rules. Given that NT-P2 aligns with NT-R2, which emphasises maintaining the health and form of notable trees, I recommend amending clause a. to also incorporate the tree's form and shape, thereby consolidating two clauses from the notified policy into a single, more cohesive provision.
72. Additionally, refining the policy's wording by removing '*will*' from the chapeau enhances readability. As a consequential amendment to this, introductory phrasing within the clauses has been adjusted to improve readability and interpretation, effectively eliminating redundancy and ensuring a more streamlined policy framework.
73. To ensure NT-P2 accurately reflects NT-R2, I recommend removing the notified clause c., as it creates unnecessary duplication within the chapter. Additionally, I propose including '*and*' between clause b. and c. to reinforce the policy's overarching purpose: retain or improve the health, form, and shape of notable trees, ensuring that each clause is met. Given this amendment, the conjunctions requested by the submitter are unnecessary, as the proposed addition between clause b. and c. already effectively clarifies the policy's intent. Furthermore, as all related works must be carried out by a qualified arborist, this requirement should be established as a distinct clause to strengthen the policy's intent and improve overall readability.
74. I also suggest that the recommended clause b., which aims to enhance public safety, should be included as a matter of discretion in NT-R2 as well as the policy itself. Incorporating this provision would allow resource consent decisions to account for safety considerations within the broader regulatory framework. This ensures that any proposed activities involving notable trees are assessed not only for their environmental and structural impact but also for their potential effects on public safety. By integrating this requirement, NT-R2 would provide a more comprehensive approach, reinforcing alignment with policy objectives while ensuring that resource consent processes address safety concerns.
75. Building on this, in response to the suggested word change to the notified in clause b. of the policy, Top Energy Limited's request is not entirely clear. However, it appears they are seeking to replace '*maintenance*' with '*pruning*'. I don't believe this change is necessary and recommend this clause is deleted in its entirety as it creates repetition when reading the policy.
76. In addition to the clause 16 amendments, I support the wording change proposed by Top Energy Limited. Explicitly including '*on notable trees*' within the policy improves clarity and ensures alignment with the language used in NT-R2.



77. In reference to Transpower New Zealand Ltd suggested word change, I believe '*on notable trees*', requested by Top Energy Limited, is more appropriate, based on the reasons outlined above.
78. I do not consider it necessary to incorporate the additional clause proposed by Top Energy Limited, as NT-P4 already provides comprehensive coverage of infrastructure use and operation. This policy specifically addresses trimming and pruning notable trees to facilitate maintenance, repairs, upgrades, and infrastructure removal. Including these provisions within NT-P2 would result in unnecessary duplication across policies, potentially causing repetition and reducing overall policy efficiency. Refer to p5
79. I acknowledge Transpower New Zealand Ltd's request to remove the additional '*will*' in clause c. and consider this adjustment to have already been addressed through the proposed Clause 16 amendments above.

Recommendation

80. I recommend NT-P2 is amended as follows:

'Enable the pruning and trimming of branches on notable trees where the works ~~will~~:

- a. Will retain or improve the health, form and shape of the notable tree;*
- b. ~~Allow the regular maintenance of the notable tree;~~*
- b. ~~Will~~ may improve public safety, or prevent damage to property or infrastructure; and*
- c. ~~Control any other maintenance work to ensure that the works will:~~*
 - i. ~~Maintain the health, form and shape of the tree; and~~*

c.ii. Will be supervised or undertaken by a suitable qualified and experienced arborist.

81. I recommended NT-R2 matters of discretion are amended as follows:

'NT-R2

Matters of discretion are restricted to: ...

- g. the extent of the works will adversely affect public safety, or cause damage to property or infrastructure.*

82. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.



Section 32AA evaluation

83. The recommended amendments are appropriate, as they enhance the policy’s structure, improving readability while ensuring the intent is clearly articulated. On this basis, no evaluation for these recommended amendments under Section 32AA is required.

5.2.6 Key Issue 6: NT-P3

Overview

Provision(s)	Officer Recommendation(s)
NT-P3	<ul style="list-style-type: none"> Retained as notified

Analysis of Submissions on Key Issue 6

Matters raised in submissions

84. MOE (S331.040) and Transpower New Zealand Ltd (S454.080) supports NT-P3 and requests to retain the policy as proposed.

85. Top Energy Limited (S483.130) states that NT-P3 should refer to infrastructure and requests to replace 'and' with 'or' throughout the policy, to include as follows:

'Only allow for activity, infrastructure or ~~and~~ development within the rootzone area of a notable tree or group of trees where:

- a. *It is demonstrated that the activity, infrastructure or ~~and~~ development will not be detrimental to the long-term health and significance of the tree or group or trees; ~~and~~ or*
- b. *There is a functional or operational need for the activity, infrastructure or development to occur within the root protection area and there are no other practical alternative locations."*

Analysis

86. The inclusion of Top Energy Limited’s request for infrastructure within the policy is unnecessary as any works relating to infrastructure would be considered 'activity' or 'development' and a specific reference to infrastructure is not required. The matters are already comprehensively addressed in NT-P4. NT-P4 covers the trimming and pruning of notable trees, activities within the rootzone area, and the requirements related to operating, maintaining, repairing, upgrading and removing infrastructure. Given this, it seems irrelevant to also incorporated similar provisions under NT-P3 as NT-P4 sufficiently captures infrastructure.

