

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report: Topic 6

Notable Trees - Ngā Rākau Whakamaumahara

Hearing Dates: 6 December 2023

HEARING PANEL

Paul Rogers (Chair)

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with my appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the:
 - (a) Notable Trees - Ngā Rākau Whakamaumahara (**‘TREE’**) chapter of the Historical and Cultural Values section in Part 2 – District-Wide Matters of pTTPP; and
 - (b) Schedule Two: Notable Trees - Te Rāangi Tuarua: Ngā Rākau Whamaumahara (**‘Schedule Two’**) section in Part 4 – Appendices of pTTPP.
3. This Recommendation Report contains my evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on the TREE chapter and Schedule Two.
4. The Section 32 Report¹ on Notable Trees (‘s32 Report’) provided an evaluation of the options relating to identifying, recognising, and protecting notable trees through the pTTPP, including the regulatory framework, key resource management issues, the evidence base (research, consultation, information and analysis undertaken) and evaluation of the options. The evaluation concluded that, compared to the status quo or no regulations, the pTTPP TREE provisions are the most appropriate option, given that the benefits outweigh the costs. It also found that considerable efficiencies can be gained by adopting the pTTPP TREE provisions.
5. Eighty-one submission points and seventeen further submissions were received on the TREE chapter and Schedule Two.
6. The Section 42A Officer’s Report² (‘s42A Report’), authored by Ms Lois Easton, a principal planner with Kererū Consultants, acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report summarised the submissions and further submissions received, and relief sought. It analysed the submissions on the TREE provisions and Schedule Two, and detailed recommendations (summarised in Appendix 1 of s42A Report). It also indicated whether individual submission points and further submission points were recommended to be accepted/accepted in part/rejected (see Appendix 2 of the s42A Report).
7. The matters raised by submitters and further submitters were grouped in the s42A Report in relation to each of the following key issues:
 - (a) TREE chapter as a whole;
 - (b) Objectives;

¹ Section 32 Evaluation – Report Four - Historical and Cultural Values - Ngā Uara ā-Ahurea, ā-Hītori Hoki Historic Heritage - Ngā Tuku Ihotanga Notable Trees - Ngā Rākau Whakamaumahara Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori

² Section 42A Officer’s Report Notable Trees

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- (c) Policies;
 - (d) Rules; and
 - (e) Schedule Two.
8. A s32AA evaluation for all recommended amendments was provided at the end of the s42A Report.
 9. After the hearing, Ms Easton provided a Right of Reply ('Reply') dated 8 December 2023.
 10. This Recommendation Report follows the same structure of the s42A Report and provides a summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter statement or evidence and the Reply, before providing my evaluation and recommendation.
 11. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified pTTPP provisions (attached as **Appendix 1** to this Report). The tracked change version of the pTTPP provisions forms an integral part of the decision and records all recommended amendments (additions and deletions) to the notified pTTPP provisions made by the Panel. The tracked change version of the pTTPP shows the Panel's recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the pTTPP, the tracked change version of the pTTPP shown in **Appendix 1** of this Report must prevail.
 12. This Recommendation Report contains the reasons for my recommendations. These comprise either adoption of the reasoning and recommendations of the original s42A Reports or the Reply, or a specific reasoning.
 13. Where I recommend the pTTPP provisions should remain as notified, it is because:
 - (a) I have adopted the reasoning and recommendation of the s42A Report or the Reply to retain the provision as notified; or
 - (b) I have recommended to retain the provision as notified for reasons set out in this Recommendation Report.
 14. Where there is a recommended change to a notified provision of the pTTPP, it is because:
 - (a) I have recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
 - (b) I have adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the original s42A Report; or
 - (c) I have adopted the reasoning and recommendation to that recommended in the Reply; or
 - (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).

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15. Where there may be a different recommendation between the s42A Report and the Reply (i.e., the Reporting Officer's recommendation has changed as a result of hearing the statement or evidence of submitters), unless the recommendation specifically adopts the original s42A Report's reasoning and recommendations, the reasoning and recommendations in the (later) reply has been adopted and it must be taken to prevail.
16. If there are circumstances where I consider that alternative relief is more appropriate than that requested in submissions and further submissions to give effect to the RMA, NZCPS, NPS and/or RPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
17. If any changes are recommended to the provisions (since the s32A Report was completed) a further evaluation, if required, has been undertaken pursuant to s32AA of the RMA. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.
18. Clause 16(2) of Schedule 1 of the RMA enables me to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. Any such minor amendments are recorded in the recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (**Appendix 1** of this Report).

1.2. Terminology in this Report

19. Throughout this Report, the following abbreviations will be used:

BCG	Buller Conservation Group
BDC	Buller District Council
Councils	Buller District Council, Grey District Council, and Westland District Council
Forest & Bird	Royal Forest & Bird Protection Society of NZ Inc
GDC	Grey District Council
Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
Planning Standards	National Planning Standards
NPS	National Policy Statements
NZCPS	New Zealand Coastal Policy Statement 2010
NDFL	Nikau Deer Farm Limited
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement

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SASM	Sites and Areas of Significance to Māori
Te Mana Ora	Te Mana Ora (Community and Public Health) of Te Whatu Ora (Health New Zealand)
Te Tumu Paeroa	Te Tumu Paeroa – The office of the Māori Trustee
Waka Kotahi	NZ Transport Agency Waka Kotahi
Westpower	Westpower Limited

1.3. Hearing Arrangements

20. The hearing was held via Audio Visual on the 6 December 2023. Some submitters appeared by internet connection.

1.4. Appearances

Section 42A the Reporting Officers

- Ms Lois Easton, Planner with Kererū Consultants

21. The following submitters appeared at the hearing:

Ms Frida Inta for herself and on behalf of the BCG

Mr George and Ms Carly Coates on behalf of NDFL

Westpower Limited

- Mr Martin Kennedy, Planner

1.5. Overview of submitter evidence received

22. Evidence of Manawa Energy (S438) dated 8 November 2023 was circulated prior to and tabled at the hearing.
23. For those appearing at the hearing the following evidence and/or statements were received:
- (a) Statement of evidence by Mr Kennedy in association with Westpower (dated 6 November 2023);
 - (b) Statement of evidence by Ms Easton (undated);
 - (c) Ms Inta on behalf of BCG and herself (dated 6 December 2023); and
 - (d) Mr and Ms Coates on behalf of NDFL (undated).

1.6. Right of Reply

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24. Ms Easton provided a Reply responding to questions raised at the hearing and proposing further amendments to the TREE chapter (as notified) beyond those recommended in the s42A Report.

1.7. Procedural Steps and Issues

25. No procedural matters were raised at the hearing.

1.8. Site Visits

26. No site visits relating to these chapters were undertaken.

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

27. The TREE chapter is one of three subsections in the Historical and Cultural Values - Ngā Uara ā-Ahurea, ā-Hītori Hoki section located in Part 2 – District Wide Matters – Te Wāhanga 2 – Ngā Kaupapa ā-Rohe Whānui. The chapter has objectives, policies and rules for undertaking work on a notable tree (including trimming, maintenance, removal in any form, etc.) and work within the root protection area of a notable tree (i.e., gardening, mowing, root pruning, building activities, etc.).
28. The s32 Report outlined the relevant statutory considerations applicable to notable trees, and the relationships between the sections of the RMA and higher order documents. It³ highlighted matters from sections 6, 7 and 8 of the RMA, NPS, and iwi management plans relevant to the TREE chapter, and implied that the WCRPS was irrelevant. The s42A Report⁴ also broadly discussed these considerations.
29. The s32 Report⁵ indicated that there are two relevant iwi management plans, i.e., Te Rūnanga o Makaawhio Pounamu Management Plan and Ngāti Waewae Pounamu Management Plan, which both contain information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. It⁶ noted that Poutini Ngāi Tahu cultural resources are generally dealt with in a comprehensive way in the Sites and Areas of Significance to Māori chapter.
30. Clause 10 of Schedule 1 of the RMA states that it is not necessary to provide decisions on individual submissions. Recommendations are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in the reasons for recommendation. References to relevant submissions are made in the footers.
31. The Planning Standards mandatory direction 7.16 requires provisions relating to managing trees or groups of trees to be in a Notable Trees chapter in the Historical and Cultural Values section of the pTTPP. This direction also requires a schedule of individual trees and groups of trees, containing descriptions including species information; this schedule may be

³ Section 32 Evaluation Report Four– Historical and Cultural Values - Ngā Uara ā-Ahurea, ā-Hītori Hoki Historic Heritage - Ngā Tuku Ihotanga Notable Trees -Ngā Rākau Whakamaumahara Sites and Areas of Significance to Māori – Ngā Wāhi Tāpua ki te Māori, sections 6.2.1 to 6.2.6

⁴ Section 42A Officer's Report Notable Trees, sections 4.1 to 4.2

⁵ Above n 3, section 6.2.6

⁶ Above n 5

incorporated as an appendix of the pTTPP. I am satisfied the pTTPP structure is consistent with this national direction.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. NOTABLE TREES

2.1. Whole Chapter

Submissions and Further Submissions

32. Three submission points relating to the TREE chapter (as a whole) were summarised in a Table on page 6 of the s42A Report. Appendix 2 of the s42A Report records another submission point⁷ which had been missed from the s42A Report. Two submissions supported the retention of the TREE chapter as notified, while one submission opposed the whole chapter.
33. I adopt the summary of these submissions detailed in the s42A Report, and I have considered all the relevant submissions.

