

Aorere ki uta Aorere ki tai - Tasman Environment Plan

Issues and Options Report

Notable Trees

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Lead author: Matt Heale

Reviewed by: Barry Johnson; Kathie Fletcher

Important Note

March 2021

The Office of the Minister for the Environment released the Cabinet paper - *Reforming the resource management system* on 10 February 2021 (the Cabinet paper). As set out in that paper, Minister Parker proposes to repeal the RMA and replace it with:

- A Natural and Built Environments Act (NBA)
- A Strategic Planning Act (SPA), and
- A Managed Retreat and Climate Change Adaptation Act (CAA)

These Acts will influence the development of the TEP and how we are required to manage and plan for Tasman district's environment.

From the information we have we understand that the planning system will shift away from being effects-based, and instead focus on **outcomes**.

As of March 2021, this is what we know:

1. The purpose is likely to be to "*promote the quality of the environment to support the wellbeing of present and future generations and to recognise the concept of Te Mana o te Taiao*"
2. Biophysical limits will be set by the Minister
3. Twenty draft outcomes are identified (these are provided in Appendix 2)

Te Mana O Te Taiao is a concept that is likely to be central to the new legislation. It means "the mana of the natural world". People are a part of nature – and we can only thrive when nature thrives. This is described in more detail in this report.

In this report the author will, where necessary and appropriate, address the issues and options from the perspective of the new NBA purpose and outcomes.

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1 Executive Summary

1.1 Introduction

It has long been recognised that trees provide biodiversity and amenity benefits along with potential historic heritage value due to links to historical events, scientific qualities, and cultural value. Individual trees were first identified for protection in New Zealand in the Tasman District in the 1970's. Early tree surveys were undertaken using various methods and in 2005 the Standard Tree Evaluation Method (STEM) was adopted as an assessment tool by Tasman District Council. This method is now used by over 40 local authorities around New Zealand. Since that time, the Tasman Resource Management Plan (TRMP) has been amended to include over 500 protected trees. The Resource Management Act 1991 (RMA) was amended in 2003 to elevate the importance of historic heritage to a matter of national importance and historic heritage values have been further recognised in national policy change relating to freshwater and coastal values and urban development since then. In 2020, the National Planning Standards renamed protected trees "Notable Trees". This report investigates issues and options for the management of Notable Trees.

Protection of Notable Trees from inappropriate subdivision, use and development is a mandatory requirement of the RMA, where these trees have historic heritage and significant biodiversity value. There are also wider public amenity benefits from retaining trees. These requirements and benefits also need to be balanced with private property rights, by providing for reasonable use of land and recognising that landowners have some capacity to maintain their Notable Trees without regulation. On balance this paper takes the view that an improved Notable Tree schedule, enhanced by targeted rules and non-regulatory support, is an appropriate method to protect Notable Trees and that the protection benefits would outweigh any private costs incurred.

1.2 Purpose and Scope

The purpose of this report is to outline specific issues around the management of Notable Trees, identify outcomes we would like to achieve, and investigate and recommended option(s) to address the issue.

Notable Trees are currently managed in the Tasman Resource Management Plan (TRMP) via the Protected Trees rules (16.13.4-16.13.5.2). These rules enable trimming and pruning of protected trees but gives priority to the protection of protected trees from destruction or removal. Although higher priority has been given to the protection of historic heritage in the RMA since the TRMP was initially developed, research shows that more trees are susceptible to damage from increased development pressure and impacts from more intensive natural hazards. This paper will focus on how the TRMP significant resource management issues, objectives, and policies could be updated to better protect Notable Trees in Tasman given the current context.

The scope of this paper does not cover the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as this will be covered in a 'biodiversity' paper to follow. While Notable Trees contribute to overall biodiversity values, they are principally identified because of their heritage and amenity values rather than broader biodiversity values.

The outcomes sought in this paper will need to be reviewed in conjunction with a number of other interrelated topics that have potential to impact on, or be impacted by, the management of Notable Trees due to their location and risks from development and natural hazards including:

- Resource Management Issues of Significance to Iwi Entities

- Climate Change
- Natural Hazards
- Coastal Environment
- Subdivision Rules
- Soil Disturbance Rules
- Growth Management
- Biodiversity Priorities
- Designations

While there has been some preliminary engagement with key stakeholders, any draft recommended option(s) defined in this report will be further tested with iwi, Council, and community and may evolve during the course of the plan development process. The feedback and direction received on the recommended option(s) will inform development of the Draft Aorere ki uta Aorere ki tai - Tasman Environment Plan (TEP).

1.3 Issue(s)

There are currently 575 protected (notable) trees or groups of trees identified in the TRMP. These are located throughout the Tasman District and play a key role in maintaining amenity and our links to past events, people, and places. Increasing development pressure and natural hazard events along with a changing national policy framework means there is a need to review how we identify and manage these taonga – our Notable Trees.

The following information sources have been used to understand the current Notable Tree issues within the Tasman District:

- Initial TEP consultation Oct – Nov 2020
- Section 35 report: Chapter 10 ‘Significant Natural Values and Historic Heritage’ 1 Sept 2020’
- A review of relevant national policy changes
- TDC paper “Resource Management Issues of Significance to Iwi Entities”
- TDC Paper “Stage 2 of TRPS Efficiency and Effectiveness Review: Significant Resource Management Issues” 19 March 2021
- TDC Monitoring and Enforcement Team feedback
- TDC Consenting team feedback
- Preliminary engagement with key stakeholders April -May 2021
- Review of other Council’s provisions

Using the evidence sources above, the issues in relation to Notable Trees within the Tasman District are considered to fall into 2 key areas:

- *Issue 1: Notable Trees are integral to the region’s identity and are potentially vulnerable to adverse effects from natural hazards and inappropriate subdivision, use and development.*
- *Issue 2: Notable Trees could be more clearly and consistently assessed and identified in the resource management plan.*

1.4 Outcome(s) Sought

The outcome sought from the management of Notable Trees within the Tasman District is:

- A representative group of Notable Trees is clearly and consistently identified, retained and protected from neglect, inappropriate subdivision, use, and development and the risks from natural hazards are mitigated.

This outcome was derived from reviewing the existing provisions within the Tasman Resource Management Plan (TRMP), the draft Natural and Built Environments Act (NBA) outcomes, and the policy direction set within the Resource Management Act 1991 (RMA) and the New Zealand Coastal Policy Statement 2010 (NZCPS). Public consultation gathered via TEP Engagement Round One also sought measures to protect trees due to historic loss which supports the inclusion of the outcome above.

1.5 Option(s)

The options considered for the management of Notable Trees within the Tasman District are:

- 1 Status quo: Retain the current TRMP approach to Notable Trees – featuring biodiversity and historic heritage objectives and policies that seek recognition and protection of trees which are of significant scientific, wildlife, botanical, historic, or landmark value. Rules enable trimming and pruning, limit destruction of category B and C (significant) listed trees, while discouraging destruction and removal of category A (highly significant) trees. A range of non-regulatory measures are also in place including funding for the maintenance and enhancement of trees.
- 2 Updated regulatory approach: Develop a specific set of objectives, policies, and rules for the management of Notable Trees. This will require a full review of existing assessments to ensure biodiversity and heritage values are identified. These assessments will be electronically linked to the TEP so they are publicly accessible. A wider range of activities that are comparable with management approaches of other Councils, such as trimming and pruning and emergency works, would be enabled.
- 3 Non-regulatory only approach: Remove Notable Tree protection rules and rely solely on measures such as enhanced information, education, advocacy, funding initiatives and the decisions of individual land owners.
- 4 Mixed Model approach: A combination of Option 2 and 3 that would see enhanced non-regulatory measures and new plan provisions comparable with other Councils and current national policy direction.

1.6 Summary of Analysis

The analysis actions undertaken in relation to Notable Trees were:

- Section 35 reporting identified the need to improve the workability of rules and the tree assessment system along with Council financial support for tree maintenance.
- Review of the existing Protected Tree provisions in the TRMP and a comparison of these to provisions in other local authorities planning documents.
- Review of the consultation responses received during the Oct – Nov 2020 issues and opportunities Round One community engagement process.
- Feedback from preliminary key stakeholder engagement (April-May 2021) that highlighted the need for improved information management, integration with other plan rules, and more enabling of trimming and pruning provisions.
- Assessment of the regional significance of issues in relation to heritage.

