



SECTION 32 REPORT Notable Trees

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1 Executive Summary

Trees play an important ecological, environmental and cultural role within the district. Notable trees are those that have been identified as prominent natural features and landmarks that add character and identity to different parts of the district, are rare species or spectacular specimens and/or have special historical or cultural values. Trees are important contributors to amenity, particularly in our urban environments.

There are approximately 480 notable tree locations listed in the Operative District Plan, containing over 1400 notable trees. Approximately one third of notable tree locations are on public land (such as the road reserve or within parks), with the remainder being located on private property. The provisions in the Operative District Plan separate notable trees into two different categories. Category 1 notable trees are afforded the greatest level of protection and their removal is only permitted if the tree is unsafe or unsound. Category 2 notable trees are able to be removed if they are unsafe or unsound, or if removal would benefit the health of another, more desirable, notable tree. The Plan uses a dripline measurement to trigger the need for resource consent or allow for various activities within the dripline of a notable tree.

The outcomes experienced for notable trees under the Operative Plan are variable. Factors such as the lack of a standalone chapter and specific objectives, and the separation of trees into two categories with little rule difference create unnecessary complexity that can cause implementation issues.

The resource management issue relating to notable trees is the potential for loss or degradation of notable trees through inappropriate land use, development or subdivision, which can detract from the amenity and character of the environment.

The key changes introduced for Notable Trees are:

- A standalone chapter and specific objective and policies for notable trees to align with the National Planning Standards.
- Simplified rules that provide consistent rule triggers for notable trees, irrespective of their category.
- The addition of a number of notable trees located in the city centre, as blanket tree protection rules are no longer allowed.
- Proposed rules that ensure protection but provide flexibility for tree management such as trimming and maintenance and minor activities in the root protection area.
- Strong controls on tree removal where a tree is not unsafe or unsound.

The Proposed Plan and updated Notable Tree Schedule will provide better outcomes, providing for arborist input for key activities that represent risk to notable trees and workable rules for a simple, practical approach to tree removal.

2 Introduction and Purpose

This report contains a summary section 32 evaluation of the objectives, policies and methods relating to notable trees in the Proposed New Plymouth District Plan. It is important to read this report in conjunction with the Section 32 overview report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

Trees are important contributors to amenity, particularly in our urban environments and an important ecological, environmental and cultural role within the district. Notable trees are those identified as prominent natural features and landmarks that add character and identity to different parts of the district, are rare species or spectacular specimens and/or have special historical or cultural values.

This report sets out the statutory and policy context for notable trees, the key resource management issues, specific consultation and approach to evaluation on this topic to decide on the proposed provisions. The report also includes a review of the existing plan provisions and an evaluation of alternative methods to achieve the purpose of the Resource Management Act (RMA) in relation to the Notable Trees topic.

3 Statutory and Policy Context

3.1 Resource Management Act

The RMA sets out in Section 31 the functions of territorial authorities. The key function for the Council is the integrated management of the use, development, or protection of land and associated natural and physical resources of the district. "*Natural and physical resources*" includes natural landforms, buildings and structures.

Section 6 of the RMA specifically requires that the Council recognise and provide for matters of national importance. The Section 6 matters of national importance relevant to the proposed notable trees provisions are:

- (f) *The protection of historic heritage from inappropriate subdivision, use, and development.*
- (e) *The relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.*

Section 7 of the RMA requires the Council to have particular regard to the following matters:

- (c) *The maintenance and enhancement of amenity values.*
- (f) *Maintenance and enhancement of the quality of the environment.*
- (g) *Any finite characteristics of natural and physical resources.*

Section 8 of the RMA requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). There are no Treaty of Waitangi matters identified in Section 8 that are relevant to the proposed notable trees provisions. Tangata whenua, through iwi authorities have been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted. Section 74(2A) of the RMA requires Councils to take into account relevant Iwi Management Plans and their bearing on the resource management issues of the district.

3.2 Amendments to the Resource Management Act concerning Tree Protection

The Resource Management (Simplifying and Streamlining) Amendment Act made some changes to tree protection in urban environments in 2012 with further changes in 2013. The reforms made a change in approach to tree protection nation-wide. The intent was to reduce high transaction costs caused by the large number of resource consents required due to "blanket" tree protection rules in urban environments. The Amendment Act prohibited blanket tree protection rules except in areas within a reserve or an area subject to a conservation management plan or conservation management strategy.

The relevant section of the RMA is section 76(4A), (4B), (4C) and (4D):

(4A) A rule may prohibit or restrict the felling, trimming, damaging or removal of a tree or trees on a single urban environment allotment only if, in a schedule to the plan, the tree or trees are described; and the allotment is specifically identified by street address or legal description of the land, or both.

(4B) A rule may prohibit or restrict the felling, trimming, damaging, or removal of trees on 2 or more urban environment allotments only if –

- (a) The allotments are adjacent to each other; and*
- (b) The trees on the allotments together form a group of trees; and*
- (c) In a schedule to the plan –
 - (i) The group of trees is described; and*
 - (ii) The allotments are specifically identified by street address or legal description of the land, or both.**

(4C) In subsections (4A) and (4B) –

Group of trees means a cluster, grove, or line of trees

Urban environment allotment or allotment means an allotment within the meaning of section 218 –

- (a) That is no greater than 4,000m²*
- (b) That is connected to a reticulated water supply system and a reticulated sewerage system; and*
- (c) On which there is a building used for industrial or commercial purposes or as a dwellinghouse; and*
- (d) That is not a reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.*

(4D) To avoid doubt, subsections (4A) and (4B) apply –

- (a) Regardless of whether the tree, trees, or group of trees is, or the allotment or allotments are, also identified in a map in the plan; and*
- (b) Regardless of whether the allotment or allotments are also clad with bush or other vegetation.*

Section 76(4A)-(4D) was amended in 2013 to align with original policy intent, to prohibit blanket tree protection rules in urban areas and to address an Environment

Court Decision on how the phrase “group of trees” should be interpreted (which was at odds with the intention of the 2012 amendments). The new sections 76(4A)–76(4D) do not remove the ability for councils to protect trees on urban allotments, do not place any restrictions on the types of trees to be protected, and do not limit the methods a council may use to assess the quality of a tree or group of trees. Rather, the sections require urban tree protection rules in district plans to be applied in ways that provide certainty for landowners and district plan users about what, if any, tree protection rules affect their properties.

The current and proposed Notable Tree Schedule and provisions are consistent with the amendments to the RMA as each individual tree or group of trees is specifically described and identified in the District Plan, and each allotment is identified by street address. The Operative District Plan has many groups of trees protected for their collective value, most of which are located in the urban areas of Inglewood, New Plymouth, Mangorei and Waitara.

3.3 National Planning Standards 2019

Released in April 2019, the purpose of the National Planning Standards (planning standards) is to improve consistency in plan and policy statement structure, format and content.

The standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA). Their development is enabled by sections 58B–58J of the RMA. They support implementation of other national direction principles such as national policy statements and help people to comply with the procedural principles of the RMA.

As discussed in the Overview Report, the Proposed District Plan will give effect to the planning standards. The following directives are of particular relevance to the Notable Trees topic:

- The Standards require that if a council chooses to protect trees for heritage or other community value reasons, it must provide a specific chapter in the Plan, under the Historic Heritage banner. This differs from the Operative Plan which manages notable trees through the “heritage resources” section without a specific chapter for notable trees.
- The National Planning Standards also require that a schedule of notable trees is included in the District Plan. This schedule must include a description of each tree, or group of trees, including their species. Furthermore, all schedules are required to contain the following information:
 - Unique identifier (created by the local authority).
 - Site identifier (e.g. legal description, physical address, site name or description).
 - Site type (including description of values).
 - Map reference or link.

3.4 Regional Policy Statement

Under Section 75(3)(c) of the RMA, the District Plan must give effect to the Regional Policy Statement (RPS). The RPS recognises that there are important natural and cultural features which may be at risk from inappropriate subdivision, use and development. The RPS does not provide specific direction on the protection of notable

trees. However, it provides the following methods which are considered relevant, and which the Council may wish to consider:

- NFL METH 10: Identify through public consultation and other processes, the region's outstanding or important natural and cultural features.
- HIS METH 6: Include in district plans and on resource consents, provisions or conditions promoting the identification, protection and enhancement of historic heritage.
- HIS METH 11: Maintain and regularly update databases and records of historic heritage.