Section 42A Report

34. Ms Easton acknowledged submissions⁸ supporting the retention of the TREE chapter as notified.
35. She recommended rejecting Mr and Ms Coates submission⁹ opposing the TREE chapter, noting she does not support its complete deletion. She emphasised that most content reflects existing Schedule Two from the three operative district plans. Where scheduling justification was insufficient (Buller and Westland), she indicated that trees were reassessed using the Standard Tree Evaluation Method (STEM), a method employed by many local authorities to evaluate heritage and notable trees within a district plan context. She highlighted that the Grey District Council already had detailed scheduling records.
36. Ms Easton stated the TREE provisions were informed by best practice and subject to extensive consultation and community engagement. She highlighted community members nominated additional trees, which were assessed using STEM, with any new notable trees added to Schedule Two.
37. She emphasised that a s32 analysis found it appropriate to include the TREE provisions in the pTTPP due to strong community support, alignment with the three operative district plans, and the trees' contribution to the West Coast's amenity and heritage values. She indicated that the TREE provisions do not impose *"unjustifiably high costs on the community or parts of the community"*.
38. Ms Easton confirmed all landowners with scheduled notable trees on their property were notified and encouraged to submit on the pTTPP. She mentioned no submissions opposed any notable trees.

Hearing and Submitter Evidence

⁷ Te Tumu Paeroa (S440.052)

⁸ Forest & Bird (S560.187) and BDC (S538.175)

⁹ Mr George and Ms Carly Coates (S415.002)

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39. Mr and Ms Coates¹⁰:
- (a) suggested improving the notable tree identification framework by defining terms like “notable” and “rare” to prevent interpretation issues.
 - (b) noted STEM involves significant user discretion and should be implemented by qualified, independent professionals.
 - (c) raised concerns about the lack of a resolution process when Ngāi Tahu, the community, and stakeholders disagree on tree identification.
 - (d) warned that the current process could be misused to obstruct development.
 - (e) raised concerns that SASMs create additional regulatory burden, potentially requiring dual permissions - from a council-approved arborist and local iwi, the latter if a notable tree is located within a SASM.
 - (f) claimed a s32 financial analysis for the TREE chapter has not been completed, failing to address maintenance costs and production losses on private land.
 - (g) questioned who would bear arborist costs and suggested compensation for private property owners.
 - (h) argued that the TREE chapter should give landowners the right to refuse or consent to the scheduling of notable trees on private property.
 - (i) suggested the chapter should include a provision relating to compensating private landowners for any associated costs of a notable tree on private property in exchange for the private landowner consenting/approving a tree being scheduled as notable.

Reporting Officer Reply Evidence

40. In response to my hearing queries, Ms Easton¹¹ advised the following.
- (a) The three Councils would need to individually determine “*who*” pays for arborist work on notable trees through their respective Funding Policy and Long-Term Plans.
 - (b) The Council would consider the qualifications and experience of the “*Council-approved arboricultural contractor*” when applying the permitted activity TREE rules.
 - (c) Recommended text for an advice note defining a “*Council-approved arboricultural contractor*”. However, for clarity, she did not specifically advise whether an advice note should be included in the permitted activity TREE rules.

Hearing Panel’s Evaluation

41. For the reasons detailed by Ms Easton, I agree that retaining the TREE chapter as notified is the most appropriate outcome, especially given that most of the content reflects existing Schedule Two from the three operative district plans. Where scheduling justification was insufficient (Buller and Westland), she indicated that trees were reassessed using the

¹⁰ Mr George and Ms Carly Coates, Notable Trees hearing statement, page 1

¹¹ Ms Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, page 1, points 3, 4, and 9 (a), (b), and (c)

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Standard Tree Evaluation Method (STEM), a method employed by many local authorities to evaluate heritage and notable trees within the context of a district plan. She highlighted that the Grey District Council already had detailed scheduling records.

42. I also accept Ms Easton's advice that the TREE provisions were informed by best practice and subject to extensive consultation and community engagement. Additionally, she highlighted that community members nominated additional trees, which were assessed using STEM; any new notable trees were added to Schedule Two.
43. I consider the issues raised by Mr and Mrs Coates are capable of resolution utilising the proposed provisions of the TREE chapter, so I do not recommend withdrawal of the chapter. As well, if the relief sought by this submitter was provided for within the Plan provisions, I think it unlikely that heritage and notable trees would be adequately provided for within the pTTPP.

Recommendation

44. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the **Notable Trees chapter** be retained in the pTTPP.

2.2. Notable Tree Objectives

Submissions and Further Submissions

45. Four submission points relating to the TREE objectives (as a whole) were summarised in a Table on page 7 of the s42A Report. All submissions supported the retention of the TREE objectives as notified.
46. Two submission points and one further submission point relating to **TREE – O1** were summarised in a Table on page 7 of the s42A Report. Appendix 2 of the s42A Report records two further submission points¹² which were omitted from the s42A Report. One submission supported the retention of the objective as notified. The other submission supported in part the objective, seeking an amendment. One further submission opposed Forest & Birds submission on the objective. The two other further submissions supported Te Mana Ora's submission on TREE-01, although one requested the "large old trees at Seaview, Hokitika" be inserted into Schedule Two.
47. A Table on pages 7 and 8 of the s42A Report summarised two submission points supporting **TREE–O2** as notified. However, the s42A Report mistakenly omitted a third submission point¹³ that partially supported TREE – O2 while requesting the notable trees referred to in the objective be clearly identified as being of value to Poutini Ngāi Tahu in Schedule Two. Also, Appendix 2 of the s42A Report records a further submission point¹⁴ which has been omitted from the s42A Report. That further submission supported Te Mana Ora's submission on the objective.
48. Four submission points relating to **TREE–O3** were summarised in a Table on page 8 of the s42A Report. One submission supported the retention of the objective as notified. Two submissions

¹² Ms Inger Perkins (FS33.6 and FS33.8)

¹³ Te Tumu Paeroa (S440.052)

¹⁴ Ms Inger Perkins (FS33.7)

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supported in part the objective, seeking an amendment. Lastly, one submission sought an amendment to the objective by creating a new objective.

49. I adopt the summary of these submissions and further submissions detailed in the s42A Report, and I have considered all the relevant submissions and further submissions.

Section 42A Report

Objectives (General)

50. Ms Easton acknowledged submissions¹⁵ supporting the retention of the TREE objectives as notified.

Objective 1

51. Ms Easton noted the submission¹⁶ supporting the retention of TREE – O1 as notified.
52. Ms Easton recommended rejecting Forest & Bird's¹⁷ submission as she was unresponsive to including "*habitat*" as a value to recognise trees notable for the habitat that they provide. She reasoned that "*habitat*" is not a STEM criterion, and STEM has been used to identify the notable trees. She highlighted that habitat is dealt with separately by the Ecosystems and Biodiversity chapter.

Objective 2

53. Ms Easton acknowledged submissions¹⁸ supporting the retention of TREE – O2 as notified.

Objective 3

54. Ms Easton noted the submission¹⁹ supporting the retention of TREE – O3 as notified.
55. Ms Easton recommended accepting Waka Kotahi and GDC submissions²⁰ supporting an amendment to explicitly provide for the pruning or trimming of notable trees for safety reasons.
56. Ms Easton recommended rejecting Westpower's submission²¹ for a new objective allowing tree trimming, pruning, and removal in relation to energy and critical infrastructure, reasoning that this is better addressed through the Waka Kotahi and GDC submissions noted in [55] above.

