
Proposed Plan Change No.16:
Additions to the Schedule of Trees and Areas
of Landscape to be Protected

to the Auckland Council District Plan
(Papakura Section)

Section 32 Report

October 2011

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1.0 Executive Summary

From 1 January 2012, some of the existing tree protection rules in the District Plan will be revoked and a large number of trees will no longer be afforded protection. Consequently, trees which were protected by the general tree protection rules will no longer require resource consent approval to be damaged, destroyed or removed.

A number of these trees have significant historic, botanical and amenity value. In order to protect these trees in the District Plan, the Resource Management Act 1991 (RMA) requires that they be specifically scheduled.

The purpose of Proposed Plan Change 16 (PC16) to the Auckland Council District Plan (Papakura Section) (District Plan) is to add 58 significant trees/groups of trees to *Schedule 3B - Trees and Areas of Landscape to be Protected* (Schedule 3B). This will give these items the level of protection afforded by the existing heritage provisions in the District Plan in *Part 3, Section 3 - Heritage Protection* and the existing urban environment provisions in *Part 3, Section 2, Protection of the Urban Environment*.

2.0 Background

Trees form a valuable component of the urban environment and contribute to social, economic and cultural wellbeing. Trees contribute to urban amenity and biodiversity, moderate climate and provide shade. Trees can form landmark features and may have rare or scientific attributes which makes them worthy of protection. Historic trees may commemorate important events or are associated or planted by important historical figures. To ensure these values are retained, the protection of urban trees is provided for in district plans.

Urban trees are currently protected in the District Plan in several different ways. Larger areas of bush and biodiversity are protected in *Schedule 2A - Sites of Special Wildlife Interest* (this is replaced by *Significant Natural Areas* in Plan Change 13). Significant trees and groups of trees are protected in *Schedule 3B – Trees and Areas of Landscape to be Protected*. A number of other native and exotic species listed in *Schedule 3E – Species of Trees to Be Protected*, are protected by general tree protection rules.

Under section 152(1) of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (the Simplifying Act), on 1 January 2012, an existing rule or part of a rule in an operative or proposed district plan that prohibits or restricts the felling, damaging, or removal of any tree, or group of trees, in an urban environment is automatically revoked.

Section 76 (4A) of the consolidated Act limits tree protection methods beyond January 1st 2012 as being rules which do not:

“ prohibit or restrict the felling, trimming, damaging, or removal of any tree or group of trees in an urban environment unless the tree or group of trees is—

(a) specifically identified in the plan; or

(b) located within an area in the district that—

(i) is a reserve (within the meaning of section 2(1) of the Reserves Act 1977); or

(ii) is subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977” (Section 76 (4)(a))

The definition of urban environment in sub-section 4B of the RMA “means an allotment no greater than 4000 m² –

(a) that is connected to a reticulated water supply system and a reticulated sewerage system; and

(b) on which is a building used for industrial or commercial purposes, or a dwellinghouse.”

Therefore the rules and schedule that provide for general tree protection in Papakura will be revoked for the “urban environment” from 1 January 2012. The revocation will affect the general tree protection provisions contained within *Section 3, Part 2, Protection of the Urban Environment*, and *Section 3, Part 3, Heritage Protection*. The schedule and rules that will be affected by the revocation are:

Section 3, Part 2, Protection of the Urban Environment

Policies

2.8.5.1 *To protect native and exotic trees as specified in the list of species set out in Schedule 3E to this section of the Plan.*

Rules

2.10.1.1 Conservation of Landscape

Subject to Rule 2.10.2.2 below, no alteration shall be made to any tree or bush or any physical feature which involves:

(a) *the destruction of or irreparable damage to any native or exotic trees specified in Schedule 3E appended to Part 3 standing higher than 6 metres or having a trunk circumference of more than 0.5 metres when measured 0.5 metres from the ground*

Section 3, Part 3, Heritage Protection

3.7.1 Scheduled Items to be Protected

To the extent that a scheduled item is protected by Rule 3.8.2, no person or body shall, without the Council’s written consent under this Ordinance, wilfully destroy, remove, damage, alter, repair, add to or reconstruct any scheduled item provided that the Council’s consent shall not be required in the following instances:

3.7.2 Works in the Vicinity Prohibited

No person or body shall, without the Council’s written consent under this Rule carry on, conduct or execute any activity, use, excavation, construction or other work in, on, under or in relation to, or in the vicinity of, any scheduled item which endangers or is likely to endanger, damage or destroy that item or detract from the feature or features for the protection of which it has been scheduled.

