

Section 42A Officer's Report

Hearing Stream 7:	Other Topics
Subject:	Notable Trees
Prepared by:	Cristal Bennett Senior Pou Whakamahere Kaupapa Here Hutt City Council
Reviewed by:	Nathan Geard Policy Planning Manager Hutt City Council
Report Date:	15 September 2026
Date of Hearing:	14 – 20 October 2026

1 Contents

1	Contents	2
2	Introduction.....	3
2.1	Purpose of this report	3
2.2	Scope and Structure	3
2.3	Author – Cristal Bennett.....	4
2.4	Code of Conduct.....	5
2.5	Scope of Evidence.....	5
2.6	Supporting evidence	5
2.7	Procedural issues	6
2.8	Relevance of the PDP exemption for the Notable Trees chapter	6
3	Notable Trees	7
3.1	Chapter summary	7
3.2	Approach to identifying Notable Trees	7
3.3	Statutory and Policy Context.....	9
4	Consideration of Submissions	10
4.1	General support.....	11
4.2	Submissions on rules.....	11
4.2.1	TREE-R1: Trimming of notable trees and TREE-R2: Removal of notable trees	11
4.2.2	TREE-R3: Activities within the root protection area or dripline of notable trees	13
4.3	Submissions on SCHED-3: Notable Trees and Notable Tree overlay	16
4.3.1	Support for notable trees and requests for new notable trees	16
4.3.2	Opposition to notable trees and requests for removal of notable trees.....	20
4.3.3	Location of Notable Tree #110.....	22
4.4	Submissions on definitions	25
5	Removal of Trees Damaged by Recent Storm Event.....	27
6	Conclusion.....	28
7	Appendices.....	29

2 Introduction

2.1 Purpose of this report

- (1) This document is the Officer's Report for Hearing Stream 7: Other Topics with regard to the Notable Trees chapter of the Proposed Lower Hutt District Plan ('PDP').
- (2) It has been prepared under Section 42A of the Resource Management Act 1991 (the RMA) to:
 - Assist the Hearing Panel in making recommendations on the submissions and further submissions regarding the Proposed Plan, and
 - Provide submitters with information on how their submissions/further submissions have been evaluated by the reporting officers for this hearing stream, along with the recommendations made to the Hearing Panel.
- (3) The Hearing Panel may choose to accept or reject the conclusions and recommendations of this report or may arrive at different conclusions and recommendations based on the information provided to them, including evidence from submitters.

2.2 Scope and Structure

- (4) This report addresses all submissions on the Notable Trees chapter of the PDP, including submissions on the associated notable trees schedule, SCHED-3, and the mapping of notable trees on the planning maps. This includes submissions relating to:
 - General support for the Notable Trees chapter and SCHED-3;
 - Requested amendments to Rules TREE-R1, TREE-R2 and TREE-R3;
 - Requests to add, amend or delete trees or groups of trees from SCHED-3; and
 - Requests to add definitions relevant to the Notable Trees chapter.

- (5) The report also addresses the removal of trees that were damaged or lost during a recent storm event, where this affects entries in SCHED-3.

2.3 Author – Cristal Bennett

- (6) Tēnā Koutou Katoa,

Ko Tokerau te Maunga i tu iho mai

Ko Orongo te Pā o Pūhi kaitiaki o Matātua waka, I moe mai i te awa o
Takou

Ko Ngati Rehia me Ngati Hine nga hapū

Ko Ngāpuhi te iwi

Ko Cristal Bennett ahau.
- (7) My name is Cristal Bennett. I am employed by the Council as the Senior Pou Whakamahere Kaupapa Here and sit within the Te Tira Māori and Policy Planning Teams.
- (8) I hold a Masters in Planning Practice from the University of Auckland and a Masters of Business Administration from the Auckland University of Technology. I am an intermediate member of the New Zealand Planning Institute.
- (9) With more than 15 years of experience in various resource consent planning (RMA) and Team Leadership roles within both local and regional councils, I have developed a specialisation in Te Ao Māori and tikanga. This enables me to translate government legislation for hapu/iwi and integrate cultural values and perspectives into my work.
- (10) I started working on the District Plan Review in March 2024, focusing on the Te Ao Māori chapters. During this process, I engaged extensively with mana whenua which provided the foundations for all the Te Ao Māori chapters, through to writing the corresponding Section 32 evaluation reports. Additionally, I recently completed the RMA Making Good Decisions Course in 2025, which is offered by the Ministry for the Environment.
- (11) I was involved in the development of the Notable Trees chapter of the PDP and preparation of the associated Section 32 Evaluation Report.

2.4 Code of Conduct

- (12) Although this is a council hearing, I have read the Code of Conduct for Expert Witnesses in the Practice Note issued by the Environment Court 2023. I have complied with that Code when preparing my written statement of evidence and I agree to comply with it when I give any oral evidence.

