

AUCKLAND UNITARY PLAN  
INDEPENDENT HEARINGS PANEL

*Te Paepae Kaiwawao Motuhake o te Mahere Kotahitanga o Tāmaki Makaurau*

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**Report to Auckland Council  
Hearing topic 025 Trees**

**July 2016**

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# Report to Auckland Council – Hearing topic 025 Trees

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# 1. Hearing topic overview

## 1.1. Topic description

Topic 025 addresses the district plan provisions of the proposed Auckland Unitary Plan relating to:

| Topic                     | Proposed Auckland Unitary Plan reference | Independent Hearings Panel reference |
|---------------------------|--|--------------------------------------|
| Notable trees             | E6.1/J6.4                                | D13                                  |
| Schedule of notable trees | Appendix 3.4                             | Schedule 10                          |
| Trees in Open Space Zones | C4.1/H3.1                                | E16                                  |
| Trees in Roads            |  | E17                                  |

Under the Local Government (Auckland Transitional Provisions) Act 2010, section 144 (8) (c) requires the Panel to set out:

the reasons for accepting or rejecting submissions and, for this purpose, may address the submissions by grouping them according to—

- (i) the provisions of the proposed plan to which they relate; or
- (ii) the matters to which they relate.

This report covers all of the submissions in the Submission Points Pathways report (SPP) for this topic. The Panel has grouped all of the submissions in terms of (c) (i) and (ii) and, while individual submissions and points may not be expressly referred to, all points have nevertheless been taken into account when making the Panel's recommendations.

## 1.2. Summary of the Panel's recommended changes to the proposed Auckland Unitary Plan

- i. Re-structuring by separating the provisions relating to Trees in roads and public open space zones into two chapters; E16 Trees in open space zones and E17 Trees in roads. This facilitates the creation of a combined chapter containing all the rules relating to Infrastructure (E26) and ensures clarity of purpose. The rules from D13 Notable Trees Overlay, E16 Trees in open space zones and E17 Trees in roads have been replicated in E26.
- ii. The provisions for Trees in roads and Trees in open space zones evolved during the course of the hearing particularly as a result of discussions between the Council and Auckland Utility Operators Group. The Panel supports much of what has been agreed however the provisions have been re-fashioned to focus on the management of environmental effects and to suit the Panel's recommended Plan structure. There are also amendments designed for consistency and alignment with the whole Plan.

- iii. The Notable Trees Overlay is supported and the activity tables and standards have been amended to align with those for E16 Trees in open space zones and E17 Trees in roads where appropriate.
- iv. The Panel does not support the inclusion of a second tier of notable trees.
- v. There have been numerous additions, deletions and amendments to individually scheduled trees and groups of trees. These amendments are set out in Schedule 10 Notable Trees Schedule (formerly Appendix 3.4) and shown on the Planning Maps where applicable.

### **1.3. Overview**

The Panel has restructured these chapters to facilitate the creation of a chapter that includes all the rules relating to infrastructure (E26) and for clarity of purpose. Chapter D13 Notable Trees Overlay is retained but there are now separate chapters for trees in open space zones (E16) and trees in roads (E17). The Panel has amended the provisions of all three chapters to focus on managing the effects of activities such as tree trimming and alteration as required by the Resource Management Act 1991. For ease of reference, the rules relating to notable trees, trees in roads and trees in open space zones have been replicated in E26 infrastructure. The objectives and policies remain in D13, E16 and E17.

#### **1.3.1. Notable trees overlay**

When providing for the protection of trees and groups of trees, accurate identification of the tree or groups of trees and of the relevant property is the main principle underpinning decisions on additions, deletions and amendments to the Notable Trees Schedule. The Panel required and relied on expert arboricultural assessments to establish the values for which tree or group of trees is notable. Once qualified by this assessment, the Panel considered the scheduling and its effects in terms of the objectives and policies of the whole Plan. Landowner awareness of proposals was also a prerequisite when considering requests to add or delete trees from the schedule.

Accordingly, the Parties and Issues report for this topic directed all submitters seeking additions, deletions or changes to the schedule to provide evidence of which affected landowners had been contacted and which had not, as well as sufficient evidence to support their submission. The Panel's Procedural Minute 6 set out these requirements (5 August 2014).

