



Proposed Plan Change XX

Amendments to Schedule 10 Notable Trees
(re-order, technical errors and amendments to
the mapped overlay) in the Auckland Unitary
Plan (Operative in part)

**SECTION 32
EVALUATION REPORT
15 March 2019**

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1 Executive Summary

The purpose of this report is to summarise the evaluation undertaken as part of the preparation of Proposed Plan Change **XX (PPCXX)** to the Auckland Unitary Plan (Operative in part) (**AUP**), as required by section 32 of the Resource Management Act 1991 (**the Act**).

The scope of PPCXX is restricted to errors, inconsistencies and anomalies contained in the operative Schedule 10 - Schedule of Notable Trees in Chapter L of the AUP (the **Schedule**).

The purpose of the plan change is to undertake the following:

- amend technical errors in the Schedule
- update the Schedule to remove listed trees which no longer are present
- improve the legibility of the Schedule by ensuring that the descriptions, addresses and numbering are consistent throughout
- re-organise the Schedule into district and alphabetically by street name to improve usability
- amend the mapped overlay to replace the current central 'green triangle' (which indicates the presence of a notable tree or trees), with new symbology denoting the location of notable tree, trees or groups where these locations are known
- amend the Schedule and the corresponding mapped overlay to ensure that the correct address of a notable tree, trees or groups of notable trees is updated where it has changed as a result of subdivision

The following is out of scope of PCCXX:

- addition of new trees or groups of trees to the Schedule
- deletion of existing trees or groups of trees on the Schedule (other than those which have been physically removed from a property and therefore no longer exist)
- amendments to the objectives or policy framework or to the rules relating to Notable trees
- re-visitation of previous plan changes undertaken by legacy councils which developed the schedules of notable trees which were subsequently 'rolled over' to the operative Schedule 10 in the AUP.

Additions through nominations, deletions and re-evaluations or amendments to the policy approach for notable trees would be subject to a future plan change. It is not considered appropriate to 'open up' the Schedule concurrently with fixing errors and inconsistencies, as this is a separate issue and therefore has not been considered as an option

In accordance with Part 5 of Schedule 1 to the Act, and section 32, this evaluation report has been prepared to determine the appropriateness, effectiveness, efficiency as well as the costs and benefits of PPCXX. This report determines that a plan change to the AUP is the most appropriate option for correcting these errors, inconsistencies and anomalies, and making corrections to the corresponding viewer/planning maps in the in the AUP, and rearranging the Schedule to make it easier to use. Correcting these technical errors, inconsistencies and anomalies in the Schedule and the corresponding viewer/planning maps together in one plan change to the AUP:

- is effective, as it better aligns with the relevant objectives and policies in the AUP and the purpose of the Act;
- is efficient, as the potential for users to interpret these provisions incorrectly is reduced; and
- is appropriate, as the AUP will function more efficiently and productively with the correction of these errors.

2 Introduction

2.1 Purpose and scope

This report is prepared by Auckland Council (**Council**) as part of the evaluation required by section 32 of the Act for PPCXX to the AUP.

PPCXX introduces changes to the Schedule and the corresponding AUP maps showing the locations of scheduled trees and groups of trees. The amendments proposed in PPCXX will assist in the management and protection of scheduled trees.

In-scope changes:

The scope of the plan change is narrow and seeks only to amend the Schedule to correct errors, inconsistencies and anomalies regarding the way in which trees and groups of trees are described and recorded in the schedule. The plan change also seeks to reorganise how the Schedule is presented to enable it to be referenced and searched more easily (revised from its current organisation in chronological identification number order to suburb and alphabetical street-name order). PPCXX also proposes to amend the corresponding viewer/planning maps in the AUP to correctly identify the location of each scheduled tree and scheduled group of trees where these are known.

Out of scope changes:

PPCXX does not propose to add any additional trees to the Schedule or to re-evaluate existing trees in the Schedule. Therefore, any inclusions, deletions (aside from those notable trees which have been confirmed as removed) or re-evaluation of any existing notable tree currently listed in the Schedule is out of scope of the proposed plan change.

Further, PPCXX does not seek to alter the outcomes of any of the objectives and policies of the AUP. Nor does it introduce any new objectives, policies, rules, or zoning. The policy approach to Notable trees, its purpose and function remains unchanged, and this report does not evaluate these unchanged purposes and functions in any more detail.