2.5 Scope of Evidence

- (13) The scope of my evidence relates to the Notable Tree chapter. I confirm that the issues addressed in this statement of evidence are within my area of expertise as an expert policy planner.
- (14) Any data, information, facts, and assumptions I have considered in forming my opinions are set out in the part of the evidence in which I express my opinions. Where I have set out opinions in my evidence, I have given reasons for those opinions.
- (15) I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2.6 Supporting evidence

- (16) The expert evidence, literature, legal cases or other material which I have used or relied upon in support of the opinions expressed in this report includes the following:
- The Arboriculture Report by Dave Aitchison, commissioned by Council's Policy Planning team, containing STEM evaluations for specific trees (Appendix 3)
 - The Arboriculture Report by Downer, commissioned by Council's Parks and Reserves team, which contains assessments of trees at Hautana Square (Appendix 4)
 - A statement from Colin Lunn, Council's Maintenance and Renewals Manager (Appendix 5)

2.7 Procedural issues

- (17) At the time of writing this report, there have not been any pre-hearing conferences, clause 8AA meetings, or expert witness conferencing in relation to submissions on the Notable Trees chapter.

2.8 Relevance of the PDP exemption for the Notable Trees chapter

- (18) In August 2025, the RMA was amended to introduce new plan stop provisions which required councils to stop proposed plan change processes which had not proceeded to hearings. Hutt City Council applied for and was granted an exemption to proceed with the PDP for all but the following parts:
- Historical and Cultural Values chapters, schedules and overlays, ***excluding the Notable Trees chapter, schedule and overlay***
 - Natural Environmental Values chapters, schedules and overlays
 - Non-hazard parts of the Coastal Environment chapter and associated schedules and overlays (including coastal natural character)
 - Parts relating to Highly Productive Land
- (19) Despite most Historical and Cultural Values parts of the PDP being outside the scope of Council's plan stop exemption, the Notable Tree parts of the PDP were explicitly included in the exemption.

3 Notable Trees

3.1 Chapter summary

- (20) The main purpose of the Notable Trees chapter is contained in its single objective TREE-O1;

“Trees with notable heritage, cultural or amenity values are protected and retained for their natural life.”

- (21) In order to achieve its purpose, the following policies and rules are proposed:

Policies:

- TREE-P1: Schedule trees meeting criteria and with owner/s approval.
- TREE-P2: Protect trees for their natural life.
- TREE-P3: Allow trimming/maintenance for health or safety.
- TREE-P4: Activities near roots/dripline must avoid harm.
- TREE-P5: Removal only if tree is unsafe or in terminal decline.

Rules:

- TREE-R1: Trimming – Permitted by Council for health/safety; restricted discretionary activity otherwise.
- TREE-R2: Removal – Permitted by Council for safety; discretionary activity otherwise.
- TREE-R3: Activities near roots/dripline – Permitted if no harm; restricted discretionary activity if conditions are not met.

- (22) Notable trees are listed in Schedule 3 (SCHED-3) of the PDP and mapped on the PDP maps.

3.2 Approach to identifying Notable Trees

- (23) Council’s approach for identifying notable trees for the PDP (which is largely a continuation of the approach of the operative District Plan) involves:

- Receiving nominations for notable trees (usually as part of public consultation where nominations are called for, although suggestions are sometimes received outside that process), and
 - Only identifying nominated trees as notable trees in the District Plan where:
 - a. The tree owner approves the nomination (in the case of trees in Council reserves, including road reserves, approval is sought from the part of Council responsible for the management of the tree),
 - b. For trees indigenous to Lower Hutt, they score 100 or more points under the STEM assessment, and
 - c. For trees not indigenous to Lower Hutt, they score 120 or more points under the STEM assessment.
- (24) The process of identifying and assessing trees for scheduling as notable trees emphasises their inherent values and whether they fulfil the criteria of the Standard Tree Evaluation Method (STEM) for inclusion in the PDP.
- (25) The STEM method is widely used and is regarded as a robust approach for determining the intrinsic quality of trees. It is also recognised as the preferred method by the Royal New Zealand Institute of Horticulture (RNZIH).
- (26) Hutt City's nominated notable trees have been individually evaluated by the Council's independent qualified arborist using the STEM method.
- (27) The results of the evaluations are available in the Section 32 Evaluation Report for the chapter.
- (28) Council's approach for notable trees includes undertaking monitoring and maintenance of notable trees at no cost to the tree owner. This creates an incentive for tree owners to have their tree listed in the Plan. Costs for monitoring and maintaining notable trees are ultimately covered by Council, and considered as part of Council's Long Term Plan/Annual Plan processes.
- (29) The lower STEM threshold for trees indigenous to Lower Hutt is a new approach for the Proposed District Plan. For the operative District Plan, indigenous and non-indigenous trees have the same threshold (120).

3.3 Statutory and Policy Context

- (30) The statutory and policy context for the Notable Trees chapter of the PDP is outlined in section three of the Section 32 Evaluation Report for the chapter. The statutory and policy context for the Notable Trees chapter has not changed since the PDP was notified.
- (31) The main legislation driving the protection and scheduling of notable trees in New Zealand is the Resource Management Act 1991 (RMA).
- (32) More specifically, notable trees are usually managed through district plans prepared under the RMA by territorial authorities. The key provisions are:
- **Section 31 RMA** gives territorial authorities functions for managing land use, including protection of amenity values, historic heritage, and indigenous biodiversity where relevant.
 - **Section 74 RMA** sets out matters councils must consider when preparing or changing district plans.
 - **Section 75 RMA** sets out what district plans must contain
 - **Section 76 RMA** enables district plan rules, including land-use rules protecting scheduled trees
 - **Sections 76(4A)–76(4D) RMA** specifically relate to trees as they prevent “blanket” tree protection rules in urban environments and require trees or groups of trees to be specifically identified and described in a schedule to the district plan.
- (33) Since the RMA amendment limiting blanket tree protection, councils generally need to protect urban notable trees by scheduling individual trees or groups of trees in the district plan, rather than relying on broad rules protecting all trees over a certain size or species.
- (34) Other legislation and policies can be relevant depending on the tree and context, such as the Reserves Act 1977, Property Law Act 2007, regional policy statements (RPS-1), the National Policy Statement on Urban Development, and infrastructure-related national environmental standards — but these are secondary to the RMA framework for district plan notable tree scheduling.