Hearing and Submitter Evidence

57. At the hearing, Mr Kennedy²²:

¹⁵ Mr William McLaughlin (S567.150), Mr Chris and Ms Jan Coll (S558.066), Chris J Coll Surveying (S566.066), and Ms Laura Coll McLaughlin (S574.066)

¹⁶ Te Mana Ora (S190.256)

¹⁷ Forest & Bird (S560.188)

¹⁸ Te Mana Ora (S190.257) and Ngāi Tahu (S620.109)

¹⁹ Te Mana Ora (S190.258)

²⁰ Waka Kotahi (S450.071) and GDC (S608.597)

²¹ Westpower (S547.186)

²² Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 8.3

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- (a) disagreed with Ms Easton's recommended rejection of Westpower's proposed objective, arguing her amendments kept provisions too narrowly focused on safety.
- (b) noted regionally significant infrastructure may need to locate near notable trees for locational, technical, functional or operational reasons.
- (c) emphasised that servicing community needs should be recognised alongside tree protection, which is already acknowledged by making tree removal discretionary activity rather than non-complying.
- (d) maintained Westpower's proposed objective is appropriate.
- (e) indicated that TREE-O3 could be reworded to address locational, technical, functional or operational matters while limiting the number of objectives.

Reporting Officer Reply Evidence

58. The Reply does not detail any points relevant to the TREE objectives.

Hearing Panel's Evaluation

59. I agree with Ms Easton's recommendations on TREE-01 to reject Forest and Birds submissions for the reasons she provides.
60. I agree with Ms Easton's recommendations on TREE-03 accepting Waka Kotahi and GDC submissions²³ supporting an amendment to explicitly provide for the pruning or trimming of notable trees for safety reasons. I consider this a sensible and practical amendment that also provides some relief to Westpower.
61. I agree with her reasons for rejecting and accepting submissions as detailed within her s42A and Reply reports.

Hearing Panel's Recommendation

62. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Notable Trees Objectives**:

Notable Tree Objectives	
TREE – O3	To provide for the protection of notable trees while recognising instances where trimming and/or pruning is required <u>where this</u> : <ul style="list-style-type: none">a. and may improve the health of the tree, orb. <u>is needed for safety reasons including the safe operation of infrastructure and energy activities; and recognise there may be</u> instances where removal of the tree is unavoidable due to safety <u>requirements</u>.

2.3. Notable Tree Policies

²³ Waka Kotahi (S450.071) and GDC (S608.597)

Submissions and Further Submissions

63. Four submission points relating to the TREE policies (as a whole) were summarised in a Table on page 9 of the s42A Report. Appendix 2 of the s42A Report records three further submission points²⁴ which have been missed from the s42A Report. All submissions supported the retention of the TREE policies as notified.
64. One submission point relating to **TREE – P1** was summarised in a Table on page 9 of the s42A Report. Appendix 2 of the s42A Report records one further submission point²⁵ which was omitted from the s42A Report. The submission point supported the retention of the policy as notified, and the further submission point supported Te Mana Ora’s submission on the policy.
65. Three submission points and one further submission point relating to **TREE – P2** were summarised in a Table on page 9 of the s42A Report. Appendix 2 of the s42A Report records an additional further submission point²⁶ which was omitted from the s42A Report. One submission point supported the retention of the policy as notified. Two submission points sought an amendment to the policy. Lastly, one further submission point opposed Forest & Bird’s submission on the policy, and the other further submission point supported Te Mana Ora’s submission on the policy.
66. A Table on pages 9 and 10 of the s42A Report summarised two submission points supporting **TREE – P3** as notified. The s42A Report mistakenly omitted a third submission point²⁷ that partially supported TREE – P3 while requesting the notable trees referred to in the policy be clearly identified as being of value to Poutini Ngāi Tahu in Schedule Two.
67. Seven submission points and one further submission point relating to **TREE – P4** were summarised in a Table on page 10 of the s42A Report. Appendix 2 of the s42A Report records an additional submission point²⁸ and further submission point²⁹ which were omitted from the s42A Report. Two submission points supported the retention of the policy as notified. One submission point supported the policy while also requesting an amendment to a tenet. Five submission points sought an amendment to the policy. Lastly, the two further submissions opposed Forest & Bird’s submissions on the policy.
68. A Table on pages 10 and 11 of the s42A Report summarises six submission points and two further submission points relating to **TREE – P5** but includes an error. Waka Kotahi’s submission³⁰ related to TREE – P6, not TREE – P5. Also, Appendix 2 of the s42A Report records an additional further submission point³¹ which has been omitted from the s42A Report. The correct count is five submission points and three further submissions. Two submission points supported the retention of the policy as notified, while three sought an amendment to the policy. Two further submissions opposed BCG’s and Ms Inta’s submission on the policy, while the third supported Ms Inta’s submission on this policy.
69. Three submission points relating to **TREE – P6** were summarised in a Table on page 11 of the s42A Report. These submissions supported the retention of the policy as notified.

²⁴ Ms Inger Perkins (FS33.2, FS33.3, and FS33.4)

²⁵ Ms Inger Perkins (FS33.9)

²⁶ Ms Inger Perkins (FS33.5)

²⁷ Te Tumu Paeroa (S440.052)

²⁸ Forest & Bird (S560.472)

²⁹ Westpower (FS222.02)

³⁰ Waka Kotahi (S450.073)

³¹ Ms Inger Perkins (FS33.1)

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70. Three submission points and two further submission points relating to **new TREE policies** were summarised in a Table on page 11 of the s42A Report. Three submission points sought a new TREE policy, and the two further submissions opposed BCG's and Ms Inta's submitted new TREE policy
71. I have considered all the relevant submissions and further submissions and have adopted the summaries in the s42A Report.

Section 42A Report

Policies (General)

72. Ms Easton acknowledged submissions³² supporting the retention of the TREE policies as notified.

Policy 1

73. Ms Easton noted the submission³³ supporting the retention of TREE – P1 as notified.

Policy 2

74. Ms Easton noted the submission³⁴ supporting the retention of TREE – P2 as notified.
75. Ms Easton recommended rejecting both Westpower's and Forest & Bird submissions³⁵ to amend TREE – P3 as requested.
76. She was unsupportive of Westpower's request for "general" protection of notable trees, and to provide an exception for certain tree trimming, pruning, or removal. She reasoned that the policy aims to protect these trees, with their removal only to be considered in very limited circumstances where no alternative is available. She did, however, acknowledge that pruning and trimming of notable trees may be necessary.
77. She was also unsupportive of Forest & Bird's request to include "habitat" as a value, reasoning that "habitat" is not a STEM criterion, and STEM has been used to identify the notable trees.

Policy 3

78. Ms Easton acknowledged submissions³⁶ supporting the retention of TREE – P3 as notified.

Policy 4

79. Ms Easton noted the submissions³⁷ supporting the retention of TREE – P4 as notified.
80. Ms Easton recommended accepting in part Westpower's submission³⁸. She supported adding "or" after "people;" in point (b) for clarity; including "operation" before "infrastructure" in point (c) to correct an error; and adding "energy activities" before "infrastructure" in point (c)

³² Mr William McLaughlin (S567.151), Mr Chris and Ms Jan Coll (S558.067), Chris J Coll Surveying (S566.067), and Ms Laura Coll McLaughlin (S574.067)

³³ Te Mana Ora (S190.259)

³⁴ Te Mana Ora (S190.260)

³⁵ Westpower (S547.188) and Forest & Birds (S560.470)

³⁶ Ngāi Tahu (S620.110) and Te Mana Ora (S190.261)

³⁷ Waka Kotahi (S450.072) and Te Mana Ora (S190.262)

³⁸ Westpower (S547.189 and S547.190)

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and (d) for consistency with the wider pTTPP. However, she was unsupportive of inserting “critical infrastructure” to (c) and (d), considering it redundant since the term is already covered by the broader “infrastructure”.

81. Ms Easton recommended rejecting the submissions³⁹ from GDC, Chorus NZ Ltd, Spark NZ Trading Ltd, and Vodafone NZ Ltd. She was unsupportive of replacing “operation” with “provision” in point (c), as this would support notable tree trimming or pruning where infrastructure is proposed (rather than just existing infrastructure), substantially weakening the policy’s protective intent.
82. In response to Forest & Bird’s⁴⁰ submission to limit notable tree trimming and maintenance to periods outside of bird breeding and nesting periods, Ms Easton recommended rejecting this submission. She considered this request unreasonable and excessively onerous, as protecting the breeding and nesting periods of all bird species on the West Coast could create extensive timing restrictions for tree trimming and maintenance, especially when the trees were not scheduled specifically for their bird habitat value.

