

# Section 32 Report

## Rākau hirahira/Notable Trees

prepared for the

### Proposed

# Waimakariri District Plan

18 September 2021



**WAIMAKARIRI**  
DISTRICT COUNCIL

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## 1. EXECUTIVE SUMMARY

Notable trees are important as they provide community services such as contributing to the amenity and character of urban and rural environments and historical and community or botanical values.

The Operative District Plan currently lists notable trees (described as notable plants), but is limited in describing the activities that can be carried out in relation to notable trees without the need for resource consent. The operative objectives and policies recognise growth of the District (and associated development) and also the importance of notable plants as a matter associated with character and amenity values. It provides a pathway for notable trees to be removed by way of a restricted discretionary consent (RDIS).

Key changes proposed are the introduction of provisions that specifically provide for a set of activities that can be undertaken in regard to a notable tree and its root protection area. The list of notable trees has been reviewed, based on the Standard Tree Evaluation Method (Flook, R.R. (1996) *STEM A Standard Tree Evaluation Method*) which is commonly used as a method for evaluating trees.

The Proposed District Plan provisions also specifically acknowledge other relevant regulation or legislation and does not seek to duplicate these requirements or limit their application, other than where removal is proposed. The provisions also differentiate trees on public land from private land, recognising that notable trees on public land are subject to an alternative process for their protection and management.

It is anticipated that the outcome from applying the proposed provisions will be that notable trees will continue to contribute to community character and amenity values, with reliance on clearer rules and activity standards. Resource consent will be required except for maintenance or removal of a notable tree where it is dead, in terminal decline, at risk of extreme failure or having a significant loss of structural integrity.

Overall, the proposed provisions are the most appropriate as the benefits outweigh the costs and they are more efficient than the Operative District Plan in protecting and managing identified notable trees.

## 2. OVERVIEW AND PURPOSE

### 2.1 Purpose of Section 32 RMA

The overarching purpose of Section 32 of the Resource Management Act 1991 (RMA) is to ensure that plans are developed using sound evidence and rigorous policy analysis, leading to more robust and enduring provisions.

Section 32 reports are intended to clearly and transparently communicate the reasoning behind plan provisions to the public. The report should provide a record of the evaluation process, including the consultation, technical work, methods, assumptions and risks that informed that process. A robust report can prove highly useful to decision makers, particularly where it clearly communicates the analysis undertaken to identify the most appropriate way to achieve the purpose of the RMA.

The District Council is required to undertake an evaluation of any Proposed District Plan provisions before notifying those provisions. The Section 32 evaluation report provides the reasoning and rationale for the proposed provisions and should be read in conjunction with those provisions.

Accordingly, this report provides an analysis of the key issues, objectives, policies and methods to be incorporated within the notable tree provisions of the Proposed District Plan. This reports should be read in conjunction with the Section 32 Overview Report which contains further information and evaluation about the overall approach and direction of the District Plan review and Proposed District Plan.

### 2.2 Topic Description

Notable trees are those that have been identified as meeting Standard Tree Evaluation Method (STEM) that is the most widespread method used to evaluate heritage and notable trees for district plans in New Zealand. The assessment scores the values of a tree based on several different criteria consistent with the recommendations of the New Zealand Arboricultural Association. These criteria are grouped into three main areas and include the condition of the tree, amenity values and its notability (form and feature, historic values and scientific values).

Trees are important contributors to amenity, particularly in our urban environments. Some notable trees listed in the Operative District Plan have been removed and the list is therefore out of date. Approximately one third of notable tree locations are on public land (such as the road reserve or within parks), with the remainder located on private property. The Operative Plan uses a dripline measurement to trigger the need for resource consent or to allow for various activities within the dripline of a notable tree.

The outcomes experienced with implementation of the notable trees provisions under the Operative Plan are variable, including:

- Not all worthy trees are included for protection i.e. the schedule is dated,
- The identification criteria requires updating to a more commonly used or 'best practice' approach (i.e. the STEM criteria),
- Non-regulatory methods such as management plans for public land are not recognised,
- The need for provisions to provide for on-going management, especially in regard to new development,
- Accurate plotting and mapping, and

- The need to reconsider the extent of activities to a tree or its dripline that can be enabled before a resource consent is required.

Preparation of Plan Change 25, Notable Trees commenced in (approximately) April 2011. This plan change identified that the list of ‘notable plants’ was in need of revision both in regard to deletion of notable plants that no longer existed, and to include any other plants which were recommended for inclusion. Trees were surveyed using the STEM methodology. The trees surveyed included the notable plants listed in the Operative District Plan and an additional list derived from a public nomination process. The Survey included 93 trees and noted that 11 of the notable plants listed in the District Plan were no longer there. A “Notable Trees Report, Waimakariri District Council” that included all the tree assessments was prepared by Lancewood Urban Forestry Ltd.

Plan Change 25 did not advanced to public notification for submissions and was not completed, partly because of the Canterbury Earthquake events and consequent re-prioritising of projects and resources. However, this work has been revisited, the identified trees resurveyed and that list is now advanced as part of the Proposed District Plan.

The purpose of the proposed chapter is to specifically provide for identified notable trees, where the trees meet STEM criteria (with a combined score of 130 points or more). The chapter does not protect trees on public land that is under the direct control of Council. This is because an alternative process is in place to assess and manage works that involve trees that would otherwise warrant inclusion in the notable tree schedule.

The proposed Chapter reviews the current list and builds on the approach contained within the Operative District Plan. The chapter seeks to provide greater clarity for activities that can be carried out in relation to a tree or trees, and recognises that protection of notable trees has community and individual benefits, but may also impose on landowners.

## 2.3 Significance of this Topic

The topic is significant because notable trees provide local historical context, local character and amenity values for the community. Trees can also provide a living link to the District’s past, such as when they have been planted by a well-known person to commemorate an occasion or event.

## 2.4 Current Objectives, Policies and Methods

The Operative District Plan is effects-based, with consent required by way of a RDIS resource consent when triggered. The policies of the Operative District Plan signal the matters of assessment, which in summary are:

- Historical, cultural and spiritual, botanical, group and setting, landmark and functional significance, being matters for listing,
- Maintain the appendix of notable plants,
- Avoid, mitigate or remedy adverse effects from loss of notable plants, and
- Raise public awareness of notable plants.

All activities require resource consent, other than for:

- Any structure, earthworks, or services in, under, or over the ground that is at least 3m distance outside the drip line of any notable plant,

- Impermeable material placed on the ground shall not cover more than 20% of the ground in the area between the trunk of the notable plant and 3m outside the drip line,
- There shall be no pruning of branches greater than 50mm in diameter of any notable plant, and
- No pruning shall occur in the top third of any notable plant.

It has been noted that few consents have been applied for and issued under these rules and have generally been required to allow urgent health and safety works (related to the notable tree) to occur.

