

Gore Proposed District Plan

Hearing Stream 8

Part 2: District Wide Matters – Notable Trees

Section 42A of the Resource Management Act 1991

Section 42A Report – Notable Trees

Table of Contents

1. Executive Summary.....	4
2. Introduction	5
2.1 Author and qualifications	5
2.2 Code of Conduct	5
3. Scope of report and topic overview	6
4. Statutory considerations and planning framework.....	6
4.1 Resource Management Act 1991	6
4.2 National Planning Instruments and other Relevant Plans and Policies	7
4.3 Section 32AA evaluation	9
5. Background	10
5.1 Technical Reports	10
6. Consideration of submissions.....	11
6.1 Structure of the report	11
6.2 Overview of submissions.....	12
6.3 Format for consideration of submissions.....	12
6.4 Submissions in Support	13
6.5 General Submissions - Definitions.....	13
6.6 General Submissions	15
7. Consequential and Minor Amendments.....	39
8. Conclusions	40

Appendices

Appendix A – track change amendments to Notable Trees Chapter

Appendix B – Recommended response to submissions and further submissions

Interpretation

Abbreviations

Resource Management Act 1991	RMA or ‘the Act’
Gore District Council	GDC or ‘the Council’
Operative District Plan	ODP
Proposed District Plan	PDP
Southland Regional Policy 2017	RPS
National Planning Standards 2019	PS
National Policy Statements	NPS
Electricity (Hazards from Trees) Regulations 2003	Tree Regulations
National Environmental Standards for Electricity Transmission Activities Regulations 2009	NES - ET
National Environmental Standard for Telecommunication Facilities 2016	NES - TF
Permitted Activity	PA
Controlled Activity	CA
Restricted Discretionary Activity	RDA
Discretionary Activity	DA
Non-complying Activity	NCA
Standard Tree Evaluation Method	STEM

Submitters and Further Submitters Names Abbreviations

Environment Southland	ES
Gore District Council	GDC
Gore District Memorial RSA (Inc)	Gore RSA or ‘the RSA’
Hokonui Rūnanga Incorporated	Hokonui Rūnanga
Fulton Hogan	FH
Rural Ratepayers Group	RRG
Southland District Council	SDC
Southland Federated Farmers of New Zealand	Federated Farmers
Transpower New Zealand Limited	Transpower

List of Submitters and Further Submitters Numbers

Submitter No.	Submitter name
S41	Michele Gentle
S49	Gore District Memorial RSA (Inc)
S60	Ronald Crispin
S65	Gore District Council
S68	John Baynes
S85	Environment Southland
S101	Transpower New Zealand Limited
S115	Kevin Robertson
S122	Fulton Hogan
S126	Southland Federated Farmers of New Zealand
S136	Jenny Campbell
S139	Hokonui Rūnanga Inc Te Runanga o Ngai Tahu
S143	Rural Ratepayers Group
S146	Southland District Council
S148	Alistair & Bernadette Hunt
FS5	Hamish Weir

1. Executive Summary

1. The Proposed District Plan ("PDP") for Gore District was publicly notified on 31 August 2023. The PDP includes the Notable Trees chapter (TREE) to replace the current Significant Trees rules and schedule under the Operative District Plan ("ODP").
2. The purpose of the TREE Chapter is to enable and protect individual, and groups, of notable trees from damage or removal, whilst enabling certain activities to be undertaken for maintenance of the trees. Notable Trees are individual trees, or groups of trees, that make a significant contribution to cultural significance and/or the visual amenity of the district.
3. There were 28 submission points and 2 further submissions points received on this chapter. Submissions were generally supportive, plus some in opposition and a number of amendments to provisions sought including:
 - a new heritage tree schedule to recognise native and exotic tree species;
 - amendments to the Trees listed in the Tree Schedule to reflect that, since the report scheduling trees was completed in 2020, a number of trees have since been removed or relocated;
 - amendments to the Tree Schedule, by homeowners, and to remove trees that are weeds;
 - rewording policies and rules to remove reference to the Electricity (Hazards from Trees) Regulations 2003 to acknowledge activities are already permitted under this regulation;
 - redefining 'high quantifiable risk';
 - wording corrections to recognise mana whenua are the experts in matauranga and tikanga;
 - to provide for the ability to remove trees identified as weeds, causing wilding problems or altering the performance of a flood plain;
 - to recognise the need to consult and engage with landowners of notable trees located on private land;
 - to implement a more universal definition 'tree protection zone' that is recognised by suitably qualified arborists; and
 - amendment to TREE-P6 to provide reference to other relevant objectives and policies.
4. The report has been prepared in accordance with Section 42A of the RMA and outlines recommendations in response to the issues that have been identified through submissions. The report is intended to assist the Hearings Panel to make decisions on the submissions and further submissions on the PDP, and to provide submitters with an opportunity to understand how their submissions have been evaluated and the recommendations made by officers, prior to the hearing.

5. As a result of submissions, a range of changes have been recommended which are broadly summarised as follows:
- amend TREE-P1 to recognise that the identification of cultural values by a representative of mana whenua;
 - amendment to the Tree Schedule to remove TREE-45, TREE-58, TREE-68, TREE-69, TREE-85, TREE-86, and TREE-87 and note a location change for TREE-65.
 - a new definition of 'Tree Protection Zone' to replace 'Root Protection Area'.
 - amend TREE-P4, TREE-P5 and TREE-R2 to remove 'high quantifiable risk' and replace with 'risk' which is defined term when applied to historic heritage and notable trees.
 - amend TREE-R2 matters of controls to recognise the benefits to the health, safety, and wellbeing of people and communities.

2. Introduction

2.1 Author and qualifications

6. My name is Bridget Anne Sim. I am employed by the Gore District Council (GDC) as a Planner. I am the author of this report.
7. I hold a Bachelor of Science (BSCI) and Bachelor of Laws (LLB) from University of Canterbury, New Zealand. I am an Associate member of the New Zealand Planning Institute (NZPI), which brings with it obligations with regard to continuing professional development.
8. I have one years' experience in planning and resource management. My experience includes processing applications for resource consents. As part of my role for GDC I am assisting with the District Plan review hearing process.
9. I have relied upon expert evidence from Brad Cadwallader (Arborist) for this recommending report.

2.2 Code of Conduct

10. 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. Having reviewed the submitters and further submissions relevant to this topic I advise there are no conflicts of interest that would impede me from providing independent advice to the Hearings Panel. The opinions expressed in this evidence are based on my qualifications and experience and are within my area of expertise. If I rely on the evidence or opinions of another my evidence will acknowledge that position.
11. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearing commissioners ("Hearings Panel").

3. Scope of report and topic overview

12. This report considers the submissions and further submissions that were received by the Council in relation to Notable Trees chapter of the PDP. In addition, the provisions in the following chapters relating to the management of Notable Trees and mapping are also addressed:
 - Part 1: Interpretation – Definitions
 - Planning maps
13. The assessment of submissions will generally follow this format:
 - Submission information
 - Analysis of submissions
 - Recommendation and any amendments
 - Where an amendment is recommended a section 32AA assessment is provided.
14. Recommendations are made to either retain provisions without amendment, or delete, add to, or amend the provisions, shown by way of ~~strikeout~~ and underlining in red. **Appendix A** of this report contains a copy of the Notable Trees Chapter with all recommended amendments shown by way of ~~strikeout~~ and underlining in red.
15. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. Where this has been relied upon for minor correction it is noted in the body of this report.

4. Statutory considerations and planning framework

4.1 Resource Management Act 1991

16. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
 - Section 74 – Matters to be considered by territorial authorities; and
 - Section 75 – Content of District Plans.
17. As set out in the Section 32 Evaluation Report for Notable Trees, there are a number of higher order planning documents and other relevant plans that have provided direction and guidance for the preparation of the PDP. These documents and a comprehensive assessment of all relevant consultation and statutory considerations prior to public notification of the PDP are outlined in that Section 32 Report. The Section 42A Introduction, General Provisions and

Strategic Direction Report¹ also provides an overview of the relevant Statutory considerations, higher order planning documents and other relevant plans and policies.

18. It is not considered necessary to repeat all the detail of the relevant RMA sections and higher order documents in this report as these are covered within the relevant Section 32 Evaluation Report. However, where a higher order document is considered particularly relevant to the assessment of submissions or where there have been amendments to higher documents relevant to this topic these are discussed below.

4.2 National Planning Instruments and other Relevant Plans and Policies

Electricity (Hazards from Trees) Regulation 2003

19. The Electricity (Hazards from Trees) Regulations 2003 in New Zealand establish guidelines for managing trees near power lines to prevent electrical hazards. The regulations define safe distances, known as the growth limit zone, and require tree owners to keep trees trimmed to avoid interference with electricity lines. Network companies can issue 'cut or trim notices' if trees encroach on this zone and can perform the work if the owner fails to comply.
20. The Act provides for the protection of security of the supply of electricity, and the safety of the public through:
 - a) Prescribing distances from electrical conductors within which trees must not encroach; and
 - b) setting rules about who has responsibility for cutting or trimming trees that encroach on electrical conductor; and
 - c) signing liability if those rules are breached; and
 - d) providing an arbitration system to resolve disputes between asset owners and tree owners about the operation of these regulations.
21. Special protections exist for heritage or protected trees, requiring consent from local authorities before any trimming or removal. The regulations aim to balance public safety, electricity reliability, and environmental protection.
22. Regulation 14 of the Trees Regulations places an obligation on a lines owner to act, without delay, to undertake any work in relation to a tree (including the roots of that tree) if the asset owner becomes aware that there is immediate danger to persons or property from a conductor because of a tree. Electrical Distribution Businesses have generally interpreted this as meaning they are entitled to only access land in emergencies.²

¹ Gore Proposed District Plan: Hearing Stream 1 – Introduction, General Provisions and Strategic Direction: Section 42A of the Resource Management Act 1991 - [Hearing Stream 1 – Introduction, General Provisions and Urban Form and Development | Let's Talk Gore District \(goredc.govt.nz\)](#)

² [Review of the Electricity \(Hazards from Trees\) Regulations 2003 Discussion Document March 2023](#)

23. The Ministry of Business Innovation and Employment (MBIE) has reviewed and undertaken amendments to the Tree Regulations to improve safety and security of electricity supply. This has resulted in new amendments to address the regulations relating to the protective zone, the Growth Limit Zone (GLZ), around lines. These amendments came into force on the 17 October 2024. These proposed amendments have extended the protection zone to be 'clear to the sky' to prevent trees hanging over lines. These amendments will not affect existing dispensations and has the following exclusions:
- Above low voltage lines of 11kV or less, or insulated conductors, with spans of 150m or less, and;
 - Trees protected within local authorities' District Plans above lines of any voltage.
24. The MBIE amendment has identified that notable or protected trees within council District Plans are protected under this regulation from undergoing cutting or trimming that could affect their value to the community. These trees tend to be well maintained by Councils and so should not pose any significant risk to lines.