SCHEDULE 3E

SPECIES OF TREES TO BE PROTECTED

NATIVE TREES	
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<i>Beech</i>	<i>Nothofagus truncata</i>
<i>Hinau</i>	<i>Elaeocarpus dentatus</i>
<i>Horoeka (Lancewood)</i>	<i>Pseudopanax crassifolius</i>
<i>Kahikatea</i>	<i>Dacrycarpus dacrydioides</i>
<i>Karaka</i>	<i>Corynocarpus laevigatus</i>
<i>Kauri</i>	<i>Agathis australis</i>
<i>Kohekohe</i>	<i>Dysoxylum spectabile</i>
<i>Kowhai</i>	<i>Sophora microphylla</i>
<i>Maire</i>	<i>Nestegis spp.</i>
<i>Matai</i>	<i>Prumnopitys taxifolia</i>
<i>Miro</i>	<i>Prumnopitys ferrugitea</i>
<i>Pigeonwood</i>	<i>Hedycarya arborea</i>
<i>Pohutukawa</i>	<i>Metrosideros excelsa</i>
<i>Pukatea</i>	<i>Laurelia novae-zelandiae</i>
<i>Puriri</i>	<i>Vitex lucens</i>
<i>Rata</i>	<i>Metrosideros robusta</i>
<i>Rewarewa</i>	<i>Knightia excelsa</i>
<i>Rimu</i>	<i>Dacrydium cupressinum</i>
<i>Tanekaha</i>	<i>Phyllocladus trichomanoides</i>
<i>Taraire</i>	<i>Beilschmiedia tarairi</i>
<i>Tawa</i>	<i>Beilschmiedia tawa</i>
<i>Ti Kouka (cabbage)</i>	<i>Cordyline australis</i>
<i>Titoki</i>	<i>Alectryon excelsus</i>
<i>Toro</i>	<i>Myrsine salicina</i>
<i>Totara</i>	<i>Podocarpus totara</i>
<i>Towhai/tawhero</i>	<i>Weinmannia silvicola</i>
EXOTIC TREES	
<i>Sweet Chestnut</i>	<i>Castanea sativa</i>
<i>Atlantic Cedar</i>	<i>Cedrus atlantica</i>
<i>Beech</i>	<i>Fagus sylvatica</i>
<i>Maidenhair Tree</i>	<i>Ginkgo biloba</i>
<i>Walnut</i>	<i>Juglans nigra</i>
<i>Sweet Gum</i>	<i>Liquidambar styraciflua</i>
<i>Tulip</i>	<i>Liriodendron tulipifera</i>
<i>Bull Bay Magnolia</i>	<i>Magnolia grandiflora</i> <i>Magnolia campbellii</i>
<i>Plane</i>	<i>Platanus spp.</i>
<i>Oak</i>	<i>Quercus spp.</i>
<i>Variogated Elm</i>	<i>Ulmus carpiniifolia 'variegata'</i>
<i>Golden Elm</i>	<i>Ulmus procera 'Louis van Houtte'</i>

All species, sub-species and cultivars of the above native and exotic species shall be taken as read.

As the above tree protection rules which apply to trees within the “urban environment” will be revoked, all trees species specified in Schedule 3E on urban sites (as defined in the RMA) will no longer be protected within the District Plan. Resource consent will not be required for the damage, destruction or removal of these trees.

Due to the revocation and the requirement that urban trees must be specifically identified in the District Plan in order to be protected, the most efficient and effective way of protecting significant trees is to add them to the existing schedule.

In response, to the changes to the RMA, the Governing Body of Auckland Council resolved in December 2010 -

“(c) That as an interim measure, Auckland Council uses a staged approach to prepare a plan change (using information recently updated by previous councils) which adds nominated trees to existing schedules.

(d) That existing schedules can then be updated as time permits, as soon as possible, via appropriate plan changes; this would build on previous work from councils”.

(e) That Local Boards be asked to nominate, by 31 March 2011, appropriate trees for consideration which are not currently among the 3690 scheduled trees; this would build on work from previous councils”.

In response to resolution (e) from the Governing Body, Council officers presented to the Papakura Local Board in February 2011 on the current schedule of significant trees and invited the Local Board to nominate trees for consideration in a plan change.

The Local Board nomination period did not generate any nominations from the Papakura Local Board. However the nomination period did generate three nominations (including two late nominations) from members of the public. Additional trees were also recommended by the assessing arborists.

This process provided the basis for this plan change.

3.0 Explanation of Plan Change

3.1 Purpose of the Plan Change

From 1 January 2012, the general tree protection provisions in the District Plan will be revoked and the tree species in schedule 3E within the urban area will no longer be protected. The revocation will affect the general tree protection provisions contained within *Section 3, Part 2, Protection of the Urban Environment*; and *Section 3, Part 3, Heritage Protection*.

Following a nomination and assessment process, 58 trees/groups of trees have been identified as having significant amenity, botanical and historical significance.

The primary purpose of this Plan Change is to add these additional significant trees to Schedule 3B of the District Plan to ensure their protection from 1 January 2012.

3.2 Summary of the Plan Change Provisions

The purpose of this Plan Change is to add 58 additional significant trees to Schedule 3B of the District Plan to ensure their protection from 1 January 2012.

The changes to the District Plan are summarised below:

- Adding 58 trees/groups of significant trees to Schedule 3B - Trees and Areas of Landscape to be protected.
- Removing item 34 (Sweet Gum, 3 Clevedon Road) from Schedule 3B as the tree has been removed through the resource consent process.
- Confirming the location of the Scheduled Oak in Creek Street, Drury, as 38 Creek Street Drury (schedule number 13).
- Amending Schedule 3B so the existing and proposed scheduled items are all allocated a schedule number and are in a numerical order (existing numbers for existing scheduled items have been retained where possible).
- Mapping all proposed additions to the schedule on District Plan Maps. The existing scheduled items in Schedule 3B (which were not previously mapped) have also been mapped.
- Updating policy 3.6.2.2(c) to refer to the newer and more accurate Standard Tree Evaluation Method (STEM).

The table below summarises the details of the trees/groups of trees proposed to be scheduled.

