

# Te Tai o Poutini Plan

## Section 42A Officer's Report

### Notable Trees



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## List of Submitters and Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
S552	Buller Conservation Group	
S538	Buller District Council	
S663	Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd	
S558	Chris & Jan Coll	
S566	Chris J Coll Surveying Limited	
S252	Deb Langridge	
S553	Frida Inta	
S415	G.E. and C.J. Coates on behalf of Nikau Deer Farm Limited	G.E. and C.J. Coates
S608	Grey District Council	
FS1		
FS33	Inger Perkins	
S574	Laura Coll McLaughlin	
S309, S240	Laura Mills	
S352	Marie Elder	
S560	Royal Forest and Bird Protection Society of New Zealand Inc.	Forest & Bird
S190	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	Te Mana Ora
S620	Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngati Waewae, Te Rūnanga o Makaawhio	Ngāi Tahu
S440	Te Tumu Paeroa - The office of the Māori Trustee	Te Tumu Paeroa
S450	Waka Kotahi NZ Transport Agency	Waka Kotahi
S547	Westpower Limited	
FS222		
S567	William McLaughlin	

## Abbreviations

Abbreviation	Meaning
TTPP	Te Tai o Poutini Plan
RMA	Resource Management Act
STEM	Standard Tree Evaluation Method

## 1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:
  - assist the Hearings Panel in making their decisions on the submissions and further submissions on Te Tai o Poutini Plan (TTPP); and
  - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions on Notable Trees. The report provides the Hearing Panel with a summary and analysis of the submissions received on the TREE - Notable Trees Chapter in Part 2 and Schedule Two in Part 4, and to make recommendations on either retaining the TTPP provisions without amendment or making amendments to the TTPP in response to those submissions.

## 2.0 Qualifications and experience.

3. My full name is Lois Margaret Easton, and I am Principal Consultant for Kereru Consultants, an environmental science and planning consultancy engaged by the West Coast Regional Council to support the development of Te Tai o Poutini Plan (TTPP).
4. I hold a Master of Science (Environmental Science and Botany) with first class honours from the University of Auckland which I obtained in 1995.
5. I have 25 years' experience in planning and resource management including 10 years at the Waitakere City Council and five years at the Gisborne District Council. The remaining time I have worked as an environmental and planning consultant primarily providing policy advice to local government and not for profit organisations.
6. My experience involves policy development, writing district plans and regional plans. I have written Section 32 and 42A reports and appeared at hearings for the development of several plans involving matters principally around the natural environment, Māori issues and rezoning of land. I have represented the Waitakere District Council and Gisborne District Council in mediation on appeals and have presented planning evidence to the Environment Court.
7. In recent years I have been involved in the development of TTPP. I have either led or been a member of the planning team who developed the provisions of TTPP and s32 reports in relation to all parts of the plan. In the case of Notable Trees, I was a member of the planning team, and undertook the assessments of new notable trees nominated for inclusion within TTPP.

### 2.1 Code of Conduct

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

### 2.2 Conflict of Interest

10. To the best of my knowledge, I have no real or perceived conflict of interest.

## 3.0 Scope of Report and Topic Overview

11. This report considers the submissions and further submissions that were received in relation to Part 2 – Notable Trees Chapter and Schedule Two: Schedule of Notable Trees of the proposed TTPP.
12. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in Appendix 1 to this Report. Footnoted references to a

submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted.

13. 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. A number of alterations have already been made to the TTPP using cl.16(2) and these are documented on the TTPP website. Where a submitter has requested the same or similar changes to the TTPP that fall within the ambit of cl.16(2), then such amendments will continue to be made and documented as cl.16(2) amendments in this s42A report.
14. The assessment of submissions generally follows the following format:
  - Submission Information
  - Analysis
  - Recommendation and Amendments

## **4.0 Statutory Requirements.**

### **4.1 Resource Management Act**

15. TTPP must be prepared in accordance with the functions of a district council under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand coastal policy statement, national planning standards; and any regulations. Regard is also to be given to the WCRPS, any regional plan, district plans of adjacent territorial authorities, and any IMP.
16. As set out in the 'Overview' Section 32 Report, and 'Introduction and Overview' s42a Report, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of TTPP. These documents are discussed in more detail within this report where relevant to the assessment of submission points. This report also addresses any definitions that are specific to this topic, but otherwise relies on the s42A report that addresses definitions more broadly.

