

# Proposed Plan Change 113 (PPC113) to the Auckland Unitary Plan Operative in part Section 32 – Evaluation Report



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Planning & Resource Consents (Central/South)

Policy, Planning & Governance

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# 1 Introduction

This report is prepared by Auckland Council (**Council**) to fulfil the statutory requirements of section 32 of the Resource Management Act 1991 (**RMA or the Act**) for proposed Plan Change 113 (**PPC113**) to the Auckland Unitary Plan (Operative in Part) 2016 (**AUP**).

Section 32 of the Act requires that before adopting any objective, policy, and rule or other method, a local authority shall have regard to the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies and rules or other methods are the most appropriate way of achieving the objectives. A report must be prepared summarising the evaluation and giving reasons for the evaluation.

In accordance with section 32(6) of the Act and for the purposes of this report:

- the ‘proposal’ means PPC113
- the ‘objectives’ means the purpose of PPC113, and
- the ‘provisions’ means the policies and rules or other methods that implement or give effect to the objectives of the proposal., In this case the provisions are proposed additions to AUP Schedule 10 - Schedule of Notable Trees (**Schedule 10, or ‘the Schedule.’**) and corresponding notations to the AUP planning maps. No changes are proposed to any other AUP provisions.

The purpose of the plan change is to manage and protect 174 trees and 29 groups of trees according to their values evaluated against regional policy statement notable tree scheduling criteria. A total of 161 individual entries to the Schedule have been either amended or inserted to include these new trees and groups. All entries affect either private properties, road reserves or council reserves across the region, and contain a mix of native and exotic specimens. The additional trees and groups of trees proposed in PPC113 will assist in their management and protection, as they will be subject to the suite of provisions in the AUP that relate to the protection of notable trees.<sup>1</sup>

## Intended scope:

The intended scope of the plan change is limited to evaluation of identified trees and groups of trees for addition to the Schedule and corresponding amendments to the Auckland Unitary Plan maps.

All identified and eligible trees and groups have been evaluated, and those whose values meet the criteria in the Regional Policy Statement (RPS) Chapter B4.5.2) are subject to the plan change which seeks to add identified and eligible trees (and groups of trees) to Schedule 10.

Trees and tree groups were identified from nominations received by the public over approximately the last decade. Any member of the public is able to nominate a tree, or group of trees, to be evaluated as a candidate for inclusion to Schedule 10, against the RPS criteria. PPC113 is the first such process that

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<sup>1</sup> Chapter D13 – Notable Trees

has dealt solely and comprehensively with all remaining nominations for additions to Schedule 10 held in council's database up to and including June 2024.

The following planning approaches are deliberately excluded from PPC113:

- re-evaluation of existing notable trees in Schedule 10
- addressing any errors within Schedule 10 (apart from a discrete number of errors whose correction is necessary and consequential on the proposed additions to the Schedule)
- deletion (removal) of any trees or groups of trees from the Schedule for any reason
- amendments to the mapped notable trees overlay in the AUP planning maps other than those amendments that are directly related to the proposed plan change
- amendments to the policy or rules framework (PPC113 does not seek to alter the outcomes of the objectives, policies or rules of the AUP relating to Notable Trees)
- re-visit any previous plan changes of legacy councils which developed or amended their respective notable tree lists

PPC113 will positively contribute to the management and protection of notable trees through application of the RPS provisions to identified trees and groups of trees. It will result in an increase in the number of formally-protected trees across the region.

To re-evaluate the (operative) trees in the schedule is outside the intended scope of PPC113 and would require a large amount of resources and time. However, a 'schedule review' process is currently undergoing a scoping exercise to establish the extent of the work required to review the Schedule leading up to the review of the Auckland Unitary Plan, which is expected to start in 2026. However, the outcome of the RMA reform process may influence the nature and scope of such a review, and the work programme going forward will respond to these amendments as they occur.

## **1.1 Section 32 Evaluation**

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:

- the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
- whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also take into account:

- the benefits and costs of policies, rules, or other methods; and
- the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods.

A report must be prepared summarising the evaluation and giving reasons for the evaluation.

In accordance with section 32(6) of the Act and for the purposes of this report:

- the ‘proposal’ means PPC113,
- the ‘Schedule’ means Schedule 10 Notable Trees Schedule,
- the ‘objectives’ means the purpose of the proposal/proposed PPC113, and
- the ‘provisions’ means the policies and rules or other methods that implement or give effect to the objectives of the proposal. In this case the provisions are proposed additions to AUP Schedule 10 - Schedule of Notable Trees and corresponding notations to the AUP planning maps. No changes are proposed to any other AUP provisions.

The AUP contains existing objectives, policies, and rules or other methods for the purpose of protecting and managing scheduled trees. PPC113 is not seeking to alter the AUP’s notable tree management regime. This evaluation report on PPC113 relates only to the addition of identified nominated trees which merit inclusion on the schedule, and amendments to the corresponding planning maps within the existing policy framework of the AUP. The policy approach remains unchanged, and this report will not evaluate it in any more detail.

Consultation undertaken as part of this evaluation is set out in section 8.

This section 32 evaluation report will continue to be refined as the proposed plan change progresses through the plan change process. The section 42a hearing report will also be part of the section 32 evaluation.

# 2 The Issues

## 2.1 The Auckland Unitary Plan and background to the proposed plan change

### PAUP Informed by Legacy Plans

Prior to the creation of the AUP, each legacy council had its own schedule of notable trees. The number of protected trees in each schedule varied in number and extent according to the local area. These legacy schedules were “rolled over” into the AUP, and make up the bulk of the almost 3000 individual ‘line items’ representing several thousand trees or groups of trees regionally. Many of the legacy schedules had not been updated at the time of being incorporated into the AUP. Moreover, at the time of PAUP, there was no opportunity to re-visit the listings contained in the legacy schedules.

The AUP became operative in part on 15 November 2016. PPC113 is the fifth council-initiated plan change to amend Schedule 10 since the AUP became operative in part<sup>2</sup> and the only one to focus wholly on the addition of trees and groups of trees to the Schedule identified by public nominations (and evaluated against RPS criteria).

Several hundred PAUP submissions sought to add/remove or alter various legacy scheduled tree listings then proposed to be included in the PAUP. Most of the decisions on these submissions were declined. It was not possible to consider The majority as part of the Hearing process given the length of time hearings on all individual submissions were likely to take, and also because of concerns regarding jurisdiction around affected parties being able to adequately participate in the process.<sup>3</sup> As such, the PAUP submissions were kept in council’s database to be considered at a later date.

### AUP Tree Management Regime

The criteria for notable trees were standardised and amended as part of the development of the AUP.

The AUP’s Regional Policy Statement contains objectives and policies and to protect particular notable individual trees and groups of trees, and also includes the criteria that trees and groups are required to meet before being considered for inclusion in the Schedule.

Individual trees and groups of trees that have been identified as notable trees are included in the Schedule through a plan change process.

The AUP protects and retains notable trees with significant historical, botanical or amenity values. Trees and groups are evaluated using a set of criteria based the Regional Policy Statement criteria contained in Chapter B4.5.2 and include:

- heritage or historical association;

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<sup>2</sup> Plan Changes 14, 29, 68 and 83

<sup>3</sup> Auckland Unitary Plan Independent Hearings Panel Procedural Minute 6 – August 5, 2016

- scientific importance or rarity;
- ecosystem service or environmental function;
- cultural association and accessibility;
- intrinsic values

The criteria are also balanced against the effects of the tree or group of trees on

- human health;
- public safety;
- property;
- amenity values; and
- biosecurity

The presence of a notable tree or group are identified in the planning maps by a green triangle indicating the verified position of the tree or trees, a green triangle with a red dot in the centre of the parcel indicating the presence of a tree or group of trees where the location has not been verified, or a green polygon which denotes the extent of a group of notable trees.

The 161 new or amended entries proposed by PPC113 were arrived at through the evaluation of all of the eligible nominations between the PAUP submissions until June 2024. The 161 new or amended entries represent the properties which are affected by the addition of one or more new trees, and include 174 individual trees and 29 new groups (there may be more than one tree, or more than one group on some properties, and also a tree and a group on one property). As part of the development of the plan change, the nominations were divided into 3 ‘batches’ to differentiate the timeframe and context of the nominations since 2013 which are subject to the PPC113.

**Batch 1** – all nominations which were made as part of submissions to the PAUP in 2013 and 2014, and all subsequent nominations received up to and including November 2020. This consisted of approximately 580 nominations. The initial triage, evaluation and assessment of these nominations was undertaken as part of the PC83 process, and then continued as part of PC113.

**Batch 2** – all nominations received between December 2022 and May 2024. This consisted of approximately 190 nominations.

**Batch 3** – all nominations received between May 2024 and the end of June 2024. This consisted of approximately 57 nominations.

It is important to note that these numbers are approximate and reflect the quantum of nominations received in their original state. All received information was processed and analysed using Council information databases such as the heritage site packs<sup>4</sup>, the Operative Schedule 10, all GIS systems including tree registers, GIS information, historic aerial photographs, as well as online tools such as Google street-view and Google Earth. These information sources were all used to establish the nature of each nomination and the location of the tree or group. This involved a lengthy desktop survey which

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<sup>4</sup> ‘Site packs’ are the information packages held online by the Heritage Team which hold historic data for the

filtered out trees that were already scheduled, for example, and also identified duplicate nominations. It also split out nominations where multiple trees may have been nominated across more than one site, and attempted to ascertain correct addresses where incorrect (or dated) information had been supplied. In many cases the desktop analysis also was able to identify trees that had either been removed (or may have never been present) and also to determine if an incorrect species had been identified. The veracity of some nominations was also checked with the nominators themselves and additional information sought.

This desktop analysis enabled the eligible trees and groups to be entered into the electronic applications (the “tree app”), thereby ensuring that arboricultural resourcing was focused only on the eligible nominations.

The formal triaging and analysis of nominations held in council’s database was started as part of the PC83 process in early 2022. The development of the tree app was also undertaken at this stage. The app was developed using the RPS criteria and the notable trees guidelines as a baseline. Council arborists were then able to use the app via an electronic tablet on site to record data, take photographs, make notes and ‘score’ each nominated tree. They were also able to plot a more accurate, ground-truthed position of the tree or group using technology built into the app.

Information was then uploaded and analysed. Trees that were found to meet the criteria and scoring threshold were fed into an electronic database and used to populate the final ‘viewer’ and subsequent plan change. Other Subject Matter Experts (‘SMEs’) were also engaged at appropriate times during the overall analysis process. This initial work was a detailed process and the overall methodology is further explained in Section 7.

All notable trees and groups now proposed to be added to the Schedule by PPC113 have been identified for values that meet the RPS criteria, and which have a mix of section 6 and section 7 values.

## **2.1.1 Plan Changes 14, 29, 68 & 83**

Since the AUP became operative in part, Schedule 10 itself and/or Chapter D13 have been amended four times via (council-initiated) Plan Changes 14 (PC14), 29 (PC29), 68 (PC68) and 83 (PC83).

### **PC14**

PC14 was made operative on 17 January 2020. PC14 was one of four ‘enhancement’ plan changes undertaken to address a suite of technical issues to address consistency of provisions in Chapter D Overlays, Chapter J Definitions, Appendix 2, and Appendix 17. The amendments relevant to notable trees were limited to Chapter D13 only and were minor in nature, insofar as they altered wording of permitted activity D13.4.1(A8) and Standard D13.6.2 in relation to works within the protected root zones. The associated wording was also amended in the Network utilities and electricity generation – Trees in roads and open space zones and the Notable Trees Overlay E26.4.3.1(A86) and Standard E26.4.5.4.

### **PC29**

PC29 was made operative in July 2021. PC29 corrected technical errors and anomalies in the schedule and the associated mapped overlay. It also removed scheduled trees that were no longer present, and



improved the accuracy of the Schedule by ensuring that the descriptions, addresses and numbering were consistent. PC29 did not seek to add any new trees or groups to the schedule, it was an administrative plan change only. Where possible, the mapped overlay was also amended to indicate the location of trees or groups of trees on a site.

PC29 did not add to or re-evaluate existing trees on the schedule. It sought only to ensure corrections were made to Schedule 10 and improved the overall usability of the Schedule. PC29 did not make any amendments to Chapter D13 or any of the objectives and policies related to notable trees.

At the time PC29 was prepared it was proposed that nominations for additions to/removals from Schedule 10 would not form part of the plan change process. Any submissions for additions to/removals from the Schedule would be considered as a separate matter at a later date. It was not considered appropriate to add to or remove from the Schedule concurrently with the fixing of errors and inconsistencies as applying RPS criteria to already-scheduled trees and/or trees nominated for evaluation was a different purpose to correcting errors.

### **PC68**

PC 68 was made operative in July 2022. PC68 added a single tree to the schedule (a Pōhutukawa at 8 Eglinton Avenue, Mt Eden). An Environment Court decision primarily directed council to include the tree in the schedule on the basis that it had been omitted as an error during the ‘rollover’ of legacy tree schedules as part of the development of the PAUP. PC68 had a very narrow scope in that it dealt only with the single pōhutukawa subject of the Environment Court decision. No other amendments to the schedule were undertaken.

