



Far North Hearing 12 Addendum to Notable Trees s42A report

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1.1.1 Summary

1. My full name is Chloe Mackay, and I am a Policy Planner at Far North District Council. I am the reporting officer for the Notable tree s42A report for the Proposed Far North District Plan (PDP).
2. The following amendments have been made to the Notable tree s42A report in response to a submission from Top Energy Limited (S483.022), which was brought to my attention during Hearing 11: Energy, Infrastructure, Transport & Designations that was held at the end of April 2025.
3. After reviewing Top Energy Limited's submission, S483.022, I find that the requested definition for *emergency tree works* was incorrectly coded to the Definitions topic, instead of the Notable Tree topic. In my opinion it is more appropriately addressed within the Notable Trees topic. Several submissions also support the inclusion of emergency tree works in the notable tree rules. As a result, these submissions will be considered within this report as a consequential amendment to the definition review.
4. The key issues outlined below are aligned with those in the Notable tree s42A report to ensure consistency.
5. In order to distinguish between the recommendations made in the s42A Report and my revised recommendations contained in Appendix 1 of this report:
 - a. Section 42A Report recommendations are shown in black text (with underline for new text and ~~strikethrough~~ for deleted text); and
 - b. Revised recommendations from this Report are shown in red text (with red underline for new text and ~~strikethrough~~ for deleted text)
 - c. The following appendices have been updated:



- Appendix 1.1 Officer's Recommended Amendments (Notable trees)
 - Appendix 1.2 Officer's Recommended Amendments to Definitions (Notable trees)
6. The following appendix will be updated in my written reply to align with the recommendations outlined in this report.
- Appendix 2 Officer's Recommended Decisions on Submissions (Notable trees)

2.1.1 Key Issue 1: Definitions

Overview

Provision(s)	Officer Recommendation(s)
<u>Emergency Tree Works</u>	<ul style="list-style-type: none">• <u>New Definition</u>

Analysis of Submissions on Key Issue 1

Matters raised in submissions

7. Top Energy Limited (S483.022) is proposing to include a definition for *emergency tree works* in the PDP to ensure consistency with their other submissions. The requested definition is as follows:

'means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure'

Analysis

8. I acknowledge the importance of clearly defining *emergency tree works* in the PDP. Establishing a precise definition removes ambiguity, ensuring that those responsible for such works can operate confidently within established guidelines. In my opinion, the definition captures the appropriate circumstances constituting an emergency and the appropriate actions that could be undertaken at that time. The definition supports compliance with regulations, improving decision-making during urgent situations. Furthermore, the definition aligns with Whangārei District Council and enhances regional consistency for the approach of emergency tree management. Technical expert, Jon Redfern, has also agreed that the definition is appropriate. Additionally, incorporating the definition strengthens the safety provisions, addressing gaps that s330 of the RMA may not fully cover. By providing clearer parameters, this definition helps



prevent potential misinterpretations and ensures that emergency tree works are carried out efficiently and responsibly.

Recommendation

9. I recommend S483.022 is accepted and the following new definition be added:

'Emergency tree works

means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure'

10. In addition to the recommendations on submissions in the s42A report as set out in Appendix 2, I now recommend accepting submission S483.022, which was previously excluded.

Section 32AA evaluation

11. The recommended new definition helps to clarify expectations surrounding emergency situations where urgent actions and management of notable trees could be required providing a more efficient and effective response when required.

2.1.10 Key Issue 10: NT-R2

Overview

Provision(s)	Officer Recommendation(s)
NT-R2	<ul style="list-style-type: none">• Minor amendment to the maximum branch diameter• <u>New permitted activity for emergency tree works</u>

Analysis of Submissions on Key Issue 10

Matters raised in submissions

12. As a result of reviewing and recommending that the definition of Emergency Tree Works in S483.022 be accepted, I am of the view that it is appropriate to revisit my initial assessment of a number of submissions in my S42A report. In my view there is now sufficient context around the application of a number of proposed provisions.
13. Top Energy Limited (S483.135) states the wording of rule NT-R2 needs to be amended as there are restrictive and inconsistent points in comparison to other recent District Plans in Northland. Top Energy Limited goes on



to state trimming allowances need to be increased and the provision should be made for emergency tree works with no limit on root or branch diameter. The submitter requests amending NT-P2 and inserting a new requirement as follows:

'Maintenance, pruning and trimming of branches of a notable tree

Activity status: Permitted

Where:

PER-1 The maximum branch diameter must not exceed ~~50mm~~ 200mm at severance.

PER-2 No more than 10% of live growth of the tree may be removed in any one calendar year.

PER-3 The works must be undertaken by a person that is a suitably qualified person as per NT-S1 Qualified Arborist-Level 4

PER-4 Council is advised 14 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising work confirming that they have the qualifications required by NT-S1 Qualified Arborist-Level 4

PER-5 All trimming or alteration must retain the natural shape, form and branch habit of the tree

PER-6 All pruning and trimming shall adhere to the Minimum Industry Standards: MIS308-Tree Pruning, as per the Arboriculture Australia and New Zealand Arboriculture standards.