- Meetings with Council’s Consents, Compliance and Parks teams as well as Council’s consultant arborist to understand their experience with implementing TRMP protected tree provisions.
- Review of applicable national policy and legislation that requires separate Notable Tree provisions and improved information accessibility.

1.7 Recommendations and Reasons

To address the issues, the following options are recommended:

Table 1: Issues and Recommended Options

Issue	Recommended Option	Outcome Sought	Assumptions, Uncertainties, Further work, Information Gaps
Issue 1 – Notable Trees are integral to the region’s identity and are potentially vulnerable to adverse effects from natural hazards and inappropriate subdivision, use and development.	Option 4- Mixed Model	A representative group of Notable Trees is clearly and consistently identified, retained and protected from neglect, inappropriate subdivision, use, and development and the risks from natural hazards are mitigated.	<p>Assumption: Support for Notable Tree actions remains in line with that already received.</p> <p>Further work is required to develop a list of Potential Notable Trees from Interest Groups.</p> <p>Further work is required to develop and update the STEM assessments.</p> <p>Further work is necessary to review the funding model associated with Notable Trees.</p> <p>Funding will be provided to undertake the work outlined above.</p>
Issue 2 – Notable Trees could be more clearly and consistently assessed and identified in the resource management plan.			

The TEP provisions need to better reflect community desires, national policy direction, best practice and the efficiency and effectiveness of the plan to ensure the appropriate protection of Notable Trees from inappropriate subdivision, use and development, neglect and the risks of natural hazards. Enhanced STEM assessments, funding, and public access is also critical to achieving appropriate protection. Option 4 will best achieve this outcome.

2 Principles Underpinning the Development of the TEP

2.1 Guiding Principles

The Council will use guiding principles in the development of the TEP. These principles are the philosophy and values that will underlie the approach and content of the TEP, but will not in themselves have specific objectives, policies or methods. The anticipated outcomes of the TEP should achieve these principles.

The principles are:

1. To recognise the interconnectedness of the environment and people, ki uta ki tai / mountains to the sea.
2. To enable healthy and resilient communities by achieving healthy and resilient environments (Te Mana O Te Taiao).
3. To meet the present and future needs of our communities, Council and iwi by working in partnership.
4. To enable community development within environmental limits.
5. To support and enable the restoration of environments.

6. To recognise and provide for the wellbeing of individuals, where this is not at the expense of the public good.
7. To take a precautionary or responsive management approach, dependent on the nature and extent of the risk, and where there is uncertainty or a lack of information.
8. To ensure the TEP provides strategic leadership for Council's key planning documents.

These principles will be implemented through the evaluation of options in this report and in future Section 32 assessment, drafting and decisions.

2.2 Te Mana O Te Taiao

Te Mana O Te Taiao is the mana¹ of the natural world. People are a part of nature and can only thrive when nature thrives.

The TEP process and document provides a key mechanism to achieve our desired outcomes for our relationship with Te Taiao (the natural world), including the community outcomes defined in the Long Term Plan², and the vision of the Te Tauihu Intergenerational Strategy (Wakatū, 2020):

"We are the people of Te Tauihu. Together, we care for the health and wellbeing of our people and our places. We will leave our taonga in a better state than when it was placed in our care, for our children and the generations to come."

The use of Te Mana O Te Taiao in this report utilises a similar approach and hierarchy to that defined for Te Mana O Te Wai in the National Policy Statement for Freshwater Management 2020 (MfE, 2020. NPS-FM), and extends this fundamental concept to other domains: Te Tai (sea), Te Āngi (air) and Te Whenua (land).

The objective of this approach is to ensure that natural and physical resources are managed in a way that prioritises:

- (a) First, the health and wellbeing of the natural environment and ecosystems
- (b) Second, the health needs of people
- (c) Third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.

The relevance of Te Mana O Te Taiao to Notable Trees is set out as follows.

Notable Trees form a key part of the natural environment for the benefits they bring to peoples and ecosystem health. Notable Trees also enhance peoples' cultural wellbeing as they can be a link to past events and people.

3 Background Context

¹ Mana is defined in the online Maori dictionary as: prestige, authority, control, power, influence, status, spiritual power, charisma - mana is a supernatural force in a person, place or object. Mana goes hand in hand with tapu, one affecting the other. The more prestigious the event, person or object, the more it is surrounded by tapu and mana. source: <https://maoridictionary.co.nz>

² The outcomes are available in the Long Term Plan on the Council's website

This portfolio relates to Notable Trees which provide amenity, biodiversity and historic heritage values for visitors and the community.

Historic heritage values are defined in the RMA to include:

3.1.1.1.1 those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities:

- (i) archaeological:
- (ii) architectural:
- (iii) cultural:
- (iv) historic:
- (v) scientific:
- (vi) technological; and

3.1.1.1.2 includes—

- (i) historic sites, structures, places, and areas; and
- (ii) archaeological sites; and
- (iii) sites of significance to Māori, including wāhi tapu; and
- (iv) surroundings associated with the natural and physical resources

Amenity values are defined as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The TRMP differentiates biodiversity values associated with Protected Trees (Notable Trees) from Significant Natural Areas (SNA's) largely by size, heritage value and habitat (see Schedule 10B and Schedule 10C). While both are important for their rarity and distinctiveness, SNA's are typically larger (indigenous cover of >20ha), connected to other SNA's, and provide larger scale habitat for native fauna and migratory species. Whereas Notable Trees tend to be individual or smaller groupings of trees more closely associated with early European settlement, historic events or people, or are prominent landmarks or remnant native specimens.

Protected Trees (Notable Trees) currently fall into three categories based on the STEM system as follows:

Category A (STEM score of >190)

- Any tree nationally outstanding for its size (height, diameter or canopy spread).
- Any rare tree species which is an outstanding example.
- Any tree which has national value through its unique location.
- Any tree which has significant association with a place of national interest such that preservation of the tree will aid in protection of the place.
- Any tree commemorating a nationally important event.
- Any tree which is an important landmark.
- Any tree which has historic association with a well-known public figure.

Category B (STEM score of 150-190)

Any tree of lesser importance than those in Category A that has local rather than national importance.

Category C (STEM score of 120-149)

Any trees that warrant retention because of their amenity value, for example: to enhance a subdivision, both for the visual aspect and for environmental purposes.

There are approximately 74 Category A trees, 316 Category B trees, and 185 Category C trees currently identified.

Despite the description above and the elevated importance of historic heritage, there is currently no assessment made against stature, historic, or scientific criteria as part of individual STEM assessments to determine which category trees should fall into.

Category A trees are currently provided a higher level of protection in rules and maintenance funding than Category B and C trees.

The adverse effects of poorly managed Notable Trees include:

- Loss of amenity, biodiversity, and historic heritage values.
- Impacts on ecosystems through loss of habitat.
- Potential loss of cultural values including impacts on Māori due to their spiritual connection to Ngahere (forests).
- Susceptibility to natural hazards and safety issues through poor maintenance.

Information sources and consultation used to understand the issues related to Notable Trees are:

Section 35 report

The section 35 report considers the effectiveness and efficiency of the protected tree provisions within Chapter 10 and 16 of the Tasman Resource Management Plan (TRMP). The TRMP provisions were considered to be partially effective, with the following recommendations provided:

- Clarification of rules and terminology for pruning, trimming, works in the root zone of trees and the extent of 'minor' works.
- Consideration of controls on above-ground activities (for example mowing or vehicle use) that may affect the root zone of trees or seedling regeneration.
- Consider ways to recognise that off-site activities in the wider catchment can adversely affect protected trees – for example, reduced water supply.
- Ensuring that setback provisions for activities on adjacent land (a) apply in all zones, and (b) provide adequate separation distance to control matters such as shading, trimming, earthworks, root zone works, dangerous cones/branches dropping and the like.
- Consideration of a buffer area requirement when adjacent land is subdivided.
- Review of the criteria for listing protected trees in Schedule 10B.
- Consider adding guidance as to when protected trees should be removed from the Plan (e.g. if dead, dying, removed or unsafe).
- Consider non-regulatory policy relating to Council support for listed heritage tree owners.