## 2.5 Information and Analysis

**Table 1 – List of relevant background assessments and reports**

<b>Title</b>	<b>Author</b>
District Plan Effectiveness Review	<i>Waimakariri District Council, September 2016</i>
<b>Description of Reports</b>	
<p>An assessment of District Plan effectiveness was undertaken as an early step to identify issues and gaps for the District Plan Review. The review included an assessment of resource consent applications and conditions for a variety of topics, other methods used to manage activities outside the District Plan and a range of internal and external policy and legislative influences.</p> <p>The review identified a number of matters for the Proposed District Plan to address:</p> <ol style="list-style-type: none"> <li>1. Review the list in relation to the condition or existence of plants, and recommendation of any other plants that may require protection.</li> <li>2. Review the most efficient and effective methods for managing and protecting valued plants, including consideration of methods outside of the District Plan such as reserves management plans.</li> <li>3. Review the monitoring and assessment actions in relation to anticipated environmental results for effectiveness.</li> <li>4. Review District Plan provisions for their effectiveness in providing for ongoing plant management and survival e.g. impacts of adjacent development.</li> <li>5. Review the ability to include new plants over time, particularly within new and developing subdivision areas, and the most effective method to achieve this.</li> <li>6. Review the best method for mapping notable plants.</li> <li>7. Consider the best method for community consultation and property owner consultation for notable plant significance and effects from listing.</li> </ol>	
<b>Title</b>	<b>Author</b>
Waimakariri District Council Notable Tree Report STEM Tree Assessment	<i>Asplundh, December 2019</i>
<b>Description of Reports</b>	
<p>Asplundh were commissioned to provide an assessment of existing and nominated trees for potential listing in the Proposed District Plan. The assessment was based on the Standard Tree Evaluation Method (STEM), which is the method used by many Councils throughout New Zealand</p>	

for assessing notable trees and previously used as part of Plan Change 25. STEM is nationally recognised by the New Zealand Arboricultural Association and the Royal New Zealand Institute of Horticulture as a method for evaluating trees.

There were a small number of private requests for new notable tree listings in recent times, since the work undertaken as part of Change 25. These have been assessed by Asplundh as part of the consideration of which trees are suitable for district plan protection.

## 2.6 Consultation Undertaken

Consultation has been undertaken as part of this District Plan Review process with key stakeholders and the local community. Feedback from consultation relevant to the Notable Trees chapter and provisions is contained in **Appendix 1: Specific Consultation Comments and Response**, and is summarised below:

### Summary of feedback:

- (a) In the period 2010 to 2012 a nomination and STEM review process was carried out (as part of Change 25 to the Operative District Plan).
- (b) Issues and Options 'Heritage and Open Space' September 2017 for the Proposed District Plan. One comment was received in support for high level of protection for built heritage and notable trees. This sought an updated assessment of heritage resources and notable trees and advice on appropriate District Plan provisions.
- (c) Heritage site/building nominations 2018. It was identified in the FAQs that notable trees are a related but separate matter and process based on earlier STEM analysis, as follows:

*What about Notable trees? The Districts Notable Trees were reviewed through an earlier process which was not completed because of the Canterbury Earthquakes. We are now utilising that information to carry into the new District Plan. Central Government has provided us with a National Planning template which includes terminology, so Notable Trees will be known as Notable Trees from now on.*
- (d) 'What's the Plan' feedback. Five extra trees were identified. These were assessed by the Council's heritage consultant however no heritage values could be established (September 2018) and the trees were therefore not added to the schedule.
- (e) The owners of the identified and nominated trees were contacted in June 2020 to advise them of the statutory RMA process for the District Plan review. Feedback was received from one land owner seeking additional trees to be listed and advice was provided that this could be considered through the submissions process following notification of the Proposed Plan.
- (f) WDC internal consultation and briefings with relevant staff and Councilors.

## 2.7 Iwi Authority Advice

Clause 3(1)(d) of Schedule 1 of the RMA sets out the requirements for local authorities to consult with iwi authorities during the preparation of a proposed plan. Clause 4A requires the District Council to provide a copy of a draft proposed plan to iwi authorities and have particular regard to any advice received. This section summarises the consultation feedback/advice received from the iwi authority



relevant to notable trees and the District Council's consideration of, and response to (as required by Section 32(4A)(b) of the RMA), that feedback/advice.

Advice on the draft chapter was provided to Council through Mahaanui Kurataiao Limited, with feedback covering the identification and protection of indigenous plant species. A suggestion was provided to include consideration of cultural values for taonga species within MD1 - Pruning, root protection area, trunk and crown, removal. This change was made.

It was also noted that few indigenous species are protected by the chapter through being listed in the schedule. Three trees in total are protected; these are Matai (*Prumnopitys taxifolia*), Kowhai (*Sophora tetraptera*), and Black Beech (*Nothofagus solandri*). These are listed as they meet the minimum 130 points when rated using STEM criteria. Other indigenous trees that have cultural values may not meet enough other criteria to enable listing.

## 2.8 Reference to Other Relevant Evaluations

This s32 topic report should be read in conjunction with the following s32 evaluations:

- Subdivision – the matter of subdivision and subject effects on a notable tree and its area are dealt with as a matter of control/discretion in the subdivision chapter.
- Historic Heritage - notable trees may be protected because of their historic heritage and cultural values and therefore the areas in which they are located could also be protected in the Historic Heritage Chapter.
- Earthworks - earthworks have the potential to result in adverse effects on notable trees. Provisions relating to earthworks are contained in the earthworks chapter as they apply to the root protection area.
- Infrastructure - provisions for notable trees in relation to infrastructure are contained in the infrastructure chapter.

## 3. STATUTORY AND POLICY CONTEXT

### 3.1 Resource Management Act 1991

Section 5 of the RMA sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. In achieving this purpose, authorities need to recognise and provide for matters of national importance identified in Section 6, have particular regard to other matters listed in Section 7, and take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8.

The proposed provisions allow people and communities to provide for their social, economic, and cultural well-being by enabling a range of activities but also seeking to manage effects by means of activity standards or via resource consent. The Resource Management (Simplifying and Streamlining) Amendment Act 2009 provided some guidance as to scope and made changes to tree protection in urban environments in 2012 with further changes in 2013.

The Amendment Act aimed to reduce high transaction costs caused by the large number of resource consents from “blanket” tree protection rules in urban environments, particularly in larger urban

areas. The Amendment Act prohibited blanket tree protection rules except in areas within a reserve or an area subject to a conservation management plan or conservation management strategy.

The relevant section of the RMA in regard to the above is section 76(4A), (4B), (4C) and (4D).

Section 76(4A)-(4D) was amended in 2013 to align with original policy intent, to prohibit blanket tree protection rules in urban areas and to address an Environment Court Decision on how the phrase 'group of trees' should be interpreted (which was at odds with the intention of the 2012 amendments). The new sections 76(4A)–76(4D) do not remove the ability for councils to protect trees on urban allotments, do not place any restrictions on the types of trees to be notable, and do not limit the methods a council may use to assess the quality of a tree or group of trees. Rather, the sections require urban tree protection rules in district plans to be applied in ways that provide certainty for landowners and district plan users about what, if any, tree protection rules affect their properties.

The proposed tree schedule and provisions are consistent with the amendments to the RMA as each individual tree or group of trees is specifically described and identified in the District Plan, and each allotment is identified by street address.

### 3.1.1 Section 6

Section 6 provides the framework upon which objectives and provisions (in this case, policies and rules) to achieve the objectives, can be built to achieve the purpose of the Act.