PER-X If the pruning or trimming is required as emergency tree works, PER-1-6 above do not apply.'

Analysis

14. I acknowledge the submitters request and given the recommendation to include a definition for *emergency tree works*, I consider in emergency situations, it is appropriate to introduce an additional permitted activity that overrides a number of other regulations to ensure urgent tree work can proceed when necessary. However, the wording proposed by the submitter is too broad, particularly in relation to PER-3. In emergency cases, it remains essential that a risk assessment is conducted and that pruning and trimming are carried out by a qualified arborist. This ensures adherences to proper pruning techniques, protecting as much of a notable tree as possible while addressing immediate safety concerns and this approach is supported by Jon Redfern. Furthermore, requiring a risk assessment from a qualified arborist aligns with the Whangārei District Council's established provisions for emergency works, ensuring



consistency with the newly defined parameters for emergency tree works in the PDP.

Recommendation

15. I recommend S483.135 is accepted in part and suggest the following wording more appropriate:

'Maintenance, pruning and trimming of branches on a notable tree...

... PER-6

All pruning and trimming shall adhere to the Minimum Industry Standards: MIS308-Tree Pruning, as per the Arboriculture Australia and New Zealand Arboriculture standards; or

PER-X

Are required for emergency tree works, then PER-1-6 do not apply. Except that a risk assessment must be conducted by a suitably qualified person as set out in NT-S1 Qualified Arborist – Level 4 and that any necessary works must be carried out on behalf of a network utility operator.'

16. For the reasons outlined above, along with the recommendations on submissions in the s42A report, as set out in Appendix 2, I now recommend accepting submission S483.135 in part.

Section 32AA evaluation

17. The recommended new permitted activity establishes a clearer framework for handling emergency tree works, ensuring a more effective and structured approach to addressing urgent situations.

2.1.13 Key Issue 13: NT-R8

Overview

Provision(s)	Officer Recommendation(s)
NT-R8	<ul style="list-style-type: none">Retain Plan Variation 1 change<u>New rule for emergency tree works</u>

Analysis of Submissions on Key Issue 13

Matters raised in submissions

18. Top Energy Limited (S483.139) considers that provision NT-R8 needs to be made for the removal of a notable tree that constitutes emergency tree works. The submitter requests amendment to the rule as follows:

'Removal or relocation of a notable tree



Activity status: Discretionary Permitted

Where:

PER-1 The removal is required as emergency tree works.

*Activity status where compliance not achieved: ~~Not applicable~~
Discretionary*

Analysis

148. I consider Top Energy Limited's proposed amendment to NT-R8 appropriate following the review of submission S483.022. However, revised wording is necessary to better align with the notable tree chapter while still addressing the submitters request. While swift action is crucial in emergency situations, it is equally important to incorporate a risk assessment by a qualified arborist when a notable tree must be removed or relocated. By obtaining a risk assessment, it safeguards against unnecessary removal and ensures decisions are well-informed and thoroughly evaluated. This approach helps preserve valuable trees unless their removal is absolutely necessary to mitigate an immediate and significant threat to public safety, prevent property damage or maintain or restore essential power and telecommunications infrastructure.
149. Additionally, Mr Redfern supports the approach that it is appropriate for all emergency tree works to be conducted by a qualified arborist on behalf of a network operator. These provisions reinforce accountability during emergencies, ensuring that notable trees are removed only when essential and managed in a way that priorities their health while maintaining alignment with the definition and rules of the notable tree chapter.
150. I acknowledge Walter Hicks (S588.015) in his request to retain NT-R8 as notified in Plan Variation 1. However, based on the reasons outlined above, I recommend amending the rule to allow for emergency tree works, in addition to the amendment in Plan Variation 1.

Recommendation

151. I recommend S483.139 and S588.015 is accepted in part and NT-R8 is amended as follows:

'Removal or relocation of a notable tree (except as provided for by NT-R3)

Activity status: Discretionary Permitted

Where:

PER-1



is required for emergency tree works, where a risk assessment must be conducted by a suitably qualified person as set out in NT-S1 Qualified Arborist – Level 4 and any necessary works must be carried out on behalf of a network utility operator.

Activity status where compliance not achieved: ~~Not applicable~~ Discretionary'

152. For the reasons above, I recommend that the submissions and further submission are accepted, accepted in part or rejected as set out in Appendix 2 that will be updated in my written reply.

Section 32AA evaluation

153. The recommended new rule establishes a clearer framework for handling emergency tree works, ensuring a more effective and structured approach to addressing urgent situations where the removal or relocation of a notable tree is required. On this basis, no evaluation under Section 32AA is required.

Recommended by: Chloe Mackay, Policy Planner, Far North District Council.

Approved by: James R Witham – Team Leader District Plan, Far North District Council.

Date: 22.05.2025