

**OFFICER'S REPORT FOR:**

**Independent Hearing Commissioners:**

**Trevor Robinson (Chair)**

**Miria Pomare**

**Mark St Clair**

**Julia Williams**

**SUBJECT:**

**Proposed Porirua District Plan: Notable Trees**

**PREPARED BY:**

**Caroline Rachlin**

**REPORT DATED:**

**5 November 2021**

**DATE OF HEARING:**

**3- 10 December 2021**

## Executive Summary

1. This report considers submissions received by Porirua City Council (the Council) in relation to the relevant objectives, policies, rules, definitions, schedules and maps of the Proposed Porirua District Plan (PDP) as they apply to the Trees – Notable Trees Chapter. The report outlines recommendations in response to the issues that have emerged from these submissions.
2. There were a number of submissions and further submissions received on the Trees – Notable Trees Chapter and the associated schedule for Notable Trees. The following are considered to be the key issues in contention in the chapter:
  - Removing introductory content on STEM (Standard Tree Evaluation Methodology);
  - The approach to scheduling notable trees, including application of STEM);
  - Amendments to the provisions for certain activities;
  - Amendments to the definitions relating to notable trees; and
  - The removal of certain trees from the notable trees schedule.
3. This report addresses each of these key issues, as well as any other issues raised by submissions.
4. I have recommended some changes to the PDP provisions to address matters raised in submissions and are summarised below:
  - Remove the term 'terminal decline' from TREE-P5 and TREE-R4;
  - Amending TREE-S1-3 including to address 'works' instead of 'earthworks' and other changes in relation to the use of machinery in the root protection area tree protection zone;
  - Amending TREE-S1-3 and TREE-S1-6 to replace the term 'protected root zone' with 'root protection area'; and
  - Amending the schedule for Notable Trees to add a new tree to the list and reduce the extent of a listing of a tree group in the notified chapter.
5. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in 0 of this report.
6. For the reasons set out in the Section 32AA evaluation and included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
  - achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

## Contents

Executive Summary.....	i
Contents.....	ii
Interpretation .....	iv
Table 1: Abbreviations .....	v
Table 2: Abbreviations of Submitters' Names .....	vi
1 Introduction .....	1
1.1 Purpose .....	1
1.2 Author .....	1
1.3 Supporting Evidence .....	2
1.4 Key Issues in Contention.....	2
1.5 Procedural Matters .....	3
2 Statutory Considerations .....	4
2.1 Resource Management Act 1991.....	4
2.2 Section 32AA.....	4
2.3 Trade Competition .....	5
3 Consideration of Submissions and Further Submissions .....	6
3.1 Overview .....	6
3.2 General Submissions.....	7
3.3 Introduction to Chapter – removing reference to STEM assessment .....	8
3.4 Approach to listing notable trees, including application of STEM and general policy direction.....	8
3.5 Financial Effects - TREE-P1, TREE P5 and TREE-R4.....	11
3.6 TREE P4- Trimming and pruning of notable trees.....	12
3.7 Trimming and pruning, and removal of notable trees – rules and qualified arborist definitions and policy for removal of notable trees .....	13
3.8 Activities within the root protection areas of notable trees – rules and definition.....	17
3.9 SCHED5 – Notable Trees .....	19
Table 3: Recommendations on Submissions: SCHED5 – Notable Trees .....	20
4 Conclusions .....	23
Appendix A Recommended Amendments to Trees – Notable Trees Chapter, and SCHED5 – Notable Trees .....	24
Appendix B Recommended Responses to Submissions and Further Submissions .....	40
Table B 1: Recommended responses to submissions and further submissions .....	41

**Appendices**

Appendix A. Recommended Amendments to Trees – Notable Trees Chapter, and SCHED5 – Notable Trees

Appendix B. Recommended Responses to Submissions and Further Submissions

Appendix C. Report Author’s Qualifications and Experience

**List of Tables**

Table 1: Abbreviations ..... v

Table 2: Abbreviations of Submitters’ Names ..... vi

Table 3: Recommendations on Submissions: SCHED5 - Notable Trees

**List of Tables in Appendices**

Table B 1: Recommended responses to submissions and further submissions

## Interpretation

7. Parts A and B of the Officer's reports utilise a number of abbreviations for brevity as set out in Table 1 below:

**Table 1: Abbreviations**

<b>Abbreviation</b>	<b>Means</b>
the Act / the RMA	Resource Management Act 1991
the Council	Porirua City Council
the Operative Plan/ODP	Operative Porirua District Plan 1999
the Proposed Plan/PDP	Proposed Porirua District Plan 2020
GWRC	Greater Wellington Regional Council
NES	National Environmental Standard
NES-AQ	National Environmental Standards for Air Quality 2004
NES-CS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-ETA	National Environmental Standards for Electricity Transmission Activities 2009
NES-FW	National Environmental Standards for Freshwater 2020
NES-MA	National Environmental Standards for Marine Aquaculture 2020
NES-PF	National Environmental Standards for Plantation Forestry 2017
NES-SDW	National Environmental Standards for Sources of Drinking Water 2007
NES-TF	National Environmental Standards for Telecommunication Facilities 2016
NPS	National Policy Statement
NPS-ET	National Policy Statement on Electricity Transmission 2008
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
NPSREG	National Policy Statement for Renewable Electricity Generation 2011
NZCPS	New Zealand Coastal Policy Statement 2010
PNRP	Proposed Wellington Natural Resources Plan (Decisions Version) 2019
RPS	Wellington Regional Policy Statement 2013
STEM	Standard Tree Evaluation Method

**Table 2: Abbreviations of Submitters' Names**

<b>Abbreviation</b>	<b>Means</b>
Dept of Corrections	Ara Poutama Aotearoa the Department of Corrections
DOC	Department of Conservation Te Papa Atawhai
FENZ	Fire and Emergency New Zealand
Foodstuffs	Foodstuffs North Island Limited
Forest and Bird	Royal Forest and Bird Protection Society
GWRC	Greater Wellington Regional Council
Heritage NZ	Heritage New Zealand Pouhere Taonga
House Movers Association	House Movers section of the New Zealand Heavy Haulage Association Inc
Kāinga Ora	Kāinga Ora – Homes and Communities
KiwiRail	KiwiRail Holdings Limited
NZDF	New Zealand Defence Force
Oil companies	Z Energy, BP Oil NZ Ltd and Mobil Oil NZ Limited
Oranga Tamariki	Oranga Tamariki – Ministry of Children
PCC	Porirua City Council
QEII	Queen Elizabeth the Second National Trust
RNZ	Radio New Zealand
Survey+Spatial	Survey+Spatial New Zealand (Wellington Branch)
Telco	Spark New Zealand Trading Limited, Chorus New Zealand Limited, Vodafone New Zealand Limited
Transpower	Transpower New Zealand Ltd
TROTR	Te Rūnanga o Toa Rangatira
Waka Kotahi	Waka Kotahi NZ Transport Agency
WE	Wellington Electricity Lines Limited
Woolworths	Woolworths New Zealand Limited

In addition, references to submissions includes further submissions, unless otherwise stated.

# 1 Introduction

## 1.1 Purpose

8. The purpose of this report is to provide the Hearing Panel with a summary and analysis of the submissions received on the Trees – Notable Trees Chapter and to recommend possible amendments to the PDP in response to those submissions.
9. This report is prepared under section 42A of the RMA. It considers submissions received by the Council in relation to the relevant strategic objectives, objectives, policies, rules, definitions, schedules and maps as they apply to the Trees - Notable Trees Chapter in the PDP. The report outlines recommendations in response to the key issues that have emerged from these submissions.
10. This report discusses general issues, the original and further submissions received following notification of the PDP, makes recommendations as to whether or not those submissions should be accepted or rejected, and concludes with a recommendation for changes to the PDP provisions or maps based on the preceding discussion in the report.
11. The recommendations are informed by both the technical evidence provided by Leon Saxon and David Spencer, which is available on the hearings portal<sup>1</sup>, and the evaluation undertaken by the author. In preparing this report the author has had regard to recommendations made in other related s42A reports.
12. This report is provided to assist the Hearings Panel in their role as Independent Commissioners. The Hearings Panel may choose to accept or reject the conclusions and recommendations of this report and may come to different conclusions and make different recommendations, based on the information and evidence provided to them by submitters.
13. This report is intended to be read in conjunction with Officers' Report: Part A – Overarching which contains factual background information, statutory context and administrative matters pertaining to the district plan review and PDP.

## 1.2 Author

14. My name is Caroline Elizabeth Rachlin. My qualifications and experience are set out in Appendix C of this report.
15. My role in preparing this report is that of an expert planner.
16. I was involved in the preparation of the PDP and contributed to authoring the Section 32 Evaluation Reports for Historic Heritage, Sites and Areas of Significance to Māori, Notable Trees, Natural Character and Public Access.
17. In my previous role as a Planner at Heritage New Zealand Pouhere Taonga (Heritage NZ) I led the feedback provided to the Porirua City Council on the draft Plan.