National Environmental Standards for Electricity Transmission Activities Regulations 2009

25. The NES-ET sets out a national framework of permissions and consent requirements for activities on existing electricity transmission lines. Activities include the operation, maintenance and upgrading of existing lines. They set out which transmission activities are permitted, subject to conditions to control the environmental effects.
26. Clause 30 of the NES-ET outlines that trimming, felling or removing any trees or vegetation in relation to an existing transmission line, is a permitted activity unless a specific rule within a local authority district plan or regulations that prohibits or restricts this.

National Environmental Standard for Telecommunication Facilities 2016

27. The NES-TF provides specific requirements and standards for the installation, operation, and maintenance of telecommunications facilities.
28. Clause 44 of the NES-TF directs that the requirements of the relevant district plan must be met where any work is to be undertaken within the dripline of any protected tree within road reserve.
29. Clause 45 of the NES-TF identifies that the regulated activity, undertaken outside road reserve, but within the dripline of a tree or group of trees, can occur if the regulated activity is carried out in accordance with the district tree protection rules that apply in relation to that tree.

Southland Regional Policy Statement 2017

30. The Southland Regional Policy Statement 2017 (RPS) sets out the framework and priorities for resource management in the region. The RPS identifies the regionally significant issues around the management of the Region's natural and physical resources and sets out what needs to be achieved (objectives) and the way in which the objectives will be achieved (policies and methods). The PDP is required to give effect to the RPS as required by section 75(3) of the RMA.

31. The RPS does not provide any specific direction in relation to notable trees or any policy support for the method of protecting trees of local significance, only historic heritage in general. There is a reference to heritage trees as part of the range of historic heritage resources across Southland. The following provisions have relevance to the topic:

Policy HH.1 – Public awareness and appreciation

Promote public awareness and appreciation of Southland’s historic heritage.

Policy HH.2 – Protection of historic heritage

Avoid, mitigate and, where appropriate, remedy adverse effects on historic heritage values from inappropriate subdivision, use and development. On a case-by-case basis take into account factors such as the significance of heritage values, financial cost and technical feasibility when making decisions relating to the protection of historic heritage.

32. The RPS notes that:

The contribution of an historic heritage resource to Southland’s identity and culture will depend on the nature and significance of the resource. Some heritage values are being modified or damaged by subdivision, use and development. Local authorities have an obligation under Section 6(f) of the Act to protect historic heritage values.

33. The protection of trees in a district for the purpose of maintenance of amenity and quality of the environment is an issue for a district council to determine. The identification of trees for protection through methods within Gore District assists in recognising this broader RPS provision. The methods for the protection of identified archaeological sites, buildings, structures and items of particular historic heritage value to the district are assessed separately in the section 32 evaluation report for the Historic Heritage Chapter.
34. The RPS also provides for the strategic integration of infrastructure with land use and the environment to enable development, expansion and maintenance of this infrastructure. Policy INF.1 – Regional, national and critical infrastructure aims to recognise the benefits to be derived from, and make provision for, the development, maintenance, upgrade, and ongoing operation of regionally significant, nationally significant and critical infrastructure and associated activities.

4.3 Section 32AA evaluation

35. Any recommended amendments to provisions since the initial section 32 evaluation was undertaken are evaluated in accordance with section 32AA. Section 32AA states:

32AA Requirements for undertaking and publishing further evaluations

(1) further evaluation required under this Act-

- (a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*
- (b) must be undertaken in accordance with section 32(1) to (4); and*
- (c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*
- (d) must—*

- (i) *published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*
 - (ii) *be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*
- (2) *To avoid doubt an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*
- (3) *In this section, proposal means a proposed statement, national planning standard, plan, or change for which a further evaluation must be undertaken under this Act.*
36. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to the topic of this report is contained within the assessment of the relief sought in submissions in section 6 as required by s32AA(1)(d)(ii).
37. The Section 32AA 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.

5. Background

38. The Section 42A Introduction, General Provisions and Strategic Direction Report prepared for Hearing Stream 1, includes details of the PDP notification, submission statistics and a general overview of the background to the PDP. In addition, the report provides an overview of National Planning Instruments and other Policies and Plans relevant to the PDP as a whole.
39. The Section 32 Evaluation Report for Notable Trees Chapter3 is relevant to this section 42A report. The section 32 Evaluation Report outlines the development of the provisions and provides a comprehensive analysis of the provisions.

5.1 Technical Reports

40. Individual technical reports⁴ were prepared for each of the trees or group of trees listed in the notable tree schedule by Arborist, Brad Cadwallader in 2020. These technical reports helped inform the review of the Operative District Plan and the development of provisions in the Proposed District Plan. Mr. Cadwallader undertook these individual technical reports for the notable tree/s providing a technical expert assessment using the Standard Tree Evaluation Method (STEM).
41. The STEM assessment, as composed by Ron Flook, is the most commonly used evaluation method around New Zealand. It is recognised by the New Zealand Arboricultural Association and the Royal New Zealand Institute of Horticulture as the most widespread method for evaluating

³ [Section 32 Reports | Let's Talk Gore District \(goredc.govt.nz\)](https://goredc.govt.nz/section-32-reports)

⁴ [Technical Reports | Let's Talk Gore District \(goredc.govt.nz\)](https://goredc.govt.nz/technical-reports)

heritage and notable trees for district plans around the country. Through STEM, trees are evaluated on:

- Condition and health – Including form, occurrence, vigour and vitality, function and age.
 - Amenity and community benefit – Including stature, visibility, proximity, role and climate.
 - Notability – Including Stature, Historic, and Scientific recognition.
42. There is no national STEM threshold score that determines whether a tree is notable enough to be scheduled in a District Plan. A threshold that is set too low would dilute the value of the schedule overall and a threshold that is set too high may exclude trees that are valued by the local community. Where STEM has been used around the country, this threshold figure has been determined by each Council. This approach has enabled them to have the flexibility to apply an appropriate threshold to recognise local climates and context to growing conditions. In the PDP, Gore District Council have held that trees that have scored 100 or higher on the STEM have been scheduled as a notable tree or group of trees.
43. The schedule of significant trees in the ODP forms the foundation for creating an updated schedule of Notable trees for the PDP. The Council commissioned Cadwallader Tree Consultancy to review the current schedule of significant trees in Table 4.3 of the ODP. This involved an Arboricultural specialist visiting each tree or group of trees to check that the trees are accurately located on the current records and to assess them against the STEM. The Council (Parks and Reserves Department) holds a copy of the STEM Assessments Manual.
44. Concluding the review of the schedule, 94 individual STEM reports were conducted and prepared in association with the Notable Trees Chapter, and these have been considered in relation to the drafting of the chapter.

6. Consideration of submissions

6.1 Structure of the report

45. Submissions on Notable Trees have raised a number of issues which have been grouped by plan provision within this report, where there are limited submissions on plan provisions these may be grouped if there are common themes. I have considered substantive commentary on primary submissions and further submissions as part of my consideration.
46. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission-by-submission approach. I have organised the evaluation in accordance with the layout of the chapter of the PDP as notified.
47. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in Appendix B.
48. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of

submission table in Appendix B. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter with recommended amendments in response to submissions as Appendix A.

49. This report only addresses definitions and submissions on mapping specifically relevant to this topic. Definitions that relate to more than one topic and general mapping submissions have been addressed in the Section 42A Introduction, General Provisions and Strategic Direction Report.

6.2 Overview of submissions

50. The submission period ran from 31 August to 26 October 2023 and was then extended to 27 November 2023 by Council resolution. Council received 130 submissions containing 5542 submission points.

51. A total of 28 submissions and 2 further submissions are addressed in this section of this report. A list of submitters on this Notable Tree Chapter is provided at the start of the report.

52. Submissions were generally supportive with minor amendments while some submissions were in opposition and sought a number of amendments to provisions and wording including:

- a new heritage tree schedule to recognise native and exotic tree species;
- amendments to the Trees listed in the Tree Schedule to reflect that, since the report scheduling trees was completed in 2020, a number of trees have since been removed or relocated;
- amendments to the Tree Schedule, by homeowners, and to remove trees that are weeds;
- rewording policies and rules to remove reference to the Electricity (Hazards from Trees) Regulations 2003 to acknowledge activities are already permitted under this regulation;
- redefining 'high quantifiable risk';
- wording corrections to recognise mana whenua are the experts in matauranga and tikanga;
- to provide for the ability to remove trees identified as weeds, causing wilding problems or altering the performance of a flood plain;
- to recognise the need to consult and engage with landowners of notable trees located on private land;
- to implement a more universal definition 'tree protection zone' that is recognised by suitably qualified arborists; and
- amendment to TREE-P6 to provide reference to other relevant objectives and policies.

6.3 Format for consideration of submissions

53. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
 - Assessment;
 - Summary of recommendations; and
 - Section 32AA assessment
54. The recommended amendments to the relevant chapters are set out in **Appendix A** of this report where all text changes are shown in a consolidated manner.

