

SECTION 42A REPORT

Officer's written right of reply 12 June 2025

Hearing 12 Notable Trees Chapter

1	Introduction.....	1
1.1	Background	1
2	Purpose of Report.....	2
3	Consideration of evidence recieved	2
3.1	Hearing Statement Evidence	3
3.1.1	Pacific Eco Logic.....	3
3.1.2	David Truscott – Clarification on submission ... Error! Bookmark not defined.	
3.2	Appendix 3 Error	Error! Bookmark not defined.
3.3	Verbal Evidence	5
3.3.1	James Frater – Clarification of decision.....	5
3.3.2	Top Energy Limited – NT-O1	6
3.3.3	Top Energy Limited – NT-P2.....	7
3.3.4	Top Energy Limited – NT-P3.....	8
3.3.5	Top Energy Limited – NT-P4.....	10
3.3.6	Top Energy Limited – NT-P5.....	11
3.3.7	Top Energy Limited – NT-R4	12
3.3.8	Top Energy Limited – NT-R5	14
3.3.9	Top Energy Limited – Emergency Tree Works.....	14

Appendix 1.1: Officer's Recommended Amendments (Notable trees)

Appendix 1.2: Officer's Recommended Amendments to Definitions (Notable trees)

Appendix 1.3: Officer's Recommended Amendments to the Schedule of Notable Trees

Appendix 2: Officers Recommended Decisions on Submissions (Notable trees)

1 Introduction

1.1 Background

1. My full name is Chloe Mackay. I am the writer of the original Section 42A Report for Hearing on the Proposed District Plan: Notable trees topic.

2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the Section 42A report and request that the Hearings Panel ("the Panel") take this as read.

2 Purpose of Report

3. The purpose of this report is primarily to respond to the evidence of the submitters and provide my right of reply to the Panel.

3 Consideration of evidence recieved

4. I have only addressed those sections and evidence where I consider additional comment is required. I have grouped these matters into the following headings:

- a) Appendix 3 Error
- b) Hearing Statement Evidence
 - a. David Truscott – Clarification on submission
 - b. Pacific Eco Logic
- c) Verbal Evidence
 - a. James Frater – Clarification of decision
 - b. Top Energy Limited – NT-O1
 - c. Top Energy Limited – NT-P2
 - d. Top Energy Limited – NT-P3
 - e. Top Energy Limited – NT-P4
 - f. Top Energy Limited – NT-P5
 - g. Top Energy Limited – NT-R4
 - h. Top Energy Limited – NT-R5
 - i. Top Energy Limited – Emergency Tree Works

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)

6. For all other submissions not addressed in this report, I maintain my position set out in my original s42A Report.

7. **Appendix 2** provides an overview of the updated Recommended Decisions on Submissions.

3.1 Appendix 3 Error

Matters raised from the Hearing Panel

8. The Hearing Panel identified an inconsistency in Appendix 3 for the Schedule of notable trees, where tree number 137 is marked for deletion in the Schedule, conflicting with the recommendation in the section 42A report.

Analysis

9. I acknowledge that there is an error within Appendix 3 that does not align with the s42A report. I retain my position in the s42A report of rejecting S476.001 and retaining tree 137 in the schedule. This is also supported by David Truscott, who is the submitter for S476.001 and provided a statement clarifying that he does not wish to remove the tree from the schedule.
10. During this review, I also found that the two pest plants, trees 18 and 71, recommended for removal by myself and Mr Redfern, were not reflected in Appendix 3 as being removed from the schedule and therefore not aligning with the recommendation in the s42A report.
11. I retain my position in the s42A report for both errors and have provided an updated Appendix 3 to reflect the correction of these matters.

Recommendation

12. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

13. As no further changes are recommended, no additional evaluation under section 32AA is required.

3.2 Hearing Statement Evidence

3.2.1 David Truscott – Clarification on submission

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 16: Schedule of Notable Trees From paragraph 174, 184 - 186
Evidence in chief Top Energy Limited	Hearing Statement (In relation to the scheduling of a notable tree)

Matters raised in evidence

14. David Truscott clarified in his hearing statement that his submission regarding the tree at the Masonic Hotel in Rawene was not intended to request its removal. Instead, his objective is to ensure ongoing canopy management to maintain safety and amenity value. He acknowledged councils' involvement in overseeing the trees' management.