87. I acknowledge the submitters who request to retain NT-P3.



Recommendation

- 88. I recommend that NT-P3 is retained as notified.
- 89. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

- 90. No change to the Overview as recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.7 Key Issue 7: NT-P5

Overview

Provision(s)	Officer Recommendation(s)
NT-P5	<ul style="list-style-type: none"> • Minor Amendment to the wording and structure of the policy

Analysis of Submissions on Key Issue 7

Matters raised in submissions

- 91. Submitters Te Rūnanga Ā Iwi O Ngapuhi (S498.065), Te Rūnanga o Whaingaroa (S486.078) and Te Runanga o Ngai Takoto Trust (S390.064) all support NT-P5 and request to retain the policy, however, wish to implement stronger Council approaches to monitoring and enforcement.
- 92. Top Energy Limited (S483.132) suggests the wording of NT-P5 needs updating to include direction on infrastructure for the removal of trees, therefore requests to amend clause a. of the policy as follows:

"Avoid the destruction or removal of a notable tree or trees unless:

- a. there is an imminent threat to the safety of people and property, or to the safe and efficient use and operation of infrastructure or network utilities; or..."*

- 93. NZTA (S356.055) support NT-P5 and request to retain the policy as notified.

Analysis

- 94. In response to the request for stronger Council approaches to monitoring and enforcement of notable trees, it is considered that these additional measures are unnecessary. NT-P5 already establishes a clear framework for the protection of notable trees through the assessment and consent



process. I suggest further enforcement beyond those outlined in this chapter is not required.

95. I consider Top Energy Limited's additional sentence relevant when trimming or pruning is not possible, however suggest it is more appropriately suited to be within clause b. of NT-P5. Clause b. already aligns with the submitters request and covers when it is necessary to maintain infrastructure where pruning or relocation of the tree is not possible. As previously mentioned, network utilities fall under infrastructure, in accordance with Section 2 of the RMA, therefore, I recommend expanding clause b. to integrate the submitters request while maintain consistent wording that aligns with the objectives and policies outlined in the Infrastructure Chapter.
96. As a Clause 16 amendment, I recommend repositioning 'or' by removing it from clause a. and placing it at the end of clause c. to enhance the policy's readability and ensure its intent is clearly conveyed. Additionally, I suggest a similar wording adjustment in clause e. to maintain consistency through the chapter and further improve the policy's structure.
97. I acknowledge the submitter that requests to retain NT-P5 as notified but for the reasons stated above, I believe the policy requires amending.

Recommendation

98. I recommend NT-P5 is amended as follows:

Avoid the destruction or removal of a notable tree or trees unless:

- a. there is an imminent threat to the safety of people and property; ~~or~~*
 - b. it is necessary for the safe and efficient use, operation, maintenance and repair of ~~to maintain~~ infrastructure and pruning or relocation of the tree is not possible;*
 - c. the use and enjoyment of a property and surrounds is significantly compromised or diminished; or*
 - d. it is dead, or is in terminal decline; and*
 - e. For all scenarios described in a-d above, it has been assessed by a suitably qualified and experienced arborist as being suitable for destruction or removal.*
99. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.



Section 32AA evaluation

100. The recommended amendment is minor and does not alter the intent of the rule. Instead, it provides more precise wording to enhance clarity and improve overall readability. No change to the provision as recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.8 Key Issue 8: NT-P6

Overview

Provision(s)	Officer Recommendation(s)
NT-P6	<ul style="list-style-type: none"> • Additional wording to clause o. • Clause 16 amendment to the chapeau of the policy

Analysis of Submissions on Key Issue 8

Matters raised in submissions

101. Top Energy Limited (S483.133) supports the inclusion of NT-P6 and requests to retain the policy.

102. Te Hiku Iwi Development Trust (S399.055) supports relevant iwi/hapū management plans and consultation with tangata whenua, however, considers that *'giving consideration'* to a matter could result in undesirable outcomes. Te Hiku Iwi Development Trust request amendment to the wording of policy NT-P6 as follows:

'Manage land use and subdivision involving a notable tree or trees to address the effects of the activity requiring resource consent, including (but not limited to) having regard to the following matters when relevant to the application: ...'

'o. any Cultural Impact Assessment and any consultation with tangata whenua; and...'