Of relevance to notable trees is:

- (e) *the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.*

Many plant species have traditionally been used for food, art, or medicine and the Proposed District Plan recognises this, predominantly within other chapters. Within the notable trees chapter, the significance of taonga species where they are listed as notable trees is recognised in the matters of discretion. This provision forms part of the Plan approach to address section 6(e).

- (f) *the protection of historic heritage from inappropriate subdivision, use, and development;*

This matter is relevant as historic heritage is one of the relevant factors in identification of notable trees.

### 3.1.2 Section 7

Section 7 of the RMA requires that councils are to have particular regard to a range of ‘other matters’ when managing the use, development and protection of natural and physical resources. Of relevance to notable trees are:

- S7(aa) the ethic of stewardship;
- S7(c) the maintenance and enhancement of amenity values; and
- S7(f) maintenance and enhancement of the quality of the environment.

With regard to s7(a), stewardship of trees that are notable within the community is a relevant consideration, for s7(c), the District’s trees described as notable by the STEM assessment contribute towards the character and amenity values of neighbourhoods. Trees also create a sense of scale and contribute towards shaping and defining the character of rural and urban areas.

While a section of the District Plan specifically addresses areas of significant indigenous vegetation and significant habitats of indigenous fauna (s6(c) RMA), it is recognised that trees outside of these areas can also be ecologically significant and contribute to biodiversity values, in addition to containing significant indigenous species.

With regard to section 7(f), trees assist with maintaining and enhancing the quality of the environment in a range of ways. These may include carbon storage and recycling nutrients, maintaining outdoor comfort by providing shade and shelter, storm water management by absorbing water, enhancing buildings, and contributing to biodiversity. Notable trees can also contribute in these ways.

Some of the District’s notable trees also have important cultural and historical associations. Individual trees, groups of trees or a particular species of tree have particular meaning to local communities, either by virtue of the tree(s) commemorating a person, an event, or having significance as a particularly rare or indigenous species.

Whilst some tree services are acknowledged, the wider range of services is not generally well recognised and significant trees may be viewed negatively where they restrict works or development on private and/or public property. Notable trees may also be viewed as a nuisance where they cause shade, debris (leaf fall) or damage to infrastructure buildings or other property, or in some cases, may be a threat to human health. In these cases, trees may be viewed as a burden to the owner, occupier or neighbour rather than a benefit to the District as a whole, which can lead to their removal.

Changes in social and economic conditions can also affect how notable trees are valued, and therefore, likely retention, for example in urban areas where residential intensification is proposed, or the development of new neighbourhoods. This places pressure on public spaces (streets/public open space) to provide trees and other vegetation that was once provided for on private land. It is noted that Policy 5 discourages the removal of any notable tree, except for identified circumstances.

There are issues associated with pressure to remove trees and this applies to individual trees on private property, as well as within streets and public open space. The loss of notable trees can be irreversible. Rare species and trees with cultural and historical values in particular are difficult, or impossible, to replace.

For other species it can take decades for replacement trees to achieve a similar stature and visual/physical prominence as the tree that has been removed. The loss of a notable tree can affect

the appearance and amenity of an individual property, as well as the cumulative effects upon the District's environment and the character and amenity of urban and rural areas.

It is often those who own or manage the land containing a notable tree(s) that protect the values inherent to the specimens, but are the most affected by any regulation placed on the tree(s). It can be difficult to balance the desires and expectations of the wider community in the preservation and enhancement of significant trees, with the direct effect on the landowner.

### 3.1.4 Section 8

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

## 3.2 National Instruments

The following national instruments are relevant to this topic/chapter:

- NES for Electricity Transmission Activities 2009. Clause 30 of the NES outlines that trees cannot be trimmed, felled or removed if there is a specific rule that prohibits or restricts it.
- NES for Telecommunication Facilities 2016. Clause 44 of the NES outlines that significant trees, that are not in the road reserve and are specifically identified in the relevant District Plan, can have stricter regulations than what is in the NES.

### 3.2.1 National Planning Standards

Under RMA s75 (3), a District Plan must give effect to a National Planning Standard. The Proposed District Plan has been prepared in accordance with National Planning Standards 2019, which were introduced by the Resource Legislation Amendment Act 2017 to make plans and policy statements more useable, accessible and easier to prepare.

The Proposed District Plan will give effect to the National Planning Standards by including a separate district-wide chapter for notable trees.

The Standards also require that a schedule of notable trees be included in the District Plan, consistent with s76 of the Act. This schedule must include a description of each tree, or group of trees, including their species. All schedules are required to contain:

- a unique identifier;
- a site identifier;
- description of the type of site (its values); and
- a map reference or link.

### 3.2.2 National Policy Statement on Urban Development (NPS-UD)

The recently released National Policy Statement on Urban Development includes a new Objective 4 and Policy 6(b), which in summary recognises that amenity values (and this would include the amenity value of urban trees) needs to change in order to accommodate increased and varied housing

densities and types. This policy direction is required that it be given effect to and means that where residential intensification is enabled and promoted, the objectives and policies with respect to notable trees need to recognise this higher order direction.

### 3.3 Regional policy statement and plans

The Canterbury Regional Policy Statement January 2013 (CRPS) sets out policy direction for sustainable development (and constraints). The Proposed District Plan is required to give effect to the CRPS as required by section 75(3) of the RMA. The CRPS does not provide specific direction on the protection of notable trees but contains other relevant direction, including the following:

#### Chapter 13 – Historic Heritage

*Objective 13.2.1 Identification and protection of significant historic heritage places and areas, and their particular values that contribute to Canterbury’s distinctive character and sense of identity from inappropriate subdivision, use and development.*

*Principal reasons and explanation: The identification and protection of significant historic heritage items, places and areas and their particular values recognises their important contribution to the regional sense of identity and is essential in providing for the social, economic and cultural well-being of the community.*

*This is a particularly important objective for Ngāi Tahu and their culture and traditions, and goes some way to making provisions for their relationship with ancestral lands, water, sites, wāhi tapu and other taonga.*

*Policy 13.3.1 Recognise and provide for the protection of significant historic and cultural heritage items, places and areas.*

*To recognise and provide for the protection of the historic and cultural heritage resource of the region from inappropriate subdivision, use and development by:*

- 1. identifying and assessing the significance of the historic and cultural heritage resource according to criteria based on the following matters: (a) Historic (b) Cultural (c) Architectural (d) Archaeological (e) Technological (f) Scientific (g) Social (h) Spiritual (i) Traditional (j) Contextual (k) Aesthetic*
- 2. working with Ngāi Tahu to identify items, places or areas of historic heritage significance to them. 3. having regard to any relevant entry in the Historic Places Register in the process of identifying and assessing the historic heritage resource;*
- 4. considering historic heritage items, places or areas of significance or importance to communities in the process of identifying and assessing the historic heritage resource; and*
- 5. recognising that knowledge about some historic heritage may be culturally sensitive and support protection of those areas through the maintenance of silent files held by local authorities.*

The CRPS requires the District Plan to set out objectives and policies, and may include methods that provide for the recognition and protection of significant historic heritage items, places or areas. It also seeks that the District Plan should provide for the recognition and protection of historic heritage items, places or areas that are significant or important within their communities. Further the CRPS states

that when identifying historic sites, places or areas in district plans, have regard to sites registered in the New Zealand Archaeological Association (NZAA) Site Recording Scheme.