Finally, PPCXX does not re-visit the previous plan changes of legacy councils which developed or amended their respective notable tree lists. In some cases the legacy maps of previous councils were consulted to assist with the location of previously-identified listed trees and groups. The focus of PPCXX is on the operative Schedule 10, which contains the

current and accepted list of notable trees, having undergone a schedule one RMA process as part of the development of the AUP.

'Opening up' the Schedule to a full review for additions, deletions and re-evaluations would require a significant amount of resources and a timeframe of at least 2-4 years, depending on the number of submissions and further submissions received. In the meantime, the errors and inconsistencies would remain. It is therefore appropriate that an administrative plan change to address the usability and accuracy of the Schedule and a full review of it are treated as two separate issues.

Section 32 of the Act requires that before adopting any objective, policy, rule, or other method, the Council 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 PPCXX,
- the 'schedule' means the Notable Trees Schedule 10
- the 'objectives' means the purpose of the proposal/PPCXX, and
- the 'provisions' means the policies, rules or other methods that implement, or give effect, to the objectives of the proposal.

The AUP contains existing objectives, policies, and rules or other methods for the purpose of protecting and managing scheduled trees. PPCXX is not seeking to alter or re-litigate any of these provisions. This evaluation report on PPCXX relates only to the amendment of the existing Schedule to correct the information as it relates to individual trees and groups of trees, reorganisation of the Schedule and amendments to the corresponding GIS viewer/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.

Further, PPCXX is not seeking to add any additional trees to the schedule, nor is it seeking to re-evaluate any existing tree on the schedule.

This section 32 evaluation will continue to be refined in relation to any consultation that occurs, and in relation to any new information that may arise, including through submissions and during hearings.

2.2 Background to the proposed plan change

The AUP contains objectives, policies and rules to protect particular notable individual trees and groups of trees from damage or destruction by inappropriate subdivision, use or development or through inappropriate construction methods. The AUP methods to achieve this protection are primarily focused on the Notable Trees Overlay. Individual trees and groups of trees that have been identified as notable trees are included in the Schedule. The AUP also includes criteria which must be met in order for a tree or group of trees to be included on the Schedule.

Prior to the creation of the AUP, each legacy council had its own schedule of notable trees. These varied in number and extent according to the local area. These legacy schedules of notable trees were “rolled over” into the AUP and there are subsequently 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.

The presence of a notable tree or group is identified in the GIS viewer/planning maps as a green triangle in the middle of the property parcel which denotes the presence of a notable tree, tree or group but does not usually relate to their locations.

Following the notification of the decision version of the Auckland Unitary Plan in November 2016, a number of errors were identified in the Plan’s text and maps. These were subsequently amended via Plan Change 4 which was an administrative plan change to correct errors, anomalies and technical matters. A small number of those errors related to Schedule 10. However, it was recognised at that time that rather than deal with the Schedule 10 errors as part of Plan Change 4, the Schedule should benefit from a project of its own to systematically address the various known issues within it.

3 The proposed plan change

PPCXX introduces changes to the listings of individual trees and groups of trees identified within the Notable Trees Overlay and included in the Schedule. The changes proposed are amendments to the Schedule to correct errors and update information for almost 3000 line items. PPCXX also proposes reorganising the Schedule to enable it to be referenced and searched more easily. In addition, PPCXX proposes amending the corresponding viewer/planning maps in the AUP to correctly identify the location of each scheduled tree and scheduled group of trees where these are known.

The purpose of the proposed plan change is therefore to amend, update and re-structure the Schedule and the corresponding overlay to improve their legibility and consistency for users.

The scope of the specific amendments to the Schedule and mapped overlay is restricted to the following:

- changes to the property location for some trees/groups of trees where a subdivision may have taken place (thus altering the legal description of the property the tree is located on)
- changes to the property location for some trees/groups of trees where it has been found that those trees have been described in the wrong location
- the deletion of listings where a resource consent has been granted for the removal of a tree, the consent has been given effect to and the tree or trees have been physically removed yet still remain described in the schedule
- the deletion of listings where a tree or trees have been physically removed yet still remain described in the schedule and present in the mapped overlay

- changes required to make the listings consistent with each other (for example, where a tree is located on a road reserve, it is described in a consistent manner with others in the same situation)
- clarification of the number/s of trees on a site and the correct and consistent recording of these in the schedule
- errors in the description of the tree or groups of trees (such as incorrect botanical or common name, typographical or spelling errors) and a consistent method of describing these
- amendment to the preamble to the schedule to describe the way in which it is to be used
- a re-organisation of how the schedule is presented to enable it to be referenced and searched more easily (revised from its current organisation in chronological identification number order to Auckland District and alphabetical street-name order, as well as a separate column to denote suburb)
- amendments to the overlay to position trees/groups of trees in a physically more accurate place than the current default green triangle in the middle of the parcel and where there are groves or groups of trees, these are shown as such with a polygon around their extent (this re-introduces some of the detail that several previous legacy schedules contained)

A central green triangle currently denotes the presence of a notable tree or group of trees. While this meets the requirements of the RMA and is simplistic, it is also somewhat rudimentary and does not offer users much information about the location or number of trees on a particular land parcel.