3.5 Iwi Environmental Management Plans

For the purposes of the District Plan Review, Iwi Environmental Management Plans must be taken into account under Section 74 (2A) of the RMA. The following Iwi Management Plans are in various stages of preparation and have been considered in the preparation of this report:

3.5.1 Taiao, Taiora: An Iwi Environmental Management Plan for the Taranaki Rohe (2018).

At the time of writing, this has been lodged with the Council Taiao, Taiora is a document for Taranaki Iwi to guide and inform decision making by the Iwi. It is structured into five sections, reflecting the interrelated natural systems. Taiao, Taiora sets out issues, objectives and policies. While none directly mention significant or notable trees, the section on Papatūānuku (the land) includes the following issue and objective:

Issue 9

Poorly designed subdivision and development can lead to unsustainable and inefficient land use, destruction of wāhi tapu and other important sites ...

Objective 5

The whenua will be cared for by Taranaki Iwi and others for mutual, reciprocal benefit for the whole community. Taranaki Iwi are seen as leaders in sustainable living and sustainable land management on our whenua;

Taiao, Taiora clearly states that the Taranaki Iwi will not support any subdivision and development that adversely impacts the important cultural values associated with landscapes of importance to Taranaki Iwi (hapū, marae/pā). Trees are natural resources which have value to tangata whenua for ceremonial purposes and as cultural reference points. Notable trees that have been scheduled for their cultural value are "important sites" covered by Issue 9 (above).

3.5.2 Ko Tā Maniapoto Mahere Taiao, the Maniapoto Iwi Environmental Management Plan (2016).

Ko Tā Maniapoto Mahere Taiao (Draft) outlines the iwi's vision for environmental sustainability. The Plan describes issues, objectives, policies and actions, to protect, restore and enhance the relationship of Maniapoto with the environment; and also the social, cultural, spiritual and economic relationships. The Plan includes a section on Maniapoto Cultural Heritage (Part 10) which outlines the protection and management of Maniapoto cultural heritage, including taonga (something treasured, including but not limited to waterways, native flora and fauna, plants, trees and animals, wetlands, natural resources, places and landscapes). This section relates to notable trees that have been listed for their cultural value.

10.1.4.4 Issues arising from activities that may impact on Maniapoto cultural heritage include, but not limited to:

- *Discovery of kōiwi and related artefacts.*
- *Disturbance of wāhi tapu from tree planting or forestry plantations.*
- *Public access and restrictions to Maniapoto access.*
- *Food consumption on wāhi tapu.*
- *Graffiti and vandalism.*
- *Subdivision.*
- *Alterations, additions, relocation or demolition of buildings of significance to Maniapoto.*
- *Construction of new buildings and structures on or near Maniapoto listed heritage sites.*
- *Earthworks (including tunnelling, roading, tracking reclamation, and disposal) on wāhi tapu.*
- *Water pollution (point and non-point source discharges).*

3.5.3 Ngati Mutunga Iwi Environmental Management Plan (2016 update). Final draft provided; still under revision.

Ngati Mutunga Iwi Environmental Management Plan has a goal to provide for sustainable management of the environment for the social, cultural, economic, and environmental wellbeing of the iwi. The Plan does not mention notable trees specifically, but includes a section on Whenua Mania which relates to the protection of cultural values, as follows:

Objective: To encourage well planned development that avoids adverse effects on our cultural values, protects the environment and provides a great quality of life for everyone – now and in the future.

Issues:

- 3. Impact of development on or near wāhi tapu and sites of significance and remaining indigenous vegetation.*
- 4. Cumulative effects of subdivision and changing land use.*

3.5.4 Te Kotahitanga o Te Atiawa, 2019, Tai Whenua, Tai Tangata, Tai Ao: Te Atiawa Iwi Environmental Management Plan. Council has provided comments on the Draft.

Tai Whenua, Tai Tangata, Tai Ao – Te Atiawa is a document for Te Atiawa Iwi reaffirming the iwi's role as kaitiaki. Its secondary role is to guide and assist councils and other agencies in understanding issues of significance to Te Atiawa. It sets out the iwi's framework for engagement, guiding principles and issues and objectives relating to eight domains; guardianship; inland and coastal whenua; freshwater; coastal and marine environment; air and atmosphere; flora and fauna; wahi taonga, urupā and sites of significance to Māori; Taranaki maunga. While none directly mention significant or notable trees, the section on inland and coastal whenua includes the following Issue, Objectives and Policy:

- Issue TTAN4: Inappropriate subdivision and development can generate adverse effects on Te Atiawa values.
- Objective TTAN4.2: Acknowledge and provide for Te Atiawa values and the expressions of our narrative in the built form and landscaping.

- Objective TTAN4.4: Acknowledge and provide for Te Atiawa cultural landscapes in the built design to connect and deepen our 'sense of place'.
- Policy TTAN4.3: Require regional council and district councils to engage at Plan Change stage, where plan changes are required to enable subdivision, to identify potential effects on wāhi tapu/wāhi taonga, urupā and sites of significance to Māori and Te Atiawa cultural values.

3.6 Other Legislation, Guidance and Policy Documents

Other legislation, guidance and regulations that are relevant to notable trees, and have been considered in preparing the Proposed Plan, are summarised below:

3.6.1 Electricity (Hazards from Trees) Regulations 2003

These regulations help promote safety and maintain electricity supply by governing, among other things, the trimming of trees near power lines.

3.7 Local Policies, Plans and Strategies

3.7.1 New Plymouth District Strategic Framework

The vision for the New Plymouth Strategic Framework is Building a Lifestyle capital (He Whakatutu Haupū Rawa Hei Ahua Noho). This will be achieved by: Putting people first (Aroha kit e Tangata), Caring for our place (Manaaki whenua, manaaki tangata, haere whakamua) and Supporting a prosperous community (Awhi mai, Wahi atu, tatou katoa).

3.7.2 The New Plymouth District Blueprint

First adopted in June 2015, the Blueprint is a 30-year spatial plan for the district. The following key directions are particularly relevant to the Notable Trees chapter:

- City Centre – champion a thriving central city for all.
- Destination – become a world class destination.

These key directions recognise that the central city of New Plymouth is the social, cultural and business hub for the district and wider region and that our natural assets are what makes the district a special place to live and visit.

3.6.3 Regional Economic Development – Tapuae Roa

Tapuae Roa—Make Way for Taranaki: *Taranaki Regional Economic Development Strategy*, August 2017 (Tapuae Roa) is a culmination of work undertaken by the district councils and regional council of Taranaki in partnership with Ngā Iwi o Taranaki. It is designed to feed into the Long-Term Plans of all the councils in the region, and influence public and private sector investment decision-making on future activities.

Tapuae Roa identifies the values of environmental sustainability, preparedness for future generations, liveability and resilience. A key theme running through the document is that lifestyle is recognised as a key factor in population attraction and retention. Goals to note in the document are the values around lifestyle and liveability; namely:

1. Talented people: "Taranaki is a place where talented people want to live."
2. Attractive lifestyles: "The Taranaki lifestyle offering retains and attracts people."

3.7.3 New Plymouth District Tree Policy 2006

The New Plymouth District Tree Policy outlines the Council's mandate regarding the stewardship of its tree resource and provides consistency in decision making on the management of trees and bush remnants on Council-administered land. It is made up of two parts:

- Principles, policies and objectives related to management of the district tree resource.
- Technical information to guide arboricultural activities related to Council trees.

It is likely that following submissions on the Proposed District Plan, the District Tree Policy will be reviewed and updated.

4 Context, Research and Trends

4.1 Operative District Plan Approach

4.1.1 Context

Notable trees play an important ecological, environmental and cultural role within the district. Notable trees represent continuity between the past, present and future generations. The continued existence of notable trees is important to our heritage and to the legacy that we leave to future generations.

The Operative District Plan identifies and schedules notable trees. There are approximately 480 separate records of individual and groups of trees on the Notable Tree Schedule contained in Appendix 13 of the Operative District Plan. Within the identified groups of notable trees, there are over 1,400 individual notable trees.