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<sup>1</sup> pdpportal.porirua.govt.nz



18. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Practice Note issued by the Environment Court December 2014. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.
19. The scope of my evidence relates to Trees – Notable Trees Chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
20. Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
21. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

### **1.3 Supporting Evidence**

22. The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
  - Arboriculture evidence of Leon Saxon, Arborlab Consultancy Services Ltd.
  - Arboriculture evidence of David Spencer, Tend Trees Ltd.

### **1.4 Key Issues in Contention**

23. A number of submissions and one further submission were received on the provisions relating to the Trees - Notable Trees Chapter. The submissions received sought a range of outcomes; including for example amendments to the rules for the trimming and pruning of notable trees and to remove trees from the notable trees schedule.
24. I consider the following to be the key issues in contention in the chapter:
  - Removing introductory content on the Standard Tree Evaluation Method (STEM);
  - The approach to scheduling notable trees, including application of STEM;
  - Amendments to the provisions for certain activities in proximity to notable trees;
  - Amendments to the definitions of root protection area, technician arborist and works arborist; and
  - The removal of certain trees from the notable trees schedule.
25. I address each of these key issues in this report, as well as any other issues raised by submissions.

## 1.5 Procedural Matters

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

## 2 Statutory Considerations

### 2.1 Resource Management Act 1991

27. The PDP has been prepared in accordance with the RMA and in particular, the requirements of:
- section 74 Matters to be considered by territorial authorities, and
  - section 75 Contents of district plans.
28. As set out in Section 32 Evaluation Report Part 1 - Overview to s32 Evaluation, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of the PDP. These documents are discussed in detail within the Section 32 Evaluation Report Part 2: Notable Trees. There is further discussion in the Section 32 Evaluation Report Part 1 – Overview to the s32 Evaluation on the approach the Council has taken to giving effect to the NPS-UD and NPS-FM. This is also discussed in the Officer's Report: Part A.

### 2.2 Section 32AA

29. I have undertaken an evaluation of the recommended amendments to provisions since the initial section 32 evaluation was undertaken in accordance with s32AA. Section 32AA states:

***32AA Requirements for undertaking and publishing further evaluations***

*(1) A further evaluation required under this Act—*

*(a) is required only for any changes that have been made to, or are proposed for, the proposal since the evaluation report for the proposal was completed (the changes); and*

*(b) must be undertaken in accordance with section 32(1) to (4); and*

*(c) must, despite paragraph (b) and section 32(1)(c), be undertaken at a level of detail that corresponds to the scale and significance of the changes; and*

*(d) must—*

*(i) be published in an evaluation report that is made available for public inspection at the same time as the approved proposal (in the case of a national policy statement or a New Zealand coastal policy statement or a national planning standard), or the decision on the proposal, is notified; or*

*(ii) be referred to in the decision-making record in sufficient detail to demonstrate that the further evaluation was undertaken in accordance with this section.*

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

30. The required section 32AA evaluation for changes proposed as a result of consideration of submissions with respect to Trees – Notable Trees Chapter is contained within the assessment of the relief sought in submissions in section 3 of this report.

## **2.3 Trade Competition**

31. No consideration of trade competition has been given with respect to the Trees – Notable Trees provisions of the PDP.
32. There are no known trade competition issues raised within the submissions.

### 3 Consideration of Submissions and Further Submissions

#### 3.1 Overview

33. In total, 35 original submissions and one further submission were received on the Trees – Notable Trees Chapter.

##### 3.1.1 Report Structure

34. Submissions on the Trees – Notable Trees Chapter raised a number of issues which have been grouped into sub-topics within this report. Some of the submissions are addressed under a number of topic headings based on the topics contained in the submission. I have considered substantive commentary on primary submissions contained in further submissions as part of my consideration of the primary submission(s) to which they relate.
35. In accordance with Clause 10(3) of the First Schedule of the RMA, I have undertaken the following evaluation on both an issues and provisions-based approach, as opposed to a submission by submission approach. I have organised the evaluation in accordance with the layout of chapters of the PDP as notified.
36. Due to the number of submission points, this evaluation is generic only and may not contain specific recommendations on each submission point, but instead discusses the issues generally. This approach is consistent with Clause 10(2)(a) of Schedule 1 to the RMA. Specific recommendations on each submission / further submission point are contained in 0.
37. The following evaluation should be read in conjunction with the summaries of submissions and the submissions themselves. Where I agree with the relief sought and the rationale for that relief, I have noted my agreement, and my recommendation is provided in the summary of submission table in 0. Where I have undertaken further evaluation of the relief sought in a submission(s), the evaluation and recommendations are set out in the body of this report. I have provided a marked-up version of the Chapter and definitions, and the associated schedule (SCHED5 – Notable Trees) with recommended amendments in response to submissions as Appendix A.
38. This report only addresses definitions that are specific to this topic. Definitions that relate to more than one topic have been addressed in Hearing Stream 1.

##### 3.1.2 Format for Consideration of Submissions

39. For each identified topic, I have considered the submissions that are seeking changes to the PDP in the following format:
- Matters raised by submitters;
  - Assessment;
  - Summary of recommendations; and
  - Section 32AA evaluation.

40. The recommended amendments to the relevant chapter are set out in in 0 of this report where all text changes are shown in a consolidated manner.
41. I have undertaken a s32AA evaluation in respect to the recommended amendments in my assessment.
42. Note that there is a further submission that supports a submission in its entirety:
  - The further submission from Thomas and Claire Clark [FS16.1] supports the submission from Thomas Charles and Claire Louise Clark [153] in its entirety.

## 3.2 General Submissions

### 3.2.1 Matters raised by submitters

43. Titahi Bay Community Group and Pestfree Titahi Bay [94.8, 94.9, 94.10] request the Council allocate additional funding for physical tree work to be carried out on notable trees on public and private property; charge applicants for resource consents associated with notable trees; and provide an opportunity for the public to nominate trees to the list and add new trees to the list between district plan reviews.
44. The submitter supports the inclusion of notable trees in the PDP and considers that trees in the urban environment add social, economic and environmental benefits to the city but that they compete for space with other urban development activities. Further, that ambiguity in district plan tree rules can lead to confusion and poor outcomes for the trees and tree owners.

### 3.2.2 Assessment

45. The Section 32 Evaluation Report: Part 2 Notable Trees (S32 report – Notable Trees) responded to similar issues in feedback on the draft Plan. I would note that decisions on resource consents charges and provision for funding is in outside the scope of the PDP and is a matter for the Local Government Act 2002 (LGA), through the Council's Long Term Plan or Annual Plan processes.
46. I would note that non-regulatory matters could be considered alongside regulatory controls to protect notable trees, and this could extend to methods relating to grants funding, resource consent fees, advice and education. However, the appropriateness of these methods needs to be carefully considered by the Council including through LGA processes.
47. In my opinion, SCHED5 – Notable Trees is not a static list, and there should be opportunity to add to it over time and in between reviews through the plan change process. TREE-P1 of the notified PDP however provides the framework for adding new notable trees to the PDP in the future. However, what is comprised in any future plan change is outside the scope of the PDP and again, is a matter for Council consideration.
48. Accordingly, I disagree with the relief sought in these submissions as they are beyond the scope of the PDP.

### 3.2.3 Summary of recommendations

49. I recommend that the submissions from Titahi Bay Community Group and Pestfree Titahi Bay [94.8, 94.9, 94.10] be **rejected**.

### 3.3 Introduction to Chapter – removing reference to STEM assessment

#### 3.3.1 Matters raised by submitters

50. Kāinga Ora [81.426] seek the removal of paragraph two of the Trees - Notable Trees Chapter Introduction. This paragraph is shown below:

*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.*

51. Kāinga Ora's reason for wording to be removed on the basis that it is a matter for the section 32 report and guidance about future notable trees is provided in TREE-O1.

#### 3.3.2 Assessment

52. I disagree with Kāinga Ora's request to remove this introductory content. In my opinion it provides useful and clear guidance regarding the process which was undertaken to assess and schedule notable trees, and to support future assessment and listing. Further, it includes a link to a document which is incorporated by reference in the PDP.
53. I consider the information complements TREE-O1 and associated provisions as well as the Notable Trees - s32 report.

#### 3.3.3 Summary of recommendations

54. I recommend for the reasons given in the assessment that the submissions from Kāinga Ora [81.426] be **rejected**.

### 3.4 Approach to listing notable trees, including application of STEM and general policy direction

#### 3.4.1 Matters raised by submitters

55. Jeremy (Jez) Partridge [103.5] requests the following in relation to the approach to listing notable trees:

1. Council undertakes a 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.
4. Council considers adopting a lower STEM threshold so that more trees can be protected.