Analysis

103. I appreciate Te Hiku Iwi Development Trust reflecting on the best wording to avoid undesirable outcomes. The Hearing 4 topics (The Coastal Environment, Natural Features and Landscapes, Natural Character, Ecosystems and Indigenous Biodiversity) identified drafting issues with the *'consideration'* policy. It was considered that the issues could be easily addressed by simplifying the chapeau of these policies, to be much clearer on its intended purpose. It was recommended that these minor amendments be addressed under clause 16, Schedule 1 of the RMA as the change would be neutral. I support this approach and recommend



this approach is followed through to the Notable trees chapter and policy NT-P6.

104. I support the submitters request to include, where relevant, the consideration of a '*Cultural Impact Assessment*' when managing land use and subdivision involving notable trees. Including this statement in clause o. would provide plan users with an additional tool to consider during the early planning stages, ensuring that Māori cultural values are respected in decision-making processes.

105. I acknowledge Top Energy Limited's support to retain NT-P6, however for the reasons above I recommend minor changes to clause o. of the policy.

Recommendation

106. For the reasons above, I recommend that NT-P6 is amended under clause 16, Schedule 1, of the RMA.

107. I recommend that clause o. of NT-P6 is amended as follows:

'Manage land use and subdivision involving a notable tree or trees to address the effects of the activity requiring resource consent, including (but not limited to) consideration to the following matters when relevant to the application: ...

... o. Any Cultural Impact Assessment and any consultation with tangata whenua; and...'

108. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

109. The recommended amendment to NT-P6 effectively integrates additional cultural considerations, specifically the protection and preservation of cultural heritage linked to land use around notable trees. This amendment is more appropriate in achieving the purpose of the RMA than the notified version of the PDP.



5.2.9 Key Issue 9: NT-R1

Overview

Provision(s)	Officer Recommendation(s)
NT-R1	<ul style="list-style-type: none">Retain as notified

Analysis of Submissions on Key Issue 9

Matters raised in submissions

110. Top Energy Limited (S483.134) supports NT-R1 and requests to retain the rule as notified.

111. Waitangi Limited (S503.029) doesn't state their position on NT-R1, while Northland Planning and Development 2020 Limited (S502.045) supports the provision in part. Both submitters state confirmation regarding existing pathways is required as they seek relief that new pathways can be resealed or repaved without consent. The submitters request an amendment to the wording of the rule as follows:

'Gardening, mowing and cultivation within the rootzone area of a notable tree or trees.'

Activity status: Permitted

Where: PER-1 It does not:

- 1. Involve mechanical cultivation;*
- 2. Include sealing or paving of new pathways...'*

112. Waitangi Limited requests a further amendment to the rule:

'Gardening, mowing and cultivation within the rootzone area of notable tree ~~or trees~~...'

And

'4. Involve planting of trees with the exception of the Waitangi Treaty Grounds; and...'

113. Federated Farmers (S421.131) oppose NT-R1, stating it doesn't provide for mechanical cultivation within the rootzone of a notable tree as a permitted activity and requests to amend rule NT-R1 to delete clause 1. The submitter suggests that the term Tree Protection Area, instead of Rootzone Area, is a better, more commonly used term and requests to amend the wording as follows:

'Gardening, mowing and cultivation within the Tree Protection Area of a notable tree or trees.'



Activity status: Permitted

Where: PER-1 It does not:

~~1. Involvement of mechanical cultivation...~~

114. The definition given by the submitter in reference to the Tree Protection Area is:

Calculate the Tree Protection Area by:

- a. Canopy drip line + 1m*
- b. Trunk diameter at 1.4m height multiplied by 12; and*
- c. Tall narrow trees = $\frac{1}{2}$ x height'*

Analysis

115. In response to the submission by Waitangi Limited and Northland Planning and Development 2020 Limited, NT-R1 applies not only to sealing or paving pathways but also to surfaces such as roads and carparks. This rule is specifically intended to protect notable trees, as tree roots can be damaged by impervious surfaces which could have significant effects on the tree. In such cases, a restricted discretionary resource consent is required to assess the trees condition and consider this the most appropriate management response. This assessment is crucial for evaluating the trees health and stability, helping to prevent unintended harm that could impact a notable trees preservation. Importantly, whether the surface is newly constructed or existing is not material to the potential effects on the notable tree.

116. Waitangi Limited also notes that rule NT-R1 specifically applies to notable trees, therefore, request the removal of '*or trees*'. The rules intent is to protect the trees identified in the schedule of notable trees, whether that is individual trees or group of trees. Additionally, there are no trees within the notable trees schedule that are located within Waitangi, therefore, there is no need to exempt Waitangi Treaty Grounds from this rule. If trees were to be added to the notable tree schedule on the Waitangi Grounds, then the rules could be reconsidered at that time.