### **PC83**

PC83 was made operative in February 2024. PC83 added 19 line-items to the schedule, deleted 20 line-items from the schedule, and amended errors in 35 line items in the schedule. PC83 also deleted some redundant diagrams from Schedule 10, and introduced a new ‘automatic update clause’ to enable the schedule to remain accurate in circumstances where the underlying property legal description or address change through subdivision, or if a scheduled tree was removed through the resource consent process, emergency works or other reasons (without needing to use an RMA Schedule 1 process). PC83 is linked to the current plan change insofar that it began the process of evaluations of all nominations held in the database, and developed the tree app which has continued to be used for the current plan change.

### **Private Plan Changes**

A small number (fewer than three at the time of this report) of private plan changes have added single trees or small groups of trees to the Schedule as part of a wider planning response.

## **2.2 The proposed plan change**

PPC113 introduces changes to Schedule 10 and the GIS viewer Notable Trees Overlay.

The proposed change introduces 174 new individual trees, and 29 new groups of trees to the Schedule and planning maps. These new trees and groups of trees will result in 161 new or amended entries to

the Schedule. More than one property may be affected by the addition of a tree or group, usually in cases where tree trunk/s may traverse common boundaries or where a contiguous group is spread across more than one property.

The plan change documents for PPC113 include:

- a summary of all proposed trees and groups and their (in alphabetical order by street name) (see Attachment A - Summary of proposed additions to Chapter L - Schedule 10 - Notable Trees Schedule (AUP))
- proposed amendments to Chapter L – Notable Trees Schedule (see Attachment B – PPC113 Proposed Plan Change)
- proposed amendments to the Notable Trees Overlay planning maps

An evaluation has been prepared for each new added tree and group proposed to be added to the Schedule via PPC113. A list of all proposed new trees and groups, and a summary of their evaluations are included in Attachment A.

The amendments to the Notable Trees Overlay are presented as an electronic ‘viewer’ or portal. The viewer will provide a spatial representation of all the additions, showing the locations of all new trees and groups. All users will be able to log into the viewer. A link will be provided as part of the notification documentation on the council’s website.

## **2.3 The issue / problem definition**

The issue addressed by PPC113 relates to the protection of Auckland’s notable tree stock which are a valuable natural and physical resource. The ongoing identification and protection of notable trees will assist in achieving many of the matters outlined in Section 6 and Section 7 of the Act.

For the schedule to function as originally intended, the ongoing identification and protection of notable trees is important. Failing to do this would put existing and future notable trees at risk. There is also an expectation by nominators that their nominations will be addressed in a reasonably timely manner.

While it is impossible for the council to be aware of every tree in the region that satisfies scheduling criteria, the evaluation of nominated trees is an effective means to implement the relevant RPS objectives. The majority of trees and groups of trees nominated for scheduling in the last decade have, until now, not been evaluated for inclusion. Their evaluation, and the proposed scheduling of meritorious trees, results in more trees being protected and an updated knowledge base underpinning the schedule overall.

Given that past plan changes and upcoming Schedule review work has/will address errors and inconsistencies in the Schedule, PPC113 does not address these. Its scope is strictly focused only on evaluating the nominations held currently in the database and for which fieldwork and evaluations have been completed.

## **2.4 The scale and significance of the issues**

An amendment to the RMA in 2013 removed the use of general tree protection in urban areas. This resulted in a limited ability for the council to apply rules for the removal of urban trees, other than by specifically identifying them on a schedule. Council cannot impose general tree protection rules in the AUP for an urban environment allotment, and the only ability the Council has to include rules in the AUP to protect those trees is by meeting the requirements in section 76(4A) and (4B) of the RMA. District plan tree protection in urban areas can therefore only occur through notable tree schedules that specifically describe and identify trees.

Within urban areas, however, the RMA does enable the council to protect ‘significant ecological areas’ and other ‘groups’ of trees. This is on the basis that the protection is through regional rather than district rules that are based on regional functions such as natural hazard management or the maintenance of indigenous biodiversity. Further, trees in reserves and in road corridors are able to be protected and the AUP contains a suite of policies and rules pertaining to these.

For the Schedule to function as originally intended, it is important that additional trees and groups that meet the RPS criteria are identified and added. This is the focus and objective of PPC113. There is also an expectation by those nominating trees and groups of trees that their nominations will be addressed and a process undertaken to evaluate them all with a view to adding qualifying specimens and groups to the Schedule

With the removal of general tree protection, the Schedule has become increasingly important as a tool to recognise and protect notable trees across the region. The Schedule protects trees with bespoke characteristics, and they are often the larger, statuesque, significant specimens on private land that otherwise would have no protection at all. The PPC113 has also recognised trees that are rare (in terms of the Auckland context) and those with historic importance, for example. Moreover, increasing urban development puts pressure on the mature tree stock across the region, therefore the scale of the issue is considered to be significant.

## 3 Objectives

An evaluation under section 32 of the Act must examine the extent to which the objectives of PPC113 are the most appropriate way to achieve the purpose of the Act<sup>5</sup>. The purpose of the plan change is to manage and protect 174 trees and 29 groups of trees according to their values evaluated against regional policy statement notable tree scheduling criteria.

The proposed plan change will assist the Council to carry out its functions in order to achieve the purpose of the Act, being to promote the sustainable management of natural and physical resources.

Natural heritage is identified as an issue of regional significance in the AUP's RPS<sup>6</sup>.

The approach of the AUP is to protect and retain notable trees with significant values. This is in addition to trees and vegetation that are protected under other rules of the AUP.

Trees or groups of trees are evaluated using a set of criteria based on historical association, scientific importance or rarity, contribution to ecosystem services, cultural association and intrinsic value. These factors are considered in the context of human health, public safety, property, amenity values and biosecurity.

The AUP methods to achieve this protection are primarily focused on the Schedule, which identifies and lists trees and groups of trees and organised alphabetically according to street name. The Schedule contains approximately 3000 'line items' or entries, which were essentially transferred over from legacy plan schedules at the time the PAUP was drafted.

PPC113 therefore has a very narrow and defined purpose, that is to evaluate only those identified nominations that have been held in council's database, and add eligible trees to the Schedule and the corresponding notable trees overlay in the planning maps. A very small and discrete number of amendments are proposed to the operative schedule but only insofar as they are directly related to a proposed addition, and where failure to amend the identified error would result in an illogical outcome.

The assessment of the nominations held in the database has concluded that 174 individual trees and 29 groups of trees are notable and should be included in Schedule 10. Due to the significance of these trees, and the importance of protecting them from inappropriate subdivision, use and development, this is considered the most appropriate way to achieve the purpose of the Act, as outlined in the evaluation of options below.

In summary, PPC113 is considered to be the most appropriate way to achieve the purpose of the Act, as outlined in the analysis below.

### 3.1 Development of options

In the preparation of PPC113, the following options have been identified:

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<sup>5</sup> RMA s32(1)(a)

<sup>6</sup> AUP B1.4 Issues of regional significance

- Option 1 – do nothing/retain the status quo
- Option 2 – rely on other regulatory and non-regulatory methods
- Option 3 – a plan change to address those existing nominations which have been evaluated and meet the scheduling criteria (preferred option)
- Option 4 – a hybrid approach which in addition to Option 3 also calls for further nominations from the public

In considering the options, no other in-plan methods were developed because Schedule 10 and the planning maps (and associated rules framework) contribute to an existing method that is effective. Scheduling is an established and well-accepted technique. The ‘gaps’ to be addressed by this plan change are not about the efficacy of the technique itself, but its coverage and extent (ie the inclusion of more trees and groups of trees.)

## 3.2 Evaluation of options

In accordance with Section 32(1)(b) and (2) of the Act, the options have been assessed on their appropriateness, efficiency, effectiveness, costs, benefits and risks. The results of this evaluation are included in Section 3.3 – Summary of Options Analysis Under Section 32(2).

### Option 1 – Adopt a ‘do nothing’ approach/retain the status quo

The status quo option would rely on the existing Schedule 10 for the continued management and protection of existing scheduled trees and would not recognise any of those which had been nominated via the council’s notable tree nomination service. No plan changes would thus be made to the AUP at this point in time.

The ‘do nothing’ option means nominations held in council’s database would not be further progressed beyond an initial review, and any further evaluation and assessment would not be undertaken. The trees subject to these nominations may be progressively removed over time, especially if they have no protection under other rules of the AUP. Such trees would not have the opportunity to be evaluated and given protection under the relevant rules for Notable Trees under the AUP. By doing nothing, the values of these trees would not be recognised or protected which may lead to the loss of their significant values. This is inconsistent with the RPS provisions of the AUP, and sections 6 and 7 of the RMA.

A ‘do nothing’ option means that the Schedule would not be updated with additional trees that are significant in terms of their natural and historic values, and therefore fails to recognise that the Schedule is a dynamic register that benefits from regular updating.

A ‘do nothing’ approach therefore increases reputational risk for the council and the integrity of the Schedule.

### Option 2 – rely on other regulatory and non-regulatory methods

Auckland Council has a range of regulatory tools to protect trees, such as rules in the AUP relating to Significant Ecological Areas (SEAs), trees in reserves (including road reserves), and rules to limit the extent of vegetation removal in sensitive environments, such as streams and coastlines. These

regulatory tools apply to trees and vegetation both on private properties and in the public domain. Schedule 10 is part of the suite of regulatory tools under the AUP. Adding trees to the Schedule requires a plan change, as does amendment to any part of the AUP provisions. Heritage Orders may also be sought to protect trees, as well as Environment Court Orders, and private covenants on property titles.

Relying on other regulatory tools does not necessarily increase the protection of trees that have been identified as meeting the notable criteria of the RPS. While some of these trees will also be subject to other rules in the AUP (such as when they are located on reserves or within an SEA), their specific values in terms of 'notability' will not be recognised. Their specific values would not be considered, therefore, when other regulatory methods are applied. The majority of proposed trees to be added to the Schedule do not have any other form of protection, so relying on other forms of regulation is not feasible to ensure their ongoing retention.

Since amendments to the RMA came into effect in 2013, the council has also depended on non-regulatory tools such as Local Board Plans, Greenway Plans, the Indigenous Biodiversity Strategy and the Urban Ngahere Strategy. Local Board Plans variously include initiatives to increase urban tree cover in their board areas, and recognise the benefits of retaining mature trees especially in urban settings. However, these initiatives are non-regulatory and do not offer formal protection.

It is not considered appropriate to rely on non-regulatory processes. These will not achieve the objective of PPC113, which is to ensure the protection of the section 6 and 7 values (as reflected in the RPS criteria) from inappropriate use and development as originally intended by the Notable Trees Schedule.

In summary, it is considered efficient, in terms of timeframes and resources, to address this issue through a holistic and regulatory process under Schedule 1 of the RMA.

### **Option 3 – a plan change to address those existing nominations for trees and groups of trees which have been evaluated and which meet the scheduling criteria (preferred option)**

The AUP provides for the protection and management of notable trees by their inclusion in the Notable Trees Overlay, as identified in Schedule 10 and in the planning maps.

The objective of the Notable Trees Overlay<sup>7</sup> is:

- Notable trees and notable groups of trees are retained and protected from inappropriate subdivision, use and development.

The Notable Trees Overlay policies seek to manage the use and development of notable trees to avoid significant adverse effects on these trees.

The Notable Trees Overlay rules are triggered when proposed activity (including development) has the potential to affect the values of a notable tree or notable group of trees. Pruning and alteration, for example, is permitted (subject to standards), while works within the root zones are a restricted discretionary activity, and removal of notable trees are a discretionary activity.

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<sup>7</sup> AUP, Chapter D13, Objective D13.2(1)

The proposed changes to Schedule 10 will provide for the identification and protection of additional notable trees, and will ensure that their values are considered when the use and development of land parcels upon which they grow is proposed, or when activities that may affect them are proposed.

In summary, Option 3 is the preferred one because it follows a formal RMA process and the outcomes are more certain than, for example, relying on other regulatory methods or non-regulatory methods. Moreover, Section 86B of the RMA applies in some instances where identified trees that have heritage values meet criterion B4.5.2(1)(a). This means that those trees that have confirmed values under this criterion will have immediate legal effect at time of notification, and that the rules pertaining to the protection of notable trees under Chapter D13 would apply.

#### **Option 4 – a hybrid approach which, in addition to Option 3, also calls for further nominations from the public**

Option 4 builds on Option 3 as the scope of the plan change would allow consideration of further nominations from the public. This is likely to lead to numerous new nominations, especially if council and Local Boards took a ‘pro-active’ approach to garnering new such nominations from the public realm.

Furthermore, developing the current PPC113 has demonstrated the critical importance of accurate and reliable nominations. As discussed previously, the initial assessment of all the nominations in the database (the ‘triaging’ process) is a lengthy and detailed process that requires a careful desktop analysis to ensure that nominations are identified for the evaluation phase by arborists and SMEs. Duplicate nominations (i.e. those found to be nominated more than once by separate nominators), those nominating already-scheduled trees (i.e. those trees which are already listed in Schedule 10), and poor information with incorrect details of location/species were among those reasons why many nominations could not be identified for the evaluation process.

While council’s process of ensuring the quality of nominations at time of receipt has since undergone improvement, this aspect of the plan change preparation would need to be factored into to an ‘Option 4’ scenario, because the initial assessment of nominations is an important and somewhat time-consuming exercise which requires a desktop survey as outlined in this report.