No submitters provided sufficient additional information to support the addition or deletion of trees on another person's property.

Landowners who nominated their own trees needed to provide an arboricultural assessment in order to satisfy the requirements of Procedural Minute 6. Where the submitters did not provide sufficient evidence for decision-making, the Panel suggests that these trees be added to the Council's list of potential candidates for future evaluation.

In accordance with section 76(4A) – (4D) of the Resource Management Act 1991 which came into effect 4 September 2015, the Panel has removed all items from the schedule that did not identify the particular tree or group of trees with the requisite accuracy. For example, in the south, descriptions limited to 'native' or 'exotic trees' are too general and therefore

items described in this way have been deleted. In other cases, such as the pohutukawa located on coastal cliffs on the North Shore, the Panel has retained the items but clarified the entries by identifying the properties individually in the schedule and on the maps.

Opportunity was provided for submitters to engage directly with Auckland Council about their submissions in relation to notable trees. A number of parties took advantage of this opportunity and at least 15 submitters managed to resolve their outstanding issues. Other matters were resolved during the course of the hearing.

The Panel adopted the approach of respecting agreements between Council and submitters unless there are:

- i. disputed trees;
- ii. requests for additions that the Council should consider;
- iii. removals from the schedule due to lack of specificity;

The Council's closing version of the Schedule of Notable Trees has been amended in accordance with the principles outlined above and the Panel's decisions on individual items (see section 4 below).

### **1.3.2. Trees in open space zones**

As a consequential amendment following decisions made in Topic 058 Public open space, Chapter E16 has been renamed trees in open space zones. The proposed Auckland Unitary Plan defined public open spaces as "land vested in the council or the Crown, and privately-owned land where public access is legally secured in perpetuity". The effect of this definition was to include privately-owned land within the term 'public open space' (e.g. Cornwall Park, Takutai Square) and therefore within the ambit of chapter E16. Land is only included in an open space zone with the landowner's agreement, therefore the name change for this chapter has not affected the application of E16 to privately-owned land within the open space zones. It has, however, removed privately-owned land that is available to the public from E16. In Topic 027 Artworks, signs and temporary activities, the Panel deleted the definition of 'public open spaces' because it was confusing. In accordance with the Panel's principles of plan-making, the common meaning of words is preferred to reliance on specific definitions unless these are necessary. The scope of E16 is clarified by the name change.

### **1.3.3. Trees in roads**

The Panel agrees with the Council that the corridor access request process is not an appropriate method for managing the effects of activities involving trees and has therefore re-fashioned the provisions of all three chapters to focus on the management of environmental effects.

## **1.4. Scope**

The Panel considers that the recommendations in 1.2 above and the changes made to the provisions relating to this topic (see 1.1 above) are within scope of submissions.

For an explanation of the Panel's approach to scope see the Panel's Report to Auckland Council – Overview of recommendations July 2016.

## 1.5. Documents relied on

Documents relied on by the Panel in making its recommendations are listed below in section 6 Reference documents.

## 2. Second tier of notable trees

### 2.1. Statement of issue

The issue is whether there should be a second tier of notable trees in the schedule to deal with trees that contribute to amenity values and address the imbalance in favour of the oldest and largest trees.

The Tree Council (5120, FS1812), the Royal Forest and Bird Protection Society of New Zealand Incorporated (4848, FS3003) and Environmental Defence Society Incorporated (4735, FS1974) (the Societies) seek that:

the framework necessary to provide for a second tier of scheduled trees (**Second Tier Schedule**) be included in the PAUP. No additions to existing schedules or the population of a new schedule is sought through the PAUP process. This is envisaged to occur through a subsequent plan change which would be notified once nominations have been received, a careful and comprehensive analysis had been undertaken and suitable trees selected throughout the region (legal submissions, paragraph 10).

The Council opposed the inclusion of a second tier of notable trees for the reasons set out in Ms Sanders' evidence in chief and evidence in rebuttal (see rebuttal, paragraphs 6.4-6.15). These reasons included administrative workability, complexity and importantly, Ms Sanders considered that a second tier of notable trees would not address the concerns regarding loss of tree cover and biodiversity.