Initial TEP Consultation Oct – Nov 2020

Feedback from the initial consultation on the TEP development raised the following matters relating to trees:

- There is a need to protect all significant trees.
- Tasman has lost a significant number of trees in the last decade and has less than 1% of original podocarp forest remaining.
- There is a need to better protect native trees and vegetation alongside rivers especially those with Water Conservation Orders.

- Concern about trees being cut down along the banks of the Buller River by adjacent landowners.
- New development should allow large old trees to remain.
- Protect big old Totara trees in the Tākaka Valley.
- Protect Trees at:
 - 1311 Motueka Highway – Motueka Valley
 - Thorp Bush – Motueka (last remaining remnant of lowland forest)
 - Stream side outside 68 Pearse Valley Road – Motueka (native mistletoe)
 - Atua Stream – Kaiteriteri (native mistletoe)

A preliminary assessment of the trees on the above list has been undertaken with the following recommendations:

The trees in Thorp Bush, Pearse Valley, Kaiteriteri, and in the Tākaka Valley should be further considered for protection via biodiversity controls due to their size and scale as a large group.

Trees at 1311 Motueka Highway were not able to be viewed due to access issues and should be further assessed in the future.

The owners of the relevant properties should be contacted to seek their views about tree protection on their property prior to the release of this report. Council’s consultant arborist should also be contracted to assess any additional trees nominated for consideration ahead of the release of this paper.

Key Stakeholder Engagement - April 2021

Meetings were sought with a range of heritage interest groups in Collingwood, Tākaka, Motueka, Murchison, Waimea, Tapawera, and Nelson as well as Heritage New Zealand. It was not possible to meet with all groups ahead of the development of this paper. Meetings have been held with the Golden Bay Museum, Heritage Golden Bay, Motueka and District Historical Association, Nelson Historical Society, and Heritage New Zealand.

While the main focus of discussions were about heritage sites and buildings the groups sought clarity about groups of trees (e.g., 494 Main Road, Riwaka), and agreed that there could be simplification of tree trimming and pruning controls, tree funding could be more targeted, and there was a need for better integration with other rules such as land disturbance and earthworks. It was also acknowledged that listings and associated background assessments are hard to locate.

It is recommended that follow up meetings are held with other interest groups to discuss Notable Trees and that this Issues and Options paper is updated prior to its release for wider public feedback following stakeholder meetings.

Council’s consultant arborist should also be contracted to assess any additional trees nominated for consideration ahead of the release of this paper.

Feedback from Tasman District Council Teams (including Resource Consents, Parks, Compliance, Science, Policy, Urban Growth, Consultant Arborist)

- Trees are at increased risk from development intensification, infrastructure projects, and natural hazards exacerbated by climate change, particularly those trees located close to roads, rivers, and the coast.

- Need to manage the interface between designations, forestry, land disturbance, and earthworks rules with Notable Tree provisions.
- Protection of historic heritage would be considered in identifying intensification areas to implement the NPS Urban Development 2020.
- Review how groups of trees are managed as well as individual trees.
- Consider making trimming and pruning a permitted activity rather than controlled activity, where works are undertaken by an expert.
- Review consent category and funding approach for Category B and C trees. Destruction of B and C trees requires consent as a restricted discretionary activity and B's get 50% funding for work while C's get no funding.
- Non-regulatory measures such as Council funded maintenance is critical to the successful management of Notable Trees.
- Need to differentiate between trees listed for heritage and amenity purposes.
- Need to reassess trees to evaluate their notable attributes.
- Consider alignment with Draft Nelson Plan rules particularly making greater provision for emergency works and STEM thresholds.
- Consider adoption of Richmond East Plan Change root protection controls being 12x diameter.

Approach of Other Councils

An assessment of Notable Tree management of other Councils is provided below. Councils with recently operative provisions (Auckland and Christchurch), recently notified provisions (New Plymouth), and Te tau Ihu Councils have been reviewed in order to understand how provisions have changed to align with National Planning Standards and RMA requirements and to anticipate how TDC may need to adjust the current approach to align with neighbouring Councils.

Table 2: Notable Tree approaches from other Councils

Planning Document	Summary of Approach
Auckland Council	<p><u>RPS Issue:</u> Auckland’s distinctive natural heritage is made up of its natural landscape, natural features including Auckland Volcanic field, the Waitakere Ranges, and notable and exotic trees. Together they create the natural character and environmental quality of Auckland. They are also important for economic, social, and cultural well-being through their contribution to the amenity values of the region. Most of Auckland’s landscapes experience ongoing change through:</p> <ul style="list-style-type: none"> • changes in types and methods of primary production; • more intensive use of rural areas for a range of non-production activities, particularly countryside living; • transformation from rural to urban uses at the urban edge; • redevelopment and intensification within urban areas; • development along the coastline and around wetlands and lakes and along rivers; and • building, operating, maintaining or upgrading infrastructure. <p>Individually and collectively, trees represent a significant element of Auckland’s natural character and biodiversity. Those located in streets and public open space are publicly owned. Others are located on private land. Measures are required to identify and protect particular notable individual trees and groups of trees from damage or destruction by inappropriate</p>

Planning Document	Summary of Approach
	<p>subdivision, use or development or through inappropriate construction methods.</p> <p>RPS objectives seek that notable trees and groups of trees with significant historical, botanical or amenity values are protected and retained and policies require the need to identify trees and groups of trees based on a number of factors including heritage and historical association, scientific rarity and importance, ecosystem service or environmental function, cultural association and accessibility, and intrinsic value. Consideration should be given to effects of the trees on human health, public safety, property, amenity values, and biosecurity. Development that would impact on tree values should be avoided unless effects are appropriately remedied or mitigated.</p> <p>District Plan</p> <p>Objective: Notable trees and notable groups of trees are retained and protected from inappropriate subdivision, use and development</p> <p>Policies: Provide education and advice to encourage the protection of notable trees and notable groups of trees and require their protection from inappropriate subdivision, use and development</p> <p>Rules: permit biosecurity and emergency tree works, trimming and alteration, and dead wood removal undertaken by a qualified arborist. Works within a protected root zone are permitted where trenchless methods are adopted and greater than 1.0m deep, otherwise a restricted discretionary activity consent is required. Trimming and alteration that does not meet branch diameter (50mm), percentage (10%), arboricultural standards, and form and habitat requirements is a restricted discretionary activity. Tree removal is a discretionary activity.</p>
Marlborough Environment Plan	<p>Issue: Trees that contribute to Marlborough’s historic heritage and/or amenity values are at risk of being removed or adversely affected</p> <p>Objective: Retain and Protect trees that make a notable contribution to Marlborough’s character</p> <p>Policies: seek to increase awareness by identifying trees in the MEP that:</p> <ul style="list-style-type: none"> • commemorate and important event, • are an important landmark, • has a historic association, • are rare or important species, or • has a score of greater than 150 points using the STEM assessment. <p>Have regard to the reasons for identification, effects of pruning, extent of replacement trees, potential for enhancement of indigenous biodiversity, and the purpose of regionally significant infrastructure when considering resource consents for works on or close to notable trees.</p> <p>Consider approving consents to remove, prune, or trim notable trees where trees are dying or diseased, have become a danger to people, are restricting view of the site or the ongoing operation of regionally significant infrastructure, or causing wilding spread affecting indigenous biodiversity.</p>