Prior to the Resource Management Act Reforms (2013) set out in Section 3.2 above, the Operative District Plan also protected certain tree species over six metres in height in the New Plymouth Amenity Tree Area shown in Figure 1. Since the changes to the Act, the rules providing blanket tree protection in this area were removed (September 2015). Consequently, there are no rules that apply to trees in this geographic area, resulting in a gap in notable tree protection.

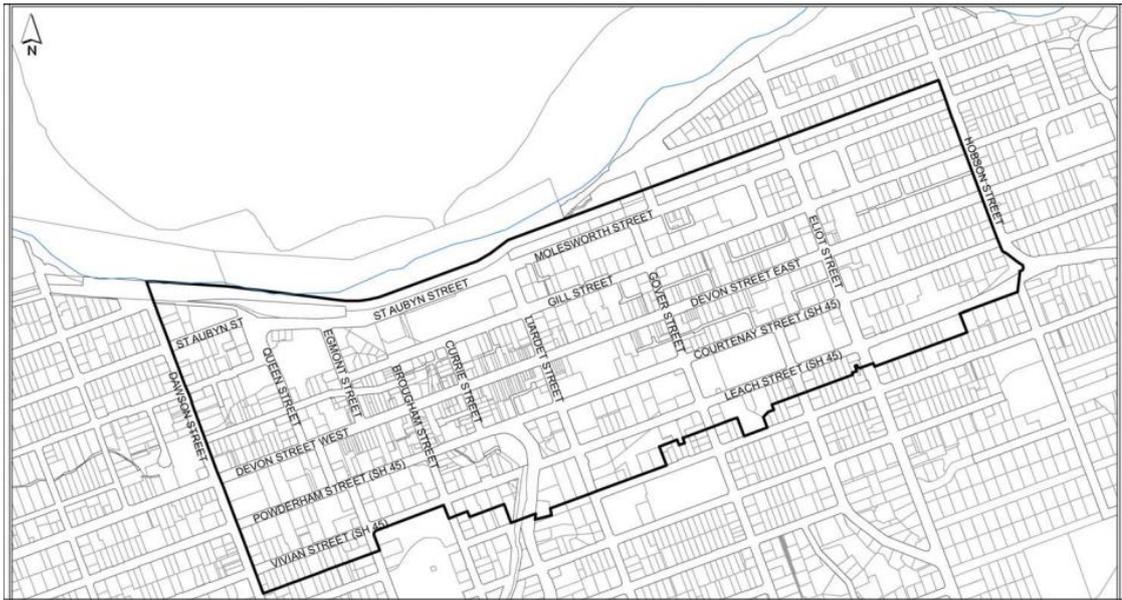


Figure 1 New Plymouth Amenity Tree Area

4.1.2 Plan Changes and Minor Amendments

Since the District Plan became operative in 2005, there have been two plan changes (in 2008 and 2011) to collectively add nine notable trees to the Operative District Plan.

During the period 2007 - 2017, there have been minor amendments to correct several tree names and location errors. There have also been a number of amendments that resulted in the removal of 24 notable tree records. These include two of the notable trees for which removal was granted through resource consent (discussed in section 4.3). The majority of the remaining 22 were removed as permitted activities after becoming unsafe or unsound due to storm and wind damage.

The 24 notable tree records removed through minor amendments to the Operative District Plan do not represent the total number of trees removed under the Permitted Activities Rule. The total number is estimated to be 35 because the removal of one or more trees within a group does not require the removal of a notable tree record from the Operative District Plan.

4.1.3 Operative District Plan Provisions

The objective and policy framework relating to Issue 11: Degradation of heritage resources, is related to notable trees. The relevant objective and policy are:

- *Objective 11: To recognise the district's heritage resources, provide for their protection and promote their enhancement.*
- *Policy 11.1: Notable Trees should be protected from destruction or alteration which will adversely affect their significance or health, except where they pose a threat to property, people or services.*

Each of the 480 notable tree records are ranked as either Category 1 (outstanding) or Category 2 (significant) based on its score under the Council's Notable Tree Evaluation Method (NTEM). The Council's NTEM asks the arborist performing the assessment to consider key questions as follows:

1. Is the tree a good specimen?
 - a) Stature
 - b) Form or Shape
 - c) Life Expectancy
 - d) Health and Vigour
 - e) Structural Integrity

2. Does the tree have visual/landscape value?
 - a) Prominence of Position
 - b) Presence of other Trees
 - c) Role in Location

3. Does the tree have heritage value?
 - a) Historic
 - b) Cultural
 - c) Approximate Age of Tree

4. Does the tree have botanical/rarity value?
 - a) Occurrence of the Species
 - b) Botanical Value

5. Is the tree manageable in its location?
 - a) Tree in Relation to Nearby Services and Structures

6. What is the contribution of the group?
 - a) Ecological/climatic environment contribution (groups only)
 - b) Stand landscape value (groups only)

Each question is given a score out of four and the questions are weighted. A total score of 70 or more is Category 1, and a score between 54 and 70 is Category 2.

The provisions allow the following activities as permitted activities:

- Excavation within the dripline to a maximum depth of 200mm below ground level, less than 25 per cent area of the dripline is excavated, no roots of a diameter of 20mm or greater are disturbed, cut or damaged, and roots are cut cleanly and not exposed to air for more than eight hours (OL44).
- Excavation within the dripline for maintaining or replacing an existing impervious (or permanently paved) ground surface to a maximum depth of 300mm below ground level, where no tree roots over 30mm are disturbed, cut or damaged, and roots are cut cleanly and not exposed to air for more than eight hours (OL45).
- Filling within the dripline where it is within the excavated area permitted under OL44 and OL45 (OL46).
- Trimming and maintenance of category 1 and 2 trees, undertaken by Council or an approved arborist, for improving or monitoring tree health, safety reasons or to provide clearance from services or structures. For Category 2 trees, branches or 25mm or less can be removed, provided that it does not significantly alter the form, integrity or height of the tree (OL48-OL49).
- Removal or destruction of a Category 2 tree where the Council or an approved arborist determines it to be unsafe or unsound, or if the removal or destruction would benefit the health and growth of another, more desirable, notable tree (OL50).

- Removal or destruction of a Category 1 notable tree, where the Council or an approved arborist determines it to be unsafe or unsound (OL51).
- Outdoor storage within the dripline which amounts to 1m³ or less and covers no greater than 25 per cent of the total dripline area (OL47).

The provisions manage these activities as a restricted discretionary activity:

- Erection of buildings and structures within the dripline (OL43).
- Subdivision of an allotment that contains a notable tree (OL52).
- Any work to a notable tree that does not comply with conditions for a permitted activity.

The 'dripline area' definition reads as follows:

That area beneath the canopy of a tree, measured at ground level from any part of the surface of the trunk, with a radius of 5m or to the outermost extent of the spread of its branches, whichever is the greater.

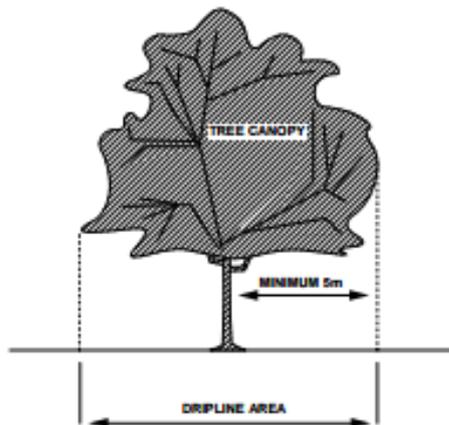


Figure 2 Operative District Plan Dripline Area Definition Diagram

In addition, the Operative District Plan provisions determine that "An unsafe or unsound Notable Tree shall be determined using the International Society of Arboriculture Tree Hazard Evaluation Form."

4.2 Other Methods

Other methods outside the Operative District Plan that are used are:

- Attaching plaques to notable trees where owners are agreeable.
- Development and maintenance of a database of notable trees.
- Recording notable trees in the Council's property information base.
- The provision of free arboricultural services to owners of notable trees by the Council.
- Financial assistance from the Council's heritage protection fund to assist land owners in the protection and maintenance of notable trees (e.g. financial assistance for arboricultural advice).
- Provision of technical advice regarding notable trees from the Council.
- Provision of information to prospective purchasers when a land information memorandum is applied for where a notable tree is located on a site.

