

**Before the Hearings Panel
At Porirua City Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Porirua District Plan

Between **Various**

Submitters

And **Porirua City Council**

Respondent

**Council reply on Notable Trees– Hearing Stream 3 –
Caroline Elizabeth Rachlin on behalf of Porirua City Council
Date: 22 December 2021**

INTRODUCTION:

- 1 My full name is Caroline Elizabeth Rachlin. I am employed as a Senior Policy Planner for Porirua City Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Part B Notable Trees.
- 3 I have prepared this Council reply on behalf of the Porirua City Council (**Council**) in respect of matters raised through Hearing Stream 3.
- 4 Specifically, this statement of evidence relates to the matters in the Section 42A Report – Notable Trees (s42A report).
- 5 Within this reply I also refer to the Reply of Leon Saxon, Arborist.
- 6 I am authorised to provide this evidence on behalf of the Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 7 Appendix C of my s42A report sets out my qualifications and experience.
- 8 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2014.

SCOPE OF REPLY

- 9 This reply follows Hearing Stream 3, held on 6 – 8 and 10 December 2021. Minute 2 of the Hearing Procedures allows for s42A report authors to submit a written reply within 10 working days of the adjournment of the hearing.
- 10 The main topics addressed in this reply include:
 - Notable Trees – timeline
 - Costs and benefits assessment
 - Assessment and TREE008
 - Definition of Root Protection Area

- TREE-S1
- TREE-S2
- Mapping and Schedules

11 The order of this reply broadly follows that of the s42A report.

12 If I have not addressed a matter in this reply that was raised by a submitter throughout the hearings process, I have no further reply to add to what I have set out in the s42A report, my Statement of Supplementary Planning Evidence (Supplementary Evidence) or my evidence given at the hearing.

13 Appendix 1 has a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Proposed District Plan (PDP) hearings web portal at <https://pdportal.porirua.govt.nz>.

14 Appendix 2 has recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.

15 Appendix 3 has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

16 Appendices 4 and 5 include maps showing new TREE031, and an amended spatial extent for TREE008.

Notable Trees – timeline

17 The Panel asked in Minute 16

What was the timeline of assembling the notified schedule of notable trees, who was consulted initially to assemble the draft list and when/how were private property owners consulted regarding the scheduling of tree(s) on their property?

18 The Section 32 Evaluation Part B: Notable Trees (s32 report) sets out key steps in the timeline from 2017. I restate these below and add further key dates prior to 2018.

2002: Draft Notable Trees – initial work commenced, led by Council’s parks team on draft notable trees list.

2011: Significant Urban Vegetation Identification Report. Report prepared for Porirua City Council by Blaschke Rutherford Environmental Consultants in association with PAOS Ltd and Environmental Management Services Ltd – April 2011.

2017: As set out in the s32 report; Feedback on ‘make your mark’ issues and options discussion document; and Reference Group meeting on community values (July 2017).

2018: As set out in the s32 report:

Assessment: Arborlab were provided with a list of trees to be considered for assessment as notable trees from Council. This list was a combination of trees nominated by members of the public and the Councils Parks Team. The Council requested Arborlab to assess any extra trees within the city that were noted as potentially worthy of scheduling.¹

Landowners: Letters sent to landowners with potentially notable trees².

General public: Feedback on District Plan draft objectives and policies.³

2019: General public: Consultation on Full draft District plan.⁴ Five submissions received regarding notable trees.

2020: Landowners: Letters sent to landowners with proposed notable

¹ S32 report, pages 12-13.

² S32 report, page 18

³ S32 report, page 18

⁴ S32 report, page 19

trees in the PDP advising the same.

Costs and benefits assessment

19 In Minute 16 the Panel asked:

Has any assessment been made of the costs to individual private landowners of having notable trees scheduled on their properties, compared to the benefits thereof?

20 Section 10 of the s32 reports⁵ contains an analysis of the proposed provisions. This includes a section addressing costs and benefits. It includes a section on 'Economic' costs, which discusses costs associated with resource consent applications (under the heading 'Costs – Economic' on page 29).

Assessments and TREE008

21 In minute 9, the Panel asked:

Having noted Mr Saxon's evidence that he did not undertake a full STEM assessment of the trees on the Clark property, has anyone else undertaken a full STEM assessment of the cluster of four remaining Nikau's recommended to remain as scheduled notable trees?

22 I note Mr Saxon clarifies within his reply the STEM assessment work which was undertaken for the trees at this property (i.e. TREE008).

23 No further assessment of the remaining four nikau palm trees has been undertaken.

Definition of Root Protection Area

24 In the hearing the Panel, asked questions of Leon Saxon, (for the Council) and Jeremy (Jez) Partridge. This was regarding the definition of Root Protection Area (RPA), and the specific recommendations agreed to in their joint expert witness conference statement on notable trees.

25 In particular, the issue was discussed regarding the potential complexity of having more than one method to determine the RPA. In considering

⁵ S32 report – pages 29-31

their responses and the written reply of Mr Leon Saxon⁶, I am of the opinion that including one method only based on the trunk diameter multiplied by 12 method is appropriate (as recommended in paragraphs 14-15 of Mr Saxon's reply).

26 I consider that there is scope within the submission from Mr Partridge [103.2] for this recommended amendment. I continue to **accept in part** the submission from Mr Partridge [103.2], noting that this submission sought a number of different sets of relief. I recommend a consequential recommendation on the submissions from Kāinga Ora [81.148] and Waka Kotahi [82.23]⁷ and this is shown in Appendix 3.

27 As such I recommend the definition is amended to state the following wording as shown below and as shown in full in Appendix 2, (i.e. including the notified text and diagram shown as removed).

Root protection area	<u>Means the circular area surrounding a notable tree, measured from the centre of the trunk, with a radius calculated by multiplying the trunk diameter by 12 (measured at 1.4 metres above ground level).</u> <u>The maximum root protection area radius must not be greater than 15m and no less than 2m.</u>
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TREE-S1

28 In my Supplementary Evidence, with regards to the conferencing by Mr Saxon and Mr Partridge, I considered that it would be useful to hear further from Mr Saxon and Mr Partridge regarding why particular terms were chosen.⁸

⁶ Paragraphs 10-15 of Mr Saxon's reply

⁷ Submissions of Kāinga Ora and Waka Kotahi sought the RPA definition be retained as notified.

⁸ This relates to the expert witness conference statement of Mr Partridge and Mr Saxon on Notable Trees.