Schedule 3B- Trees and Areas of Landscape to be Protected

Address	Scheduled Item Common Name	Schedule No	Reason for scheduling	Planning Map Ref
Great South Road and Brynbella Court Road Reserve (In front of 48 Great Side Road), Papakura	Totara (1)	23	Aesthetic significance	E3
Front western corner of 48 Great South Road, Papakura	Totara (1)	27	Aesthetic significance	E3
30 Great South Road, Takanini	Oak (1)	28	Aesthetic significance, historical association	D1
1/2 Taonui Street, Papakura	Pohutukawa (1)	30	Aesthetic significance	G4
414 Great South Road, Papakura	Oak (1)	32	Aesthetic significance	G4
Front property boundary of 360-368 Great South Road, Papakura	Native group containing Kahikatea, Rimu, Miro, Titoki, Kauri and Totara	33	Aesthetic significance	F4
365-367 Great South Road, Papakura	Totara (7)	34	Aesthetic significance	F4
1/2 Prictor Street, Papakura	Rimu (1)	36	Aesthetic significance	E5
22 Marne Road, Papakura	Oak (1)	37	Aesthetic significance	F4
1/40 Clevedon Road, Papakura	Juniper (1)	43	Aesthetic significance	E5
North-western corner 8 Youngs Road, Papakura	Magnolia (1) (already scheduled) Totara (1)	47	Aesthetic significance, historical association	E3
184 Clevedon Road, Papakura	Norfolk Island Pine (1)	49	Aesthetic	E5

			significance	
16 Onslow Road, Papakura	Kauri (1)	50	Aesthetic significance	F4
110 Settlement Road, Papakura	Copper Beech (2) (1 already scheduled)	53	Aesthetic significance	F5
7 and 5 Butterworth Ave, Papakura	Native group containing Totara (2), Rimu (1) and Rewarewa (1)	55	Aesthetic significance	F4
Front of 7 and 5 Butterworth Ave, Papakura	Rimu (3)	56	Aesthetic significance	F4
South western corner of 6 Butterworth Ave, Papakura	Rimu (1)	57	Aesthetic significance	F4
South western corner of 31 Butterworth Ave, Papakura	Miro (3) Titoki (1)	63	Aesthetic significance	F4
31 Butterworth Ave, Papakura	Kauri (1)	64	Aesthetic significance	F4
56 Great South Road, Papakura	Totara (3)	65	Aesthetic significance	E3
Front boundary of 18 Smiths Ave, Papakura	Totara (3)	66	Aesthetic significance	F4
39 Marne Road, Papakura	Kauri (1)	67	Aesthetic significance	F4
7a Butterworth Ave, Papakura	Rimu (1) Puriri (1)	68	Aesthetic significance	F4
13a and 15 Butterworth Ave, Papakura	Native group containing Rimu, Taraire, Puriri, Rewarewa	69	Aesthetic significance	F4
24 Youngs Road, Papakura	Kauri (1) Kahikatea (1)	70	Aesthetic significance	E3
17b Butterworth Ave, Papakura	Native group containing Rimu and Rewarewa	71	Aesthetic significance	F4
17a Butterworth Ave, Papakura	Totara (3) Rimu (2)	72	Aesthetic significance	F4
19 Butterworth Ave, Papakura	Rimu (2)	73	Aesthetic significance	F4
23 Butterworth Ave, Papakura	Miro (1)	74	Aesthetic significance	F4
25 Butterworth Ave, Papakura	Rimu (1) Miro (2)	75	Aesthetic significance	F4
1/14 Great South Road, Papakura	Rimu (1)	76	Aesthetic significance	E3
1/10 Great South Road, Papakura	Totara (1)	77	Aesthetic significance	E3
27a Great South Road, Papakura	Italian Cyprus (1)	78	Aesthetic significance	E3
6 Youngs Road, Papakura	Liquidambar (1) Tulip (1)	79	Aesthetic significance	E3
40 Youngs Road, Papakura	Oaks (2)	82	Aesthetic	E3

			significance, historical association	
43 Youngs Road, Papakura	Norfolk Island Pine (1)	83	Aesthetic significance	E3
43 Takanini Road, Takanini	Totara (1)	84	Aesthetic significance	D2
45 Takanini Road, Takanini	Totara (2)	85	Aesthetic significance	D2
4 Beach Road, Takanini	Totara (1)	86	Aesthetic significance	D2
2 Coles Crescent, Papakura	Oak (1)	88	Aesthetic significance, historical association	E3
15 Manuroa Road, Takanini	Oaks (2)	89	Aesthetic significance, historical association	D2
Northern half of 4 Arthur Place, Papakura	Native trees- numerous species	90	Aesthetic significance	F4
154 Great South Road, Takanini	Totara (1)	91	Aesthetic significance	D2
1/16 Marne Road, Papakura	Totara (1) Rimu (1)	92	Aesthetic significance	F4
Western end of 13 Orion Street, Papakura	Elm (1)	93	Aesthetic significance, botanical significance	F4
38 Parkhaven Drive, Papakura	Oak (1)	94	Aesthetic significance	G4
9 Butterworth Ave, Papakura	Ideaia Polycarpa (2) Juglans (1) Native trees containing numerous species at the southern end of property	95	Aesthetic significance	F4
North western corner of 29 Butterworth Ave, Papakura	Matai (1)	96	Aesthetic significance	F4
27 Butterworth Ave, Papakura	Native group containing Karaka and Miro	97	Aesthetic significance	F4
27a Butterworth Ave, Papakura	Native group containing Totara, Puriri and Miro	98	Aesthetic significance	F4
South eastern corner of property 1 Butterworth Ave, Papakura	Rimu (1) Miro (1)	99	Aesthetic significance	F4
9 Bushlands Place, Papakura	Native group containing Rimu, Kahikatea, Karaka	100	Aesthetic significance	F4
4 McCall Place, Papakura	Rimu (1) Totara (1)	101	Aesthetic significance	F4
23 Liverpool Street, Papakura	Kahikatea	102	Aesthetic significance	F4
Eastern half of 346 Great South	Native group containing	103	Aesthetic	F4