### **4.2 National Planning Standards**

17. The planning standards were introduced to improve the consistency of plans and policy statements.
18. The National Planning Standards requires that if a district plan addresses protected/notable trees, the objectives, policies and rules must be contained in a chapter called Notable trees.

### **4.3 Procedural Matters**

19. At the time of writing this s42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.

## **5.0 Consideration of Submissions Received**

### **5.1 Overview of Submissions Received**

20. A total of 81 submission points and 17 further submissions were received on the Notable Trees chapter, Schedule Two and relevant definitions.

### **5.2 Structure of this Report**

21. The first section of the report discusses general submissions on the whole chapter, where a submission has raised an issue that does not relate to a proposed objective or policy or

overarching submissions. Then submissions are addressed by the objective and policy order as listed in TTPP.

22. Where an amendment is recommended the applicable s32AA assessment for that issue is located in Section 10 of this report.
23. Recommended amendments are contained in Appendix 1: Recommended Amendments to Notable Trees Chapter and Schedule.
24. A full list of submissions and further submissions is contained in Appendix 2: Submissions and Further Submissions on the Notable Trees Topic.
25. Additional information can be obtained from the:
  - Section 32 Historical and Cultural Values.

## 6.0 Submissions on the Notable Trees Chapter as Whole

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
G.E. and C.J. Coates on behalf of Nikau Deer Farm Limited (G.E. and C.J. Coates) (S415)	S415.002	Oppose	Remove Notable Trees Section until adequate analysis has been done as laid out in Section 32. The private information gathered from the Section 32 analysis is to be kept private (Central Government required to find a solution to this).
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.187	Support	Retain whole chapter.
Buller District Council (S538)	S538.175	Support	Retain whole chapter.

### Analysis

26. Buller District Council (S538.175) and Forest and Bird support the whole chapter and seek that it be retained. This support is noted
27. G.E. and C.J Coates (S415.002) oppose the whole chapter and seek that it be deleted. I do not support the deletion of the chapter. The submitter does not consider that the Section 32 justification for the chapter is sufficient.
28. The Notable Trees chapter to a large part rolls over the existing schedule of notable trees in the operative West Coast district plans. When bringing these trees through into TTPP, if there was insufficient information to justify their scheduling (Buller and Westland District), a reassessment was undertaken using the Standard Tree Evaluation Method (STEM) methodology. This is considered best practice in terms of Notable Tree identification nationally. Grey District Council had detailed records of the scheduled trees and their reasons for scheduling.
29. In developing the provisions for TTPP a review of best practice was undertaken to ensure that the provisions would be effective. TTPP was the subject of significant consultation and community engagement. Notable Trees were included as part of the historic heritage consultation where a large number of West Coast heritage interests were engaged. As part of the consultation process, community members nominated additional trees for scheduling as notable trees. These were assessed using the STEM methodology, and those that were considered notable in accordance with these criteria were included in the schedule. As part of the Section 32 analysis there was an assessment of an alternative option of not including Notable Tree provisions in TTPP. It was considered that this was inappropriate as:

- a. There is a high level of value placed by the community on notable trees on the West Coast as evidenced by the interest expressed on the topic during consultation, and by the further nomination of additional trees for inclusion in the chapter.
  - b. Most of the trees in the Schedule were scheduled in the operative District Plans which included provisions for their protection. These trees play an important part of the amenity and heritage values of the West Coast
  - c. The identification and inclusions of the Notable Trees Chapter and Schedule does not result in unjustifiably high costs on the community or parts of the community.
30. As part of the notification process for TTPP, all landowners who had a notable tree within the schedule located on their property were sent a letter advising them of this and encouraging them to submit. No submissions were received in opposition to any listing of a notable tree in the Plan.