Although these provisions will more directly relate to the Historic Heritage Chapter, there is some significance for notable trees that have historic associations, or that might be located on an identified site of historic heritage and form part of any heritage setting.

### **3.4 Iwi Management Plan**

The following Iwi Management Plan is relevant to this matter:

The Mahaanui IMP 2013 is part of a larger network of regional and territorial planning documents. The plan sits alongside the Regional Council's CRPS, the Land and Water Regional Plan (LWRP), District and City Plans prepared by territorial authorities and Conservation Management Plans, Strategies and other plans prepared by Te Papa Atawhai/Department of Conservation. The Council is required to take account of this document (pursuant to Section 74 of the RMA). The Mahaanui Iwi Management Plan does not provide specific direction on the protection of notable trees.

### **3.5 Any relevant management plans and strategies**

The following management plans and strategies prepared under other legislation are relevant to this matter:

#### **3.5.1 Reserve Management Plans and Strategies (multiple)**

A variety of Reserve Management Plans have been prepared under the Reserves Act 1977. These provide a basis for the management of trees on public land where a management plan is in place.

Regardless of whether there is a Reserve Management Plan in place, all trees located on reserve land are protected under Section 42 of the Reserves Act. Any cutting or destroying of bush or trees requires a special permit or, on recreation, government purpose, or local purpose reserves, the approval of the administering body of the reserve (generally Council). Unauthorised removal or wilful damage of any tree, shrub, fern or plant on any reserve is an offence under Section 94 of the Act.

#### **3.5.2 Engineering Code of Practice May 2016**

This sets out the technical standards for engineering requirements and can be applied as conditions of resource consent. The Code contains standards relating to tree planting and maintenance within public areas, and while it doesn't directly have a link to notable trees, its provisions may apply where it influences infrastructure of land development near a notable tree.

#### **3.5.3 Street and Reserve Trees Policy 2017**

This policy was prepared to recognise the contribution trees make to urban environments including streetscapes, ecological diversity and contributing to air quality, and seeks to:

- Protect and manage trees on Council land;
- Plant appropriate trees on Council managed land for the benefit and well-being of current and future generations; and
- Support the continued protection, retention and well-being of both publicly and privately owned notable trees; and

- Support community based tree initiatives on Council managed land.

The policy provides strategic guidance to Council for the protection and management of trees on public land and provides an approach to work with the District Plan measures for protection of notable trees on private land.

### 3.6 Any other relevant legislation or regulations

The following legislation / regulations are relevant to this matter:

**3.6.1 The Property Law Act 2007** (among other matters) controls trees (and unauthorised improvements) on neighbouring land and includes section 336 'Further considerations relating to trees'. This section allows for a Court Order for the removal or trimming of a tree subject to the Court having regard to the following matters:

- (a) the interests of the public in the maintenance of an aesthetically pleasing environment:
- (b) the desirability of protecting public reserves containing trees:
- (c) the value of the tree as a public amenity:
- (d) any historical, cultural, or scientific significance of the tree:
- (e) any likely effect of the removal or trimming of the tree on ground stability, the water table, or run-off.

The Property Law Act 2007 (Subpart 4) provides for the rights and responsibilities of property owners in respect of trees and unauthorised improvements on neighbouring land. The District Plan does not need to control these matters as they are stipulated within legislation.

**3.6.2 Electricity (Hazards from Trees) Regulations 2003.** These regulations help promote safety and maintain electricity supply by governing, among other things, the trimming of trees near power lines.

**3.6.3 Telecommunications Act 2001; and/or NZ Electrical Code of Practice for Electrical Safe Distances NZECP 34:2001.** These instruments allow for trees to be modified where necessary. S128 of the act states "If a tree, shrub, or plant on any land or road interferes with, or is likely to interfere with, a line, the network operator who uses the line may request the owner or occupier of the land, or local authority or other person who has control of the road, to remove or trim the tree, shrub, or plant."

### 3.7 Any plans of adjacent or other territorial authorities

The District Council is required to have regard to the extent to which the district plan needs to be consistent with the plans and proposed plans of adjacent territorial authorities under Section 74(2)(c) of the RMA.

The district plans of Hurunui District, Selwyn District and Christchurch City Councils were considered, as well as other recent draft or Proposed District Plans from other areas.

The Christchurch District Plan identifies the positive values provided by trees, and policies for identifying, maintaining and protecting significant trees. Significant trees are identified in schedules for both public land and private sites, and rules set out permitted activities for tree maintenance, and where trees may be removed.

The Proposed Selwyn District Plan similarly contains a schedule of identified trees and provides for maintenance, protection and limits the circumstances where trees can be removed. Notable trees on both private and public land are scheduled and subject to the proposed provisions.

The Hurunui District Plan was developed and made operative prior to the introduction of the National Planning Standards. The Plan has a different approach as notable trees are provided for as a heritage resource in the Heritage Chapter. The methods provide similar identification and protection for notable trees however, and include both public and private sites.

The provisions of other newer plans similarly reflect the direction of the National Policy Statement and are broadly consistent with the proposed provisions.

Overall, while there are differences in the specific provisions, the approach to identify and protect notable trees is consistent to the proposed plan, with the exception that the other plans reviewed included trees on public land, which differs from the approach proposed.

## 4. KEY RESOURCE MANAGEMENT ISSUES

The resource management issues set out in this section have been identified using sources of information including (but not limited to) the following:

- a. Monitoring and review of the Operative District Plan, including via resource consent processing.
- b. Issues or matters identified in other documents and plans, including those described above.
- c. Assessment and reporting on potential notable trees for the Proposed District Plan, by qualified arborist.

Asplundh (via an arborist contracted to Asplundh) recommended setting a STEM threshold of 130 for trees to be listed in the Proposed District Plan based on their professional experience. Based on this threshold, of the 68 trees or groups of trees assessed, 59 met the 130 STEM score and were proposed for scheduling.

The key resource management issues identified are:

- 4.1.1. Issue 1: The potential loss or degradation of trees through inappropriate land use, development or subdivision, which can detract from the amenity and character of the environment and botanical and historic values represented by significant trees.

There is direction through higher level RMA instruments which sets direction for managing notable trees. In response, the Proposed District Plan builds on the Operative Plan and introduces a new notable trees chapter which contains objectives, policies and rules to manage activities in relation to notable trees and protect them from inappropriate activities. Include provisions that ensure that any works are undertaken in a manner that protects and maintains the health of these trees, including requiring works be undertaken by suitably qualified arborist.

- 4.1.2. Issue 2: Restrictions on landowner use of their property for anticipated purposes in order to protect the tree(s) and its values.

Notable trees provide community benefit but are largely the responsibility of the landowner or occupier, recognising that other activities occur on a site or near a tree. In response to this, provisions are proposed that that enable works in a manner that protect and maintain the health of these trees, including requiring that any work undertaken is carried out by suitably qualified arborist.



4.2. Issue 3: Notable trees can pose a safety threat to property, people or infrastructure.

There may be circumstances when substantial pruning or removal is unavoidable due to poor health or damage. Include provisions that allow for the removal of notable trees when there is an imminent threat to the safety of people and property.