Planning Document	Summary of Approach
	<p>Encourage and support landowners in retaining and protecting notable trees.</p> <p>Rules permit minor trimming and pruning, the use of land surrounding the tree and activities within the tree protection zone, emergency works, fixing a identification/classification sign, and works complying with the Electricity regulations that meet required standards.</p> <p>Restricted discretionary activity for trimming, pruning or felling associated with the operation, maintenance, upgrade or development of the national grid that is not provided for as a permitted activity.</p> <p>Discretionary activity for any activity not meeting the permitted standards or activity controls.</p>
<p>Draft Nelson Plan (September 2020)</p>	<p>Objectives: Notable trees are recognised for their heritage, amenity, landmark and arboricultural values to Whakatu Nelson. Heritage trees are protected, and landscape trees and notable groups of trees are retained.</p> <p>Policies: Notable trees are evaluated using STEM with heritage trees having a STEM of >128 or >100 and noted as regionally significant, Landscape trees have a score of 100-127. Removal of heritage trees is discouraged and landscape and notable tree groups is restricted. Management of notable trees is enabled and activities within the tree protection zone should not affect the health, stability or amenity of the tree. Criteria for pruning or removal of trees include matters such as the significance of the tree, the condition of the tree, and potential hazard impacts.</p> <p>Rules: Pruning of notable trees is generally permitted where standards are met such as branch diameter, crown thinning or damaged trees, whereas pruning of a notable landscape tree is a restricted discretionary activity and a heritage tree is discretionary where standards are not met.</p> <p>Removal of a notable landscape tree is permitted where it is dead, damaged, diseased, or for emergency works and standards are met. Removal of a tree in a notable group of trees is also permitted where it is necessary for the continued health of remaining trees. Removal of notable landscape trees or groups of notable trees is restricted discretionary and removal of a notable heritage tree is non-complying.</p> <p>Activities within the tree protection zone (diameter x 12m radius) are permitted where they do not involve excavation, construction, placement of structures or the lighting of fires and other standards are met – otherwise a restricted discretionary activity consent is required.</p>
<p>New Plymouth District Plan</p>	<p><u>Overview:</u> Trees play an important ecological, environmental and cultural role within the district. Notable trees are those which have been identified as prominent natural features and landmarks that add character and identity to different parts of the district, those which are rare species or spectacular specimens, those associated with special sites or events and/or those with special historical or cultural values.</p> <p>It is important that notable trees within our district, and particularly within our city centre, are identified and protected. The city centre tends to be dominated by buildings and roads, and trees help to soften this environment and enhance visual amenity. There are over 500 notable tree locations, containing single trees or groups of trees, identified in the district. Approximately one third of notable tree locations are located on public land</p>

Planning Document	Summary of Approach
	<p>(such as the road reserve or within parks), with the remainder being located on private property.</p> <p><u>Objective:</u> Trees with notable botanical, landscape, amenity, historical or cultural (including tangata whenua) values are recognised, identified and protected.</p> <p><u>Policies</u> require identification of notable trees having regard to:</p> <ul style="list-style-type: none"> • appearance, health and vigour; • historic, amenity and cultural (including tangata whenua) values; • botanical and rarity values; • proximity to nearby structures and infrastructure and the ability to manage the tree on an ongoing basis; and • if the tree is in a group, its ecological value, microclimate functions, and stand landscape value <p>Trimming and maintenance, earthworks, and removal of unsafe and unsound trees is allowed while subdivision and building activities, outdoor storage and infrastructure are to be managed. Removal of notable trees is to be avoided unless it is necessary to prevent threats to people or property, ongoing provision of infrastructure, compliance with electricity regulations, and to enable reasonable use of the site.</p> <p><u>Rules:</u> permit gardening, mowing or soft landscaping within root protection area. Trimming and maintenance, earthworks and root pruning, and removal of unsafe or unsound trees meeting specific standards. Restricted discretionary activity for building activities, outdoor storage and underground utilities and infrastructure within the root protection area and subdivision of land on an allotment containing a notable tree. Discretionary activity for activities not meeting permitted or restricted discretionary activities.</p>
Christchurch District Plan	<p><u>Objective:</u> Maintain and enhance the contribution of Christchurch District’s significant trees listed in Appendix 9.4.7.1, and trees in road corridors, parks, reserves and public open space, to community amenity through:</p> <ul style="list-style-type: none"> • landscape character and amenity; • heritage and cultural values; • purification of air and rainwater; • releasing oxygen and storing carbon; • cooling of the built environment and waterways; • stormwater and erosion management; and • biodiversity protection and enhancement; <p>while providing for the reasonable use and enjoyment of property and landowner responsibilities.</p> <p><u>Policies:</u> require identification of trees and groups of trees using plan criteria relating to botanical value, historic heritage value, amenity values, cultural and ecological and/or environmental value and updating of listings over time. Restrictions apply to scheduling trees where there are risks to health and safety and physical resources or amenity values of property and development potential is impacted. There are specific policies relating to tree maintenance, utilities, road corridors, parks, reserves and public open space, felling of trees and incentives to assist landowners that encourage maintenance of tree values.</p>

Planning Document	Summary of Approach
	<p><u>Rules:</u> There are a range of permitted activities including:</p> <ul style="list-style-type: none"> • pruning, • felling dead or structurally compromised trees, • earthworks, felling, pruning, maintenance or remedial work on roads, parks and public open space • works associated with electricity regulations and airport protection surfaces • gardening within driplines <p>Controlled activity consent for ongoing maintenance and management of trees in accordance with a Tree Maintenance and Management Plan not meeting permitted activities.</p> <p>Restricted discretionary activity where earthworks, pruning and felling do not meet permitted standards, works within a dripline involving vehicle traffic, sealing and paving, storage of materials, or placement of chemicals or toxic substances.</p> <p>Discretionary activity for pruning or felling of significant trees having exceptional values.</p>

Summary: The provisions in the table above have a common theme or objective of the need to identify, retain and protect Notable Trees from inappropriate subdivision use and development. Some Councils (Auckland and Marlborough) indicate that trees that contribute to historic heritage and/or amenity values are important to those areas and the risk of being removed or adversely affected is a significant resource management issue for their regions.

Most councils differentiate between different types of Notable Trees such as landscape/amenity and heritage trees or trees with a different STEM score. Greater protection is typically afforded to heritage trees or trees with a greater STEM score.

Most councils have adopted STEM or similar classification processes looking at similar attributes, based around heritage (events, landmarks, historic association) Biodiversity (rarity, arboricultural or scientific value), and cultural association. By comparison, the TRMP adopts a high STEM score threshold and, unlike other Councils (Christchurch and Auckland) who use bespoke systems, this system has not been subject to criticism.

Consideration is given to impacts on human health, public safety, reasonable use/property rights, biosecurity, and amenity values in deciding to list trees or in consent decisions.

Rules tend to:

- Permit a similar range of activities including:
 - Emergency works
 - Removal of dead, dying or diseased limbs/trees.
 - Works in accordance with Electricity regulations or for regionally significant infrastructure
- Control uses within a protected root zone.
- Restrict general tree removal and avoid tree removal for higher quality/scoring trees.
- Require involvement of a qualified arborist for any works.

3.1 Issue(s) we are Seeking to Address

Issue 1: Notable Trees are integral to the region’s identity and are potentially vulnerable to adverse effects from natural hazards and inappropriate subdivision, use and development.

Notable Trees provide local amenity, biodiversity function and, in some cases, links to historic events and people. Due to their location close to waterways and the coast and their proximity to urban development, Notable Trees are at risk from damage or destruction from natural hazards and inappropriate subdivision, use and development.

Twenty-eight (28) non-notified resource consents were granted for removal (19) and trimming and pruning (9) of protected trees between 2009 and 2019. While there have been a number of trees added to the TRMP, 59 trees have been removed from the schedule, mainly due to destruction from storms or natural death. Overall, there has been limited destruction of trees since the plan was notified in 2009 but there is still a number of trees at risk from future development and hazard risk.

Of the 575 protected trees located across the District, 106 trees are vulnerable to coastal storm and sea level rise³. The majority of these are in the Motueka-Riwaka coastal cell. This does not account for the significant number of trees (approximately 104) that are located in areas subject to historic river flooding.

As urban areas intensify there will be increasing pressure to trim, prune, and remove Notable Trees. Of the 575 TRMP protected trees, approximately 30% are located in urban zones. Six trees are located within the Central Business zone in Motueka and Tākaka, five in the Commercial Zones in Motueka and Tākaka, two in the Light Industrial zones in Richmond and Motueka, six in the Richmond Mixed Business Zone, and 163 in Residential Zones in Richmond (57), Wakefield, Waimea West, Mapua, Motueka (50), Riwaka, Tākaka, Pohara, Tarakohe, Collingwood, and road reserve.

Notable Trees adjacent to the road corridor will be increasingly important to soften the effects of residential intensification and are also subject to potential risk from future infrastructure projects.

Issue 2: Notable Trees could be more clearly and consistently assessed and identified in the resource management plan.