Dr Marie Brown and Mr Sean Freeman for the Societies considered that scheduling trees is the only mechanism the Resource Management Act 1991 provides for councils to protect urban trees, that the current criteria select by default the oldest and largest trees and that a second tier better recognises the diversity of trees that contribute to character and amenity values (executive summary, paragraph 5).

Ms Wendy Gray (7059) supported the Societies and described the role of urban trees in sequestering carbon, producing oxygen, providing shade, amenity and beauty, and their contribution to biodiversity and climate change mitigation.

### 2.2. Panel recommendation and reasons

The Panel heard wide-ranging and interesting evidence on this issue in this topic and Topic 010 Heritage and special character.

It is clear to the Panel that there are gaps in the management of urban trees however it is not clear that the solution is to adopt a second tier of notable tree protection. The current schedule of notable trees contains about 6000 items and is a 'roll over' from the operative Auckland Council District Plan. The Council did not propose many additions nor were many

site evaluations undertaken. Mr Freeman said that there is no monitoring of scheduled trees unless a landowner makes an application to remove or work on a tree. In contrast, a thorough review of significant ecological areas was conducted.

Dr Brown's evidence established that the schedule of notable trees provides protection to just 15 per cent of the large, independent trees in urban Auckland. In her opinion, there is a gap between scheduling of notable trees and the protection of significant ecological areas that needs to be addressed in order to protect the bulk of urban trees. Dr Brown's evidence also identified that there are few younger specimens to refill and future-proof the schedule, given that trees will inevitably die or be removed as time passes. Ms Sanders, planning witness for the Council, addressed the administrative difficulties of managing a large and ultimately unwieldy schedule. In Topic 081 Rezoning and precincts, the Council's arborist, Mr West Fynn, advised the Panel that there is no funding allocated to notable tree identification and evaluation for the next five years. The Panel concludes from this statement that the number of trees on the schedule will be gradually whittled down.

In a different vein, Glenn Frost (5307) described the 'urban forest' in Hill Park, Manurewa, and requested the Council to undertake a full evaluation of the suburb with a view to providing them with greater protection. In Topic 079 Special character, the Panel supports the inclusion of Hill Park as an area of special character. Evaluation and protection of urban trees would complement this method of recognising neighbourhood amenity values.

The Panel considers that there is a need for 'root and branch' review of the approach to urban tree protection. The schedule of notable trees has various shortcomings such as lack of geographical coverage, a bias towards protecting pohutukawa trees and too few younger trees to provide for succession. As intensification of the urban area takes place, there is a greater need to protect existing urban trees and to promote planting and revegetation that is both ecologically wise and human-friendly. The Panel agrees that there is an issue to address but does not support the addition of a second tier of notable trees because this may not be the most appropriate response to that issue. A better planning approach is to consider a suite of methods from protection to incentives in light of research that accurately identifies both the nature of the urban tree resource and the threats and opportunities ahead.

### **3. Amendments to provisions**

#### **3.1. Statement of issue**

##### **3.1.1. Reliance on corridor access request**

The issue raised by the Panel was whether reference to the corridor access request process should be removed from the permitted activity categories for works on trees in streets.

##### **3.1.2. Best arboricultural practice**

The role of 'best arboricultural practice' within the rules was a focus of particular attention during the hearing.



### **3.1.3. Works on trees**

The Council and Auckland Utility Operators Group reached agreement on most issues during the course of this process. This agreement, together with various matters raised by the Panel during the hearing, is reflected in the Council's closing remarks version of the provisions.

The outstanding issues between these two parties relate to the following:

- i. inclusion of a permitted activity for works within the protected root zone of notable trees for pilot holes associated with trenchless excavation;
- ii. amendments to the permitted activity standard for tree trimming to allow for up to 30 per cent to be trimmed when under the direct supervision of a qualified arborist; and
- iii. deletion of permitted activity standard 2.1.2 for trees in public open spaces which at present results in all new infrastructure works requiring a resource consent.