29 Having considered responses given in the hearing by Mr Partridge and considering the paragraphs 24-25 within Mr Saxon’s reply on Notable Trees I am satisfied that:

- These are familiar terms to arborists; and
- These terms would not result in Plan interpretation issues, particularly given the requirement under TREE-S1 for the involvement of a technician arborist.

30 I recommend that TREE-S1 is amended to be broadly consistent with the recommended changes to TREE-S1 in the expert witness conference statement.

31 I have not however made the change to revised TREE-1-6 in the expert witness conference statement as follows, as it is not clear how this is determined.

6. Any of the above listed works must not affect any more than 10% of roots within the tree’s root protection area.

32 I recommended TREE-S1 is amended as shown below and in Appendix 2.

TREE-S1	Activities in the root protection area of a notable tree	
All zones	1. The works are undertaken or supervised by a technician arborist, <u>unless otherwise stated in this standard.</u> 2. Any machinery associated with undertaking the earthworks is only operated on top of paved surfaces and/or ground protection measures, <u>as specified by a technician arborist.</u> 3. Any <u>open cut</u> excavations must be undertaken <u>by using</u>	Matters of discretion are restricted to: 1. The matters in TREE-P4.

hand-digging, air spade excavation, or hydro excavation methods and not exceed an area greater than 1 square metre., ~~or Directional~~ drilling machine must be undertaken where under the protected root zone at a depth of 1m or greater- when within the protected root zone root protection area of a notable tree

4. Works involving root pruning must not be on roots greater than 35mm in diameter at the point of cut-, and must be undertaken by a technician arborist.

5. Works do not create new impermeable surfaces (including sealing, paving, soil compaction), buildings or structures within the root protection area.

6. The works shall not affect any more than 10% of the ~~trees protected root zone.~~ root protection area.

TREE-S2

33 The Notable trees expert witness conference statement from Mr Partridge and Mr Saxon recommends a new condition in TREE-S2 as follows:

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

34 Although I recognise this recommended addition, I consider that there is no submission providing scope for this particular change.

Mapping and schedules

35 In my supplementary evidence, I recommended removing the puriri tree from the list entry for TREE008, consistent with the recommendation in my s42A report. I have shown this tree removed within the entry for TREE008 in Appendix 2, and at Appendix 4 I have included a map showing the recommended amended extent of the listing for TREE008. This is consistent with the recommendation in my s42A report.

36 In my s42A report I recommended a new tree be added to SCHED5 – Notable Trees. I have included a map at Appendix 5 to show the location of recommended new entry TREE031. I have also made a minor addition to the list entry TREE031 in Appendix 2, to add the legal description.

Date: 22/12/2021



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Appendix 1 – List of materials provided by submitters

<p>Submitter evidence</p>	<p>Submitter Evidence - Alison Dangerfield For Heritage NZ [65 And Fs14]</p> <p>Submitter Evidence - Brendan Scott Liggett For Kāinga Ora [81 And Fs65]</p> <p>Submitter Evidence - David Sullivan For Kenepuru Limited Partnership [59 And Fs20]</p> <p>Submitter Evidence - Dean Raymond For Heritage NZ [65 And Fs14]</p> <p>Submitter Evidence - Graeme La Cock for The Director-General of Conservation [126 And Fs39]</p> <p>Submitter Evidence - Graeme Silver for The Director-General of Conservation [126 And Fs39]</p> <p>Submitter Evidence - Iain Dawe For Gwrc [173 And Fs40]</p> <p>Submitter Evidence - Jez Partridge - Appendix 1 (Tree and Root Protection Methods Bs58371 1991) [103]</p> <p>Submitter Evidence - Jez Partridge - Appendix 2 (Example of Councils Using Root Protection Method Taken from Bs5837 1991) [103]</p> <p>Submitter Evidence - Jez Partridge - Appendix 3 (Norfolk Island Pine, 26 Tireti Road) [103]</p> <p>Submitter Evidence - Jez Partridge - Appendix 4 (Hydrovac Versus Airvac) [103]</p> <p>Submitter Evidence - Jez Partridge - Appendix 5 - (Dripline Half Height Versus 12 X Stem Diameter for RPA Definition) [103]-</p> <p>Submitter Evidence - Jez Partridge [103]</p> <p>Submitter Evidence - Karen Tracy Williams For Kāinga Ora [81 And Fs65]</p> <p>Submitter Evidence - Rodney David Witte For Heriot Drive Ltd and Raiha Properties Ltd [156 And 157]</p>
<p>Submitter legal submissions</p>	<p>Submitter Legal Submissions - Katherine Anton And Rosemary Broad for The Director-General of Conservation [126 And Fs39]</p> <p>Submitter Legal Submissions - Nick Whittington For Kainga Ora [81 And Fs65]</p>
<p>Submitter statements</p>	<p>Submitter Statement - Grant and Jane Abdee [238]</p> <p>Submitter Statement - Heriot Drive Ltd [156] And Raiha Properties Ltd [157]</p> <p>Submitter Statement - Robyn Smith [168]</p> <p>Submitter Statement - Titahi Bay Residents Association [95]</p> <p>Submitter Statement 2 - Heriot Drive Ltd [156] And Raiha Properties Ltd [157]</p>

	<p>Submitter Supplementary Statement - Heritage NZ [65 And Fs14]</p> <p>Submitter Tabled Document In Relation To Verbal Statement - Robyn Smith [168]</p>
Submitter tabled statements	<p>Submitter Tabled Statement - Waka Kotahi [82 And Fs36]</p> <p>Submitter Tabled Statement - Fire And Emergency New Zealand [119 And Fs54]</p> <p>Submitter Tabled Statement - Ministry of Education [134]</p> <p>Submitter Tabled Statement - Oil Companies [123] - Attachment</p> <p>Submitter Tabled Statement - Oil Companies [123]</p> <p>Submitter Tabled Statement - Paremata Business Park Ltd [69]</p> <p>Submitter Tabled Statement - Pikarere Farm Ltd [136]</p> <p>Submitter Tabled Statement - Transpower New Zealand [60 And Fs04]</p> <p>Submitter Tabled Letter - Thomas And Claire Clark [153]</p>
Submitter presentations	<p>Submitter Presentation - David Sullivan For Kenepuru Partnerships Ltd {59 And Fs29}</p> <p>Submitter Presentation - Paul Botha [118]</p> <p>Submitter Speaking Notes - Karen Williams For Kāinga Ora [81 And Fs65]</p> <p>Submitter Speaking Notes - Robyn Smith [168]</p> <p>Submitter Speaking Notes - Te Rūnanga O Toa Rangatira [Fs70]</p> <p>Submitter Speaking Notes And Map - Graeme Ebbett For The Titahi Bay Residents Association [90]</p>