The benefit of this approach would be the protection of potentially many more additional trees that meet the notable tree criteria in the AUP. The more nominations received, the greater the number of likely new entries in the Schedule. However, this would be a costly and time-consuming undertaking and, given the prioritisation of resource across the organisation, it would need to be a decision made politically. Calling for nominations in addition to those already evaluated would further delay a plan change process as all of the necessary work (including site evaluations) has been completed for the current database of nominations. The extent of such a delay would be unknown as there would be no accurate way of anticipating the number of nominations. Promoting sustainable management of natural and physical resources would be better achieved by progressing with the trees and groups of trees already evaluated so they may receive protection from inappropriate use, development and subdivision as soon as possible.



### 3.3 Summary of options-analysis under Section 32(2)

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>8</sup>	Benefits	Costs
<b>Option 1 – Do nothing/retain status quo/do not add identified trees and groups to the Schedule</b>	<p>The ‘do nothing’ option is not an efficient or effective option. This is because there is no other mechanism that will protect the notable tree values which have been identified through the evaluations. This is inconsistent with RPS provisions of the AUP and section 6 and 7 of the RMA.</p> <p>This option will also not achieve the objectives of PPC113 which is to manage and protect 174 trees and 29 groups of trees according to their values evaluated against regional policy statement notable tree scheduling criteria.</p> <p>Potentially, the identified trees and groups of trees which have been identified as having merit for inclusion to Schedule 10 could remain in council’s database and await a Schedule or Plan Review. This would mean that their inclusion could be considered alongside other amendments to the Schedule in a comprehensive manner, to be more efficient. However, this would not be effective in protecting the values of these trees which could be lost before the AUP is reviewed, or the Schedule itself is reviewed.</p>	<p>No cost to the Council because a public plan change would not be required (i.e. economic benefit.)</p> <p>The values of the identified trees would not need to be taken into account if the landowners wanted to develop their land. In addition, a landowner may not require a resource consent for certain activities which are permitted activities within an underlying zoning (depending on whether comply with all relevant standards of that zone, and if the trees are not protected by another rule in the AUP). These may be perceived as benefits to the landowner.</p>	<p>The potential costs of the ‘do-nothing/status quo’ option centre primarily around environmental and climate costs, and loss of significant natural values. Trees and groups of trees which have been identified as having values that meet the RPS criteria may be lost as a result of subdivision, use or development. Any such loss would be contrary to both the provisions of the AUP and the purpose of the Act. This loss would affect both current and future generations. Many of the identified trees and groups are decades old and represent specimens of great stature and presence within local communities.</p> <p>The values of the identified trees and groups of trees would not need to be taken into account in relation to any growth and development opportunities – this loss of value could be perceived as a cost to society.</p> <p>The notable trees would not be appropriately managed and protected in a way that aligns with their values. This has the potential to cause the loss of significant values through inappropriate subdivision, use and, development.</p>

<sup>8</sup> RMA s32(1)(b)(ii)



Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>8</sup>	Benefits	Costs
<b>Option 2 – rely on other regulatory and non-regulatory methods</b>	<p>There may be external processes (i.e. outside the Schedule 1 process) that could protect these trees. For example, interim enforcement order put in place by the Courts, heritage orders, Local Board Plans, provision of education and information to landowners, private covenants. Other provisions in the AUP also apply to some of the nominated trees and groups under consideration as part of PPC113.</p> <p>However, these methods are somewhat ad hoc and would not effectively address the bulk of the nominations held in the database.</p> <p>Provision of information and education about the value of trees is beneficial from a community and advocacy standpoint. However, these efforts may be inefficient if effort is put into such measures, but the effort does not result in any additional protection of significant notable tree values.</p> <p>Funding, such as grants, is a non-regulatory method of assisting with the protection of tree values. However, such funding usually first requires a regulatory method, such as scheduling, to ensure a place receives priority consideration for a grant and to justify the investment of public funding.</p>	<p>Potentially no cost to Council, as a public plan change would not be required (i.e. an economic benefit).</p> <p>The values of the identified trees would not need to be taken into account if the landowners wanted to develop their land. In addition, a landowner may not require a resource consent for certain activities which are permitted activities within an underlying zoning (depending on whether the activity complies with all relevant standards of that zone). These may be perceived as benefits to the landowner.</p> <p>Advocating to and providing education and information could be seen as a benefit to the landowner, and to Council, as this may lead to a greater understanding and willingness of the landowner to protect the values of a tree.</p> <p>Funding may be seen as a potential benefit as this means less cost is borne by the landowner.</p>	<p>There are costs associated with the preparation and registration of a covenant on each certificate of title. The financial burden usually falls on the Council, and therefore ratepayers, if the covenant is in favour of Council. There may also be a cost to remove the covenant from the certificate of title if required at a future date and this would need agreement from all parties to the covenant.</p> <p>There are costs associated with the preparation of a Heritage Order. Each order requires a notice of requirement and submissions process, and similar to decisions on a plan change, the local authorities recommendation on a heritage order may be appealed to the Environment Court. In addition, the Environment Court can order that the land subject to a heritage order is purchased by the heritage protection authority.</p> <p>Cost to the landowner as prior written consent of the heritage protection authority is required for any works on land subject to a heritage order. This may result in time delays, and other costs, where the works are for maintenance or repair which is a permitted activity.</p> <p>Potential cost to Council to advocate for and provide education and information to landowners where this does not lead to any additional protection of the value of a tree.</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>8</sup>	Benefits	Costs
	<p>Covenants and heritage orders are effective options to protect the values of trees.</p> <p>However, the protection and management of each tree included in PPC113 by methods such as covenants and heritage orders are likely to be a time consuming and costly administrative process, as each address where the trees are located would require a separate regulatory process.</p> <p>In summary, other regulatory methods may be effective in achieving the objectives of PPC113 but are not the most efficient option to achieve the objectives of the plan change.</p> <p>Non-regulatory methods to achieve the objectives of PPC113 are commendable and useful in the right context, but are not effective on their own because they are unlikely to protect the trees' values that have been identified.</p>		<p>Potential cost to the environment through possible loss of notable tree values due to inappropriate subdivision, use and development. Any loss would be contrary to both the provisions of the AUP and the purpose of the Act. This loss would be to both current and future generations.</p> <p>The values of the identified trees would not need to be taken into account in relation to any growth and development opportunities – this loss of value could be perceived as a cost to society.</p> <p>Potential cost of a plan change, in addition to funding, as funding usually first requires a regulatory method, such as scheduling, to receive priority consideration for a grant.</p>
<b>Option 3 – a plan change to add nominated trees and groups to the Schedule that have been evaluated and</b>	<p>This option would focus on scheduling those nominated trees which have been found to meet the criteria, based on the bulk of the nominations that have been held in council's database since approximately 2013/2014.</p> <p>This is considered the most efficient and effective option to achieve the objectives of PPC113.</p>	<p>The significant values of notable trees will be protected from inappropriate subdivision, use and development. This environmental benefit will be on an ongoing basis, for current and future generations.</p> <p>Social and cultural benefits from the recognition, protection, and appropriate management of notable trees.</p>	<p>There is a financial cost to the Council to proceed with a plan change.</p> <p>There are costs to Council relating to the provision of advice on the additional notable trees and for processing any resource consents received that relate to these trees.</p> <p>There may be perceived opportunity costs associated with the sub-set of trees that have</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>8</sup>	Benefits	Costs
<b>meet the scheduling criteria (preferred option)</b>	<p>One plan change is a more efficient way to meet the objectives of PPC113X, compared to the separate regulatory and non-regulatory processes of Option 2 that would be required to effectively protect their values.</p> <p>All trees and groups proposed to be added by way of PPC113 will be clearly identified in Schedule 10 and the planning maps. The management regime applying to them is efficient and effective as it is clearly established for Council, landowners and interested parties under the UP. Policies provide a framework for the appropriate use and development of properties with notable trees. Rules are an effective way to enable protection, maintenance and adaptation of scheduled trees. Permitted activity statuses allow maintenance and pruning/alteration to be undertaken without the need for resource consent.</p> <p>The identification and management of notable trees by including them in Schedule 10 is considered the most efficient and effective means to achieve the objectives of PPC113 and the purpose of the Act.</p> <p>In summary, it is considered efficient, in terms of timeframes and resources, to address this</p>	<p>This addition of trees to Schedule 10 provides certainty to landowners as the regulatory controls are clearly set out and relate to the significance of a notable tree.</p> <p>Support is offered to landowners of scheduled trees through reduced consent application costs and free expert advice. Heritage grants are available in some instances.</p> <p>The benefit of one plan change to address all nominations in the database means that the resources are concentrated into one process, and the process can be undertaken in a holistic and comprehensive manner.</p> <p>The proposed changes to Schedule 10 will ensure the objectives of the AUP and purpose of the Act are achieved, as well as the Council's statutory requirements for the AUP to give effect to its RPS section.</p> <p>The benefit of this option is also that council is implementing existing planning methods and responding to nominations made by the public and stakeholder groups.</p> <p>Moreover, Section 86B of the RMA applies in some instances where identified trees that have heritage values meet criterion B4.5.2(1)(a). This means that those trees that have demonstrated values under this criterion will have immediate legal effect at time of notification, and that the rules pertaining to the</p>	<p>been assessed as meeting the notable tree criteria, through particular properties being subject to greater management and protection.</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>8</sup>	Benefits	Costs
	<p>issue through a holistic and regulatory process under Schedule 1 of the RMA.</p>	<p>protection of notable trees under Chapter D13 would apply. Plan changes are the only tool to increase the numbers of trees and groups that are protected by the Notable Tree provisions of the AUP. While there have been a number of plan changes over the last few years that have added new trees to the Schedule (PC68, PC83 and a small number of private plan changes) these have not holistically attempted to deal with the bulk of the nominations held in council's database which provides a useful source of preliminary information. The PPC113 has the advantage of being able to focus only on these nominations, rather than on any other aspect of the Schedule or provisions. Past processes have demonstrated the complex and time-consuming nature of attempting to address nominations along with other aspects of the policy and rules framework. This is a challenge in terms of resources required, and maintaining a focused approach. Moreover, an 'economies of scale' approach is beneficial in terms of PPC113. Every plan change under Schedule 1 of the RMA follows the same process. PC68, for example, which had the outcome of adding a single tree to the Schedule, underwent the same RMA process as the PPC113 which is anticipated to add almost 200.</p>	

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>8</sup>	Benefits	Costs
<b>Option 4 – a hybrid approach which in addition to Option 3 also calls for further nominations from the public realm</b>	<p>There is significant interest from the public in notable tree protection. Option 4 builds on Option 3 as the plan change would also call for additional nominations from the public. This is likely to lead to numerous new nominations and a considerable increase in the associated costs and timeframes. Numbers of nominations would not be able to be anticipated and could constitute several thousand.</p> <p>While a potential plan change of this magnitude could potentially be very effective in terms of identifying and adding many more new trees and groups to the not considered the most efficient means to achieve the objectives of PPC113 and the purpose of the Act. Depending on the volume of nominations, the scope of the plan change would have to be carefully planned to ensure it was promulgated in the most efficient/cost-effective way.</p>	<p>The benefit of this approach would include those identified in Option 3 and the protection of additional trees that meet the notable tree criteria in the AUP.</p>	<p>The potential loss of notable tree values due to the extended timeframes that a further process would require is likely. This is because trees that potentially could meet the notable trees criteria could be progressively removed before the process of scheduling could take place. This would be considered an environmental cost. While the risk of this is difficult to quantify (and has not been demonstrated to date with the smaller-scale plan changes), there is nonetheless a risk in this regard.</p> <p>There would be considerable costs (both financial and time-wise) associated with this option, in anticipation of hundreds (potentially thousands) of trees being nominated and needing to be assessed for inclusion on the schedule. While there are ‘economies of scale’ arguments in terms of addressing larger numbers of trees under one process, the length of time that the current plan change has taken is a benchmark indication that could inform the quantum of resources and time required for a significant number of additional nominations if this option was to be chosen.</p> <p>A plan change of this magnitude would require political endorsement to allocate appropriate resources. Moreover, a halt to the current plan change while additional nominations were called for may imperil the process of scheduling</p>

Options	Efficiency and effectiveness of provisions in achieving the objectives <sup>8</sup>	Benefits	Costs
			<p>altogether if the current legislative context changes.</p> <p>In addition, the associated costs of managing a very large schedule of trees would be increased and further resources may have to be allocated to do this effectively.</p>

## 4 Reasons for the evaluation

In accordance with subsections 32(1)(a) and (1)(b)(iii) of the RMA, this part of the report examines the extent to which the objectives of the proposal (PPC113) are the most appropriate way to achieve the purpose of the RMA. The reasons for and the scope of PPC113 are outlined and summarised.

The notable trees and groups of trees proposed to be included in Schedule 10 have been evaluated against the AUP factors and thresholds by council experts and have been determined to be eligible for inclusion in Schedule 10.