### Recommendations

31. That no amendments are made as a result of these submissions.
32. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 7.0 Submissions on Objectives

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
<b>Objectives as a Group</b>			
William McLaughlin (S567)	S567.150	Support	Retain as proposed
Laura Coll McLaughlin (S574)	S574.066	Support	Retain as proposed
Chris & Jan Coll (S558)	S558.066	Support	Retain as proposed
Chris J Coll Surveying Limited (S566)	S566.066	Support	Retain as proposed
<b>TREE – 01</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.256	Support	Retain TREE-01 as proposed
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.188	Support in part	Include <u>habitat</u> in Objective TREE – 01 as notable trees are sometimes those that provide habitat to birds or bats
<i>Westpower Limited</i>	<i>FS222.0253</i>	<i>Oppose</i>	<i>Disallow</i>
<b>TREE – 02</b>			
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.109	Support	Retain TREE-02 as proposed
Te Mana Ora (Community and Public	S190.257	Support	Retain TREE-02 as proposed

Health) of the NPHS/ Te Whatu Ora (S190)			
<b>TREE – O3</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.258	Support	Retain TREE-O3 as proposed
Waka Kotahi NZ Transport Agency (Waka Kotahi) (S450)	S450.071	Support in part	Amend TREE-O3 to provide for trimming and/or pruning of notable trees for safety.
Grey District Council (S608)	S608.597	Support in part	Amend TREE-O3 to provide for trimming and/or pruning of notable trees for safety benefits.
Westpower Limited (S547)	S547.186	Amend	Seeks that a new objective is added to better provide for these in relation to energy and critical infrastructure as follows: <i>When managing potential effects of Energy Activities, including Critical Infrastructure, on notable trees recognise and provide for instances where trimming and/or pruning is required, or circumstances where removal of the tree is unavoidable.</i>

### Analysis

33. William McLaughlin (S567.150), Laura Coll McLaughlin (S574), Chris & Jan Coll (S558.066), Chris J Coll Surveying Limited (S566.066) and Te Mana Ora (S190.257, S190.258 and S190.259) support the Notable Trees objectives and seek that they be retained as proposed. This support is noted.
34. Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560.188) consider that trees may sometimes be notable for the habitat they provide and seek that this value be added to TREE-O1 as a value for recognition. I do not support this inclusion. The Notable Tree schedule has been developed based on an assessment using the STEM methodology and habitat value is not one of the considerations in this methodology. Habitat is dealt with as a separate issue within the Ecosystems and Biodiversity Chapter of the Plan.
35. Ngāi Tahu (S620.109) support TREE – O2 and submit it is important the tino rangatiratanga of Poutini Ngāi Tahu is provided for in the management of trees of value to Poutini Ngāi Tahu. This support is noted.
36. Waka Kotahi NZ Transport Agency (S450.071) and Grey District Council (S608.597) consider that while TREE-O3 provides for notable trees to be removed for safety reasons, it is not clear that it provides for pruning or trimming for that same purpose. They seek that this provision be added explicitly.
37. Westpower Limited (S547.186) notes the provision for trimming, pruning and under certain circumstances removal of notable trees in TREE-O3, but seeks that a new objective is added to better provide for these in relation to energy and critical infrastructure.
38. I support the approach proposed by Waka Kotahi and Grey District Council in amending TREE – O3 rather than creating a new Objective as proposed by Westpower Limited.

### Recommendations



39. Amend TREE – O3 as follows: To provide for the protection of notable trees while recognising instances where trimming and/or pruning is required where this:
- ~~and~~ may improve the health of the tree, or
  - is needed for safety reasons including the safe operation of infrastructure; and recognise that there may be instances where removal of the tree is unavoidable due to safety requirements.
40. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 8.0 Submissions on Policies