56. The submitter's reason is as summarised as follows:
- *Use of the STEM method generally when a number of other Council's are moving away from it.*
  - *Why the 120 threshold score was used (and not an alternative threshold).*
  - *No cost benefit analysis of the effects of setting a lower or higher STEM threshold.*
  - *Lack of detail about those trees that scored less than 120, and why they were considered to not be significant enough for listing as Notable, and whether a peer review undertaken for those trees.*
57. Thomas Charles and Claire Louise Clark [153.1, 153.11], request an amendment to the general policy on notable trees so that decisions on notable trees do not impose significant adverse financial effects on landowners. They also seek to exempt properties where there will be significant adverse financial effects, or where such effects are imposed, the landowner to be adequately compensated. The submitter seeks to reconsider the consequences of tree scheduling and wishes to meet to discuss an acceptable outcome.
58. Forest and Bird [225.32] seek new policy direction to include further surveys of notable trees and to provide for the inclusion of additional trees in SCHED5 over the life of the Plan. The submitter questions the methodology used to identify notable trees and considers that there is not enough emphasis on identifying native tree species.
59. Forest and Bird state that a number of species such as holly (TREE022), "... while notable in this case, are in fact weeds." A comprehensive survey is sought to ensure notable trees haven't been missed. The submitter considers that there are clearly many, particularly native, trees that need to be identified and included in SCHED5.
60. Robyn Smith [168.107] seeks 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. No specific reason was given for this request.

### **3.4.2 Assessment**

61. The reasons in Jeremy (Jez) Partridge's submission relate to the use of STEM and the 120 score (or threshold) which was adopted.
62. The use of STEM and the associated 120 score is addressed in the Notable Trees - s32 report<sup>2</sup> which outlines the approach informed by technical advice received from Arborlab consultancy on setting the STEM score at 120. An Arborlab (2020) Arboricultural Memo was made available when the PDP was notified and is available on the Council's website. Appendix 1 of the s32 report sets out where other Councils have used STEM in their district plans and the scores that they have used for the identification of notable trees.
63. In my view the s32 report addresses the issue raised and I do not consider that the requested cost benefit analysis is necessary. My assessment of this issue including the 120 score is further informed by the evidence of Mr Saxon, at paragraphs 22-23, which includes a general

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<sup>2</sup> Refer Section 5.2 - Evidence Base - Research, Consultation, Information and Analysis undertaken pages 14-15, and Appendix 1 - Notable tree STEM threshold, which contains a summary of research undertaken on other Councils approaches to assessing notable trees for the STEM threshold pages .



explanation of the STEM threshold and method. As such I disagree with the request from Jeremy (Jez) Partridge.

64. I disagree with the relief sought by Thomas Charles and Claire Louise Clark. It is not clear or certain what is a significant adverse financial effect, and in my view this would vary on a case by case basis.
65. The approach to identifying and assessing trees for scheduling in the PDP as notable trees is centred on values of the trees and determining whether they meet the test for listing in the Plan. It is not based on financial considerations.
66. I note that the submitter's specific request to remove trees from 24 Whanake Street is addressed at Section 3.9 of this report. I also note that the Notable Trees - s32 report explains how two trees which did meet the threshold for scheduling were not listed, one because of issues with a restricted growth location and the other due to structural deficiencies. As such there are other considerations that are factored into whether a tree should be listed.
67. With regards to Forest and Bird's submission TREE-P1 provides the policy framework for additional trees to be added over the life of the Plan through a plan change process. As such I agree with the submitter in part, although I do not consider it is unnecessary to make any changes to the PDP give effect to this part of the relief. Further, the submitter has not identified any specific trees for potential inclusion.
68. The reason for Forest and Bird's request relate to the methodology used but no specific analysis is provided to support the concerns which are raised. In respect to adding policy direction to "require further surveys", I consider that it is a matter for the Council to consider, including the form of any future survey work, through any future work plan change process. I consider adding such a policy direction is outside of the scope of the PDP.
69. With respect to the submission from Robyn Smith to exclude exotic species, or trees which are not endemic to Porirua, unless they have significant historic or cultural value, I consider that Robyn Smith seeks a significant amendment in overall approach, which would mean excluding a number of trees from SCHED5. I note that the submitter has not provided any specific justification for a significant shift in approach including how this approach addresses what is provided for under STEM. Also, I note the overall approach to the listing of notable trees does not distinguish between trees species. Accordingly, I disagree with the relief sought.

### **3.4.3 Summary of recommendations**

70. I recommend for the reasons given in the assessment that the submission from Jeremy (Jez) Partridge [103.5] and Thomas Charles and Claire Louise Clark [153.1] be **rejected**.
71. I recommend for the reasons given in the assessment that the submission from Forest and Bird [225.32] be **accepted in part**.
72. I recommend for the reasons given in the assessment that the submission from Robyn Smith [168.107] be **rejected**.

### 3.5 Financial Effects - TREE-P1, TREE P5 and TREE-R4

#### 3.5.1 Matters raised by submitters

73. Thomas Charles and Claire Louise Clark [153.3, 153.6, 153.9] request amendments to TREE-P1, TREE-P5 and TREE-R4 in relation to significant financial adverse effects.

74. The amendment sought to TREE-P1 is that the STEM methodology and 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. The submitter considers that the STEM methodology fails to:

- *Provide an accurate assessment of the group of trees at 24 Whanake Street. Established for a single tree or of multiple same species trees with the same characteristics, it is not appropriate for mixed species group of trees with mixed condition and amenity values, such as at 24 Whanake Street (the group of trees at this property comprising nikau palms and one puriri).*
- *Recognise potential conflicts, such as significant adverse financial effects. Concerns raised about the value of the property being unreasonably impacted and any re-development of the property impossible. Had a complete assessment being provided highlighting the existence of a conflict, the matter could have been addressed and the plan amended to provide for special circumstances.*

75. The submitter considers that the Council should seek expert advice on the assessment of mixed species, mixed condition, and mixed ecological values and re-consider their STEM assessments, or alternatively to amend the policy to provide for a special process to be undertaken where special circumstances exist to make the STEM methodology inappropriate.

76. The amendment sought to TREE-P5 and TREE-R4 is that where a notable tree imposes significant financial adverse effects on a landowner, the removal should be permitted. The submitter states:

(...)

*understands the desire of the Council to ensure the longevity of Notable Trees, cannot support the only grounds for the removal of notable trees is where they are an imminent risk to the safety of people or property if that was to exclude circumstances where the value of the property was affected as against the safety of the property (interprets this as destruction of the land).*

#### 3.5.2 Assessment

77. I respond to these submissions collectively. Firstly, I note that a similar submission was made by the submitter on 'significant adverse financial effects', which I have addressed in section 3.4 of this report. For the same reasons as set out in section 3.4, at paragraph 65-66, I disagree with including significant adverse financial effects into the STEM assessment.

78. Mr Saxon's evidence sets out what is comprised within an assessment under STEM, and that in undertaking the assessments any 'Potential Conflicts' were noted, such as in relation to buildings or roads.<sup>3</sup> Mr Saxon concludes on the issue of amendments to the use of the STEM method, that

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<sup>3</sup> Paragraphs 22 – 24, evidence of Mr Saxon

“altering the methodology of assessment based on one site’s characteristics is not considered appropriate.”<sup>4</sup> I accept and adopt Mr Saxon’s evidence on this matter.

79. I recognise that there may be financial effects from scheduling, but as noted in paragraph 64 this would vary on a case by case basis. Notably, the assessment for notable trees is focused on the values of the trees and not on financial considerations.
80. I further recognise that there may be instances where it is not appropriate to schedule a notable tree, as discussed in paragraphs 65-66. As such, there consideration given, on a case by case basis whether it is appropriate to include a tree on SCHED5 – Notable Trees even where it meets the 120 score.
81. In relation to the amendments sought to TREE-P5 and TREE-R4 to address significant financial adverse effect considerations, I would note that it is a discretionary activity status to removal a notable tree.
82. A discretionary activity under the notified provisions allows for a broad assessment against the objectives and policies of the Plan as a whole, including for example those of the underlying residential zone provisions. In my opinion it is not necessary or appropriate to introduce financial considerations policy direction into TREE-P5 or to permit the removal of a tree on these grounds. In my view this would not meet the objectives for Notable Trees as there would be a high degree of risk of removal and loss of these special features without any consent process to determine whether such removal is appropriate.

### **3.5.3 Summary of Recommendations**

83. I recommended for the reasons given in the assessment that the submission of Thomas Charles and Claire Louise Clark [153.3, 153.6, 153.9] **be rejected**.

## **3.6 TREE P4- Trimming and pruning of notable trees**

### **3.6.1 Matters raised by submitters**

84. Thomas Charles and Claire Louise Clark [153.5] request an addition to TREE-P4 to include works necessary to ensure that adverse effects of the trees are mitigated, e.g. impact on streambeds and potential flooding. While supporting the points in TREE-P4<sup>5</sup>, the submitter considers an amendment is needed to provide for work to be undertaken where trees are having an adverse effect on other matters such as increased risk of flooding. The submitter notes SCHED5 – Notable Trees does not generally contain the values of the trees that are listed.
85. Thomas Charles and Claire Louise Clark [153.8] also request the maximum branch diameter should be removed from TREE-S2. This is addressed separately under section 3.8, however I note the reason for that submission below, given that it is of relevance to this submission.
86. The submitter considers that for the nikau palms, the root protection area, at their present height, would be a four metre circle about the trunk of the tree, and that this would prevent action being taken to restrict the growth of roots in the streambed and increase the risk of flooding of the

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<sup>4</sup> Paragraph 24.2, evidence of Mr Saxon

<sup>5</sup> Noting an objection to definition of “root protection zone”.

stream. The submitter refers to the stream previously flooding, including major flooding, and continued lifting of the streambed and encroachment of growth into the stream channel will only increase the probability of and frequency of floods.