## 5. OVERVIEW OF PROPOSED OBJECTIVES, POLICIES AND METHODS

### 5.1 Strategic Direction

SD-O2 Urban Development

*“Urban development and infrastructure that:*

1. *is consolidated and integrated with the urban environment;*
2. *that recognises existing character, amenity values, and is attractive and functional to residents, businesses and visitors;*
3. *...”*

The provisions that apply to notable trees give effect to this objective by identifying and providing for notable trees and recognising their contribution to the character and amenity values of the District, whilst recognising there is a functional requirement for many properties to carry out anticipated activities.

### 5.2 Zone / District-wide Subject

The district-wide chapter contains objectives, policies and rules that provide for and enable temporary activities and manage adverse effects.

### 5.3 Proposed Objectives and Policies

Objective
TREE–O1 Contribution of Notable Trees
The contribution notable trees make to the character and amenity values of the District is recognised and maintained.
Policies
TREE–P1 Identification of notable trees
Identify and assess potential notable trees, including any groups of notable trees, other than located in any road corridor or on public land administered by Council, and schedule based on significance and/or notable values, according to the following <b>STEM</b> criteria:
<ol style="list-style-type: none"> <li>1. Condition - form, occurrence, vigour and vitality, function, age;</li> <li>2. Community - stature, visibility, proximity, role, climate;</li> <li>3. Stature - feature, form;</li> <li>4. Historic - association, commemoration, remnant, relict, age (100+ years); and</li> </ol>

5. Scientific - source, rarity, endangered.

#### TREE-P2 Scheduling of notable trees

Schedule trees in TREE-SCHED1 where they are assessed as having significant and/or notable values and the tree or group of trees are structurally sound and healthy, unless:

1. there is unacceptable risk, including likely future risk, serious threat to people, property or critical infrastructure taking into account potential mitigation measures and their costs; and
2. the location of the tree or trees unreasonably restricts development potential of the site or the surrounds of the site.

#### TREE-P3 Retention and protection

Retain any notable tree listed in TREE-SCHED1 and protect the tree or group of trees from the adverse effects of inappropriate subdivision, land use and development, by considering:

1. the specific significance and/or notable values of the tree or group of trees;
2. the extent that the subdivision, land use or development provides for protection;
3. the extent that the health or structural integrity of the tree or group of trees is affected by the necessity of the subdivision, land use or development;
4. the likelihood of any serious threat to people or property from the tree or group of trees;
5. the necessity to provide for activities within the road corridor, or where required for the safe operation or maintenance of overhead lines;
6. the provision and implementation of a tree management plan in accordance with best arboriculture practice;
7. the extent that the specific significance and/or notable values that would be lost can be mitigated, including alternative methods; and
8. limited activities within the root protection area, gardening, and activities with the area of the trunk or crown.

#### TREE-P4 Maintenance of notable trees

Provide for the maintenance of any notable tree listed in TREE-SCHED1, for the purposes of:

1. supporting the continuing health or structural integrity of the notable tree where undertaken in accordance with best arboricultural practice by a suitably qualified and experienced arborist;
2. enabling the reasonable use of the root protection area, trunk or crown area where the adverse effects of maintenance on the tree are avoided or, if avoidance is not practicable, are minimised; and
3. mitigating adverse effects of the tree on public safety, sunlight access, damage to property or critical infrastructure.

#### TREE-P5 Removal of notable trees

Discourage the removal of any notable tree listed in TREE-SCHED1, unless:

1. it is demonstrated to be necessary to prevent a serious threat to people or property;

2. the notable tree is dead or certified to be in terminal decline by a suitably qualified and experienced arborist;
3. the use and enjoyment of the site of the notable tree or surrounds is significantly compromised or diminished; or
4. it is necessary to avoid adverse effects on the ongoing provision of infrastructure.

## 5.4 Proposed Methods

The following methods are used to implement the proposed objectives and policies:

### 5.4.1 Rules

Activities are either permitted where activity standards are met or provided for through a specific rule.

### 5.4.2 Activity Standards

Activity standards are proposed to manage the nature and extent of modification.

### 5.4.3 Other District Plan chapters

Other district-wide rules apply as located in other chapters, including subdivision, earthworks and energy and infrastructure.

### 5.4.4 Methods outside the District Plan

A range of other methods are available outside of the District Plan that the provisions in the chapter do not duplicate, but which also assist in implementing the objectives and policies. The exclusion of public trees from the notable trees chapter, and the other methods available to manage their maintenance and protection is described in Appendix 2.

### 5.4.5 Matters of Control or Discretion

Controlled or Restricted Discretionary Activities (RDIS) have the matters to which control is reserved or discretion is restricted listed. These matters identified are within the notable trees chapter and are limited to 14 separate matters for RDIS consents.

### 5.4.6 Advice Notes

An advice note is included to draw attention to the approach that only notable trees on private land are listed and subject to the rules defined in this Chapter. The management of all trees on Council administered public land is subject to the policy guidance of the Waimakariri District Council Street and Reserve Trees Policy and Standard Operating Procedures Manual. The removal of a public tree is also subject to the consideration of the relevant Community Board.

### 5.4.7 Definitions

Definitions of terms used in the Chapter are included in the Definitions Chapter, and include 'root protection area' as a key management approach.

## 6. SCALE AND SIGNIFICANCE EVALUATION

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

The level of detail undertaken for the subsequent evaluation of the proposed objectives, policies and methods has been determined by this scale and significance assessment.

In particular, Section 32 (1)(c) of the RMA requires that:

- (a) Any new proposals need to be examined for their appropriateness in achieving the purpose of the RMA;
- (b) The benefits and costs, and risks of new policies and methods on the community, the economy and the environment need to be clearly identified and assessed; and
- (c) All advice received from iwi authorities, and the response to the advice, needs to be summarised.

Further, the analysis has to be documented to assist stakeholders and decision-makers understand the rationale for the proposed objectives, policies and methods under consideration.

In making this assessment regard has been had to a range of scale and significance factors, including whether the provisions:

- (a) Are of regional or district wide significance;
- (b) Involve a matter of national importance in terms of Section 6 of the RMA;
- (c) Involve another matter under Section 7 of the RMA;
- (d) Raise any principles of the Treaty of Waitangi (Te Tiriti o Waitangi) under Section 8 of the RMA;
- (e) Address an existing or new resource management issue;
- (f) Adversely affect people's health and safety;
- (g) Adversely affect those with particular interests including Maori;
- (h) Adversely affect a large number of people;
- (i) Result in a significant change to the character and amenity of local communities;
- (j) Result in a significance change to development opportunities or land use options;
- (k) Limit options for future generations to remedy effects;
- (l) Whether the effects have been considered implicitly or explicitly by higher order documents;  
and
- (m) Include regulations or other interventions that will impose significant costs on individuals or communities.

Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.