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

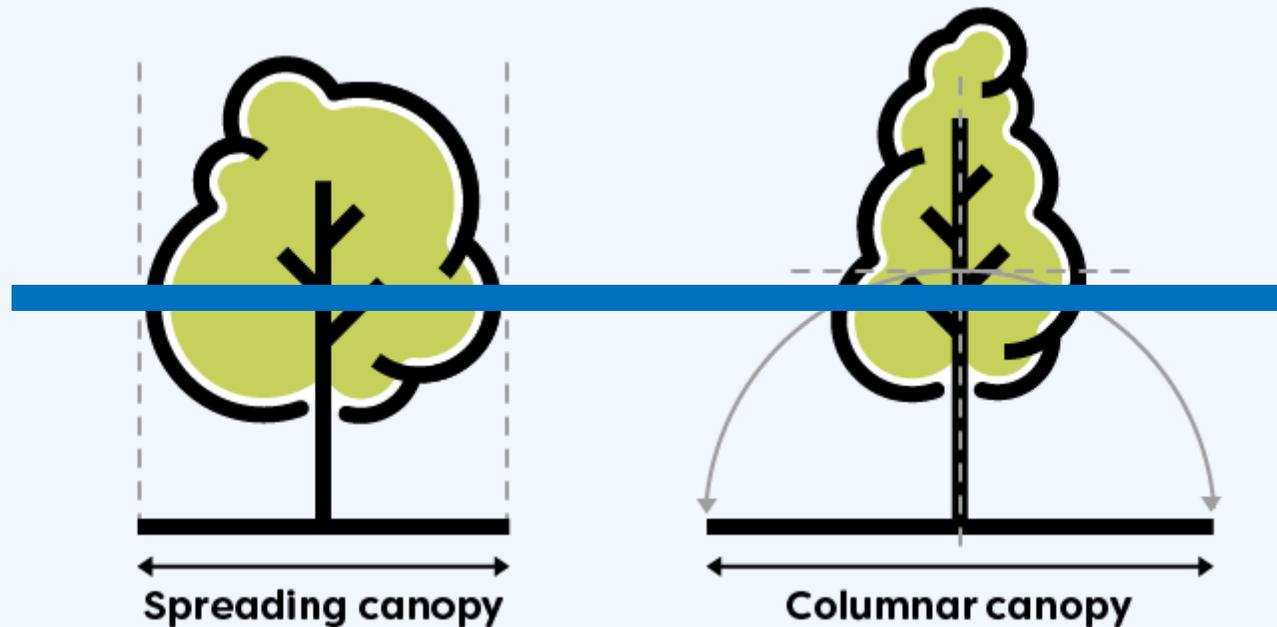
- s42A recommendations are shown in red text (with underline and ~~strike out~~ as appropriate); and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Root protection area

Means the circular surrounding a notable tree, measured from the centre of the trunk, with a radius calculated by multiplying the trunk diameter by 12 (measured at 1.4 metres above ground level). The maximum root protection area radius must not be greater than 15m and no less than 2m.

for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at ground level from the surface of the trunk, with a radius to the outer most extent of the spread of the tree's branches, and for a columnar tree, means the area beneath the canopy extending to a radius half the height of the tree.

Diagram 1: Root protection area for Spreading canopy and Columnar canopy.



TREE - Notable Trees

Porirua City's notable trees are those that are recognised and protected for one or more of their historic heritage, amenity or ecological values. These trees can be prominent natural features and landmarks, add character and identity to the neighbourhood, be rare species, spectacular specimens or have an association with special sites or events. Trees may be identified as an individual stand-alone tree or a small group of trees where each tree within the group is protected. Notable trees include both exotic and indigenous species and have significance to Porirua's community.

Notable trees have been assessed using the Standard Tree Evaluation Method (STEM) from the publication Flook, R.R. (1996) STEM A Standard Tree Evaluation Method. Nelson, New Zealand. STEM assesses trees based on condition (health) and amenity (community benefit) as well as notability (distinction). Trees that score 120 or higher on the STEM are scheduled as a notable tree in SCHED5 - Notable Trees.

Objectives

TREE- O1 Recognise and protect notable trees

Notable trees are recognised for their heritage, amenity and/or ecological values and protected to maintain these values, while recognising limited instances where trimming, pruning or removal is unavoidable.

Policies

TREE- P1 Identify notable trees

Identify and schedule notable trees within SCHED5 - Notable Trees where:

1. The tree or group of trees have a Standard Tree Evaluation Method score of 120 or higher, where they have one or more of the following values:
 - a. Heritage;
 - b. Amenity; and
 - c. Ecological; or
2. The tree or group of trees have significant cultural values, and taking into account any assessment undertaken under the Standard Tree Evaluation Method including heritage, amenity and/or ecological values.

TREE- P2 Protect and maintain the values of notable trees

Protect and maintain the identified values of notable trees listed within SCHED5 - Notable Trees.

TREE- P3 Allowing appropriate works

Allow the trimming and pruning of notable trees listed within SCHED5 - Notable Trees and activities in their root protection area where the works:

1. Will retain or improve the health of the notable tree; or
2. Are necessary to prevent a serious imminent threat to the safety of people and property.