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
<b>Policies as a Whole</b>			
William McLaughlin (S567)	S567.151	Support	Retain Notable Trees Policies as proposed
Chris & Jan Coll (S558)	S558.067	Support	Retain Notable Trees Policies as proposed
Chris J Coll Surveying Limited (S566)	S566.067	Support	Retain Notable Trees Policies as proposed
Laura Coll McLaughlin (S574)	S574.067	Support	Retain Notable Trees Policies as proposed
<b>TREE – P1</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.259	Support	Retain policy.
<b>TREE – P2</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.260	Support	Retain policy
Westpower Limited (S547)	S547.188	Amend	Amend TREE-P2: Trees identified ... are generally protected except in circumstances where tree trimming and/or pruning or removal are appropriate
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.470	Amend	Add habitat to the policy
<i>Westpower Limited</i>	<i>FS222.0254</i>	<i>Oppose</i>	<i>Disallow</i>
<b>TREE – P3</b>			
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngati Waewae, Te Rūnanga o Makaawhio	S620.110	Support	Retain as notified

(S620)			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.261	Support	Retain policy
<b>TREE – P4</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.262	Support	Retain policy
Waka Kotahi NZ Transport Agency (S450)	S450.072	Support	Retain as proposed.
Westpower Limited (S547)	S547.189	Amend	Amend item b. b. Are necessary for ... and people; <u>or</u>
Westpower Limited (S547)	S547.190	Amend	Amend c. Are necessary for the ongoing provision and <u>operation of energy activities and infrastructure, including critical infrastructure</u> , or d. Are for the maintenance of <u>energy activities and infrastructure, including critical infrastructure</u> , to enable ... .
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.471	Amend	Add e. outside of bird breeding and nesting periods
<i>Westpower Limited</i>	<i>FS222.0255</i>	<i>Oppose</i>	<i>Disallow</i>
Grey District Council (S608)	S608.598	Support	c. Amend wording to read "Are necessary for the ongoing provision of infrastructure ..."
Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663)	S663.038	Amend	Amend clause (c) as follows:  ... c. Are necessary for the ongoing <u>provision</u> of infrastructure; or ...
<b>TREE – P5</b>			
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.111	Support	Retain as notified
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.263	Support	Retain policy

Waka Kotahi NZ Transport Agency (Waka Kotahi) (S450)	S450.073	Support	Retain as proposed
Frida Inta (S553)	S553.055	Amend	Amend Policy P5(e) so that it does not provide a loophole for development to remove a notable tree.
<i>Westpower Limited</i>	<i>FS222.0128</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group (S552)	S552.055	Amend	Amend Policy P5(e) so that it does not provide a loophole for development to remove a notable tree
<i>Westpower Limited</i>	<i>FS222.016</i>	<i>Oppose</i>	<i>Disallow</i>
Westpower Limited (S547)	S547.191	Amend	Add f. Any technical, locational, functional or operational constraints or requirements of energy activities, including critical infrastructure
<b>TREE – P6</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.264	Support	Retain policy
Waka Kotahi NZ Transport Agency (S450)	S450.073	Support	Retain as proposed
Grey District Council (S608)	S608.599	Support	Retain as proposed
<b>Additional Policies</b>			
Frida Inta (S553)	S553.055	Amend	Add additional policy to provide for the inclusion and protection of further notable trees within the district plan without requiring any plan change
<i>Westpower Limited</i>	<i>FS222.0128</i>	<i>Oppose</i>	<i>Disallow</i>
Buller Conservation Group (S552)	S552.055	Amend	Add P7 Allow for the inclusion and protection of further notable trees within the district without requiring any plan change
<i>Westpower Limited</i>	<i>FS222.016</i>	<i>Oppose</i>	<i>Disallow</i>
Westpower Limited (S547)	S547.187	Amend	Add new Notable Tree Policy as follows: <i>Recognise and provide for circumstances where it is appropriate to remove a notable tree due to the technical, locational, functional or operational constraints or requirements of energy activities, including critical infrastructure.</i>

### Analysis

41. William McLaughlin (S567.151), Chris and Jan Coll (S558.067), Chris J Coll Surveying

(S566.067), Laura Coll McLaughlin and Te Mana Ora (S190.259, S190.260, S190.261, S190.262 and S190.263) support the notable trees policies. This support is noted.