- Provision of technical advice for maintenance of notable trees (e.g. a pamphlet regarding the care and maintenance of notable trees).

4.3 State of the Environment

New Plymouth District has a wide variety of notable trees. As previously stated, there are 480 separate records of individual and groups of trees on the operative Notable Tree Schedule. Within the identified records of notable trees, there are over 1400 individual notable trees. Many of these trees are good examples of their type, or have visual, landscape, heritage, cultural or botanical value that adds to the amenity values of the district.

The district's notable trees are both native and exotic and include a wide variety of species. Approximately one third of the 480 notable tree locations are on public land (such as the road reserve or within parks), with the remainder located on private property. Some of these trees are over 100 years old and the majority are located in urban areas (New Plymouth, Waitara, Mangorei, Inglewood). Just 16% of notable tree records are located in the Rural Environment Area. The 1400 individual notable trees on the Operative District Plan Schedule are recognised, protected, and valued by the community. Local iwi and hapu also have historical and cultural associations with a number of notable trees.

Notable trees do not represent a high number of queries and/or complaints to the Council. During the last six years, there have been 11 queries relating to notable trees that have come in through the Customer Request Management System. Four of these asked "Is my tree listed?," two wanted their trees added to the Notable Tree Schedule and the remaining seven requested information on specific trees and rule clarification. Two complaints were received in this time period, both relating to maintenance issues of notable trees causing issues with roof guttering.

While there have not been a high number of queries or complaints from the community, there is a sense that the level of interest in notable trees is relatively high. Several high-profile decisions relating to notable trees have piqued this interest. One of these was the removal of a pōhutukawa at the Council-owned YMCA site on Leach Street in 2016.

During the life of the Operative District Plan, state of the environment monitoring has identified a number of threats to notable trees:

4.3.1 Tree Disease

Many of the current notable trees are in good condition and continue to make a valuable contribution to amenity and the quality of the environment. However, the Council's arborists have noted the demise in health and vigour of many of the district's pōhutukawa. This is a result of the disease myrtle rust, a serious fungal disease that affects plants in the myrtle family. Plants in this family include pōhutukawa, rata and manuka. The disease is now widespread in New Zealand and there is no known method of eradicating it. Just how significantly it will affect the district's trees is unknown. What Council arborists have observed in some notable tree groups, such as those at Ngamotu Beach, is a decline in canopy cover as the leaves thin out. Pōhutukawa account for 19% of the 480 notable tree records, but a higher percentage of the 1400 individual trees, as many of them are in groups. In addition to myrtle rust, there are other tree diseases that could affect notable trees, such as kauri dieback. Fortunately,

there is no evidence of it in the district at this stage. It is not possible to arrest tree disease through the District Plan. What is possible is to allow for their removal when they become unsafe or unsound, thereby avoiding a 'red tape' delay in hazardous situations.

4.3.2 Severe Weather Events

A number of notable trees suffered significant storm damage in a 2012 wind storm event. While severe weather events can contribute to the loss of trees, including notable trees, the Council's arborists have noted that most of the trees lost had defects that made them vulnerable to storms and severe winds.

4.3.3 Stock Damage

Another threat facing notable trees is potential damage from stock, particularly cows. The damage is caused by a) stock rubbing against the trees and/or b) pugging the area around the tree and damaging the roots. This is especially prevalent during poor weather when stock shelter in large groups underneath trees. The feeder roots of trees lie close to the surface and can be easily damaged. A black mulberry, the only in the district and an outstanding example of the tree, was lost last year as the result of damage from stock. The most practical way to protect notable trees from stock damage is to fence around the root protection area. As the threat of stock damage is most likely to occur in the rural environment, which contains just 16% of notable tree locations, this issue is a good fit for non-regulatory measures such as heritage protection funding, to assist landowners in protecting notable trees.

4.3.4 Illegal Felling

The Council is aware of several trees that have been removed without resource consent and without the knowledge of the Council or the engagement of an arborist. The act of illegal felling is uncommon but the Council's arboricultural team is concerned by two recent cases in 2018. The Council has pursued prosecution in these cases.

4.3.5 Notable Trees Schedule Review

The current notable trees listed in the Operative District Plan have been rolled over into the Proposed District Plan, except where the Council is aware that trees are unsafe or unsound.

In addition, as part of the District Plan Review, Council's arborist assessed trees within the New Plymouth Amenity Tree Area that are not currently notable trees in the Operative District Plan. Where a tree achieved a certain number of points in the NTEM assessment it has been added to the Notable Tree Schedule.

Trees from throughout the district nominated by the community have also been assessed and added to the Schedule where they have achieved the threshold in the NTEM assessment. A number of trees that were previously within the New Plymouth Amenity Tree Area have been added to the Notable Tree Schedule, along with several trees nominated by owners wanting their trees to be protected under the District Plan.

For clarification, the scoring system under the NTEM provides for three different categories of notable tree (outstanding, significant, important):

- Category 1 (outstanding) – score of 71 points or more; can be located anywhere within the district.

- Category 2 (significant) – score between 54 and 70 points; can be located anywhere within the district;
- Category 3 (important) – score between 40 and 53 points, must be located within the New Plymouth Amenity Tree Area.

The Notable Tree Assessments are not part of the District Plan; they provide useful support information when assessing applications for resource consent. The Assessments for the trees being added to the Notable Tree Schedule are shown in Appendix 1.

4.3.6 Resource Consent Trends/Data

Very few applications relating to notable trees are received by the Council. This is likely due to the Operative District Plan being fairly permissive and only requiring resource consent for the erection of buildings and structures within the dripline (OL43), subdivision of an allotment that contains a notable tree (OL52), or any work to a notable tree that does not comply with conditions for a permitted activity.

During the ten year period 2008-2018, 27 land use resource consents were applied for and granted relating to notable trees, which is just over three per year. Six of these land use consents were for the removal of notable trees as follows:

- 2009: The removal of three trees in a group to allow for a public car park at the Port.
- 2012: The removal of a tree to prevent damage to a house.
- 2012: The removal of a tree due to stormwater issues and structural damage to a property.
- 2013: The removal of one tree in a group at the Aquatic Centre to allow a new chlorine storage shed to be built.
- 2014: Removal of a tree to provide for the demolition and replacement of a fire damaged house.
- 2015: Removal of a tree to allow for future residential development.

The remainder of the 21 land use consents were for the erection of structures and/or excavation and fill within the dripline area of notable trees. Trimming and outdoor storage provisions were triggered four times as part of applications for building or excavating. The number of applications relating private land and public land was evenly split.

Since 2009, two subdivision consent applications were received for properties with notable trees. Both were granted. The first, in 2012, involved excavation and filling work within the dripline of a notable tree and the other, in 2017, resulted in the removal of one tree in a notable tree group.

4.4 Effectiveness of the Operative District Plan Approach

From a policy perspective, the Operative District Plan Notable Tree provisions are generally achieving the objectives of the Operative District Plan. Overall, there is limited land use, subdivision and development pressure on notable trees. Nevertheless, the Council has experienced some issues with the effectiveness of the Operative District Plan, in particular those that are set out below:

Issue	Comment	Response
<p>Issue 1:</p> <p>There is no specific district plan framework to manage notable trees.</p>	<p>Notable trees are managed through the objectives and policies in the "heritage resources" management strategy.</p> <p>The National Planning Standards require a standalone chapter for notable trees.</p>	<ul style="list-style-type: none"> • Inclusion of a separate Notable Trees chapter with specific objectives, in alignment with National Planning Standards.
<p>Issue 2:</p> <p>Some activities in close proximity to notable trees are permitted without controls and without arborist input.</p>	<p>The health and growth of a notable tree can be compromised by trimming, pruning and/or earthworks.</p> <p>The current rule framework and definition of 'dripline area' allows activities in close proximity to notable trees.</p>	<ul style="list-style-type: none"> • Review of rules, to include a level of arborist involvement. • Review the definition of "dripline area".
<p>Issue 3:</p> <p>The Operative District Plan no longer lists central city notable trees due to the change in legislation preventing blanket protection of trees in a geographical area.</p>	<p>Arborist assessment indicates there are important trees in the central city worthy of recognition for their contribution to softening this intensively built environment and enhancing amenity values.</p>	<ul style="list-style-type: none"> • Assessment of central city trees • Review of the Notable Trees Schedule to include a more representative range of the District's tree assets.
<p>Issue 4:</p> <p>The Operative District Plan lists notable trees as either Category 1 or Category 2, with little difference in the rules for each category.</p>	<p>Listing notable trees using two categories creates an unnecessary level of complexity for the plan user.</p>	<ul style="list-style-type: none"> • Review the different categories of notable tree.
<p>Issue 5:</p> <p>The Council does not always have final decision-making power when a tree is proposed for removal under the Permitted Activity Rules.</p>	<p>The Operative Plan allows for the Council <i>or an approved arboricultural contractor</i> to determine the fate of a notable tree. This does not provide for impartiality if that arborist is also representing a developer.</p> <p>Although this issue rarely arises, it represents a risk to notable trees if not addressed.</p>	<ul style="list-style-type: none"> • Review of the rules relating to notable tree removal.