## **3.2. Panel recommendation and reasons**

### **3.2.1. Reliance on corridor access request**

This issue is comprehensively addressed in the Council's closing remarks (paragraphs 2.1 - 2.10).

All submitters support the Council's position.

The Panel accepts the Council's reasoning and therefore agrees that reference to the corridor access request process should be removed from the provisions. In particular, the Panel accepts that permitted activity standards designed to manage environmental effects provide clarity and certainty for utility operators and others undertaking work on trees in roads. The corridor access request serves a different purpose and therefore is not an appropriate means of managing environmental effects.

### **3.2.2. Best arboricultural practice**

Evidence on the current state of arboricultural practice was presented by arborists on behalf of the Council, Auckland Utility Operators Group (4185) and the New Zealand Arboricultural Association Incorporated (5547).

The Panel accepts that there are industry guidelines and a body that regulates the conduct of its members. For this reason, the Panel considers that it is appropriate to have permitted activity standards that distinguish thresholds for works supervised by a qualified arborist from those that are not supervised. It is not necessary to require that works are undertaken by a qualified arborist. There is a need to exercise judgement when carrying out works on trees because of the nature of the tree itself, the circumstances in which it is growing and the reasons for carrying out the work. This judgement should be based on the best arboricultural practice known at the time. The Panel agrees that it is appropriate to amend the provisions by substituting reference to 'best arboricultural practice' wherever there is reference to 'modern arboricultural practice'. According to Mr Collett, on behalf of the New Zealand Arboricultural Association Incorporated, best arboricultural practice may involve an on-site

pre-commencement meeting therefore the Panel does not agree with the Council that there is a need to require this as a permitted activity standard.

### 3.2.3. Works on trees

The first amendment sought by the Auckland Utility Operators Group is the inclusion of a permitted activity for works within the protected root zone of notable trees for pilot holes associated with trenchless excavation.

Mr Donaldson, arborist for the Council, addressed this matter in evidence in rebuttal (paragraph 4.5). He said that “where ‘associated works’ such as entry, exit and connection pits are required these need to be outside of the root zone of the tree for the activity to be considered as ‘trenchless’ and therefore permitted”.

The effects of trenchless excavation were discussed by arborists during the hearing and the Panel asked questions about the options for addressing the submission. Mr Collett’s evidence was helpful (paragraphs 4.4-4.6) and the Panel has consequently included ‘works within the protected root zone’ as a permitted activity subject to standards set out in D13.6.2. The activity table recognises ‘works within the root zone not otherwise provided for’ as restricted discretionary activities. The Panel considers that requiring trenchless excavation to occur at a depth greater than one metre below ground level avoids risks to tree health while enabling this common activity to be undertaken efficiently.

The second amendment sought by the Auckland Utility Operators Group is for a permitted activity standard for tree trimming to allow for up to 30 per cent to be trimmed when under the direct supervision of a qualified arborist. The Group proposed several possible standards that would achieve this aim.

Mr Donaldson considered that the 20 per cent threshold represents best practice and beyond that limit there must be the ability to decline consent. However, the Group contended that it is current practice for the extent of trimming and alteration to be agreed with the Council’s arborist (legal submissions, page 12, change 24).

The Panel accepts that tree trimming and alteration is a matter of judgement and should be carried out under the supervision of a qualified arborist. Further, the Panel agrees with the Auckland Utility Operators Group that trimming between 20 and 30 per cent of the canopy is an acceptable standard if there is a tree management plan in place. The need for this standard arises because of the number and frequency of tree trimming events in road and open space zones particularly involving network utility operators. This standard is also appropriate for notable trees but is unlikely to be used so often.

The third matter in contention is the Group’s request to delete the permitted activity standard 2.1.2 (Council’s closing remarks version) for trees in public open spaces which at present results in all new infrastructure works requiring a resource consent.

The Council’s view is that new infrastructure should not be encouraged in public open space-zoned land and so it should not be enabled through permitted activity status, regardless of the effects (legal submissions, paragraph 3.16).

The Panel considers that the appropriate approach to trees in open space zones should indeed focus on the management of effects. These effects arise from activities such as

works in the protected root zone regardless of who carries out those works. For this reason, and because the Council has a wide range of other powers, including ownership of much of the land that is zoned open space, the Panel supports deletion of this permitted activity standard.