As part of PPCXX, the mapped overlay has been amended as far as possible using background information, historic data (such as those from legacy plan maps and contained in 'site pack' information held on the Council's database), aerial photography, the knowledge of heritage arborists and a number of site visits. In many cases, however, the exact locations of trees or groups of trees remains unverified given the large number of listings and the unfeasibility of visiting every property as part of PPCXX. In these cases, the central green triangle will remain unchanged and will continue to alert users to the presence of a notable tree or trees on the particular property.

In the case of large groves or groups, a 'polygon' around the extent of those groups has been established. This was an approach adopted to various degrees by previous legacy notable tree schedules. The previous North Shore City for example employed the use of polygons to denote contiguous areas of heritage vegetation. The former Auckland City Isthmus plan showed multiple markers for multiple trees on the same parcel.

The plan change documents include:

- marked-up Schedule 10 in its re-structured format indicating the changes made
- proposed amendments to the locations of trees and groups of trees in the GIS viewer/planning maps

4 Reasons for the proposed plan change

An evaluation under section 32 of the Act must examine the extent to which the objectives of PPCXX are the most appropriate way to achieve the purpose of the Act.¹ The objective of PPCXX, or the purpose of the plan change, is to correct errors and, where required, update information for trees and groups of trees listed in the Schedule, reorganise the Schedule to enable it to be referenced and searched more easily and to amend the corresponding viewer/planning maps in the AUP to correctly identify the location of each scheduled tree and scheduled group of trees.

The 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 Regional Policy Statement (RPS)².

The approach of the AUP is to protect and retain notable trees with significant historical, botanical or amenity values. 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 or accessibility 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 trees and groups of trees. The Schedule contains approximately 3000 'line items' which were essentially rolled over from legacy plan schedules at the time the AUP was drafted.

The criteria were standardised and amended as part of the AUP and thousands of trees were 'rolled over' into the combined AUP schedule from the legacy council lists. These trees were not re-evaluated, given that these trees or groups of trees had previously undergone historical evaluation under accepted criteria at the time. To re-evaluate the trees in the schedule is outside of the scope of PPCXX and would require a vast amount of resources and time. PPCXX also does not add any new trees to the Schedule, including any new trees nominated through the IHP hearings process. Any re-evaluation of existing trees in the Schedule and inclusion of any new trees in the Schedule would require a future plan change.

A number of the listings within the Schedule have known errors. These are wide-ranging in nature. Many of the errors are due to inaccuracies in the previous legacy schedules which were not resolved before being incorporated into the draft AUP. In addition, the Schedule has not been routinely updated following consents for removal of notable trees and has become increasingly out of date. PPCXX seeks to correct these errors and, where appropriate, update information.

¹ RMA s32(1)(a)

² AUP B1.4 Issues of regional significance

PPCXX also seeks to re-arrange the Schedule to enable it to be referenced more easily. Currently it is ordered by schedule identification number which is not user-friendly as generally-speaking, users will attempt to find an address in the first instance. Although the location of notable trees and groups of trees are mapped in the corresponding overlay, many users choose to refer to the Schedule first.

In addition, PPCXX seeks to amend the notable trees overlay in the GIS viewer/ maps by removing the single green triangle that denotes the presence of a notable tree or trees, and replacing it with new symbology to more meaningfully describe the locations of notable trees and groups of trees where these are known. Where they are not known, the green triangle will remain unchanged, denoting the presence of a notable tree or trees on the property.

The amendments proposed to the Schedule and the GIS viewer/maps enable the provisions of the AUP to apply appropriately to notable trees, and will ensure that they are protected and retained. PPCXX 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 PPCXX, there were two clear options identified:

Option 1 – do nothing/retain the status quo, and

Option 2 – a plan change to amend errors and update information within the Notable Trees Overlay.