Road, Papakura	Taraire, Nikau, Rimu, Karaka, Rewarewa, Totara		significance	
Northern half of 350a Great South Road, Papakura	Native trees- numerous species	104	Aesthetic significance	F4
Northern half of 350b Great South Road, Papakura	Native trees- numerous species	105	Aesthetic significance	F4
13 Sunnypark Ave, Papakura	Group of Totara	106	Aesthetic significance	G3

3.3 Methodology for Tree Assessment (Scheduling)

Nominations

A nomination process was initiated in March 2011 which enabled the Papakura Local Board and members of the public (through the Local Board) to nominate trees for consideration for the Plan Change. No nominations were received from the Papakura Local Board however three nominations were received from members of the public. These nominations consisted of the following:

- One nomination of 31 trees/groups of trees located throughout Papakura, Drury and Takanini. All of these trees which were within the 'urban environment' were assessed by the arborists.
- One late nomination (received late May) for a Kawaka tree at 1/431 Great South Road. As this was a late nomination, a drive by was done of the tree prior to notifying the property owners/occupiers of a site visit. However no Kawaka tree was found on the site or surrounding sites. Therefore no STEM assessment was undertaken.
- One late nomination (received late May) for a number of trees at 54 Great South Road. As the site at 54 Great South Road did not meet the RMA definition of 'urban environment' (the site is larger than 4000m²), no assessment of the trees was undertaken. However, the largest tree of the group, an Oak tree, was located on the adjoining residential property and was therefore assessed by the arborist.

Use of Existing Schedule

Schedule 3B currently comprises of 67 trees/groups of trees and one 'landscape feature'. As the schedule specifically identifies trees/groups of trees, this protection mechanism will continue to protect those trees already listed in Schedule 3B after 1 January 2012. The existing schedule is to be used to protect Papakura's significant trees identified through the assessment process which is further discussed in the following sections.

It is noted that a small number of sites are also located within Significant Natural Area 8 (Butterworth Bush) in Plan Change 13.

Use of STEM

Policy 3.6.2.2 sets out criteria for scheduling significant trees in Papakura.

Policy 3.6.2.2(a) sets out criteria for the consideration of notable trees:

(a) Notable Trees and Stands of Trees

- (i) any tree outstanding in the District for its large diameter, height or canopy spread.*
- (ii) any trees of a species rare in the District, especially outstanding specimens.*
- (iii) any tree that has value through its unique location or outstanding functional, strategic or aesthetic significance.*
- (iv) any tree that has a significant association with other objects and places of scientific interest such that the preservation of the tree will aid the protection of the associated place or objects.*
- (v) a stand of trees conforming to the above.*

Policy 3.6.2.2(b) sets out criteria for the consideration of historic trees:

(b) Historic Trees and Stands of Trees

- (i) any tree commemorating an important local event, either in Maori history or legend, or in European settlement and development.*
- (ii) any tree that is regarded as an important landmark and has been acknowledged as such for a significant period of time.*
- (iii) any tree that has historic association with a well-known public figure or has had strong public association for some reason.*
- (iv) any tree that is strongly associated with a local historic feature and which now forms a significant part of that feature.*
- (v) a stand of trees conforming to the above.*

To ensure a consistent and robust assessment of trees, considering the criteria above, Policy 3.6.2.2(c) states:

(c) Royal New Zealand Institute of Horticulture Tree Evaluation Method for New Zealand

The Royal New Zealand Institute of Horticulture Tree Evaluation Method for New Zealand uses similar criteria to those listed here and compares the relative merits of trees on a points system. Requests to schedule trees will be evaluated on this system as an additional guide as to whether or not trees should be scheduled.

Since the District Plan was written, use of the Royal New Zealand Institute of Horticulture Tree Evaluation Method for New Zealand has been superseded by the Standard Tree Evaluation Method (STEM). STEM also compares the relative merits of trees on a point system and is used and endorsed by The Royal New Zealand Institute of Horticulture, and widely accepted and used by arborists. It is also used in many district plans, in some cases, with variations (e.g. North Shore City, Auckland City, Waitakere City, and Manukau City District Plans), to assess trees for scheduling.

The STEM methodology addresses all of the considerations in Policies 3.6.2.2(a) and 3.6.2.2(b) and has been used as the primary method for assessing trees for inclusion in Schedule 3B for this Plan Change.

The guidance note attached to Policy 3.6.2.2 in the District Plan stating, *In addition to the criteria above, any tree or stand of trees which is scheduled must be in a good state of health and be likely to remain so*, has also been taken into account when considering trees for Schedule 3B.

STEM Assessments

An initial evaluation and drive-by (to determine correct location) of the nominated trees was undertaken by the Council planner. The nominated trees were then recorded in a spread sheet and a second evaluation was undertaken by the Council planner to determine if the trees would retain or lose protection from 1 January (based on the RMA definition of “urban environment”).

Nominated trees were not assessed further where it was clear that they were not affected by the RMA change (e.g. sites over 4000m², trees on road reserves and Council reserves). However, one road reserve tree and one tree on a vacant site have been included in PC16 for the following reasons:

- A Totara on the road reserve outside 48 Great South Road is proposed to be included in PC16 as there is an identical tree adjacent to it on 48 Great South Road. Both trees have been assessed as having significant amenity value. Scheduling the pair of trees would contribute greatly to the amenity of the surrounding residential area.
- An Oak tree at 38 Park Haven Drive is located on a vacant residential site that is within a subdivision currently being developed. Development of the site in the near future is likely. The oak tree has been assessed as having significant amenity value. It is therefore prudent to protect this tree, as once a dwelling is established on the site, if the tree is not scheduled, it will no longer be protected in the District Plan.