## **4. Amendments to the schedule**

### **4.1. Group of trees, 7 Felix Street, Te Papapa**

#### **4.1.1. Statement of issue**

Tram Lease Limited and Viaduct Harbour Holdings Limited and Viaduct Harbour Management (5566, FS3168) seek the deletion of four trees from the schedule. Together with a pohutukawa that the submitter accepts should be protected, the group (a karaka, two puriri and a totara) is identified as #906 in the schedule.

An assessment of the trees was undertaken by Mr West Fynn, arborist for the Council. He concluded that the trees form a group as the crown structures intertwine and they form a continuous canopy (evidence in rebuttal, paragraph 5.2). While not all the individual trees qualify for scheduling individually, the group scores more than the necessary 20 points in order to be included.

The submitter's arborist had assessed the trees individually but not as a group and did not attend the hearing.

Accordingly, the Panel accepts the evidence of Mr Fynn that the trees qualify as a group for inclusion on the schedule particularly for their intrinsic value.

With respect to planning matters, Mr McGarr, planning witness for the submitter, considered there had been insufficient planning evaluation of the implications of scheduling and that in the absence of a proper analysis being undertaken, it is inappropriate to propose a 'roll over' of existing provisions. In his view, this evaluation should include employment and economic opportunities (evidence in chief, paragraphs 25 - 27).

For the Council, Ms Rebecca Sanders said that the trees provide amenity to the streetscape and visually buffer the industrial site from the established residential area which has been zoned for medium density in the Plan (evidence in rebuttal, paragraph 23).

In the absence of any evidence addressing the link between the implications of scheduling this group of trees and economic effects, the Panel has not been able to reach any conclusions in this regard.

#### **4.1.2. Panel recommendation and reasons**

The Panel agrees with Ms Sanders that the location of trees on the road boundary is not likely to significantly impact on future development of the site. The Panel also agrees with Ms Sanders that this group of trees has intrinsic value and also provides amenity in the street (evidence in rebuttal, paragraphs 11.16 – 11.18).

Accordingly, the Panel supports the inclusion of this group of five trees (karaka, two puriri, a totara and a pohutukawa) in Schedule 10 Notable Trees Schedule.

## **4.2. 8 Minnehaha Avenue, Takapuna**

### **4.2.1. Statement of issue**

The parties have agreed to delete the two pohutukawa trees that are leaning on the Thorne Estate Dairy, a scheduled historic heritage place, thereby posing a risk to the building's safety and integrity. The Panel also agrees.

The outstanding issue is whether these two trees are regulated by the 'extent of place' related to the scheduled historic heritage place.

### **4.2.2. Panel recommendations and reasons**

There was extensive evidence on these matters in this hearing and in Topic 032 Schedule of historic heritage. In Topic 032, the Panel agreed with Ms Rowe, planning witness for the Council, that "the removal of Tree 1 and Tree 2 are the only options available to alleviate the stated risk that the trees are posing to the Thorne Estate Dairy" (supplementary rebuttal evidence, paragraph 3.1, dated 17 September 2015). In her opinion, despite the trees having clear heritage value, it is appropriate to identify the trees as features in the exclusions column of Schedule 9.1. This will remove any administrative uncertainty. In light of the place-based approach to historic heritage protection, the Panel considers that this is an appropriate way to resolve this matter. Accordingly, the Panel has amended the 'exclusions' column in Schedule 14.1) as follows:

Interior of dairy and interior and exterior of residence and the two pohutukawa trees that each have one limb resting on the roof of the Thorne Estate Dairy as at 30 September 2013. (These two Pohutukawa trees are to be deemed 'free standing' for the purposes of the Plan rules.) (See section 6.13 of the Panel's Report to Auckland Council – Hearing topic 032 Historic heritage schedules July 2016.)

## **4.3. Ngati Whatua Orakei Whai Maia Limited**

### **4.3.1. Statement of issue**

In its primary submission, Ngati Whatua Orakei Whai Maia Limited (3085) sought the addition of 87 trees to the schedule.