Analysis

15. Following Mr Truscott's clarification, which aligns with the recommendation in the Notable trees s42A report, I maintain my position that tree 137 should remain included in the Schedule of Notable trees.

Recommendation

16. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

17. As no further changes are recommended, no additional evaluation under section 32AA is required.

3.2.2 Pacific Eco Logic

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 16: Schedule of Notable Trees From paragraph 172 & 182
Evidence in chief Top Energy Limited	Hearing Statement (In relation to the scheduling of notable trees)

Matters raised in evidence

18. Pacific Eco Logic confirmed that during Hearing 4, they submitted evidence supporting the inclusion of mature Pohutukawa, Puriri, and Kowhai trees within the coastal environment. Their submission emphasised the need for protection of these trees due to the areas and trees being too small to be protected by rules for protecting high and outstanding natural character or any future SNA rules.

Analysis

19. Given that the submitter has not provided further information for their request, and there remains a lack of clarity regarding the specific trees and areas proposed for inclusion, I maintain my position as outlined in the Notable trees s42A report.

Recommendation

20. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

21. As no further changes are recommended, no additional evaluation under section 32AA is required.

3.3 Verbal Evidence

3.3.1 James Frater – Clarification of decision

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 16: Schedule of Notable Trees From paragraph 169, 170, 179, 180, 189 & 190
Verbal at Hearing James Frater	Verbal evidence on Tuesday 27 th May 2025 relating to the Schedule of Notable Trees

Matters raised in evidence

22. James Frater sought clarification regarding the decision on his two submissions (S154.001 & S175.001), which proposed the inclusion of three trees in the Schedule of notable trees. These trees included one located at Te Hue Cove and two at Opunga Cove.

Analysis

23. Mr Frater was informed at Hearing 12 that both submissions (S154.001 & S175.001) were fully accepted, resulting in the inclusion of all three trees in the Schedule of notable trees. Additionally, it was clarified that the two trees in submission S175.001 were accepted as individual entries rather than as a pair.

Recommendation

24. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

25. As no further changes are recommended, no additional evaluation under section 32AA is required.

3.3.2 Top Energy Limited – NT-O1

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 3 – NT-O3 From Paragraph 57 & 59
Evidence in chief Top Energy Limited	From paragraph 7.1 – 7.5 (Objective NT-O1)

Matters raised in evidence

26. David Badham and Melissa McGrath, on behalf of Top Energy Limited, do not endorse the recommendation in the section 42A report to retain objective NT-O1 as notified. They argue that the objective solely addresses the identification and protection of notable trees and does not reference infrastructure. Accordingly, they assert that there needs to be an objective which policy NT-P4 implements, to provide the practical means for achieving the goals set out in the objectives.

Analysis

27. I understand that Mr Badham and Ms McGrath are concerned that the objective does not reference infrastructure and that it should be included in the objective along with other matters. However, I do not consider that approach necessary or appropriate. My reasons are as follows:
28. The Notable Trees Chapter principally focuses on protecting and preserving trees listed in the Schedule of notable trees. Its objective is to define notable trees, highlight their values, and ensure they are properly identified and safeguarded.
29. Expanding the Notable Trees objective's scope to include infrastructure would broaden its purpose, necessitating amendments across multiple policies.
30. The objective proposed by Top Energy adds a wide range of additional matters in addition to infrastructure that significantly would undermine the key outcomes sought for the protection of notable trees.
31. The chapter works alongside the objectives and policies of the infrastructure chapter and infrastructure does not need to be explicitly referenced within the Notable Tree objective.
32. The objectives and policies for managing infrastructure are appropriately handled within the Infrastructure Chapter, while the Notable Tree Chapter, by way of policy NT-P4 and the rules clarify how notable trees interact with infrastructure.
- a. NT-P4 is designed to ensure the protection of notable trees when they come into close proximity to electricity lines, therefore

safeguarding the integrity and operation of powerlines. While Top Energy has a range of network facilities beyond electricity lines, NT-P4 specifically addresses electricity line related interactions and does not extend to broader infrastructure considerations but is instead focused on managing vegetation to prevent risks associated with electrical networks.