TREE-P4 Potentially appropriate works	
Provide for other trimming and pruning of notable trees listed within SCHED5 - Notable Trees and activities in their root protection area where it can be demonstrated that the works: <ol style="list-style-type: none"> 1. Do not compromise the long term health of the notable tree; 2. Do not compromise the values of the notable tree described in SCHED5 - Notable Trees; 3. Do not reduce the natural life of the notable tree; 4. Do not increase the risk of the notable tree being subject to wind damage; and 5. Do not impact the natural shape and form of the notable tree. 	
TREE-P5 Removal of notable trees	
Only allow the removal of a notable tree listed within SCHED5 - Notable Trees where: <ol style="list-style-type: none"> 1. The tree poses a serious imminent threat to the safety of people or property; or 2. The tree is dead <u>or is in terminal decline as assessed and certified by a technician arborist.</u>⁹ 	
Rules	
<p>Note: There may be a number of provisions that apply to an activity, building, structure or site. Resource consent may therefore be required under rules in this chapter as well as other chapters. Unless specifically stated in a rule, resource consent is required under each relevant rule. The steps to determine the status of an activity are set out in the General Approach chapter.</p> <p>Rules relating to subdivision, including minimum allotment sizes for each zone, are found in the Subdivision chapter.</p>	
TREE-R1 Gardening and mowing within the root protection area of a notable tree listed within SCHED5 - Notable Trees	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> a. The ground level is not altered.
All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <ol style="list-style-type: none"> a. Compliance is not achieved with TREE-R1-1.a. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> 1. The matters in TREE-P4. <p>Notification:</p>

⁹ Jeremy (Jez) Partridge [103.8]

	<p>An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p>
TREE-R2	<p>Other activities within the root protection area of a notable tree listed within SCHED5 - Notable Trees</p>
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with TREE-S1.</p>
All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with TREE-S1.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in TREE-P4.</p> <p>Notification: An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p>
TREE-R3	<p>Trimming and pruning of a notable tree listed within SCHED5 - Notable Trees</p>
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. Compliance is achieved with TREE-S2; or</p> <p>b. The works are essential due to the serious imminent threat to the safety of people or property and:</p> <p>i. Porirua City Council is advised as soon as reasonably practicable prior to work commencing;</p> <p>ii. The works are undertaken by a works arborist;</p> <p>iii. The work is done to the minimum extent required to remove the serious imminent threat to the safety of people or property; and</p> <p>iv. Porirua City Council is provided with written documentation by a technician arborist confirming that the works were necessary and undertaken in accordance with good arboricultural practice no later than 10 working days after the works have been completed.</p>
All zones	<p>2. Activity status: Restricted discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with TREE-S2 or TREE-R3-1.b.</p> <p>Matters of discretion are restricted to:</p> <p>1. The matters in TREE-P4.</p>

	<p>Notification: An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p>	
TREE-R4	Removal of a notable tree listed within SCHED5 - Notable Trees	
All zones	<p>1. Activity status: Permitted</p> <p>Where:</p> <p>a. The works:</p> <ol style="list-style-type: none"> i. Are essential works due to a serious imminent threat to the safety of people or property; ii. Are for removal of a tree that is confirmed to be dead or in terminal decline¹⁰ by a technician arborist; iii. Porirua City Council is advised as soon as reasonably practicable prior to work commencing; iv. Are undertaken or supervised by a works arborist; and v. Porirua City Council is provided with written documentation by a technician arborist confirming that the works were necessary and undertaken in accordance with good arboricultural practice no later than 10 working days after the works have been completed. 	
All zones	<p>2. Activity status: Discretionary</p> <p>Where:</p> <p>a. Compliance is not achieved with TREE-R4-1.a.</p>	
Standards		
TREE-S1	Activities in the root protection area of a notable tree	
All zones	<p>1. The works are undertaken or supervised by a technician arborist, <u>unless otherwise stated in this standard.</u>¹¹</p> <p>2. Any machinery associated with undertaking the earthworks is only operated on top of paved surfaces and/or ground protection measures, <u>as specified by a technician arborist.</u>¹²</p>	<p>Matters of discretion are restricted to:</p> <p>2. The matters in TREE-P4.</p>

¹⁰ Jeremy (Jez) Partridge [103.8]

¹¹ Jeremy (Jez) Partridge [103.3]

¹² Ibid

3. Any open-cut¹³ excavations must be undertaken by using hand-digging, air spade excavation¹⁴, or hydro excavation methods and not exceed an area greater than 1 square metre¹⁵, or Directional drilling machine must be undertaken where under the protected root zone¹⁶ at a depth of 1m or greater- when within the protected root zone root protection area¹⁷ of a notable tree

4. Works involving root pruning must not be on roots greater than 35mm in diameter at the point of cut- and must be undertaken by a technician arborist¹⁸.

5. Works do not create new impermeable surfaces (including sealing, paving, soil compaction), buildings or structures within the root protection area.

6. The works shall not affect any more than 10% of the trees protected root zone- root protection area.¹⁹

TREE-S2		Trimming and pruning of a notable tree
All zones	<p>1. The maximum branch diameter must not exceed 50mm at severance unless it is the removal of deadwood.</p> <p>2. The works are undertaken or supervised by a works arborist.</p>	<p>Matters of discretion are restricted to:</p> <p>1. The matters in TREE-P4.</p>

¹³ Ibid

¹⁴ Ibid

¹⁵ Ibid

¹⁶ Jeremy (Jez) Partridge [103.9]

¹⁷ Jeremy (Jez) Partridge [103.3]

¹⁸ Ibid

¹⁹ Jeremy (Jez) Partridge [103.3]

3. All trimming or alteration retains the natural shape, form and branch habit of the tree.

SCHED5 - Notable Trees

TREE001

Botanical name	Araucaria heterophylla	Description and values Pair of tall Norfolk Island pines located in south-western corner of property. At approximately 20m tall, a locally prominent feature.
Common name	Norfolk Island Pine	
Location and legal description	26 Tireti Road, Titahi Bay (Lot 1 DP 16538)	
Coordinates	-41.10822 , 174.8356	
Single/Group	Group	
Number of trees	2	

TREE002

Botanical name	Araucaria heterophylla	Description and values Pair of tall Norfolk Island pines in front yard of property. At approximately 20m tall, a locally prominent feature.
Common name	Norfolk Island Pine	
Location and legal description	36 View Road, Titahi Bay (Lot 83 DP 10464)	
Coordinates	-41.11252 , 174.83211	
Single/Group	Group	
Number of trees	2	

TREE003

Botanical name	Araucaria heterophylla	Description and values Tall Norfolk Island pine in front yard, near road. At approximately 20m tall, a locally prominent feature.
Common name	Norfolk Island Pine	
Location and legal description	13 Spur Grove, Titahi Bay (Lot 40 DP 17376)	