In order to achieve a broad representation of the notable trees in Papakura, the arborists recommended additional trees that they considered to be significant for assessment.

Letters were sent to all owners and occupiers of the nominated and recommended trees to be assessed, notifying them that the assessments would be taking place. The nominated trees and recommended trees were then assessed on site by the arborists using STEM. Site visits for the trees were undertaken from June-August 2011. After the initial scoring, reviews were undertaken, including a peer review by a second arborist.

Trees that were considered by the arborists to potentially have historic value were also assessed by historians. The historical assessments involved a brief report on the historical nature of each tree/group of trees. STEM scores were assigned in the age, association and commemoration categories within the Notable section of the STEM assessment. Nine trees were sent to the historians for assessment. Six of the nine trees were found to have some form of historical value ranging from local to district significance.

In order to determine which of the nominated and recommended trees were potentially significant enough to be added to Schedule 3B, STEM assessments were undertaken of a random sample of 11 of the existing scheduled trees. From these evaluations, a threshold of 126 was considered appropriate (see section 5 of the Arborists Report). Those trees/groups of trees which met the threshold for scheduling (scoring 126 points or greater) have been included in the Plan Change.

The arborists report on the STEM assessments undertaken is appended as **Attachment A** to this report. The STEM assessments, historical assessments, photographs and aerial photographs of the trees/groups of trees proposed to be scheduled as appended as **Attachment B** to this report.

These trees/groups of trees are considered to have significant historical, botanical or amenity values and meet the threshold for scheduled trees in the District Plan. It is proposed that Schedule 3B be amended to accommodate these additional trees.

4.0 Consultation

In terms of consultation for the tree plan changes, the Governing Body of Auckland Council resolved in December 2010 -

- (e) *“That Local Boards be asked to nominate, by 31 March 2011, appropriate trees for consideration which are not currently among the 3690 scheduled trees; this would build on work from previous councils.*
- g) *That officers be asked to engage with the list of organisations (as identified in the Tree Council’s letter to the Mayor dated 17 November 2010) as a reference group.”*

4.1 Local Boards

In response to resolution (e) from the Governing Body, Council officers presented to the Papakura Local Board in February 2011 on the current schedules of significant trees and invited the Local Board to nominate trees for consideration in a plan change. No nominations were received from the Local Board but three nominations were received from members of the public (including two late nominations).

Once the nomination period had closed, and the nominated and recommended trees had been recorded, a letter was sent to the Local Board for their information.

Prior to the notification of this Plan Change a presentation was given to the Papakura Local board advising them of the progress made toward notifying the plan change and the type and number of trees proposed to be added to Schedule 3B.

4.2 Iwi

Letters were sent to all the Iwi groups that are associated with the Papakura area. The letters provided an explanation of the proposed Plan Change, the forthcoming notification process and welcomed additional nominations from the Iwi groups, which will be considered at the submission stage. The letters also offered a presentation to the Iwi groups and provided contact details if the Iwi groups requested a presentation or had any questions or queries. No response was received from the Iwi groups.

The letters were sent to the following Iwi authorities:

- Hauraki Maori Trust Board
- Nga Tai Ki Tamaki Tribal Trust
- Ngati Whanaunga Environment Unit
- Ngati Paoa Trust
- JBN Environmental
- Ngati Tamaoho Trust
- Te Ara Rangatū o Te Iwi o Ngati Te Ata Waiohū
- Te Aakītai Waiohū Iwi Authority
- Waikato Tainui Te Kauhanganui
- Ngati Maru ki Hauraki Incorporated

4.3 Affected Owners and Occupiers

Letters were sent to all owners and occupiers of the trees to be assessed prior to the arborists assessments being undertaken. The letters provided information about why their

tree was being assessed and information about the subsequent plan change and submission process. The letters contained a list of frequently asked questions and provided contact details if the owners/occupiers wanted to be on site when the assessment was undertaken or had questions or queries.

4.4 Interested Parties

In response to resolution (g) from the Governing Body, Council officers met with the Tree Council and other associated organisations (e.g. Landscaping NZ, Auckland University of Technology, Environmental Defence Society) on 1 February 2011. At this meeting, the Tree Council and members of these organisations were provided with various Council reports and have been kept updated on the process to date. They have also been involved in work being undertaken on developing policy and rules for the Unitary Plan. Additionally, the Tree Council had engaged with the public on the tree nomination process. Its website included information on the process and how people can provide nominations to their local board.

Letters were sent to all nominators acknowledging receipt of their nominations.

5.0 Statutory Assessment

In assessing PC16 against the RMA, the relevant provisions to be considered are:

- Section 72, which states, *“The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act”*.
- Section 74(1), which requires territorial authorities to prepare plan changes in accordance with the following:
 - Councils functions under Section 31
 - The provisions of Part 2
 - Councils duty under Section 32
- Section 75(2), which states: *“A district plan must give effect to (a) any national policy statement; and (b) any New Zealand coastal policy statement; and (c) any regional policy statement.”*
- Section 76(2), which states: *“In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities, including, in particular, any adverse effect”*.

The following evaluation of PC16 assesses the Plan Change against, the provisions of Part 2, Council’s statutory functions under Section 31, the relevant provisions in Section 75(2) and Section 76(2) and Council’s duty under Section 32 of the RMA.

