

**Before the Hearings Panel
At Waimakariri District Council**

Under Schedule 1 of the Resource Management Act 1991

In the matter of the Proposed Waimakariri District Plan

Between **Various**

Submitters

And **Waimakariri District Council**

Respondent

**Council reply on Notable Trees - Bryony Steven on behalf of Waimakariri
District Council**

Date: 27 October 2023

INTRODUCTION:

- 1 My full name is Bryony Annette Steven. I am employed as a Graduate Planner for Waimakariri District Council.
- 2 I have read the evidence and tabled statements provided by submitters relevant to the Section 42A Report – Notable Trees.
- 3 I have prepared this Council reply on behalf of the Waimakariri District Council (**Council**) in respect of matters raised through Hearing Stream 5.
- 4 Specifically, this statement of evidence relates to the matters in the Section 42A Report – Notable Trees.
- 5 I am authorised to provide this evidence on behalf of the District Council.

QUALIFICATIONS, EXPERIENCE AND CODE OF CONDUCT

- 6 Appendix C of my section 42A report sets out my qualifications and experience.
- 7 I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's Practice Note 2023.

SCOPE OF REPLY

- 8 This reply follows Hearing Stream 5 held on 21, 22 and 23 August 2023. Minute 9 requires this reply report to be provided by Friday 27 October 2023.
- 9 The main topics addressed in this reply include:
- Answers to questions posed by the Panel;
 - Matters that arose during the hearing and any matters remaining in contention; and
 - Changes to recommendations in s42A report.
- 10 **Appendix 1** has a list of materials provided by submitters including expert evidence, legal submissions, submitter statements etc. This information is all available on the Council website.

- 11 **Appendix 2** has recommended amendments to PDP provisions, with updated recommendations differentiated from those made in Appendix A of the s42A report.
- 12 **Appendix 3** has an updated table of recommended responses to submissions and further submissions, with updated recommendations differentiated from those made in Appendix B of the s42A report.

Response to written questions posed by the Hearings Panel

Question 1 - Taking into account the evidence of Ms Foote and Mr Horne, Mr Maclennan and Ms Steven are to provide an updated position on the relationship between the E&I and TREE Chapters in respect of earthworks associated with infrastructure; including policy direction and Ms Foote's requested amendment to TREE-R7

- 13 Mr Maclennan and I have discussed the direction from the panel and have broken our response down into two parts; a) the relationship between the EI and Tree chapters in respect of earthworks required for infrastructure, and b) policy direction within the TREE chapter and amendments to provisions.

The relationship between the EI and Tree chapters in respect of earthworks required for infrastructure

- 14 In the S42A report for EI, Mr Maclennan recommended to the panel that the rules in the TREE chapter do not apply to the EI chapter with the exception of TREE-R6 and TREE-R7 which manage the removal of notable trees. The objectives, policies, planning map layers and schedules of the TREE chapter continue to apply to the EI chapter.
- 15 Earthworks associated with infrastructure in relationship to notable trees are managed through the EI chapter where specific rules permit earthworks within the root protection area provided the works comply with the requirements of the rule. The Earthworks chapter manages earthworks within the root protection area more generally and EW-S4 requires all earthworks not to occur within the root protection area of

notable trees except as provided for by EI-R46. This standard fails to identify all the relevant rules in the EI chapter where EW-S4 does not apply, and this matter is addressed by Mr Peter Wilson in the reply report for the Earthworks chapter.

Policy direction within the TREE chapter and amendments to provisions.

I have recommended an amendment to the policy direction in the TREE chapter to include a new policy TREE-P6, which provides for the siting of new infrastructure and the maintenance, repair and upgrade of existing infrastructure. Mr MacLennan has reviewed this recommended policy with particular reference to the relationship with the EI chapter, and he supports the recommended drafting. This proposed policy is addressed later within this reply report.