Plan users and key stakeholders have indicated that it is difficult to navigate the on-line version of the TRMP as often users are wanting to search by address. Once the correct tree is identified in the plan schedule there is little information available to understand the relevant STEM attributes of the tree. The Electronic Accessibility and Functionality Standard in the National Planning Standards 2019 seeks better accessibility of resource management plans, their spatial layers, the ability to link between provisions and download any part of the plan. The TRMP must meet this standard by 2024.

The STEM system that Council uses to assess trees to determine whether they are worthy of protection is not being fully implemented. While tree dimensions, condition (health), and amenity (community benefit) values are being assessed, the “Notable Evaluation” measures (stature, historic, and scientific) are not being assessed. It is therefore difficult to determine which trees are significant for amenity or heritage reasons. This is critical because the RMA and proposed NBA elevate the protection of Historic Heritage as a matter of national importance above the

³ Coastal Risk Assessment for Tasman Bay/Te tao o Aorere and Golden Bay/Mohua December 2020 - TDC

maintenance and enhancement of amenity values. This approach also creates issues with the best practice approach of other Councils nationally and across Te tau Ihu.

3.2 Why Change is Needed (or Not)

It has been some time since a comprehensive review of Tasman Districts protected tree listings has been undertaken. The review of the TRMP necessitates an assessment of the efficiency and effectiveness (s35 Report) of the current provisions. The Section 35 Report has identified that the current provisions are only partially effective as the workability of the rules and the tree assessment methodology could be improved.

Community, initial stakeholder engagement, and Council staff feedback also indicates the importance of protected trees, that the workability of the rules could be improved, and that there are increasing risks to protected trees from natural hazards and future development. There is also a need to more clearly differentiate between heritage and amenity trees, as well as assess heritage values in the STEM assessment. Public access to the tree assessments could also be improved.

A review of approaches of other Councils, current national policy direction, and RMA reform also echoes the need for the changes highlighted above.

3.3 Issue(s): Waahi-Specific or Whole of District?

Council must implement integrated management of natural resources. This will be supported by the ki uta ki tai guiding principle, where everything is connected – from the mountains to the sea. To achieve this, the TEP process will consider natural resource use, protection and enhancement spatially across Tasman in seven waahi (places). The waahi are based on groupings of catchments where there are communities with shared values and interests (see Appendix 1) that are likely to affect natural resources in those catchments. Consideration of issues and options across all the resource management functions within each waahi will allow for identification of conflicts or overlaps between different issues, as well as synergistic options that provide for multiple outcomes sought within the waahi.

Waahi planning at its core is a means to:

- Coordinate management of interconnected elements/resources (natural, cultural, social, economic, physical).
- Take into account the impacts of management of one element/resource on the values of another, or the environment.
- Ensure resource management approaches across administrative boundaries are consistent and complementary.
- Ensure strategic outcomes are identified for each waahi, promoting healthy ecosystems and ecosystem services, and associated objectives, policies and methods that negate the risk of exceeding environmental bottom limits.
- Ensure principles of Te Tiriti O Waitangi are taken into account.

Table 3 below identifies if the issue occurs in a specific waahi or across the whole of the district.

Table 3: Planning Issues and Where they Occur

Planning Issue	Waahi 1 Waimea	Waahi 2 Moutere	Waahi 3 Motueka- Riuwaka	Waahi 4 Abel Tasman- Kaiteretere	Waahi 5 Tākaka	Waahi 6 Aorere-West Coast	Waahi 7 Upper Buller
<i>Issue 1: Notable Trees are integral to the region's identity and are potentially vulnerable to adverse effects from natural hazards and inappropriate subdivision, use and development.</i>	Applies to all areas given the regional spread of current and potential for additional listings						
<i>Issue 2: Notable Trees could be more clearly and consistently assessed and identified in the resource management plan.</i>	Applies to all areas as noted above.						

3.4 How Issue(s) relate to other Topics

The outcomes of this paper will need to be reviewed in conjunction with a number of other key topics that have potential impacts on the management of Notable Trees due to their location and risks from development and natural hazards including:

- Resource Management Issues of Significance to Iwi Entities
- Climate Change
- Natural Hazards
- Coastal Environment
- Subdivision Rules
- Soil Disturbance Rules
- Growth Management
- Biodiversity Priorities
- Designations

The Notable Trees topic will consider the methodology for managing the adverse effects on Notable Trees. The management of Notable Trees will be impacted by, and will impact on, the values relevant to the above topics so the approach to Notable Trees will be considered in collaboration with the development of those topics.

3.5 How Issues(s) relate to Iwi Interests and Values

The TEP plays an important a role to support the expression of kaitiakitanga and rāngatiratanga. Iwi resource management priorities and leadership may be realised through provisions of the TEP. An innovative plan will support aspirations for managing ancestral whenua and taonga in the Tasman District and across Te Tau Ihu. To achieve Te Mana O Te Taiao, Te Mana O Te Wai and Te Mana O Te Tangata, this report has considered the following strategic outcomes:

- Respectful partnerships and governance structures supporting council and iwi collaboration, in the Tasman District and across Te Tau Ihu are established and strengthened.
- Te Tiriti O Waitangi principles and customary rights inform a resource management framework to support iwi resource management values and priorities within the TEP.
- Iwi connections and access to cultural landscapes, sites of significance and heritage are protected and restored.

- Economic and cultural development is enabled through access to and the use of cultural redress resources, Te Tiriti O Waitangi settlement land and taonga, including the coastal environment, in accordance with Settlement Acts and Statutory Acknowledgments.
- Environmental limits and targets are set to achieve meaningful cultural, environmental and economic outcomes, enhancing the mauri of Te Taiao.
- Integrated management is supported by a ki uta ki tai philosophy enabling the application of tikanga and Mātauranga Māori to TEP provisions.

As identified in section 2.2, the management of Notable Trees has a key link to the relationship with Te Mana O Te Taiao. This can also flow through to Te Mana O Te Wai and Te Mana O Te Tangata. Appropriate management of trees that have particular cultural value is fundamental to the mana of the environment, water and people. This includes effects on customary rights to access and harvest resources, kaitiakitanga, ensuring heritage values are protected and restored, and critical ecological functions are maintained. These matters are part of the environment and relevant to the concept of Te Mana O Te Taiao. Management of Notable Trees therefore supports the achievement of the strategic outcomes above.

Of note, the Ngāti Tama ki Te Waipounamu Trust Environmental Management Plan 2018 (Aspiration 10.2) seeks that Ngāti Tama cultural heritage is valued, protected and enhanced for future generations including the need for Ngāti Tama kaitiakitanga to be recognised in the management of taonga species which includes a comprehensive list of taonga species plants in schedule 19.2.3. A number of these species are included in the Protected Tree listings.

The Ngā Taonga Tuku Iho Ki Whakatū Management Plan 2004 highlights the importance of tangata whenua as Rāngatira and kaitiaki (5.2.1), sustaining the mauri and wairua of forests (5.2.2) protecting indigenous habitats, biodiversity and associated mātauranga (5.2.3), maintaining customary use (5.2.4) and protecting waahi tapu. Objectives seek healthy indigenous flora and fauna, protection of wairua (spirit) and mauri (life force), and the recognition of customs and traditions of tangata whenua with indigenous flora and fauna.

The Ngāti Koata Nō Rangitoto Ki Te Taonga Trust Iwi Management Plan 2002 seeks the protection of Ngāti Koata Heritage values via recognition in resource management plans and rules governing land disturbance and development activities have full and proper regard to potential impacts on heritage values. The protection of significant indigenous flora and fauna and their habitats from adverse effects of use and development is also a key objective.

3.6 Statutory, Policy Context and Scope

The management of Notable Trees is mandated by a number of statutory documents as outlined in the table below.

Table 4: Key Statutory Requirements

Statutory Document / Section	Relevant matter / comment
Resource Management Act 1991	
RMA Sec 6 Matters of National Importance	6 a) The values of the coastal environment, wetlands and lakes and rivers and their margins can be enhanced through the retention of Notable Trees in these environments.