Policy 5

83. Ms Easton noted the submission⁴¹ supporting the retention of TREE – P5 as notified.
84. Ms Easton recommended accepting the submission⁴² from Ngāi Tahu supporting the retention of the policy as notified.
85. Ms Easton recommended the submissions⁴³ from Ms Inta, BCG, and Westpower be rejected.
86. In response to Ms Inta’s and BCG’s requests to delete point (e) from the policy, Ms Easton was unsupportive, considering an assessment of “whether the tree renders the site incapable of reasonable use” achieves a balance between the reasonable use of land and protecting notable trees. She noted that the policy provides a high benchmark for work within the root protection area with necessary inclusions but is not intended to be used a “loophole”.
87. Ms Easton is also unsupportive of Westpower’s request to add a new exception to the policy. She considered “any technical, locational, functional or operational constraints of energy activities, including critical infrastructure” too broad an exception, and inappropriate as it would support land development / use more than protection. She indicated that since infrastructure works most likely threaten notable trees, such an exemption would undermine the policy’s protective purpose and the rationale for scheduling the trees.

Policy 6

88. Ms Easton acknowledged submissions⁴⁴ supporting the retention of TREE – P6 as notified.

New TREE policies

³⁹ GDC (S608.598) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.038)

⁴⁰ Forest & Bird (S560.471)

⁴¹ Te Mana Ora (S190.263)

⁴² Ngāi Tahu (S620.111)

⁴³ Ms Frida Inta (553.055), BCG (S552.055), and Westpower (S547.191)

⁴⁴ Waka Kotahi (S450.073), GDC (S608.599), and Te Mana Ora (S190.264)

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89. Ms Easton recommended rejecting the submissions⁴⁵ from Ms Inta, BCG, and Westpower.
90. Ms Easton is unsupportive of Ms Inta's and BCG's request for a new TREE policy. She considered it ultra vires and contrary to natural justice to include and protect additional trees as notable trees through the pTTPP process, rather than through a private plan change. She indicated that affected parties should be provided with the opportunity to submit on a request to schedule a tree as a notable tree.
91. Ms Easton is also unsupportive of Westpower's⁴⁶ request for a new TREE policy providing for the removal of notable trees in relation to energy activities and critical infrastructure. She considered the proposed policy too broad and inappropriate for the same reasons as detailed in [87] above.

Hearing and Submitter Evidence

92. Despite not making a submission or further submission on the TREE policies, at the hearing Ms Inta⁴⁷ objected to Westpower's submission⁴⁸ to insert "*energy activities*" into TREE – P4 (c).
93. With regards to Westpower's proposed policy, Mr Kennedy⁴⁹:
 - (a) agreed with Ms Easton about protecting notable trees.
 - (b) argued that regionally significant infrastructure needs better recognition to balance servicing the community with tree protection.
 - (c) noted the rule framework already acknowledges potential conflicts between infrastructure and notable trees.
 - (d) explained that Westpower's proposed policy and TREE-P2 amendments were intended to complement their proposed objective and identify constraints that may create conflicts between competing outcomes.
 - (e) asserted that locational, technical, functional or operational constraints or requirements of energy activities are inappropriate policy provisions to include in the pTTPP.
94. In response to Ms Easton recommending rejection of Westpower's proposed amendments to TREE – P5, Mr Kennedy⁵⁰:
 - (a) argued the amendments would ensure consideration of locational, technical, functional or operational constraints or requirements of energy activities when balancing tree protection with servicing the community.

⁴⁵ Ms Frida Inta (S553.055), BCG (S552.055), and Westpower (FS222.016 and FS222.0128)

⁴⁶ Westpower (S547.187)

⁴⁷ Ms Frida Inta (S553), Notes for Hearing Contaminated Land, Hazardous Substances, Notable Trees, page 3, Notable Trees section

⁴⁸ Westpower (S547.190)

⁴⁹ Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 8.4

⁵⁰ Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 8.5

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- (b) agreed with Ms Easton that many urban trees often face protection versus servicing conflicts, noting this is already recognised by making tree removal a discretionary activity rather non-complying.
 - (c) emphasised that TREE – P5 determines when work is “appropriate” rather than providing for protection, making regional significant infrastructure constraints and requirements relevant considerations, especially given the acknowledged potential conflicts.
 - (d) distinguished TREE – P5 from TREE – P4, which “allows” certain activities.
95. Mr and Ms Coates⁵¹ queried whether Poutini Ngāi Tahu must respect private property rights when applying TREE–P3 by obtaining landowner permission to access private land for tree assessments, and whether they are required to use STEM to identify notable trees.

Reporting Officer Reply Evidence

96. In response to my hearing queries, Ms Easton⁵² advised the following.
97. Adding a new notable tree(s) to Schedule Two would require a private plan change following the standard RMA Schedule 1 process.
98. Poutini Ngāi Tahu would need to obtain landowners' permission to access private property to evaluate whether any trees are notable trees, and that a suitably qualified person would use STEM to assess and identify any notable trees.
99. Inserting “*energy activities*” in the TREE provisions is supported for clarity based on Westpower’s argument because the Energy chapter is separate from the infrastructure chapter. However, the definition for “*energy activities*” and “*infrastructure*” includes the same activities.
100. It is recommended that “*including critical infrastructure*” in TREE provisions be rejected because the s42A Report for the Energy Infrastructure and Transport chapters recommended changing all “*critical infrastructure*” references to “*regionally significant infrastructure*”.
101. As “*regionally significant infrastructure*” is covered by the broader “*infrastructure*” term it is unnecessary to include “*regionally significant infrastructure*” in many locations.
102. Considering the Hearing 1 discussions, it is recommended that, in all instances, only “*functional*” and “*operational*” needs be included in the TREE provisions, as these cover the “*technical*” and “*locational*” matters.

Hearing Panel’s Evaluation

103. I accept Ms Easton’s recommended amendments to TREE-P4 for the reasons set out within her s42A and Reply reports.
104. I agree with the reasons she provides for rejecting submissions and further submissions on this suite of policies.

⁵¹ Mr George and Ms Carly Coates, Notable Trees hearing statement, page 1

⁵² Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, pages 1 and 2, points 5, 7, and 9 (a), (b), and (c)

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105. I agree with the reasons she gives in support of rejecting submissions that sought new policies.

Hearing Panel's Recommendation

106. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Notable Tree Policies**:

Notable Tree Policies	
TREE - P4	Allow the trimming and pruning of notable trees and activities in the root protection area where the works: <ul style="list-style-type: none">a. Retain or improve the health of the tree; <u>or</u>b. Are necessary to prevent a serious threat to property and people; <u>or</u>c. Are necessary for the ongoing <u>operation</u> of infrastructure <u>and energy activities</u>; ord. Are for the maintenance of network utility infrastructure <u>and energy activities</u> to enable compliance with relevant safety standards.

2.4. Notable Tree Rules

Submissions and Further Submissions

107. Four submission points relating to the TREE rules (as a whole) were summarised in a Table on page 13 of the s42A Report. All submission points supported the retention of the TREE rules as notified.
108. One submission point relating to **TREE – R1** was summarised in a Table on page 13 of the s42A Report. This submission supported the retention of the rule as notified.
109. Five submission points and one further submission point relating to TREE – R2 were summarised in a Table on page 14 of the s42A Report. Three submission points supported the retention of the rule as notified. Two submission points sought an amendment to the rule. Lastly, the further submission opposed Forest & Bird's requested amendment.
110. Five submission points and one further submission point relating to **TREE – R3** were summarised in a Table on page 14 of the s42A Report. Three submission points supported the retention of the rule as notified. Two submission points sought an amendment to the rule. Lastly, the further submission opposed Forest & Bird's requested amendment.
111. Four submission points relating to **TREE – R4** were summarised in a Table on pages 14 to 15 of the s42A Report. Two submission points supported the retention of the rule as notified, with the other two submission points seeking an amendment to the rule.
112. Five submission points relating to **TREE – R5** were summarised in a Table on page 15 of the s42A Report. One submission point supported the retention of the rule as notified. One submission point supported in part the rule (with an amendment sought). Lastly, three submission points sought an amendment to the rule.