16 In respect to the request from the Panel to consider Ms Foote's requested amendment to TREE-R7, the MainPower submission supported TREE-R7 as notified.

17 **Question 2 - Please provide an updated position in respect to whether there should be a non-notification clause for TREE-R3, whether the rule is necessary, and whether there is scope to delete it.**

18 I have considered the issue of TREE-R3 and its relationship with TREE-R1 and TREE-R5 as I signalled in my response to the preliminary questions. TREE-R3 only applies to works that are required under the Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001. As these works are already permitted under these regulations, I consider this rule is superfluous. Additionally, the S42A EI author, Mr MacLennan recommended that TREE-R3 not apply to the EI chapter. Mr MacLennan recommended a consequential amendment to EI-R6 'Trimming or removal of trees and vegetation', to provide for notable trees. If Mr MacLennan's recommendations were to be accepted, TREE-R3 would serve no useful purpose within the plan.

19 I therefore recommend to the Panel, that TREE-R3 be deleted as a consequential amendment to the Chorus NZ, Spark NZ Trading Ltd and

Vodafone NZ Ltd [62.6] submission addressed in the EI S42A report. I recommend subsequent renumbering for rules TREE-R4, TREE-R5, TREE-R6, and TREE-R7 and subsequent renumbering to cross references to these rules elsewhere within the PDP. If the Panel is not minded to accept this recommendation, I recommend that TREE-R3 include a non-notification clause similar to the other rules in the chapter, as requested by Clampett Investments Limited [284.1] and Rolleston Industrial Developments Limited [326.2].

20 I have also considered the purpose and role of TREE-R1 and TREE-R5. TREE-R5 is attempting to serve the role of a catch-all rule. However, I consider this function is already achieved by TREE-R1. I consider these rules can be rolled together through amending the title of TREE-R1, and TREE-R5 can be subsequently deleted. In my view this amendment would enhance the clarity and efficiency of the TREE chapter. I consider TREE-R1 could be amended as follows:

“TREE-R1 Activities within the trunk or crown Maintenance pruning of any Notable Tree listed in TREE-SCHED1, ~~other than provided for by TREE-R3.~~”

21 However, I have not identified scope through the submissions on the chapter for this change and it is therefore at the discretion of the Panel to consider whether there may be scope for any such change through other submissions on the PDP.

Matters remaining in contention and any outstanding matters

Proposed new policy – MainPower New Zealand Ltd [249.185]

22 The original submission on the PDP by MainPower [249.185] proposed a new policy for the TREE chapter to provide for various works to and around notable trees¹. In the S42A report for Notable Trees, I

¹ “TREE- P6

Provide for limited physical works to and around trees listed in TREE-SCHED1, for cultivation, maintenance, safety purposes, or network utilities where those works are required due to locational, technical or operational requirements.”

recommended this policy be rejected as I considered it was difficult to understand the overall purpose of the policy and I considered such a policy would be more appropriately located within the EI chapter. I clarified my explanation on this matter in my preliminary response to the Hearing Panel's questions.

- 23 In advance of Hearing 5, the statement of Evidence by Ms Melanie Foote on behalf of MainPower, proposed an alternatively worded policy as follows:

"New Policy: Trees and utilities

Where it would not be reasonable to locate outside of the dripline of a significant tree listed in TREE SCHED1 due to locational, technical or operational requirements, ensure that the utility is appropriately designed, located and installed to maintain as far as practicable the specific values of the tree."

- 24 The new policy proposed by Ms Foote is easily understood and has a clear purpose that is to enable infrastructure to be located within the root protection area of notable trees. Having heard the evidence presented at the hearing, I am now of the view that a policy to enable infrastructure within the TREE chapter would be appropriate. However, such a policy would need to ensure that the values and significance of notable trees are protected and maintained. I therefore recommend the following new policy, which retains the intent of the policy proposed by MainPower, is included within the TREE chapter:

TREE-P6 Siting of infrastructure and maintenance, repair, or upgrades

Ensure the siting of new infrastructure and the maintenance, repair, or upgrade to existing infrastructure, maintains the significance and / or notable values of the tree or group of trees listed in TREE-SCHED1, taking into account the functional or operational need of the infrastructure.