Recommendation

33. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

34. As no further changes are recommended, no additional evaluation under section 32AA is required.

3.3.3 Top Energy Limited – NT-P2

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 5 – NT-P2 From Paragraph 69 & 71 – 79
Evidence in chief Top Energy Limited	From paragraph 7.6 – 7.13 (in relation NT-P2 & NT-P4)

Matters raised in evidence

35. Mr Badham and Ms McGrath raised a several points in their evidence in relation to the recommendations in the section 42A report and the recommended amendments to the Notable Trees Chapter. This includes:
- Support for the inclusion of '*on notable trees*' within the opening sentence.
 - Agreement with the deletion of the original clause b., to remove unnecessary repetition.
 - Concern over the revised wording, stating that it alters the polices intent, making the list of conditions overly restrictive, as all requirements must be met collectively.
 - Disagreement with the updated wording mandating an arborist to supervise all pruning of notable trees, which they state is impractical particularly for essential maintenance related to public safety and infrastructure operations.

- e. Opposing the assertion that NT-P4 already allows tree trimming for infrastructure use, stating the current wording only refers to general trimming, lacking explicit reference to *notable* trees.
36. Support for NT-P2 is contingent upon amendments to NT-P4 to ensure clarity and practicality for infrastructure management.

Analysis

37. I acknowledge Top Energy Limited's support for the inclusion of '*on notable trees*' and deletion of clause b.
38. I acknowledge that Mr Badham and Ms McGrath wish to explicitly reference notable trees within NT-P4 to ensure clarity regarding the specific type of trees addressed in this provision. While the chapter is clearly focused on notable trees with these trees - listed in the Schedule of notable trees, which is referenced throughout the chapter - I recognise the importance of eliminating any potential ambiguity. Therefore, I support the request to specify '*notable* trees' in NT-P4.
39. Following the amendment to NT-P4, the submitters now regard NT-P2 as sufficiently addressing their concerns. Consequently, I do not find further analysis to be necessary and maintain my position for NT-P2 as outlined in s42A report.

Recommendation

40. I recommend that NT-P4 is amended as follows:

'Allow the trimming, pruning of notable trees and groups of trees and activities within the root zone area of notable tree or groups of trees for the purpose of...'

41. For the reasons above, I do not recommend any changes to NT-P2, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

42. The recommended amendment is appropriate, as it enhance the policy's structure, improving readability while ensuring the intent is clearly articulated. On this basis, no evaluation for these recommended amendments under Section 32AA is required.

3.3.4 Top Energy Limited – NT-P3

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 6 – NT-P3 From Paragraph 85 & 86

Relevant Document	Relevant Section
Evidence in chief Top Energy Limited	From paragraph 7.14 – 7.16 (in relation NT-P3)

Matters raised in evidence

43. On behalf of Top Energy Limited, Mr. Badham and Ms. McGrath oppose the recommendations set forth in the section 42A report and the proposed amendments to NT-P3. Their objections are based on the following reasons:
- The term '*infrastructure*' is a defined term within the PDP provisions, aligning with the RMA definition, whereas '*activities*' and '*development*' are not, therefore suggest the use of '*infrastructure*' ensures clarity and consistency within the policy.
 - The submitters don't consider the inclusion of '*or*' within the policy a significant change and it is necessary to allow both clauses to occur individually, rather than requiring both clauses to be met.
 - The term '*activity*' should be revised to '*activities*' within the policy to ensure grammatical correctness.