The majority of trees and groups subject to the plan change meet the criteria for intrinsic values (Chapter B4.5.2 1(e)) which consider a number of combined factors such size, age, vigour and vitality, stature and form or visual contribution. Trees or groups meeting these factors need to score a total of 20 points under the 'tree specific' attributes to be considered by the RPS as meritorious for inclusion to the plan change.<sup>9</sup> Council's specialist arborists undertake this assessment against the 'notable tree guidelines' which is a scoring methodology based on the RPS criteria.

Some nominations were also found to have enough significance in terms of their heritage value, or because they are rare species in the Auckland context (policies B4.5.2 1(a) and 1(b) respectively) to be included on the basis of those policies alone. Council's heritage team were also involved in the assessment of some trees and groups where nominators indicated they may have historic/heritage values, and an extensive investigation was undertaken to determine if there was enough corroborating evidence to demonstrate that certain trees met the heritage criteria under B4.5.2(1)(a).

All trees that meet the criteria as outlined above have been determined to be of such significance that if they were removed or altered in an inappropriate way, significant values of Auckland's environment would be lost. While the protection of most trees and groups has no legal effect until decisions on submissions are made, those trees and groups for which corroborating evidence has demonstrated heritage values, will have immediate legal effect at time of notification in accordance with Section 86B(3)(d). There are seven entries to the Schedule which meet this criterion, with or without also meeting tree-specific criteria. Attachment A includes a summary of all qualifying trees and groups, along with their 'tree specific' score and reference to other criteria of the RPS that they were found to meet.

To ensure notable trees are identified correctly and managed appropriately, amendments to Schedule 10 are required. Therefore, the 'do nothing' approach (i.e. retain status quo/do not do a plan change) is not considered to be an appropriate option for notable trees.

The evaluation of options in Section 3 of this report demonstrates that the preferred option for meeting the objectives of the proposal, and the most efficient and effective option, is a plan change to the AUP to add identified and eligible notable trees to Schedule 10 and make corresponding amendments to the Notable Trees Overlay in the planning maps. This means that all currently identified trees and

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<sup>9</sup> See Attachment C which contains the 'Guidelines for Nominating a Notable Tree for Evaluation,' page 10

groups will have the opportunity to be subject to the rules of the AUP relating to Notable Trees. This is a comprehensive approach which seeks a regulatory framework to protect the values of the identified trees, and is therefore considered effective and efficient in meeting the objective. (Any additional tree nominations may be considered in a subsequent planning process).

In accordance with section 32(1)(a) of the Act, the objectives of the proposal are the most appropriate way to achieve the purpose of the Act. No new objective or policy is proposed in PPC113. PPC113 uses the existing objectives, policies and rule framework for the recognition and protection of notable trees. The intended scope of PPC113 is very narrow, and involves only addressing the nominations already received and held in council's database, and for which fieldwork and desktop assessments have been completed. No part of the policy or rules framework relating to notable trees will be addressed, and nor will any issues/errors in the Schedule itself. These matters will be subject to separate processes in due course.



# 5 Statutory Evaluation under the Resource Management Act 1991 (RMA)

The objectives of this evaluation are to determine the most appropriate methods for achieving the following outcome:

- the continued identification, management and protection of notable trees across the region and recognition of their section 6<sup>10</sup> and section 7<sup>11</sup> values, by evaluating nominations with a view to adding them to the Schedule.

## 5.1 Part 2 considerations

Section 5 of the RMA describes the purpose of the Act. This is:

*(1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*

*(2) In this Act, **sustainable management** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*

*(a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*

*(b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

*(c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Section 6 of the RMA outlines matters of national importance. In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

*(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*

*(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*

*(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*

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<sup>10</sup> RMA s6

<sup>11</sup> RMA s7

- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights:*
- (h) the management of significant risks from natural hazards.*

Section 6 matters in the Act relevant to notable trees as provided for in the AUP include:

- Section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna,
- Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga,
- Section 6(f) the protection of historic heritage from inappropriate subdivision, use and development.

#### 7 Other matters

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.*

Section 7 matters in the Act relevant to notable trees as provided for in the AUP include:

- Section 7(a) kaitiakitanga
- Section 7(b) the efficient use and development of natural and physical resources
- Section 7(c) the maintenance and enhancement of amenity values
- Section 7(d) intrinsic values of ecosystems
- Section 7(f) the maintenance and enhancement of the quality of the environment
- Section 7(i) the effects of climate change

#### 8 Treaty of Waitangi

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

The Treaty principles<sup>12</sup> include the following:

Partnership – the Treaty signified a partnership between the races’ and each partner had to act towards the other ‘with the utmost good faith which is the characteristic obligation of partnership’. The obligations of partnership included the duty to consult Māori and to obtain the full, free, and informed consent of the correct right holders in any transaction for their land.

Reciprocity – the partnership is a reciprocal one, involving fundamental exchanges for mutual advantage and benefits. Māori ceded to the Crown the kawanatanga (governance) of the country in return for a guarantee that their tino rangatiratanga (full authority) over their land, people, and taonga would be protected. Māori also ceded the right of pre-emption over their lands on the basis that this would be exercised in a protective manner and in their own interests, so that the settlement of the country could proceed in a fair and mutually advantageous manner.

Active protection – the Crown’s duty to protect Māori rights and interests arises from the plain meaning of the Treaty, the promises that were made at the time (and since) to secure the Treaty’s acceptance, and the principles of partnership and reciprocity. The duty is, in the view of the Court of Appeal, ‘not merely passive but extends to active protection of Māori people in the use of their lands and waters to the fullest extent practicable’, and the Crown’s responsibilities are ‘analogous to fiduciary duties’. Active protection requires honourable conduct by, and fair processes from, the Crown, and full consultation with – and, where appropriate, decision-making by – those whose interests are to be protected.

Equity – The obligations arising from kawanatanga, partnership, reciprocity, and active protection required the Crown to act fairly to both settlers and Māori – the interests of settlers could not be prioritised to the disadvantage of Māori. Where Māori have been disadvantaged, the principle of equity – in conjunction with the principles of active protection and redress – requires that active measures be taken to restore the balance.

Equal treatment – The principles of partnership, reciprocity, autonomy, and active protection required the Crown to act fairly between Māori groups – it could not unfairly advantage one group over another if their circumstances, rights, and interests were broadly the same.

PPC113 will assist in achieving, in part, the above principles of Te Tiriti o Waitangi.

PPC113 is consistent with Part 2 of the Act, and in particular with the purpose of the Act, as it seeks to provide for the sustainable management of Auckland’s historic heritage resources.

The proposed addition of 174 individual trees and 29 group of trees and the corresponding overlay will provide for the use, development and protection of these natural resources and for them to be managed in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural well-being, and for their health and safety.

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<sup>12</sup> Waitangi Tribunal website, [justice.govt.nz](http://justice.govt.nz)

The management and protection of notable trees is a responsibility of the Council's role in exercising its power and functions under the Act. The scheduling of notable trees is an appropriate method for assisting the management of significant natural resources in Auckland. Through their identification, evaluation and addition to Schedule 10, notable trees are subject to appropriate objectives, policies and rules. Schedule 10 is therefore an important tool to assist in avoiding, remedying and mitigating adverse effects on notable trees in order to protect them from inappropriate subdivision, use and development.

## **5.2 The relevance of the plan change to other sections of the RMA**

There are relevant sections of the RMA that must be considered in context of the proposed plan change. These are:

- *Section 31 – Functions of territorial authorities under this Act*
- *Section 72 – Purpose of district plans*
- *Section 73 – Preparation and change of district plans*
- *Section 74 – Matters to be considered by territorial authority*
- *Section 75 – Contents of district plans*
- *Section 76 – District rules*
- *Section 80 – Combined regional and district documents*

Relevance of PPC113 in the context of the above sections:

Section 31(a) of the Act states that a function of the Council is: the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district. It is considered that PPC113 assists the Council to carry out its functions as set out in section 31 of the Act.

Schedule 10 is subject to objectives and policies at RPS and district level which are all settled provisions of the AUP. The scope of the PPC113 is limited to the evaluation of new trees and groups of trees against the criteria which are set out in the RPS. The corresponding amendments to the Notable Trees overlay will be made accordingly.

Section 74 of the Act sets out the matters to be considered by a territorial authority when preparing or changing its district plan. These matters include any proposed RPS, proposed regional plan, and management plans or strategies prepared under other legislation. The authority must take into account any relevant planning document recognised by an iwi authority to the extent that its content has a bearing on the resource management issues of the district, but must not have regard to trade competition.

Section 75 of the Act describes what the content of district plans should include, and which policy statements and planning standards they must give effect to. In the context of the plan change, the tree management regime under the AUP is unchanged, and all the existing section 75 components are still present. Any additional entries made to Schedule 10 have the force of a rule (because the schedule works in combination with rules in Chapter D13 of the AUP).

Section 80 of the RMA sets out the approach to which local authorities may prepare, implement, and administer the combined regional and district documents. Auckland Council has a combined regional and district plan - the Auckland Unitary Plan (AUP).

The places included in this plan change represent an overall increase in the Notable Trees Overlay which is comparatively small in relation to the quantum of trees and groups that are contained in the operative Schedule. Moreover, the land that is subject to the Notable Trees Overlay represents an extremely small proportion of Auckland's total land area; it is thought to be less than 1%.

The extent to which development capacity for each site is constrained by the Notable Trees Overlay depends on the notable tree values present. It also depends on factors such as the location of the tree or group of trees, and the extent to which they cover the site. The ability to add additional intensity within the overlay depends on whether or not the development proposes to remove or alter any present notable trees. Any consent applications received are assessed against the values of the tree or group of trees.

When determining the date on which a plan change takes effect, the Act provides in section 86B(1) that a rule in proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified, except in certain circumstances.

One of the circumstances in which a rule in a proposed plan has legal effect from a different date is when s 86B(3) of the Act applies.

Section 86B(3) provides that a rule in a proposed plan has immediate legal effect if it:

- a. protects or relates to water, air, or soil (for soil conservation); or
- b. protects areas of significant indigenous vegetation; or
- c. protects areas of significant habitats of indigenous fauna; or
- d. protects historic heritage; or
- e. provides for or relates to aquaculture activities.

The addition of the majority of the trees and groups of trees identified in this plan change to Schedule 10 will not be subject to immediate legal effect at notification.

However, as the plan change proposes to add seven entries containing trees with demonstrated historic heritage values, in accordance with section 86B(3)(d) of the Act, the addition of these trees to Schedule 10 will have immediate legal effect on and from the date on which the plan change is notified. The trees have been identified as having heritage or historical association, which is one of the five factors for identification and evaluation of notable trees. The heritage or historical association factor (B4.5.2(1)(a)) is as follows:

- the trees are associated with or commemorate a historic event, have a historic association with a well-known historic or notable figure, have a strong public association, or are strongly associated with a local historic feature and now form a significant part of that feature.

PPC113 must also give effect to the operative regional policy statement provisions.

Overall, it is considered that PPC113 assists the council in carrying out its functions set out in section 31 of the RMA to meet the requirements of the prescribed sections of the RMA set out above.

**RMA sections that are not relevant:**

Specified territorial authorities must incorporate medium density standards and give effect to policy 3 of the National Policy Statement on Urban Development 2020 (as amended in 2022). Auckland Council is such an authority and notified PC78 in August 2022 to satisfy this duty, as set out in section 77G RMA. PC78 is an intensification planning instrument and has the meaning set out at section 80E of the RMA. This plan change is not an intensification planning instrument and the provisions set out at Part 5 RMA pertaining to IPIs and intensification requirements in residential and non-residential zones do not apply.

# 6 National and Regional Planning Context

National policy statements are instruments issued under section 52(2) of the Act and state objectives and policies for matters of national significance. The Unitary Plan is required to give effect to any national policy statement<sup>13</sup>. Most national policy statements are not directly relevant but those of some relevance to the proposed plan change are discussed below the table.

Table 1: Relevance of national policy statements to PC113

Name	Purpose	Relevance to plan change
National Policy Statement on Electricity Transmission (in force from March 2008)	Sets out objectives and policies for managing the electricity transmission network	Not relevant.
National Policy Statement for Freshwater Management 2020 (in force from September 2020, updated October 2024)	Sets out a national objectives framework for freshwater management. Amongst other goals requires freshwater management in a way that ‘gives effect’ to Te Mana o te Wai and improves degraded water bodies, and requires maintenance or improvement all other waterbodies	Discussed below.
National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 (in force from July 2023)	It sets out the national objective, and supporting policies and implementation requirements, to guide decisions on resource consents required under the National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat	Not relevant.
National Policy Statement for Highly Productive Land (in force from October 2022, updated August 2024)	This policy is about ensuring the availability of Aotearoa New Zealand’s most favourable soils for food and fibre production.	Discussed below.

<sup>13</sup> RMA s67(3) and s75(3)

Name	Purpose	Relevance to plan change
National Policy Statement for Indigenous Biodiversity (in force from August 2023)	It provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally	Discussed below.
National Policy Statement for Renewable Electricity Generation (in force from May 2011)	It provides guidance for local authorities on how renewable electricity generation should be dealt with in Resource Management Act 1991 planning documents. The NPS promotes a more consistent approach to balancing the competing values associated with the development of New Zealand's renewable energy resources when councils make decisions on resource consent applications.	Not relevant.
National Policy Statement on Urban Development 2020 (in force from August 2020, updated May 2022)	The NPS-UD 2020 recognises the national significance of: <ul style="list-style-type: none"> <li>• having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future</li> <li>• providing sufficient development capacity to meet the different needs of people and communities.</li> </ul>	Discussed below.
New Zealand Coastal Policy Statement 2010 (in force from December 2010)	The New Zealand Coastal Policy Statement 2010 (NZCPS) guides councils in their day-to-day management of the coastal environment. The NZCPS is the only compulsory NPS under the RMA. The RMA requires there to be a NZCPS at all times.	Not relevant. All identified trees are outside the coastal marine area and the proposed plan change additions to the Schedule are all district plan provisions.