Issue	Comment	Response
Issue 6: The International Society of Arboriculture Tree Hazard Evaluation form has been superseded.	The ISA Tree Hazard Evaluation form is used by the Council when assessing trees proposed for removal.	<ul style="list-style-type: none"> Reference the correct ISA form in the notable trees provisions.

4.5 Effectiveness of Other Methods

The other methods set out in Section 4.2 above, including attaching plaques to notable trees, financial assistance, technical advice and provision of free arboricultural services to owners of notable trees, are generally effective in assisting with the ongoing protection and viability of notable trees in the District.

4.6 Other Relevant Research/Documents

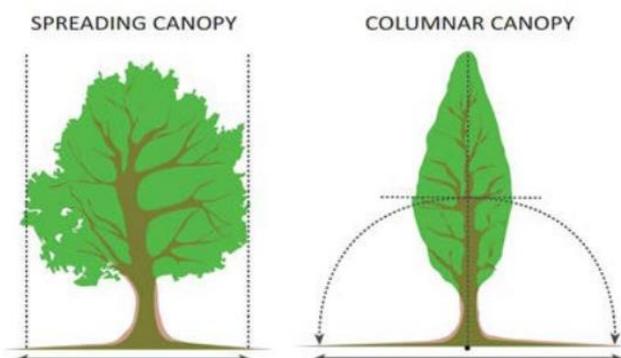
4.6.1 Root Protection Area – Review of Best Practice

Notable trees provisions manage activities so that the ground around these trees is not disturbed and their roots are not damaged. In order for the District Plan provisions to work effectively, it is important to determine the minimum area around a tree containing sufficient roots and rooting volume to maintain the tree’s viability. This is an area referred to in the Operative Plan as the “dripline area” which, as previously mentioned, is defined as:

That area beneath the canopy of a TREE, measured at GROUND LEVEL from any part of the surface of the trunk, with a radius of 5m or to the outermost extent of the spread of its branches, whichever is the greater.

There is no New Zealand standard to determine what constitutes a “dripline area” (or “root protection area” as this area is more commonly called). The current approach throughout district plans is not consistent, with some councils using the canopy spread to determine the area, some using sophisticated formulas and others using an approach based on a British Standard. The latter is the approach most commonly used, and represents a circular area:

- The outer extent of the branches of a spreading canopy tree
- Half the height of a columnar canopy tree



This definition differs from the Operative Plan's "dripline area", and provides a greater area of protection around trees with columnar canopies.

The updated British Standard describes the root protection area as a circular area around a tree, with a radius 12 times the trunk diameter. Whether the British Standard is entirely appropriate for New Zealand trees is a moot point. What is clear, is that it would result in a significantly larger area being required for a root protection area than previously required by the Operative Plan's "dripline area".

The Ministry for the Environment considered defining "root protection area" in the recently-released National Planning Standards. However, they concluded that "what constitutes the appropriate root protection area is a matter for experts and councils to determine. In the absence of a New Zealand Standard, or further work, it is not yet appropriate to be standardised in the planning standards at a national level."

5 Consultation

5.1 General Consultation

Extensive consultation was undertaken with key stakeholders and the local community as part of this District Plan Review process. Refer to the General Overview Section 32 Report for details on the methods that were used to carry out that consultation. Feedback from consultation relevant to the notable trees topic is summarised below.

The Draft District Plan was released for public comment in 2016. Four comments were received from organisations as follows:

- Request that the protected area around notable trees (still defined as dripline area at this stage of the Plan review process) is not excessively large so that farming activities are not unduly restricted.
- Support for the addition of central city trees of high value and particular support for the scheduling of the Ombu tree at the Hobson Hotel.
- Recommendations from network utility operators for tree trimming and alteration, and works in the dripline area of notable trees, based on the provisions negotiated and agreed through the Auckland Unitary Plan process. Request that policies must support the ongoing provision and operation of infrastructure and clarity as to what "in proximity" to a notable tree means (this issue was also raised by Nga Kaitiaki, discussed in the next section).

Consultation on the Draft Digital District Plan (2018) resulted in feedback from 10 parties. Six of these requested the addition or removal of trees on the Notable Trees Schedule. The feedback that supported the listing of trees argued that they provide a habitat for native birds and raised concern about the loss of trees in parts of New Plymouth's urban environment. It is noted, however, that those who generally supported the concept of protecting trees may not have been landowners of properties where the trees were identified. The individuals that opposed the scheduling of specific notable trees were concerned about the restrictions on property rights.

Powerco provided comprehensive comments on the proposed approach in the Draft Digital District Plan, including the policy and rules suite relating to notable trees. Powerco and other Network Utility operators have formed a 'working group' of representatives to develop set of 'best-practice' District Plan provisions that are used

as model provisions during engagement with councils undertaking District Plan reviews to achieve greater consistency and integration throughout District Plans. These provisions were reviewed during the development of the proposed provisions relating to network utilities, including notable trees rules. In particular, the Proposed Plan enables the ongoing provision of essential infrastructure, by allowing tree trimming, maintenance and earthworks for that purpose.

Four other parties provided comments on the draft provisions. One queried how the District Plan will respond to a tree that is infected with myrtle rust. Advice from the Council's arborists has confirmed the importance of allowing for the removal of a tree if it is rendered unsafe or unsound through disease. The ISA Risk Assessment Form provides for disease to be assessed, including any tree failure due to pest/biotic attack.

One comment was specific to the rule requiring resource consent for subdivision of an allotment that contains a notable tree. The feedback stated that the rule is unnecessary as activities with the potential to affect the health of the tree are covered by the other rules. It is correct that there is some overlap in the intention of the rule. However, it is considered prudent that the Council retains some discretion regarding subdivision of an allotment containing a notable tree so that a) an overall assessment of the location, design and size of allotments can be made, including whether any resulting building platforms or infrastructure have the potential to compromise the integrity, ongoing viability and/or values of the notable tree and b) whether the subdivision would assist to protect, maintain or enhance the values of the tree.

Another comment noted that it was inappropriate to "roll over" the Notable Trees Schedule in the Operative District Plan into the Proposed District Plan without sufficient review and assessment of the condition and values of these trees by appropriately qualified experts. Once a tree becomes notable it is unlikely that its notable status will be removed unless it is deemed to be unsafe or unsound. The Council's arborists have been reviewing notable trees to see if they are unsafe or unsound. This work has informed the Notable Tree Schedule for the Proposed District Plan. Realistically, this work will be ongoing and minor amendments to the District Plan will need to be made as assessments continue over forthcoming years.

Another party supported the Operative District Plan rules that allow for the removal of Category 2 trees, which do not fall into the Permitted Activity category, to be assessed as Restricted Discretionary Activities. In a move to simplify the District Plan and recognise that all notable trees, regardless of their category, deserve protection, the proposed rules do not differentiate between the different categories of tree.

5.2 Consultation with Iwi Authorities

Nga Kaitiaki provided feedback on the Draft District Plan (2016) notable trees section. Their comments are summarised below:

- A specific policy is required to recognise that only tangata whenua of New Plymouth District can identify their relationship, associations and values with important trees or groups of trees within the district.
- A specific policy to give weight to kaumātua evidence in relation to identified trees is necessary to ensure the information regarding relationships, associations and values of tangata whenua to inform resource management processes is required.
- Reference to "on or in proximity" throughout the policies needs to be clarified.