The assessment of possible options against the selection criteria is outlined in the table below:

Table 1: Assessment of possible options

Criteria	Option 1 – Do Nothing	Option 2 – amend errors and update information in the overlay
<i>Achievable/able to be implemented</i>	<i>Requires no change so is easily implemented. There are however implementation issues in terms of the 'usability' and accuracy of the schedule and corresponding mapped overlay.</i>	<i>Requires a plan change. Can be implemented but will take time and resources.</i>
<i>Acceptable RMA practice</i>	<i>By not maintaining and updating the schedule and corresponding mapped overlay, the information held becomes increasingly out of date. This constitutes poor management of a valued resource.</i>	<i>Majority of New Zealand's District plans have lists of notable/historic/scheduled trees and this is a recognised method of protecting a valued natural and historic resource.</i>
<i>Timeliness – able to be</i>	<i>No changes so timeliness is</i>	<i>Simple plan changes can take 6-12</i>

<i>implemented in a timely manner</i>	<i>not an issue for the 'do nothing' option.</i>	<i>months and although PPCXX is a simple errors-based plan change, the timeframe is anticipated to be approximately 2 years given the systematic checking of a very large number of 'line items' in the schedule, the resources needed for site visits and historic data checking, and the input from additional technical teams for the mapped component of the plan change .</i>
<i>Addresses the RMA issue</i>	<i>The 'do nothing' option doesn't directly address the RMA issue. While there are other rules in place to protect some trees and vegetation, the ability to accurately maintain a schedule of trees which have undergone evaluation under certain criteria ensures that this particular resource is recognised and protected..</i>	<i>This option addresses the RMA issue by addressing errors and inconsistencies and amending the mapped overlay to ensure the resource is protected and maintained.</i>

Both the options are valid RMA approaches and both have strengths and weaknesses as outlined above.

3.2 Evaluation of options

See following table for a summary of analysis under section 32(2) of the Act.

Table 2: Evaluation of options:

Options	Efficiency and effectiveness of provisions in achieving the objectives ³	Benefits	Costs
<p>Option 1 Do nothing/retain status quo <i>Do not correct errors, meaning trees would continue to be identified in the Notable Trees Overlay but with incorrect/outdated information.</i></p>	<p>Will not achieve the objective of PPCXX, being to correct errors and, where required, update information for almost 3000 separate listings for notable trees or groups of trees.</p> <p>Is not efficient or effective due to increased time and money resulting from using incorrect/outdated information.</p> <p>No benefit to the owners of notable trees as the use and development of the properties will continue to be affected by the Notable Trees Overlay, albeit using incorrect/outdated information.</p> <p>The Schedule would remain with errors and anomalies which make its usability difficult. The ongoing potential for incorrect interpretation would remain a risk.</p> <p>No improvement to the usability of the mapped overlay would also result in ongoing lack of clarity and risk of mistakes.</p>	<p>Short term cost saving to Council, not proceeding with a plan change.</p>	<p>Notable trees may not be appropriately managed and protected, and loss of significant natural heritage values could occur.</p> <p>Cost to landowners and plan users in some cases by the schedule containing errors that impose an additional and unnecessary consenting burden.</p> <p>Knowledge that the Schedule and the corresponding GIS viewer/planning maps contain errors is likely to affect the integrity of the Notable Trees Overlay and the AUP and may have a reputational cost to Council.</p>
<p>Option 2 – plan change</p>	<p>The amendment of the notable trees schedule to correct errors and update information means the trees, as well as</p>	<p>Greater certainty to landowners and all users of the schedule, in terms of how the regulatory controls relate to their</p>	<p>Cost to the Council of proceeding with a plan change.</p>

³ RMA s32(1)(b)(ii)

Options	Efficiency and effectiveness of provisions in achieving the objectives ³	Benefits	Costs
	<p>their values and significance, are clearly identified. This ensures these trees are protected and managed appropriately through the Notable Trees Overlay.</p> <p>For the Notable Trees Overlay to be efficient and effective, the Schedule and the GIS viewer/planning maps must use correct and up-to-date information.</p>	<p>property being correctly and more clearly set out.</p> <p>Social and cultural benefits through the recognition, protection and appropriate management of notable trees and groups of trees.</p> <p>Integrity of the Notable Trees Overlay and of the AUP is protected.</p> <p>No economic growth or employment benefits anticipated.</p>	<p>Cost to the landowner if there is disagreement with a proposed amendments, through the need to engage with the plan change process.</p> <p>There may be perceived opportunity costs, through particular properties being subject to greater management and protection through the correction of errors, in the application of the Notable Trees Overlay.</p>

3.3 Risk of acting or not acting

Section 32(2)(c) requires this evaluation to assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. There is considered to be sufficient information for PPCXX to proceed.