## 6.1 Evaluation of Scale and Significance

	Low	Medium	High
<b>Degree of change from the Operative</b>	✓		
<p>The restrictions on the removal of notable trees are similar to the Operative District Plan (e.g. if a notable tree is unsafe or unsound, removal will be permitted but resource consent will be required for removal for any other reason). A number of new trees on private properties are scheduled for protection in the District Plan.</p> <p>Some trees have been removed from the schedule due to being assessed as unsafe or unsound or removed.</p> <p>The degree of change from the Operative District Plan is moderate, considering:  the on-site extent of effects generally covers a small portion of the overall site area, as the protection of trees only restricts land use activities in the root protection area of the notable tree or in regards to pruning.</p>			
<b>Effects on matters of national importance</b>	✓		
<p>The proposal relates to a section 6 matter as the criteria for identification and protection of notable trees is related to the protection of historic heritage under section 6(f).</p>			
<b>Scale of effects geographically (local, district wide, regional, national)</b>	✓		
<p>The geographical scale of effects is generally dispersed. Only notable trees on private land are listed and subject to the rules defined in this Chapter. The management of all trees on Council administered public land is subject to the policy guidance of the Waimakariri District Council Street and Reserve Trees Policy and Standard Operating Procedures Manual. The removal of a public tree is also subject to the consideration of the relevant Community Board.</p>			
<b>Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations?)</b>		✓	
<p>The scale of effects on people and special interest groups are moderate. The trees are on land owned by private landowners who may raise concerns with the restrictions on their private property rights. However, these restrictions will only come into effect if the landowners are proposing activities that trigger rules in the District Plan. Some of the trees have been rolled over from the Operative District Plan and landowners are already familiar with the concept.</p>			
<b>Scale of effects on those with specific interests, e.g., Mana Whenua, industry groups</b>	✓		
<p>The scale of effects on people and special interest groups are moderate. The trees are on land owned by private landowners who may raise concerns with the restrictions on their private property rights. However, these restrictions will only come into effect if the landowners are proposing activities that trigger rules in the District Plan. Some of the trees have been rolled over and landowners are already familiar with the concept.</p>			
<b>Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice? Is it consistent, inconsistent or contrary to those?</b>	✓		
<p>The identification procedures and proposed provisions are in accordance with commonly accepted best practice, and consistent with approaches in other second-generation District Plans that have been produced around New Zealand.</p>			
<b>Likelihood of increased costs or restrictions on individuals, communities or businesses</b>		✓	
<p>Costs could be increased where notable trees require maintenance or restrict activities that may occur on a site. Effects such as shading and root intrusion may possibly also incur costs.</p>			

### Summary of Scale and Significance

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

## 7. EVALUATION OF PROPOSED OBJECTIVES

Section 32(1)(a) of the RMA requires the District Council to evaluate the extent to which the objectives are the most appropriate way to achieve the purpose of the RMA. The level of detail undertaken for the evaluation of the proposed objectives has been determined by the preceding scale and significance assessment. Below is a summary of the proposed objectives that have been identified as the most appropriate to address the resource management issue(s) and achieve the purpose of the RMA, against those objectives in the operative plan.

### 7.1 Evaluation of Proposed Objectives

While not specifically required under s32 of the RMA, it is appropriate to also consider alternative objectives to those currently included in the Proposed Plan, so as to ensure that the proposed objective(s) are the most appropriate to achieve the purpose of the RMA.

Existing Objective/s (status quo)	Appropriateness to achieve the purpose of the Resource Management Act 1991
<b>Objective 10.1.1</b> Recognise and protect notable plants that contribute to the character, amenity values, and quality of the rural and urban environments identified in the District Plan.	<b>Relevance:</b> The objective addresses relevant resource management issues including consideration of community and economic wellbeing, health and safety, albeit with a high bar of 'protect' stipulated. The Objective leans towards providing policy guidance in how it is drafted and is informed by policy that refers to criteria that no longer meet best practice.
	<b>Reasonableness:</b> The Objective is reasonable, however it sets a high bar for protection, which in turn is reflected in a narrow set of policies and methods.
	<b>Achievability:</b> The Objective can be achieved as its assists Council to meet its functions under s31 of the Act.

Proposed Objective/s	Appropriateness to achieve the purpose of the RMA
<b>TREE-O1: Contribution of Notable Trees</b>  The contribution notable trees make to the character and amenity values of the District is recognised and maintained.	<b>Relevance:</b> The objective addresses relevant resource management issues including consideration of community and economic wellbeing, health and safety and identifying the necessity to minimise adverse effects. Unlike Objective 10.1.1 it does seek to protect trees in order to meet the Act, which is informed by the package of policies and rules that allow for tree pruning and maintenance.
	<b>Reasonableness:</b> The objective is useful for decision makers and clearly states that anticipated activities

Proposed Objective/s	Appropriateness to achieve the purpose of the RMA
	<p>contribute in one of the ways specified and adverse effects are to be minimised and relates to context.</p> <p>The objective is reasonable as it will be enabling for a range of activities where effects are reasonably minimised by activity standards.</p>
	<p><b>Achievability:</b> The objective will be able to be achieved through a combination of chapter methods, limited methods in other proposed chapters, mapping and through methods outside of the District Plan such as through LIMs and PIMs. Achievability is also advanced through the position that the schedule of trees will be added to and revised over time.</p>

Alternative Objective/s	Appropriateness to achieve the purpose of the RMA
<p>Notable trees are identified and maintenance and removal is avoided to protect the values of the tree.</p>	<p><b>Relevance:</b> The Objective would assist the Council to meet its functions but would not address all of the issues identified. This is less consistent with the purpose and principles of the RMA, as may not provide for economic well-being, which is a component of sustainable management. It may restrict and prevent reasonable maintenance on private property. Also, it doesn't recognise the health and wellbeing of people, which may be at risk where notable trees may become a serious threat to the safety of people or property.</p>
	<p><b>Reasonableness:</b> There is likely to be costs associated with resource consents for certain works to trees or removal (in exceptional circumstances) that could otherwise be achieved through an objective clearly articulating the need for these works. Practical planning rules, including allowing for trimming and pruning are necessary. Practical rules should also allow for works to occur such as unavoidable tree removal. The objective is therefore less reasonable than the proposed objective.</p>
	<p><b>Achievability:</b> Overly restrictive rules, such as not providing for works to trees or tree removal in critical circumstances, may put a strain on Council resources through increased landowner complaints. This option is therefore less achievable than the proposed objective.</p>

For the purpose of this evaluation, the Council has considered the following potential objectives:

1. The proposed objective
2. The status quo
3. A reasonable alternative objective

s32(1)(a) and (b) of the RMA requires that the objective be assessed as to whether it is the most appropriate way to achieve the purpose of the Act, and this is done by identifying and examining other reasonably practicable options to achieve the objectives.

## 7.2 Summary - Evaluation of Proposed Objectives

The proposed objective recognises the positive contribution of notable trees on private land, identifies that a more enabling approach to their management is appropriate and that adverse effects need to be managed to ensure amenity values, health and safety are maintained. This is not only at local scale but specifically at a District wide scale (and across all zones where a notable tree may exist).

This objective will provide for clearer and more efficient management of notable trees on private land and not duplicate other processes for assessing and managing trees on public land. (While trees in public spaces also provide positive contributions to the community, these are not included for the reasons outlined in Appendix 2).