117. I do not think it is appropriate for mechanical cultivation to occur as a permitted activity within the rootzone of notable trees. Mechanical cultivation, commonly used in agriculture, relies on large vehicles and farm machinery, as opposed to manual, handheld tools which will be more sensitive to tree roots. This machinery can easily disturb the rootzone of trees, as it often operates at a depth and force that can damage or compact the soil around the roots, even if the roots are not immediately visible. Tree roots can extend a significant distance from the base of the tree, and any disturbance within this area can affect the trees health.



118. The term 'Tree Protection Area' essentially refers to the root zone of a significant tree which the PDP deems as the 'Rootzone Area'. The definition of 'Tree Protection Area' provided by the submitter closely aligns with the 'Rootzone Area' definition, recommended by myself above, with both focusing on the health and integrity of the tree by stating the importance of its root system. Given the strong similarity between these definitions, there does not appear to be a convincing reason to change the term.

119. I support Top Energy Limited's request to retain NT-R1 as notified for the reasons stated above.

Recommendation

120. I recommend NT-R1 is retained as notified.

121. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

122. No change to the provision as recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.10 Key Issue 10: NT-R2

Overview

Provision(s)	Officer Recommendation(s)
NT-R2	<ul style="list-style-type: none"> Minor amendment to the maximum branch diameter

Analysis of Submissions on Key Issue 10

Matters raised in submissions

123. Top Energy Limited (S483.135) states the wording of rule NT-R2 needs to be amended as there are restrictive and inconsistent points in comparison to other recent District Plans in Northland. Top Energy Limited goes on to state trimming allowances need to be increased and the provision should be made for emergency tree works with no limit on root or branch diameter. The submitter requests amending NT-P2 and inserting a new requirement as follows:

Maintenance, pruning and trimming of branches of a notable tree

Activity status: Permitted

Where:



PER-1 The maximum branch diameter must not exceed ~~50mm~~ 200mm at severance.

PER-2 No more than 10% of live growth of the tree may be removed in any one calendar year.

PER-3 The works must be undertaken by a person that is a suitably qualified person as per NT-S1 Qualified Arborist-Level 4

PER-4 Council is advised 14 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising work confirming that they have the qualifications required by NT-S1 Qualified Arborist-Level 4

PER-5 All trimming or alteration must retain the natural shape, form and branch habit of the tree

PER-6 All pruning and trimming shall adhere to the Minimum Industry Standards: MIS308-Tree Pruning, as per the Arboriculture Australia and New Zealand Arboriculture standards.

PER-X If the pruning or trimming is required as emergency tree works, PER-1-6 above do not apply.

Analysis

124. I support the request to amend the maximum branch diameter to 200mm at severance as this number aligns with other district plans, including Whangarei District Council, and is a more appropriate measurement as it's not too restrictive.

125. I understand the submitters request to permit emergency tree works but the lack of a clear definition for '*emergency tree works*', makes it challenging to recognise what qualifies as an emergency. NT-R3 provides provisions for the removal of unsafe or dead notable trees, while emergency actions are provided to network utility providers in the RMA as follows:

'330 Emergency works and power to take preventive or remedial action

(1) Where –

(a) any public work for which any person has financial responsibility; or

(b) any natural and physical resource or area for which a local authority or consent authority has jurisdiction under this Act; or

(c) any project or work or network utility operation for which any network utility operator is approved as a requiring authority under section 167 –



is, in the opinion of the person or the authority or the network utility operator, affected by or likely to be affected by –

(d) an adverse effect on environment which requires immediate preventive measures; or

(e) an adverse effect on the environment which requires immediate remedial measures; or

(f) any sudden event causing or likely to cause loss of life, injury, or serious damage to property –

The provisions of sections 9, 12, 13, 14 and 15 shall not apply to any activity undertaken by or on behalf of that person, authority, or network utility operator to remove the cause of, or mitigate any actual or likely adverse effect of, the emergency...'

126. I encourage the submitter to provide additional clarification on what constitutes 'emergency tree works' at Hearing 12. Given the current lack of clarity, I do not believe it is necessary to amend NT-R2 at this time, however we will review any evidence presented at the hearing.

Recommendation

127. I recommend that NT-R2 is amended as follows:

'Maintenance, pruning and trimming of branches of a notable tree...

PER-1 The maximum branch diameter must not exceed ~~50mm~~ 200mm at severance...'

128. For the reasons above, I recommend that the submission and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

129. The recommended amendment is minor and does not change the intent of the rule. No change to the provision as recommended at this stage. On this basis, no evaluation under Section 32AA is required.