Analysis

44. To ensure consistency and clarity within planning documents, the term '*activity*' is a broadly recognised term within both the RMA and the PDP. Although '*activity*' may not have a defined statutory meaning, its established use within planning frameworks ensures certainty without the risk of misinterpretation. Replacing it with infrastructure in all instances where development is mentioned, would be inconsistent and could inadvertently narrow the scope of planning provisions. Maintaining '*activity*' aligns with standard practice and reinforces clarity within regulatory and policy documentation. In addition, it is clear that the development, operation, upgrading and maintenance of infrastructure are '*activities*'.
45. Regarding the inclusion of '*or*', I believe it is essential that both clauses in NT-P3 apply simultaneously to protect notable trees. The chapter aims to prevent harm to their health, structural integrity, and significance. If works within the root zone proceed based on only one clause, there is a risk of neglecting this aim. Requiring works to have a functional or operational need ensures that activities within the root zone area are justified. However, this condition alone does not protect the trees overall health. Any disturbance in the root zone could weaken its stability and survival, defeating the chapters' purpose. By enforcing both clauses together, the policy balances necessary works with tree preservation allowing essential operations to occur with minimal impact on the trees wellbeing.
46. I support the grammatical change from '*activity*' to '*activities*' within the policy.

Recommendation

47. I recommend NT-P3 is amended as follows:

'Only allow activities and development within the root zone area of a notable tree or group of notable trees where:

- a. It is demonstrated that the activities and development will not be detrimental to the long-term health and significance of the tree or group of trees; and*
- b. There is a functional or operational need for the development to occur within the root zone area and there are no other practical alternative locations.'*

Section 32AA Evaluation

48. The recommended amendment is purely grammatical therefore does not alter the intent of the policy. On this basis, no evaluation for these recommended amendments under Section 32AA is required.

3.3.5 Top Energy Limited – NT-P4

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 15: Policies and Rules From paragraph 159 - 161
Evidence in chief Top Energy Limited	From paragraph 7.17 (in relation NT-P4)

Matters raised in evidence

49. Top Energy Limited acknowledges and supports the recommendation outlined in the section 42A report concerning NT-P4. However, in alignment with the considerations in section 3.3.3 of this report, the submitter requests a minor amendment to ensure clarity.

Analysis

50. I acknowledge Top Energy Limited's support for NT-P4 and recommend the proposed amendments, as outlined in Section 3.3.3.

Recommendations

51. For the reasons above, I do not recommend any further changes to NT-P4, other than the minor amendment as per section 3.3.3 of this report and any consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

52. As no further changes are recommended, no additional evaluation under section 32AA is required.

3.3.6 Top Energy Limited – NT-P5

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 15: Policies and Rules From paragraph 159 - 161
Evidence in chief Top Energy Limited	From paragraph 7.17 (in relation NT-P4)

Matters raised in evidence

53. Mr Badham and Ms McGrath raise concerns in the section 42A report and the recommended amendments to NT-P5. Their concerns include:

- a. That an assessment from an arborist is not practical or reasonable in all cases and the immediate removal may be necessary to avoid risk to people, property and infrastructure.
- b. The wording of clause a. should state '*not feasible*' instead of '*not possible*' as feasibility is a more reasonable and realistic test and the case of possibility could be established, no matter how small.

Analysis

54. The qualification requirements apply specifically to notable trees, with a requirement for risk assessment conducted by a Level 4 qualified arborist representing good practice. This ensures that decisions regarding tree removal are based on expert evaluation, as agreed by Mr Redfern, thereby minimising unnecessary removal and ensuring that notable trees where practicable while addressing potential hazards. Given that these requirements are solely focused on notable trees and considering that section 330 of the RMA provides for emergency works in other scenarios, I believe this approach is both reasonable and practical. Furthermore, Top Energy has confirmed in their verbal evidence, that the organisation does employ individuals who hold a Level 4 Arborist qualification. Therefore, I maintain my position as outlined in the s42A report.