Coordinates	-41.11021 , 174.84489	
Single/Group	Single	
Number of trees	1	
TREE004		
Botanical name	Cupressus macrocarpa	Description and values
Common name	Macrocarpa	Group of macrocarpa in road reserve.
Location and legal description	Halyard Place, Whitby (Lot 1 DP 41848)	
Coordinates	-41.11463 , 174.89221	
Single/Group	Group	
Number of trees	4	
TREE005		
Botanical name	Podocarpus totara	Description and values
Common name	Totara	Locally prominent tÅ• tara with attractive compact form.
Location and legal description	37 Bosun Terrace, Whitby (Lot 549 DP 44043)	
Coordinates	-41.10616 , 174.88496	
Single/Group	Single	
Number of trees	1	
TREE006		
Botanical name	Araucaria heterophylla	Description and values
Common name	Norfolk Island Pine	Locally prominent Norfolk Island pine tree, with exceptional form and a wide viewing audience.
Location and legal description	2 Tireti Road, Titahi Bay (Sec 1 SO 35629)	
Coordinates	-41.10573 , 174.83821	
Single/Group	Single	
Number of trees	1	

TREE007		
Botanical name	Agathis australis	Description and values Mature kauri growing outside of its natural range, within rear yard of property.
Common name	Kauri	
Location and legal description	2 Herewini Street, Titahi Bay (Lot 22 DP 10462)	
Coordinates	-41.10385 , 174.84066	
Single/Group	Single	
Number of trees	1	
TREE008		
Botanical name	Rhopalostylis sapida, Vitex lucens ²⁰	Description and values Mature nikau grove and one puriri ²⁴ providing ecological benefits within front yard of the site.
Common name	Nikau Palm, Puriri ²²	
Location and legal description	24 Whanake Street, Titahi Bay (Lot 46 DP 7626)	
Coordinates	-41.10047 , 174.83832	
Single/Group	Group	
Number of trees	<u>94</u> ²³	
TREE009		
Botanical name	Araucaria heterophylla	Description and values Tall Norfolk Island pine in front yard, near road. At approximately 20m tall, a locally prominent feature.
Common name	Norfolk Island Pine	
Location and legal description	8 Waiuta Street, Titahi Bay (Lot 55 DP 18864)	
Coordinates	-41.11152 , 174.84082	
Single/Group	Single	
Number of trees		

²⁰ Thomas Charles and Claire Louise Clark [153.4]

²¹ Thomas Charles and Claire Louise Clark [153.4]

²² Ibid

²³ Ibid

Number of trees	1	
TREE010		
Botanical name	Vitex lucens	Description and values Locally prominent puriri tree with ecological values located within the front yard of site.
Common name	Puriri	
Location and legal description	61 Seaview Road, Paremata (Lot 3 DP 15800)	
Coordinates	-41.10072 , 174.88081	
Single/Group	Single	
Number of trees	1	
TREE011		
Botanical name	Quercus robur	Description and values Mature English oak with very good form located within the road reserve.
Common name	Oak	
Location and legal description	18 Ayton Drive, Whitby (Lot 250 DP 34182)	
Coordinates	-41.1105 , 174.89194	
Single/Group	Single	
Number of trees	1	
TREE012		
Botanical name	Pinus pinea	Description and values Pair of locally prominent, uncommon species (Stone pine) located within a central road island.
Common name	Stone Pine	
Location and legal description	Hicks Close (Road Reserve)	
Coordinates	-41.1146 , 174.88536	
Single/Group	Group	
Number of trees	2	
TREE013		
Botanical name	Cupressus macrocarpa	Description and values Line of macrocarpa within reserve adjacent to Whitby Lower Lake. Likely remnant of previous land use.
Common name	Macrocarpa	
Location and legal description	69C Discovery Drive, Whitby (Lot 1689 DP 60005)	

Coordinates	-41.11818 , 174.89267	
Single/Group	Group	
Number of trees	9	
TREE014		
Botanical name	Cupressus macrocarpa	Description and values Very large tree with large trunk girth, locally prominent, located within road reserve.
Common name	Macrocarpa	
Location and legal description	Observatory Close, Whitby (Road Reserve)	
Coordinates	-41.11018 , 174.90173	
Single/Group	Single	
Number of trees	1	
TREE015		
Botanical name	Leptospermum scoparium	Description and values Group of potentially remnant bush, retained from pre-subdivision and residential development.
Common name	Manuka	
Location and legal description	Latitude Close, Whitby (Road Reserve)	
Coordinates	-41.12079 , 174.89424	
Single/Group	Group	
Number of trees	7	
TREE016		
Botanical name	Phoenix canariensis	Description and values Locally prominent palm located within the northern aspect of the site.
Common name	Phoenix Palm	
Location and legal description	33 Sunset Parade, Pimmerton (Sec 12 Blk VIII Paekakariki SD)	
Coordinates	-41.07954 , 174.86367	
Single/Group	Single	
Number of trees	1	

TREE017		
Botanical name	Cupressus macrocarpa	Description and values Pair of locally prominent, mature macrocarpa with a large viewing catchment.
Common name	Macrocarpa	
Location and legal description	Motukaraka Point Road (Sec 1 SO 36777)	
Coordinates	-41.09197 , 174.89876	
Single/Group	Group	
Number of trees	2	
TREE018		
Botanical name	Quercus robur	Description and values Mature English oak with large trunk girth and association with church.
Common name	Oak	
Location and legal description	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	
Coordinates	-41.1065 , 174.91765	
Single/Group	Single	
Number of trees	1	
TREE019		
Botanical name	Magnolia grandiflora	Description and values Group of locally significant trees (Trees 019, 020, 021 & 022) with association to church.
Common name	Southern Magnolia	
Location and legal description	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	
Coordinates	-41.10685 , 174.91775	
Single/Group	Single	
Number of trees	1	
TREE020		
Botanical name	Trachycarpus fortunei	Description and values
Common name	Windmill Palm	

Location and legal description	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	Group of locally significant trees (Trees 019, 020, 021 & 022) with association to church.
Coordinates	-41.10694 , 174.9179	
Single/Group	Group	
Number of trees	3	
TREE021		
Botanical name	Cupressus macrocarpa	Description and values Group of locally significant trees (Trees 019, 020, 021 & 022) with association to church.
Common name	Macrocarpa	
Location and legal description	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	
Coordinates	-41.10716 , 174.91781	
Single/Group	Single	
Number of trees	1	
TREE022		
Botanical name	Ilex aquafolium	Description and values Group of locally significant trees (Trees 019, 020, 021 & 022) with association to church.
Common name	Holly	
Location and legal description	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	
Coordinates	-41.10654 , 174.91736	
Single/Group	Group	
Number of trees	Hedge line	
TREE023		
Botanical name	Metrosideros excelsa	Description and values Pair of very well formed pōhutukawa growing within road frontage of site.
Common name	Pohutukawa	
Location and legal description	1 Bowlers Wharf Lane, Papakowhai (Lot 1 DP 80738)	
Coordinates	-41.11545 , 174.86165	