Statutory Document / Section	Relevant matter / comment
	<p>6 c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna will be enhanced through the maintenance and retention of Notable Trees</p> <p>6 e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga can be recognised through the retention of Notable Trees that reflect tangata whenua values.</p> <p>6 f) The retention of Notable Trees helps to protect historic heritage from inappropriate subdivision, use and development where trees have heritage values.</p> <p>6 g) customary rights can be protected where access to Notable Trees is provided</p>
RMA Sec 7 Other matters	<p>7 a) & aa) The principle of kaitiakitanga and the ethic of stewardship can be enabled through the retention of Notable Trees</p> <p>7 c) The maintenance and enhancement of amenity values can be directly affected by destruction and poor management of Notable Trees.</p> <p>7 f) The quality of the environment can be maintained and enhanced through the retention of Notable Trees.</p>
RMA Sec 30 & 31	Regional and Territorial Council functions require integrated management of a range of natural and physical resources including indigenous biological diversity and other matters of regional significance. Retention of Notable Trees supports integrated management of biodiversity and heritage values which are of regional significance in the Tasman region.
RMA Sec 76 (4A & B)	A rule may prohibit or restrict the felling, trimming, damaging, or removal of a tree or trees in an urban environment (allotments <4000m ² , serviced, with a building) only if the trees are identified in a plan schedule.
NZ Coastal Policy Statement 2010	
Objective 6	Providing for rules that manage development in proximity to Notable Trees that are located in the Coastal Environment will provide buffer to areas and sites of significant indigenous biological diversity and historic heritage values where trees have these values.
Policy 17	The identification and protection of Historic heritage in the coastal environment will be achieved by listing and retaining Notable Trees with these values and will be supported by enhancing owner's opportunities for conservation through such matters as maintenance funding.
National Policy Statement Urban Development 2020	
Policy 3, 4 and 6	While Tier 1 Councils can provide exceptions from building height requirements (policy 3) if a qualifying matter (Historic Heritage or Biodiversity) applies (Policy 4), Tier 2 councils (TDC) need to enable heights commensurate with public transport access or housing and

Statutory Document / Section	Relevant matter / comment
	business demand so there is no restriction on Heritage or biodiversity matters. However, discussions with MfE indicate that heritage values can be used as a qualifying matter for Tier 2 Councils and have been for the Nelson-Tasman Future Development Strategy. Consequently, the retention of Notable Trees will not overly constrain Tasman’s future growth requirements. Policy 6 indicates that adverse effects on amenity values will not be considered when providing for planned urban built form. In this sense the heritage values of trees are seen as more important than their amenity values when seeking to accommodate necessary growth. This makes it important to differentiate between which trees are identified for the heritage and biodiversity value versus amenity value.
Electricity (Hazards from Trees) Regulations 2003	
Clause 14	A Works owner must undertake works to trees if there is immediate danger from a conductor due to serious hazard risk or the tree has or will cause damage to a conductor. The Requirement to undertake works on trees causing hazards will impact on how Notable Trees are managed.

3.7 Methods Considered

Consideration of options to address identified issues and achieve desired outcomes fall into six main categories that are within the functions of Council:

- Regulation (through the Tasman Environment Plan)
- Investigation and Monitoring
- Education, Advice and Advocacy
- Works and Services provided by Council
- Financial Assistance
- Community Partnerships

Other methods may also be undertaken by iwi, industry or community groups, which play an important role in achieving the outcomes sought in the Tasman District, however these aspects fall outside the scope of the options considered in this report, except indirectly where they may be supported by a Council function or service (for example financial subsidy or technical assistance for a community group project).

In the case of management of Notable Trees, this is mostly achieved through regulation but also includes the ability for non-regulatory education, advice and advocacy and financial assistance. How Council and other providers deliver works and services such as roading and other infrastructure, water management, and natural hazard response can also have an impact on the protection of Notable Trees given their location adjacent to infrastructure, rivers and the coast. The on-going funding of tree maintenance is also a critical element for the success of Notable Tree management and ongoing landowner support for the current regulatory approach.

3.8 Implementation Plans

Any regulation options identified will be implemented through the development of the TEP. Any other non-regulatory methods identified will be actioned through a separate Implementation Plan that is released for community feedback alongside the Draft TEP.

The intent of the Implementation Plan will be to outline and cost the non-regulatory methods for inclusion in other council processes including funding through the Long Term Plan process and implementation through the Activity Management Plans.

4 Issues in Relation to Notable Trees

Issue 1: Notable Trees are integral to the region's identity and are potentially vulnerable to adverse effects from natural hazards and inappropriate subdivision, use and development.

Issue 2: Notable Trees could be more clearly and consistently assessed and identified in the resource management plan.

4.1 Outcome(s) Sought

Outcome 1: A representative group of Notable Trees is clearly and consistently identified, retained and protected from neglect, inappropriate subdivision, use, and development and the risks from natural hazards are mitigated.

Notable Trees provide local amenity, biodiversity function and, in some cases, links to historic events and people. Some trees in the District have national and international prominence for their stature. A comprehensive review of Council's Notable Tree listings is required as part of the full review of the TRMP. It is currently unclear which trees are listed because of their heritage and biodiversity value rather than their amenity value. In addition, the public have difficulty accessing tree assessments. The TRMP review is an opportunity to ensure that the Notable Tree listings cover a representative range of amenity, biodiversity and heritage values across the Tasman District. It is also an opportunity to improve online access to STEM assessments in aligning with the Electronic Accessibility and Functionality standards required by the National Planning Standards 2019.

It is critical that, once appropriately identified, Notable Trees are protected from inappropriate subdivision, use, and development and risks from natural hazards in order to achieve the purpose of the RMA with particular regard to heritage, biodiversity and amenity values. This will require changes to the current rule framework to lift consent thresholds for trees with historic heritage or biodiversity values. Other rules that might impact Notable Trees such as subdivision and development controls, designations, soil disturbance, earthworks, and works required to mitigate natural hazards need to be reviewed to ensure that the ongoing protection is afforded to Notable Trees.

4.2 Scale and Significance

Table 5: Scale and significance table

	Comments	Assessment
Degree of change from the Status Quo	The outcome sought results in minor changes to the status quo. It is not anticipating that the overall number of Notable Trees will be significantly increased but rather their management improved.	Low
Effects on matters of national importance (s6 RMA)	Notable Trees are listed, in part, for their biodiversity and historic heritage values which are s6 matters. Notable trees are a finite resource that are at risk from future development and natural hazards.	High
Scale of effects – geographically (local, district wide, regional, national)	Current Notable Tree listings are spread across the district but cover a proportionally small land area. However, Notable trees are a finite resource that cannot be recovered once lost.	Moderate
Scale of effects on people (how many will be affected – single landowners, multiple landowners, neighbourhoods, the public generally, future generations)	There is public appreciation of Notable Trees that are geographically spread across Tasman District. There are currently 575 individual and groups of trees located on private land.	Moderate
Scale of effects on those with particular interests, e.g. Tangata Whenua	A variety of groups have an interest in Notable Trees. These include, iwi, heritage interest groups, road controlling authorities, designating authorities, and network utility operators. The scale of effect is therefore considered moderate although the degree of change is likely to be low.	Moderate
Degree of policy risk – does it involve effects that have been considered implicitly or explicitly by higher order documents? Does it involve effects addressed by other standards/commonly accepted best practice?	Notable Trees are relevant to the aspects of the RMA, NZCPS, NPSUD, and electricity regulations set out in section 3.6. No substantial change has been identified in this space which would challenge those legislative and policy documents.	Low
Likelihood of increased costs or restrictions on individuals, businesses or communities	The outcome sought results in minor changes to the status quo. It is not anticipated that the overall number of Notable Trees will be significantly increased but rather their management improved. Costs associated with re-assessing Trees are anticipated to be in the order of \$50,000. Costs associated with improvements to public access to tree assessments will be incorporated into Eplan changes required across the plan generally.	Low - moderate

4.3 Option(s) to address Issues

The main option(s) to manage the 3 identified issues are summarised in Table 6:

Table 6: Options Identified

Option number	Option Name	Description of Option
Option 1	Status quo	Retain the current TRMP approach to Notable Trees – featuring biodiversity and historic heritage objectives and policies that seek recognition and protection of trees which are of significant scientific, wildlife, botanical, historic, or landmark value. Rules enable trimming and pruning and limit destruction of category B and C listed trees while discouraging destruction and removal of category A trees. A range of non-regulatory measures are also in place including funding for the maintenance and enhancement of trees.
Option 2	Updated Regulatory approach	Develop a specific set of objectives, policies, and rules for the management of Notable Trees. This will require a full review of existing assessments to ensure biodiversity and heritage values are identified. These assessments will be electronically linked to the TEP so they are publicly accessible. A wider range of activities that are comparable with management approaches of other Councils, such as trimming and pruning and emergency works, would be enabled.
Option 3	Non-regulatory Approach	Remove Notable Tree protection rules and rely solely on measures such as enhanced information, education, advocacy, and funding initiatives.
Option 4	Mixed Model approach	A combination of Option 2 and 3 that would see enhanced non-regulatory measures and new plan provisions comparable with other Councils and current national policy direction.