55. Due to the policy's wording, which includes terms like '*destruction or removal*', the word '*possible*' must serve as a stringent test, because of the significant harm these actions can inflict on a notable tree. If something is not technically feasible, it is inherently impossible to achieve. I accept that *possible* sets a high bar to achieve but I believe *feasible* is substantially lower and would not appropriately protect those trees that hold higher significance and value within the Schedule of notable trees. The term '*feasible*' introduces ambiguity due to its broader scope whereas '*possible*' ensures a definitive meaning that something is entirely unachievable. Additionally, '*not feasible*' may be misinterpreted as simply difficult rather than truly impossible, therefore I retain my position in the s42A report.

Recommendation

56. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

57. As no further changes are recommended, no additional evaluation under section 32AA is required.

3.3.7 Top Energy Limited – NT-R4

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 11: NT-R4 From paragraph 130 - 134
Evidence in chief Top Energy Limited	From paragraph 7.32 – 7.40 (NT-R4)

Matters raised in evidence

58. Top Energy Limited oppose the recommended amendments in the section 42A report concerning NT-R4. Specifically, they consider that:

- a. Based on their understanding of the Electricity (Hazards from Trees) Regulations 2003, there is no explicit requirement for such works to be supervised by an arborist holding a qualification specified in PER-2, nor is there a requirement to notify the Council when these works must take place.
- b. In their opinion, as long as the work is carried out with the regulations, PER-2 and PER-3 are unnecessary and redundant.
- c. The arbitrary imposition of a 14-day notification period would create an unhelpful administration burden for both Top Energy and the Council, offering little practical benefit.
- d. Lastly, they have not relied on the guidance of technical expert Jon Redfern, as referenced throughout the section 42A report, given that there is no written statement from Mr Redfern addressing the appropriate arborist qualification.

Analysis

59. I would like to emphasise that this matter pertains specifically to notable trees, rather than public trees. Consequentially, as Top Energy confirmed in Hearing 12, the number of notable trees likely to be affected in such a situation is relatively limited and given their designated status as a notable tree, it is essential to engage with Council, as any proposed actions could potentially impact their significance.

60. While the Electricity Regulations 2003 are relevant and provide guidance on how electrical works should be carried out safely, there is an important distinction between public trees and notable trees. In the case of a public tree, I consider the submitters point correct, that as long as works are carried out in accordance with the regulations, no additional oversight is required. However, for a notable tree, its protected status necessitates a higher level of care and expertise. Any works affecting a notable tree require the involvement of a qualified arborist to assess whether intervention is necessary and ensure that its health and integrity are properly maintained.
61. I recognise that the 14-day notification period is a relatively extended timeframe and may not be the most practical approach. I consider that a 5-day notification period to council prior to commencing work is more appropriate and practical. This adjustment ensures a more efficient process and aligns with the approach from Whangarei District Council.
62. Although Mr Redfern did not provide a written statement with the release of the s42A Notable Trees report, he did contribute a memo that was included with the Far North Hearing 12 Addendum to the Notable Trees s42A report. This memo outlined his recommendations and stance on aspects of the section 42A report and addendum where I referenced reliance on his expertise.

Recommendation

63. I recommend NT-R4 is amended as follows:

'Pruning of a notable tree close to electricity lines...

... PER-3

Council is advised ~~14~~ 5 days prior to the work commencing and is provided with written documentation by the arborist undertaking or supervising that they have the qualifications...'

64. Consequentially, I recommend NT-R2, NT-R3 and NT-R6 are amended to align with the 5-day notification period recommended above for consistency through the chapter.
65. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

66. The recommended amendment enhances both the efficiency and effectiveness of processes and timeframes, ensuring a more streamlined and practical approach. On this basis, no evaluation for these recommended amendments under Section 32AA is required.

3.3.8 Top Energy Limited – NT-R5

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 10: NT-R2 From paragraph 123 – 126 Key Issue 13: NT-R8 From paragraph 146 & 148
Evidence in chief Top Energy Limited	From paragraph 7.21 – 7.31 (in relation to a new definition, NT-R2 & NT-R8)

Matters raised in evidence

67. Top Energy Limited supports the section 42A report recommendations to rule NT-R5, allowing infrastructure to be located within 700mm below ground level.