## 6.1 Relevance to National Policy Statements

### NPS:UD

National Policy Statement on Urban Development (NPS UD) 2020, updated 2022



The NPS UD applies to all local authorities that have all or part of an urban environment within their district or region, and planning decisions by any local authority that affect an urban environment. Tāmaki Makaurau Auckland is identified as a Tier 1 urban environment in the NPS UD. The NPS UD recognises the national significance of:

- having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future, and
- providing sufficient development capacity to meet the different needs of people and communities.

Objective 7 seeks that local authorities use robust and frequently updated information about their urban environments to inform planning decisions.

Policy 1 seeks that planning decisions contribute to well-functioning urban environments. Policy 6 directs decision makers to have particular regard to a range of matters when making planning decisions that affect urban environments, including the likely and future effects of climate change.

The proposed addition of the 174 individual trees and 29 groups of trees to Schedule 10 and the planning maps will provide for the use, development, and protection of these natural resources and for them to be managed in a way, or at a rate which enables people and communities to provide for their social, economic, and cultural well-being, and for their health and safety.

The provision of sufficient development capacity as sought in the NPS UD is not necessarily limited by the Notable Trees Overlay, and the appropriateness of notable trees as a qualifying matter under NPS UD Policy 4 will be determined through decision-making on council's plan change that implements NPS UD Policies 3 and 4. For completeness, the Notable Trees Overlay does not limit height or density, as the underlying zone provisions relating to these matters continue to apply. Development can incorporate scheduled trees and the AUP's notable tree management regime includes provisions that, when triggered, must be considered in resource consent applications.

### **National Policy Statement on Freshwater Management (NPS FM) 2000**

The NPS FM seeks that natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems, the health needs of people, and the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future. There are no provisions in the NPS FM referring directly to notable trees.

### **National Policy Statement for Highly Productive Land (updated 2024)**

Not all proposed trees are in the urban environment. However it is considered that the NPS for highly productive land has minimal relevance to the plan change as there are no specific references in the NPS relating to notable trees.

## National Policy Statement on Indigenous Biodiversity (NPS IB) 2023

Some proposed trees and groups are located within areas that have an existing Significant Ecological Area overlay (SEA). However, no proposed trees or groups have been identified directly as having specific ecological values that met criterion B4.5.2(1)(c) (ecosystem service or environmental function) though the contributory nature of many notable trees to an ecosystem is acknowledged. The rules framework for SEAs is separate to those for notable trees, and each reflect contextual qualities and characteristics. It is therefore considered that the NPS IB has limited relevance to the proposed plan change.

## 6.2 Relevance to the Auckland Plan 2050

The table below list the priorities and directives of the Auckland Plan 2050 (Auckland's non-statutory spatial planning document) which was approved by Auckland Council on 5 June 2018. The Auckland Plan is relevant in terms of the requirements of Section 74 of the RMA which requires that territorial authorities have regard to other management plans or strategies prepared under other legislation. One particular directive of the Auckland Plan is relevant (as described below) given that its focus is on the values of the natural environment, of which notable trees are part.

Table 2: Auckland Plan Directives and Focus Areas

Outcome	Directives and Focus Areas	Relevance to the evaluation - i.e., how does addressing the transport issues identified assist in achieving the relevant directives and focus areas
<p>Outcome:</p> <p>Environment and cultural heritage</p> <p>Aucklanders preserve, protect and care for the natural environment as our shared cultural heritage, for its intrinsic value and for the benefit of present</p>	<p>Direction 1: Ensure Auckland's natural environment and cultural heritage is valued and cared for</p>	<p>Recognition of the value of Auckland's cultural heritage and the importance of its protection is a core component of the Environment and Cultural outcome that 'Aucklanders preserve, protect and care for the natural environment as our shared cultural heritage, for its intrinsic value and for the benefit of present and future generations. 'Natural Environment', as defined by the Auckland Plan, is part of Auckland's shared cultural heritage<sup>14</sup> Cultural heritage includes natural heritage, which many Schedule 10 listings would be categorised as.</p>

<sup>14</sup> Cultural Heritage is the term used to describe the ways of living developed by a community and passed on from generation to generation.

and future generations.		<p>The Auckland Plan 2050 includes the following direction ‘Ensure Auckland’s natural environment and cultural heritage is valued and cared for’<sup>15</sup>. The Auckland Plan states that council must actively seek opportunities to protect and enhance these values (including cultural heritage values) through our short and long-term decisions.</p> <p>PPC113 will assist with the protection and conservation of Auckland’s natural heritage for the benefit and enjoyment of present and future generations.</p>
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## Relevance of the Auckland Unitary Plan Regional Policy Statement

The table below identifies the relevant Auckland Unitary Plan Regional Policy Statement issues, objectives and policies relating to notable trees and assesses the relevance of the plan change against each objective or policy.

Table 3: Auckland Unitary Plan RPS Issues, Objectives and Policies

RPS Chapter	Relevant objective or policy	Relevance to the evaluation - i.e. how does addressing the issues identified assist in achieving the relevant objectives and policies
B1.4 Issues of Regional Significance	(4) Natural heritage (landscapes, natural features, volcanic viewshafts and trees)	Trees are clearly identified as part of one of the issues of regional significance. Indigenous and exotic notable trees (along with the other identified elements of natural heritage) create the natural character and environmental quality of Auckland. The purpose of the plan change is to manage and protect additional trees and groups of trees according to their values evaluated against regional policy statement notable tree scheduling criteria.
B2.2. Urban growth and form	B2.2.1. Objectives	Chapter B2 sets out the objectives and policies for growth and form in the region.

<sup>15</sup> Auckland Plan, Environment and Cultural Heritage: Direction 1

	<p>(1A) A well-functioning urban environment that enables all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.</p> <p>(1) A quality compact urban form that enables all of the following:</p> <ul style="list-style-type: none"> <li>(a) a higher-quality urban environment;</li> <li>(b) greater productivity and economic growth;</li> <li>(c) better use of existing infrastructure and efficient provision of new infrastructure;</li> <li>(d) improved and more effective public transport;</li> <li>(e) greater social and cultural vitality;</li> <li>(f) better maintenance of rural character and rural productivity; and</li> <li>(g) reduced adverse environmental effects</li> <li>(h) improved resilience to the effects of climate change</li> </ul>	<p>The chapter states that a quality built environment is one which enhances opportunities for peoples' well-being by ensuring that new buildings respond to the existing built and natural environment in ways that promote the plan's objectives and maintain and enhance the amenity values of an area. Relevant objectives and policies provide direction on urban growth and form, a quality built environment, residential growth, and commercial and industrial growth.</p> <p>PPC113 aligns with these objectives as it does not unnecessarily constrain urban growth or impact on land capacity. The presence of notable trees does not influence increased growth and urban density. However, the presence of notable trees on underlying zones that provide for urban growth and increased density means that they may influence the design and layout of subdivision and buildings in order to ensure they are protected and retained. In retaining them, the objectives relating to reduced adverse environmental effects and improved resilience to climate change effects are met.</p>
<b>B2.3. A quality built environment</b>	<p><b>B2.3.1. Objectives</b></p> <p>(1) A quality built environment where subdivision, use and development do all of the following:</p> <ul style="list-style-type: none"> <li>(a) respond to the intrinsic qualities and physical characteristics of the site and area, including its setting;</li> <li>(b) reinforce the hierarchy of centres and corridors;</li> <li>(c) contribute to a diverse mix of choice and opportunity for people and communities;</li> <li>(d) maximise resource and infrastructure efficiency;</li> <li>(e) are capable of adapting to changing needs; and</li> <li>(f) respond and adapt to the effects of climate change.</li> </ul>	<p>PPC113 aligns with the objectives and policies of B2, including Objective B2.3.1, and Policy B2.3.2(1). While the notable trees proposed to be included in PPC113 have an underlying zone that provides capacity for growth and density, the plan change does not necessarily constrain urban growth or impact on land capacity. As discussed earlier, land that is subject to the Notable Trees Overlay represents an extremely small proportion of Auckland's total land area and land subject to this plan change is smaller again.</p> <p>The inclusion of additional trees in Schedule 10, and the associated application of the Notable Trees Overlay, has the potential to affect the development of a place. For</p>

	<p>(2) Innovative design to address environmental effects is encouraged.</p> <p>(3) The health and safety of people and communities are promoted.</p>	<p>example, removal of a notable tree is a discretionary activity in the overlay. However, it is important to recognise that maximum development potential under the provisions of the AUP is affected by a range of factors, not just the Notable Trees Overlay. The underlying zoning of a property, any relevant precinct, other overlays, or other AUP provisions that apply to a property may result in additional objectives, policies and rules to apply that may also affect the development potential of a property. This is discussed further in section 9 of this evaluation report.</p> <p>By protecting specific trees, PPC113 recognises their values and applies a management regime that requires consideration of those values when development, including subdivision, is proposed. The AUP already includes notable tree scheduling and a balancing of planning tensions through the range of objectives and policies discussed in this evaluation, and via a discretionary land use consent technique which enables consideration of all relevant provisions. Rule A1.7.4 provides: “An application for resource consent for a discretionary activity will be fully assessed in terms of the relevant provisions of the Plan, including all relevant objectives and policies”</p>
<b>B4.5. Notable Trees</b>	<p><b>B4.5.1. Objectives</b></p> <p>(1) Notable trees and groups of trees with significant historical, botanical or amenity values are protected and retained.</p>	<p>The clear objective is to protect and retain notable trees and groups of trees. By addressing errors and anomalies in the schedule and by providing an enhanced mapped overlay, the risk that notable trees are not adequately protected due to misinterpretation of lack of adequate information will be reduced.</p>
	<p><b>B4.5.2 Policies</b></p> <p>B4.5.2(1) contains the criteria against which all potential notable trees are to be assessed:</p> <p>Identify and evaluate a tree or group of trees as notable considering the following factors:</p>	<p>The fundamental rationale for the PPC113 is to use the criteria as set out in this policy to ensure that all proposed trees and groups are evaluated against them in a consistent way so that all those which meet these criteria can be included in the PPC113.</p>

	<p>(a) heritage or historical association: the trees are associated with or commemorate a historic event, have a historic association with a well known historic or notable figure, have a strong public association, or are strongly associated with a local historic feature and now form a significant part of that feature;</p> <p>(b) scientific importance or rarity: the trees are the largest or only example of a species in Auckland, a significant example of a species rare in the Auckland region, a native species that is nationally or regionally threatened, or have outstanding value because of their scientific significance;</p> <p>(c) ecosystem service or environmental function: the trees provide a critical habitat for a threatened species population;</p> <p>(d) cultural association and accessibility: the trees demonstrate a custom, way of life or process once common but now rare or in danger of being lost or have been lost; have an important role in defining the community identity and distinctiveness of the community though having special symbolic, spiritual, commemorative, traditional or other cultural value; or represent important aspects of collective memory, identity or remembrance, the meanings of which should not be forgotten; and</p> <p>(e) intrinsic value: the trees are intrinsically notable because of a combination of factors including size, age, vigour and vitality, stature and form or visual contribution.</p>	<p>The methodology for the assessment of all eligible nominations was undertaken in a systematic way by council SMEs. The PPC113 is therefore relevant to this policy because its central focus is to ensure trees and groups have been assessed against the criteria.</p>
	<p><b>B4.5.2 (2)</b> Evaluation of the factors in policy B4.5.2(1) above is to take into account the effects of the tree or</p>	<p>The criteria for inclusion to the Schedule must be balanced against the factors set out by this policy. As above, all proposed trees</p>

	<p>group of trees on all of the following:</p> <ul style="list-style-type: none"> <li>(a) human health;</li> <li>(b) public safety;</li> <li>(c) property;</li> <li>(d) amenity values; and</li> <li>(e) biosecurity.</li> </ul>	<p>and groups were assessed against these additional factors.</p>
	<p><b>B4.5.2(2)(4)</b></p> <p>Avoid development that would destroy or significantly adversely affect the identified values of a notable tree or group of trees unless those effects are otherwise appropriately remedied or mitigated.</p>	<p>Adding identified and eligible trees to Schedule 10 assists in avoiding destruction of notable values about which the council now knows, having completed the desktop analysis and fieldwork for evaluating identified trees and groups of trees.</p>
<p><b>B6.3. Recognising Mana Whenua Values</b></p>	<p><b>B6.3.2(6)</b></p> <p>Require resource management decisions to have particular regard to potential impacts on all of the following:</p> <ul style="list-style-type: none"> <li>(a) the holistic nature of the Mana Whenua world view;</li> </ul>	<p>Of particular relevance is this policy which focuses on the importance of recognising the Maori world view. While notable trees are not specifically referenced in the Mana Whenua RPS provisions, the holistic Mana Whenua world view inherently includes those resources which comprise part of the natural, cultural and physical environment. In particular native trees which make up a large proportion of the notable tree stock are an important component of this.</p> <p>Mana whenua were informed of the proposal to include trees in Schedule 10 by email on 4 March 2025. Their views received to date are discussed below. Any further responses will be incorporated into this section 32. At the time of writing this report, no amendments were made as a result of advice from any iwi authority.</p>
<p><b>D13 Notable Trees Overlay</b></p>	<p><b>D13.2. Objective</b></p> <ul style="list-style-type: none"> <li>(1) Notable trees and notable groups of trees are retained and protected from inappropriate subdivision, use and development.</li> </ul> <p><b>D13.3. Policies</b></p> <ul style="list-style-type: none"> <li>(2) Require notable trees and notable groups of trees to be retained and protected from</li> </ul>	<p>It is considered that in order for the objective and relevant policies to be effectively considered, identifying additional trees and groups that meet the criteria of the RPA should be actively evaluated with a view to adding them to the Schedule. By implementing the PPC113, the ongoing integrity of the schedule will be improved and the outcome sought by Policy D13.3(2) achieved in respect of trees added to Schedule 10.</p>

	inappropriate subdivision, use and development	
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# 7 Development of the Proposed Plan Change

The objectives of this evaluation are to determine the most appropriate methods for achieving PPC113. The purpose of the plan change is to manage and protect 174 trees and 29 groups of trees according to their values evaluated against regional policy statement notable tree scheduling criteria.