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113. Four submission points relating to **TREE – R6** were summarised in a Table on page 15 of the s42A Report. One submission point supported the retention of the rule as notified. Three submission points sought an amendment to the rule.
114. Two submission points relating to **TREE – R7** were summarised in a Table on pages 15 and 16 of the s42A Report. Both submissions supported the retention of the rule as notified.
115. One submission point relating to **TREE – R8** was summarised in a Table on page 16 of the s42A Report. This submission supported the retention of the rule as notified.
116. I adopt the summary of these submissions and further submissions detailed in the s42A Report, and I have considered all the relevant submissions and further submissions.

Section 42A Report

Rules (General)

117. Ms Easton acknowledged submissions⁵³ supporting the retention of the TREE rules as notified.

TREE - R1: Permitted Activity - Gardening and Mowing in the Root Protection Area of a Notable Tree identified in Schedule Two

118. Ms Easton noted the submission⁵⁴ supporting the retention of the TREE – R1 as notified.

TREE - R2: Permitted Activity - Trimming and Maintenance of a Notable Tree identified in Schedule Two

119. Ms Easton acknowledged submissions⁵⁵ supporting the retention of TREE – R2 as notified.
120. Ms Easton recommended accepting in part Westpower’s submission⁵⁶ as she supported including “energy activities” in conditions (1)(d), as it would be consistent with other parts of the pTTPP. However, she was unsupportive of including “critical infrastructure”, considering it unnecessary as the broader “infrastructure” term already covers it.
121. In response to Forest & Bird’s submission⁵⁷ to limit notable tree trimming and maintenance to periods out of bird breeding and nesting periods, Ms Easton recommended rejecting this submission for the same reasons as detailed in [82].
122. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submissions⁵⁸ from Te Mana Ora and GDC to retain TREE – R2 as notified be accepted.
123. The S42A report recommends TREE – R2 be amended as follows:

TREE – R2 Trimming and Maintenance of a Notable Tree identified in Schedule Two

Activity Status Permitted

⁵³ Mr William McLaughlin (S567.152), Mr Chris and Ms Jan Coll (S558.068), Chris J Coll Surveying (S566.068), Ms Laura Coll McLaughlin (S574.068) and Te Mana Ora (S190.265 to S190.275)

⁵⁴ Te Mana Ora (S190.265)

⁵⁵ Waka Kotahi (S450.074 and S450.075) and GDC (S608.600 and S608.601)

⁵⁶ Westpower (S547.192)

⁵⁷ Forest & Bird (S560.472)

⁵⁸ Te Mana Ora (S190.266) and GDC (S608.600)

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Where:

1. 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
 - c. For compliance with relevant electricity hazard regulations; or
 - d. To prevent a serious threat to people or property; and
2. A council approved arboricultural contractor has certified that the works will not compromise the ongoing integrity, viability or values of the notable tree.

TREE - R3: Permitted Activity - Root Pruning within the Root Protection Area of a Notable Tree identified in Schedule Two

124. For the same reasons as detailed in [120] above, Ms Easton recommended accepting in part Westpower's submission⁵⁹ as she supported including "energy activities" in conditions (1)(d) but was unsupportive of including "critical infrastructure".
125. In response to Forest & Bird's submission⁶⁰ to limit root pruning within the root protection area of a notable tree to periods out of bird breeding and nesting periods, Ms Easton recommended rejecting this submission for the same reason as detailed in [82] above.
126. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submissions⁶¹ from Te Mana Ora and GDC to retain TREE – R3 as notified be accepted.
127. The S42A report recommends TREE – R3 be amended as follows:

TREE – R3 Root Pruning within the Root Protection Area of a Notable Tree identified in Schedule Two

Activity Status Permitted

Where:

1. The root pruning will not compromise the integrity, ongoing viability and values of the tree; and
2. Any machinery associated with undertaking the root pruning is only operated on top of paved surfaces or with ground protection methods used which avoid compaction of the soil around the root zone of the notable tree; and
3. The pruning is:
 - a. Necessary to improve, maintain or monitor tree health; or

⁵⁹ Westpower (S547.193)

⁶⁰ Forest & Bird (S560.472)

⁶¹ Te Mana Ora (S190.267) and GDC (S608.601)

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- b. To enable the ongoing provision of existing infrastructure or energy activities; or
 - c. For compliance with the relevant electricity hazard regulations; or
 - d. To prevent a serious threat to people or property; and
4. A council approved arboricultural contractor has certified that the work will be in accordance with 1 and 2.

TREE - R4: Restricted Discretionary Activities - Building Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two

128. Ms Easton noted the submission⁶² supporting the retention of the TREE – R4 as notified.
129. Ms Easton recommended accepting in part Westpower’s submission⁶³ as she supported inserting “practicable” in matter (e), considering it important to assess if alternative options can realistically be implemented. However, she was unsupportive of inserting “technical” and “locational” needs in matter (d), as “functional” and “operational” needs already encompass these considerations, which is consistent with the NZCPS and NPS. Also, she indicated that there are many exceptions throughout the pTTPP for “functional” and “operational” needs.
130. Ms Easton recommended rejecting Westpower’s other submission⁶⁴ as she is unsupportive of inserting “the benefits to the community of activity occurring” as a new matter of discretion because it lacks specificity of quantity and type of benefits, providing no certain basis for assessment or evaluation.
131. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission⁶⁵ from Te Mana Ora to retain TREE – R4 as notified be accepted.
132. For clarity, Appendix 2 of the s42A Report incorrectly records the submission⁶⁶ from Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd sought at amendment to TREE – R4, where it was on TREE – P4 which is correctly detailed in the Table on page 10 of the s42A Report.
133. The S42A report recommends TREE – R4 be amended as follows:

TREE – R4 Building Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two

Activity Status: Restricted Discretionary

Where:

1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor.

Discretion is restricted to:

⁶² Waka Kotahi (S450.076)

⁶³ Westpower (S547.194)

⁶⁴ Westpower (S547.194 and S547.195)

⁶⁵ Te Mana Ora (S190.268)

⁶⁶ Chorus NZ Ltd, Spark NZ Trading Ltd, and Vodafone NZ Ltd (S663)

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- a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;
- b. Effects on amenity values of public places;
- c. Effects on identified values of the tree/s; and
- d. Whether there is an operational or functional need for the activity to be located within the root protection area; and
- e. Whether any **practicable** alternatives are available to avoid the activity occurring in the root protection area.

TREE - R5: Restricted Discretionary Activities - New Underground Network Utilities and Infrastructure Within the Root Protection Area of a Notable Tree identified in Schedule Two

134. Ms Easton recommended accepting in part Westpower's submission⁶⁷ as she supported splitting matter (d) into two with revised matter (d) focused on "functional" and "operational" needs and new matter (e) focused on alternatives for avoidance to improve the readability of the rule. She also supported inserting "practicable" in the new matter (e). However, she was unsupportive of inserting "technical" and "locational" needs in revised matter (d). The reasons for these recommendations are the same as those detailed in [129] above.
135. Ms Easton recommended rejecting Westpower's submission⁶⁸ as she is unsupportive of inserting "the benefits to the community of activity occurring" as a new matter of discretion for the same reason as detailed in [130] above.
136. Ms Easton recommended accepting Westpower's submission⁶⁹ as she supported deleting matter (c) due to a duplication with preceding matter (a).
137. Ms Easton recommended accepting in part Waka Kotahi's submission⁷⁰ supporting the deletion of text from matter (d) to remove confusion from new underground network utilities and infrastructure within the root protection area of a notable tree requiring both avoidance and an assessment for avoidance. She indicated that this concern is addressed through the recommendations detailed in [134] above.
138. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission⁷¹ from Te Mana Ora to retain TREE – R5 as notified be accepted.
139. The S42A report recommends TREE – R5 be amended as follows:

TREE – R5 New Underground Network Utilities and Infrastructure Within the Root Protection Area of a Notable Tree identified in Schedule Two

Activity Status: Restricted Discretionary

Where:

⁶⁷ Westpower (S547.197)

⁶⁸ Westpower (S547.198)

⁶⁹ Westpower (S547.196)

⁷⁰ Waka Kotahi (S450.077)

⁷¹ Te Mana Ora (S190.269)

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1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor.

Discretion is restricted to:

- a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;
- b. Effects on amenity values of public places;
- c. ~~Effects on identified values of the tree/s; and~~
- dc. 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.