### **3.6.2 Assessment**

87. The submitter seeks the removal of trees from SCHED5 with part of the reason being the impact of the trees on the streambed. I address that submission in section 3.9 of this report.
88. TREE-P4 provides direction for potentially appropriate trimming and pruning of notable trees, which is otherwise not provided for by TREE-P3 and TREE-S2. In summary it provides for trimming and pruning where long-term health, values, and shape and form of the notable trees are not impacted.
89. In my opinion, TREE-P4 provides for this trimming and pruning to occur provided it protects the notable tree. Under TREE-R3-2 it is a restricted discretionary activity status for trimming and pruning which does not meet TREE-S2 or where it does not be TREE-R3-1.b – which is for works essential due to a serious imminent threat to the safety of people and property. The provisions do not restrict trimming for any stated reason. As such, the reason sought to undertake trimming by the submitter is not precluded.
90. In my view it is not necessary to add the requested addition to the policy regarding how trees may adversely affecting other matters such as increased risk of flooding. Therefore, I disagree with the submitter's request.

### **3.6.3 Summary of Recommendations**

91. I recommend for the reasons given in the assessment that the submission of Thomas Charles and Claire Louise Clark [153.5] be **rejected**.

## **3.7 Trimming and pruning, and removal of notable trees – rules and qualified arborist definitions and policy for removal of notable trees**

### **3.7.1 Matters raised by submitters**

92. Thomas Charles and Claire Louise Clark [153.8] request the removal of the maximum branch diameter from TREE-S2 for the reason that the maximum diameter of 50mm is excessive in relation to the policy of not compromising the long-term health of the tree, and that greater trimming can be undertaken in a way to maintain the essential shape and form of the tree.
93. The submitter considers the requirement to retain the natural shape, form and branch habit of the tree would preclude any re-development of the remaining 80% of the property at 24 Whanake Street.
94. Jeremy (Jez) Partridge [103.6, 103.7] requests amendments to TREE-R3 and TREE-R4 so that the requirement to engage a L6 qualified arborist to undertake, supervise or sign off works are removed and replaced by the requirement to engage at least a L4 arborist. Further, that a requirement to possess an industry recognised tree risk assessment certification such as TRAQ, QTRA or VALID be added to the requirements.
95. The submitter considers with regards to the TREE-R3 and TREE-R4 requirements to use a L6 qualified arborist:

- *How a Level 4 (L4) qualified arborist is able to competently and professionally accomplish all the requirements cited by the Council.*
- *An L6 qualification covers more advanced arboricultural knowledge, but being able to prune a tree and recognise if a tree is dead or in terminal decline is basic arboricultural knowledge which a L4 qualified arborist would already possess.*

96. Jeremy (Jez) Partridge [103.8] seeks the removal of the words 'terminal decline' from TREE-R4 or to add a definition of 'terminal decline'; alternatively, to not allow removal on the basis of 'terminal decline'.

97. The submitter considers that the term is open to interpretation and this could result in removal of significant and veteran trees, which even though they could be potentially described as in terminal decline, they may survive for 100 years or more.

### **3.7.2 Assessment**

98. Mr Saxon has assessed the amendment sought to remove the maximum branch diameter from TREE-S2. Mr Saxon's evidence at paragraph 34 is that the standard should be retained as proposed. I accept and adopt Mr Saxon's evidence on this matter.

99. In respect to Jeremy (Jez) Partridge's request to replace a L6 qualified arborist with L4 qualified arborist in TREE-R3 and TREE-4, I note that:

- The definition of 'technician arborist' in the PDP that includes the competency to Level 6 New Zealand Diploma in Arboricultural standard (or to an equivalent arboricultural standard), and 'works arborist' as defined in the PDP respectively; and
- The definition of 'works arborist' in the PDP that include competency to Level 4 New Zealand Certificate in Horticulture Services (Arboriculture) standard (or to an equivalent arboricultural standard).

100. I have shown the permitted activity status part of both of these rules below, with both 'technician arborist' and 'works arborist' shown as underlined. The effect of the request would be significant, in that where in these rules 'technician arborist' is used this would be replaced with 'works arborist'.

#### ***TREE-R3 Trimming and pruning of a notable tree listed within SCHED5 – Notable Trees***

##### ***All zones 1. Activity status: Permitted***

*Where:*

- Compliance is achieved with TREE-S2; or*
- The works are essential due to the serious imminent threat to the safety of people or property and:*
  - Porirua City Council is advised as soon as reasonably practicable prior to work commencing;*
  - The works are undertaken by a works arborist;*

- iii. *The work is done to the minimum extent required to remove the serious imminent threat to the safety of people or property; and*
- 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.*

**TREE-R4 Removal of a notable tree listed within SCHED5 – Notable Trees**

**All zones 1. Activity status: Permitted**

- a. *Where:*
- b. *The works:*
  - 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 decline 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.*

101. Mr Saxon<sup>6</sup> has assessed the suggested replacement arborist, to L4 arborist within TREE-R3 and TREE-R4, as well as the new qualifications sought to be added to definitions. I accept and adopt Mr Saxons' assessment and recommendation that the definitions are retained as proposed.
102. In respect of terminal decline, Mr Saxon<sup>7</sup>, recommends that the words 'in terminal decline' be removed from TREE-R4 and TREE-P5-2, as he considers that there would be very few instances where the wording would be required.
103. As drafted Policy TREE-P5-2 only allows removal where the tree is dead or is in terminal decline as assessed and certified by a technician arborist.
104. I consider that there is too high a degree of potential risk to allow for removal as a permitted activity on the basis of terminal decline. As such, I consider the words 'terminal decline' should be removed from the rule and correspondingly the relevant policy TREE-P5.

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<sup>6</sup> Paragraph 29

<sup>7</sup> Paragraph 30.5

105. I consider that it is appropriate that a discretionary activity consent be required should someone seek to remove a tree on the basis of it being in terminal decline, as required by TREE-R4, as this allows for a broad assessment against the objectives and policies of the Plan as a whole.

**3.7.3 Summary of recommendations**

106. I recommend for the reasons given in the assessment, that the Hearings Panel:

a. Amend TREE-P5 and as shown below and set out in Appendix A.

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"> <li>1. The tree poses a serious imminent threat to the safety of people or property; or</li> <li>2. The tree is dead <del>or is in terminal decline</del> <u>as assessed and certified by a technician arborist.</u></li> </ol>	

b. Amend TREE-R4 as shown below and as set out in Appendix A.

TREE-R4	Removal of a notable tree listed within SCHED5 - Notable Trees	
	<b>All zones</b>	1. Activity status: <b>Permitted</b>  Where: <ol style="list-style-type: none"> <li>a. The works:                             <ol style="list-style-type: none"> <li>i. Are essential works due to a serious imminent threat to the safety of people or property;</li> <li>ii. Are for removal of a tree that is confirmed to be dead <del>or in terminal decline</del><sup>8</sup> by a technician arborist;</li> <li>iii. Porirua City Council is advised as soon as reasonably practicable prior to work commencing;</li> <li>iv. Are undertaken or supervised by a works arborist; and</li> <li>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.</li> </ol> </li> </ol>
	<b>All zones</b>	2. Activity status: <b>Discretionary</b>

<sup>8</sup> Jeremy (Jez) Partridge [103.8]

Where:

- a. Compliance is not achieved with TREE-R4-1.a.

107. I recommend for the reasons given in the assessment the submission from Jeremy (Jez) Partridge [103.8] be accepted in part.
108. I recommend that the reasons given in the assessment that the submission from Jeremy (Jez) Partridge [103.6, 103.7] and Thomas Charles and Claire Louise Clark [153.8] be **rejected**.

### **3.7.4 Section 32AA evaluation**

109. In my opinion, the amendment to TREE-P5 and TREE-R4 is more appropriate in achieving the objectives of the PDP than the notified provisions. In particular I consider that:
- The amendments will remove uncertainty that trees will be inappropriately removed on the basis of a lack of clarity regarding what is meant by the term 'terminal decline'.
  - The amendments will better achieve TREE-O1 and more appropriately recognise and provide for s7(c) and s7(f) of the RMA.
  - The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

## **3.8 Activities within the root protection areas of notable trees – rules and definition**

### **3.8.1 Matters raised by submitters**

110. Thomas Charles and Claire Louise Clark [153.2] request an amendment to the definition of root protection area to restrict size.
111. Jeremy (Jez) Partridge [103.2, 103.3, 103.9] seeks that a cost benefit analysis is undertaken of international best practice methods used to determine the area of roots which cannot be disturbed without consent; that the Council selects a methodology for TREE-R2 which represents best practice for tree root protection, and that this would ideally be the AS4970 or BS5837 method.
112. The submitter also requests TREE-R2 is amended so that no works are permitted within the root protection area of a notable tree, and an amendment to TREE- S1 so that hydrovac is only undertaken at a specific depth.
113. The reason for the request is shown below<sup>9</sup>:

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<sup>9</sup> As summarised in the Summary of Decisions Requested Reports