The section 32 evaluation will continue to be refined in relation to any new information that may arise following notification, including during hearings on PPCXX.

3.4 Reasons for the preferred option

All notable trees or groups of trees proposed to be included in PPCXX are either subject to an error, ambiguity or require updating (both in the Schedule and in the GIS viewer/maps). To ensure these notable trees are identified using correct and up-to-date information, amendments to the Schedule and the GIS viewer/planning maps are required. Therefore, the 'do nothing' approach is not considered to be an appropriate option.

The evaluation of options conducted in section 3.2 of this report shows that the preferred option for meeting the objectives of the proposal, and the most efficient and effective option, is a statutory plan change to the AUP to amend details of notable trees within the schedule and the GIS viewer/planning maps to correct errors and update information.

The amendment to errors contained in the Schedule and introduction of a consistent way of setting out addresses, species and numbers of trees means that the readability of the Schedule will be easier and more reliable. The operative Schedule is organised by the chronological order of the identification numbers of the notable tree or trees. This was not an intuitive format for most users. The preferred way of finding if a particular address is affected by the Notable Trees overlay is by searching for that address, so the preferred option of organising the Schedule by Auckland district and then alphabetically by street address is considered a more user-friendly format. It also addresses the issue where there may be multiple streets of the same name in different districts (such as 'Queen Street' – a road name which appears across multiple districts of Auckland.)

The operative mapped overlay contains a green triangle in the centre of the land parcel to indicate the presence of a notable tree or trees. The corresponding Schedule preamble explains that the presence of this symbol does not specify the location of the tree or trees, only that the property is affected by the overlay and refers the user back to the schedule for more description of the listed item.

In accordance with section 32(1)(a), 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 PPCXX. PPCXX uses the existing objectives, policies and rule framework for the recognition and protection of notable trees.

4 Resource Management Framework

4.1 Overall evaluation against Part 2 of the Act

Section 5 of the Act 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.*

The issue addressed by PPCXX relates to the most appropriate method to manage the protection of Auckland's notable tree stock which are a valuable natural and physical resource.

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.*

The ongoing protection of notable trees will assist in achieving many of the other matters outlined in Section 7. Because the values associated with scheduled trees are wide-ranging, the amendments to and maintenance of the Schedule and GIS viewer/maps proposed as part of PPCXX will achieve and have regard to (in particular):

- kaitiakitanga (because of the historical and cultural values of many notable trees)

- the efficient use and development of natural and physical resources (the accuracy of the schedule is critical to ensuring that any use and development which may affect notable trees is undertaken with appropriate care)
- the maintenance and enhancement of amenity values (many notable trees contribute exceptionally to local and regional amenity)
- the intrinsic values of ecosystems (particularly in the case of groups of trees, these make a significant contribution to local ecosystem health and viability)
- effects of climate change (trees are recognised as providing vital mitigation to 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 principles⁴ include partnership, reciprocity, active protection, equity and equal treatment.

PPCXX will assist in achieving, in part, the above principles of the Treaty of Waitangi. This is particularly the case where trees or groups of trees have been identified for their historic and cultural significance.

4.2 Other relevant sections of the Act

There are relevant sections of the Act 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 79 – Review of policy statements and plan*
- *Section 80 – Combined regional and district document*
- *Section 86 – When rules in proposed plans have legal effect*

Relevance of PPCXX 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 PPCXX assists the Council to carry out its functions as set out in section 31 of the Act.

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

⁴ Waitangi Tribunal website, justice.govt.nz

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 80 of the Act 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 AUP. The AUP contains existing objectives, policies, rules and other methods that are of regional and district significance

When determining the date on which a plan change takes effect the Act provides in section 86B(3) that:

A rule in a proposed plan has legal effect only once a decision on submissions relating to the rule is made and publicly notified.

The proposed amendments in PPCXX will not have legal effect until the release of the decision notice on PPCXX.

4.3 National Policy Statements

National policy statements are instruments issued under section 52(2) of the Act and state objectives and policies for matters of national significance. The AUP is required to give effect to any national policy statements⁵. The only national policy statement that has relevance to PPCXX is the New Zealand Coastal Policy Statement 2010 (**NZCPS**).