Single/Group	Group	
Number of trees	2	
TREE024		
Botanical name	Araucaria heterophylla	Description and values Large, mature, Norfolk Island pine tree with local prominence.
Common name	Norfolk Island Pine	
Location and legal description	1 Bowlers Wharf Lane, Papakowhai (Lot 1 DP 80738)	
Coordinates	-41.11557 , 174.86172	
Single/Group	Single	
Number of trees	1	
TREE025		
Botanical name	Cupressus macrocarpa	Description and values Very large, well-formed macrocarpa with impressive trunk girth. Locally prominent.
Common name	Macrocarpa	
Location and legal description	1D Mungavin Avenue, Ranui (Lot 2 DP 89503)	
Coordinates	-41.13705 , 174.84584	
Single/Group	Single	
Number of trees	1	
TREE026		
Botanical name	Cupressus macrocarpa	Description and values Locally significant tree with attractive spreading form. Located within Recreation Reserve, adjacent to wetland area.
Common name	Macrocarpa	
Location and legal description	Papakowhai Road, Papakowhai (Road Reserve)	
Coordinates	-41.11258 , 174.86229	
Single/Group	Single	
Number of trees	1	
TREE027		

Botanical name	Podocarpus totara	Description and values Tree of good form, with large trunk girth, located adjacent to road.
Common name	Totara	
Location and legal description	Bromley View, Ranui (Road Reserve)	
Coordinates	-41.14183 , 174.85501	
Single/Group	Single	
Number of trees	1	
TREE028		
Botanical name	Dacrycarpus dacrydioides	Description and values Large native tree with good ecological values and large viewing audience. Located within council reserve.
Common name	Kahikatea	
Location and legal description	27D Mungavin Avenue, Ranui (Sec 167 Porirua DIST)	
Coordinates	-41.13936 , 174.85176	
Single/Group	Single	
Number of trees	1	
TREE029		
Botanical name	Cupressus macrocarpa	Description and values Large group of large macrocarpa, likely remnant of previous land-use located within council reserve.
Common name	Macrocarpa	
Location and legal description	1A Albatross Close, Whitby (Lot 1 DP 64475 and Lot 2 DP 59139)	
Coordinates	-41.10889 , 174.90269	
Single/Group	Group	
Number of trees	26	
TREE030		
Botanical name	Eucalyptus globulus	Description and values
Common name	Blue Gum	

Location and legal description	27D Mungavin Avenue, Ranui (Sec 167 Porirua DIST)	Group of mature Eucalyptus globulus. Locally prominent and located within council reserve.
Coordinates	-41.14002 , 174.85372	
Single/Group	Group	
Number of trees	17	

TREE031²⁴		
<u>Botanical name</u>	<u>Liriodendron tulipifera</u>	<u>Description and values</u>
<u>Common name</u>	<u>Tulip Tree</u>	<u>Locally prominent feature, with very large trunk girth.</u>
<u>Location and legal description</u>	346B Paremata Haywards Road (SH58) Judgeford (Lot 1 DP 68407)	
<u>Coordinates</u>	<u>-41.11952313, 174.9465445</u>	
<u>Single/Group</u>	<u>Single</u>	
<u>Number of trees</u>	<u>1</u>	

²⁴ Jacqui Lally [43.2]

Appendix 3 – Recommended responses to submissions and further submissions

In order to distinguish between the recommended responses in the s42A report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Table B 1: Recommended responses to submissions and further submissions