6.4 Submissions in Support

6.4.1 Matters raised by submitters

55. The Notable Tree provisions and Historical and Cultural Values map layers – TREE-MAP is supported by Southland District Council (S146.033) and (S146.100) and no amendments are proposed.

Assessment

56. Support for the provisions and mapping are acknowledged and are accepted subject to changes recommended in the detailed assessment of individual submissions.

Recommendation

57. No amendments are recommended. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

6.5 General Submissions - Definitions

6.5.1 Matters raised by submitters – Interpretation - Root Protection Zone

58. Kevin Robertson (S115.043), Federated Farmers (S126.042), Rural Ratepayers Group (S143.054), Alistair & Bernadette Hunt (S148.055), Ronald Crispin (S60.045) and John Baynes (S68.163) seek the 'Root Protection Zone' definition in the Interpretation Chapter is changed to the 'Tree Protection Zone' as the term is used in a number of plans and policies in New Zealand and recognised by suitably qualified arborists.

Assessment

59. The PDP Notable Trees Chapter refers to Root Protection area in TREE-R3. This is defined under the Interpretation Chapter to be:

Root Protection area: Means the circular area of ground surrounding a notable tree, for a distance of 12 times the diameter of the tree 1.5 metres above ground level.

60. Root Protection Area is not defined under the RMA or National Planning Standards 2019, but notable trees are required to be included under the Historical and Cultural Values and for Councils and experts to determine the appropriate definition. The Section 32 Report identified that a definition of 'Root Protection Area' was proposed in the draft National Planning Standards, however this definition was not included in the 2019 operative version. Currently there is no New Zealand standard or recommended approach to determining the root protection area of notable trees. Due to this, Councils that have recently undertaken a district plan review have variable definitions in the TREE Chapter relating to the root protection area or tree protection zone.
61. Mr. Cadwallader, has indicated that 'Root Protection Area' is a term that arises from the British Standards and the earlier version of the Australian Standard. It has now become more commonly standardised in New Zealand and Australia as 'Tree Protection Zone'.
62. The New Zealand Arboricultural Association supports and uses the term 'Tree Protection Zone (TPZ)'. This has the following meaning:
- Tree Protection Zone: means a circle taken from the centre of the trunk with a radius equal to 12 times the diameter of the trunk measured at 1.4m diameter at breast height (DBH) above ground level.*
63. Other Councils across New Zealand are now adopting this international standard term in their definition and Notable Tree Chapter. Reviewing other recent council Notable Trees Chapters (Selwyn District Council Proposed District Plan and Nelson City Council Draft District Plan), the term and definition for Tree Protection Zone has been adopted. Implementing this definition would provide consistency with other councils and arborists nationally when being implemented. Mr Cadwallader expert opinion is that there is no substantial difference in measuring the tree protection area at 1.4m or 1.5m in diameter above ground level.
64. I recommend the changes are accepted because the proposed definition provides national consistency and does not change the intent of the relevant district plan objectives and policies.

Recommendation

65. I recommend, for the reasons given above, to accept the definition change sought to 'Root Protection Area' under the Interpretation Chapter to replace with a new definition, 'Tree Protection Zone' as follows:

~~Root protection area~~

~~Means the circular area of ground surrounding a notable tree, for a distance of 12 times the diameter of the tree 1.5 metres above ground level.~~

Tree Protection Zone (TPZ)

Means is a circle taken from the centre of the trunk with a radius equal to 12 times the diameter of the trunk measured at 1.4m diameter at breast height (DBH) above ground level.

66. It is noted as a result there are consequential changes to TREE-R3 that need to be undertaken if this new definition is adopted. The heading for TREE-R3 refers to 'root protection area' and this will need to be changed to reflect the new definition 'tree protection zone'.
67. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

68. The following evaluates the recommendation to add, amend and delete the definition included in the recommendation section above, under section 32AA of the RMA.

Effectiveness and efficiency

The proposed amendment will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefit of the amendment is that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for unnecessary resource consents to be required if the proposed amendments are not made. There may also be confusion from arborists and general public when using the Root Protection Zone rule if the proposed amendment is not made.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.6 General Submissions

6.6.1 Matters raised by submitters - Tree Schedule

69. Jenny Campbell (S136.015) requested a Heritage Tree Register for both native and introduced species.
70. Gore District Council (S65.002) seeks to amend the Notable Tree Schedule after being advised by the Parks and Recreation Manager that some trees have since died or been removed, to ensure the PDP is up to date.
71. Michele Gentle (S41.001) seeks to remove the listed notable tree (TREE-59) from the schedule due to concerns about the hazard that may result from the tree, and that it reduces amenity of the property in respect to sunlight.

72. Gore District Memorial RSA Inc. (s49.001) seeks to remove two beach trees on the south-western entry way to the cenotaph, located off Fairfield Street, grouped under TREE-9 and replace with new plantings.
73. Environment Southland (s85.014) (s85.015) (s85.016) seeks to remove TREE-14, TREE-23 and TREE-81 from the Notable Tree Schedule due to sycamore and silver birch tree species being known weedy trees that could spread.

Assessment

74. In response to Jenny Campbell (s136.015) the trees listed on the Notable Tree Schedule provided for under the TREE Chapter have been assessed utilising the nationally recognised STEM assessment. This assessment as identified in paragraph [40 – 44], the most widespread method for evaluating heritage and notable trees for district plans around the country. This includes the condition and health of the tree, the amenity and community benefit and the notability of the tree or group of trees.
75. The STEM assessment therefore assesses the heritage and amenity value of tree species and has the ability to refer to both native and introduced species of trees. I do not consider it necessary to have a heritage tree register for both native and introduced species as the Notable Tree Schedule is able to identify both. As such the submission point is rejected.
76. In response to Gore District Council (S65.002) a full review of the Notable Tree Schedule was undertaken between 30 January 2024 and 10 May 2024 to determine which trees were still present to provide an updated and accurate schedule. This involved site visits to all of the listed trees on the schedule to determine if the tree or group of trees were still present and in accordance with the individual STEM reports.
77. The review found that since the 2020 STEM assessments undertaken by Mr Cadwallader, six trees have since been removed and one tree relocated. These trees are as follows:

Unique Identifier	Site identifier	Tree removed
TREE-45	82 Ruia Street	Yes
TREE-68 and TREE-69	49 Coutts Road	Yes
TREE-85, TREE-86 and TREE-87	7 Lewis Street	Yes
TREE-65	136 Broughton Street	Yes - Relocated

78. TREE -65 was relocated to Dolamore Park after resource consent (OTHR 2020/23) permitted the removal of the protected kauri tree for the upgrade of the stormwater system in Elizabeth Street. The tree has survived the relocation and therefore the address should be updated to reflect the new location.
79. I note that the remaining trees listed in the above table have been removed without a resource consent. I consider that it is necessary to remove these trees from the tree schedule as they are no longer applicable to the rules and objectives of the Tree Chapter. This ensures consistency and accurate information for the wider district and Council. The trees that are no longer in situ will be investigated through council's regulatory functions. This sits outside of this process.
80. Environment Southland (s85.014) (s85.015) (s85.016) are seeking to remove three notable trees or groups of trees from the schedule due to being species of silver birch and sycamore, which they consider are weedy and could spread.
81. These trees being TREE-14, TREE-23 and TREE-81.
82. I note that ES in their submission has identified that TREE-23 is a silver birch, however the STEM report identifies that TREE-23 species is a giant redwood and perhaps ES meant to identify TREE-24 which is identified as silver birch. I invite ES to discuss this at the hearing.
83. Silver birch and sycamore trees are non-native trees to New Zealand. Environment Southland's Southland Pest Hub has identified that silver birch is "listed as an organism of interest as it will form a dense canopy which suppresses the growth of low growing native species".⁵ Mr Cadwallader observes that silver birch trees are not known to be a problem weedy tree in the urban environment. TREE 24 is located adjacent to the Maruawai College school field, a well-maintained space. These trees are estimated to be 40-80 years in age so have been well established in the area. Council's arborist, Mr Cadwallader did not observe birch trees to be self-seeding and becoming a weed in the school grounds and adjacent residential properties. TREE-81, also a silver birch is located on a private section, surrounded by other vegetation in a well-established urban setting.
84. Mr Cadwallader identifies that sycamore trees are known to be problematic trees on unmanaged sites, as they are known to have the ability to spread. This depends on the location of the tree. Environmental Southland's Southland Pest Hub identifies the species as "seedlings grow rapidly, and it is a competitive coloniser of open sites."⁶ It is acknowledged that this species of tree present self-seeding problems however, Council's arborist, Mr Cadwallader has indicated that "although these can spread like any other tree, it depends upon the environment that the trees are located in". For example, trees that are located in well-established urban areas do not have the ability to spread as freely, reducing the risk of the tree spreading. Mr Cadwallader does note that these trees can become problematic if they are not maintained in open spaces. TREE-14 is located in the Triangle Reserve and consists of a number of tree species. Due to the location of these trees and that this area is maintained by Gore District Council, Mr

⁵ [Southland Pest Hub – Silver Birch.](#)

⁶ [Southland Pest Hub – Sycamore.](#)

Cadwallader did not observe the sycamore to be self-seeding and becoming a weed at this location.