4 Consideration of Submissions

- (35) This section outlines the submission points on the Notable Trees chapter associated schedule (SCHED-3) and overlay, and definitions that primarily relate to the Notable Trees chapter, and includes a discussion on the submission points, with my recommendation to the hearing panel on the decisions requested by submitters.
- (36) Ten submitters (with 24 individual submission points) submitted on the Notable Trees chapter and related provisions. No further submissions were received for the Notable Trees topic.
- (37) The submissions on the Notable Trees chapter are from:
- a) Network utility providers** – Powerco Limited (#414) Connexa, Chorus, FortySouth and Spark (#311), and the New Zealand Transport Agency (#385).
 - b) Government organisations** – New Zealand Transport Agency (#385) and Ministry of Education (#399) and Hutt City Council Policy Planning Team (#440).
 - c) Other organisations** – Royal Forest and Bird Protection Society (#424) and Petone Historical Society Inc (#496) and the Eastbourne Memorial RSA (#190).
 - d) Individual submitters** – Norah and Robert Barlow (#48), Stephen Phillips (#124), Jeremy Partridge (#334) and Glenn Nielson and Alison Fleming (#167).
- (38) The submissions have been categorised into the following themes:
- General support for the chapter and associated SCHED-3,
 - Submissions on rules, including submissions requesting provision for network utility providers around trimming and emergency works,
 - Submissions requesting addition and removal of trees from SCHED-3 Notable Trees, and on the mapping of notable trees, and
 - Submissions on definitions.
-

4.1 General support

Submissions

- (39) Petone Historical Society Inc (#496.73a and #496.73b) supports the Notable Trees chapter and Schedule 3 (SCHED-3). This submission specifically addresses Petone's notable trees due to their heritage significance and their contribution to the character of heritage areas.
- (40) Royal Forest and Bird Protection Society (#424.97c) supports Schedule 3 and wants it to remain as originally proposed.

Recommendation

- (41) I recommend that the submission points (#496.73a and #496.73b) from the Petone Historical Society Inc and the Royal Forest and Bird Protection Society (#424.97c) are accepted in part, subject to the amendments recommended in response to other submissions, discussed below.

4.2 Submissions on rules

4.2.1 TREE-R1: Trimming of notable trees and TREE-R2: Removal of notable trees

Submissions

- (42) NZTA (#385.52) supports Rule TREE-R1: Trimming of notable trees in part, and requests the following amendment:

“Activity status: Permitted

Where:

The trimming is undertaken by Hutt City Council, or relevant network utility provider for the health of the tree or to safeguard life or property, including for the maintenance and operation of existing network utilities.”

- (43) NZTA (#385.53) supports Rule TREE-R2: Removal of notable trees in part, and requests the following amendment:

“Activity status: Permitted

Where:

The removal is undertaken by Hutt City Council or relevant network utility provider to safeguard life, ~~or~~ property, or the operation of existing network utilities."

Assessment

- (44) I have considered NZTA's request to include a reference to relevant network utility provider in the rule for the trimming of trees through discussions with the author reporting officer for the Infrastructure chapter (Peter McDonald) and Councils Maintenance and Renewal Manager (Colin Lunn).
- (45) From the discussions, it was established that 'network utilities' fall under the definition of infrastructure, in accordance with Section 2 of the RMA.
- (46) Further, that notable trees located within a road reserve are owned and managed by Hutt City Council's Parks and Reserves Department.
- (47) In discussions with Mr Lunn, regarding the current practices for trimming trees in relation to the maintenance and operation of network utility providers, he mentioned that the process involves collaboration with local network utility providers on a case-by-case basis, which includes the following steps:
- Network Utility Providers must notify the Council of any tree work they intend to carry out.
 - The parties will work together to develop a suitable plan for tree trimming or maintenance.
 - Tree trimming is performed by the Council, in conjunction with or based on expert advice from an independent arborist.
- (48) Similarly, the current practice relating to tree removal incorporates network utility providers, and requires cooperation between the network utility provider and the Council and evidence provided to support the need for removal.
- (49) Given this approach, I consider the rules as notified to be appropriate because it uses Council's established systems for managing street and notable trees, while still allowing coordination with network utility providers where trimming is required or even tree removal is required.