- *The methodology which the Council has selected to define RPA, (dripline/half tree height method) and there being no evaluation of why the method was selected over British and Australian Standards and it being out of date and no longer recommended as best practice by UK and Australian Arboricultural Associations as best practice.*
  - *Potential for significant damage/ harm to trees that could occur through applying this definition to tree root systems not found within the definition of RPA, (example issue described within submission).*
  - *How Standard S1 uses an AS4970 requirement (Australian requirement) - and it is not explained why an AS4970 requirement can be used in this way but not the RPA reference.*
  - *Outlines how roots within the RPA should not be compacted or damaged unless and Arboricultural Impact Assessment and Method Statement have been approved by Council in accordance with AS4970. Refers to how some works would be permitted under Rule 2 and Council would not be able to require its preferred root protection method.*
  - *Refers to BS5837 containing following advice pertinent to this submission (specific wording/advice noted in submission)*
  - *How Standard S1 allows hydro excavation as a means of exposing roots and that it should only be undertaken at a specific depth.*
114. With respect to TREE-S1, Thomas and Claire Clark [153.7] seek that machinery can be used without the need for protective surfaces and that new permeable surfaces should be permitted subject to 50% maximum coverage, for the reason that the ground protection measures for machinery, are an “excessive requirement relative to policy P4 which relates to compromising the long term health”. An amendment suggested is “... to restrict machinery within say 2 metres of the base of the tree.”
115. The submitter considers providing an impermeable surface of up to 50% will not compromise the long term health of the tree and draws the Council's attention to their own plantings in Council areas where trees are in close proximity to hard surfaces of paths, gutters and roading, and show no adverse effects on their placement.

### **3.8.2 Assessment**

116. With regard to the request to amend TREE- S1 so that hydrovac is only undertaken at a specific depth, this is addressed in Mr Saxon’s evidence, at paragraphs 31, where minor changes are recommended to TREE-S1-3 including for reasons of clarity. I agree and adopt Mr Saxon’s evidence.
117. I am informed by and rely on the evidence of Leon Saxon in regard to the cost benefit analysis and methodology matter as raised by his Jeremy (Jez) Partridge. This is addressed under the Rules section of Mr Saxon’s evidence at paragraph 27, where he recommends that TREE-S1-3 and TREE-S1-3 are amended to refer to ‘Root Protection Area instead of ‘protected root zone’.
118. Mr Saxon has assessed the requested amendment to the definition of root protection area to restrict the size of the root protection area and recommends for reasons discussed earlier in

his evidence that the definition of the 'root protection area' is the most appropriate method.<sup>10</sup> I accept and adopt Mr Saxon's evidence on this matter.

### 3.8.3 Summary of recommendations

119. I recommend for the reasons given in the assessment, that the Hearings Panel:

- a. **Amend** TREE-S1 as set out in Appendix A.

120. I recommend for the reason given in the assessment that the submission from Jeremy (Jez) Partridge [103.2, 103.3, 103.9] be **accepted in part**.

121. I recommend for the reasons given in the assessment that the submissions from Thomas Charles and Claire Louise Clark [153.2] be **rejected**.

### 3.8.4 Section 32AA evaluation

122. In my opinion, the amendments to TREE-S1 are more appropriate in achieving the objectives of the PDP than the notified provisions. In particular I consider that:

- The amendments will provide increased clarity about the nature of works than can occur in the root protection area and will reduce the potential risk of inappropriate works to notable trees. As such they will better implement the TREE-P3 and TREE-P4.
- The amendments will therefore better achieve TREE-O1 and more appropriately recognise and provide for s7(c) and s7(f) of the RMA.
- The recommended amendments will not have any greater environmental, economic, social, and cultural effects than the notified provisions. However, there will be benefits from improved plan interpretation and more efficient plan administration.

## 3.9 SCHED5 – Notable Trees

### 3.9.1 Matters raised by submitters

123. Submissions were received seeking changes to SCHED5. These include a request to include a new notable tree and a request to remove notable trees from SCHED5.

124. I address these matters in Table 3 below. Mr Leon Saxon and Mr David Spencer's evidence sets out the relevant notable tree assessment. In Table 3 I have set out the submissions seeking changes to the schedules; Mr Saxon's overall recommendation; and my assessment and summary of recommendations.

125. In general, I rely on the evidence of Mr Saxon. Where I consider it necessary to expand on my recommendation, I have also included this in the table.

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<sup>10</sup> Paragraph 33

Table 3: Recommendations on Submissions: SCHED5 – Notable Trees

Submitter Name and Number	Matters raised by Submitters	Leon Saxon's Assessment and Recommendation	Caroline Rachlin's Assessment and Summary of Recommendations
<b>TREE001</b>			
Peter Gallagher [2.1]	<p>Seeks to remove two Norfolk Island Pine trees from SCHED5. These trees are located at 26 Tireiti Road, Titahi Bay, and listed in SCHED5 as TREE001.</p> <p>The submitter raises:</p> <ul style="list-style-type: none"> <li>• A principled objection, and comments on having no intention of removing the trees and would use a qualified arborist for any maintenance.</li> <li>• That the trees were not protected when purchasing the property and has concerns regarding <ul style="list-style-type: none"> <li>- impacts on enjoyment of the property;</li> <li>- no compensation provided, reducing property values; and</li> <li>- assumes a need to maintain the trees with associated costs.</li> </ul> </li> <li>• Concerns regarding whether a proper cost-benefit analysis has been undertaken, impact on property rights so that the trees do not exceed 20m in height.</li> </ul>	<p>The assessment and recommendation are set out in paragraph 35 of Mr Saxon's evidence.</p> <p>Mr Saxon recommends that:</p> <ul style="list-style-type: none"> <li>• The trees are retained in Schedule 5.</li> </ul>	<p>Reject submitter's request (consistent with Mr Saxon's recommendation).</p> <p>In making this recommendation, I recognise the principled objection made by the submitter as opposed to the status or significance of the notable trees. Although I recognise their concerns, I do not consider these are a sufficient reason to remove the trees from the schedule.</p> <p>I would note that the Notable Trees - s32 report, at page 29, outlines how there would be costs associated with resource consent requirements where consent is required due to any works not meeting the permitted standards. It also outlines that most work is already undertaken by arborists on trees of this size and that work on publicly owned trees is already undertaken by qualified Council arborists.</p> <p>The TREE – Notable Trees Chapter provides a framework for trimming and pruning and works in the root protection area without the need for resource consent where the permitted standards are met.</p> <p>As set out in the s32, there is often the role of a qualified arborist for such works. Therefore, additional costs for landowners would be where resource consent is needed for works beyond the permitted standards. I note the submitter has not made submissions on the provisions of the TREES – Notable Trees Chapter.</p> <p><b>Summary of recommendation</b></p> <p>For the reasons given in the assessment above that the submission from Peter Gallagher [2.1] be <b>rejected</b>.</p>
<b>TREE008</b>			
Thomas Charles and Claire Louise Clark [153.4]	<p>Seeks to remove a group of trees from SCHED5. These trees are located at 24 Whanake Street, listed as TREE008.</p> <p>The submitter fails to see how the nikau trees and puriri tree fit the quality of a notable tree and is concerned about:</p> <ul style="list-style-type: none"> <li>• The specific values identified;</li> <li>• The condition of the trees, and the assessment undertaken and the assessment scores, finding the overall assessment of 93 points for condition as misleading, over-estimated and that it should be significantly lower</li> <li>• Conflicts for individual trees, including:</li> </ul>	<p>The assessment and recommendation are set out in paragraph 36 of Mr Saxon's evidence.</p> <p>Mr Saxon recommends that:</p> <ul style="list-style-type: none"> <li>• The puriri tree is removed from the listing</li> <li>• Six nikau palms are retained in the listing</li> </ul>	<p>Accept the submitter's request in part.</p> <p>Consistent with Mr Saxon's recommendation I recommend that the puriri tree is removed from the schedule.</p> <p>With regards to the nikau palms, I note from a site visit which I undertook on 20 October 2021, that six of the eight nikau palms were remaining on the site.</p> <p>In regards to the notable trees status I am informed and rely on Mr Saxon's evidence in terms of the value of the nikau trees for listing. However, I recommend that the total number in the group is reduced</p>