5.1 Part 2 of the RMA

Part 2 of the RMA sets out the purpose and principals that must be considered by PC16.

Section 5

The purpose of the RMA is set out in Part 2, Section 5, as:

- (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 wellbeing 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.*

PC16 is consistent with Part 2 of the Resource Management Act. In particular PC16 is consistent with the purpose of the Act as PC16 seeks to provide for the sustainable management of significant urban trees in Papakura.

58 trees/groups of trees, which have been assessed as being significant, are proposed to be added to Schedule 3B to ensure their continued protection after January 2012. These trees are considered to have significant historical, botanical and amenity values. Adding the additional trees to the schedule is considered to provide for the protection of these significant trees to provide for the communities' wellbeing and safeguard the life supporting capacity of the environment in urban Papakura.

Section 6

In assessing this plan change against the matters of national importance, the following Section 6 matters are the most relevant:

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

The trees/groups of trees proposed to be scheduled through PC16 are considered to have significant amenity, botanical and historical value. Many of the trees proposed to be scheduled are indigenous trees of significance; and six of the trees have historical value. Protecting these trees from inappropriate subdivision, use and development will insure that the relevant matters in Section 6 are met.

Section 7

In assessing this Plan Change against the other matters in Section 7, the following other matters are the most relevant:

- (a) the maintenance and enhancement of amenity values:*
- (b) intrinsic values of ecosystems:*
- (f) maintenance and enhancement of the quality of the environment.*

As the trees/groups of trees have been assessed as having significant amenity, botanical and historical value, scheduling the trees are considered to align with the above matters in Section 7 of the RMA. Scheduling these trees/groups of trees will provide for the maintenance and enhancement of urban amenity values and the quality of the urban environment. The protected trees/group of trees will provide protected habitat areas throughout urban Papakura, which is already highly fragmented and susceptible to cumulative biodiversity loss. Protecting these trees/groups of trees will contribute to protecting the intrinsic value of ecosystems within Papakura.

Section 8

Section 8 requires the Council to take into account the principles of the Treaty of Waitangi. Letters were sent to ten Iwi authorities that have interests in the Papakura area. The letters provided an explanation of the proposed Plan Change, the forthcoming notification process and welcomed additional nominations from the Iwi authorities in order to provide for the protection of their taonga.

Based on the assessment above it is considered that the proposed Plan Change give effect to the purpose and principals within Part 2 of the RMA.

5.2 Section 31 of the RMA

Section 31 sets out the Council's functions for the purpose of giving effect to the RMA. The Council's functions include:

"31(1)(a)- 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"

PC16 proposes to add an additional 58 significant trees/groups of trees to Schedule 3B. Protecting these additional trees/groups of trees will ensure the integrated management of effects of land use activities and development of land on the trees by protecting them in the District Plan. It is therefore considered that the proposed Plan Change assists the Council in carrying out its functions set out in Section 31 of the RMA.

5.3 Regional Policy Statement (Section 75(2))

Section 75(2) of the RMA states:

"A district plan must give effect to—

- (a) any national policy statement; and*
- (b) any New Zealand coastal policy statement; and*
- (c) any regional policy statement."*

No assessment has been undertaken against a National Policy Statement or the New Zealand Coastal Policy Statement as there are no provisions within these documents that relate to urban trees.

The proposed Plan Change to add 58 additional trees/groups of trees to Schedule 3B must give effect to the Auckland Regional Policy Statement. The ARPS addresses the protection of heritage resources and public access to these resources. An assessment against the relevant objectives and policies of the ARPS is provided below.

Objective 6.3.1 of the RPS is:

To preserve or protect a diverse and representative range of the Auckland Region's heritage resources.

Method 6.4.2.1 states:

Regional and district plans shall include provisions which preserve or protect (as appropriate) heritage resources identified in Appendix B [Significant Natural Heritage Areas] of the RPS and

the values of those identified as significant using criteria in Policies 6.4.7-1 and 2, and 6.4.13-1 and 6.4.16.

PC16 seeks to schedule 58 trees/groups of trees which are considered as being of natural heritage significance. The trees proposed to be scheduled represent a diverse and representative range of native and exotic species. This is considered to be consistent with objective 6.3.1 the ARPS.

More specifically, a number of the trees/groups of trees to be scheduled appear to be remnant individuals and stands of trees surrounding Butterworth Bush (listed as a Significant Natural Heritage Area in the ARPS). Many of these trees have been assessed by the arborists as being over 100 years old, and received some of the highest STEM scores of the assessments undertaken.

Based on the assessment above PC16, which proposes to schedule an additional 58 trees/groups of trees in Schedule 3B is considered to give effect to the provisions of the ARPS.

5.4 Assessment of Environmental Effects (Section 76(2))

According to Section 76(2) of the RMA, in making a rule, Council shall have regard to the actual and potential effects on the environment.

The trees/groups of trees proposed to be scheduled are natural resources which have been assessed as having significant amenity, historical and botanical value. Protecting these trees/groups of trees in schedule 3B of the District Plan would have positive environmental effects.

Although scheduling these trees/groups of trees may restrict the development potential on some of these sites, It is considered that the potential significant adverse effects of not scheduling these trees are greater than the potential effects on people wishing to develop their land.

5.5 Section 32 of the Act

The following assessment provides a summary of the evaluation of PC16 in accordance with Section 32 of the RMA. The purpose of this section of the report is to fulfil the Auckland Council's responsibilities under Section 32 of the RMA with respect to the public notification of PC16.