New Zealand Coastal Policy Statement 2010

Of the notable trees proposed to be amended through PPCXX, some notable trees or groups of trees are located within the wider coastal environment.

Objective 2 of the NZCPS is relevant to the ongoing protection and recognition of notable trees. The objective seeks to preserve the natural character of the coastal environment and protect natural features and landscape values.

Objective 4 is also relevant because it recognises the public open space qualities and recreational opportunities in the coastal environment and many notable trees are located within open space zones within the wider coastal area.

A number of policies in the NZCPS generally relate to notable trees in the coastal environment. Policy 15 specially relates to the protection of natural features and natural landscapes including by having regard to native and exotic vegetation and to historical and heritage associations, which could reasonably include those notable trees identified for their historic significance within the wider coastal environment.

⁵ RMA s67(3) and s75(3)

The PPCXX gives effect to the NZCPS as it assists in the accurate identification, and therefore the recognition and protection, of notable trees within the wider coastal environment from inappropriate subdivision, use and development.

4.4 National Environmental Standards

There are currently six National Environmental Standards in force as regulations, but none of these relate directly to the management and protection of notable trees.

4.5 National Planning Standards

The purpose of the National Planning Standards (**Standards**) is to improve consistency in plan and policy statement structure, format and content so they are easier to prepare, understand, compare and comply with. The Standards will also support implementation of national policy statements and help people observe the procedural principles of the Act.

The first set of Standards has been formally notified and submissions are currently being reviewed with the revised Standards proposed to be gazetted in February 2019. The Standards are relevant to PPCXX as they seek to make provision for lists of scheduled/notable trees and vegetation.

4.6 Other Acts

Reserves Act 1997

The purpose of the Reserves Act is for the Department of Conservation (**DOC**) or local authorities (where DOC has delegated responsibility), to administer land for its preservation and management for the benefit and enjoyment of the public. These areas of reserve land possess various values and features, including those that are historic in nature.

A number of notable trees and groups of trees are located within reserves managed by Auckland Council. The proposed amendment of historic heritage places within these reserves supports the historic values of the reserves, and has the potential to enhance the benefit and enjoyment of the public of these places, due to the places and their values being identified correctly.

Waitakere Ranges Heritage Area Act 2008

Of the notable trees subject to PPCXX, many are located within the Waitakere Ranges heritage area.

The purpose of the Waitakere Ranges Heritage Area Act 2008 (**WRHAA**) is to recognise the national, regional and local significance of the Waitakere Ranges heritage area and to promote the protection and enhancement of its heritage features for present and future generations. The heritage features *per se* inherently include trees and vegetation that has

intrinsic value, are of cultural, scientific or educational interest and contribute to the area's vistas.

The objectives of establishing and maintaining the heritage area include the protection, restoration, and enhancement of the area and its heritage features, and to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it.

Of particular relevance are Objective (a):

To protect, restore and enhance the area and its heritage features

and Objective (l):

to protect in perpetuity the natural and historic resources of the Waitakere Ranges Regional Park for their intrinsic worth and for the benefit, use, and enjoyment of the people and communities of the Auckland region and New Zealand.

Amendments to the notable trees schedule will assist in the protection and enhancement of the heritage area in its wider context and gives effect to the purpose of the WRHAA and its objectives.

4.7 The Auckland Plan

The Auckland Plan refresh was approved by Auckland Council in June 2018. The Auckland Plan 2050 continues with the same general strategic approach to environment and cultural heritage as the 2012 Auckland Plan.

In particular, the directions and focus areas of the Auckland Plan relevant to PPCXX are as follows:

Table 3: Auckland Plan Directive and Focus Areas

Outcome	Directives and Focus Areas	Relevance to Amendments to Schedule of Notable Trees Plan Change : how do the proposed amendments assist in achieving the relevant directives and focus areas?
Outcome: Environment and cultural heritage	Direction 1: Ensure the environment is valued and cared for. Focus area 4: Protect Auckland's significant natural environments and cultural heritage from further loss.	Ensuring that the schedule is amended and up to date and the overlay maps are more user-friendly will assist in ensuring there is a clear and accurate understanding of the notable trees stock across the region. The proposed changes will also minimise the risk of misinterpretation of the Schedule because of incorrect or outdated data.

4.8 The Auckland Unitary Plan (Operative in part)

Regional Policy Statement (RPS) and District Plan Provisions

When preparing or changing a district plan, Council must give effect to any RPS and have regard to any proposed RPS⁶.