- Policies that set out certain conditions where the removal of notable trees is allowed, should include, in addition to those listed, requirements regarding tangata whenua input should a tree be listed for its cultural values.
- Consultation with tangata whenua when assessing an application which will impact on a notable tree is an important consideration through the resource consent process.

The feedback from Nga Kaitiaki was considered during re-drafting of the objectives and policies, and consequent amendments to the provisions were made. In particular, the values in the objectives and policies include reference to cultural (tangata whenua) values, and policy TREE-P6 states that if a tree is identified for cultural values then the applicant must demonstrate that the activity is appropriate having regard to the outcomes of consultation with and/or assessment undertaken by tangata whenua.

Feedback from Nga Kaitiaki on the Draft Digital District Plan (2018) supported the use of the notable trees tool to protect trees important to tangata whenua. They reiterated the need for certainty in the District Plan provisions and to avoid phrases such as “in proximity to notable trees”. However, the key theme of feedback from Nga Kaitiaki was that the District Plan provisions must provide for greater tangata whenua involvement. In particular:

- That tangata whenua identify culturally important trees and groups of trees;
- That tangata whenua are involved in the resource consent process relating to these trees; and
- That tangata whenua are involved in the consideration of trees nominated for removal as a permitted activity.

The proposed objective, policies and rules reflect the need for tangata whenua involvement in various ways. Policy TREE-P1 provides tangata whenua with a role in identifying important trees or groups of trees for scheduling and mapping. Policy TREE-P6 provides for tangata whenua input into the resource consent process when an activity is proposed in the root protection area of a notable tree with cultural (tangata whenua) values.

6 Key Resource Management Issue

The key resource management issue for notable trees is:

- The potential for loss or degradation of notable trees through inappropriate land use, development or subdivision, which can detract from the amenity and character of the environment.

Following identification of the key resource management issue, the existing objectives, policies and methods were reviewed to determine whether they effectively addressed the issues. Based on this review, the Notable Trees provisions were revised as detailed below.

7 Proposed District Plan Provisions (Objectives, Policies and Methods/Rules)

The proposed provisions are set out in the Notable Trees Chapter of the Proposed New Plymouth District Plan. These provisions should be referred to in conjunction with this evaluation report.

7.1 Strategic Objectives

The applicability/relevance of all the proposed Strategic Objectives will need to be considered for all development proposals requiring resource consent under the Proposed District Plan. Strategic Objectives SO-1 to SO-3 in relation to Historic and Cultural Matters are of particular relevance to the notable trees provisions:

- **HC-1** *The district's heritage and cultural values contribute to the district's sense of place and identity, and are recognised and protected.*
- **HC-2** *The cultural, spiritual and/or historical values associated with historic heritage and sites and areas of significance to Māori are protected.*
- **HC-3** *Tangata whenua's relationships, interests and associations with their culture, traditions, ancestral lands, waterbodies, sites, areas and landscapes, and other taonga of significance are recognised and provided for.*

7.2 Objectives and Policies

In summary, the proposed provisions comprise:

- Identifying, scheduling and mapping trees with notable botanical, landscape, amenity, and historical or cultural values.
- Allowing trimming, earthworks and root pruning in the root protection area provided it is undertaken or supervised by the Council or an approved arboricultural contractor.
- Allowing the removal of a notable tree that is unsafe or unsound.
- Enabling the ongoing provision of essential infrastructure.
- Managing building and outdoor storage within the root protection area of trees and managing subdivision of a site that contains a notable tree.
- Managing the removal of a notable tree that is not unsafe or unsound.
- The provision of information and advice on how to maintain notable trees.

– Rules

7.2.1 Allowing as a permitted activity:

- Gardening, mowing and soft landscaping within the root protection area of a notable tree (TREE-R1).
- Trimming and maintenance of a notable tree, subject to standards including the work being supervised or undertaken by an arborist (TREE-R2).
- Earthworks and root pruning, within the root protection area of a notable tree, subject to standards including the work being supervised or undertaken by an arborist (TREE-R3 and R4).
- Removal, partial removal or destruction of a notable tree, where that tree is deemed to be unsafe or unsound by the Council, subject to standards including the work being undertaken by an arborist (TREE-R5).

7.2.2 Managing as a restricted discretionary activity:

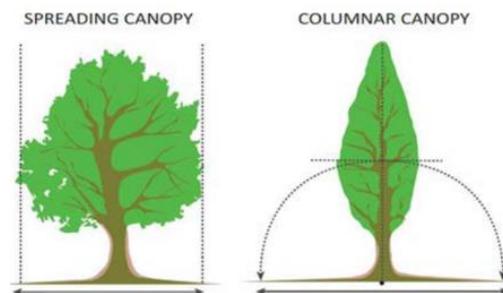
- Building activities, outdoor storage and laying of underground network utilities within the root protection area of a notable tree (TREE-R6 – R8), and assessment matters on:
 - The impact that the proposal has on the integrity, ongoing viability, and values of the notable tree.
 - Effects on amenity values of public places.
 - Effects on cultural (including tangata whenua) values.
 - Mitigation measures.
 - Whether there is an operational or functional need for the activity to be located in the root protection area (e.g. network utilities).
- Subdivision of an allotment that contains a notable tree (TREE-R9), and assessment matters on:
 - Location, design, size of allotments.
 - Any positive effects the subdivision may have on the notable tree.

7.2.3 Managing as a non-complying activity:

- Removal, partial removal or destruction of a notable tree that does not meet the requirements for a Permitted Activity (TREE-R10).
- Any activities within the root protection area of a notable tree not otherwise listed (TREE-R11).

7.3 Definitions

ROOT PROTECTION AREA means the circular area of ground surrounding a Notable tree. For trees with spreading canopies, the root protection area extends from the trunk to the outer most extent of the canopy. For trees with columnar crowns, the root protection area extends from the trunk to a radius half the height of the tree.



7.4 Other Methods

The methods outside the District Plan set out in Section 4.2 will be rolled over as part of a comprehensive approach to managing notable trees through the Proposed District Plan.

A revised Notable Trees Schedule now includes a more geographically representative range of the District's significant tree assets, including those in the New Plymouth central city area.

7.5 Planning Maps

Each notable tree record is identified on the ePlan maps with its unique number. A green triangle symbol is used to show the location of a single tree and a green polygon symbol is used to show the location of a group of trees.

8 Approach to Evaluation

Section 32(1)(a) of the RMA requires that this report contain a level of detail that corresponds with the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of this proposal.

The section of the RMA requires that:

- New proposals must be examined for their appropriateness in achieving the purpose of the RMA.
- The benefits and costs, and risks of new policies and rules on the community, the economy and the environment need to be clearly identified and assessed.
- All advice received from iwi authorities and the response to the advice needs to be summarised.
- The analysis must be documented, so stakeholders and decision-makers can understand the rationale for policy choices.