- (50) In my view, the requested amendment would require further procedural controls and monitoring arrangements before it could operate efficiently and consistently. I therefore do not consider that the rule should be amended in the manner requested.
- (51) I have also considered emergency works. I do not consider this rule to be a barrier to emergency works, which are provided under s330 of the RMA. Where emergency works are undertaken, the relevant utility provider would ultimately report the works to Council.
- (52) Although NZTA's request could improve their efficiency and deliver quicker results for the operation and maintenance of network utilities involving tree trimming, the Council prefers to continue overseeing all street and notable trees.
- (53) I do not support NZTA's request to enable trimming for maintenance and operation or tree removal as a permitted activity. Any pruning or trimming works should continue to be reviewed by the HCC officer responsible for notable tree maintenance and agreed before works are undertaken, except where emergency works are required.

Recommendation

- (54) I recommend that the submission points of NZTA (#385.52 and #385.53) be rejected.

4.2.2 TREE-R3: Activities within the root protection area or dripline of notable trees

Submissions

- (55) Powerco Ltd (#414.51) opposes rule TREE-R3 in part, and requests the following amendment:

"Activity status: *Permitted*

Where:

c. The activity does not involve the construction or addition of a structure, excluding underground pipelines where the works are supervised by an arborist and any excavation is undertaken by hand-digging, air or hydro excavation or installed by directional drilling, and ...

- (56) The submitter raises concerns with restrictions on activities within the root protection area and driplines of notable trees, particularly where these are located within the road corridor.
- (57) Connexa, Chorus, FortySouth, and Spark (311.84) support rule TREE-R3 in part, and request the following alternative permitted activity rule for customer connection lines:

“Activity status: Permitted

Where:

The activity is for a customer connection line, which achieves the following:

a. the excavation is undertaken by drilling machines at a depth of 1m or greater, hand-digging, air spade, or hydro vac, within the root protection area; and

b. the surface area of a single excavation does not exceed 1m²; and

c. works involving root pruning are not on roots greater than 35mm in diameter at severance; and

d. works do not disturb more than 10 percent of the protected root zone; and

e. any machines used must operate on top of paved surfaces and/or ground protection measures.

f. works are undertaken under the direction of a qualified arborist.”

- (58) The submitter notes rule TREE-R3 permits activities that do not involve land disturbance, and that as trenching for a network utility line does not permanently alter the profile, contour or height of land, this would include trenching for a network utility line. However, they also note that such an activity involves the construction or addition of a structure, so it would not be permitted.

Assessment

- (59) I have discussed this matter with Colin Lunn, Council’s Maintenance and Renewals Manager. Mr Lunn does not support hydro-vac excavation within the tree root zone unless the works are supervised and pre-approved by Council.
- (60) Given Mr Lunn’s advice, I do not support amending Rule TREE-R3, noting that Council has responsibility (including financial responsibility) for the

ongoing monitoring and maintenance of notable trees, particularly street trees.

- (61) Mr. Lunn noted that the proposed amendments would require thorough consideration and subsequent steps to effectively modify the existing Council systems and processes pertinent to this matter given the lack of Council involvement in the process described by the alternative permitted activity rule requested by the submitter.
- (62) I consider Hutt City Council's current practice around excavation activities within the root protection area or dripline of trees to be appropriate, with no need to be amended:
- All excavations are supervised by a suitably qualified arborist and must be pre-approved by HCC,
 - Any exposed roots must be covered with wet sacking material or similar, directly after excavation, and tree roots must be kept moist (at all times) while the excavated area is exposed,
 - Any approved root pruning requirements are to be undertaken by the approved HCC arborist,
 - Photos taken before, during and after excavation and provided to HCC upon completion of works, and
 - Approval is sought to undertake any root pruning over 35 mm in diameter.
- (63) I note that the District Wide Earthworks chapter provisions, EW-P11 and EW-R11 address earthworks within the root protection area of notable trees, with earthworks being a Discretionary Activity.
- (64) With regard to infrastructure, policy INF-P2 is in part to enable the safe, resilient, effective and efficient operation, maintenance, repair, minor upgrade or decommissioning of infrastructure. Rule INF-R2 permits operation, maintenance and repair of infrastructure subject to standards. Standards INF-S16 and INF-S17 provide controls for earthworks slope, height, depth and location, including area limits (includes trenching) across all zones.
- (65) I do not support changing rule TREE-R3, as the proposed plan sufficiently protects all works within a dripline or root protection zone.

Recommendation

- (66) I recommend that submission points from Powerco Ltd (#414.51) and Connexa, Chorus, FortySouth, and Spark (#311.84) are rejected.

4.3 Submissions on SCHED-3: Notable Trees and Notable Tree overlay

4.3.1 Support for notable trees and requests for new notable trees

Submissions

- (67) Norah and Robert Barlow (#48.1a, #48.1b and #48.1c) request that three additional trees at Hautana Square, Woburn be added to proposed Schedule Three (SCHED-3). The purpose for their inclusion is to protect the trees' visual, landmark and historical values.
- (68) Stephen Phillips (#124.1) supports the inclusion of notable trees #110 at Nikau Street, Eastbourne, which are listed in SCHED-3 of the Proposed Plan.
- (69) Additionally, Mr. Phillips requests that an additional tree be added to SCHED-3 at 107 Oroua Road, Eastbourne (#124.3) due to its historical and commemorative significance.
- (70) The Eastbourne Memorial Returned Services Association (EMRSA) (#190.1) support the retention of notable tree #110 at Nikau Street, Eastbourne in SCHED-3 because of commemorative reasons.
- (71) Glenn Nielson and Alison Fleming (#167.1) also support the retention of tree #110 at Nikau Street, Eastbourne.
- (72) Additionally, G Nielson and A Fleming (#167.2) support the retention of trees #111 to #115, also at Nikau Street, Eastbourne.