Ngati Whatua wrote to all the affected landowners advising them of the submission and seeking permission to enter onto the land in order to undertake an arboricultural assessment of the relevant tree/s. Given the difficulties in obtaining landowners' consent and consequently the lack of arboricultural assessments, Ngati Whatua did not present evidence at the hearing (memorandum of counsel dated 24 July 2015).

The Panel received late further submissions from two affected landowners:

- i. Geoff Hardy, 25 Paratai Drive (rimu tree);
- ii. Matthew Adams and Ingeborg Vanloony, 50 Tautari Street (pohutukawa).

### **4.3.2. Panel recommendations and reasons**

The Panel agrees with the Council and further submitters that trees should not be added to the schedule without an arboricultural assessment establishing that they meet the notable

tree criteria. This has not been done and therefore Ngati Whatua's submission is not supported.

#### **4.4. 230 Ponsonby Road**

##### **4.4.1. Statement of issue**

The Estate of Peter Nigel Black (1903) seeks deletion of two magnolia trees (#77) located at the front of this business-zoned site.

The trees do not qualify for inclusion according to the Council's arboricultural assessment (see executive summary, David Wren, Appendix 2).

Ms Wendy Gray (7059) contested that assessment because it is based on subjective and arbitrary criteria. She said that the magnolia trees have native epiphytes which makes them distinctive and they contribute to the character of Ponsonby Road.

##### **4.4.2. Panel recommendations and reasons**

The Panel agrees that these trees are a long-established and familiar part of the streetscape. However, this does not make them notable trees in terms of the Plan's method of expert assessment. Further, the Panel agrees with Mr Wren's planning evaluation particularly that retention of these trees, which are not notable, is "at odds with the other Objectives and Policies of the PAUP and other requirements of the PAUP that require new buildings to be built to the frontage of the site, for verandah coverage to be provided over the footpath and the retention of the special character of Ponsonby Road" (paragraph 12).

For the reasons set out in Mr Wren's evidence, the Panel supports the deletion of these two magnolia trees from the schedule.

#### **4.5. 9 Audrey Road, Takapuna**

##### **4.5.1. Statement of issue**

John Buchanan (6772) seeks deletion of the Norfolk pine tree (#1034) located at the front of this property.

##### **4.5.2. Panel recommendations and reasons**

The Panel agrees that this tree is not notable for the reasons set out in paragraphs 9.0 – 16.0 of the primary submission. In addition, this tree will likely grow taller and become even less suitable for this residential neighbourhood. Accordingly, the Panel supports deletion of this Norfolk pine tree from the schedule.

#### **4.6. 1B Ponsonby Road**

##### **4.6.1. Statement of issue**

Samson Corporation Limited and Sterling Nominees Limited (6247) seek deletion of 8 Chinese poplar trees (#134) from the schedule.

#### **4.6.2. Panel recommendations and reasons**

The submitter did not provide arboricultural or planning evidence therefore the Panel supports the retention of these trees on the schedule.

### **4.7. 387 – 391 Hibiscus Coast Highway**

#### **4.7.1. Statement of issue**

This submission was made by K and E Planning Limited on behalf of Malibu Investments Limited (1809) seeking deletion of 8 pohutukawa trees from the schedule.

An assessment of the trees was undertaken by Mr West Fynn, arborist for the Council. He concluded that Group 2 (three pohutukawa on the seaward side) meet the criteria for scheduling. These trees are part of a wider group of trees that line the beach frontage and are of considerable amenity value. They have intrinsic value due to the significant contribution they make to the coastal character of Ōrewa beach (evidence in rebuttal, paragraph 7.5).

The remaining pohutukawa Group 1) are located in the middle of the site and Mr Fynn agreed with Mr Paul, who had prepared an arboricultural assessment of the submitter, that they do not meet the criteria for scheduling.

#### **4.7.2. Panel recommendations and reasons**

The Panel is persuaded by Mr Fynn's evidence and therefore supports scheduling of the three pohutukawa in Group 2. In particular, these trees are not restricted by the surrounding development on the site and, in the Panel's view, are not likely to restrict future development to the same extent as does Group 1. The Panel supports deletion of the six pohutukawa trees in Group 1.