The purpose of PPC113 is achieved, in the context of this plan change, by:

- the addition of 174 individual trees and 29 groups of trees to Chapter L - Schedule 10 Notable Trees Schedule, derived from nominations received by the council from 2013/2014 until June 2024
- the corresponding amendment to the Notable Trees Overlay which shows the location/s of the proposed trees and groups
- limited corrections to the operative Schedule where these are related only to the introduction of new entries
- application of the AUP's settled tree management regime without amendment to that policy and rules framework.

## 7.1 Limited relevance of PC83

PC83 is of limited relevance to PC113. It is now operative. However, the common factors between both plan changes are:

- the source of the bulk of the identified trees evaluated for potential scheduling within the AUP, in Schedule 10. Both plan changes were informed by nominations recorded in council's database; and
- the use of an application for fieldwork (PC83 initially developed the application, and PPC113 continues with the same methodology)
- consistent application of RPS criteria for evaluating identified trees and groups of trees.

It was reported to the (former) Planning Committee in 2020 that council held approximately 580 nominations for new trees and groups in its database, and that these nominations were made up of both submissions to the PAUP, and subsequent nominations made up to and including November 2020. The Planning Committee resolved at its meeting on 5 November 2020 (PLA 2020/96) to defer the work necessary to promulgate a plan change as it was not considered financially viable to review or make changes to the notable tree schedules in the Auckland Unitary Plan at that point in time.

A series of events between 2020 and 2022 then changed the policy direction for Notable Trees. Council was subject to a judicial review which challenged the Planning Committee's resolution, and the office of the (former) Mayor of Auckland made a press release on 25 February 2022 which provided an

indicative timeframe for completing a review of the nominations of notable trees, and committed to notifying a plan change to add them to the Schedule in 2023.

Council notified its suite of IPI (intensification planning instrument) plan changes on 18 August 2022 to change the AUP to incorporate the MDRS and give effect to policies 3 and 4 of the NPS-UD. PC83 was one of the 'non-IPI' plan changes which formed the suite of complementary plan changes notified alongside the IPI. PC83 was necessary as an IPI is statutorily limited in its content. An IPI may recognise and respond to intensification directives where it is necessary to accommodate a qualifying matter (such as notable trees) but cannot propose the scheduling of any new qualifying matter (such as notable trees). PC83 was subject to the normal Schedule 1 process. It started the process of review of the nominations for new trees and groups of trees with a view to adding them to the Schedule.

PC83 is now operative, and its outcomes embedded in the AUP. Therefore, the process and approach of that plan change are **not** considered in any detail here, other than to describe its association with the current PPC113. PC83 started the evaluation process of the first batch of nominations, and developed the first 'tree app' based on the Notable Tree criteria in the RPS, which continue to be used as part of the PPC113.

PC83 is therefore relevant to the extent that the overall nomination evaluation started with this process, and will continue for the duration of the PPC113.

## 7.2 Methodology

### Tree app tool

The 'tree app' was developed in early 2022 as the primary tool for on-site assessment of nominated trees. This was created using the RPS Notable Trees criteria as the basis for evaluation. All criteria were loaded into the electronic app which was then utilised by council (and consultant) arborists on site to 'score' and describe the eligible trees and groups.

### Triaging

All nominations were batched and 'triaged' prior to eligible trees and groups of trees being entered into the electronic app for evaluation. The focus on the desktop triage process was to ensure that only the **eligible** nominations were added to the tree apps, for all batches. This ensured consistency across the entire process, and also avoided the need for arborists to visit trees that were already scheduled, for example. The triage process demonstrated the need for very accurate data at the outset of the assessments (i.e. high-quality nominations containing photographs and an aerial depiction of the location of the tree/group). In the case of many PAUP submissions, a single vague sentence requesting the addition of a certain tree or trees on a property was the basis of the nomination. All nominations were considered but not every nomination resulted in the evaluation of the tree subject of the nomination. Triaging was an essential step in managing and improving data quality, and the effectiveness of the methodology overall.

### Batches

Batches reflect the timeframes and circumstances of the various tranches of nominations held in council's database. Batch 1 contained the original set of nominations, received between approximately

2013 and the end of 2020. Batching and triaging were essential aspects of data-management necessary to support a robust evaluative process, especially as the source data was highly variable. Tree-scheduling nominations from the public often contained inaccurate information, information pertaining to multiple trees or multiple properties or trees were subject of duplicative nominations. These aspects of the source data mean that straight-line correlation of nominations to potential tree identification numbers is not possible.

## Methodology overview

The methodology for evaluation of nominated trees and groups of trees is summarised as follows:

- Receipt and high-level assessment of nomination undertaken, with all ‘raw data’ entered into spreadsheets
- Letters sent to all owners and occupiers of properties with trees that were subject to nominations, advising in general terms of the upcoming plan changes and notice given that an arborist may be visiting the site to evaluate the tree/s
- ‘In-depth’ assessment of nomination to check veracity of information, including correct address, species, whether or not a tree is already scheduled, recent aerial view/Google street-view to ascertain if tree present or not, checked against duplicate nominations for same tree/s, checked against the Pest Management list etc.
- All nominations reviewed against the council’s planning maps to prepare them for entering into the tree app. Where appropriate, nominators were contacted to provide clearer information, usually in relation to the location/s of trees.
- A desktop viewer and mobile app containing the list of eligible nominated trees was developed by the council GIS team. Data was able to be updated in real time and was visible in the desktop viewer as the arborists updated them in the field.
- Once all site visits were completed, the data was able to be extracted from the app and downloaded where all scores and information about the tree/s was analysed. Further triage took place according to arborists’ findings. This triggered a ‘troubleshooting’ process where further analysis was done to ensure the veracity of addresses and species, for example. Additional site visits were undertaken where necessary. Discussion with arborists and planners took place to resolve issues, and several moderation meetings held to ensure consistency and address any procedural errors.
- Information from site visits yielded information in addition to that originally supplied with initial nominations. This included the absence of nominated trees (either removed, or not present in the first place), death of a tree etc. This led to follow-up assessment and decisions subsequent to recording the additional data in the tree app.
- Concurrent with arborists’ visits, a heritage assessment was undertaken on nominations that had indicated a tree or trees may have heritage or cultural values. Researching the historic heritage of the nominated trees required using a range of sources to understand the history of the trees and the people, places and events associated with them. These

sources included GeoMaps, Council property folders and files, reserve management plans and Auckland Libraries photographic collections and indexes and council archives. Individuals and events (asserted in some nominations) were investigated through Archives NZ and UK National Archives records, family history sites, historic newspaper searches (Papers Past), and Auckland War Memorial Museum online.

- Once all identified trees and groups identified for proposed addition had been determined, full reports including high-resolution photos of each tree and group were written up. This included separate heritage reports where appropriate.
- A moderation process took place with the GIS team to ensure that any ambiguous location/s details were resolved as far as possible before the final ‘viewer’ was built by the GIS team in conjunction with council’s ICT department. (The viewer is an electronic portal with symbologies showing the presence of a new tree or group proposed to be scheduled and is part of the public notification documents).
- Subsequent team discussions with SMEs was held to clarify any final issues with proposed entries to the Schedule, additional site visits undertaken and details finalised.
- Additional GIS ‘layers’ were also built that served the purpose of assisting the notification process including identification of directly affected parties (DAPs) and

## 7.3 Outcome of triage and evaluation

In this section, data is presented that indicates the overall quantum of eligible trees and groups that were derived following the methodologies and process described above.

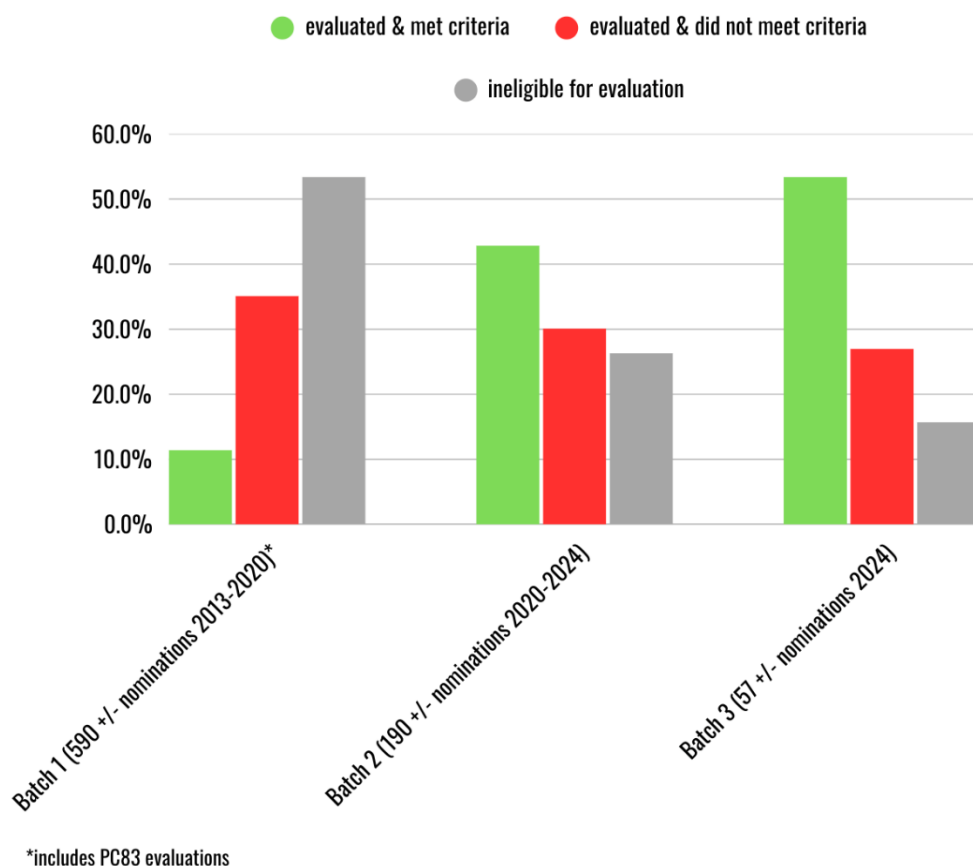
These figures show the numbers of nominations containing final trees and groups which have been assessed as:

- meeting one or more of the criteria for notable trees as set out in the AUP RPS and put forward for inclusion to the plan change
- not meeting those criteria and not put forward to the plan change and;
- those that were found to be ineligible for evaluation based on the factors as described below

It is important to note that these figures relate to **nominations**, not numbers of trees or groups (a nomination may contain one or more tree or groups). For a detailed summary of final trees and groups subject to the plan change, refer to Attachment A.

The figure below is an amalgam of all nominations (batches 1, 2 and 3). It shows the proportions of total nominations that met/did not meet criteria and those which were ineligible for evaluation.

Figure 1: All Nominations (2013-June 2024)



The ‘ineligible for evaluation’ nominations comprise a wide range of issues. A particularly large number of nominations were found in Batch 1, for example, to be for trees already listed in Schedule 10. Other reasons why nominations were identified as ineligible for evaluation are as follows:

- duplicates (i.e. those for which more than one nomination was received for the same tree/group)
- tree no longer present (or was never present to begin with)
- the nomination reflected an error with Schedule 10 rather than a true nomination
- poor quality information accompanying a nomination that was unable to be resolved (these comprised a number of variables including incorrect addresses, incorrect species identification etc)

In addition, the details of some nominations were found to be incorrect when the tree/group came to be evaluated on site. Mainly these related to address/location issues and also included situations where properties had been, or were in the process of, being developed or subdivided. Other variables contributing to the complex process of triage and assessments included the necessity of ‘decoupling’ nominations which may have been for multiple trees spread out along the road corridor and were nominated as a group, but in fact were identified as requiring separate listings (i.e. entries in the Schedule). The same issue was encountered in reverse (both on road reserves and on private properties).