8.1 Evaluation of Scale and Significance

	Minor	Low	Medium	High
Degree of change from the Operative Plan		✓		
Effects on matters of national importance		✓		
Scale of effects – geographically (local, district wide, regional, national).			✓	
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?).			✓	
Scale of effects on those with specific interests, e.g. Tangata Whenua		✓		
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?		✓		
Likelihood of increased costs or restrictions on individuals, communities or businesses.		✓		

8.2 Explanation Summary

In summary:

- The degree of change from the Operative District Plan is moderate, considering:
 - The restrictions on the removal of notable trees are similar to the Operative District Plan (e.g. if a notable tree is unsafe or unsound, removal will be permitted but resource consent will be required for removal for any other reason).
 - Earthworks or root pruning in the root protection area needs to be undertaken or supervised by Council or a Council approved arborist (previously, standards on maximum depth, maximum root size, and maximum area of disturbance could occur as a permitted activity without arborist input or supervision).
 - All notable trees are now subject to the same provisions, regardless of their category under the NTEM assessment.
 - A number of new notable trees on private properties are scheduled for protection in the District Plan.
 - A number of trees have been removed from the schedule due to being assessed as unsafe or unsound.
- The proposal relates to a section 6 matter as the criteria for identification and protection of notable trees is related to the protection of historic heritage under section 6(f). In addition, 6(e) is relevant as tangata whenua have associations and traditions relevant to some notable trees in the district.
- The geographical scale of effects is generally limited to the city centre where most newly identified notable trees are located.
- The on-site extent of effects generally covers a small portion of the overall site area, as the protection of notable trees only restricts land use activities in the root protection area of the notable tree.
- The proposal is not directly identified in the Blueprint, but is inherent in two particular key directions. The Central City key direction is of particular relevance given the protection of trees in this area will help to deliver a diversity of speciality retail, entertainment, cultural and social experiences. The Destination key direction is also of relevance given the protection of trees will help make the district a unique and special place to live and visit.
- The scale of effects on people and special interest groups are moderate. The majority of trees are on land owned by private landowners who may raise concerns with the restrictions on their private property rights. However, these restrictions will only come into effect if the landowners are proposing activities that trigger rules in the District Plan. Many of the notable trees have been rolled over and landowners are already familiar with the concept. Tangata Whenua are likely to be more involved in resource consent applications affecting notable trees that have cultural significance.
- The identification procedures and proposed provisions are in accordance with commonly accepted best practice, and consistent with approaches in other second-generation District Plans that have been produced around New Zealand.

Overall, it is considered that the scale and significance of the proposal is medium. The level of detail in this report corresponds with the scale and significance of the environmental, economic and cultural effects that are anticipated from the implementation of the notable trees provisions.

9 Evaluation of Objectives

Existing Objective(s)	Appropriateness to achieve the purpose of the Act
Objective 11: To recognise the district's heritage resources, provide for their protection and promote their enhancement.	The existing objective fails to address the resource management issue for notable trees in that it is generic to heritage resources and does not specifically recognise the unique values of notable trees. The existing objective does not provide specific direction on the values of notable trees that should be protected, including tangata whenua values. Therefore, the objective does not effectively deliver on the purpose of the RMA.

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
Objective TREE-O1: Trees with notable botanical, landscape, amenity, historical or cultural (including tangata whenua) values are recognised, identified and protected.	<p>The purpose of the RMA is to promote the sustainable management of natural and physical resources by managing the use, development and protection of physical resources in a way which enables people and communities to provide for their social, economic and cultural well-being. Under Section 6 (f) of the RMA, the protection of historic heritage (which includes notable trees) from inappropriate subdivision, use, and development is a matter of national importance that the Council must recognise and provide for. In addition, the Council must have particular regard to the maintenance and enhancement of amenity values, maintenance and enhancement of the quality of the environment, and any finite characteristics of natural and physical resources.</p> <p>The proposed objective gives specific recognition to the principles/overarching goal of recognising the values of notable trees and protecting them from inappropriate subdivision, use and development. The objective directly addresses the notable tree resource management issue, and provides certainty to plan users that notable trees should be recognised, identified and protected for their important botanical, landscape, amenity, historical or cultural values. In addition, the retention and protection of notable trees contributes to community identity and sense of place as it provides connections to the past and places value of the trees for protection for future generations. Notable trees also enhance the amenity of the district for residents and visitors.</p> <p>The proposed objective provides plan users and decision makers with certainty as to the outcomes that are appropriate under the District Plan provisions, is aligned with best-practice, and considered reasonable and achievable as it is consistent with districts similar to New Plymouth.</p>

Proposed Objective(s)	Appropriateness to achieve the purpose of the Act
	The objective will sustain the potential of physical resources for current and future generations, and maintain and enhance amenity values and the quality of the environment. The objective will achieve the purpose of the RMA.

Evaluation of Alternative Options	Appropriateness to achieve the purpose of the Act
Do not include a standalone chapter with specific objectives for Notable Trees.	This option would hinder decision makers when assessing resource consent applications as they would have little guidance on what outcomes are expected. It would also fail to properly recognise the botanical, landscape, amenity, historical or cultural (including tangata whenua) values that notable trees can contribute to an area, including sense of place and community identity. This option would not deliver on the requirements of section 6(f) of the RMA.

Summary
The preferred objective will achieve the purpose of the RMA as it is a clear statement of intent that recognises the values of notable trees and protecting them from inappropriate subdivision, use and development. It provides certainty as to the outcomes that are appropriate under the District Plan provisions and is aligned with best-practice throughout New Zealand.

10 Evaluation of Options to Achieve the Objectives

Options to achieve the District Plan objectives relating to notable trees	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>Option A: Proposed approach considered most appropriate to achieve the objective.</p> <ul style="list-style-type: none"> Objective and policies for the identification, recognition and 	<ul style="list-style-type: none"> Plan users and landowners will have clear, up front understanding of obligation and compliance with the standalone Notable 	<ul style="list-style-type: none"> Additional notable trees added to the Schedule may result in higher costs for landowners involved in obtaining resource consents, 	This approach is effective and efficient as it protects notable trees from inappropriate subdivision, use and development. The approach is practical and pragmatic ("fit for	Not acting may mean that notable trees could be damaged or lost, in particular trees in the city centre not currently

Options to achieve the District Plan objectives relating to notable trees	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>protection of notable trees, including specific direction on appropriate/inappropriate activities and recognition of tangata whenua's association with some notable trees.</p> <ul style="list-style-type: none"> • List notable trees on District Plan Schedule for protection, without any differentiation into categories. • Allow trimming and maintenance, earthworks and root pruning in the root protection area subject to standards including arborist input or supervision. • Allow the removal, partial removal or destruction of an unsafe or unsound notable tree, subject to standards including arborist assessment and Council approval. • Manage buildings, structures or outdoor storage as a restricted discretionary activity in the root protection area. 	<p>Trees Chapter of the Plan.</p> <ul style="list-style-type: none"> • No differentiation between tree categories means the rules are simpler to understand and all notable trees are recognised equally for their contribution to the district's heritage. • Notable trees are identified, protected and maintained for present and future generations, adding to community identity, sense of place and enhancing the amenity of the district for residents and visitors. • The ongoing provision of essential infrastructure is recognised and provided for. • Arborist involvement avoids potential for damage from detrimental trimming or improper maintenance. • Arborist involvement and Council decision- 	<p>particularly those in the city centre area.</p> <ul style="list-style-type: none"> • Greater requirements for arborist involvement would result in costs to engage arborists for supervising or undertaking trimming, earthworks and root pruning. • If a notable tree is listed for cultural values, expectation that tangata whenua will be consulted may increase costs and/or time to process resource consent for landowners or developers. • The root protection area represents a greater area around columnar trees, thereby reducing the available area of property on which to undertake building activities, infrastructure and outdoor storage. 	<p>purpose"). It also acknowledges the notable trees in the city centre that make an important contribution to amenity values.</p> <p>The works requiring resource consent would be limited to those that are considered "inappropriate" and decision-makers could make an informed decision based on detailed policy guidance, and on the values of the particular tree.</p> <p>The rules and standards reflect best practice and provide clarity to plan users about when resource consent would be required. This approach is not considered to be overly restrictive or onerous for landowners.</p> <p>The definition of "root protection area" may not provide absolute protection in all circumstances, however it is uncomplicated, has been tested by other councils,</p>	<p>identified in the Operative District Plan.</p> <p>Overall, it is considered that there is sufficient information to act, and that risks of acting outweigh those of not acting.</p>

Options to achieve the District Plan objectives relating to notable trees	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<ul style="list-style-type: none"> • Manage subdivision of an allotment containing a notable tree as a restricted discretionary activity. • Manage the removal, partial removal or destruction of a notable tree, which is not unsafe or unsound, as a non-complying activity. • Introduce a new definition: "root protection area". 	<p>making avoids potential unnecessary removal, partial removal or destruction of notable trees.</p> <ul style="list-style-type: none"> • Notable trees can be properly maintained and trimmed without the need for resource consent to ensure they remain safe, and to protect their ongoing viability and tree health. • Increased employment opportunities for local arborists. • New definition of "root protection area" protects more of the tree roots for columnar canopy trees than "dripline area" did, and ensures that developers are considering the future growth of notable trees when determining site layout and building location. • Tangata whenua involvement for trees listed for cultural (tangata whenua) 		<p>and represents an increase in protection that is not unreasonable.</p> <p>This approach addresses current issues, by providing a balance between protection of notable trees and provision for trimming and maintenance for the ongoing viability and vitality of notable trees.</p>	