5.2.11 Key Issue 11: NT-R4

Overview

Provision(s)	Officer Recommendation(s)
NT-R4	<ul style="list-style-type: none"> Minor amendments to the qualification requirement
NT-R3	<ul style="list-style-type: none"> Consequential amendment to the qualification requirement
NT-S2	<ul style="list-style-type: none"> Deletion of a standard

Analysis of Submissions on Key Issue 11

Matters raised in submissions

130. Top Energy Limited (S483.137) supports NT-R4 and the permitted activity status for pruning of notable trees close to existing electricity lines. The submitter however, requests to amend the rule by removing PER-2 and PER-3, expressing that a separate requirement on the qualification level of an arborist is unnecessary. The submitter requests NT-R4 to read as follows:

'Pruning of a notable tree close to existing electricity lines

Activity status: Permitted

Where:

PER-1 The works are required to provide for safe and reasonable clearance and is carried out in accordance with clause 14 of the Electricity (Hazards from Trees) Regulations 2003 or clause 128 of the Telecommunications Act 2001.

~~*PER-2 The works must be undertaken or supervised by a person that complies with NT-S1 Qualified Arborist Level 4*~~

~~*PER-3 Council is advised 14 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising that they have the qualifications required by NT-S2 Qualified Arborist Level 6*~~

PER-4 The health and integrity of the tree is retained, and the pruning will not result in its decline.'

Analysis

131. I acknowledge the submitters request and considered a professional opinion would be valuable to identify the most suitable qualification. Our technical expert, Jon Redfern, advised that a Level 4 Arborist qualification is appropriate for the purpose of trimming notable trees in accordance with electricity regulations. Mr Redfern also noted that a Level 6



qualification is relatively rare. Based on this guidance, I believe that achieving PER-3 would be challenging and suggest PER-3 is revised.

132. After reviewing NT-R4 and the relevant qualifications, I believe it would be beneficial to amend NT-R3 PER-3 to ensure greater alignment and consistency with NT-R4, as well as with the recommendations provided by the technical expert.

133. Based on the information outlined above, I recommend an amendment to Standard NT-S2 as a consequential change resulting from the recommended revisions of NT-R4 and NT-R3. A Level 6 Arborist qualification is not required to perform the work as a Level 4 qualification is fully sufficient.

134. I consider the submitters request to remove the 14-day notification requirement prior to commencing work unnecessary. In non-emergency situations, the 14-day period is a reasonable and practical timeframe, allowing for adequate communication with Council regarding tree works. The 14-day notice outlined in NT-R3 and NT-R4 is well-suited for standard scenarios, providing enough time for proper planning and assessment. This approach ensures that works are managed effectively, and provides flexibility for urgent, non-emergency situations where timely action may be required, therefore I don't consider it appropriate to remove from the rule.

Recommendation

135. Based on the reasons above, I recommend NT-R4 PER-3 is amended as follows:

'Pruning of a notable tree close to existing electricity lines...

PER-3 Council is advised 14 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising that they have the qualifications required by NT-S2 NT-S1 Qualified Arborist-Level 6 4...'

136. Consequently, I recommend NT-R3 PER-3 is amended as follows:

'Removal or pruning of an unsafe or dead notable tree...

PER-3 Council is advised 14 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising work confirming that they have the qualifications required by NT-R2 NT-R1 Qualified Arborised – Level 6 4...'

137. Additionally, I recommend standard NT-S2 is removed from the chapter to maintain consistency:

~~NT-S2 Qualified Arborist – Level 6~~



~~An arborist with a New Zealand Certificate in Arboriculture (Level 6 or higher) and who is familiar with best practice and standards.~~

138. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

139. The changes to the rules and the removal of the standard are appropriate, as they do not alter the intent of either rule but facilitate more efficient, realistic outcomes with the appropriate qualification and ensures consistency within the plan. On this basis, no evaluation for these recommended amendments under Section 32AA is required.

5.2.12 Key Issue 12: NT-R5

Overview

Provision(s)	Officer Recommendation(s)
NT-R5	<ul style="list-style-type: none"> Minor amendment to measurement below ground level

Analysis of Submissions on Key Issue 14

Matters raised in submissions

140. Top Energy Limited (S483.138) supports NT-R5 as notified, however requests to amend PER-1 as it requires infrastructure to be greater than 1m below ground level. Top Energy Limited states that this is inconsistent with the 800mm for directional drilling provided for in NT-R6 as well as the 650mm provided for in TREE-R2 of the Whangārei District Plan Notable tree chapter. The submitter requests an amendment to clause 1 of rule NT-R5 as follows:

'New underground infrastructure (including customer connections) and upgrading of existing underground infrastructure in the rootzone area of a notable tree

Activity status: Permitted

Where:

PER-1 In the rootzone area of notable tree or groups of trees, the infrastructure:

- 1. Is at least ~~1m~~ 650mm below ground level;*
- 2. Is installed by hand-digging or thrusting; and*



3. *Has an entry point that is located outside the rootzone area'*

Analysis

141. In reviewing Top Energy Limited's request, I consulted with technical expert, Jon Redfern, who highlighted that the most significant root growth occurs within the top 600mm of the soil profile. Based on his advice, Mr Redfern recommended considering a depth of 700mm to protect the tree roots. Therefore, I believe it would be reasonable to amend the proposed depth to 700mm, instead of the submitters suggested 650mm, in accordance with the expert's recommendation.