42. Westpower Limited (S547.188) seek to amend TREE – P2 to specifically reference circumstances where tree trimming and/or pruning or removal are appropriate. Forest and Bird (S560.470) seek that habitat be added to the list of criteria for scheduled trees outlined in the policy. I do not support the submission of Westpower Limited. The Policy is intended to be clear that the outcome sought is protection of the trees. They have been identified as being of importance to the community and while there may be circumstances where pruning and trimming are appropriate, removal should be considered in only very limited circumstances where other options are not available. I also do not support the submission of Forest and Bird. The trees have been evaluated using the STEM method – which is used nationally for the identification of notable trees. Habitat is not a criterion in that method therefore should not be referenced in the policy.
43. Ngāi Tahu support TREE – P3. Waka Kotahi support TREE – P4. This support is noted.
44. Westpower Limited seek several amendments to TREE – P4. The first amendment (S547.189) is clarifying the policy by including the word “or”. This amendment is supported.
45. The second amendment (S547.190) seeks to add the word “operation” which has been excluded in a typographic error. This is supported. This is similar to the Grey District Council (S608.598) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.038) submissions, although they suggest “provision” instead of “operation”. I do not support the use of the word “provision” – it is not intended that the policy allow that notable trees can be pruned or trimmed in all circumstances where infrastructure may be proposed. This would substantially reduce the protective nature of the provisions.
46. The third part of this submission seeks to expand the circumstances in which the trimming or pruning of trees is acceptable both to include energy activities and critical infrastructure. I support this in part as relates to energy activities as this makes this section consistent with other parts of the plan. As critical infrastructure is a subset of infrastructure, I do not consider it is necessary to specifically refer to it.
47. Forest and Bird (S560.471) seek that an additional constraint “outside of bird breeding and nesting periods” should be included in the policy. I do not support this addition. While I acknowledge that the notable trees could be bird nesting areas, this is not why they have been scheduled. I consider that placing a restriction of trimming and pruning such trees to periods out of the nesting and breeding periods of unspecified birds (so therefore all birds) is an excessively onerous requirement. Given the variety of bird species present on the West Coast, this could be a very extensive time period to protect a value that has not been identified for these trees.
48. Ngāi Tahu (S620.111) and Waka Kotahi (S450.073) support TREE – P5. Frida Inta (S553.055) and Buller Conservation Group (S552.055) seek the removal of the reference to “whether the tree renders the site incapable of reasonable use” from reasons that work can occur within the root protection zone of a notable tree. I consider that this provision is included in order to balance the reasonable use of land with protection of trees that contribute significantly to the amenity and heritage values of a locality. I consider that the policy puts quite a high test on work within the root protection area and that this is not a “loophole” but a necessary inclusion. I therefore do not support these submissions.
49. Westpower Limited (S547.191) seeks a broad exemption in the policy for “any technical, locational, functional or operational constraints of energy activities, including critical infrastructure”. I consider that this would be an exceptionally wide exemption and is inappropriate as it would sway the balance away from protection. In practice for many notable trees, in particular in urban parts of the West Coast (where most of the trees are located) the most likely work to impact on the trees would be infrastructure works. Therefore giving an exemption for such works would negate much of the protective value of the policy and point of scheduling the trees in the first place.

50. Waka Kotahi (S450.073) and Grey District Council (S608.599) support TREE – P6. This support is noted.
51. Frida Inta (S553.055) and Buller Conservation Group (S552.055) seek the addition of a policy to provide for the inclusion and protection of further notable trees within the district plan without requiring a plan change. I do not support this as it is ultra vires. It also goes against natural justice – where a tree is proposed to be scheduled, the owner of the tree and any other affected person should have the opportunity of submitting in support or opposition to its protection.
52. Westpower Limited (S547.187) seek that a new policy be added to the Plan that specifically provides for the removal of a notable tree in wide range of circumstances in relation to energy activities and critical infrastructure. I do not support this submission. I consider that this would be an exceptionally wide exemption and is inappropriate as it would sway the balance away from protection. In practice for many notable trees, in particular in urban parts of the West Coast (where most of the trees are located) the most likely work to impact on the trees would be infrastructure works. Therefore giving an exemption for such works would negate much of the protective value of the policy and point of scheduling the trees in the first place.