TREE - R6: Restricted Discretionary Activities - Gardening, Mowing, Trimming, Maintenance and Root Pruning of a Notable Tree identified in Schedule Two not meeting Permitted Activity Standards

140. Ms Easton recommended accepting in part Westpower's submission⁷² as she supported splitting matter (d) into two with revised matter (d) focused on "functional" and "operational" needs and new matter (e) focused on alternatives for avoidance. She also supported inserting "practicable" in the new matter (e). However, she is unsupportive of inserting "technical" and "locational" needs in revised matter (d). The reasons for these recommendations are the same as those detailed in [129] and [134] above.
141. Ms Easton recommended rejecting Westpower's submission⁷³ as she was unsupportive of inserting "the benefits to the community of activity occurring" as a new matter of discretion for the same reasons as detailed in [130] above.
142. Ms Easton recommended accepting Westpower's submission⁷⁴ that matter (c) be deleted for the same reasons as detailed in [136] above.
143. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission⁷⁵ from Te Mana Ora to retain TREE – R6 as notified be accepted.
144. The S42A report recommends TREE – R6 be amended as follows:

TREE – R6 Gardening, Mowing, Trimming, Maintenance and Root Pruning of a Notable Tree identified in Schedule Two not meeting Permitted Activity standards.

Activity Status: Restricted Discretionary

Where:

⁷² Westpower (S547.200)

⁷³ Westpower (S547.201)

⁷⁴ Westpower (S547.199)

⁷⁵ Te Mana Ora (S190.270)

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1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor.

Discretion is restricted to:

- a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;
- b. Effects on amenity values of public places;
- c. ~~Effects on identified values of the tree/s; and~~
- dc. 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.

TREE - R7: Discretionary Activities - Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards

145. Ms Easton noted the submission⁷⁶ supporting the retention of the TREE – R7 as notified.
146. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission⁷⁷ from Te Mana Ora to retain TREE – R7 as notified be accepted.

TREE - R8: Discretionary Activities - Removal, Partial Removal or Destruction of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards

147. As detailed in Appendix 2 of the s42A Report, Ms Easton recommended the submission⁷⁸ from Te Mana Ora to retain TREE – R8 as notified be accepted.

Hearing and Submitter Evidence

148. Despite not making a submission or further submission on the TREE rules, at the hearing Ms Inta⁷⁹ objected to Westpower’s submission⁸⁰ to insert “energy activities” into TREE – R2 (b) and TREE – R3 (b).
149. In response to Ms Easton’s recommendation to reject or reject in part Westpower’s amendments to TREE – R4, TREE – R5, TREE – R6, Mr Kennedy⁸¹ indicated that the constraints or requirements of energy activities are relevant matters to be included, particularly for linear infrastructure.
150. Mr Kennedy⁸²

⁷⁶ Westpower (S547.202)

⁷⁷ Te Mana Ora (S190.271)

⁷⁸ Te Mana Ora (S190.272)

⁷⁹ Ms Frida Inta (S553) Notes for Hearing Contaminated Land, Hazardous Substances, Notable Trees, page 3, Notable Trees section

⁸⁰ Westpower (S547.192 and S547.193)

⁸¹ Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, sections 8.6 to 8.8

⁸² Mr Martin Kennedy, Notable Trees planning evidence, dated 6 November 2023, section 8.6

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- (a) disagreed with Ms Easton’s recommended rejection of amendments to TREE – R4 regarding community benefits, arguing they relate to regionally significant infrastructure which is recognised as significant for the community.
 - (b) raised that TREE – R4 (i.e., building activities within the root protection area of a notable tree) is a restricted discretionary activity and does not provide for tree removal (a discretionary activity).
 - (c) suggested the rule could be reworded to specifically reference benefits of “*energy activities*”, “*infrastructure*”, and “*regionally significant infrastructure*” if more focus was needed.
151. Mr and Ms Coates⁸³ asked whether TREE – R8 applies to Poutini Ngāi Tahu, such as when felling a culturally significant tree (i.e., holds cultural value for carving purposes) for carving purposes.

Reporting Officer Reply Evidence

152. In response to my hearing queries, Ms Easton⁸⁴ advised the following.
- (a) Inserting “*energy activities*” in the TREE rules is supported for clarity because the Energy chapter is separate from the infrastructure chapter. However, the definition for “*energy activities*” and “*infrastructure*” include the same activities.
 - (b) Reject “*including critical infrastructure*” in TREE rules because other s42A Reports have recommended changing this term to “*regionally significant infrastructure*” for the same reasons as detailed in [100] above.
 - (c) “*Regionally significant infrastructure*” is covered by the broader “*infrastructure*” term making is unnecessary in many locations.
 - (d) Considering the Hearing 1 discussions, recommended that in all instances only “*functional*” and “*operational*” needs should be included in the TREE provisions, considering it covers the “*technical*” and “*locational*” matters.
153. In response to Westpower’s hearing evidence, Ms Easton⁸⁵ indicated she may support adding a new matter of discretion to TREE – R4 specifically for the benefits of regionally significant infrastructure to align with the WCRPS direction, while maintaining her opposition to the broader, less defined “the benefits to the community of the activity occurring” phrase.

Hearing Panel’s Evaluation

154. I generally agree with Ms Easton’s recommended amendments to the Rules as sought by various submitters in their submissions and further submissions concerning the TREE Chapter.
155. I note that some of the rules include the wording “*council-approved arboricultural contractor*”, and an advice note is provided to elaborate on how the council will determine the suitability

⁸³ Mr George and Ms Carly Coates, Notable Trees hearing statement, page 1

⁸⁴ Ms Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, page 1, points 3, 4, and 9 (a), (b), and (c)

⁸⁵ Ms Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, page 2, point 8

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of the contractor. In my view, to ensure consistency of plan provisions, the advice note should be included in every rule that provides for wording relating to the arboricultural contractor.

156. I disagree with Ms Easton’s Reply on TREE-R4. I consider that a matter of discretion should be focused on avoiding, remediating, or mitigating the adverse effects of an activity or the positive effects or benefits of that same activity, as opposed to being focused on benefits ultimately from an associated activity. Any benefit to the community from regionally significant infrastructure within the root protection area of a notable tree would instead be considered at the RMA Section 104 stage. Consequently, I recommend Westpower’s submissions (S547.194, S547.198, and S547.201) should be rejected.

157. I suggest some minor amendments to the heading of TREE-R5 to enable the rule to apply to:

- (a) all works associated with network utilities and infrastructure, including any associated buildings / structures not specified in the definitions and maintenance; and
- (b) both underground and aboveground works, noting that a Root Protection Area also extends above the ground, particularly for columnar crowns.

158. I consider that clause 16(2) of Schedule 1 of the RMA enables me to make these amendments, as they will improve rule clarity, and capture above-ground network utilities and infrastructure works within the root protection area, noting the root protection area is also above-ground, which would otherwise be a Permitted Activity.

Hearing Panel’s Recommendation

159. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Notable Tree Rules**:

Notable Tree Rules	
<p>Note: There may be several Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.</p>	
Permitted Activities	
Tree – R2	Trimming and Maintenance of a Notable Tree identified in Schedule Two
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The trimming and/or maintenance is: <ol style="list-style-type: none"> a. Necessary to improve, maintain or monitor tree health; or b. To enable the ongoing provision of existing infrastructure <u>or energy activities</u>; or 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

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<p>c. For compliance with relevant electricity hazard regulations; or</p> <p>d. To prevent a serious threat to people or property; and</p> <p>2. A council approved arboricultural contractor has certified that the works will not compromise the ongoing integrity, viability or values of the notable tree.</p> <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <p>1. <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u></p> <p>2. <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u></p>	
<p>Tree – R3 Root Pruning within the Root Protection Area of a Notable Tree identified in Schedule Two</p>	
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. The root pruning will not compromise the integrity, ongoing viability and values of the tree; and</p> <p>2. Any machinery associated with undertaking the root pruning is only operated on top of paved surfaces or with ground protection methods use which avoid compaction of the soil around the root zone of the notable tree; and</p> <p>3. The pruning is:</p> <p>a. Necessary to improve, maintain or monitor tree health; or</p> <p>b. To enable the ongoing provision of existing infrastructure <u>or energy activities</u>; or</p> <p>c. For compliance with the relevant electricity hazard regulations; or</p> <p>d. To prevent a serious threat to people or property; and</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