The options set out in Table 6 are assessed below.

4.3.1 Option Analysis

4.3.1.1 Current approach

Table 7: Current approach within the TRMP

<p>Policy Direction: The TRMP includes a biodiversity objective and a historic heritage objective seeking protection, management, and enhancement of biodiversity and historic heritage values associated with Protected trees.</p> <p>There is one Policy in the Biodiversity and Indigenous Ecosystems section of the TRMP identifying the need to recognise and protect indigenous vegetation and habitats and individual trees which are of significant scientific, wildlife and botanical value assessed according to criteria in schedule 10B (Protected Trees).</p> <p>While there are general policies about the protection of cultural heritage values there are no specific policies about protected trees in the historic heritage policies.</p>
<p>Permitted Criteria: Minor trimming and maintenance of protected trees is permitted where the work is undertaken in accordance with accepted arboricultural tree care standards.</p>
<p>Activity Status: Varies between permitted and controlled for trimming and pruning and restricted discretionary (category B and C) and non-complying (category A) for destruction and removal of trees.</p>

4.3.1.2 Assessment of Strengths and Weaknesses of Options

Table 8: Strengths and Weakness of Options

	Strengths	Weakness
Option 1 - Status Quo	<ul style="list-style-type: none"> Has some policy direction for protection of Protected Trees. Has provided for some protection of Protected Trees identified to date. 	<ul style="list-style-type: none"> Does not reference Notable Trees as required by Planning Standards. Does not clearly distinguish between matters of national importance

	Strengths	Weakness
	<ul style="list-style-type: none"> • Has provided a consistent method of tree assessment for TDC. • Assessments can be accessed from the Council. • Provides maintenance funding support for category A and B trees. • Provides both regulatory and non-regulatory support for tree protection. 	<p>(biodiversity and historic heritage values) and amenity values.</p> <ul style="list-style-type: none"> • Lack of clear policy direction for Protected/Notable trees • Does not recognise natural hazard and safety risks. • Does not integrate particularly well with other related rules such as earthworks and soil disturbance etc. • Does not permit enough trimming and pruning activity where it is in accordance with arboricultural advice. • Tree assessment is not consistent with current best practice and neighbouring Councils. • Tree assessments are not easily publicly accessible. • Provides restrictions on Category C trees but does not provide for maintenance funding for these trees. • Root protection controls could be improved. • Listings may not be comprehensive given time since last review.
Option 2 – Updated Regulatory Approach	<ul style="list-style-type: none"> • Clear policy direction. • Enhanced protection of trees • Best Practice and consistent tree assessment • Highly accessible tree assessments • Consistent with the National Planning Standards 2019, national policy direction, and neighbouring Councils. 	<ul style="list-style-type: none"> • Does not provide non-regulatory assistance critical for landowner support. • Cost implications associated with updated tree assessments (approximately \$50,000) and improved accessibility.
Option 3 – Non-regulatory Approach	<ul style="list-style-type: none"> • Relying solely on education and financial assistance may gain support of affected landowners. • Providing financial support for Category C owners (approx. 185 trees) will improve parity with other owners. • Would mean that land owners who do not like the tree protection rules are not subject to regulation 	<ul style="list-style-type: none"> • May be pressure to increase financial support for landowners and Interest groups. • May not be supported by Heritage agencies and Interest Groups due to lack of regulatory support. • Risk of damage to Notable Trees without regulatory back-up. • Will not achieve national and regional consistency/compliance. • There would be the risk of losing trees where owners were not supportive of keeping Notable Trees.
Option 4 – Mixed Model Approach	<ul style="list-style-type: none"> • Clear policy direction. • Enhanced protection of trees • Best Practice and consistent tree assessment • Highly accessible tree assessments • National and Regional Consistency. • Enhanced funding equitability. 	<ul style="list-style-type: none"> • Cost implications associated with updated tree assessments (approximately \$50,000) and improved accessibility. • Cost implications associated with providing financial support for Category C tree owners (approx. 185 trees)

4.3.2 Evaluation Summary per Option

Table 9 summarises the extent to which each option meets or achieves a number of key considerations.

Table 9: Evaluation of Options

Options possible listed below	RMA Purpose	National Direction	TEP Principles	Efficiency at addressing issue(s)	Effectiveness at addressing issue(s)	Strengths	Weaknesses
Option 1	Moderate	Low	Low	Low	Low	Moderate	High
Option 2	High	High	High	High	Moderate	High	Moderate
Option 3	Low	Low	Low	Low	Low	Low	High
Option 4	High	High	High	Moderate	High	High	Low

4.3.2.1 Relevance and Applicability

Notable/Protected trees are a limited resource located throughout the district and within all Waahi. While Notable Trees per se, are not a regionally significant issue in terms of the Regional Policy Statement, the historic heritage and biodiversity values their protection supports is. The loss of, or inappropriate management of, Notable Trees would have a significant impact on heritage, biodiversity and amenity values that support community, cultural and economic wellbeing. For these reasons, it is important that Council does manage Notable Trees in a way that provides clear and consistent policy direction, an improved rule framework, and enhances the assessment and accessibility of tree assessments and funding. It is within Council’s ability to do this through resource management documents.

Due to the importance of achieving the desired outcomes Option 4 is recommended. This will allow Council to carry out its resource management functions in relation to managing Notable Trees in an improved manner to the status quo.

4.3.3 Scenario Examples and Comparison

4.3.3.1 Existing Regime

Application of existing provisions (status quo) does not provide satisfactory outcomes in terms of Notable Tree management. The objectives and policies in the plan need to be more targeted and the rules could be more streamlined (to enable trimming and pruning) and integrated with other relevant rules in the plan to more appropriately manage other activities, such as earthworks and soil disturbance. Similarly, the tree assessment and funding system needs to be updated to ensure national and regional consistency, national policy direction is met, and financial assistance is equitable for tree owners.

The examples below set out some outcomes that could eventuate under the four key options assessed.

4.3.3.2 Option 1 – Status Quo

Continued reliance on the current provisions will result in no change. Notable Trees will continue to be lost due to natural hazards and expose the community to safety risk without appropriate maintenance provided through financial assistance and by ensuring other plan provisions recognise the value of Notable Trees. Inappropriate assessment of matters of national importance may mean that trees of particular heritage or biodiversity value will be lost. Difficulty accessing tree assessments will frustrate current and future landowners. It is also unclear whether the schedule of

trees is sufficiently representative given the time it has been since a full review of the listings. Continuing to require consents for trimming and pruning undertaken in accordance with expert arboricultural advice will continue to frustrate landowners and professionals. A lack of financial assistance will also continue to frustrate Category C tree owners and may lead to the loss of this limited resource. A lack of consistency with STEM assessments of adjoining Council may also frustrate operators who work across the region.

4.3.3.3 Option 2 - An Updated Approach

This approach will ensure that specific objectives and policies are developed for Notable Trees that address the issues highlighted in this paper and reflect the following outcome:

A representative group of Notable Trees is clearly and consistently identified, retained and protected from inappropriate subdivision, use, and development and risks from natural hazards.

Rules will be redrafted to permit trimming and pruning activities undertaken in accordance with expert arboricultural advice and electricity regulations. Other rules that impact on Notable Trees will be reviewed to ensure adequate protection is maintained.

Tree assessments will be reviewed to ensure that they are appropriately reflecting RMA direction on biodiversity and heritage values and are regionally consistent. These tree assessments will be electronically linked to the TEP as updates are undertaken to the plan to align with national electronic accessibility standards.

Relying solely on a regulatory response will not address potential funding inequities for Category C tree owners.