In summary, the assessments and evaluations of all eligible trees and groups resulted in a total of 161 new or amended entries to the Schedule, comprising 174 trees and 29 groups of trees. Some of the characteristics of the proposed entries are further depicted below.

Figure 2: New Schedule Entries by Local Board

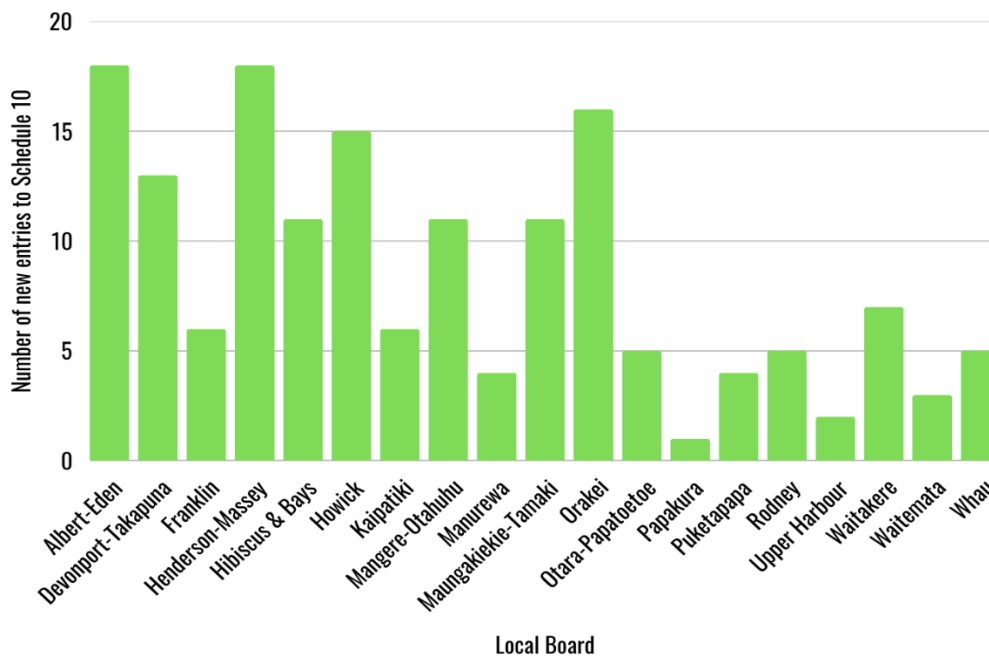


Figure 3: New Schedule Entries by Land Ownership

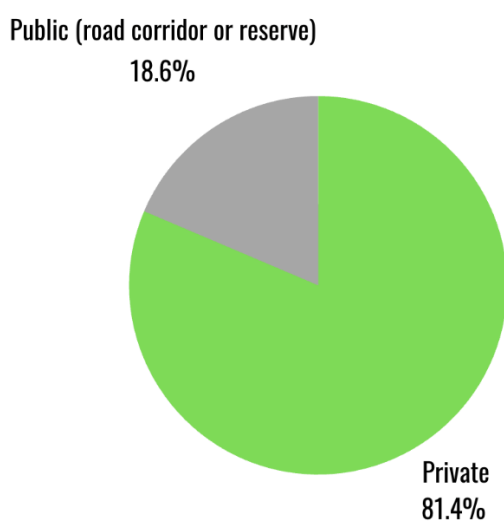
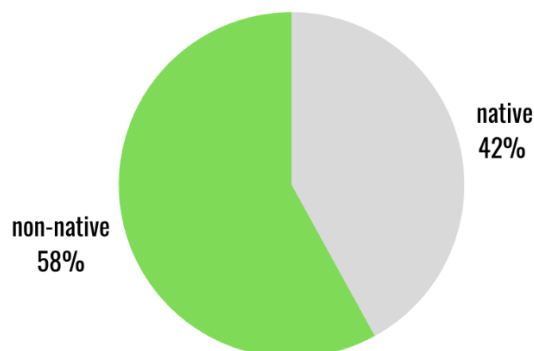
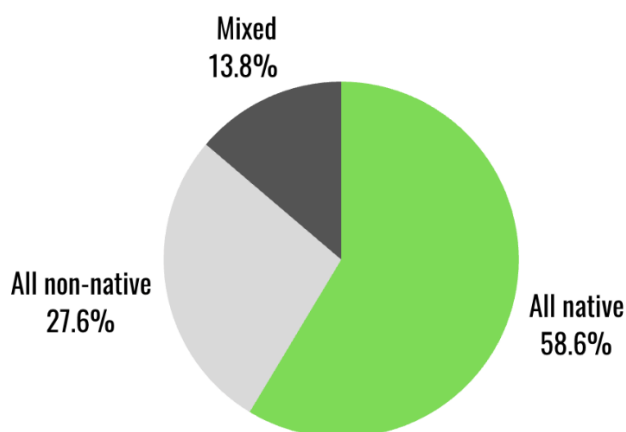


Figure 4: New Schedule Entries – Native vs Non-Native Trees

#### Individual Trees



#### Groups



## 7.4 The Effect of Scheduling

The inclusion of a notable tree on Schedule 10 means provisions of the Notable Trees Overlay apply to that tree.

As outlined above, the Notable Trees Overlay is based on a management approach where activities anticipated to have a greater effect on the values of a notable tree in Schedule 10 are subject to more rigorous management. The identification of a notable tree is the basis of this management approach, ensuring the management of a notable tree is specific to its values.

The intent of the AUP is to ensure that unnecessary consent activity is not generated, while protecting notable trees from inappropriate subdivision, use and development. The scheduling of notable trees is a method by which more than minor alterations will require resource consent. The requirement for consent ensures that the values of a tree will be taken into account by both landowners and decision makers.

The overall activity table applicable to activities for Notable Trees is as follows:

Figure 5: Chapter D13 Table D13.4.1 Activity Table

Activity		Activity status
(A1)	Biosecurity tree works	P
(A2)	Dead wood removal undertaken by a qualified arborist	P
(A3)	Dead wood removal not undertaken by a qualified arborist	C
(A4)	Emergency tree works	P
(A5)	Tree trimming or alteration	P
(A6)	Tree trimming or alteration that does not comply with Standard D13.6.1	RD
(A7)	Tree removal	D
(A8)	Works within the protected root zone to enable trenchless methods at a depth greater than 1m below ground level	P
(A9)	Work within the protected root zone not otherwise provided for	RD

**Permitted (P)** = a permitted activity which does not require consent providing permitted standards are met

**Controlled (C)** = a controlled activity requires a resource consent before it can be carried out, but council must grant consent for a controlled activity (apart from in a very limited number of circumstances)

**Restricted Discretionary (RD)** = restricted discretionary activities require a resource consent before they can be carried out. Council can exercise discretion as to whether or not to grant consent, and to impose conditions, but only in respect of those matters over which it has restricted its discretion in the AUP.

**Discretionary Activity (D)** = discretionary activities require a resource consent before they can be carried out. Council can exercise full discretion as to whether or not to grant consent and as to what conditions to impose on the consent if granted. In terms of notable trees, the only discretionary activity that applies is in the circumstance where complete removal of the tree is sought.

Chapter D13 also provides for amendments to the Schedule in circumstances as follows:



## Figure 6: ‘Automatic Update Clause’

The legal description associated with a notable tree or group of trees in Schedule 10 Notable Trees Schedule (including on lots which qualify as an urban allotment under s76(4C) of the RMA) will be corrected and updated to refer to the new legal description of a lot where the following has occurred:

- a) the lots contain any part of the Notable Trees Overlay; and
- b) a subdivision of the site has occurred; and
- c) any part of a subdivided lot contains any part of the Notable Trees Overlay.

The Notable Trees Schedule rules cease to have effect and Schedule 10 Notable Trees Schedule and the maps will be corrected and updated accordingly where:

- a) a tree or group of trees has been physically removed as a result of consent processes; or
- b) a tree or group of trees has been physically removed as a result of emergency works; and the following has occurred:
- c) the council has sighted the resource consent or other approval authorising the physical removal of the tree or group of trees; and
- d) the council has given written notice to the owners of the property from which the overlay will be removed.

This means that council can amend the Schedule on a more regular basis as a result of outcomes of other formal processes (such as subdivision and resource consents) to ensure the description of the notable tree remains accurate. This was an outcome sought by PC83, and became operative in February 2024. The provision is important because, as outlined previously in this report, Schedule 10 is a highly dynamic schedule whose entries become out of date regularly due to the outcomes of other processes. If the address of a Notable Tree changes due to these other processes, it may no longer have protection given the prescriptive requirement of Section 76(4A) of the RMA.

## 7.5 Reasonable use

All trees included in PPC113 have been evaluated as having notable tree value to warrant ongoing protection and appropriate management under the AUP.

The majority of the proposed notable trees are in private ownership. The scheduling of a tree in the AUP imposes restrictions on the use of the land. These restrictions can cause tension between the need to protect notable trees from inappropriate use, development and subdivision and the public benefits of this, and the ability of landowners, both private and public, to use their land.

The Act recognises that a rule or other provision can have one effect on how landowners use their land. Section 85 of the Act allows landowners to challenge a provision on the basis that it would render incapable of reasonable use<sup>16</sup> and that it would place an unfair or unreasonable burden on the landowner<sup>17</sup>. Section 85 states that ‘reasonable use:

*includes the use or potential use of land for any activity whose actual or potential effects on any aspect of the environment or any person other than the applicant would not be significant*<sup>18</sup>.

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<sup>16</sup> RMA s85(2)

<sup>17</sup> RMA s85(3)

<sup>18</sup> RMA s85(6)

The ability exists for applications for resource consents for significant alteration or removal of trees included in this plan change.

The AUP provisions seek to recognise and provide for the reasonable alteration of notable trees. As previously discussed, a flexible management regime is used, based on the values of the tree, and whether the proposed use and/or development will affect the ongoing protection of the tree. The RPS seeks to provide for appropriate subdivision, use and development and consideration for where it will not negatively impact the values of the notable tree. It also takes into account the effects of the tree or group of trees on human health, public safety, property, amenity values and biosecurity<sup>19</sup>.

Policies in D13 also support the use and development of sites where notable trees are present, where it does not detract from the values of the tree and will not have significant adverse effects. Pruning and alteration of notable trees is a permitted activity (subject to standards).

## 7.6 The Proposed Plan Change

The following is the summary of the trees and groups of trees proposed to be added to Schedule 10 following a full assessment of all remaining and eligible nominations held in council's database<sup>20</sup>. Three proposed additions were withdrawn from PC83 due to procedural errors but are subsequently proposed to be included as Schedule 10 additions in this PPC113.

A total of 161 new or amended entries are proposed which comprise 174 individual trees and 29 groups. These are spread across private properties, road reserves and reserve land. Many trees also have existing protection under other rules in the AUP (most commonly, under Chapter E16 Trees in open space zones and Chapter E17 Trees in roads.) However, the Notable Trees provisions (Chapter D13) have a bespoke set of rules that recognise the particular values of notable trees and are subject to the policy framework that also recognises these values. The effect of scheduling in terms of the AUP rules framework is described in more detail below.

Trees and groups that have met the criteria contained in Policy B4.5.2(1) have also been evaluated against the criteria under B4.5.2(2). Some trees, although not meeting the overall 'intrinsic' values under B4.5.2(1)(e), have met the standalone criteria relevant to heritage or historic association or because they have scientific rarity in the Auckland context. Sometimes they meet a combination of several. These are outlined in Attachment A, which lists all the proposed trees and groups alphabetically by street name as well as their scores and reason for inclusion to the Schedule.

Full reports have been developed for every tree or group of trees that are proposed to be added to the schedule. These reports were developed using extracts ('downloads') from the tree apps once all on-site assessments were complete. The reports include a description of the address and locality of the tree, a discussion on the rationale for inclusion against the RPS criteria, a tabulated assessment against all criteria, and the scores against the 'tree-specific' criteria. Also included is an aerial photo extract depicting the location or extent of the tree or group based on the points or 'polygons' amended by the

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<sup>19</sup> AUP B4.5.2(2)

<sup>20</sup>Excluding approximately 100 nominations already assessed in the development of now operative PC83.

arborists on site. These details were then used to populate the metadata associated with the draft planning maps (the public viewer) which forms part of the notification documentation. Reports also include at least one high resolution photograph of the subject tree or group, and sometimes up to 10-15 depending on the number of trees or extent of the group subject to the assessment. In addition, where a tree or group was noted as having potential heritage values, an additional report is also included which contains appropriate information based on council's heritage expert's findings.

Given the extent and volume of the reports associated with each tree or group (which total more than approximately 1200 pages), these will not form part of the overall online notification documents but will be available on request. The table included at Attachment A is a summary of the report content.

# 8 Consultation

## 8.1 Relevant Sections of Resource Management Act and Local Government Act

Schedule 1 of the Resource Management Act 1991 contains the process for the preparation, change and review of policy statements and plans. The following provisions set out the minimum requirements, all of which were met (to the extent they were applicable):

Section 1A – Mana Whakahono a Rohe, requires that a proposed policy statement or plan must be prepared in accordance with any applicable Mana Whakahono a Rohe. There are no applicable Mana Whakahono a Rohe.