Analysis

68. As Top Energy is in agreement, I don't find further analysis necessary.

Recommendation

69. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

70. As no further changes are recommended, no additional evaluation under section 32AA is required.

3.3.9 Top Energy Limited – Emergency Tree Works

Overview

Relevant Document	Relevant Section
Section 42A Report	Key Issue 10: NT-R2 From paragraph 123 – 126 Key Issue 13: NT-R8 From paragraph 146 & 148 Far North Hearing 12 Addendum to Notable Trees s42A report
Evidence in chief Top Energy Limited	From paragraph 7.21 – 7.31 (in relation to a new definition, NT-R2 & NT-R8)

Matters raised in evidence

71. Mr Badham and Ms McGrath consider the recommendations in the section 42A report insufficient. They note that their original submission included a definition of '*Emergency Tree Works*', but since the report did not address it, their submissions relating to NT-R2 and NT-R8 were rejected. The submitter states:

- a. They support the recommended amendment to increase the maximum branch diameter at severance in NT-R2 to 200mm.
- b. The definition provides much-needed clarity in determining what qualifies as *emergency tree works* under NT-R2 and NT-R8.
- c. The reference to *emergency tree works* in NT-R2 is essential to prevent unnecessary and unreasonable constraints imposed by PER-1 – PER-6.
- d. Similarly, the removal of a notable tree deemed to be *emergency tree works* should be enabled in NT-R8. While section 330 of the RMA allows certain emergency works to proceed without prior resource consent, it does not remove the requirement for retrospective resource consent if the activity would normally require one.
- e. For these reasons, the submitter considers the inclusion of a new definition for '*Emergency Tree Works*' and the amendment of NT-R2 and NT-R8 accordingly.

Analysis

- 72. I acknowledge the submitters support for the recommended amendment to the branch diameter in NT-R2.
- 73. The Far North Hearing 12 Addendum to the Notable Trees s42A report addressed the definition of *Emergency Tree Work*, which lead to the review of NT-R2 and NT-R8. As a result, consequential amendments were recommended.
- 74. In verbal evidence, Top Energy stated they support the inclusion for the definition of *Emergency Tree Works*. Subsequently, I consider that no further analysis is required.
- 75. Regarding Top Energy's request to remove the requirement for a Level 4 Arborist, Top Energy stated in Hearing 12 that the cost of engaging an arborist for every emergency involving a notable tree would be financially unfeasible and impractical. However, they were unable to suggest an alternative qualification they considered suitable. They also confirmed that emergencies involving notable trees are rare and highlighted that their organisation employs individuals who hold a Level 4 arborist qualification.
- 76. Mr Redfern also clarified the differences in arborist qualification levels, stating that the Level 4 New Zealand Certificate focuses on operational aspects and tree health training. He confirmed that this certification is the minimum requirement for pruning trees around powerlines and most widely held. Mr Redfern further explained that a Level 5 qualification provides additional knowledge in contracts, while a Level 6 Diploma is more specialised in consulting, urban tree forestry and assessing tree risk and management. He clarified that Level 6 professionals are rarely found working directly 'on the tools' and those who hold qualifications below a Level 4 Certificate typically work more in horticultural as opposed to

arboriculture. Acknowledging this distinction, Mr Redfern recommended that the minimum suitably qualified person for arborist-related tasks involving notable trees should hold a Level 4 Certificate.

77. Given Mr Redfern's confirmation that a Level 4 qualification is the most appropriate certification for tree-related operations and Top Energy's assurances regarding the rarity of notable tree emergencies and their employment of people who hold a Level 4 arborist qualification, I consider it is reasonable and practical to retain this qualification standard in the policies and rules of the Notable Trees Chapter. Therefore, I maintain my position for NT-R2 and NT-R8 as outlined in the Far North Hearing 12 Addendum to Notable Trees s42A report.

Recommendation

78. For the reasons above, I do not recommend any changes to the notable tree chapter provisions, other than consequential amendments to ensure consistency across chapters.

Section 32AA Evaluation

79. As no further changes are recommended, no additional evaluation under section 32AA is required.