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
General							
94.9	Titahi Bay Community Group and Pestfree Titahi Bay	General	Council charge applicants for resource consents associated with Notable trees.	Section 3.2	Reject	See body of the report	No
94.10	Titahi Bay Community Group and Pestfree Titahi Bay	General	There be an opportunity for the public to nominate trees to the list and add new trees to the list for the period between District Plan reviews.	Section 3.2	Reject	See body of the report	No
94.8	Titahi Bay Community Group and Pestfree Titahi Bay	General	Council allocate additional funding for physical tree work to be carried out on Notable Trees on both public and private property.	Section 3.2	Reject	See boy of the report	No
264.48	TROTR	General	Retain as notified.	N/A	Accept in part	Accept in part, subject to the amendments made in response to other submissions	No
Introduction to Chapter							
81.426	Kāinga Ora	Introduction	Amend introduction: Notable trees have been assessed using the Standard Tree Evaluation Method (STEM) from the publication Flook, R.R. (1996) STEM A Standard Tree Evaluation Method. Nelson, New Zealand. STEM assesses trees based on condition (health) and amenity (community benefit) as well as notability (distinction). Trees that score 120 or higher on the STEM are scheduled as a notable tree in SCHED5 – Notable Trees.	Section 3.3	Reject	See body of the report	No
Overall approach to identifying Notable Trees including use of STEM and Policy Tree – P1							
103.5	Jeremy (Jez) Partridge	Standard Tree Evaluation Method (STEM)	<ol style="list-style-type: none"> 1. Council undertakes Cost Benefit Analysis of the effects of selecting a lower and higher threshold against its proposed District Plan Policies and Objectives in regard to Notable Trees. 2. Council explains in detail and using examples of actual trees assessed why trees which fall below Council's STEM threshold are not suitable for protection, in the context of the subjective STEM criteria and how these may have affected total scores, and other Councils in the Region which have STEM thresholds below the one recommended by Council. 3. For trees which score below Council's recommended STEM threshold, that STEM assessments where subjective criteria scores resulted in trees not reaching the required threshold, are peer reviewed by a third party Consultant Arborist. 	Section 3.4	Reject	See body of the report	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			4. Council considers adopting a lower STEM threshold so that more trees can be protected.				
225.32	Forest and Bird	General	Include policy direction for further surveys of Notable trees and provide for the inclusion of additional trees in SCHED5 over the life of the Plan.	Section 3.4	Reject	See body of the report	No
153.1	Thomas Charles and Claire Louise Clark	Financial effects	Part 2 Selection of Notable Trees - recommends that the general policy on Notable Trees be amended to ensure decisions on notable trees do not impose significant adverse financial effects on landowners, and to either exempt properties where the application of those conditions that will have significant adverse financial effects on the landowner, or that where such effects are imposed, the landowner is adequately compensated for the adverse effects. [Refer to original submission for full decision requested]	Section 3.4	Reject	See body of the report	No
153.11	Thomas Charles and Claire Louise Clark	Consultation	Request that the Council re-consider the consequences of the proposed District Plan in respect of 24 Whanake Street and agree to meet to discuss a collaborative, mutually acceptable outcome. [Refer to original submission for full decision requested]	Section 3.4	Reject	See body of the report	No
168.107	Robyn Smith	General	The list of notable trees should not include any exotic species, or tree, that is not endemic in Porirua, unless they have significant historic or cultural value.	Section 3.4	Reject	See body of the report	No
Policies							
153.3	Thomas Charles and Claire Louise Clark	TREE-P1	The STEM methodology and the Council's use of it recognise the significant adverse financial effects that can be imposed on landowners by the methodology and in such cases agree a site specific application of the methodology. [Refer to original submission for full decision requested]	Section 3.8	Reject	See body of the report	No
119.40	FENZ	TREE-P3	Retain as proposed.	N/A	Accept	Agree with submitter	No
153.5	Thomas Charles and Claire Louise Clark	TREE-P4	The list be extended to include works necessary to ensure that adverse effects of the trees are mitigated, e.g. impact on streambeds and potential flooding.	Section 3.7	Reject	See body of the report	No
153.9	Thomas Charles and Claire Louise Clark	TREE-P5	Where a Notable Tree imposes significant financial adverse effects on a landowner, the removal should be permitted.	Section 3.8	Reject	See body of the report	No
119.41	FENZ	TREE-P5	Retain as proposed.	N/A	Accept in part	Accept in part, subject to the amendments made in response to other submissions	No
Rules, standards and definitions							
103.3	Jeremy (Jez) Partridge	Rules	1. Council undertakes Cost Benefit Analysis of International best practice methods used to determine the area of roots which cannot be disturbed without consent. Council selects a methodology for Rule 2 which represents best practice in terms of tree root protection, which would ideally be the AS4970 or BS5837 method.	Section 3.8	Accept in part	See body of the report	Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
			<p>2. Council does not allow permitted works within the RPA of a Notable Tree.</p> <p>3. Standard S1 is amended to specify that hydrovac is only undertaken at a specific depth.</p>				
103.6	Jeremy (Jez) Partridge	TREE-R3	The requirement to engage a L6 qualified arborist to undertake, supervise or sign off works related to rule R3 and R4 are removed and replaced by the requirement to engage at least a L4 arborist. A requirement to possess an industry recognised tree risk assessment certification such as TRAQ, QTRA or VALID be added to the requirements.	Section 3.7	Reject	See body of the report	No
103.7	Jeremy (Jez) Partridge	TREE-R4	The requirement to engage a L6 qualified arborist to undertake, supervise or sign off works related to rule R3 and R4 are removed and replaced by the requirement to engage at least a L4 arborist. A requirement to possess an industry recognised tree risk assessment certification such as TRAQ, QTRA or VALID be added to the requirements.	Section 3.7	Reject	See body of the report	No
103.8	Jeremy (Jez) Partridge	TREE-R4	Remove the term terminal decline, or add a definition of the term terminal decline which is definitive and leaves no room for misuse, or do not allow removal as a permitted activity on the basis of 'terminal decline'.	Section 3.7	Accept in part	See body of the report	Yes
119.42	FENZ	TREE-R4	Retain as proposed.	N/A	Accept in part	Accept in part, subject to the amendments made in response to other submissions	No
153.6	Thomas Charles and Claire Louise Clark	TREE-R4	Where a Notable Tree imposes significant financial adverse effects on a landowner, the removal should be permitted.	Section 3.8	Reject	See body of the report	No
153.7	Thomas Charles and Claire Louise Clark	TREE-S1	<p>Machinery should be able to be used without the need for protective surfaces.</p> <p>New impermeable surfaces should be permitted subject to 50% maximum coverage.</p>	Section 3.8	Reject	See body of the report	No
103.9	Jeremy (Jez) Partridge	TREE-S1	Amend TREE-S1 to specify that hydrovac is only undertaken at a specific depth.	Section 3.8	Accept in part	See body of the report	Yes
153.8	Thomas Charles and Claire Louise Clark	TREE-S2	The maximum branch diameter should be removed.	Section 3.6	Reject	See body of the report	No
153.2	Thomas Charles and Claire Louise Clark	Root protection area	The definition of root protection area be amended to restrict the size.	Section 3.8	Reject	See body of the report	No
81.148	Kāinga Ora	Root protection area	Retain definition as notified	N/A	Accept in part Reject	Agree with submitter See body of this reply	No
103.2	Jeremy (Jez) Partridge	Root protection area	1. Council undertakes Cost Benefit Analysis of International best practice methods used to determine the area of roots which cannot be disturbed without consent. Council selects a	Section 3.8	Accept in part	Accept in part	No ²⁵

²⁵ In relation to definition of Root Protection Area part of requested changes.