## 8. EVALUATION OF PROPOSED POLICIES AND METHODS

Section 32 (1)(b) of the RMA requires an evaluation of whether the proposed policies and methods are the most appropriate way to achieve the proposed objectives by identifying other reasonably practicable options, assessing the efficiency and effectiveness of the proposed policies and methods in achieving the objectives, and summarising the reasons for deciding on the proposed policies and methods.

**The level of detail undertaken for the evaluation of the proposed policies and methods has been determined by the preceding scale and significance assessment.**

The assessment must identify and assess the benefits and costs of environmental, economic, social and cultural effects that are anticipated from the implementation of the proposed policies and methods, including opportunities for economic growth and employment.

The assessment must, if practicable, quantify the benefits and costs and assess the risk of acting or not acting if there is uncertain or insufficient information available about the subject matter.

**Policies and methods have been evaluated as a package, as together they address a particular issue and seek to meet a specific objective.**



## 8.1 Evaluation of Proposed Policies and Methods

Proposed provisions to achieve the objective relating to notable trees	Benefits environmental, economic, social and cultural effects anticipated,	Costs environmental, economic, social and cultural effects anticipated,	Efficiency and Effectiveness	Risk of acting / not acting if there is uncertain or insufficient information about the subject matter of the provisions
<p>Policies for the identification and scheduling of notable trees, and their maintenance, retention, protection and circumstances where they can be removed.</p> <p>Rules for maintenance, gardening and earthworks, overhead lines work, work permitted within the root protection area, trunk and crown of the tree, and removal of notable trees.</p>	<p><b>Environmental:</b> Notable trees can be properly maintained and trimmed without the need for resource consent to ensure they remain safe, and to protect their ongoing viability and health.</p> <p>New definition of 'root protection area' (Planning Standards derived) provides a clearer means of measurement than the Operative Plan definition when determining activities, site layout and building location.</p> <p>Arborist involvement avoids potential for damage from detrimental trimming or improper maintenance.</p> <p>Provides certainty for the particular types of activities, and sets measurable activity standards for owners.</p> <p>An advice note describes the approach to manage potentially notable trees on public land and recognises an alternative process</p>	<p><b>Environmental:</b> In the immediate vicinity of a notable tree there could be loss of some aspects of amenity, such as through shading, or surface disruption from roots.</p> <p><b>Economic:</b> Additional notable trees added to the Schedule may result in greater overall costs for landowners involved in obtaining resource consents.</p> <p>Revised requirements for arborist involvement would result in costs to engage arborists for supervising or undertaking trimming or pruning.</p> <p>Notable trees can be a potential hindrance to development of a site and therefore may have opportunity costs for landowners.</p> <p><b>Social:</b> It is unlikely there is much social cost to these provisions, the</p>	<p><b>Efficiency:</b> This approach is effective and efficient as it protects notable trees from inappropriate subdivision, use and development. The approach is practical and pragmatic (fit for purpose) and builds on the current Plan that also managed notable plants.</p> <p>The works requiring resource consent would be limited to those that are considered inappropriate or need specialist review and decision-makers could make an informed decision based on detailed policy guidance, and on the values of the particular tree.</p> <p>A clear approach to management of notable trees on public and private land is provided.</p> <p>Duplication or conflict with other regulation or established process is avoided.</p> <p><b>Effectiveness:</b> The policies provide guidance on how the objective should be</p>	<p>The risk from not acting would relate to potential notable trees being damaged or lost, not currently listed in the Operative Plan.</p> <p>Overall, it is considered that there is sufficient information to act, and that risks of acting outweigh those of not acting.</p>

	<p>already in place. This avoids duplication of parallel processes which effectively control the same land use or activity (see Appendix 2 for more detail).</p> <p><b>Economic:</b> The ongoing provision of other activities on a site with a notable tree is recognised and provided for.</p> <p><b>Social:</b> Notable trees are identified, protected and maintained for present and future generations, adding to community identity, sense of place and enhancing the amenity of the District for residents and visitors.</p> <p><b>Cultural:</b> The proposed provisions have cultural wellbeing benefits as recognition and protection of historic and culturally significant notable trees will ensure that they remain for future generations to enjoy, learn from, add to the 'sense of place' and to identify with.</p>	<p>provisions will likely result in social benefits at a District level.</p> <p><b>Cultural:</b> It is unlikely there is much cultural cost to these provisions, the provisions will likely result in cultural benefits as indicated in the previous column.</p>	<p>achieved and identifies matters that are relevant when resource consent is required.</p> <p>The definition of 'root protection area' may not provide absolute protection in all circumstances, however it is uncomplicated, and is required by the Planning Standards.</p> <p>This approach addresses current issues, by providing a balance between protection of notable trees and provision for trimming and maintenance for the ongoing viability and vitality of notable trees.</p>	
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**Opportunities for economic growth and employment**

The retention and protection of notable trees preserves amenity values within the District, and supports community wellbeing and sense of place. This may encourage residents to stay or relocate to within the district, which contributes to economic activity and growth. The provisions also enable activities on notable tree sites (where these will not adversely affect the tree), which may include new economic activity.

<b>Quantification</b>				
Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified. The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs discussed was not considered necessary, beneficial or practicable as the impacts are not considered to be significant.				
<b>Options less appropriate to achieve the objective</b>				
<b>Proposed provisions to achieve the objective relating to temporary activities</b>	<b>Benefits</b> environmental, economic, social and cultural effects anticipated,	<b>Costs</b> environmental, economic, social and cultural effects anticipated,	<b>Efficiency and Effectiveness</b>	<b>Risk of acting / not acting</b> if there is uncertain or insufficient information about the subject matter of the provisions
Status Quo (more restrictive provisions)	<p><b>Environmental:</b> Notable trees are identified and protected.</p> <p><b>Economic:</b> Plan users, arborists and landowners are familiar with current provisions, resulting in reduced costs in understanding and complying with the notable plant provisions of the Plan.</p> <p>No arborist involvement is specified, meaning less cost on Council, ratepayers or landowners for arborist input, other than where sought via a resource consent application.</p> <p><b>Social:</b> Plan users, arborists and landowners are familiar with current provisions.</p>	<p><b>Environmental:</b> Provisions for works in the dripline area could lead to some loss of notable trees (e.g. incremental modification due to interference with existing buildings, root damage or removal for emergency works, etc.), where not managed well.</p> <p>Less arborist involvement may lead to a greater potential for damage from detrimental trimming or improper maintenance.</p> <p><b>Social:</b> Little ability for landowners to carry out works to or near a notable tree. Current rules are very restrictive, moderately ambiguous and over time may lead to activities being carried out that do not reflect best practice for a notable tree.</p>	<p>This approach is generally less effective and efficient as it limits landowners and developers to carry out activities to outside of the dripline (3m) as a permitted activity.</p> <p>Some of the provisions without arborist involvement could lead to inappropriate activities, resulting in loss of notable trees through incremental damage or modification that is detrimental to tree health.</p> <p>Therefore, this option is not considered to be the most efficient or effective.</p>	<p>The risk of acting on these status quo provisions is that:</p> <p>The current policy framework lacks detail and specific direction on appropriate or inappropriate activities.</p> <p>The status quo is inconsistent with the National Planning Standards, which require that if a council chooses to protect trees, it must provide a separate chapter with a new definition of 'root protection area'.</p> <p>It is considered that the risk of acting on these provisions outweighs the risk of not acting. There is sufficient information not to act.</p>

		<b>Cultural:</b> No cultural costs are identified.		
<b>Opportunities for economic growth and employment</b>				
<p>The potential loss of notable trees through improper maintenance and provisions for works within the dripline area may have an adverse effect on the amenity values of the district, leading to losses to the number of residents wishing to live or do business within the district.</p> <p>Provisions for works within dripline areas may however enable more economic activity on sites with notable trees.</p>				
<b>Quantification</b>				
<p>Section 32(2)(b) requires that if practicable the benefits and costs of a proposal are quantified.</p> <p>The evaluation in this report identifies where there may be additional cost(s), however the exact quantification of the benefits and costs would add considerable length to this report and was not considered necessary, beneficial or practicable.</p>				

## 8.2 Summary - Evaluation of Proposed Policies and Methods

The proposed policies and methods are the most appropriate option to achieve the objectives for notable trees in Waimakariri District as the benefits outweigh the costs and the methods efficiently give effect to the proposed objective.