Assessment

Submissions in support of notable trees

- (73) The support of Mr Phillips (#124.1), EMRSA (#190.1), Mr Nielson and Ms Fleming (#167.1) to retain notable trees #110 to #116 in SCHED-3 is noted.

No submitters or further submitters have opposed the inclusion of these trees in the schedule.

N and R Barlow (#48.1a, #48.1b and #48.1c) request for three additional notable trees at Hautana Square, Woburn

- (74) There are several large trees within Hautana Square that are widely spread across the east, south, and north sides of the square. Hautana Square is situated within Council reserve land. As a result, Council's Parks Team are responsible for the management of these trees.
- (75) Council's Parks Asset Manager commissioned an arborist (from Downer) to undertake a health assessment of all the significant Hautana Square trees within the reserve. Downer's Arborist Report is attached as Appendix 4 of this report.
- (76) Hautana Square trees include Pohutukawa, ash, maple and lime trees. Additionally, along the eastern border it was specifically noted that there are overhead power lines carrying 11 kV.
- (77) The report from Downer concluded that all trees located in Hautana Square should be excluded from SCHED-3. It indicated that all significant trees are in poor health and that the overhead power lines pose a safety concern for maintenance access. Additionally, the roots of several trees have already been compromised due to an underground water pump that was installed in the centre of the reserve several years ago.
- (78) The Policy Planning Team commissioned a STEM assessment for these trees from Dave Aitchison, the arborist who undertook the STEM assessments during the development of the PDP. Table 1 provides the STEM scores for significant trees within Hautana Square.

Table 1: STEM Assessments by Dave Aitchison – Hautana Square		
Submission point	Description	STEM assessment
48.1a	Pohutukawa tree at southern end of the Square.	123
48.1b	Pohutukawa tree at northern end of the Square.	93

48.1c	Oak tree on eastern side of the Square.	Not assessed. Not enough significance to warrant assessment.
-------	---	--

- (79) Mr Aitchison also assessed two Small-Leaved Lime trees in Hautana Square, including one with a STEM score above the 120-point threshold. However, these lime trees are not addressed any further in this report as there are no submissions requesting their addition to SCHED-3.
- (80) In its maintenance of notable trees and street trees, the Council's Parks and Reserves team adhere to the guidelines contained in the Council's Urban Forest Plan (2010).
- (81) Objective 1.6.1 of the Urban Forest Plan aims to protect significant trees and share their stories. It states, *"Trees with historical and botanical importance should be given special management consideration, and we will consider adding them to the Notable Trees list in the District Plan."*
- (82) Table 1 identifies one Pohutukawa tree (#48.1a) that meets the relevant STEM threshold for inclusion in the Proposed District Plan. However, Council's approach to identifying notable trees in its District Plan (both for the Operative District Plan and Proposed District Plan) is to only identify a tree in the District Plan with the approval of the owner of the tree. This not only applies to trees on private land, but also trees on public land, including reserve land managed by Hutt City Council.
- (83) In the case of the Pohutukawa tree at Hautana Square, the team of Council responsible for this reserve and its maintenance (the Parks and Reserves team) have said that they do not support adding the tree to SCHED-3 of the Proposed District Plan, but that they will continue to manage the trees at the reserve under the Urban Forest Plan, and will continue to monitor the health of these trees and can review their status in future.

Mr Phillips (#124.3) request for an additional notable tree at 107 Oroua Road, Eastbourne

- (84) This tree is on the eastern side of HW Shortt Park, near the southern gate. It is a *Podocarpus totara* species. It possesses significant memorial and commemorative value to the community. This tree was planted by the

Eastbourne Borough Council after World War II in memory of Councillor Brian George Phillips, who was killed at El Alamein in 1942.

- (85) Mr Aitchison conducted a STEM assessment of the tree. The tree received a STEM score of 93, which is below the relevant threshold for inclusion in SCHED-3. Mr Aitchison considered that, although the tree appears healthy, its growth has been constrained by its location and by the need for ongoing pruning to avoid conflict with overhead power lines. His STEM report states:

“As a direct result, the tree will require ongoing pruning throughout its life, which will impact its natural form and growth habit. Overall, the tree is healthy but shows stunted growth and development for a specimen of its age. Its natural growth form will always be constrained by its planted location.”

- (86) Although the Totara tree does not meet the threshold for scheduling as a notable tree under the PDP, it would continue to be managed as a street tree under the Council’s Urban Forest Plan. Mr Lunn has also advised that there are no current plans to remove the tree.

- (87) This submission raises a broader issue about how commemorative and memorial trees are recognised and managed where they do not meet the applicable STEM threshold for scheduling as notable trees.

- (88) A small number of trees in Hutt City hold commemorative value for the community because they honour significant individuals or events from the past. However, the PDP does not address how these commemorative trees should be managed and maintained (especially if they fail to meet the necessary STEM Score and are not deemed a street tree to be protected).

- (89) If commemorative or memorial values are to be recognised through the District Plan in the future, specific objectives, policies, criteria and rules would need to be developed to identify how those values should be assessed alongside tree health, condition and long-term viability.