Submitter Name and Number	Matters raised by Submitters	Leon Saxon's Assessment and Recommendation	Caroline Rachlin's Assessment and Summary of Recommendations
	<p>- The impact of the nikau trees on the streambed in a flood zone and the extent of the puriri; and</p> <p>- The impact from the group of trees as a whole on the use of the remaining land, which is not denoted in the assessment.</p>		<p>to four for the reasons set out below.</p> <p>I have carefully considered the concerns of the submitter regarding the close proximity of two of the nikau palms to the streambed.</p> <p>I have reviewed the natural hazard layers of the PDP and note that part of the lower part of 24 Whanake Street site is subject to a Hazard and Risk overlay in the PDP, i.e. Flood Hazard – Stream Corridor.</p> <p>Given the potential for future conflicts between the notable tree status and managing natural hazard risks including any associated resource consent requirements; that the recognition and protection of notable trees is not a s6 matter under the RMA; and that natural hazards are a s6 matter I recommend a reduced listing, to comprise four nikau palms, with the two in closest proximity to the stream to be removed from the schedule.</p> <p>In my opinion, this approach would still provide for a high degree of recognition of these trees which are worthy of notable tree protection but also takes into account the particular characteristics of the site.</p> <p><b>Summary of recommendations</b> I recommend that the Hearings Panel:</p> <ol style="list-style-type: none"> <li>a. <b>Amend</b> the schedule entry for TREE 008 as shown in Appendix A and make a corresponding change to the planning maps to reflect this recommendation.</li> </ol> <p>For the reasons given in the assessment I recommend that the submission from Thomas Charles and Claire Louise Clark [153.4] be <b>accepted in part.</b></p>
<p><b>TREE021</b></p> <p>The Anglican Parish of Pauatahanui [38.1]</p>	<p>Seeks to remove a cupressus macrocarpa tree from SCHED5. The tree is located at 4 Paekākāriki Hill Road and is listed in SCHED5 as TREE021.</p> <p>The submitter seeks the tree is removed so that the removal of the tree can be arranged when it is deemed to be unsafe, without having to seek permission from PCC.</p> <p>The submitter disagrees with including the trees on the schedule because:</p> <ul style="list-style-type: none"> <li>• It is very old, likely to be in excess of 100 years old;</li> <li>• Macrocarpas have a limited life, and at the end of their life they can suffer from hidden internal rotting rendering them dangerous to life, and a risk to</li> </ul>	<p>The assessment and recommendation are set out in paragraph 37 of Mr Saxon's evidence.</p> <p>Mr Saxon recommends that:</p> <ul style="list-style-type: none"> <li>• The tree is retained in Schedule 5.</li> </ul>	<p>Reject submitter's request (consistent with Mr Saxon's recommendation).</p> <p>In making this recommendation, I recognise the concerns of the submitter about tree safety. I note that it is a permitted activity under the notified provisions to remove a tree due to a serious imminent threat to the safety of people or property (subject to other matters in the rule being met including a technician arborist confirming that the works were necessary). As such there is a permitted activity pathway to address the issue raised by the submitter to some extent.</p> <p><b>Summary of recommendations</b></p>

Submitter Name and Number	Matters raised by Submitters	Leon Saxon's Assessment and Recommendation	Caroline Rachlin's Assessment and Summary of Recommendations
	<p>nearby structures if they topple or break; and</p> <ul style="list-style-type: none"> <li>There is provision in the Plan to remove trees that are deemed dangerous, but macrocarpa trees are not native to New Zealand and are known to have a limited life.</li> </ul>		<p>I recommend for the reasons given in the assessment that the submission from The Anglican Parish of Pāuatahanui [38.1] be <b>rejected</b>.</p>
<b>TREE030</b>			
Kāinga Ora [81.894]	<p>Seeks the removal of tree group TREE030 from SCHED5.</p> <p>Kāinga Ora opposes the inclusion of the group of trees "TREE030" in SCHED5 where the trees are located on land owned by the Crown (including land owned by Kāinga Ora) including trees at:</p> <ul style="list-style-type: none"> <li>49A Mungavin Avenue (Section 147 Porirua District);</li> <li>49 Mungavin Avenue (Lot 171 DP 17334);</li> <li>8 Stevens Crescent (Lot 211 DP 17334);</li> <li>and</li> <li>12 Stevens Crescent (Lot 209 DP 17334).</li> </ul> <p>The submitter considers the evidence supporting the listing of TREE030, being the Porirua City Council – City Wide STEM (Standard Tree Evaluation Method) Assessment, suggests this group of trees were only considered for inclusion in SCHED5 as they are on publicly owned land.</p> <p>Kāinga Ora opposes the inclusion of this tree group based on the relatively poor health of the trees within group TREE030 (with a score of only 51 in the STEM assessment) as well as the fact that including them in SCHED5 considerably limits the ability to develop site(s) that are not Council owned.</p>	<p>The assessment and recommendation are set out in paragraph 38 of Mr Saxon's evidence.</p> <p>Mr Saxon recommends that:</p> <ul style="list-style-type: none"> <li>The listing TREE030 is retained.</li> </ul>	<p>Reject submitter's request (consistent with Mr Saxon's recommendation).</p> <p>In making this recommendation I Consider that the TREE – Notable Trees Chapter provides a framework for the trimming and pruning and an ability to 'test' proposals for tree removal for under a discretionary activity status. Given these provisions I do not consider it is appropriate to remove these trees from the list.</p> <p>Further I note that the submitter has not provided any evidence that the trees are in relatively poor health.</p> <p><b>Summary of recommendations</b> I recommend for the reasons given in the assessment that the submission from Kāinga Ora [81.894] be <b>rejected</b>.</p>
<b>New listing request</b>			
Jacqui Lally [43.2]	<p>Seeks a tulip tree should possibly be listed on the Porirua heritage site.</p> <p>The submitter outlines that the property [346B Paremata Haywards Road (SH8)], has a "large American tulip tree planted by the American soldiers in World War Two."</p>	<p>The assessment and recommendation are set out in paragraphs 39 of Mr Saxon's evidence. This includes relying on Mr Spencer having inspected the tree and undertaking a STEM assessment</p> <p>Mr Saxon recommends that:</p> <ul style="list-style-type: none"> <li>The tree is added to the schedule.</li> </ul>	<p>Accept submitter's request (consistent with Mr Saxon's recommendation).</p> <p><b>Summary of recommendations</b> I recommend that the Hearings Panel:</p> <ol style="list-style-type: none"> <li><b>Amend</b> SCHED5 – Notable Trees to include a new listing for the tree at 346B Paremata Haywards Road, as shown at Appendix A, and to make an associated notation on the planning map.</li> </ol> <p>I recommend for the reasons given in the assessment that the submission from Jacqui Lally [43.2] be <b>accepted</b>.</p>

## 4 Conclusions

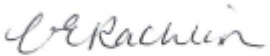
126. Submissions have been received in support of, and in opposition to the PDP.
127. Having considered all the submissions and reviewed all relevant statutory and non-statutory documents, I recommend that the PDP should be amended as set out in 0 of this report.
128. For the reasons set out in the Section 32AA evaluation included throughout this report, I consider that the proposed objectives and provisions, with the recommended amendments, will be the most appropriate means to:
- achieve the purpose of the Resource Management Act 1991 (RMA) where it is necessary to revert to Part 2 and otherwise give effect to higher order planning documents, in respect to the proposed objectives, and
  - achieve the relevant objectives of the PDP, in respect to the proposed provisions.

### Recommendations:

I recommend that:

1. The Hearing Commissioners accept, accept in part, or reject submissions (and associated further submissions) as outlined in 0 of this report; and
2. The PDP is amended in accordance with the changes recommended in 0 of this report.

### Signed:

Name and Title		Signature
Report Author	Caroline Rachlin	

## **Appendix A      Recommended Amendments to Trees – Notable Trees Chapter, and SCHED5 – Notable Trees**

Where I recommend changes in response to submissions, these are shown as follows:

- Text recommended to be added to the PDP is underlined.
- Text recommended to be deleted from the PDP is ~~struckthrough~~.

# 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.	
<b>TREE-P4</b>	<b>Potentially appropriate works</b>
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"> <li>1. Do not compromise the long term health of the notable tree;</li> <li>2. Do not compromise the values of the notable tree described in SCHED5 - Notable Trees;</li> <li>3. Do not reduce the natural life of the notable tree;</li> <li>4. Do not increase the risk of the notable tree being subject to wind damage; and</li> <li>5. Do not impact the natural shape and form of the notable tree.</li> </ol>	
<b>TREE-P5</b>	<b>Removal of notable trees</b>
Only allow the removal of a notable tree listed within SCHED5 - Notable Trees where: <ol style="list-style-type: none"> <li>3. The tree poses a serious imminent threat to the safety of people or property; or</li> <li>4. The tree is dead <del>or is in terminal decline</del> <u>as assessed and certified by a technician arborist.</u><sup>11</sup></li> </ol>	
<b>Rules</b>	
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.	
Rules relating to subdivision, including minimum allotment sizes for each zone, are found in the Subdivision chapter.	
<b>TREE-R1</b>	<b>Gardening and mowing within the root protection area of a notable tree listed within SCHED5 - Notable Trees</b>
<b>All zones</b>	1. Activity status: <b>Permitted</b>  Where: a. The ground level is not altered.
<b>All zones</b>	2. Activity status: <b>Restricted discretionary</b>  Where: a. Compliance is not achieved with TREE-R1-1.a.  Matters of discretion are restricted to: 1. The matters in TREE-P4.  <b>Notification:</b>

<sup>11</sup> Jeremy (Jez) Partridge [103.8]