## 9. SUMMARY

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

- The objective and policies provide for the identification, recognition and protection of notable trees, including specific detail, direction and certainty on appropriate and inappropriate activities in relation to notable trees.
- The revised notable trees schedule has a more representative range of the District's significant tree assets, and takes a pragmatic approach to managing trees within Council managed public land.
- Permitted activity rules allow for trimming and maintenance, and limited earthworks and root disturbance within the root protection area of notable trees, or the removal or destruction of unsafe or unsound notable trees.
- Activities that may cause damage or destruction to notable trees are appropriately managed through the resource consent process. These include the removal or destruction of a notable tree (unless unsafe or unsound), building activities, infrastructure, outdoor storage and subdivision.
- Non-regulatory methods such as information provision, technical advice and promotion of notable trees and their values will continue to be used in conjunction to the proposed provisions to achieve the proposed objectives.

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

## 10. APPENDICES

### Appendix 1: Specific Consultation Comments and Response

#### Consultation

Date	Group	Subject Matter	Feedback	Response
September 2018	Community	'What's the Plan' Consultation	Five additional trees were identified	Subsequently assessed by Dr Ann McEwan for heritage aspects (insufficient identified)
July 2019	WDC Greenspace	Potential notable trees	Noted trees that had been observed to potentially be significant	Considered for further assessment
October 2019	Land owners of properties with Trees	Phone conversation to discuss site visits for tree assessment	Details provided for site visits to assess tree.	Site visits carried out in line with instructions.
July 2020	Land owners of properties with Trees	Notification of intention to include trees in notable tree schedule	Some further background information on former tree assessment was provided, and site visit carried out.	Trees assessed as suitable for scheduling included in Proposed District Plan.

## Appendix 2: Rationale for exclusion of potentially notable trees located on Council managed public land

### 1. Current situation

The notable trees on Council land listed in the Operative District Plan were carried over from the previous District Schemes under the Town and Country Planning Act 1977. This is the reason why there are no listed notable trees for Rangiora (because the Rangiora Borough did not have any listed). The list is therefore not comprehensive; not all notable public trees are listed.

### 2. Council Delegation

The Council has delegated the following functions to the Kaiapoi-Tuahiwi, Rangiora-Ashley, Woodend-Sefton and Oxford-Ohoka Community Boards on 25 October 2016:

#### *Specific Jurisdiction*

*13. To receive a copy of the notification of notified applications for Resource Consents within the Board area and submit where appropriate.*

*15. Delegated authority on matters in the Community Board Ward in accordance with Council policies and guidelines in respect of the following matters—*

- *Where referred to the Board, the authority to approve the removal of street and recreation reserve trees; unless deemed an urgent Health and Safety matter.*

### 3. Duplication of process

Currently some public trees are listed in the Operative District Plan as Notable Trees. Therefore a land use consent is needed to modify them over a certain (permitted) level or to remove them. The Council Greenspace Unit or Roading Unit would also need the approval of the relevant Community Board if they wished to remove/replace a tree to accord with the delegation defined above. This situation is inefficient in terms of time and cost.

As an example, if a neighbour requests a listed notable tree is removed from an adjoining reserve because of shading issues the Green Space Unit would need to take the request to the Community Board with a recommending report. The Community Board would then need to approve or decline the application.

If the application was approved by the Community Board the Green Space Unit would then need to prepare and lodge a land use application to Council. Because it is an application from Council to itself the Planning Unit would have to externalise the processing/ decision making.

If the consent is notified (because the effects of the proposal are more than minor) the Community Board would have the opportunity to submit to the application (in accord with their delegation) and present evidence at a hearing. The evidence they prepared would be by Council staff or independent consultants employed for the purpose. The Independent Hearings Commissioner has the right to approve or decline the application regardless of the advocacy of the Community Board.

If the decision went against the position of the Community Board they have the right (by law) to lodge an appeal to the Environment Court. It would not be seen to be a prudent use of rate payers money for the Council to be taking itself to Court to appeal one of its own decisions (albeit made under delegation to an Independent Hearing commissioner).

Conversely, if the same scenario occurred for a public tree not listed in the District Plan as Notable, the decision to remove or not remove the tree stops with the Community Board – as anticipated by the Delegations Manual.

#### **4. Options**

All Notable Trees are listed

This would require a comprehensive review of all trees on both public and private land. Once the Notable trees have been defined those trees would require a land use consent for any activity over the permitted activity status. This would be in addition to the approval required from the relevant Community Board for any removal of a public tree. Requiring an additional approval under the District Plan this can be considered inefficient.

No public trees are listed in the District Plan

Only Notable trees on private land would be listed and subject to the rules defined in the District Plan. The management of all trees on public land would be subject to the professional skills of the Greenspace Department and the guidance of the Waimakariri District Council Street and Reserve Trees Policy. Any removals would remain subject to the scrutiny and decision of the Community Board.

#### **5. Changing the Community Board Delegation**

The option remains to amend the delegation to the Community Boards to remove their control of public tree management within the relevant ward. This would then remove the double approval process currently required for some public trees. The delegations were approved by the Council and there would need to be compelling reasons to seek a rescindment.



### Appendix 3: Monitoring

Section 32 of the RMA does not require an evaluation report to address how the requirements for Plan effectiveness and national policy statement monitoring are to be undertaken. However, as a measure to assess the effectiveness of the proposed objectives, policies and rules, this section addresses:

- how each objective, and where relevant policy and rule package, will be monitored; and
- what success would look like for each objective

This section will inform the Council’s Plan Monitoring Strategy which will accompany the Proposed District Plan and be a key input to the Council’s obligations to monitor plan effectiveness under s35(2)(b); as well as its obligations under the Environmental Reporting Act 2015, the Ministry for the Environment’s National Monitoring System and National Policy Statements.

Objective	Indicator used to monitor effectiveness	What success will look like
TREE-O1 The contribution notable trees make to the character and amenity values of the District is recognised and maintained.	Review of consents granted/declined in relation to notable trees.	No unnecessary loss of notable trees (recognising there is potential to lose trees where unavoidable – i.e. storm damage). Works undertaken within the root protection area or on notable trees are well undertaken.