### Recommendations

53. Amend TREE – P4 as follows:

Allow the trimming and pruning of notable trees and activities in the root protection area where the works:

- Retain or improve the health of the tree; or
- Are necessary to prevent a serious threat to property and people; or
- Are necessary for the ongoing of operation of infrastructure and energy activities; or
- Are for the maintenance of network utility infrastructure and energy activities to enable compliance with relevant safety standards.

54. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 8.0 Submissions on Rules

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
<b>Rules as a Whole</b>			
William McLaughlin (S567)	S567.152	Support	Retain
Chris & Jan Coll (S558)	S558.068	Support	Retain
Chris J Coll Surveying Limited (S566)	S566.068	Support	Retain
Laura Coll McLaughlin (S574)	S574.068	Support	Retain
<b>TREE – R1</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.265	Support	Retain
<b>TREE – R2</b>			

Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.266	Support	Retain rule.
Waka Kotahi NZ Transport Agency (S450)	S450.074	Support	Retain as proposed
Grey District Council (S608)	S608.600	Support	Retain as proposed
Westpower Limited (S547)	S547.192	Amend	Amend b. To enable the ongoing provision and operation of existing <u>energy activities and infrastructure, including critical infrastructure</u>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.472	Amend	Change rules to reflect the changes sought to TREE -P4 around bird breeding and nesting periods
<i>Westpower Limited</i>	<i>FS222.0256</i>	<i>Oppose</i>	<i>Disallow</i>
<b>TREE – R3</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.267	Support	Retain rule.
Waka Kotahi NZ Transport Agency (S450)	S450.075	Support	Retain as proposed.
Grey District Council (S608)	S608.601	Support	Retain as proposed.
Westpower Limited (S547)	S547.193	Amend	Amend 3.b. To enable the ongoing provision and operation of existing energy activities and infrastructure, including critical infrastructure
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.472	Amend	Change rules to reflect the changes to TREE -P4 around bird breeding and nesting periods
<i>Westpower Limited</i>	<i>FS222.0256</i>	<i>Oppose</i>	<i>Disallow</i>
<b>TREE – R4</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.268	Support	Retain rule.
Waka Kotahi NZ Transport Agency (S450)	S450.076	Support	Retain as proposed.
Westpower Limited (S547)	S547.194	Amend	Amend d. Whether there is any technical, locational, operational or functional need for ...e. Whether any

			practicable alternatives ...
Westpower Limited (S547)	S547.195	Amend	Add f. The benefits to the community of the activity occurring
<b>TREE – R5</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.269	Support	Retain rule
Westpower Limited (S547)	S547.196	Amend	Item c. appears to be a duplication of item a. and should be deleted
Westpower Limited (S547)	S547.197	Amend	Split and amend item d. to read: d. Whether there is any <u>technical</u> , <u>locational</u> , operational or functional need for the activity to be located within the root protection area, and/or e. Whether any <u>practicable</u> alternatives are available to avoid the activity occurring in the root protection area
Westpower Limited (S547)	S547.198	Amend	f. The benefits to the community of the activity occurring.
Waka Kotahi NZ Transport Agency (Waka Kotahi) (S450)	S450.077	Support in part	Amend R5.1(d) to "Whether there is an operational or functional need for the activity to be located within the root protection area and/or whether any alternatives are available for the activity to locate elsewhere. <del>to avoid the activity occurring in the root protection area</del>
<b>TREE – R6</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.270	Support	Retain rule
Westpower Limited (S547)	S547.199	Amend	Item c. appears to be a duplication of item a. and should be deleted
Westpower Limited (S547)	S547.200	Amend	Split and amend d. Whether there is any <u>technical</u> , <u>locational</u> , operational or functional need for the activity to be located within the root protection area, and/or <u>e</u> . Whether any <u>practicable</u> alternatives are available to avoid the activity occurring in the root protection area
Westpower Limited (S547)	S547.201	Amend	Add f. The benefits to the community of the activity occurring
<b>TREE – R7</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te	S190.271	Support	Retain rule.

Whatu Ora (S190)			
Westpower Limited (S547)	S547.202	Support	Retain rule.
<b>TREE – R8</b>			
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.272	Support	Retain rule.