85. The trees listed on the District Plan have been identified to have high amenity and heritage value, which would override the potential weed problems that the tree is associated with given their location and current maintenance. When future notable trees are required to be assessed, this will be in accordance with the STEM assessment standard. Here the arborist would consider the species of the tree, the location of the tree and therefore any problems associated with this, such as potential for becoming a weed. This provides an appropriate and effective measure to ensure that trees listed and protected under the PDP would not result in a self-seeding weed problem. I therefore recommend rejecting these submission points from ES.
86. In response to Gore District Memorial RSA Inc. (\$49.001) no amendments to the schedule are recommended. The submitter has not provided expert input from an arborist to corroborate the submission in relation to the location of the tree roots and their resultant hazard. The rules under the chapter do however provide a consenting pathway to enable notable trees listed to be removed under TREE-R2 via a controlled activity resource consent, if the tree(s) no longer meet the STEM threshold to be classed as notable; or there is a high quantifiable risk to people, property, buildings or infrastructure. This provides an appropriate pathway for the trees to be removed by resource consent as a controlled activity provided the rule conditions are met. The rule conditions require that tree(s) no longer meeting the STEM threshold or there is a risk to people, property, buildings or infrastructure with the appropriate arboricultural advice. If the trees do not meet the rule conditions of TREE-R2, then there is the ability to apply for a discretionary resource consent.
87. The STEM report for TREE-9 which these two trees form, has a very high STEM score being 237 in respect to the condition and amenity of the group of trees. The STEM report contains a note that the Gore Domain area is a very high public utility area and the trees that comprise a significant contribution to the Gore urban landscape. These two trees are located close to the Gore Soldiers Memorial monument and trees that are generally planted close to monuments are for a commemorative and significant reason. Given objective TREE-O1 requires the retention of trees or group of trees with high botanical, heritage, cultural and/or amenity values, I reject this submission to remove the trees from the schedule and recommend that the tree listing is retained.
88. In response to Michele Gentle (\$41.001) no amendments to the schedule are recommended. The submitter has not provided expert input from an arborist to corroborate the submission in relation to the health of the tree. The rules under the chapter do however provide a permitted pathway to enable notable trees to be trimmed or removed if the rule conditions are met. These rule conditions relate to trimming in accordance with recognised arboricultural practice so as to retain a natural shape, form and branch habitat for that particular species; and branches which are less than 75mm in diameter. Broken branches, deadwood or diseased vegetation may also be removed.
89. Mr Cadwallader has identified that 75mm in diameter is sufficient area in size for branches to be trimmed. This provides for appropriate pathways for the tree to be trimmed if there are impacts on the nearby powerlines or creates shading as identified by Michele Gentle without the requirement of a resource consent. The Council under the Gore Parks, Recreation and

Facilities Strategy 2019 has identified that its future intention is to provide assistance for 'protected and significant tree maintenance'. Enabling monetary relief or assistance with maintenance sits outside of the Resource Management processes. This will be a decision of full council elected members. Whilst this is a strategy and not binding, it indicates Council's future intentions towards providing assistance to maintenance of these notable trees.

90. With regards to the concerns of the size of the tree and potential damage during high winds, the PDP provides an appropriate pathway for trees to be removed as a controlled activity if the tree has deteriorated and either no longer meets the STEM threshold or is a risk to people, property, buildings or infrastructure.
91. The submitter also questioned the species of the tree of TREE-59 (11 Norton Street), stating that Keith McRobie, Parks and Recreation Manager for Gore District Council believes that the tree was not an Evergreen Ash and a type of deciduous tree. The tree was identified on the schedule and the individual STEM report as being a *Fraxinus uhdei* (evergreen ash).
92. To determine the correct species of the tree and ensure that the STEM report correctly identified the species of the tree was accurate, a tree sample was taken on the 11 March 2024 and sent to be identified by Manaaki Whenua - Landcare Research lab. The results were received on 26 March 2024 and confirmed that the tree species was not correctly identified on the schedule.⁷ The report concluded that the tree species was *Fraxinus excelsior* L. – European Ash. An updated STEM assessment report has been prepared by Mr. Cadwallader to reflect the change of species, is attached as Appendix C.
93. In a corrected STEM report for TREE - 59, based on the correct species the tree scored 'excellent' in the vigour and vitality category under the condition evaluation. The tree is also in excellent condition, it is stable and not a safety risk. The tree overall has been identified to have a high STEM score and in my opinion it would be inappropriate to see the tree removed from the schedule for these reasons. I therefore reject this submission.

Recommendation

94. I recommend, for the reasons given above, that the Notable Tree Schedule is amended as follows:

Unique identifier	Site identifier (address)	Species	Common name	STEM score	Tree record
TREE-45	82 Ruia Street	<i>Juglans regia</i>	common-walnut	123	[link]
TREE - 59	11 Norton Street	<i>Fraxinus uhdei</i>	Evergreen Ash <u>European ash</u>	177 <u>159</u>	[link]

⁷ Manaaki Whenua Landcare Research – Ines Schönberger – Herbarium Manager letter 26 March 2024.

		<i>Fraxinus excelsior</i>			
TREE-65	~~136 Broughton Street Dolamore Park Reserve~~	<i>Agathis australis</i>	kauri	129	[link]
~~TREE-68~~	~~39-49 Coutts Road Gore~~	~~<i>Tilia platyphyllos</i>~~	~~large-leaved lime~~	~~126~~	~~[link]~~
~~TREE-69~~	~~39-49 Coutts Road Gore~~	~~<i>Tilia platyphyllos</i>~~	~~large-leaved lime~~	~~132~~	~~[link]~~
~~TREE-85~~	~~7 Lewis Street North~~	~~<i>Cedrus atlantica</i>~~	~~blue Atlas cedar~~	~~132~~	~~[link]~~
~~TREE-86~~	~~7 Lewis Street North~~	~~<i>Cedrus deodara (2)</i>~~	~~deodar cedar~~	~~156~~	~~[link]~~
~~TREE-87~~	~~7 Lewis Street North~~	~~<i>Fagus sylvatica</i>~~	~~English beech~~	~~144~~	~~[link]~~

95. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

96. The following evaluates the recommendation to amend the TREE Schedule under section 32AA of the RMA.

Effectiveness and efficiency

Removing TREE-45, TREE-68, TREE-69, TREE-85, TREE-86, and TREE-87 from the schedule will result in a more accurate representation of the TREE schedule. These trees are no longer present and, as such, the amenity and/or heritage values do not require protecting. It would be ineffective for the rules to apply to physical elements that no longer exist. As discussed, the reasons for the removal of the trees and any consenting obligations will lie with the council enforcement process. TREE-65 requires updating the location of TREE-65 to reflect its new site and will improve the effectiveness of the plan.

Updating the tree schedule that is associated with the TREE Chapter will enable the Council to effectively administer the PDP in a clear and consistent manner by having rules that relate to present trees.

Retaining TREE-14, TREE-23, TREE-59, TREE-81 and TREE-9 on the schedule recognises the trees have amenity and heritage significance to the urban and rural areas. The trees have been identified as prominent natural features and landmarks that add character and amenity to the district. This is effective at achieving TREE-O1 which seeks to retain trees and group of trees with high botanical, heritage, cultural and/or amenity values. Maintenance of the tree may be undertaken if in accordance with TREE-R1.

Costs and benefits

The benefit of the amendment is that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner.

Retaining TREE-59 may result in some economic costs to the owner of the tree. In particular, there are greater requirements to engage arborists to undertake trimming, to supervise activities within the root protection zone, or to commission reports to support a resource consent application. However, these costs are not unreasonable given the tree can still be maintained and trimmed without the need for a resource consent provided they meet rule conditions of TREE-R1. The tree has been recognised to have environmental benefits to the present and future generations of the Gore District. This contributes to the local character and the amenity of the district for residents and visitors.

Retention of TREE-14, TREE-23, TREE-59, TREE-81 and TREE-9 will provide environmental, social and cultural benefits to the wider community, meeting the objectives of the TREE Chapter. The overall benefits of retaining of this tree outweigh the cost.

Risk of acting or not acting

There may be confusion if there are trees listed on the schedule that are meant to be protected but are no longer present, if the proposed amendment is not made. This may undermine the integrity of the schedule if trees are missing.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the objective of the Tree Chapter and the purpose of the Act than the notified version of the PDP.

6.7 Notable Tree Chapter - Specific and additional Provisions

6.7.1 Matters raised by submitters – TREE-P1 and additional provisions

97. Hokonui Runaga Inc (s139.057) seek to recognise that Mana Whenua are the experts in mātauranga and tikanga. The submission seeks to amend TREE-P1 as follows:

Identify *notable trees* and notable groups of trees on the basis of an assessment undertaken by an arborist, holding a qualification approved by the NZ Qualification

Authority, utilising the Standard Tree Evaluation Method (STEM), or where relevant, a ~~Māori cultural expert~~ mana whenua representative.

98. Kevin Robertson (S115.043), Federated Farmers (S126.042), Rural Ratepayers Group (S143.054), Alistair & Bernadette Hunt (S148.055), Ronald Crispin (S60.045) and John Baynes (S68.163) support the recognition and identification of notable trees with the Notable Tree Chapter. They seek to include a new policy as follows:

Consult and engage landowners where a notable tree or trees is located on private land.

99. Hamish Weir (FS5.32) supports this amendment.

Assessment

100. Through the plan review process and hearings held on the Mana Whenua chapter, amendments have been conferred between the Council's s42a reporting officer and the Hokonui Runanga representative. In relation to Ngāi Tahu cultural values I agree that reference to 'mana whenua representative' is a better way to reflect mātauranga and tikanga values. I recommend the submission is accepted.
101. In response to Kevin Robertson (S115.043), Federated Farmers (S126.042), Rural Ratepayers Group (S143.054), Alistair & Bernadette Hunt (S148.055), Ronald Crispin (S60.045) and John Baynes (S68.163) TREE-P1 currently provides for the Council to identify notable trees and groups. To add trees to the schedule would require a plan change and through that process landowner consultation would be undertaken. This would require a notification process so the owner would be notified and consulted with. I do not think it is necessary to include the sentence as part of the policy TREE-P1 or a new policy.
102. I consider that the TREE-P1 already considers this requirement to engage with landowners and therefore do not recommend any changes in this regard.

Recommendation

103. I recommend, for the reasons given above, that policy TREE-P1 is amended as follows:

Identify notable trees and notable groups of trees on the basis of an assessment undertaken by an arborist, holding a qualification approved by the NZ Qualification Authority, utilising the Standard Tree Evaluation Method (STEM), or where relevant, a mana whenua representative.

104. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

105. The following evaluates the recommendation to add, amend and delete the definition included in the recommendation section above, under section 32AA of the RMA.

Effectiveness and efficiency

The proposed amendment will enable the Council to effectively administer the PDP in a clear and consistent manner.

Costs and benefits

The benefits of the amendment is that it is clear what is required in terms of PDP administration, and the PDP is interpreted in a consistent manner. There are no apparent costs with the proposal.

Risk of acting or not acting

There is the potential for uncertainty as to the appropriate person to comment on cultural values if the proposed amendments are not included to this policy. This is considered to improve its intent.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the objective than the notified version of the PDP.

6.7.2 Matters raised by submitters – TREE-P4

106. Transpower (S101.047) support in part TREE-P4 but seek it is amended to enable trimming to be undertaken without there being high quantifiable risk. Amend TREE-P4 as follows:

Subject to being undertaken in accordance with recognised arboricultural practices, or where relevant, Māori cultural practices, enable: ... 2. The trimming of any notable tree or trees within notable groups of trees where....(c) there is a ~~high~~ quantifiable risk to people, property, buildings or infrastructure; or (...)

Assessment

107. TREE-P4 provides direction to tree owners, the general public and decision makers how to maintain notable trees through trimming to ensure the retention of the trees. This gives effect to TREE-O1. The policy also provides direction to decision makers and plan users when implementing TREE-R1. Policy TREE-P4 considers that in various situations where there is considered to be a high quantifiable risk to people, property, buildings or infrastructure a notable tree needs to be trimmed to remove the risk. This enables notable trees to be retained in accordance with the objective of the chapter whilst also recognising that trees may deteriorate or become a hazard to the surrounding environment
108. Quantifiable risk is a risk-based assessment, where it is the measurable likelihood of an adverse event occurring, expressed in terms of probability and potential impact, often using numerical data or statistical models. Removing the word 'high' from this phrase would mean that the risk-based assessment would indicate that any risk from the tree to people, property, buildings or infrastructure can be considered. This establishes a low threshold that a tree may pose a risk to either people, property, buildings or infrastructure.

109. Having a low threshold would mean that there will be more instances that individuals could argue that a notable tree poses a risk to people or property and is required to be extensively trimmed. For example, with the removal of the word 'high' from the risk assessment, any risk due the overhanging of tree branches and location to a house, could result in extensive trimming that may harm the tree or degrade its value. Removing the word 'high' from the risk assessment may create a low threshold. Therefore, notable trees would be subject to more instances where they are able to be trimmed, thus reducing their amenity value and potentially risking their overall status under the notable tree schedule and the achievement of TREE-O1.
110. Ministry of Business, Innovation and Employment (MBIE), when reviewing the Tree Regulations, indicated that there is a key concern found through consultation that the amenity value of vegetation was not given enough weight as part of the decision process in the Tree Regulations.⁸ MBIE identified that a risk-based approach to manage vegetation could be appropriate. Although MBIE has not provided a conclusive answer on the risk-based approach I consider that the approach of 'high quantifiable risk' ensures that there is a risk-based approach when trimming is being taken into consideration, and that the bar is set high. This high threshold is necessary in order to achieve TREE-O1 and provide sufficient protection.
111. The submission from Transpower however raises an important point in respect to how 'high quantifiable risk' is to be assessed by an individual and by decision makers in a practical sense. The term 'high quantifiable risk' is potentially a value that is hard to measure consistently and does not necessarily provide a practical limit to be referenced in a rule to which this policy relates to. A quantifiable risk refers to the potential for loss or harm that can be measured and expressed in numerical terms.
112. Reviewing other Council policies relating to trimming of notable trees there is a wide range of terminology used to reference when trimming is to be undertaken.

District Council	Policy	Details
New Plymouth District Council	Yes	Trimming and maintenance in the root protection area where it is necessary to prevent a serious threat to people or property
Timaru District Council Proposed District Plan	Yes	Does not mention any risk based assessment
Nelson Draft District Plan	Yes	Management of notable trees which reduces hazard risk from dead, dying or damaged material.

⁸ [Review of the Electricity \(Hazards from Trees\) Regulations 2003 Discussion Document March 2023](#)

Wellington Proposed District Plan	Yes	Trimming and pruning of notable trees where the works are essential due to a serious threat to people or property.
The West Coast Regional Council (Te Tai o Poutini Plan)	Yes	Trimming and pruning of notable trees where the works are necessary to prevent a serious threat

113. From reviewing these different district plans there is a common phrase that has been used in relation to trimming of trees, being 'serious threat'. This provides a common theme between district councils and shows that there is a similar risk-based assessment taken. I note however that 'serious threat' is not defined in any of the plans and so the same issues arise in terms of clarity around what amounts to the threshold.
114. Heritage New Zealand Pouhere Taonga (HNZPT) through their further submission on the Historic Heritage provisions agree that the term 'significant risk' is ambiguous. HNZPT recommends the term 'risk' rather than 'significant risk' should be used and a definition of 'risk' in accordance with the Building Act 2004 should be included for clarity.
115. I recommend that the submission from Transpower is accepted in part. I recommend including a definition of 'risk' to be applied to historic heritage buildings and notable trees. This ensures consistency between the two chapters.

Recommendation

116. I recommend for the reasons given above that:

TREE - P4 Subject to being undertaken in accordance with recognised arboricultural practices, or where relevant, Māori cultural practices, enable: ...

2. The trimming of any notable tree or trees within notable groups of trees where: ...

(c) there is a ~~high-quantifiable~~ risk to people, property, *buildings* or *infrastructure* or ...

117. A new defined term is inserted into the plan as follows:

risk

In relation to an *historic heritage* item or *notable tree* or trees the risk posed by the item has the same meaning as per Section 133BV of the Building Act 2004 — means a risk to:

(a) persons, of injury or death; or,

(b) critical infrastructure, of damage or disruption to its operation or use.

118. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

The following evaluates the recommendation to add, amend and delete the definition included in the recommendation section above, under section 32AA of the RMA.

Effectiveness and efficiency

The proposed amendment will enable the Council to effectively administer the PDP in a clear and consistent manner and will give effect to objective TREE-O1 in that it will facilitate the trimming and maintenance of notable tree or group of trees in a manner that minimises loss of notable tree values. The term 'risk' when defined is better understood than high quantifiable risk by RMA practitioners and provides clarity, focus and proper action within the risk management process. This will enable an effective and efficient risk assessment to be undertaken in accordance with the TREE Chapter.

Costs and benefits

The benefit of the amendment is that it provides Council and individuals with an assessment criteria which is better understood in respect to the level of risk and reflects the high threshold that trimming beyond the permitted standard may only be undertaken where it poses a significant risk to people, property, buildings or infrastructure. There are no apparent costs with this amendment.

Risk of acting or not acting

There is the potential for notable trees to be detrimentally trimmed if a risk assessment is not implemented into the policy. If 'high' was to be removed alone this would establish a lower threshold for risk assessment potentially resulting in trees being excessively trimmed removing their amenity and heritage values. This would not achieve TREE-O1. By adding a new definition recognised by practitioners this ensures that there is consistency for risk management process and requiring trimming to be taken in accordance with the objectives of the TREE Chapter.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the Objective than the notified version of the PDP.

6.7.3 Matters raised by submitters – TREE-P5

119. Transpower (S101.048) support in part TREE- P5 but seek it is amended as follows:

Avoid the removal of a notable tree or trees within notable groups of trees unless at least one of the following circumstances apply: (...) 2. there is a ~~high~~ quantifiable risk to people, property, buildings or infrastructure.

Assessment

120. This policy avoids the removal of a notable tree or trees unless there is a high quantifiable risk to people, property, buildings or infrastructure. Notable trees are recognised to be trees with high botanical, heritage, cultural and/ or amenity values that need to be retained within the Gore District. However, this policy also acknowledges that trees may deteriorate or may become a hazard to the surrounding environment and therefore may need to be removed under certain circumstances. For the reasons given above I consider this should be amended as follows:

TREE-P5 Avoid the removal of a *notable tree* or trees within notable groups of trees unless at least one of the following circumstances apply:

1. changes to the tree or group of trees, arising from natural events, which results in the tree no longer meeting the STEM threshold to be classed as notable, or
2. there is a **high quantifiable risk** to people, property, *buildings* or *infrastructure*.

121. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

122. The following evaluates the recommendation to add, amend and delete the definition included in the recommendation section above, under section 32AA of the RMA.

Effectiveness and efficiency

The proposed amendment will enable the Council to effectively administer the PDP in a clear and consistent manner and will give effect to objective TREE-O1. It will facilitate the removal of a notable tree or group of trees only when certain circumstances occur. The term 'risk' when defined is better understood than high quantifiable risk by practitioners and provides clarity, focus and proper action within the risk management process. This will enable an effective and efficient risk assessment to be undertaken in accordance with the TREE Chapter.

Costs and benefits

The benefit of the amendment is that it provides Council and individuals with an assessment criteria which is better understood in respect to the level of risk and reflects the high threshold that trimming is to be undertaken where it poses a risk to people, property, buildings or infrastructure. There are no apparent costs with this amendment.

Risk of acting or not acting

There is the potential for notable trees to be removed if an appropriate threshold risk assessment is not implemented into the rule. If 'high' was to be removed alone this would establish a lower threshold for risk assessment potentially resulting in trees being trimmed removing their amenity and heritage values associated with the tree, therefore not achieving TREE-O1. By adding a new phrase consistent with the historic heritage chapter this ensures that there is consistency for risk management process and requiring trimming to be taken in accordance with the objectives of the TREE Chapter.

Conclusion as to the most appropriate option

The proposed amendment is considered to be a more appropriate way to achieve the purpose of the Act than the notified version of the PDP.

6.7.4 Matters raised by submitters – TREE-P6

123. Fulton Hogan (S122.005) oppose in part TREE-P6 and seeks it is amended as follows:

Avoid damage to notable tree or trees within notable groups of trees, including tree roots, unless provided for by Policy TREE - P4 or TREE - P5.