<p>4. A council approved arboricultural contractor has certified that the work will be in accordance with 1 and 2.</p> <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <ol style="list-style-type: none"> 1. <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u> 2. <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u> 	
<p>Restricted Discretionary Activities</p>	
<p>Tree – R4</p>	<p>Building Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two</p>
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <ol style="list-style-type: none"> 1. <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u> 2. <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; b. Effects on amenity values of public places; c. Effects on identified values of the tree/s; and c. Whether there is an operational or functional need for the activity to be located within the root protection area; and 	<p>Activity status where compliance not achieved: Discretionary</p>

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<p>d. Whether any practicable alternatives are available to avoid the activity occurring in the root protection area.</p>	
<p>Tree – R5 Works for new and existing Underground Network Utilities and Infrastructure Within the Root Protection Area of a Notable Tree identified in Schedule Two</p>	
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> 1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <ol style="list-style-type: none"> 1. <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u> 2. <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; b. Effects on amenity values of public places; c. Effects on identified values of the tree/s; and c. Whether there is an operational or functional need for the activity to be located within the root protection area; andø d. WWhether any practicable alternatives are available to avoid the activity occurring in the root protection area. 	<p>Activity status where compliance not achieved: Discretionary</p>
<p>Tree – R6 Gardening, Mowing, Trimming, Maintenance and Root Pruning of a Notable Tree identified in Schedule Two not meeting Permitted Activity standards.</p>	
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p>	<p>Activity status where compliance not achieved: Discretionary</p>

<p>1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor.</p> <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <p>1. <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u></p> <p>2. <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u></p> <p>Discretion is restricted to:</p> <p>a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;</p> <p>b. Effects on amenity values of public places; and</p> <p>c. Effects on identified values of the tree/s; and</p> <p>d. Whether there is an operational or functional need for the activity to be located within the root protection area; and</p> <p><u>d. Whether any practicable alternatives are available to avoid the activity occurring in the root protection area.</u></p>	
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2.5. Schedule Two

Submissions and Further Submissions

160. 10 submission points relating to Schedule Two were summarised in a Table on pages 17 and 18 of the s42A Report. Appendix 2 of the s42A Report records two further submission points (FS1.052 and FS1.061) which have been missed from the s42A Report.
161. Six submission points supported retaining Schedule Two as notified. Two submission points supported retaining Schedule Two in part. The remaining two submission points sought amendments to Schedule Two. The two further submission points supported Ms Mills' and Ms Langridge's submission in part.
162. I adopt the summary of these submissions and further submissions detailed in the s42A Report, and I have considered all the relevant submissions and further submissions.

Section 42A Report

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163. Ms Easton recommended accepting the submission⁸⁶ from Te Tumu Paeroa to clearly identify notable trees of value to Poutini Ngāi Tahu in Schedule Two. She reasoned that Schedule Two may fail to clearly articulate that specific trees hold cultural significance to Poutini Ngāi Tahu. Therefore, she recommended amending Schedule Two by replacing “*Cultural*” with “*Poutini Ngāi Tahu Values*” as a value of TREE27, TREE58, and TREE59.
164. Ms Easton recommended rejecting the submission⁸⁷ from Ms Langridge to amend Schedule Two to protect specific rata trees in Barrytown, including on Ms Langridge’s property. She reasoned that TTPP staff assessed the identified trees using STEM, and none of those trees met the threshold for inclusion in the pTTPP.
165. Lastly, Ms Easton recommended accepting in part the submission⁸⁸ from Ms Mills to include specific trees at Coronation Reserve and Dixon Park in Schedule Two. She reasoned that TTPP staff reviewed the existing trees in both locations, and did not consider any additional trees (except for TREE29 to TREE37) should be included in Schedule Two.

Hearing and Submitter Evidence

166. Mr and Ms Coates⁸⁹ queried at the hearing:
 - (a) whether a plan change would be required to add, remove, or alter a notable tree to / from Schedule Two.
 - (b) if a plan change is required, what the plan change process involved.
167. For clarity, page 2 of Mr and Ms Coates hearing statement copies the Notable Trees section from pages 5 and 6 of the s32 Report, rather than presenting their own views.

Reporting Officer Reply Evidence

168. In response to my hearing query, Ms Easton⁹⁰ advised that altering Schedule Two (i.e., changing notable aspects for TREE27, TREE58, and TREE59) or adding new notable trees to the schedule **would** require a private plan change following the standard RMA Schedule 1 process.

Hearing Panel’s Evaluation

169. For the reasons set out in Ms Easton’s s42A Report and Reply, I agree with her recommendations accepting the submission⁹¹ from Te Tumu Paeroa to clearly identify notable trees of value to Poutini Ngāi Tahu in Schedule Two. In detail she recommended amending Schedule Two by replacing “*Cultural*” with “*Poutini Ngāi Tahu Values*” as a value of TREE27, TREE58, and TREE59.
170. As well, I agree with Ms Easton’s recommendations accepting in part the submission⁹² from Ms Mills to include specific trees at Coronation Reserve and Dixon Park in Schedule Two

⁸⁶ Te Tumu Paeroa (S440.052 and S440.016)

⁸⁷ Ms Langridge (S252.005)

⁸⁸ Ms Mills (S309.005)

⁸⁹ Mr George and Ms Carly Coates, Notable Trees hearing statement, page 1

⁹⁰ Ms Lois Easton, s42A Author Right of Reply Notable Trees, dated 8 December 2023, page 1, point 5

⁹¹ Te Tumu Paeroa (S440.052 and S440.016)

⁹² Ms Mills (S309.005)

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because TTPP staff reviewed the existing trees in both locations, and did not consider that any additional trees (except for TREE29 to TREE37) should be included in Schedule Two.

Hearing Panel's Recommendation

171. For the reasons outlined above, and subject to my consideration of Part 2 of the RMA, I recommend the following changes to the **Schedule Two: Notable Trees - Te Rārangī Tuarua: Ngā Rākau Whamaumahara**:

Schedule Two: Notable Trees	
Te Rārangī Tuarua: Ngā Rākau Whamaumahara	

SCHED2 - SCHEDULE OF NOTABLE TREES		
Unique Identifier	Site Identifier	Tree Type and Values
	Grey District	
TREE27	SH6 (seaward side) Kararoa	Karaka group (Corynocarpus laevigatus) <u>Poutini Ngāi Tahu Values</u> Cultural
	Westland District	
TREE58	Old pa site, Makaawhio/Jacobs River True left	Grove of Kowhai (Sophora sp.) <u>Poutini Ngāi Tahu Values</u> Cultural
TREE59	Makaawhio/Jacobs Riverbank True right	Kahikatea (Dacrydium dacrydioides) <u>Poutini Ngāi Tahu Values</u> Cultural

Paul Rogers



Hearings Panel - Chair

Date: Monday 23 June 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

Notable Tree Objectives	
TREE – O1	To recognise the botanical, aesthetic, cultural or historic value of notable trees.
TREE – O2	To provide for tino rangatiratanga in relation to management of notable trees of value to Poutini Ngāi Tahu.
TREE – O3	<p>To provide for the protection of notable trees while recognising instances where trimming and/or pruning is required <u>where this:</u>⁹³</p> <ul style="list-style-type: none"> a. and⁹⁴ may improve the health of the tree, or b. <u>is needed for safety reasons including the safe operation of infrastructure and energy activities; and recognise there may be</u> instances where removal of the tree is unavoidable due to safety <u>requirements</u>⁹⁵.

Notable Tree Policies	
TREE – P1	Identify, assess using the Standard Tree Evaluation Method (STEM) and protect notable trees, in partnership with Poutini Ngāi Tahu and in consultation with the community and key stakeholders.
TREE – P2	Trees identified in Schedule Two with notable botanical, aesthetic, cultural or historic value are protected.
TREE – P3	Enable opportunities for mana whenua to exercise tino rangatiratanga for notable trees of value to Poutini Ngāi Tahu.
TREE – P4	<p>Allow the trimming and pruning of notable trees and activities in the root protection area where the works:</p> <ul style="list-style-type: none"> a. Retain or improve the health of the tree; <u>or</u>⁹⁶ b. Are necessary to prevent a serious threat to property and people; <u>or</u>⁹⁷ c. Are necessary for the ongoing <u>operation</u>⁹⁸ of infrastructure <u>and energy activities</u>⁹⁹; or d. Are for the maintenance of network utility infrastructure <u>and energy activities</u>¹⁰⁰ to enable compliance with relevant safety standards.