Options to achieve the District Plan objectives relating to notable trees	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	values recognises and provides for the relationship of Maori and their culture and traditions with their ancestral lands, sites, wahi tapu and other taonga.			
<p>Option B: Status quo regulatory approach</p> <ul style="list-style-type: none"> Objective and policies for the identification, recognition and protection of 'heritage resources'. List Category 1 and 2 notable trees on the District Plan Schedule. Allow excavation and filling within the dripline area, subject to standards on extent of disturbance. Allow trimming and maintenance subject to standards including works being undertaken by a Council approved arborist. Allow removal or destruction of Category 1 	<ul style="list-style-type: none"> Notable trees are identified, protected and maintained for present and future generations, adding to community identity, sense of place and enhancing the amenity of the district for residents and visitors. Plan users, arborists and landowners are familiar with current provisions, resulting in reduced costs in understanding and complying with the Notable Tree provisions of the plan. Notable trees can be maintained and trimmed without the need for resource consent to ensure they remain safe, and to protect 	<ul style="list-style-type: none"> Grouping notable trees into 'heritage resources' policy framework lacks detail, direction and certainty on what is or is not appropriate in relation to notable trees, and could lead to inconsistent decision-making. It would also be inconsistent with the National Planning Standards. Flexible provisions for works in the dripline area could lead to some loss of notable trees (e.g. incremental modification due to interference with existing buildings, root damage or removal for emergency works, etc.). 	<ul style="list-style-type: none"> This approach is permissive, which is generally effective and efficient as it allows landowners and developers to undertake maintenance, trimming, outdoor storage, excavation and fill in the root protection area, as well as removal or destruction under certain circumstances as a permitted activity. A more permissive approach may lead to future development and economic opportunities and may be more efficient for developers. However, some of the provisions without arborist involvement could lead to 	<p>The risk of acting on these status quo provisions is that:</p> <ul style="list-style-type: none"> Trees in the former New Plymouth Amenity Tree Area that make an important contribution will not be identified and protected through the District Plan review. The current policy framework lacks detail and specific direction on appropriate or inappropriate activities, and The status quo is inconsistent with the National Planning Standards, which require that if a council chooses to protect trees, it must provide a

Options to achieve the District Plan objectives relating to notable trees	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
<p>or 2 trees where council or approved arborist determined it to be unsafe or unsound.</p> <ul style="list-style-type: none"> • Allow small outdoor storage in the dripline area. • Manage as a discretionary activity, erection of buildings and structures within the root protection area, subdivision of an allotment that contains a notable tree, and any work to a notable tree that does not comply with the conditions for a permitted activity. • Retain the definition of "dripline area". 	<p>their ongoing viability and tree health.</p> <ul style="list-style-type: none"> • No restrictions in terms of removal of unsafe or unsound trees or if they are interfering with existing buildings, structures or network utilities. • No arborist involvement for excavation and fill required, meaning less cost on Council, ratepayers or landowners for arborist input. 	<ul style="list-style-type: none"> • Less arborist involvement and greater potential for damage from detrimental trimming or improper maintenance. • Current definition of 'dripline area' is not sufficiently protecting tree roots for columnar canopy trees, and developers are not considering the future growth of notable trees when determining site layout and building location. • New Plymouth Amenity Tree Area trees continue to be unprotected. 	<p>inappropriate activities, resulting in loss of notable trees through incremental damage or modification that is detrimental to tree health. Therefore, this option is not considered to be the most efficient, effective and appropriate option to achieve the objective.</p>	<p>standalone chapter in the Plan.</p> <ul style="list-style-type: none"> • Flexible provisions could lead to inappropriate activities locating in close proximity to the trees, and/or damage or loss of notable trees. • It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information not to act.
<p>Option C: Methods outside the District Plan Rely solely on non-regulatory methods, such as education, information, advice and financial assistance (e.g. arborist advice) to protect notable trees.</p>	<ul style="list-style-type: none"> • Public awareness of the importance of protecting notable trees is increased through education programmes and plaques. • Increased economic and development opportunities and flexibility for landowners as they are not subject 	<ul style="list-style-type: none"> • No regulatory controls place the onus on private landowners to protect notable trees for the public good, with economic implications for landowners. • Uncertainty could lead to loss of notable trees and community identity, sense of place, amenity 	<ul style="list-style-type: none"> • No rules or performance standards would enable inappropriate activities, subdivision and development to occur, which could damage notable trees without any constraints. This approach has no certainty and has the potential to result in 	<ul style="list-style-type: none"> • The risk of acting on the non-regulatory approach means that Council may not be carrying out its duty/requirements under the RMA and it is likely to result in the loss or damage to notable trees throughout the district.

Options to achieve the District Plan objectives relating to notable trees	Benefits	Costs	Efficiency and Effectiveness	Risks of acting/not acting
	to restrictions to protect notable trees.	values and quality of the environment. <ul style="list-style-type: none"> Additional costs for Council in providing free technical advice, support and information, such as site-specific tree management plans and other incentives to protect notable trees (grants, etc.). 	significant adverse effects. No rules or standards is not considered effective to achieve the objective of recognising and protecting notable trees.	<ul style="list-style-type: none"> It is considered that there is sufficient information not to act on this option.
<p>Quantification</p> <p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>Given the assessment of the scale and significance of the proposed changes above it is considered that quantifying costs and benefits would add significant time and cost to the s32 evaluation processes. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable.</p>				
<p>Summary</p> <p>The above table has demonstrated that Option A is the most appropriate method for identifying, recognising and protecting notable trees in the district. It provides for arborist input for key activities that represent risk to notable trees (trimming, earthworks, root pruning), resource consent requirement for building, infrastructure, outdoor storage and subdivision, and a simple, practical approach to tree removal (permitted if unsafe or unsound, otherwise resource consent as a non-complying activity).</p> <p>Option C, while inappropriate on its own, contains non-regulatory methods that would strengthen the proposed approach in Option A. Education, information, advice and financial assistance would continue to be used in conjunction with the Proposed District Plan approach.</p> <p>The existing regulatory approach in Option B would not effectively achieve the objective of recognising and protecting notable trees. The current provisions are permissive, enabling building, storage and other disturbance within the dripline area without arborist input. Consequently, the future health and growth of notable trees is at risk when developers decide on site layout and building location.</p> <p>Therefore, a revised approach as set out in Option A, with support from non-regulatory methods in Option C, is proposed.</p>				

11 Summary

This evaluation has been undertaken in accordance with Section 32 of the RMA in order to identify the need, benefits and costs and the appropriateness of the proposal having regard to its effectiveness and efficiency relative to other means in achieving the purpose of the RMA. The evaluation demonstrates that this proposal is the most appropriate option as:

- The objective and policies provide for the identification, recognition and protection of notable trees, including specific detail, direction and certainty on appropriate and inappropriate activities in relation to notable trees. The policy framework also provides recognition of cultural values and tangata whenua's association with some notable trees.
- The revised Notable Trees Schedule has a more representative range of the District's significant tree assets, including some trees in the former New Plymouth Amenity Tree Area.
- Permitted activity rules allow for trimming and maintenance, and limited earthworks and root disturbance within the root protection area of notable trees, or the removal or destruction of unsafe or unsound notable trees provided it is undertaken by Council or a Council approved arboricultural contractor.
- Activities that may cause damage or destruction to notable trees are appropriately managed through the resource consent process. These include the removal or destruction of a notable tree (unless unsafe or unsound), building activities, infrastructure, outdoor storage and subdivision.
- Non-regulatory methods such as information provision, technical advice and promotion of notable trees and their values will continue to be used in conjunction to the proposed provisions to achieve the proposed objectives.

Overall, it is considered that the set of preferred provisions is the most appropriate given that the benefits outweigh the costs, and there are considerable efficiencies to be gained from adopting the preferred provisions. The risks of acting are also clearly identifiable and limited in their extent.

12 Appendices

Appendix 1: Notable Trees Assessments for new notable trees