### **4.8. 165 - 167 Jervois Road, Herne Bay**

#### **4.8.1. Statement of issue**

Wisimica Company Limited (1383, FS829) seeks the removal of the red flowering gum (#53) from the schedule because it is diseased, poses a risk to public safety and does not meet the requirements for scheduling. Its retention will unreasonably restrict the development of the site.

The Council and the submitter agreed that the tree should be removed.

#### **4.8.2. Panel recommendations and reasons**

The Panel accepts the planning and arboricultural evidence presented by the submitter and therefore supports deletion of this tree from the schedule (planning evidence of Alex Findlay and arboricultural evidence of Richard Peers).

## **4.9. 46-48 Balmoral Road**

### **4.9.1. Statement of issue**

Mutual Investments Trusts (5967) seeks deletion of the pohutukawa (#895) located on the rear portion of the site to the east of the existing dwelling.

### **4.9.2. Panel recommendations and reasons**

The Panel agrees with the submitter that this tree may well restrict development of the site in accordance with medium density zoning however no evidence was provided at the hearing to substantiate this contention. In addition, resource consent will be required for any likely new development and therefore it is not unreasonable to retain the notation. For these reasons, the Panel supports retention of this tree on the schedule.

## **4.10. Agreements reached between submitters and Council**

For completeness, the Panel records that the following matters were resolved between the Council and various submitters as a result of evidence presented at the hearing or in subsequent discussions:

- i. 3 Rodney Road, Northcote – the oak tree is not added to the schedule as sought by the Council in its submission – Bob Lack (4827);
- ii. 2-6 Springleigh Road, Mt Albert – the cypress tree is added to the schedule – Sir Harold Marshall (295);
- iii. Glade Place, Birkenhead – the Algerian oak growing adjacent to the rear boundary of 8 Glade Place is added to the schedule - Michael Elliott (2242);
- iv. 7 Bairds Road, Otahuhu – deletion of the silver birch, a Himalayan cedar and a karaka tree and amendments to the entries for clarification – DB Breweries Limited (4868);
- v. 18 Links Road, New Lynn (#1798) – removal of some trees and retention of others – see evidence of David Wren (paragraph 33);
- vi. 204-234 Great North Road, Arch Hill – deletion of the macrocarpa tree because it is failing - NZ Defence Force (838);
- vii. University of Auckland – inclusion of a map in Schedule 10 showing the notable trees on University property and a new paragraph in the Background to D13 Notable trees referring to this method;
- viii. 11 Collie Street, Manurewa – inclusion of 3 totara trees on the schedule giving effect to the decisions on Plan Change 37 to the Auckland District Plan: Operative Manukau Section – Craig Liggett (paragraph 28) and Ms Sanders (paragraphs 13.72 and 13.73).

## 5. Consequential changes

### 5.1. Changes to other parts of the plan

As a result of the Panel's recommendations on this topic, there are consequential changes to other parts of the Plan as listed below:

- i. E26 Infrastructure – inclusion of rules from D13 Notable trees;
- ii. E16 Trees in open space zones; and
- iii. E17 Trees in roads.

### 5.2. Changes to provisions in this topic

There are no changes to provisions in this topic as a result of the Panel's recommendations on other hearing topics.

## 6. Reference documents

The documents listed below, as well as the submissions and evidence presented to the Panel on this topic, have been relied upon by the Panel in making its recommendations.

The documents can be located on the aupihp website ([www.aupihp.govt.nz](http://www.aupihp.govt.nz)) on the hearings page under the relevant hearing topic number and name.

You can use the links provided below to locate the documents, or you can go to the website and search for the document by name or date loaded.

(The date in brackets after the document link refers to the date the document was loaded onto the aupihp website. Note this may not be the same as the date of the document referred to in the report.)