The RPS identifies a number of issues of regional significance and objectives and policies which are relevant to PPCXX, as outlined in the following table:

Table 7: Auckland Unitary Plan RPS and District Plan Objectives and Policies relevant to the PPC:

RPS Chapter	Relevant issue, objective or policy	Relevance to Amendments to Schedule of Notable Trees plan change - i.e. how do the proposed amendments assist in achieving the RPS and district 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. Therefore the PPC will ensure that the integrity and reliability of information about notable trees across the region is maintained.
B4.5. Notable Trees	B4.5.1. Objectives (1) Notable trees and groups of trees with significant historical, botanical or amenity values are protected and retained.	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.
	B4.5.2(2)(4) 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.	Ensuring that the relevant data pertaining to the trees and groups of trees listed in the schedule is amended and updated will reduce the risk of adverse effects on these resources.
B6.3. Recognising Mana Whenua Values	B6.3.2(6) Require resource management decisions to have particular regard to potential impacts on all of the following: (a) the holistic nature of the Mana Whenua world view;	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.
D13 Notable Trees Overlay	D13.2. Objective (1) Notable trees and notable groups of trees are retained and protected from inappropriate subdivision, use and development.	It is considered that in order for the objective and relevant policies to be effectively considered, information regarding the region's stock of notable trees should be as accurate as possible. By implementing the proposed amendments to the Schedule, its

⁶ RMA s74(2) and s75(3)

	<p>D13.3. Policies (2) Require notable trees and notable groups of trees to be retained and protected from inappropriate subdivision, use and development</p>	<p>integrity and accuracy will be improved.</p>
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5 Development of the Proposed Plan Change

This section outlines the development of PPCXX and the consultation undertaken in preparing the plan change.

5.1 Methodology

Background – how the Schedule of Notable Trees (Schedule 10) was included in the Auckland Unitary Plan (Operative in part)

All legacy district plans contained a schedule of some description which listed heritage/notable trees or groups of trees which were evaluated under a set of criteria at the time they were included in these schedules. These were consolidated as part of the development of the AUP. There was no further evaluation undertaken of the listed trees and they were ‘rolled over’ as they appeared in the legacy schedules. PPCXX does not re-visit legacy schedules in terms of their content given that the legacy schedules underwent a Schedule 1 process to include the trees or groups of trees on the lists. Any errors ‘inherited’ from the legacy schedules which are subject to PPCXX are limited to those described above.

At the time of the Unitary Plan Hearings, a number of submissions were received seeking additions to and deletions from the proposed schedule. As a result of the hearing, there were several trees added to the schedule and several removed but these were minimal in number, due to the requirement for adequate information to satisfy procedural fairness issues. At the time of the hearings, the IHP issued a memorandum to the Auckland Council (Procedural Minute 6) which directed a response to submissions which sought to add or delete site-specific provisions in the Plan, including the schedules. The IHP directed all submitters seeking additions or deletions to provide evidence of which affected landowners had been contacted and also to provide sufficient evidence to support the submission. Few submitters provided enough information to support the addition or deletion of a tree or trees on another person’s property.

The submissions seeking additions remain in a database held by the Heritage team along with nominations for additional trees to the schedule which are received from time to time.

There is no intention as part of PPCXX to re-evaluate the existing scheduled notable trees or groups of trees, nor to revisit the submissions seeking inclusion of additional trees. Neither is there any intention to address any recent nominations to the schedule. The scope of the PPC has a confined errors-based, administrative focus which addresses the issues with the existing Schedule and the corresponding GIS viewer/maps to ensure that their usability and reliability are improved and updated.

Review of trees and groups of trees in the Schedule

Errors within the Schedule were initially identified by Council staff and the public as part of the early period after the AUP was made Operative in Part (November 2016). These were recorded in a central database and were initially intended for correction through Plan Change 4 which was the first plan change to address technical errors and anomalies in the AUP. However, it was recognised that the Schedule could benefit from a wider review given that there had been no opportunity at the time of its development to systematically look at all the line items to ensure their consistency or accuracy.

The subsequent systematic review has since identified further errors and inconsistencies within the Schedule and maps.