Under Section 32 of the RMA, any proposed plan change must be accompanied by an evaluation that assesses the following:

- The extent to which each objective is the most appropriate way to achieve the purpose of the RMA (S32(3)(a)).
- Whether the proposed policies and methods are the most appropriate way in which to achieve the objectives in terms of their efficiency and effectiveness (S32(3)(b)).

Efficiency means the ease with which a mechanism can be implemented. Effectiveness means the ability of the mechanism to achieve the desired outcomes. The weighting of these factors is important in decision making during the section 32 process.

The Section 32 evaluation must also take into account:

- The benefits and costs of the policies, rules or other methods (S32(4)(a)).
- The risk of acting or not acting if there is uncertain or insufficient information (S32(4)(b)).

These benefits and costs can relate to economic, social or environmental benefits and costs. For example, environmental benefits are positive environmental outcomes and environmental costs are adverse effects. Benefits and costs can be quantifiable or non-quantifiable and can be assigned to particular groups (e.g. private costs, public benefits) or shared.

The Section 32 evaluation for this Plan Change is undertaken in the following sections of this report.

5.5.1 The extent to which each objective is the most appropriate way to achieve the purpose of the Act

For this Plan Change, no new objectives are proposed, as PC16 uses the existing objective and policy framework for heritage items. Objective 3.6.2 promotes the conservation of:

“trees, bush, plants or landscape of scientific, wildlife, botanical or historic interest or of visual appeal”.

The existing objective has been effective in protecting the existing heritage resources scheduled in the District Plan and the community is familiar with the existing heritage provisions in the District Plan. Additionally, previous Section 32 analysis (for the development of the District Plan and subsequent plan changes) has proven the appropriateness of the current objective.

It is considered that the use of the existing objective would be most the appropriate way to achieve the purpose of the RMA and no further assessment is considered necessary.

5.5.2 Whether the policies, rules, or other methods are the most appropriate for achieving the objectives

In order to evaluate whether the proposal to schedule 58 additional trees/groups of trees and update policy 3.6.2.2(c) are the most appropriate methods to achieve the purpose and principals of the RMA, four options have been considered. These are:

- A. Do Nothing - do not afford protection to these additional items
- B. Protect trees using alternative policies, rules and methods
- C. Protect trees using non regulatory methods
- D. Schedule the trees in Schedule 3B using the existing District Plan provisions (subject to an alteration to policy 3.6.2.2(c))

A. Do Nothing- Do not protect the additional trees/groups of trees

The costs and benefits and efficiency and effectiveness of not acting are evaluated in the table below.

Do Nothing- Do not protect the additional trees/groups of trees		
Benefits	Costs	Efficiency and Effectiveness
<ul style="list-style-type: none"> • No need to undertake a plan change. • No additional controls and 	<ul style="list-style-type: none"> • These significant trees/groups of trees will 	<p><u>Efficiency</u> This option would be the most</p>

<p>associated costs to owners and occupiers of buildings.</p> <ul style="list-style-type: none"> No resource consent requirements for modification or removal beyond existing district plan requirements within Schedule 3B. Certainty to owners and occupiers as to compliance only being required with existing items within Schedule 3B. 	<p>not be afforded protection.</p> <ul style="list-style-type: none"> The trees/groups of trees have been evaluated against a robust STEM assessment. The assessments conclude that the trees/groups are of such significance that if they were to be destroyed or unsympathetically altered or damaged, valuable elements of Papakura's natural heritage resource would be lost. 	<p>efficient in terms of time and costs as no plan change would need to be promulgated.</p> <p><u>Effectiveness</u></p> <p>This option would not be the most effective in terms of achieving the objectives of the District Plan and the purpose and principals of the RMA as the trees/groups of trees identified to be scheduled have been assessed to have considerable significance and if not scheduled, this may result in the loss of an important part of Papakura's local natural heritage.</p>
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As a 'do nothing' approach is not considered to meet objective 3.6.2 of the District Plan or achieve the purpose of the RMA, this approach has been disregarded.

B. Protect trees using alternative policies, rules and methods

The costs and benefits and efficiency and effectiveness of protecting the significant trees/groups of trees by utilising or developing alternative policies, rules and methods are evaluated in the table below.

Protect trees using alternative policies, rules and methods		
Benefits	Costs	Efficiency and Effectiveness
<ul style="list-style-type: none"> Other regulatory methods might include applying a heritage order, conservation area, centre plan or character overlay, re-zoning or placing a heritage order. These methods would allow the effects of damage, destruction or removal of the trees/groups of trees on the environment to be considered through a resource consent process. 	<ul style="list-style-type: none"> These other methods are typically applied to areas or grouping of heritage significance and would impose costs beyond the subject items and as such would not be a targeted method to protect the individual trees and discrete groups of trees identified. Time and costs associated with developing new objectives, policies and methods. A conservation area or overlay would be cumbersome when property owners may wish to remove other trees within the overlay area which are not considered to be significant, but would require resource consent. 	<p><u>Efficiency</u></p> <p>This option would be efficient as the existing overlay mechanisms in the District Plan could be used to protect the additional significant trees/groups of trees (such as the schedule of Sites of Special Wildlife Interest/Significant Natural Areas in Plan Change 13).</p> <p><u>Effectiveness</u></p> <p>Overlays are used to protect significant areas only and may not be appropriate to use in urban areas where the significant vegetation is only confined to individual trees or discrete groups of trees. Furthermore, providing overlays to these areas may erode the integrity of the existing policies and rules as they relate to significant natural areas only.</p>

Although this option has efficiencies by potentially utilising alternative existing objectives, policies and methods, the costs and ineffectiveness of this option outweigh its benefits. In terms of meeting objective 3.6.2 and Part 2 of the RMA, this option is not considered to be the most appropriate.