- (90) In this case, the submitter seeks inclusion of the tree in SCHED-3 because of its commemorative and community value. However, the notified Notable Trees chapter relies on the STEM assessment method and does not contain separate criteria for commemorative or memorial value. The

tree is therefore more appropriately managed as a street tree under the Urban Forest Plan.

Recommendations

- (91) I recommend that the submission points from Mr Phillips (#124.1), EMRSA (#190.1) and Mr Nielson and Ms Fleming (#167.1 and #167.2), supporting the retention of existing notable trees #110 to #116 at Nikau Street, Eastbourne be accepted.
- (92) I recommend that submission points of Norah and Robert Barlow (#48.1a, #48.1b and #48.1c) be rejected as while the pohutukawa tree at the southern end of Hautana Square meets the relevant STEM threshold, its inclusion in SCHED-3 is not supported by the Council's Parks and Reserves Team, who are responsible for the tree. The tree will instead continue to be managed and maintained under the Urban Forest Plan.
- (93) I recommend that the submission point of Mr Phillips (#124.3) be rejected because the tree did not meet the relevant STEM threshold. As noted above, the tree will continue to be managed under the Urban Forest Plan.

4.3.2 Opposition to notable trees and requests for removal of notable trees

Submissions

- (94) The Ministry of Education (#399.130a to #399.130h) opposes the inclusion of the following eight notable trees in SCHED-3:

Table 2: Notable Trees opposed by the Ministry of Education		
School/Address	Reference number and Tree Type	STEM Score
Avalon Primary School 10 Gordon St, Avalon	#220 Kahikatea	108
Epuni School 313 Waiwhetu Rd, Waterloo	#199 Black Beech	138

Hutt Central School 6 Railway Ave, Alicetown	#139 Pohutukawa	120
	#139a Pohutukawa	120
	#140 Pohutukawa	126
Hutt Intermediate School 7 Kauri Street, Woburn	#74 Northern Rata	150
Boulcott School 9 Boulcott St, Boulcott	#29 Totara	141
	#30 Totara	123

Assessment

- (95) The eight notable trees opposed by the submitter are all located within the spatial boundaries of their existing school designations. The Ministry of Education is the requiring authority for these designations.
- (96) If a designated project requires the removal of a notable tree, the designation process can effectively override tree protection rules of the District Plan, although requiring authorities must still consider any environmental effects (s176A).
- (97) Councils must also balance the need for infrastructure (via designations) with the protection of significant environmental features, like trees.
- (98) The trees at Avalon, Epuni, and Hutt Intermediate Schools were publicly nominated trees, meaning members of the public sought their protection.
- (99) Policy TREE-P1 of the PDP outlines Council's approach of requiring the owner of a nominated tree to approve its identification and scheduling. The Council sought formal approval from each of these schools. I note that each school provided written consent to support their inclusion within SCHED-3.
- (100) The trees at Boulcott and Hutt Central Schools were also publicly nominated, but already existed in the operative District Plan. On that basis, it was considered that written approval did not need to be sought a second time, as owner approval would have been obtained through the previous scheduling process.

- (101) When seeking approval from the tree owner, requests were sent to each individual school. However, these schools are public institutions owned and funded by the Government, and ultimately the Ministry of Education is responsible for the Government's educational properties. Therefore, the Ministry should be recognised as the "tree owner" for the purposes of policy TREE-P1. As a result, if the trees remain in SCHED-3, there would need to be a corresponding change to policy TREE-P1.
- (102) Overall, while I do not consider that the Ministry has provided detailed arboricultural justification for removing these trees from SCHED-3, I accept that the Ministry is the relevant landowner and requiring authority for the school sites. In the absence of Ministry approval, retaining these trees in SCHED-3 would be inconsistent with TREE-P1.

Recommendation

- (103) I recommend that the Ministry of Education submission points (#399.130a to #399.130h), requesting the removal of eight individual trees at various schools listed in Table 2, be accepted and that those trees be removed from SCHED-3.

4.3.3 Location of Notable Tree #110

Submissions

- (104) Stephen Phillips (#124.2) supports retaining tree #110 in SCHED-3, but submits that it is incorrectly recorded as being at 19/19A Nikau Street and that the correct location is in front of 11A Nikau Street, Lot 34 DP 981.

Assessment

- (105) There are two kauri trees in the general area at 19/19A Nikau Street and 23 Nikau Street. They are in close proximity and are both included in SCHED-3. They also have similar commemorative histories. Based on the information available to me, there is no kauri tree located outside 11A Nikau Street as suggested by the submitter.