Recommendation

142. I recommend NT-R5 is amended as follows:

'New underground infrastructure (including customer connections) and upgrading of existing underground infrastructure in the rootzone area of a notable tree

Activity status: Permitted

Where:

PER-1 In the rootzone area of notable tree or groups of trees, the infrastructure:

143. *Is at least ~~1m~~ 700mm below ground level;...'*

144. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

145. The recommendation provides clear parameters for the installation of underground infrastructure in the rootzone area of a notable tree, ensuring the activities don't compromising the health of notable trees. It aligns with best practices while maintaining the effectiveness and efficiency of infrastructure development. These provisions are consistent with the RMA and no evaluation under Section 32AA is required.



5.2.13 Key Issue 13: NT-R8

Overview

Provision(s)	Officer Recommendation(s)
NT-R8	<ul style="list-style-type: none"> Retain as notified in Plan Variation 1

Analysis of Submissions on Key Issue 13

Matters raised in submissions

146. Top Energy Limited (S483.139) considers that provision NT-R8 needs to be made for the removal of a notable tree that constitutes emergency tree works. The submitter requests amendment to the rule as follows:

Removal or relocation of a notable tree

Activity status: ~~Discretionary~~ Permitted

Where:

PER-1 The removal is required as emergency tree works.

Activity status where compliance not achieved: ~~Not applicable~~ Discretionary

147. Walter Hicks (S588.015) supports the Plan Variation 1 amendment to NT-R8, stating it corrects an error or oversight and requests to retain the rule as notified.

Analysis

148. I acknowledge the submitters request to amend NT-R8 to a permitted activity for emergency tree works. However, similar to Key Issue 10, the lack of a clear definition for 'emergency works' makes it difficult to determine what qualifies as an emergency outside of the circumstances set out in s330 of the RMA, as noted above. NT-R3 already covers the removal of unsafe or dead notable trees and the 14-day notification requirement in both NT-R3 and NT-R4 is reasonable for standard cases. This time frame allows sufficient planning and ensures proper management of works while accommodating urgent, non-emergency situations. The scope of what 'emergency works' is, remains unclear. I invite the submitter to provide further evidence at Hearing 12, to clarify the definition and activities surrounding emergency works. Given the current lack of clarity, I do not believe amending NT-R8 to a permitted activity is necessary at this time, however we will review any evidence presented at the hearing.

149. I support Walter Hicks request to retain NT-R8 as notified in Plan Variation 1.



Recommendation

- 150. I recommend this rule is retained as notified in Plan Variation 1, as set out in Appendix 1.1.
- 151. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

- 152. No change to the rule as recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.14 Key Issue 14: NT-R9

Overview

Provision(s)	Officer Recommendation(s)
NT-R9	<ul style="list-style-type: none"> • Retained as notified

Analysis of Submissions on Key Issue 14

Matters raised in submissions

- 153. Top Energy Limited (S483.190) supports NT-R9 and suggests there is a lack of clarity throughout the PDP in terms of how the Chapters interact with each other. The submitter requests to amend all relevant overlay chapters as necessary to insert rules for *"Activities not otherwise listed in this chapter"*, consistent with zone chapters.

Analysis

- 154. NT-R9 already captures activities that are not specifically listed as discretionary in the Notable trees chapter. As such, there is no need to introduce an additional rule, as the current provision adequately address these activities.
- 155. Any amendments regarding overlay chapters will be addressed in the relevant sections in the PDP.

Recommendation

- 156. I recommend NT-R9 is retained as notified.
- 157. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.



Section 32AA evaluation

158. No change to the rule as recommended at this stage. On this basis, no evaluation under Section 32AA is required.

5.2.15 Key Issue 15: Policies and Rules

Overview

Provision(s)	Officer Recommendation(s)
NT-P4	<ul style="list-style-type: none">Retained as notified
NT-R3	<ul style="list-style-type: none">Consequential amendment

Analysis of Submissions on Key Issue 15

Matters raised in submissions

159. Transpower New Zealand Ltd (S454.081) and Top Energy Limited (S483.131) supports the inclusion of NT-P4 and requests to retain the policy as proposed.

160. Top Energy Limited (S483.136) support NT-R3 and request to retain this provision as notified.

Analysis

161. I support both submitters requesting to retain NT-P4. There are no submissions opposing this policy; therefore, I do not recommend any amendments to NT-P4.

162. I support Top Energy Limited's request to retain NT-R3, however acknowledge the consequential amendment following the recommendation in Key Issue 11.

Recommendation

163. I recommend NT-P4 is retained as notified.

164. There is a consequential amendment to NT-R3 and the removal of a Level 6 Qualified Arborist, following amendments in Key Issue 11: NT-R4.

165. For the reasons above, I recommend that the submissions and further submissions are accepted, accepted in part or rejected as set out in Appendix 2.