	An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.
<b>TREE-R2</b>	<b>Other activities within the root protection area of a notable tree listed within SCHED5 - Notable Trees</b>
<b>All zones</b>	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>a. Compliance is achieved with TREE-S1.</p>
<b>All zones</b>	<p>2. Activity status: <b>Restricted discretionary</b></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><b>Notification:</b> An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p>
<b>TREE-R3</b>	<b>Trimming and pruning of a notable tree listed within SCHED5 - Notable Trees</b>
<b>All zones</b>	<p>1. Activity status: <b>Permitted</b></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>
<b>All zones</b>	<p>2. Activity status: <b>Restricted discretionary</b></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><b>Notification:</b> An application under this rule is precluded from being publicly or limited notified in accordance with sections 95A and 95B of the RMA.</p>	
<b>TREE-R4</b>	<b>Removal of a notable tree listed within SCHED5 - Notable Trees</b>	
<b>All zones</b>	<p>1. Activity status: <b>Permitted</b></p> <p>Where:</p> <p>b. The works:</p> <ol style="list-style-type: none"> <li>i. Are essential works due to a serious imminent threat to the safety of people or property;</li> <li>ii. Are for removal of a tree that is confirmed to be dead <del>or in terminal decline</del><sup>12</sup> by a technician arborist;</li> <li>iii. Porirua City Council is advised as soon as reasonably practicable prior to work commencing;</li> <li>iv. Are undertaken or supervised by a works arborist; and</li> <li>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.</li> </ol>	
<b>All zones</b>	<p>2. Activity status: <b>Discretionary</b></p> <p>Where:</p> <p>b. Compliance is not achieved with TREE-R4-1.a.</p>	
<b>Standards</b>		
<b>TREE-S1</b>	<b>Activities in the root protection area of a notable tree</b>	
<b>All zones</b>	<ol style="list-style-type: none"> <li>1. The works are undertaken or supervised by a technician arborist.</li> <li>2. Any machinery associated with undertaking the earthworks is only operated on top of paved surfaces and/or ground protection measures.</li> <li>3. Any <del>open cut</del> excavations must be undertaken by hand-digging, air spade, <del>or</del> hydro excavation, <del>or</del> <u>Directional</u> drilling machine <u>must be</u></li> </ol>	<p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> <li>1. The matters in TREE-P4.</li> </ol>

<sup>12</sup> Jeremy (Jez) Partridge [103.8]

	<p><u>undertaken where under the protected root zone<sup>13</sup> at a depth of 1m or greater- when within the protected root zone root protection area<sup>14</sup> of a notable tree</u></p> <p>4. Works involving root pruning must not be on roots greater than 35mm in diameter at the point of cut.</p> <p>5. Works do not create new impermeable surfaces (including sealing, paving, soil compaction), buildings or structures within the root protection area.</p> <p>6. The works shall not affect any more than 10% of the <u>trees protected root zone- root protection area.</u><sup>15</sup></p>	
<b>TREE-S2</b>	<b>Trimming and pruning of a notable tree</b>	
<b>All zones</b>	<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>3. All trimming or alteration retains the natural shape, form and branch habit of the tree.</p>	<p>Matters of discretion are restricted to:</p> <p>1. The matters in TREE-P4.</p>

## SCHED5 - Notable Trees

### TREE001

Botanical name	Description and values
Araucaria heterophylla	

<sup>13</sup> Jeremy (Jez) Partridge [103.9]

<sup>14</sup> Jeremy (Jez) Partridge [103.3]

<sup>15</sup> Jeremy (Jez) Partridge [103.3]

<b>Common name</b>	Norfolk Island Pine	Pair of tall Norfolk Island pines located in south-western corner of property. At approximately 20m tall, a locally prominent feature.
<b>Location and legal description</b>	26 Tireti Road, Titahi Bay (Lot 1 DP 16538)	
<b>Coordinates</b>	-41.10822 , 174.8356	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	2	
<b>TREE002</b>		
<b>Botanical name</b>	Araucaria heterophylla	Description and values
<b>Common name</b>	Norfolk Island Pine	Pair of tall Norfolk Island pines in front yard of property. At approximately 20m tall, a locally prominent feature.
<b>Location and legal description</b>	36 View Road, Titahi Bay (Lot 83 DP 10464)	
<b>Coordinates</b>	-41.11252 , 174.83211	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	2	
<b>TREE003</b>		
<b>Botanical name</b>	Araucaria heterophylla	Description and values
<b>Common name</b>	Norfolk Island Pine	Tall Norfolk Island pine in front yard, near road. At approximately 20m tall, a locally prominent feature.
<b>Location and legal description</b>	13 Spur Grove, Titahi Bay (Lot 40 DP 17376)	
<b>Coordinates</b>	-41.11021 , 174.84489	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE004</b>		
<b>Botanical name</b>	Cupressus macrocarpa	Description and values
<b>Common name</b>	Macrocarpa	Group of macrocarpa in road reserve.
<b>Location and legal description</b>	Halyard Place, Whitby (Lot 1 DP 41848)	

<b>Coordinates</b>	-41.11463 , 174.89221	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	4	
<b>TREE005</b>		
<b>Botanical name</b>	Podocarpus totara	Description and values  Locally prominent t� tara with attractive compact form.
<b>Common name</b>	Totara	
<b>Location and legal description</b>	37 Bosun Terrace, Whitby (Lot 549 DP 44043)	
<b>Coordinates</b>	-41.10616 , 174.88496	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE006</b>		
<b>Botanical name</b>	Araucaria heterophylla	Description and values  Locally prominent Norfolk Island pine tree, with exceptional form and a wide viewing audience.
<b>Common name</b>	Norfolk Island Pine	
<b>Location and legal description</b>	2 Tireti Road, Titahi Bay (Sec 1 SO 35629)	
<b>Coordinates</b>	-41.10573 , 174.83821	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE007</b>		
<b>Botanical name</b>	Agathis australis	Description and values  Mature kauri growing outside of its natural range, within rear yard of property.
<b>Common name</b>	Kauri	
<b>Location and legal description</b>	2 Herewini Street, Titahi Bay (Lot 22 DP 10462)	
<b>Coordinates</b>	-41.10385 , 174.84066	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	

TREE008		
<b>Botanical name</b>	Rhopalostylis sapida, Vitex lucens	Description and values  Mature nikau grove <del>and one puriri</del> <sup>16</sup> providing ecological benefits within front yard of the site.
<b>Common name</b>	Nikau Palm, Puriri	
<b>Location and legal description</b>	24 Whanake Street, Titahi Bay (Lot 46 DP 7626)	
<b>Coordinates</b>	-41.10047 , 174.83832	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	<u>94</u> <sup>17</sup>	
TREE009		
<b>Botanical name</b>	Araucaria heterophylla	Description and values  Tall Norfolk Island pine in front yard, near road. At approximately 20m tall, a locally prominent feature.
<b>Common name</b>	Norfolk Island Pine	
<b>Location and legal description</b>	8 Waiuta Street, Titahi Bay (Lot 55 DP 18864)	
<b>Coordinates</b>	-41.11152 , 174.84082	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
TREE010		
<b>Botanical name</b>	Vitex lucens	Description and values  Locally prominent puriri tree with ecological values located within the front yard of site.
<b>Common name</b>	Puriri	
<b>Location and legal description</b>	61 Seaview Road, Paremata (Lot 3 DP 15800)	
<b>Coordinates</b>	-41.10072 , 174.88081	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
TREE011		

<sup>16</sup> Thomas Charles and Claire Louise Clark [153.4]

<sup>17</sup> Ibid

<b>Botanical name</b>	Quercus robur	Description and values  Mature English oak with very good form located within the road reserve.
<b>Common name</b>	Oak	
<b>Location and legal description</b>	18 Ayton Drive, Whitby (Lot 250 DP 34182)	
<b>Coordinates</b>	-41.1105 , 174.89194	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE012</b>		
<b>Botanical name</b>	Pinus pinea	Description and values  Pair of locally prominent, uncommon species (Stone pine) located within a central road island.
<b>Common name</b>	Stone Pine	
<b>Location and legal description</b>	Hicks Close (Road Reserve)	
<b>Coordinates</b>	-41.1146 , 174.88536	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	2	
<b>TREE013</b>		
<b>Botanical name</b>	Cupressus macrocarpa	Description and values  Line of macrocarpa within reserve adjacent to Whitby Lower Lake. Likely remnant of previous land use.
<b>Common name</b>	Macrocarpa	
<b>Location and legal description</b>	69C Discovery Drive, Whitby (Lot 1689 DP 60005)	
<b>Coordinates</b>	-41.11818 , 174.89267	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	9	
<b>TREE014</b>		
<b>Botanical name</b>	Cupressus macrocarpa	Description and values  Very large tree with large trunk girth, locally prominent, located within road reserve.
<b>Common name</b>	Macrocarpa	
<b>Location and legal description</b>	Observatory Close, Whitby (Road Reserve)	



<b>Coordinates</b>	-41.11018 , 174.90173	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE015</b>		
<b>Botanical name</b>	Leptospermum scoparium	Description and values  Group of potentially remnant bush, retained from pre-subdivision and residential development.
<b>Common name</b>	Manuka	
<b>Location and legal description</b>	Latitude Close, Whitby (Road Reserve)	
<b>Coordinates</b>	-41.12079 , 174.89424	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	7	
<b>TREE016</b>		
<b>Botanical name</b>	Phoenix canariensis	Description and values  Locally prominent palm located within the northern aspect of the site.
<b>Common name</b>	Phoenix Palm	
<b>Location and legal description</b>	33 Sunset Parade, Plimmerton (Sec 12 Blk VIII Paekakariki SD)	
<b>Coordinates</b>	-41.07954 , 174.86367	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE017</b>		
<b>Botanical name</b>	Cupressus macrocarpa	Description and values  Pair of locally prominent, mature macrocarpa with a large viewing catchment.
<b>Common name</b>	Macrocarpa	
<b>Location and legal description</b>	Motukaraka Point Road (Sec 1 SO 36777)	
<b>Coordinates</b>	-41.09197 , 174.89876	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	2	