⁹³ Clause 16(2) of Schedule 1 RMA

⁹⁴ Clause 16(2) of Schedule 1 RMA

⁹⁵ Waka Kotahi (S450.071), GDC (S608.597), and Westpower (S547.186)

⁹⁶ Westpower (S547.189)

⁹⁷ Clause 16(2) of Schedule 1 RMA

⁹⁸ Westpower (S547.190), GDC (S608.598) and Chorus NZ Ltd, Spark NZ Trading Ltd, Vodafone NZ Ltd (S663.038)

⁹⁹ Westpower (S547.189)

¹⁰⁰ Westpower (S547.189)

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Notable Trees - Ngā Rākau Whakamaumahara

TREE – P5	<p>Ensure that any activity within the root protection area of a notable tree is appropriate having regard to:</p> <ol style="list-style-type: none"> a. The values of the tree and its setting; b. If the tree is identified for cultural values, the outcomes of any discussion with and/or assessment undertaken by Poutini Ngāi Tahu; c. Whether the activity will compromise the tree's health or result in a reduction or loss of its values; d. The impact of the activity on the stature, form or shape, health and vigour, structural integrity and life expectancy of the tree; and e. Whether the tree renders a site incapable of reasonable use.
TREE – P6	<p>The partial or full removal or destruction of an unsafe or structurally unsound notable tree will only be allowed where it has been certified as such by a Council approved arboricultural contractor.</p>

Notable Tree Rules

Note: There may be several Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach.

Permitted Activities

Tree – R1 Gardening and Mowing in the Root Protection Area of a Notable Tree identified in Schedule Two

Activity Status Permitted

Where:

1. The ground level is not altered; and
2. The protected root zone is not damaged.

Activity status where compliance not achieved: Restricted
Discretionary

Tree – R2 Trimming and Maintenance of a Notable Tree identified in Schedule Two

Activity Status Permitted

Where:

1. The trimming and/or maintenance is:
 - a. Necessary to improve, maintain or monitor tree health; or

Activity status where compliance not achieved: Restricted
Discretionary

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Notable Trees - Ngā Rākau Whakamaumahara

<p>b. To enable the ongoing provision of existing infrastructure <u>or energy activities</u>¹⁰¹; or</p> <p>c. For compliance with relevant electricity hazard regulations; or</p> <p>d. To prevent a serious threat to people or property; and</p> <p>2. A council approved arboricultural contractor has certified that the works will not compromise the ongoing integrity, viability or values of the notable tree.</p> <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <p>1. <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u></p> <p>2. <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u>¹⁰²</p>	
<p>Tree – R3 Root Pruning within the Root Protection Area of a Notable Tree identified in Schedule Two</p>	
<p>Activity Status Permitted</p> <p>Where:</p> <p>1. The root pruning will not compromise the integrity, ongoing viability and values of the tree; and</p> <p>2. Any machinery associated with undertaking the root pruning is only operated on top of paved surfaces or with ground protection methods use which avoid compaction of the soil around the root zone of the notable tree; and</p> <p>3. The pruning is:</p> <p>a. Necessary to improve, maintain or monitor tree health; or</p> <p>b. To enable the ongoing provision of existing infrastructure <u>or energy activities</u>¹⁰³; or</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

¹⁰¹ Westpower (S547.192)

¹⁰² Clause 16(2) of First Schedule of RMA

¹⁰³ Westpower (S547.193)

<p>c. For compliance with the relevant electricity hazard regulations; or</p> <p>d. To prevent a serious threat to people or property; and</p> <p>4. A council approved arboricultural contractor has certified that the work will be in accordance with 1 and 2.</p> <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <p>1. <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u></p> <p>2. <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u>¹⁰⁴</p>	
<p>Restricted Discretionary Activities</p>	
<p>Tree – R4 Building Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two</p>	
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>1. These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor.</p> <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <p>1. <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u></p> <p>2. <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u>¹⁰⁵</p> <p>Discretion is restricted to:</p> <p>a. The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree;</p>	<p>Activity status where compliance not achieved: Discretionary</p>

¹⁰⁴ Clause 16(2) of First Schedule of RMA

¹⁰⁵ Clause 16(2) of First Schedule of RMA

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 Notable Trees - Ngā Rākau Whakamaumahara

<p>b. Effects on amenity values of public places;</p> <p>c. Effects on identified values of the tree/s; and¹⁰⁶</p> <p>c. Whether there is an operational or functional need for the activity to be located within the root protection area; and</p> <p>d. Whether any practicable¹⁰⁷ alternatives are available to avoid the activity occurring in the root protection area.</p>	
<p>Tree – R5 Works for new and existing Underground¹⁰⁸ Network Utilities and Infrastructure Within the Protection Area of a Notable Tree identified in Schedule Two Root</p>	
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <ol style="list-style-type: none"> <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u> <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u>¹⁰⁹ <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; Effects on amenity values of public places; Effects on identified values of the tree/s; and¹¹⁰ 	<p>Activity status where compliance not achieved: Discretionary</p>

¹⁰⁶ Clause 16(2) of First Schedule of RMA

¹⁰⁷ Westpower (S547.194)

¹⁰⁸ Clause 16(2) of First Schedule of RMA

¹⁰⁹ Clause 16(2) of First Schedule of RMA

¹¹⁰ Westpower (S547.196)

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Notable Trees - Ngā Rākau Whakamaumahara

<p>c. Whether there is an operational or functional need for the activity to be located within the root protection area; and/or¹¹¹</p> <p>d. W¹¹²hether any practicable ¹¹³alternatives are available to avoid the activity occurring in the root protection area.</p>	
<p>Tree – R6 Gardening, Mowing, Trimming, Maintenance and Root Pruning of a Notable Tree identified in Schedule Two not meeting Permitted Activity standards.</p>	
<p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> These will not result in the death or serious threat to the life of the tree as certified by a council approved arboricultural contractor. <p><u>Advice Note: When approving an arboricultural contractor in relation to this rule, the Council will consider the following matters:</u></p> <ol style="list-style-type: none"> <u>Whether the contractor has a New Zealand Certificate of Horticultural Services or equivalent qualification.</u> <u>Whether the contractor has significant experience in tree pruning of the type proposed.</u>¹¹⁴ <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> The potential impact of the activity on the integrity, ongoing viability, and values of the scheduled notable tree; Effects on amenity values of public places; Effects on identified values of the tree/s; and¹¹⁵ Whether there is an operational or functional need for the activity to be located within the root protection area; and/or¹¹⁶ 	<p>Activity status where compliance not achieved: Discretionary</p>

¹¹¹ Clause 16(2) of First Schedule of RMA

¹¹² Clause 16(2) of First Schedule of RMA

¹¹³ Westpower Limited (S547.197)

¹¹⁴ Clause 16(2) of First Schedule of RMA

¹¹⁵ Westpower (S547.199)

¹¹⁶ Clause 16(2) of First Schedule of RMA

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Notable Trees - Ngā Rākau Whakamaumahara

d. whether ¹¹⁷ whether any practicable ¹¹⁸ alternatives are available to avoid the activity occurring in the root protection area.		
Discretionary Activities		
TREE - R7	Activities Within the Root Protection Area of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
TREE - R8	Removal, Partial Removal or Destruction of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A

Schedule Two: Notable Trees

Te Rārangi Tuarua: Ngā Rākau Whamaumahara

SCHED2 - SCHEDULE OF NOTABLE TREES

Unique Identifier	Site Identifier	Tree Type and Values
	Grey District	
TREE27	SH6 (seaward side) Kararoa	Karaka group (Corynocarpus laevigatus) <u>Poutini Ngāi Tahu Values</u> Cultural ¹¹⁹
	Westland District	
TREE58	Old pa site, Makaawhio/Jacobs River True left	Grove of Kowhai (Sophora sp.) <u>Poutini Ngāi Tahu Values</u> Cultural ¹²⁰

¹¹⁷ Clause 16(2) of First Schedule of RMA

¹¹⁸ Westpower (S547.200)

¹¹⁹ Te Tumu Paeroa (S440.052 and S440.016)

¹²⁰ Te Tumu Paeroa (S440.052 and S440.016)

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TREE59	Makaawhio/Jacobs Riverbank True right	Kahikatea (Dacrocarpus dacridioides) <u>Poutini Ngāi Tahu Values</u> Cultural ¹²¹
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¹²¹ Te Tumu Paeroa (S440.052 and S440.016)