Section 32AA evaluation

166. No change to the rule as recommended at this stage. On this basis, no evaluation under Section 32AA is required.



5.2.16 Key Issue 16: Schedule of Notable trees

Overview

Provision(s)	Officer Recommendation(s)
SCHED1 - Schedule of Notable trees	<ul style="list-style-type: none"> • Insert trees into the Schedule • Retain trees already listed within Schedule

Analysis of Submissions on Key Issue 16

Matters raised in submissions

Requests to insert:

Moringai, Ahipara

167. Ahipara Takiwā (S576.001 & S579.001) supports the schedule of notable trees. Ahipara Takiwā and Haami Piripi ONZM (S580.001) request to amend the schedule to include the Pohutukawa tree at Moringai at 233 Foreshore Road, Ahipara to be protected. The purpose of its inclusion is to protect its cultural values. The tree was initially protected by a consent notice issued by FNDC in 2003 but upon review at an Environment Court Hearing in 2005, the protection was not upheld.

Landing Road

168. Rowena Ralls (S80.001) supports in part the schedule of notable trees, stating they request to insert a notable (Totara) tree at 26 Landing Road, Kerikeri to the notable tree schedule. The tree was planted in 1997 and is of significant historical value. This tree is registered with the NZ Notable Tree Register, has a STEM score of 147 points and is in good condition.

Te Hue Cove

169. James Frater (S154.001) supports in part the schedule of notable trees but requests to insert a new notable tree (Pohutukawa) situated in Te Hue Cove. This tree has an historic story and has a Historic Places Plaque beneath it.

Opunga Cove

170. James Frater (S175.001) supports in part the schedule of notable trees, stating there are two large Pohutukawka trees growing together on the foreshore near a small watercourse about 100m from the Northern end of the beach and suggest these trees could be several hundred years old. The submitter requests to insert two new (Pohutukawa) notable trees at Opunga Cove to the notable tree schedule.

Russell

171. Russell Protection Society (INC) (S179.085) state the Moreton Bay Fig tree is one of the most photographed trees in Northland and will no longer be protected at the historic Police house once the property sells. The



submitter requests to insert the Morton Bay Fig tree at the Custom's home in Russell to the schedule of notable trees.

Indigenous Trees

172. Pacific Eco-Logic (S451.019) and Kapiro Conservation Trust (S442.163) states there are isolated mature Kowhai, Puriri and Pohutukawa trees in the coastal environment that may not be adequately protected in the district plan. The submitter requests to insert a new rule that requires consent to fell or significantly prune isolated mature indigenous trees such as Pohutukawa within the coastal environment or expand schedule 1 – schedule of notable trees to include all these trees.

173. Pacific Eco-Logic (S451.022) and Kapiro Conservation Trust (S442.166) support in part the schedule of notable trees, stating the schedule is incomplete as many notable indigenous trees and group of trees that have been excluded and suggests that this schedule protects some invasive alien pest plant specimens, which is inappropriate. The submitter requests to delete all pest plants from schedule 1 – schedule of notable trees so that they can be progressively removed as seed sources are being distributed far and wide by birds and wind. They wish to insert additional notable Pohutukawa in the Bay of Islands, contributing to its natural character and insert tall matai and kauri on the north shore of the Waikare Inlet.

Request to remove

Clendon Esplanade

174. David Truscott (S476.001) opposes the schedule of notable trees, and requests to delete tree number 137 from schedule 1 notable trees. The submitter requests that the tree's core rot has meant large branches have fallen including on to Clendon Esplanade and the tree has significant shading effect and limits the sites development potential.

Analysis

175. The following analysis and recommendations are based on the expertise of technical professional, Jon Redfern, and Appendix 3. Jon conducted a thorough assessment of each tree, providing detailed information on STEM scores, health and structural conditions, as well as offering a professional arboricultural opinion regarding whether each tree was a suitable candidate for inclusion in the notable tree schedule. The analysis outlined below has summarised points from Appendix 3, with further details available in the full decision provided in the appendix.

176. The STEM score serves as a guideline for assessing the health and structural integrity of a tree. A score of 130, as outlined in the S32 report, is considered the threshold for determining whether a tree is deemed healthy and structurally sound.



Requests to insert:

Moringai, Ahipara

177. I support the request to include the Pohutukawa tree at Moringai in the notable tree schedule. The tree received a score of 150 and holds cultural significance to Iwi, as referenced in the Ahipara Takiwā Environment Management Plan, Appendix 1: Wāhi Tapu, Moringai. Given these attributes, I believe the Pohutukawa is a valuable addition to the schedule, ensuring the protection of its cultural values. *L*

Landing Road

178. The Totara tree was assessed and received an updated STEM score of 157. The Totara tree is in good condition and has strong structural integrity. Additionally, I recognise the Totara is already listed in the NZ Notable Tree Register. Therefore, I support the submitters request.