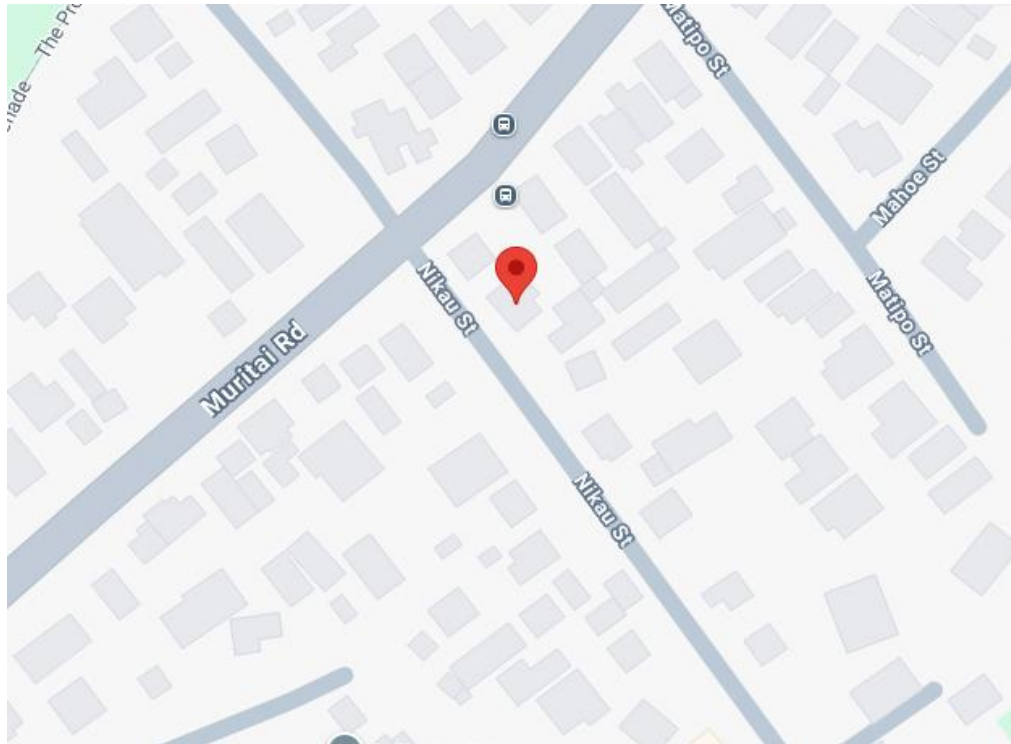


Image 1. 11a Nikau St Map



Image 2. Streetview of 11a Nikau St (Brown house).

- (106) Tree #110 in SCHED-3 is correctly located at 19/19A Nikau St (situated at the **rear** of this property) on Lot 30 DP 981. This location has been checked and confirmed by the Council arborist's STEM assessment location record.
- (107) The submitter's request infers that Tree #110 is located on Lot 34 DP 981 at 11A Nikau St. Image two above shows 11A Nikau St with no kauri tree.
- (108) A second kauri tree in this area is labelled Tree #116, and is located at the front of 23 Nikau St.

- (109) Both trees are scheduled as notable trees in operative District Plan, with the same locations as identified in the PDP.

Table 4. Excerpt from Appendix Notable Trees 1 of the Operative District Plan.						
No.	Address	Legal Desc.	Location	Common Name (Species)	Statement of Significance	STEM Score
77	19/19A Nikau Street, Eastbourne	LOT 30 DP 981	Rear of property.	Kauri (Agathis australis)	Commemorative tree. 'Planted by JH Heenan in 1920 as a memorial to Hugh Girdlestone, who was killed in action at Passchendaele.'	123
78	23 Nikau Street, Eastbourne	LOT 34 DP 981	Front of property.	Kauri (Agathis australis)	Commemorative tree. 'Planted by Sir Joseph H. Heenan of Wellington in August 1919 as a memorial to H. Marsden who was killed at Passchendaele.'	123

- (110) Both trees are also listed in the New Zealand Tree Register (references WTR/0012 and WTR/0015). I note that this is an open public register and has not been solely relied on, but it is consistent with proposed SCHED-3.

Recommendation

- (111) I recommend that submission point (#124.2) be rejected in part to the extent that it seeks to amend the recorded location of tree #110. Based on the information available, no change to SCHED-3 is required.

4.4 Submissions on definitions

Submissions

- (112) Jeremy Partridge (#334.1) seeks to add a definition of 'root protection **area**' (emphasis added) as follows:

"means the circular surrounding a notable tree, measured from the centre of the trunk, with a radius calculated by multiplying the trunk diameter by 12 (measured at 1.4m above ground level). The maximum root protection area radius must not be greater than 15m and no less than 2m."

- (113) The HCC Policy Planning team (#440.13) similarly requests a definition of the 'root protection **zone**' (emphasis added), as it is unclear how policies and rules will apply without one. Their requested wording is:

"means a circle surrounding a notable tree measured from the centre of the trunk, with a radius equal to 12 times the trunk diameter at 1.4m above ground level, except that the radius must be at least 2 metres and at most 15 metres."

- (114) Additionally, the HCC Policy Planning team (#440.15) seeks the addition of a new definition for "dripline":

"means the line formed when a vertical line from the outermost extent of the spread of the tree's branches or canopy meets the ground."

Assessment

- (115) The PDP includes provisions to protect tree roots during construction activities, and refers to the root protection area (for example, Policy TREE-P4 and Rule TREE-R3).
- (116) I support addition of a new definition for clarity, because there is no current definition of root protection area in the PDP. Incorporating a definition would improve user clarity and provide certainty in interpreting the notable tree rules.
- (117) I agree with Mr Partridge, that root protection area should be defined, as this specific wording is consistent with the term used in the PDP (where the term Root Protection Zone is not used in the PDP).