During the preparation of a proposed policy statement or plan, the local authority concerned shall consult—

*(a) the Minister for the Environment; and*

*(b) those other Ministers of the Crown who may be affected by the policy statement or plan; and*

*(c) local authorities who may be so affected; and*

*(d) the tangata whenua of the area who may be so affected, through iwi authorities; and*

*(e) any customary marine title group in the area.*

*(2) A local authority may consult anyone else during the preparation of a proposed policy statement or plan.*

*(4) In consulting persons for the purposes of subclause (2), a local authority must undertake the consultation in accordance with section 82 of the Local Government Act 2002.*

Section 82 of the Local Government Act outlines the principles of consultation. These are:

*82(1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:*

*(a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:*

*(b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:*

*(c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:*

*(d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:*

*(e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:*

*(f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.*

(2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

Section 4A Further pre-notification requirements concerning iwi authorities

*(1) Before notifying a proposed policy statement or plan, a local authority must—*

*(a) provide a copy of the relevant draft proposed policy statement or plan to the iwi authorities consulted under clause 3(1)(d); and*

*(b) have particular regard to any advice received on a draft proposed policy statement or plan from those iwi authorities.*

*(2) When a local authority provides a copy of the relevant draft proposed policy statement or plan in accordance with subclause (1), it must allow adequate time and opportunity for the iwi authorities to consider the draft and provide advice on it.*

## **8.2 Consultation with Mana whenua / iwi authorities**

*Clause 3(1)(d) of Schedule 1 to the RMA, states that local authorities shall consult with tangata whenua of the area who may be so affected, through iwi authorities, during the preparation of a proposed policy statement or plan.*

*Due to the nature and scale of PPC113 and the fact that it affects the entire region, all iwi were consulted with on the content of the plan change.*

*Clause 4A of Schedule 1 to the RMA states that local authorities must:*

- Provide a copy of a draft proposed policy statement or plan to iwi authorities to consider
- Have regard to feedback provided by iwi authorities on the draft proposed policy statement or plan
- Provide iwi authorities with sufficient time to consider the draft policy statement or plan.

And in addition to the above, recent legislation changes to the RMA introduced section 32(4A):

*(4A) If the proposal is a proposed policy statement, plan, or change prepared in accordance with any of the processes provided for in Schedule 1, the evaluation report must—*

- (a) summarise all advice concerning the proposal received from iwi authorities under the relevant provisions of Schedule 1; and*
- (b) summarise the response to the advice, including any provisions of the proposal that are intended to give effect to the advice.*
- (c) a summary of all advice received from iwi authorities on the PC (section 32 (4)(a) of the RMA).*

As previously discussed, Plan Change 83 began the overall process of evaluating all existing nominations held in council's database and undertook engagement during the preparation of that plan change. A hui with mana whenua groups in mid-2022 took the opportunity to explain the process and outline the parameters of the plan change in accordance with the November 2020 former Planning Committee meeting. The scope of PC (in terms of additions to the Schedule) was explained in terms of its focus on existing nominations only.

As part of PC113, Mana whenua were informed of the proposal to include further trees from the existing nomination database to Schedule 10 by letter in early March 2025.

One approach from Nga Tai Ki Tāmaki was received following letters sent to all iwi groups in March 2025. Nga Tai Ki Tāmaki expressed particular interest in two areas with trees or groups of trees that they wished to be included in Schedule 10.

The first was in Cockle Bay Reserve/Domain, Howick and comprises a sacred pōhutukawa with a cultural marker, known by the Ngāi Tai ki Tāmaki iwi as “Te Tuhi a Manawatere” – the mark (tuhi) of Manawatere. The tree has a plaque, installed by the former legacy Manukau City Council. It was also noted that this tree suffered damage during Cyclone Gabrielle in 2023. The tree is already scheduled under ID 1546 and is one of two pōhutukawa under this listing.

The second area of interest was in Maraetai Beach, and comprises a grove of pōhutukawa. There is no specific narrative around these trees but they have a wider kōrero in the Maraetai area. While the development of PPC113 is informed by triaging and evaluation of eligible nominations already recorded by the council, the invitation was made to Ngāi Tai ki Tāmaki iwi to nominate these trees for consideration as part of a future process to add them to the Schedule. It was also noted that the trees are likely to have existing (alternative) protection under the AUP because they are on or near (within 20m) steep coastal cliffs, on or near (within 20m) stream and riverbanks or within or close to sensitive coastal or wetland areas.

A draft of the plan change, along with the draft s32 evaluation report, will be provided to iwi authorities. Any responses will be incorporated into this section 32.

## **8.3 Landowners, Local Boards, and key stakeholders.**

### **8.3.1 Landowners**

As part of PC83, landowners and occupiers were sent letters on 13 and 20 July 2022 to inform them of the notable trees evaluations and the eligibility status of their trees to be included in Schedule 10. Landowners were advised of the proposed plan change, including proposed notification date and



provided a Frequently Asked Questions sheet on notable trees. They were also advised that an arborist may be visiting the property for the purpose of physical assessment.

As PC83 sent letters to the majority of landowners and occupiers that had trees or groups on their properties subject to nominations for batch 1, they were not re-sent again as part of PPC113. By the time PPC113 was commenced, the majority of site visits as part of the batch 1 nominations had been undertaken by council’s heritage arborist.

Similar letters were then sent to the owners and occupiers of nominated trees in batch 2 on 10 July 2024 and for batch 3 nominated trees on 12 September 2024. The letter explained that a tree on their property may have been nominated for inclusion to the proposed plan change, and outlined the process going forward.

Some landowners and occupiers contacted council as a result of the letters. All enquiries were recorded and logged.

The following is a summary of the quantum of enquiries received as a result of council’s early contact with landowners and occupiers letting them know about the upcoming plan change, and the potential investigation of a tree or trees on their properties:

**Table 4: Number of enquiries received from landowners/occupiers**

Date of letter	Batch	No. of enquiries
13 & 20 July 2022	1	99
10 July 2024	2	21
12 September 2024	3	8

Enquiries ranged from requests for more general information, along with questions about the implications of having a scheduled tree on their property. Some landowners/occupiers also wanted more information about how to make a submission in due course. Where landowners wanted to know more about the evaluation of a tree on their property, council was forthcoming with the details of that evaluation, if it had been undertaken at the time of the call. Some landowners also wanted to know who had nominated their tree.

### 8.3.2 Feedback from Local Boards

Given the distribution of nominated eligible trees proposed for scheduling in PPC113 it is considered that 19 boards have an interest in this proposed plan change.

The views of these local boards were sought via their March 2025 business meetings. A workshop was also held with Howick Local Board on 13 March 2025. A report was taken to all Boards’ business meetings which outlined the proposal.

In addition, each local board was provided with a list of the proposed trees and groups of trees in their area, which included the species name (botanical and common), the number of trees and the street and suburb the trees were located in. The street numbers for the properties were not provided, as at the time of this report, the specific property locations were being finalised by staff.

Officers also attended business meetings of the Howick, Māngere-Ōtāhuhu, Maungakiekie-Tāmaki, Rodney, Upper Harbour, and Waitākere Ranges local boards in person to speak to the report and provide further information about the PPC113.

Local boards were all generally supportive of the proposed plan change. Several local boards requested or encouraged officers to undertake meaningful engagement with affected property owners, mana whenua, and stakeholders. Some noted that the notification and evaluation process for notable trees should be simplified to enable trees to be included in Schedule 10 more frequently (although changes to the AUP's tree management regime is outside the scope of this proposed plan change).

The report to 19 local boards in March provided an opportunity to socialise the preparatory stages of the PPC113 and explain its scope and rationale.

As a result of this communication to all local boards, council received the following feedback: ·

Generally support the proposed plan change:

- Albert-Eden
- Devonport-Takapuna
- Henderson-Massey
- Hibiscus and Bays
- Howick
- Kaipātiki
- Māngere-Ōtāhuhu
- Manurewa
- Ōrākei
- Ōtara-Papatoetoe
- Papakura
- Puketāpapa
- Rodney
- Upper Harbour
- Waitākere Ranges
- Waitematā
- Whau

Request the addition of nominated notable trees are addressed in a timely manner and that adequate resource is provided for the process:

- Howick
- Kaipātiki
- Ōrākei
- Upper Harbour
- Whau

Reserve the right to provide formal views at a future business meeting:

- Albert-Eden



- Hibiscus and Bays
- Manurewa
- Rodney

Request speaking rights at the Policy and Planning Committee when this item is considered for notification

- Albert-Eden

Other specific comments were received from local boards, such as requests to add additional trees within their local board area. Officers informed the local boards that the proposed plan change is assessing nominations from the time of the Proposed Auckland Unitary Plan (PAUP) up to and including June 2024, however, also explained that boards are welcome to nominate trees via the nominations form on the council's website for a future plan change/review.

A number of local boards noted the importance of engaging with property owners, mana whenua and stakeholders, to ensure all affected parties can engage in the submissions process. Howick Local Board encouraged Auckland Council to use this opportunity to educate and inform the public about what tree protections exist, given the public confusion following the removal of tree protections from the RMA in 2013.

Several local boards requested the specific property locations of the trees, however, as previously mentioned, this information was yet to be confirmed at the time of the local board meetings. Confirming the specific property parcels requires careful analysis by the council GIS team to ensure that the locations of all trunks of proposed trees, as well as the extent of all proposed groups of trees, are mapped according to property boundaries. Under section 76(4A) of the RMA, the correct addresses must be listed to ensure the protection of the trees is not undermined. Local boards were advised that specific property information would be drafted and finalised in April 2025.

Local boards were subsequently provided with the final details of the exact locations of all proposed trees and groups in an email dated 16 May 2025. Specific details were again provided for boards in terms of addresses of the proposed trees/groups per board area.

Some local boards noted the importance of adding trees to Schedule 10 to grow the urban ngahere and the benefits this will have for biodiversity, canopy cover, tree protection, carbon sequestration and urban cooling.

Local boards have a further opportunity to provide views on the proposed plan change once it is notified and submissions have been received. Boards will be given a copy of the summary of decisions requested in submissions. Any views provided by local boards will be considered alongside submissions as part of the hearing and decisions process on the proposed plan change. Local boards have been advised of this process.

A full compilation of all Local Board feedback on the plan change is included at Attachment D.

### **8.3.3 Key Stakeholders**

The Tree Council ('TTC') are considered a primary key stakeholder in the overall topic of notable trees across the region. TTC take a very active role in the nomination of trees and many issues in respect of the preservation of trees and vegetation in the region. TTC submitted a large number of nominations that were assessed as part of PPC113. The council meets with TTC on a regular (quarterly) basis and as part of those meetings, updates on the progress of PPC113 are provided.

# 9 Conclusion

The purpose of the plan change is to manage and protect 174 trees and 29 groups of trees according to their values evaluated against regional policy statement notable tree scheduling criteria.

Section 32 of the Act requires that before adopting any objective, policy, rule or other method, the Council shall carry out an evaluation to examine:

- The extent to which each objective is the most appropriate way to achieve the purpose of the Act, and
- Whether, having regard to their efficiency and effectiveness, the policies, rules or other methods are the most appropriate for achieving the objective.

The evaluation must also take into account:

- The benefits and costs of policies, rules, or other methods; and

The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules or other methods. This proposed plan change does not propose any new objective, policy, rule or other method. It proposes application of existing provisions and updating of a method, being Schedule 10 and the planning maps, to include additional listings of notable trees applying operative RPS criteria.

A section 32 analysis of options has been undertaken in accordance with section 32(1)(b) and (2) of the RMA. A number of options have been analysed. At a high level, these include:

- *Option 1: Status Quo/Do Nothing*
- *Option 2: Rely on other regulatory and non-regulatory methods*
- *Option 3: Plan change to add trees and groups of trees to Schedule 10*
- *Option 4: Expands on Option 3 but calling for further nominations*

Option 3 is the recommended option.

The main conclusions of the evaluation under Part 2 and Section 32 of the Act are summarised below:

- (1) Although a detailed assessment of Part 2 is not required as the AUP's tree management regime is established and already promotes the sustainable management of natural and physical resources, PPC113 is nevertheless consistent with the purpose of sustainable management in Section 5 and the principles within Section 6, 7, and 8, and within Part 2 of the Act.
- (2) PPC113 assist the Council in carrying out its functions set out in Sections 31 of the Act
- (3) Pursuant to Section 75(3)(c) of the Act, PPC113 is consistent with the objectives and policies of the Auckland Regional Policy Statement
- (4) The evaluation undertaken in accordance with Section 32 concluded:
  - a. amending Schedule 10 to include trees and groups of trees eligible for scheduling from the council's existing database of tree nominations would be the most appropriate way to achieve the purpose of the Act

- b. tree scheduling would be the method most effective for managing the known trees' values.
- c. the plan change to add 174 individual trees and 29 groups of trees to Schedule 10, and make corresponding amendments to the planning maps is the most appropriate means of achieving the plan change purpose.



# 10 Attachments

Attachment A – Summary of proposed additions to Chapter L - Schedule 10 - Notable Trees Schedule (AUP)

Attachment B – PPC113 Proposed Plan Change (Amendments to Chapter L – Notable Trees Schedule)

Attachment C – Notable Trees Nominations Guidelines

Attachment D – Summary of Local Board Feedback