### Analysis

55. William McLaughlin (S567.152), Chris and Jan Coll (S558.068), Chis J Coll Surveying (S566.068), Laura Coll McLaughlin (S574.068) and Te Mana Ora (S190.265 – S190.275) support the rules. This support is noted.
56. Waka Kotahi (S450.074 and S450.075) and Grey District Council (S608.600 and S608.601) support TREE – Rule 2 in relation to the trimming and pruning of notable trees and TREE – Rule 3 in relation to work within the root zone protection area. This support is noted.
57. Westpower Limited (S547.192 and S547.193) seek that TREE – R2 and TREE – R3 be amended to refer to energy activities and critical infrastructure. As outlined in Section 8 above, in order to be consistent with other parts of the plan I support the reference to energy activities. I consider the reference to critical infrastructure to be unnecessary as this is a subset of infrastructure.
58. Forest and Bird (S560.472) seek amendments to this rule, and TREE – R3 around bird breeding and nesting periods. As outlined in Section 8, I consider this to be unreasonable. While I acknowledge that the notable trees could be bird nesting areas, this is not why they have been scheduled. I consider that placing a restriction of trimming and pruning such trees to periods out of the nesting and breeding periods of unspecified birds (so therefore all birds) is an excessively onerous requirement. Given the variety of bird species present on the West Coast, this could be a very extensive time period to protect a value that has not been identified for these trees.
59. Waka Kotahi (S450.076) supports TREE – R4 in relation to building activities within the root protection area of a notable tree. This support is noted.
60. Westpower Limited (S547.194) seeks specific amendment of two matters of discretion in TREE – R4 (S547.194), TREE – R5 (S547.197) and TREE – R6 (S547.200)- d. Whether there is any technical, locational, operational or functional need for ...e. Whether any practicable alternatives.
61. Westpower Limited also seeks that matter d. in TREE – R5 (S547.197) and TREE – R6 (S547.200) be split in two. I am comfortable that splitting the matter of discretion improves the readability of the rule, and support this part of the submission.
62. In relation to the addition of “technical” and “locational” to matter d., I do not support this addition. I consider that functional and operational needs are clear matters that include technical and locational matters, for which many exemptions are provided throughout the Plan. This is consistent with the approach in the NZCPS and in the National Planning Standards.
63. I do however support the addition of the term “practicable” in relation to matter e, as “practicable” means “generally able to be put in practice” and this is an important matter to consider when assessing alternative options.
64. Westpower Limited (S547.195) also seek a matter of discretion be added to Rules TREE – R4 (S547.195), TREE – R5 (S547.198) and TREE -R6 (S547.201) “the benefits to the community of activity occurring”. I do not consider that this is an appropriate matter of discretion as it provides very little concrete basis for assessment as there is no specificity



of quantum of benefits or type of benefit and how this could be evaluated.

65. Westpower Limited seeks that the duplication between matters of discretion a. and c. in rules TREE – R5 (S547.196) and TREE – R6 (S547.199) seek that c. be deleted. I support this as matter c. is a duplication.
66. Waka Kotahi (S450.077) seek an amendment to matter d to delete text that confuses the rule by both requiring avoidance and an assessment for avoidance. I consider that the amendments sought by Westpower that I have supported in splitting this assessment criterion address this concern.
67. Westpower Limited (S547.202) support TREE – R7. This support is noted.

### Recommendations

68. That TREE – R2 be amended as follows: ... The trimming and/or maintenance is: a. Necessary to improve, maintain or monitor tree health; or b. To enable the ongoing provision of existing infrastructure or energy activities; or.....
69. That TREE – R3 be amended as follows: ... The pruning is: a. Necessary to improve, maintain or monitor tree health; or b. To enable the ongoing provision of existing infrastructure or energy activities; or.....
70. That TREE – R4 be amended as follows: ....Discretion is restricted to:... ..e. Whether any practicable alternatives are available to avoid the activity occurring in the root protection area.
71. That TREE – R5 be amended as follows: ...Discretion is restricted to:...c. ~~Effectson~~ ~~identified values of the trees/s;~~ and Whether there is an operational or functional need for the activity to be located within the root protection area; and/or d. whether any practicable alternatives are available to avoid the activity occurring in the root protection area.
72. That TREE – R6 be amended as follows: ...Discretion is restricted to:...c. ~~Effectson~~ ~~identified values of the trees/s;~~ and Whether there is an operational or functional need for the activity to be located within the root protection area; and/or d. whether any practicable alternatives are available to avoid the activity occurring in the root protection area.
73. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## 9.0 Submissions on Schedule Two