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?																					
			<p>methodology for Rule 2 which represents best practice in terms of tree root protection, which would ideally be the AS4970 or BS5837 method.</p> <p>2. Council does not allow permitted works within the RPA of a Notable Tree.</p> <p>3. Standard S1 is amended to specify that hydrovac is only undertaken at a specific depth.</p>																									
82.23	Waka Kotahi	Root protection area	Retain as notified.	N/A	Accept in part Reject	Accept in part, subject to the amendments made in response to other submissions-See body of this reply	No																					
81.166	Kāinga Ora	Technician arborist	Retain definition as notified	N/A	Reject	See body of the report	No																					
81.199	Kāinga Ora	Works arborist	Retain definition as notified	N/A	Reject	See body of the report	No																					
SCHED5 – Notable Trees																												
2.1	Peter Gallagher	TREE001	Requests that 2 trees [Norfolk Island pines at 26 Tireti Road, Titahi Bay] not be identified as 'Notable Trees'.	Section 3.9	Reject	See body of the report	No																					
153.4	Thomas Charles and Claire Louise Clark	TREE008	Delete the proposed classification of the group of trees on 24 Whanake Street as being Notable Trees.	Section 3.9	Accept in part	See body of the report	Yes																					
38.1	Anglican Parish of Pauatahanui	TREE021	Remove TREE021 from the list of notable trees so that the removal of the tree can be arranged when it is deemed to be unsafe, without having to seek permission from PCC.	Section 3.9	Reject	See body of the report	No																					
81.894	Kāinga Ora	TREE030	<p>Delete:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td colspan="3">TREE030</td> </tr> <tr> <td style="width: 20%;">Botanical name</td> <td style="width: 20%;">Eucalyptus globulus</td> <td style="width: 60%;">Description of values</td> </tr> <tr> <td>Common name</td> <td>Blue Gum</td> <td>Group of mature Eucalyptus globulus. Locally prominent and located within council reserve.</td> </tr> <tr> <td>Location and legal description</td> <td colspan="2">27D Mungavin Avenue, Ranui (Sec 167 Porirua DIST)</td> </tr> <tr> <td>Coordinates</td> <td colspan="2">-41.14002, 174.85372</td> </tr> <tr> <td>Single/Group</td> <td colspan="2">Group</td> </tr> <tr> <td>Number of Trees</td> <td colspan="2">17</td> </tr> </table>	TREE030			Botanical name	Eucalyptus globulus	Description of values	Common name	Blue Gum	Group of mature Eucalyptus globulus. Locally prominent and located within council reserve.	Location and legal description	27D Mungavin Avenue, Ranui (Sec 167 Porirua DIST)		Coordinates	-41.14002, 174.85372		Single/Group	Group		Number of Trees	17		Section 3.9	Reject	See body of the report	No
TREE030																												
Botanical name	Eucalyptus globulus	Description of values																										
Common name	Blue Gum	Group of mature Eucalyptus globulus. Locally prominent and located within council reserve.																										
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Single/Group	Group																											
Number of Trees	17																											

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to PDP?
43.2	Jacqui Lally	General	The property [346B Paremata Haywards Road (SH58) Judgeford] has a large American tulip tree planted by the American soldiers in World War Two, which possibly should be listed on the Porirua heritage site.	Section 3.9	Accept	See body of the report	Yes

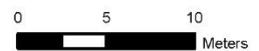
Appendix 4 – TREE008 – Recommended Amendment to Planning Map

TREE008



LEGEND

-  Recommended area of Notable Trees Group
-  Recommended area of Notable Trees Group to be removed



Note:

The legend used above is for recommended changes.

If the Proposed District Plan maps are updated, the National Planning Standard symbols will be used as required.

Created on 21 December 2021

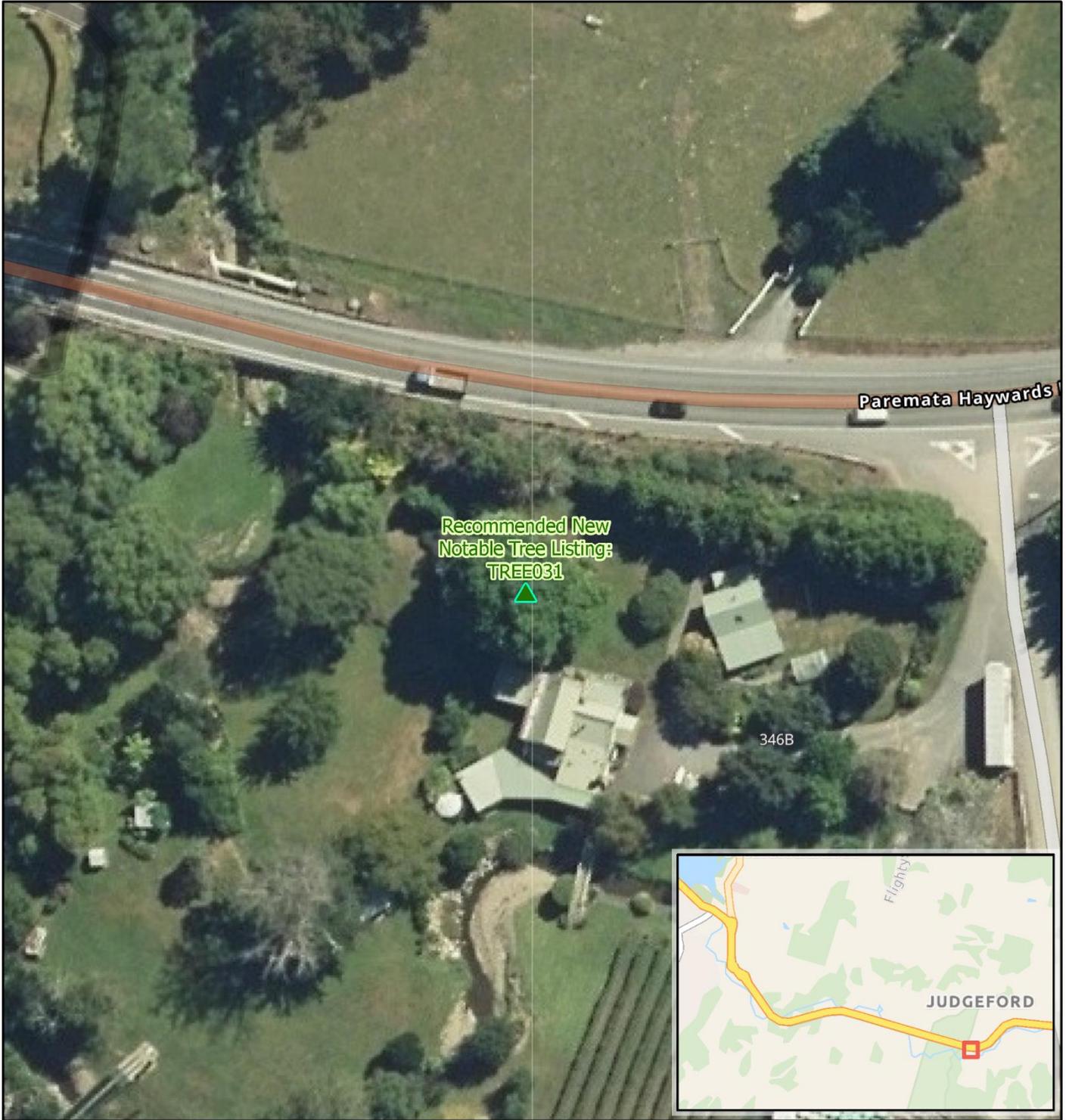
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**Appendix 4 – TREE031 – Recommended Amendment to Planning Map to show
new tree listing**

TREE031



LEGEND

 New Notable Trees



0 10 20
Meters

Note:

The legend used above is for recommended changes.

If the Proposed District Plan maps are updated, the National Planning Standard symbols will be used as required.

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