Assessment

124. Fulton Hogan seek that there is a cross reference to other relevant policies under the TREE Chapter, in particular the policies that relate to the trimming and removal of trees.
125. The policy read in conjunction with the objective of the chapter seeks to ensure that the notable tree or groups of trees are retained for their values. Policies are able to be read together and provide for direction when people are undertaking works on or within the area of the tree listed on the schedule.
126. The policy TREE-P6 relates to non-compliance with the conditions of TREE-R3. Where a restricted discretionary activity under TREE-R3 is required policy TREE-P3 is the most relevant policy. However, policies TREE-P2 and TREE-P7 are also relevant. Where the conditions of TREE-R3 are not met a non-complying activity resource consent is required. Policy TREE-P6 is the most relevant policy, along with TREE-P2, TREE-P3 and TREE-P7.
127. The roots of the trees are the most vital part of the tree that require protection. Mr Cadwallader has identified that trees can tolerate and adapt to minor disruption, but high levels of damage (resulting from some activities) can kill them. This policy therefore provides direction for plan users and decision makers that when works are to be undertaken within the root area of a notable tree, damage is to be avoided. TREE-P6 is a catchall about damage which does not necessarily result from removal. The intent is to rely on TREE-P3 to implement a TREE-R3 restricted discretionary activity (see Matter of Discretion 6) and TREE-P3 policy to protect, and the TREE-P6 avoid policy is to implement TREE-R3 non-complying activities. Whilst the other policies discuss works such as trimming the trees, this does not necessarily amount to damage.
128. If works were to be undertaken within the new definition of tree protection zone/ root protection area of any notable tree, then this would include the area of 1.4m in diameter from the breast height of the tree. For example, if the works are related to infrastructure within the protection area of a notable tree, then a restricted-discretionary consent would be required, and the relevant policies would be TREE-P3 as well as TREE-P6. If the activity was not covered by the activities listed under TREE-R3 (1) to (4), then consent would be a non-complying activity and TREE-P6 would apply, which seeks to avoid damage.
129. TREE-P6 focusses on damage rather than trimming or removal and provides direct guidance to avoiding damage that is not anticipated by TREE-R3. These policies are applicable to the

situations and the rules that apply. Due to this I recommend that the submission by Fulton Hogan be rejected.

Recommendation

130. For the reasons given above, that no amendments are recommended.

131. It is recommended that the submission is rejected as shown in **Appendix B**.

6.7.5 Matters raised by submitters – TREE-R1

132. Transpower (S101.049) oppose TREE-R1 and seek to amend the rule to allow for trimming of notable trees. They seek to amend TREE-R1 as follows:

TREE-R1 Trimming of any <i>notable tree</i> or trees within a notable group of trees in TREE-SCHED		
All zones	Activity status: Permitted Where: - Trimming is undertaken in accordance with recognised arboricultural practice so as to retain a natural shape, form and branch habitat for that particular species; and - Except for the removal of broken branches, deadwood or diseased vegetation, trimming is of branches which are less than 75mm in diameter; <u>or</u> - Trimming is required to: <u>remove a potential fire risk associated with the National Grid; or</u> <u>for the safe operation or maintenance of the National Grid, including access for these purposes and as required by the Electricity (Hazards from Trees) Regulations 2003.</u>	Activity status where compliance is not achieved with: ~~TREE-R1(1) and TREE-R1(2): Controlled~~ ~~Where:~~ ~~3. The trimming is required under the Electricity (Hazards from Trees) Regulations 2003.~~ Matters of control: - The impact that the proposal will have on the integrity, ongoing viability, and values of the <i>notable tree</i>. - The method (including any relevant Māori cultural practices) and timing of trimming undertaken. - The viability, health, shape and form of the <i>notable tree</i>. TREE-R1(3): Restricted Discretionary Matters of discretion: - The impact that the trimming will have on the integrity, ongoing viability, and values of the scheduled <i>notable tree</i>. - The method (including any relevant Māori cultural practices) and timing of trimming undertaken.

- 
3. The viability, health, shape and form of the *notable tree*.
 4. The necessity of what is proposed and alternatives.

Assessment

133. TREE – R1 relates to TREE- P4 which seeks to provide for the trimming of notable trees in certain situations. This outlines when undertaking trimming of a notable tree can occur, providing guidance to individuals to when this activity is able to be undertaken.
134. The Notable Tree Schedule does not contain any trees that are located within the National Grid within the Gore District. The National Grid is a transmission system where high-voltage powerlines are located. The grid is owned, operated, maintained and developed by Transpower. Under the schedule the majority of notable trees are located in the Gore township, roughly 958m distance away from the closest transmission line associated with the National Grid. See Figure 1 and Figure 2 below. There are a small handful of notable trees located outside of the Gore township, these are also not located in close proximity to the National Grid. Due to this there is no requirement to enable the addition of the rule to permit trimming to remove a potential fire risk associated with the National Grid.
135. It is acknowledged that there are risks associated with trees being located in close proximity to these national grids. As there are currently no notable trees located within close proximity to the national grid, a potential fire risk can only be associated with new notable trees listed. STEM assessments are required for new notable trees, undertaken by a qualified arborist. This assessment process would also provide the opportunity for consultation with other parties such as Transpower, as part of a plan change, if there are identified trees in close proximity to the national grid in the future.
136. I reject this aspect of the submission from Transpower, on the basis that no notable trees are located within the National Grid.

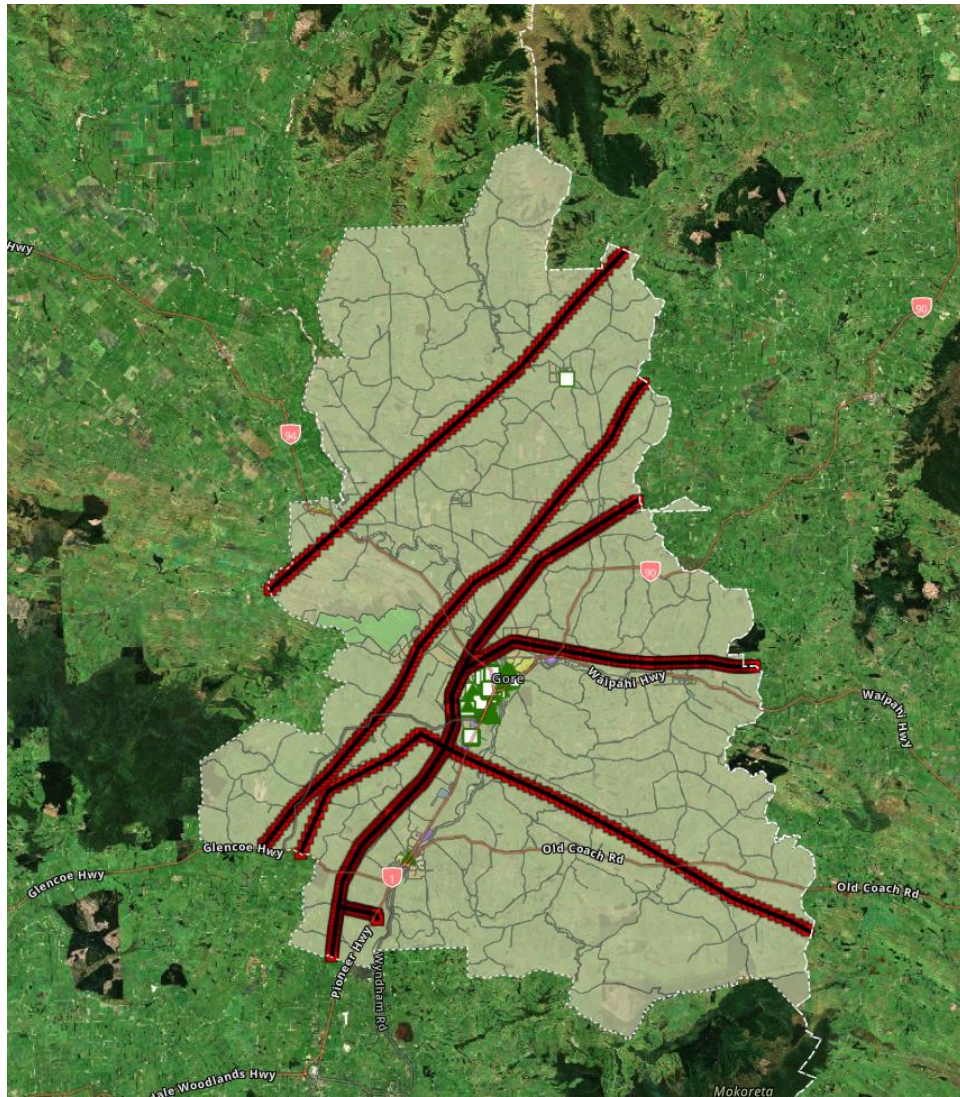


Figure 1: NATIONAL GRID WITHIN GORE DISTRICT SHOWN IN RED AND BLACK LINE (SOURCE GDC GIS)