Te Hue Cove

179. After reviewing Appendix 3, the Pohutukawa situated in Te Hue Cove exceeds the 130 STEM threshold with a score of 174. The tree is in fair health and structural condition and holds historic significance. Based on these attributes, I consider the tree an appropriate addition to the notable tree schedule.

Opunga Cove

180. I support the request from submission S175.001. The two Pohutukawa trees both exceeded the recommended 130 STEM score threshold, with scores of 180 and 192. It is acknowledged these trees are likely to be more than 100 years old, making them amongst the oldest in the region, while maintaining good health and structural integrity. Given these factors, both trees are strong candidates for individual inclusion in the schedule of notable trees.

Russell

181. I acknowledge the submitters request and wish to highlight that the Moreton Bay Fig located in Russell, by the Police Station, is already listed in the schedule of notable trees as tree number 44. The tree was assessed back in 2022 and received a STEM score of 234. Therefore, the Moreton Bay Fig is already protected under the schedule.

Indigenous Trees

182. I do not recommend any amendments to the Notable trees chapter in response to the relief sought by submissions S451.019 and S442.163 for rules to protect isolated mature Kowhai, Puriri and Pohutukawa trees and submissions S451.022 and S442.166 for inserting additional Pohutukawa, and tall Matai and Kauri. The submitters have not provided enough significant details on specific individual trees they wish to protect as notable trees. The Coastal Environment Chapter includes more stringent



controls of indigenous vegetation clearance within the coastal environment, with even more stringent controls in ONC and HNC area and these were considered in detail in Hearing 4. The Indigenous Biodiversity Chapter includes more general controls on clearance of indigenous vegetation which were also considered in Hearing 4.

183. In response to submission S451.022 and S442.166, technical expert, Jon Redfern, considers there are two or more pest plants in the existing notable tree schedule, consisting of sites 18 and 71. Mr Redfern has reassessed the STEM inputs with the consideration of pest plant attributes and the STEM now reflects a score of 120. With the STEM being below the 130 threshold, I support the submitters request.

Request to remove

Clendon Esplanade

184. After reviewing Appendix 3, tree number 137 from the notable tree schedule has a STEM score of 150 and is in good health. It cannot be definitively determined whether the branch loss is due to natural branch failure or pruning, and no core rot has been reported as affecting the trees health. I take into account the technical expert's assessment, which suggests that while the tree may be experiencing some stress, this is part of its natural cycle and does not undermine its high STEM score.
185. Additionally, it is important to note that this tree is situated among two other trees listed within the notable tree schedule, tree number 153 and 154, and is located within the Rawene Heritage Area – Part A and nearby heritage items, with feature 193 within the same site. Given this context, as well as the tree's health condition and significant historical surroundings, I believe the tree warrants its continued status within the schedule.
186. Refer to Figures 1, 2 and 3 below for the location of tree 137 and the surrounding heritage items. Please note the green arrows indicate other notable trees, the purple pentagon indicates Heritage Items, and the purple outline indicates Heritage Areas. The site is zoned as Mixed use in the PDP.



Figure 1: Site of notable tree 137 within dashed line.



Figure 2: Surrounding area showing the Heritage Area, nearby Heritage Items and notable trees.



Figure 3: Tree number 137 in the notable tree schedule.

Recommendation

Requests to insert:

Moringai, Ahipara

187. I recommend the Pohutukawa Tree at Moringai, Ahipara be accepted into the schedule for notable trees.

Landing Road

188. I recommend accepting the Totara Tree into the schedule.

Te Hue Cove

189. I recommend submission S154.001 be accepted.

Opunga Cove

190. I recommend the two Pohutukawa trees at Opunga Cove be accepted individually into the notable tree schedule.

Russell

191. I recommend accepting the submission from Russell Society Protection as the request is already within the notable tree schedule.



Indigenous Trees

192. I recommend submissions S451.019 and S442.163 are rejected.

193. I recommend submissions S451.022 and S442.166 are accepted in part.

Request to remove

Clendon Esplanade

194. I recommend rejecting submission S476.001 and retaining notable tree 137 within the schedule.

Section 32AA evaluation

195. The schedule has been updated to reflect submissions therefore, on this basis, no evaluation under Section 32AA is required.

6 Conclusion

196. This report has provided an assessment of submissions received in relation to the Notable trees chapter. The primary amendments that I have recommended relate to:

1. Amendment to the definition of Rootzone Area.
2. Minor amendments to policies and rules, including clarification.
3. The removal of the requirement to have a Level 6 Arborist.
4. Addition of trees to the notable tree schedule.

197. Section 5.2 considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the Notable trees chapter should be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations of this report and in Appendix 2.

198. I recommend that provisions for the notable trees matters be amended as set out in the notable trees in Appendix 1.1, 1.2 and 1.3 below for the reasons set out in this report.

Recommended by: Chloe Mackay, Policy Planner, Far North District Council.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 17.04.2025