TREE018		
<b>Botanical name</b>	Quercus robur	Description and values  Mature English oak with large trunk girth and association with church.
<b>Common name</b>	Oak	
<b>Location and legal description</b>	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	
<b>Coordinates</b>	-41.1065 , 174.91765	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
TREE019		
<b>Botanical name</b>	Magnolia grandiflora	Description and values  Group of locally significant trees (Trees 019, 020, 021 & 022) with association to church.
<b>Common name</b>	Southern Magnolia	
<b>Location and legal description</b>	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	
<b>Coordinates</b>	-41.10685 , 174.91775	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
TREE020		
<b>Botanical name</b>	Trachycarpus fortunei	Description and values  Group of locally significant trees (Trees 019, 020, 021 & 022) with association to church.
<b>Common name</b>	Windmill Palm	
<b>Location and legal description</b>	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	
<b>Coordinates</b>	-41.10694 , 174.9179	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	3	
TREE021		
<b>Botanical name</b>	Cupressus macrocarpa	Description and values
<b>Common name</b>	Macrocarpa	

<b>Location and legal description</b>	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	Group of locally significant trees (Trees 019, 020, 021 & 022) with association to church.
<b>Coordinates</b>	-41.10716 , 174.91781	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE022</b>		
<b>Botanical name</b>	Ilex aquafolium	Description and values
<b>Common name</b>	Holly	Group of locally significant trees (Trees 019, 020, 021 & 022) with association to church.
<b>Location and legal description</b>	4 Paekakariki Hill Road, Pāuatahanui (Lot 2 DP 311366)	
<b>Coordinates</b>	-41.10654 , 174.91736	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	Hedge line	
<b>TREE023</b>		
<b>Botanical name</b>	Metrosideros excelsa	Description and values
<b>Common name</b>	Pohutukawa	Pair of very well formed pōhutukawa growing within road frontage of site.
<b>Location and legal description</b>	1 Bowlers Wharf Lane, Papakowhai (Lot 1 DP 80738)	
<b>Coordinates</b>	-41.11545 , 174.86165	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	2	
<b>TREE024</b>		
<b>Botanical name</b>	Araucaria heterophylla	Description and values
<b>Common name</b>	Norfolk Island Pine	Large, mature, Norfolk Island pine tree with local prominence.
<b>Location and legal description</b>	1 Bowlers Wharf Lane, Papakowhai (Lot 1 DP 80738)	

<b>Coordinates</b>	-41.11557 , 174.86172	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE025</b>		
<b>Botanical name</b>	Cupressus macrocarpa	Description and values  Very large, well-formed macrocarpa with impressive trunk girth. Locally prominent.
<b>Common name</b>	Macrocarpa	
<b>Location and legal description</b>	1D Mungavin Avenue, Ranui (Lot 2 DP 89503)	
<b>Coordinates</b>	-41.13705 , 174.84584	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE026</b>		
<b>Botanical name</b>	Cupressus macrocarpa	Description and values  Locally significant tree with attractive spreading form. Located within Recreation Reserve, adjacent to wetland area.
<b>Common name</b>	Macrocarpa	
<b>Location and legal description</b>	Papakowhai Road, Papakowhai (Road Reserve)	
<b>Coordinates</b>	-41.11258 , 174.86229	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE027</b>		
<b>Botanical name</b>	Podocarpus totara	Description and values  Tree of good form, with large trunk girth, located adjacent to road.
<b>Common name</b>	Totara	
<b>Location and legal description</b>	Bromley View, Ranui (Road Reserve)	
<b>Coordinates</b>	-41.14183 , 174.85501	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE028</b>		

<b>Botanical name</b>	Dacrycarpus dacrydioides	Description and values  Large native tree with good ecological values and large viewing audience. Located within council reserve.
<b>Common name</b>	Kahikatea	
<b>Location and legal description</b>	27D Mungavin Avenue, Ranui (Sec 167 Porirua DIST)	
<b>Coordinates</b>	-41.13936 , 174.85176	
<b>Single/Group</b>	Single	
<b>Number of trees</b>	1	
<b>TREE029</b>		
<b>Botanical name</b>	Cupressus macrocarpa	Description and values  Large group of large macrocarpa, likely remnant of previous land-use located within council reserve.
<b>Common name</b>	Macrocarpa	
<b>Location and legal description</b>	1A Albatross Close, Whitby (Lot 1 DP 64475 and Lot 2 DP 59139)	
<b>Coordinates</b>	-41.10889 , 174.90269	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	26	
<b>TREE030</b>		
<b>Botanical name</b>	Eucalyptus globulus	Description and values  Group of mature Eucalyptus globulus. Locally prominent and located within council reserve.
<b>Common name</b>	Blue Gum	
<b>Location and legal description</b>	27D Mungavin Avenue, Ranui (Sec 167 Porirua DIST)	
<b>Coordinates</b>	-41.14002 , 174.85372	
<b>Single/Group</b>	Group	
<b>Number of trees</b>	17	

<b>TREE031<sup>18</sup></b>		
<b><u>Botanical name</u></b>	<u>Liriodendron tulipifera</u>	<u>Description and values</u>
<b><u>Common name</u></b>	<u>Tulip Tree</u>	<u>Locally prominent feature, with very large trunk girth.</u>
<b><u>Location and legal description</u></b>	346B Paremata Haywards Road (SH58) Judgeford	
<b><u>Coordinates</u></b>	<u>-41.11952313, 174.9465445</u>	
<b><u>Single/Group</u></b>	<u>Single</u>	
<b><u>Number of trees</u></b>	1	

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<sup>18</sup> Jacqui Lally [43.2]

## **Appendix B      Recommended Responses to Submissions and Further Submissions**

The recommended responses to the submissions made on this topic are presented in Table B 1 below.

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?
<b>General</b>							
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
<b>Introduction to Chapter</b>							
81.426	Kāinga Ora	Introduction	Amend introduction:  <del>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.</del>	Section 3.3	Reject	See body of the report	No
<b>Overall approach to identifying Notable Trees including use of STEM and Policy Tree – P1</b>							
103.5	Jeremy (Jez) Partridge	Standard Tree Evaluation Method (STEM)	<ol style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> </ol>	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
<b>Policies</b>							
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
<b>Rules, standards and definitions</b>							
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?
			2. Council does not allow permitted works within the RPA of a Notable Tree. 3. Standard S1 is amended to specify that hydrovac is only undertaken at a specific depth.				
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	Machinery should be able to be used without the need for protective surfaces.  New impermeable surfaces should be permitted subject to 50% maximum coverage.	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	Agree with submitter	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 methodology for Rule 2 which represents best practice	Section 3.8	Accept in part	Accept in part	No <sup>19</sup>

<sup>19</sup> 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>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	Accept in part, subject to the amendments made in response to other submissions	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																					
<b>SCHED5 – Notable Trees</b>																												
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"> <tr> <td colspan="3">TREE030</td> </tr> <tr> <td>Botanical name</td> <td>Eucalyptus globulus</td> <td>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>27D Mungavin Avenue, Ranui (Sec 167 Porirua DIST)</td> <td></td> </tr> <tr> <td>Coordinates</td> <td>-41.14002, 174.85372</td> <td></td> </tr> <tr> <td>Single/Group</td> <td>Group</td> <td></td> </tr> <tr> <td>Number of Trees</td> <td>17</td> <td></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
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43.2	Jacqui Lally	General	The property [346B Paremata Haywards Road (SH58) Judgeford] has a large American tulip tree planted by the	Section 3.9	Accept	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?
			American soldiers in World War Two, which possibly should be listed on the Porirua heritage site.				

## Appendix C Report Author's Qualifications and Experience

I hold the following qualifications: Bachelor of Arts (in History and Geography) from the University of Canterbury, and a Master of Resources Studies (in Environmental Planning) from Lincoln University.

I have been employed by the Porirua City Council since March 2020 as a Senior Policy Planner within the Environment and City Planning Team.

I have 15 years' experience working as a planner in New Zealand, and five years' experience in planning in the United Kingdom.

Before being employed by Porirua City Council, I held a Planner role at Heritage New Zealand Pouhere Taonga for the Central Region Office. My role included providing planning advice in relation to proposals under the Resource Management (RMA). Prior to this I held senior planner positions at Upper Hutt City Council and Christchurch City Council, where my work was primarily focused on the preparation of Council led plan changes (under the RMA). During my work at Christchurch City Council I was involved in the proposed Christchurch Replacement District Plan, including assisting in drafting chapter proposals (including for Natural and Cultural Heritage) and providing evidence before the Independent Hearings Panel.

Before these positions, I was employed in planning positions in the United Kingdom in development control (similar to New Zealand resource consents planning), and by the Selwyn District Council in a policy planner role. I am an associate member of the New Zealand Planning Institute.