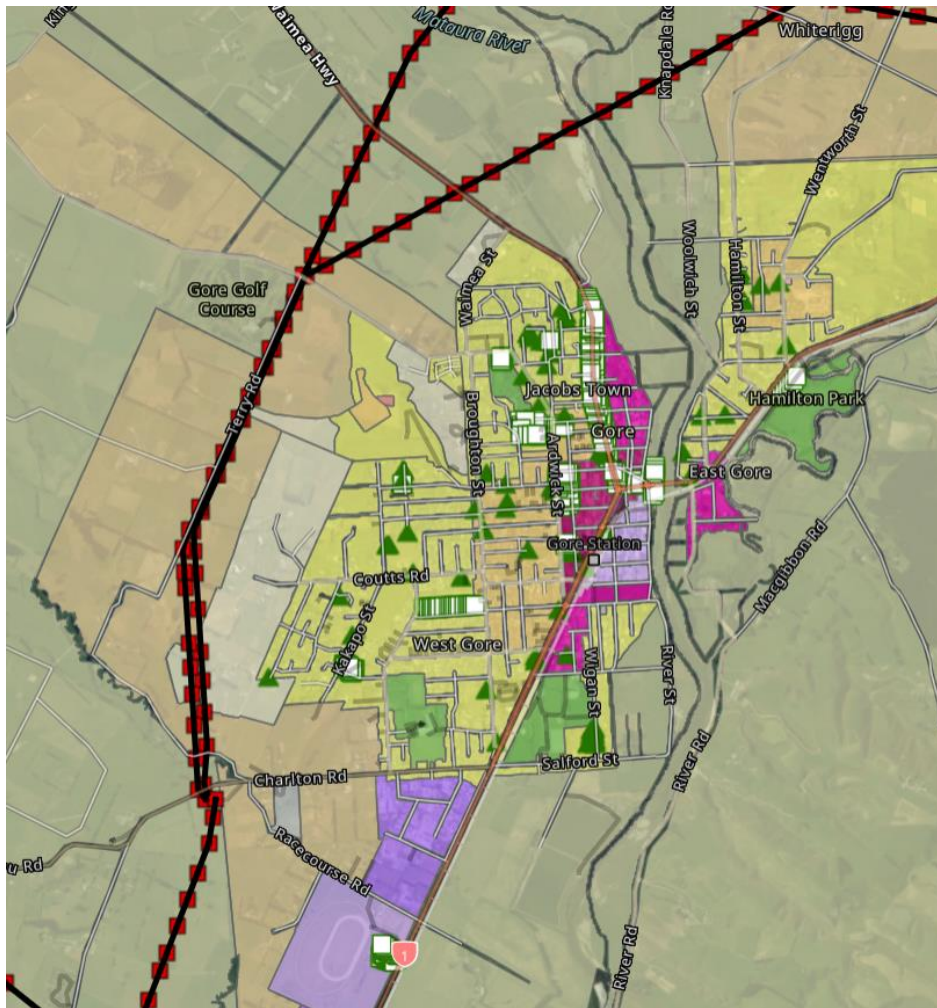


Figure 2: NATIONAL GRID SHOWN IN RED AND BLACK LINE IN PROXIMITY TO NOTABLE TREES (GREEN TRIANGLES)

137. Transpower also seeks trimming under the Electricity (Hazards from Trees) Regulations 2003 to be a permitted activity and not a controlled activity.
138. The Electricity (Hazards from Trees) Regulations 2003 seeks to ensure the safety of the public and security of electricity supply by managing the risks posed by trees growing near power lines. The Tree Regulations enable trees to be trimmed to ensure they do not interfere with powerlines. It also provides that in emergency situations where the tree poses immediate danger, the works owner can trim the trees to remove the hazard to powerlines. As identified above, there are currently no notable trees located in close proximity to the National Grid. However, the Tree Regulations also applies to distribution lines (11kV) and equipment which supplies electricity. These are lines and power poles that are more commonly located within townships. There are two groups of notable trees that are located in close proximity to these distribution lines. These are located down Hokonui Drive and Ardwick Street.
139. I have researched a variety of recently reviewed district plans to understand how other Councils have implemented the Trees Regulation into their district plan policies. This is summarised in the Table below:

District Council	Rule refers to Tree Regulation	Details
New Plymouth District Council	Yes	Permitted Activity Prior to work being undertaken, the Council or a qualified arborist has certified that the work is necessary The work is undertaken or supervised by the Council or a qualified arborist
Selwyn District Council	Yes	Permitted Activity The works are undertaken by, or under the supervision of, a suitably qualified and experienced arborist employed or contracted by the Council or a network utility operator
The West Coast Regional Council (Te Tai o Poutini Plan)	Yes	Permitted Activity A council approved arboricultural contractor has certified that the works will not compromise the ongoing integrity, viability or values of the notable tree.
Timaru District Council (Notified Proposed District Plan)	Yes	Controlled Activity The trimming works are supervised or undertaken by a qualified arborist and do not include topping or removal of more than one third of the foliage of any notable tree. Matters of control: duration, timing, frequency, extent and staging of work; methods to maintain form and shapeliness; methods to ensure that the long-term health of the notable tree will be provided for; and whether the significance of the notable tree described is maintained.

140. As the table shows, the implementation of the Tree Regulations was implemented as a permitted activity in three out of the four district plans reviewed. Although the incorporation of the Tree Regulation is a permitted activity, there are standards which must be met which include the works being undertaken, supervised or certified by a qualified arborist with approval from

Council. These rules ensure Council retains an element of control in relation to the effect on the trees.

141. The Timaru District Council (TDC) implemented a controlled activity for trimming of notable trees. In alignment with the other Councils, TDC also required that the trimming works are supervised by a qualified arborist and provided matters of controls for the activity to be undertaken.
142. TREE-R1 prescribes that a controlled activity resource consent is required where the trimming being undertaken is not in accordance with the permitted activity conditions in rule TREE-R1. If the trimming is required under the Electricity (Hazards from Trees) Regulations 2003 then a controlled activity resource consent is required. The matters of control include the impact that the proposal will have on the integrity, ongoing viability, and values of the notable tree, and the method (including any relevant Māori cultural practices) and timing of trimming undertaken. Although three out of the four councils enable this as a permitted activity, there is still a level of consultation, assessment and certification required with the council. I believe that TREE-R1 (3) being a controlled activity is necessary to ensure that the trimming of notable trees will be undertaken to protect the values of the trees. Thus, retaining their health, amenity and heritage values.
143. The new amendments of the Tree Regulations, enacted on the 17 October 2024 also recognises that notable trees are important due to their amenity and heritage values. Schedule 1 and 2 states that trees that are protected within local authority District Plans above lines of any voltage are excluded from the growth limit zone.⁹ This amendment has identified that notable or protected trees within council District Plans are protected under the regulation from undergoing cutting or trimming that could affect their value to the community. In my opinion this emphasises that there is the need to ensure that there are appropriate measures in place to ensure only appropriate trimming occurs to notable trees.
144. The TREE chapter currently provides that trimming can be undertaken for up to 75mm in diameter. This has been identified to be a sufficient scope by Mr Cadwallader and enables trees that are close to powerlines /conductors are able to be trimmed if required in accordance with the Tree Regulations. General trimming of trees under this is not likely to affect the amenity of the tree and allows people to undertake trimming on a regular basis where required for various reasons including safety. If there is a requirement to undertake trimming of major limbs of a tree this would be greater than 75mm in diameter and may affect the amenity value of the tree. Due to this, this extent of trimming needs to be undertaken with matters of control and by a qualified arborist to ensure that the integrity of the tree is not affected by the works and is consistent with the objectives and policies of the chapter. I consider that the activity to undertake trimming to a notable tree, beyond the permitted conditions of the rule, requires a level of control from the Council and should not be a permitted activity.
145. Therefore, in summary, I reject the submission from Transpower on the basis that no notable trees are located within the National Grid and trimming of notable trees under the Tree

⁹ [Electricity \(Hazards from Trees\) Regulations 2003 – Version as at 17 October 2024.](#)

Regulations requires matters of control to protect the amenity and heritage value of notable trees.

Recommendation

146. It is recommended that the submission from Transpower is rejected as shown in **Appendix B**.

6.7.6 Matters raised by submitters - TREE R2

147. Environment Southland (s85.013) support in part TREE-R2 and seeks to include the ability to remove trees if they become weedy and are shown to cause wilding issues, and the ability to remove trees in flood plains.

148. Hamish Weir (FS5.17) supports this amendment.

149. Transpower (S101.050) oppose TREE-R2 and seek amends as detailed below. It is Transpower's view that 'high' quantifiable risk is too great a threshold when considering risks to the National Grid. Transpower therefore seeks that Rule TREE-R2 does not reference "high". Transpower does not support Rule TREE-R2 on the basis that the Rule requires a resource consent for an activity that would be mandatory under the Electricity (Hazards from Trees) Regulations 2003. That said, these Regulations direct the cutting or trimming of a tree only to the extent necessary, and do not direct the felling of trees. On this basis, Transpower considers there is no need for Rule TREE-R2 to reference the Electricity (Hazards from Trees) Regulations 2003. In order to give effect to Policy 1 of the NPSET and Policy INF.1 of the SRPS, Transpower seeks that the benefits of the removal (including the benefits of the infrastructure that is protected) are a matter of control.

TREE-R2 Removal of any <i>notable tree</i> or trees within a notable group of trees in TREE-SCHED		
All zones	Activity status: Controlled Where: - There are changes to the tree or group of trees, arising from natural events, which results in the tree(s) no longer meeting the STEM threshold to be classed as notable; or - There is a ~~high~~ quantifiable risk to people, property, <i>buildings</i> or <i>infrastructure</i>. Matters of control: - Arboricultural advice confirms that the tree(s) no longer meets the	Activity status where compliance is not achieved-with: ~~TREE R2(1) and TREE R2(2):~~ Discretionary Where: ~~The removal is subject to a notice issued under the Electricity (Hazards from Trees) Regulations 2003.~~ ~~TREE R2(3):~~ Non-complying

STEM threshold to be classed as notable.

2. The health, shape, form and ongoing viability of the *notable tree*.
3. The necessity of what is proposed, including the benefits to the health, safety and wellbeing of people and communities, and alternatives.