- (118) I consider that the definition provided by both submitters, even though worded slightly differently, essentially convey the same meaning. However, I prefer the Policy Planning Team's definition.
- (119) I consider it essential for the PDP to include clear definitions for both the "root protection area" and the "dripline."
- (120) The root protection area should ideally extend beyond the dripline since many tree roots grow outside the canopy area. While the dripline serves as a physical reference and often indicates the minimum area designated for tree protection, it may not be adequate for mature trees.

Recommendations

- (121) I recommend that the submission point from Jeremy Partridge (#334.1) is accepted in part, in that I recommend that a definition of "*Root Protection Area*" be added to the PDP.
- (122) I recommend that the submission point by the HCC Policy Planning Team (#440.13) be accepted in part, in that I recommend that the substance of its proposed definition be added to the PDP, albeit while using the term root protection area rather than *Root Protection Zone*.
- (123) I recommend that the submission point by the HCC Policy Planning Team (#440.15) seeking a definition of *dripline*, be accepted.
- (124) In summary, I recommend the following definitions be added:

<u><i>root protection area</i></u>	<u><i>means a circle surrounding a notable tree measured from the centre of the trunk, with a radius equal to 12 times the trunk diameter at 1.4m above ground level, except that the radius must be at least 2 metres and at most 15 metres.</i></u>
<u><i>dripline</i></u>	<u><i>means the line formed when a vertical line from the outermost extent of the spread of the tree's branches or canopy meets the ground.</i></u>

5 Removal of Trees Damaged by Recent Storm Event

- (125) Following notification of the Proposed District Plan, further information was received from Council's Parks and Reserves Team regarding the condition of several trees currently included in the SCHED-3 of the PDP.
- (126) Colin Lunn – Council's Maintenance & Renewals Manager – confirms that a number of trees were lost during the storm event of 15–16 February 2026 and therefore no longer meet the fundamental requirement for inclusion in the schedule, being that they are extant specimens.
- (127) The four trees identified as having been lost are:
- Chinese Elm (*Ulmus parvifolia*) located at 5 Pilcher Crescent, Naenae (Reference 136 – existing)
 - Two Weeping Willow (*Salix babylonica*) located within Riddiford Gardens (References 160 and 161 – proposed)
 - English Oak (*Quercus robur*) located at 33a Wai-iti Crescent (Reference 193 – existing)
- (128) Given these trees have been physically removed or destroyed, their inclusion in the Notable Trees schedule is no longer appropriate.
- (129) Accordingly, I recommend that these trees be deleted from the Notable Trees schedule as part of this hearing process. Appendix 1 of this report identifies the recommended changes to SCHED-3.

6 Conclusion

- (130) Having considered the submissions, further information, and supporting evidence for the Notable Trees chapter and SCHED-3, I conclude that the Proposed District Plan framework, including Objective TREE-O1, the associated policies, and Rules TREE-R1 to TREE-R3, provides an appropriate and proportionate approach to protecting trees with notable values while enabling necessary maintenance, safety works, and activities near trees where adverse effects can be avoided or appropriately managed.
- (131) I recommend that submissions of general support are accepted, in whole or in part where consequential amendments are recommended elsewhere. I do not recommend amending TREE-R1 or TREE-R2 to broaden permitted trimming or removal activities for network utility providers, as Council's existing operational processes provide an efficient and appropriate mechanism for managing these works while supporting the policies and objective of the chapter.
- (132) For SCHED-3, I recommend targeted amendments in response to submitters' requests, including retaining supported existing notable trees, rejecting additions that do not meet the relevant assessment threshold or policy requirements, removing the eight school-site trees sought by the Ministry of Education, and deleting trees that were lost during the February 2026 storm event.
- (133) I also recommend adding definitions for "root protection area" and "dripline" to improve clarity and certainty for plan users, particularly in applying TREE-P4 and TREE-R3.
- (134) Overall, I consider that the recommendations in this report will assist the Hearing Panel to make decisions that are effective, implementable, and consistent with the purpose and intent of the Notable Trees chapter.

7 Appendices

- **Appendix 1** – Recommended amendments to SCHED-3 of the PDP on Notable Trees
- **Appendix 2** – Recommended decisions on submissions on the Notable Trees chapter and SCHED-3.
- **Appendix 3** – Arborist Report by Dave Aitchison for Hautana Square and Oroua St, Eastbourne.
- **Appendix 4** – Arborist Report by Downer commissioned by Parks and Reserves Team – Hautana Square
- **Appendix 5** – Council Maintenance and Renewals Manager Comments

Note: Appendix 1 of officer reports for the PDP hearings is typically a full version of the relevant chapter/s for the report with the reporting officer's recommended amendments. As no amendments to the Notable Trees chapter are recommended, Appendix 1 of this report is solely on recommended changes to SCHED-3 and definitions.

Appendix 1 – Recommended amendments to SCHED-3 of the PDP on Notable Trees

Appendix 2 – Recommended decisions on submissions on the Notable Trees chapter and SCHED-3.

**Appendix 3 – Arborist Report
by Dave Aitchison for
Hautana Square and Oroua
St, Eastbourne.**

Appendix 4 – Arborist Report by Downer commissioned by Parks and Reserves Team – Hautana Square

Appendix 5 – Council Maintenance and Renewals Manager Comments