### Submissions

Submitter Name /ID	Submission Point	Position	Decision Requested
Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio (Ngāi Tahu) (S620)	S620.311	Support	Retain as notified particularly those important to Poutini Ngāi Tahu
Grey District Council (S608)	S608.141	Support	Retain schedule as notified
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.400	Support	Retain schedule
Laura Mills (S309)	S309.003, S240.002	Support	Retain the following trees in the Schedule: Magnolia at Atarua, and Lawsons Cypress, Oak and Liquid

			Amber - Blackball
Marie Elder (S352)	S352.018	Support	Retain and expand schedule of trees
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.052	Support in part	The Māori Trustee supports the listing of TREE 58 and 59 in Schedule two of the Proposed Plan that are located on lands administered by the Māori Trustee. The Māori Trustee considers that notable trees of value to Poutini Ngāi Tahu need to clearly be identified in Schedule Two of the Proposed Plan.
Te Tumu Paeroa - The office of the Māori Trustee (S440)	S440.016	Support in part	The Māori Trustee considers that notable trees of value to Poutini Ngāi Tahu need to clearly be identified in Schedule Two of the Proposed Plan
Deb Langridge (S252)	S252.005	Amend	The roadside Rata tree on the Langridge property/ road reserve at Barrytown, and any other rata trees along the highway in Barrytown should have protection.
Laura Mills (S309)	S309.005	Amend	Include the following trees in the Notable Trees List: heritage trees at Dixon Park; trees off Kilgour Road in the Coronation Domain reserve.

### Analysis

74. Grey District Council (S608.141) and Forest and Bird (S560.400) support the Schedule as a whole. Ngāi Tahu (S620.311), Laura Mills (S309.003 and S240.002) and Te Tumu Paeroa (S440.052) particularly support the scheduling of specific notable trees. Te Tumu Paeroa (S440.052 and S440.016) seek that notable trees of value to Poutini Ngāi Tahu should be clearly identified in Schedule Two.
75. I note that the Schedule specifically identifies the following trees as of cultural value (Tree 27, Tree 58, Tree 59). It may not be clear to the reader that this cultural significance is a reference to the importance of these trees to Poutini Ngāi Tahu, and I therefore support this submission.
76. Marie Elder (S352.018) supports the schedule. She seeks that it be expanded but provides no specific suggestions.
77. Laura Mills (S309.005) seeks specific trees at Coronation Reserve and Dixon Park be added to the Schedule. TTPP staff reviewed the existing trees in those locations that are already scheduled (TREE 29-TREE 37) and do not consider that any additional trees should be included in the Schedule as a result of this submission.
78. Deb Landgridge (S252.005) sought that a roadside Rata tree on the Langridge property/ road reserve at Barrytown, and any other rata trees along the highway in Barrytown be included in the schedule. TTPP staff visited and assessed the trees using the STEM methodology. They did not consider that any of the trees on the Landgridge property met the threshold for inclusion in the Plan.

### Recommendations

79. That the schedule be amended so that there is specific reference to the Poutini Ngāi Tahu values of Tree 27, Tree 58 and Tree 59.
80. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in Appendix 2.

## **10.0 S32AA Evaluation for all Recommended Amendments**

81. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case TTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of TTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of TTPP provisions, being primarily matters of clarification rather than substance.
82. I consider the recommended changes are of a minor nature and are intended to improve the workability of TTPP, and therefore further evaluation under s32AA is not required.

## **11.0 Conclusion**

83. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents, for the reasons set out in the Section 32AA evaluations undertaken.