C. Protect trees by non-regulatory methods

Non regulatory methods could include research, education, training, financial incentives, providing information and brochures, and covenants.

The costs and benefits and efficiency and effectiveness of protecting the significant trees/groups of trees by utilising non regulatory methods are evaluated in the table below.

C. Protect trees by non regulatory methods		
Benefits	Costs	Efficiency and Effectiveness
<ul style="list-style-type: none"> The provision of information to property owners would allow them to make informed decisions and understand the special nature of the significant trees and the aspects which need to be preserved. Legal mechanisms such as consent notices and land covenants can be employed to protect trees on private properties. This would ensure that protection remains. 	<ul style="list-style-type: none"> There is no certainty of protection as consideration of such information and protection mechanisms would be at the owner's discretion. It is considered that implementation of these alternative methods should be done in conjunction with PC16 rather than being the only approach taken. Legal mechanisms such as covenants on titles do not give a clear picture to the public of the requirements and obligations of any such approach and are less transparent. There are financial costs associated with the preparation and on-going costs of these incentives. 	<p><u>Efficiency</u> This option would be comparatively efficient in the short term in terms of time and costs as no plan change would be promulgated.</p> <p><u>Effectiveness</u> Non regulatory measures would not be the most effective in terms of achieving the objectives of the District Plan and Part 2 of the RMA as they rely on the voluntary co-operation of the property owner. Non regulatory measures would be less effective in the short term but may become more effective in the long term as the public becomes more aware over time of the information and incentives available. The imposition of legal mechanisms are also at the discretion of the property owner.</p>

In terms of meeting objective 3.6.2 and Part 2 of the RMA, as the effectiveness of non regulatory methods and legal mechanisms are dependent on the property owners' discretion, there would be no certainty of the protection of the significant trees/groups of trees. It is considered that there are elements of this option that be used in conjunction with PC16, not as an alternative. For these reasons this option is not considered appropriate.

D. Schedule the trees Schedule 3B using the existing District Plan provisions (subject to an alteration to policy 3.6.2.2(c))

The costs and benefits and efficiency and effectiveness of protecting the significant trees/groups of trees by utilising the existing District Plan provisions are evaluated in the table below.

Schedule the trees using the existing District Plan provisions (subject to an alteration to policy 3.6.2.2(c))		
Benefits	Costs	Efficiency and Effectiveness
<ul style="list-style-type: none"> The existing provisions have been effective in protecting existing heritage resources. The community is familiar with the existing heritage provisions. The existing approach is consistent with the direction given in the Regional Policy Statement. The STEM assessments undertaken illustrate that the proposed trees/groups of trees are assessed as having significant value and protecting them in Schedule 3B meets the purpose and principles within Part 2 of the RMA. 	<ul style="list-style-type: none"> Costs associated with undertaking the Plan Change and engaging in the public submissions and hearing process after notification, both for the Council, land owners, other authorities and the wider public. Development opportunities may be reduced by scheduling these trees/groups of trees on some sites. 	<p><u>Efficiency</u> This option is considered to be efficient as it utilises existing objectives and policies to protect significant trees that would otherwise not be protected in the District Plan from 1 January 2012.</p> <p><u>Effectiveness</u> This approach is considered the most effective of the four options assessed above and would provide protection of the significant trees/groups of trees on an on-going basis.</p>

This option is considered the most appropriate method to achieve objective 3.6.2 of the District Plan and Part 2 of the RMA. Scheduling of the trees/groups of trees is an efficient protection mechanism and is the most effective way of ensuring the continuing protection of Papakura's significant natural heritage.

6.0 Conclusion

The purpose of this Plan Change is to add 58 significant trees/groups of trees to Schedule 3B of the District Plan. This will give these items the level of protection afforded by the existing heritage provisions of the District Plan in *Part 3, Section 3 - Heritage Protection*, and the existing urban environment provisions in *Part 3, Section 2, Protection of the Urban Environment*, to ensure their continued protection from January 2012.

The main conclusions of the evaluation under Part 2 and Sections 31, 32, 72, 74, 75, and 76 of the Resource Management Act 1991(RMA) are summarised below:

- 1) PC16 is consistent with the purpose of sustainable management in Section 5 and the principals within Section 6, 7 and 8, within Part 2 of the RMA.
- 2) PC16 assists the Council in carrying out its functions set out in Section 31 of the RMA.
- 3) Pursuant to Section 75(2) of the RMA, the Plan Change is consistent with the objectives and policies of the Auckland Regional Policy Statement.
- 4) The assessment of environmental effects undertaken in accordance with section 76(2) of the RMA considered that the proposed trees/groups of trees have significant value. Not scheduling these trees/groups of trees could have significant potential environmental effects if the trees were damaged, destroyed or removed. The significant trees/groups of trees should therefore be protected within Schedule 3B of the District Plan.
- 5) The evaluation undertaken in accordance with Section 32 concluded:
 - The use of the existing objective would be the most appropriate way to achieve the purpose of the RMA.
 - The existing policies, rules and methods (including a change to policy 3.6.2.2(c)) are the most appropriate means of achieving objective 3.6.2

(which promotes the conservation of *“trees, bush, plants or landscape of scientific, wildlife, botanical or historic interest or of visual appeal”*) in the District Plan.

Attachment A: Arborists Report

Attachment B: Assessment Information of Significant Trees to be added to Schedule 3B