Assessment

150. In response to Environment Southland (S85.013) and Hamish Weir (FS5.17) adding the ability to remove notable trees if they become weedy and causing wilding issues as a controlled activity under TREE-R2 would not align with the objectives and policies of the Notable Trees Chapter. The objective of the Notable Tree Chapter is to retain trees with high botanical, heritage, cultural and/or amenity value. The trees listed on the schedule have been identified under the STEM assessment as having either high botanical, heritage, cultural and/ or amenity value.
151. Mr. Cadwallader through his STEM assessments has not identified any trees that are of weed like species. The assessment undertaken in paragraphs [83] and [84] identify that although certain species are seen to be problematic due to their ability to self-seed, this depends upon the location of the tree. Therefore, there is no need to implement a rule to remove trees under this requirement. When future STEM assessments are undertaken, a qualified arborist would consider the species of the tree, their ability to self-seed and the location of the trees. I therefore recommend that the submission by ES and Hamish Weir be rejected.
152. In response to Transpower (S101.050) seeking to delete 'high' as it is too great of a threshold when considering risks to the National Grid, as stated above [109] - [116], the removal of high is not accepted but however it is acknowledged that there is the need to be replaced with a defined risk threshold. This will provide consistency with the relevant policy TREE- P5 and the wider chapter. As this is a risk-based assessment, the matters of control under TREE-R2 provide for arboricultural advice to confirm that the tree(s) no longer meets the STEM threshold and the health, shape, form and ongoing viability of the notable tree. Having an arborist to provide an assessment identifying that there is a risk to people, property, buildings or infrastructure would ensure that there is an appropriate control in place to assess the risk assessment. Due to the matters of control being in place, the removal of the word 'high' and replacing with 'risk' would still ensure that there are appropriate matters considered in relation to risk.
153. Transpower also seeks to include additional measures under the matters of control. I consider that their submission provides more scope and clarification for the removal of a notable tree or trees and will aid decision- making for controlled activities to consider the safety and wellbeing of individuals that may be affected by the tree if not removed. This is consistent with the purpose of the Tree Regulation under Regulation 3 to protect the safety of the public. I therefore accept this submission point.

154. Transpower seeks to remove the reference of the Trees Regulation from being a discretionary activity under TREE-R2, claiming that they do not undertake felling of trees under the Tree Regulations. In addition to this they have removed reference to TREE R2(1), TREE R2(2) and TREE R2(3) therefore only having a discretionary activity where compliance is not achieved with TREE-R2.
155. The Tree Regulations obligates asset owners to undertake any work in relation to a tree (including the roots of that tree) to be remove the danger to persons or property. This extent of removal is not defined or limited to trimming, meaning that the entire tree could be subject to removal. Due to this there is still the ability for trees in close proximity to conductors to be removed when they present a danger.
156. Under Section 6(f) of the RMA, the protection of historic heritage (which includes notable trees) from inappropriate subdivision, use, and development is a matter of national importance that the Council must recognise and provide for. Given this responsibility to protect historic heritage, and the significant values associated with notable trees, I do not agree with Transpower that the activity status should be discretionary. The removal of a notable tree is a net loss to the finite number of notable trees in the district. For these reasons, I disagree with this aspect of the submission from Transpower.

Recommendation

157. It is recommended that TREE-R2 is amended as follows:

TREE-R2  Removal of any <i>notable tree</i> or trees within a notable group of trees in TREE-SCHED		
All zones	Activity status: Controlled Where: - There are changes to the tree or group of trees, arising from natural events, which results in the tree(s) no longer meeting the STEM threshold to be classed as notable; or - There is a ~~high~~ quantifiable <i>risk</i> to people, property, buildings or infrastructure.	Activity status where compliance is not achieved with: TREE-R2(1) and TREE-R2(2): Discretionary Activity status where compliance is not achieved with: TREE-R2(1) and TREE-R2(2): Discretionary Where: The removal is subject to a notice issued under the Electricity (Hazards from Trees) Regulations 2003.
	Matters of control: - Arboricultural advice confirms that the tree(s) no longer meets the STEM threshold to be classed as notable. - The health, shape, form and ongoing viability of the <i>notable tree</i>.	TREE-R2(3): Non-complying

TREE-R2	Removal of any <i>notable tree</i> or trees within a notable group of trees in TREE-SCHED
	3. The necessity of what is proposed, <u>including the benefits to the health, safety and wellbeing of people and communities,</u> and alternatives.

158. It is recommended that the submission are either accepted, accepted in part or rejected as shown in **Appendix B**.

Section 32AA Evaluation

159. The following evaluates the recommendation to amend the Notable Tree Chapter under section 32AA of the RMA.

Effectiveness and efficiency

The intent of the rule is to enable the removal of notable tree/s if they no longer meet the STEM threshold or pose a risk to people, property, building or infrastructure. The adoption of a definition of ‘risk’ will provide a clear and consistent risk-assessment recognised under the RMA and the Building Act. It will ensure that there is an appropriate assessment undertaken to determine the overall health of the tree in accordance with the objective of the chapter ensuring that the amenity and heritage value of the notable tree/s are retained where practicable. This clarity will ensure that the rule can be effectively and efficiently implemented, whilst also recognising the benefits to the health, safety and wellbeing of people and communities. This further aligns with the Historic Heritage Chapter.

Retaining a discretionary activity status for trees requiring removal under the Electricity (Hazards from Trees) Regulations 2003 enabling a sliding scale to a non-complying activity for the removal of other trees. This aligns with the objective and policies.

Costs and benefits

The benefit of the amendment is that it provides Council and individuals with an assessment criteria which is better understood in respect to the level of risk and reflects the high threshold that trimming beyond the permitted extent is only to be undertaken where it poses a risk to people, property, buildings or infrastructure. There are no apparent costs with this amendment given the previous wording required a ‘high quantifiable risk’ threshold. Whilst I recommend alternative wording, I consider the threshold level remains the same.

The benefits of the proposal retaining the notified activities statuses ensures that there is no loss of notable tree or groups of trees. This ensures that there is enhanced protection of notable trees that have been recognised to have high botanical, cultural, heritage and/ or amenity values. This is not considered onerous, and the benefits are considered to outweigh the cost.

Risk of acting or not acting

There is the potential for notable trees to be removed if a risk assessment is not implemented into the rule. If 'high' was to be removed alone this would establish a lower threshold for risk assessment potentially resulting in trees being removed, losing their amenity and heritage values associated with the tree, therefore not achieving TREE-O1. By adding a defined term consistent with the RMA this ensures that there is consistency for risk management process and requiring removal to be taken in accordance with the objective and policies of the TREE Chapter. The risk of not acting and implementing this risk assessment would potentially lead to ambiguity and the loss of heritage and amenity values of notable trees. The risk with acting is considered low.

There is a small opportunity cost in that there are greater restrictions on trees being removed, however overall, the benefits to the community outweigh the cost.

Conclusion as to the most appropriate option

I consider the proposal is the most efficient and effective way to achieve the objective than the notified version of the PDP, as well as aligning with higher order documents.

7. Consequential and Minor Amendments

160. Clause 16(2) of RMA Schedule 1 allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors.
161. Within the notable tree schedule, any spelling mistakes of the tree species named have been corrected. It is recommended that:
162. TREE-94 - 30 Huron Street - *Fagus sylvatica* 'Purpurea' – copper beech – 108
163. Due to the removal of notable trees from the schedule as a result of no longer being present, this will result in numbers missing in the schedule. It is recommended that the numbers of the notable trees listed are updated to be numeric in order and consequential changes are made to the planning maps and individual STEM assessments.
164. Clause 10(2)b of the RMA allows decisions on the PDP to include matters relating to consequential alterations to the PDP which are necessary, relevant or arising from submissions. The following are recommended consequential amendments to the PDP based on previous Section 42A report recommendations.
165. As noted in paragraph [66] as a result of a new definition to be used in the chapter 'tree protection zone', the rule title of TREE-R3 refers to 'activities within the root protection area of any notable tree or trees within a notable group of trees in TREE-SCHED' will need to be changed to reflect the new wording of the term.
166. It is recommended that TREE-R3 is amended as follows:

Activities within the ~~root protection area~~ tree protection zone of any notable tree or trees within a notable group of trees in TREE-SCHED

167. A recent resource consent has highlighted that rule TREE-R3 provides some implementation problems. While the submission seeks to change the definition, this results in complications with the rule itself that needs to be addressed. The rule needs to be reworded in a clearer way to understand what activities are able to occur within the tree protection area. Currently the rule states that: ...

3. Any pervious surfacing, sealing, paving, soil compaction, or alteration to the ground level of no more than 75mm and; ...

This rule has listed activities that are able to occur to allow modifications to the surfaces or ground levels within the Tree Protection Zone. At the end of clause 3 it limits an alternation level of no more than 75mm, however it is read to be part of the list of activities and not as a maximum level required for these listed activities. This maximum alternation level needs to be referenced to link these together.

168. It is recommended that the following change is made:

3. Any impervious surfacing, sealing, paving, soil compaction, and/ or alteration to the ground level of no more than 75mm; and

169. These amendments are reflected in **Appendix A**.

8. Conclusions

8.1 Conclusions

170. This report has provided an assessment of submissions received on the Notable Tree Chapter and associated definitions and mapping of the PDP.
171. I consider that the submissions on the Notable Tree Chapter and associated definitions and mapping assessed in this report be accepted, accepted in part, rejected or rejected in part, as set out in my recommendations in this report including **Appendix B**.
172. Overall, I recommend that the provisions are amended as shown in **Appendix A** for the reasons set out in this report. The main changes recommended include:
- Amendments to Notable Tree Schedule to recognise the schedule is not accurate and to date.
 - Amendment to TREE-P1 to recognise the need for mana whenua as experts in their matauranga and tikanga.
 - Replacing the definition 'Root Protection Area' with a new definition 'Tree Protection Zone' in the Interpretation Chapter to implement a more universal definition that is recognised.
 - Minor amendment to TREE-P4 and TREE-P5 to remove 'high quantifiable risk' and inclusion of 'risk' as a defined term.

173. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA, the relevant objectives of the PDP and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken throughout this report.

8.2 Closing Recommendation

174. The Hearing Panel accept, accept in part, or reject all submissions (and associated further submissions) as outlined in **Appendix B** of this report.

Signed:

Name and Title	Signature	Date
Bridget Sim Planner		4 November 2024