### 6.1. General topic documents

#### **Panel documents**

[025 - Submission Point Pathway Report - 15 July 2015](#) (17 July 2015)

[025 - Parties and Issues Report - 22 June 2015](#) (22 June 2015)

[Procedural Minute 6 \(PDF 355KB\)](#)

#### **Mediation statements**

[025 - Mediation Joint Statement - Session 1 \(29 May 2015\)](#) (26 June 2016)

[025 - Mediation Joint Statement - Session 2 \(11 and 12 June 2015\)](#) (22 June 2016)

#### **Direct Discussion outcomes**

[025 - Outcome of Direct Discussions - 12 June 2015](#) (17 June 2015)

[025 - Outcome of Direct Discussions - 24 April 2015](#) (7 May 2015)

#### **Auckland Council closing statement**



[025 Hrg - Auckland Council - Closing Remarks \(10 September 2015\)](#)

[025 Hrg - Auckland Council - Closing Remarks - Track Changes \(10 September 2015\)](#)

## **6.2. Specific evidence**

### **Auckland Council**

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning \(8 July 2015\)](#)

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning - Attachment B \(8 July 2015\)](#)

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning - Attachment C \(8 July 2015\)](#)

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning - Attachment D \(8 July 2015\)](#)

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning - Attachment D - Addendum \(30 July 2015\)](#)

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning - Attachment E \(9 July 2015\)](#)

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning - Attachment F \(8 July 2015\)](#)

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning - REBUTTAL \(5 August 2015\)](#)

[025 Hrg - Auckland Council \(Rebecca Sanders\) - Planning - Attachments - REBUTTAL \(5 August 2015\)](#)

[025 Hrg - Auckland Council \(Gavin Donaldson\) - Arboriculture - Trees in Streets and Public Open Space - REBUTTAL \(6 August 2015\)](#)

[025 Hrg - Auckland Council \(West Fynn\) - Arboriculture - Appendix 3.4 Schedule of Notable Trees - REBUTTAL \(5 August 2015\)](#)

[032 - Hrg - 8 - \(Planning\) - Deborah Rowe - SUPPLEMENTARY REBUTTAL \(17 September 2015\)](#)

### **Ngati Whatua Orakei Whai Maia Limited**

[025 Hrg - Ngati Whatua Orakei Whai Maia Limited - Memorandum \(24 July 2015\)](#)

### **Auckland Utility Operators group**

[025 Hrg - Auckland Utility Operators Group Incorporated et al - Legal Submissions \(13 August 2015\)](#)

[025 Hrg - Auckland Utility Operators Group Incorporated et al \(David Hay\) - Planning \(20 July 2015\)](#)

### **New Zealand Arboricultural Association incorporated**

[025 Hrg - New Zealand Arboricultural Association Incorporated \(Gerald Collett\) - Statement of Evidence \(13 August 2015\)](#)

**Tram Lease Limited and Viaduct Harbour Holdings Limited and Viaduct Harbour Management Limited**

[025 Hrg - Tram Lease Limited and Viaduct Harbour Holdings Limited and Viaduct Harbour Management Limited \(Craig McGarr\) - Planning \(27 July 2015\)](#)

**The estate of Peter Nigel Black**

[Executive Summary - David Wren \(26 May 2015\)](#)

**The Tree Council et al**

[025 Hrg - Tree Council, EDS and Royal Forest and Bird Protection Society - Legal Submissions \(14 August 2015\)](#)

[025 - Executive Summary \(28 May 2015\)](#)

[025 Hrg - Tree Council, EDS and Royal Forest and Bird Protection Society \(Marie Brown\) - Statement of Evidence \(22 July 2015\)](#)

[025 Hrg - Tree Council, EDS and Royal Forest and Bird Protection Society \(Marie Brown\) - Statement of Evidence - Attachment A \(22 July 2015\)](#)

[025 Hrg - Tree Council, EDS and Royal Forest and Bird Protection Society \(Sean Freeman\) - Statement of Evidence \(22 July 2015\)](#)

**Wendy Gray**

[025 Hrg - Wendy Gray - Summary Statement \(14 August 2015\)](#)

**Wisimca Company Limited**

[025 Hrg - Wisimca Company Limited \(Richard Peers\) - Planning \(24 July 2015\)](#)

[025 Hrg - Wisimca Ltd \(Alex Findlay\) - Statement of Evidence \(23 July 2015\)](#)