4.3.3.4 Option 3 – A Non-regulatory Approach

This approach would mean there would be no regulatory protection afforded Notable Trees thereby running the risks of unconsented removal. Council could continue to support landowners and community groups with funding to support the maintenance costs associated with retention of Notable Trees but this would still not guarantee their on-going protection. While relying on a non-regulatory approach may help address some equity issues raised by landowners, this approach is less than optimal if Council wants to better meet its biodiversity and historic heritage protection obligations under the RMA. This approach is unlikely to satisfy the desires of heritage interest groups that support both a regulatory and non-regulatory approach.

4.3.3.5 Option 4 – A Mixed Model Approach

This option includes the same approach as outlined for Option 2 and 3 combined. This approach will result in a clearer policy direction, appropriately targeted rules, a consistent and accessible set of tree assessments, and an equitable funding model for tree assistance.

4.4 Draft Recommended Option

4.4.1 Draft Recommended Option

The option of developing updated regulatory provisions with non-regulatory support (Option 4) is recommended. This would involve the following key actions:

- Continuing stakeholder engagement with relevant interest groups to develop up a list of potential trees to be assessed.
- Engaging an arborist to review the current and proposed tree listings and STEM assessment to ensure that they are fit for purpose and align with national policy direction and regional consistency.

- Engaging with directly affected landowners prior to the development of Draft TEP provisions
- Developing Draft TEP provisions to address:
 - Stakeholder and professional advice outlined above.
 - The outcome for Notable Trees outlined in this paper.
 - Enabling trimming and pruning activities undertaken in accordance with expert arboricultural advice and electricity regulations
 - How street trees are managed in the Land Development Manual
 - Integration with other provisions that significantly impact on Notable Tree Protection.
- Ensure tree assessments will be electronically linked to the TEP as updates are undertaken to the plan to align with national electronic accessibility standards.
- Address potential financial assistance inequities for tree owners.

4.4.2 Assessment and Reasons

Option 4 is recommended for the management of Notable Trees within the Tasman District. This updates Tasman’s approach to Notable Trees by ensuring a representative list of Notable trees and tree assessments are publicly available. TEP provisions will be consistent with national policy direction and streamlined and integrated to ensure Notable Trees are appropriately protected.

This is efficient and effective as it provides a measurable standard that removes any subjective assessment of whether there is an effect. This approach will be consistent with other national and regional approaches and will respond to feedback from key stakeholders.

5 Summary

Table 10: Summary of Issues and Options

Issue	Recommended Option	Outcome Sought	Assumptions, Uncertainties, Further work, Information Gaps
Issue 1 – Notable Trees are integral to the region’s identity and are potentially vulnerable to adverse effects from natural hazards and inappropriate subdivision, use and development.	Option 4- Mixed Model	A representative group of Notable Trees is clearly and consistently identified, retained and protected from neglect, inappropriate subdivision, use, and development and the risks from natural hazards are mitigated.	Assumption: Support for Notable Tree actions remains in line with that already received.
Issue 2 – Notable Trees could be more clearly and consistently assessed and identified in the resource management plan.			Further work is required to develop a list of Potential Notable Trees from Interest Groups. Further work is required to develop and update the STEM assessments. Further work is necessary to review the funding model associated with Notable Trees. Funding will be provided to undertake the work outlined above.

The management of Notable Trees and their associated heritage, biodiversity and amenity value is of interest to many people as directly affected landowners, stake holder groups and the general public.

The TEP provisions need to better reflect community desires, national policy direction, best practice and the efficiency and effectiveness of the plan to ensure the appropriate protection of Notable Trees from inappropriate subdivision, use and development, neglect and the risks of natural hazards.

Enhanced STEM assessments, funding, and public access is also critical to achieving appropriate protection.

This paper therefore suggests that Notable Trees remain a matter that Council actively manages through its resource management planning documents and other non-regulatory policies as appropriate. The opportunity to achieve consistency with other Councils in the wider region and nationally will also be achieved should the approach in this paper be adopted.

6 Appendix 1- References

Reference	Detail
Archives NZ 2021	Te Tiriti o Waitangi. Source: https://archives.govt.nz/discover-our-stories/the-treaty-of-waitangi
NZ Government 2003	Electricity (Hazards from Trees) Regulations 2003. Source: https://www.legislation.govt.nz/regulation/public/2003/0375/latest/DLM233405.html
MfE 2019	Ministry for the Environment. Nov 2019. National Planning Standards. Source: https://www.mfe.govt.nz/sites/default/files/media/RMA/national-planning-standards-november-2019.pdf
MfE 2021	Ministry for the Environment. Feb 2021 Cabinet paper – Reforming the resource management system. Source https://www.mfe.govt.nz/more/briefings-cabinet-papers-and-related-material-search/cabinet-papers/reforming
NZ Government 1991	New Zealand Government 1991, Resource Management Act, Wellington NZ.
NZ Government 2010	New Zealand Government / Department of Conservation 2010. New Zealand Coastal Policy Statement 2010, Wellington NZ.
NZ Government 2020	National Policy Statement on Urban Development. Source: https://environment.govt.nz/publications/national-policy-statement-on-urban-development/
Nelson City Council 2020	Nelson City Council 2020 draft Nelson Plan Documents. Source: https://shape.nelson.govt.nz/nelson-plan/draft-nelson-plan-documents
Nelson City Council 2021	The Nga Taonga Tuku Iho Ki Whakatu Management Plan 2004. Source: http://www.nelson.govt.nz/council/plans-strategies-policies/strategies-plans-policies-reports-and-studies-a-z/iwi-management-plans/
TDC 2020	Tasman District Council. Sept 2020. Tasman Resource Management Plan Efficiency and Effectiveness Evaluation, Chapter 10: Significant Natural Values and Historic Heritage. Source https://tasman.govt.nz/my-council/projects/tasman-environment-plan/
TDC 2021	Resource Management Issues of Significance to Iwi Entities
TDC 2021	Stage 2 of TRPS Efficiency and Effectiveness Review: Significant Resource Management Issues
TDC 2021	Ngati Tama ki Te Waipounamu Trust Environmental Management Plan 2018. Source: https://www.tasman.govt.nz/my-region/iwi/iwi-management-plans/
TDC 2021	The Ngati Koata No Rangitoto Ki Te Taonga Trust Iwi Management Plan 2002. Source: https://www.tasman.govt.nz/my-region/iwi/iwi-management-plans/

7 Appendix 2 – Draft Natural and Built Environment Act Outcomes

(1) To assist in achieving the purpose of this Act, those exercising functions and powers under it must provide for the following outcomes:

Natural environment

- (a) enhancement of features and characteristics that contribute to the quality of the natural environment;
- (b) protection and enhancement of:
 - (i) nationally or regionally significant features of the natural character of the coastal environment (including the coastal marine area), wetlands, lakes, rivers and their margins;
 - (ii) outstanding natural features and outstanding natural landscapes;
 - (iii) areas of significant indigenous vegetation and significant habitats of indigenous fauna;
- (c) enhancement and restoration of ecosystems to a healthy functioning state;
- (d) maintenance of indigenous biological diversity and restoration of viable populations of indigenous species;
- (e) maintenance and enhancement of public access to and along the coastal marine area, wetlands, lakes, rivers and their margins;

Built environment

- (f) sufficient development capacity for housing and business to respond to demand and provide for urban growth and change;
- (g) housing supply and choice to meet diverse and changing needs of people and communities;
- (h) strategic integration of infrastructure with land use;

Tikanga Māori

- (i) protection and restoration of the relationship of iwi, hapū and whanau and their tīkanga and traditions with their ancestral lands, cultural landscapes, water and sites;
- (j) protection of wāhi tapu and protection and restoration of other taonga;
- (k) recognition of protected customary rights;

Rural

- (l) sustainable use and development of the natural and built environment in rural areas;
- (m) protection of highly productive soils;
- (n) capacity to accommodate land use change in response to social, economic and environmental conditions;

Historic heritage

- (o) protection of significant historic heritage;

Natural hazards and climate change

- (p) reduction of risks from natural hazards;
- (q) improved resilience to the effects of climate change including through adaptation;
- (r) reduction of greenhouse gas emissions;
- (s) promotion of activities that mitigate emissions or sequester carbon; and
- (t) increased use of renewable energy.

(2) When providing for the outcomes in (1), local authorities must provide for the applicable regional spatial strategies prepared under the Strategic Planning Act **202X**