To attempt to identify all errors and make the Schedule and corresponding mapped overlay more user-friendly, a system of checking was set up by staff to go through each line item. The process checked for :

- text errors, simple typographical errors in the schedule (such as incorrect species names, missing botanical names etc)
- accuracy of lot and deposited plan descriptions (changes due to subdivision, for example)
- incorrect location of trees
- numbers of trees inaccurately described in the schedule – for example, the number of trees listed not matching the numerical column
- accuracy of location of trees/groups of trees using a variety of desktop tools (most recent aerial photos, Google street view, historic 'site packs,' property files and some site visits
- identification of properties remaining affected by the overlay when the tree/trees had been removed as a result of resource consent or emergency work
- duplicate or multiple entries

In addition, the review took the opportunity to enhance the usability of the schedule by:

- introducing new symbology to replace the central green triangle to improve information about the location of a tree (either single, multiple of groups) where these are known
- amending the schedule's format to list trees/groups of trees by suburb and then by alphabetical street name
- amending the preamble to the schedule to improve its guidance for users on using both the text Schedule and the corresponding mapped overlay
- amending the descriptions of trees/groups of trees in certain locations to ensure they are consistent, such as when they are located on road reserves or parks
- describing botanical and common names of species to ensure consistency across the region

The overall purpose of the review was to ensure that the text and maps for scheduled trees align, and that the information was correct and up-to-date.

Mapped overlay

As part of the review of the Schedule, it has not been possible to physically visit every single site where a notable tree or group of trees is located. Reliance has had to be placed on the historic information contained in council's data base, or on aerial photography, Google street views and other methods of desktop analysis. Furthermore, it is expected that errors will continue to be identified. Addressing these issues will be the subject of a future plan change or Clause 20A process.

Ongoing maintenance

It is recognised that Schedule 10 is one of the more dynamic schedules contained within the AUP, given the large number of properties affected by this particular overlay and that subdivision, development and consents for removal/alteration as well as emergency works affect the description of listings on the Schedule. A programme to ensure the schedule is updated on a regular basis will be developed.

5.2 Consultation undertaken

In accordance with clause 3 of Schedule 1 of the Act, during the preparation of a proposed policy statement or plan, the local authority shall consult with:

- 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.*

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

Consultation with iwi authorities

In accordance with clause 3B of Schedule 1 of the Act, for the purposes of clause 3(1)(d), a local authority is to be treated as having consulted with iwi authorities in relation to those whose details are entered in the record kept under section 35A, if the local authority—

- (a) *considers ways in which it may foster the development of their capacity to respond to an invitation to consult; and*
- (b) *establishes and maintains processes to provide opportunities for those iwi authorities to consult it; and*
- (c) *consults with those iwi authorities; and*
- (d) *enables those iwi authorities to identify resource management issues of concern to them; and*
- (e) *indicates how those issues have been or are to be addressed.*

In addition to the above, recent legislation changes to the Act introduced the following sections in relation to iwi authorities:

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 PPC10 (section 32 (4)(a) of the Act).*

Schedule 1

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.

Letters were sent on 6 March 2019 to all iwi authorities (19) that are recorded by Council as being associated with the Auckland Region. The letters provided an explanation of the proposed plan change and sought their interest on receiving the draft plan change prior to notification.

Consultation with Local Boards

Letters were sent on 6 March 2019 to the Chairs of all Local Boards to inform them of the PPC and the invitation extended for more detailed discussion on the PPC by Council staff.

Consultation with other parties

Council-controlled organisations, Statutory Bodies and internal departments were sent memorandums on 7 March 2019 to inform them of the PPC.

There is no intention to consult any individual property-owners on the PPC prior to notification.

6 Conclusion

The purpose of PPCXX is to correct errors, inconsistencies and anomalies regarding the way in which trees and groups of trees are described and recorded in the Schedule, rearrange the Schedule to make it easier to reference and use and make changes to the corresponding viewer/planning maps in the AUP so as to better identify the location of each scheduled tree and scheduled group of trees.

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

1. PPCXX is consistent with the purpose of sustainable management in Section 5 and the principles within Sections 6, 7, and 8, and within Part 2 of the Act.
2. PPCXX assists the Council in carrying out its functions set out in Sections 30 and 31 of the Act.
3. Pursuant to Section 75(3)(c) of the Act, PPC10 is consistent with the objectives and policies of the Auckland Regional Policy Statement
4. The evaluation undertaken in accordance with Section 32 concluded:
 - i. The use of the existing objectives of the AUP would be the most appropriate way to achieve the purpose of the Act.

Conclusion	This part of the report concludes that the proposed plan change is the most efficient, effective and appropriate means of addressing the resource management issues identified.
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