Matters of Discretion – MainPower [249.189 and 249.190]

- 25 In their original submission on the PDP, MainPower [249.189 and 249.190] sought a new clause to be added to TREE-MD1 and TREE-

MD2. In the S42A report I rejected this submission point, however, in answering the preliminary questions from the Panel, I explained that I could be minded to recommend amendment to the matters of discretion to provide for the maintenance, repair or upgrade of existing infrastructure. As part of the submission, MainPower also sought 'functional or operation need' to be included, however this is already provided for in TREE-MD2(3).

26 I consider that the amendment that MainPower seek would be more appropriately made to TREE-MD2 as this matter of discretion concerns the benefit or need associated with an activity whereas TREE-MD1 concerns the effects of the activity on the tree and its values. I consider it would not be appropriate to include the relief sought within TREE-MD1 as this would be contrary to the intended function of the matter of discretion and would cause unnecessary double up between the matters of discretion.

27 I therefore recommend TREE-MD2 is amended to include the following new clause:

[6. the need for the activity to undertake any maintenance, repair, or upgrade of existing infrastructure.](#)

28 I note that with relevance to the activities undertaken by MainPower, the recommended amendment to TREE-MD2 will not result in an outcome that supports the activities of MainPower. As a result of the recommendations in the EI chapter, TREE-R6 and TREE-R7 are the only rules to continue to apply to the EI chapter. TREE-R7 is a restricted discretionary activity with discretion restricted to TREE-MD1. I have considered amendment to TREE-R7 to include TREE-MD2 to give effect to the outcome that is sought by MainPower. However, as the intention of the rule is to restrict the removal of any notable tree to the declining condition of the tree, enabling consideration of the benefits of an activity that is seeking the tree be removed would be, in my view, inappropriate.

Root Protection Area – Jez Partridge [126.1]

- 29 In the S42A report I addressed the submission by Mr Partridge who sought that the ‘dripline’ measure used to define the root protection area (RPA) be replaced by the diameter multiplied by 12 measure. In providing a recommendation on this submission I weighed the benefits and negatives of both approaches. In my view, the RPA as notified would have advantages in implementation as it is easier to understand, particularly for a lay person, and the approach was consistent with both the Selwyn District Plan (Operative and Proposed District Plans) and the Christchurch District Plan. In the S42A report I recognised that the approach proposed by Mr Partridge potentially protected a larger area of a tree’s roots but that I considered the implementation advantages identified above, made the current ‘dripline’ approach the preferred option.
- 30 Since the conclusion of Hearing 5, I have become aware of the decision in the Partially Operative Selwyn District Plan (Decisions Version) to use the following definition for ‘Tree protection area’: *“a circle taken from the centre of the trunk with a radius equal to 12 times the diameter of the trunk measured at 1.4m above ground level of a tree”*. Additionally, the Proposed Christchurch District Plan change 14 has removed the ‘drip-line’ approach and adopted the following definition of ‘Tree protection zone radius’: *“means the protection area around a scheduled tree, which is equivalent to 15 times the trunk diameter at 1.4m, where activities and development are managed to prevent damage to a scheduled tree. The maximum extent of a tree protection zone radius is restricted to 15m.*
- 31 I therefore consider that the advantage of the ‘drip-line’ approach as being consistent with the approach of neighbouring District Plans is no longer applicable (noting that PC14 to the Christchurch District Plan is only proposed and not operative). I am now of the view that for consistency with neighbouring councils and associated efficiency of implementation, the ‘Root protection area’ definition in the PDP should

be replaced with the 12 times stem diameter method. I recommend the 'Root protection area' definition in the Proposed Plan be changed as follows:

"Root protection area

~~means the circular area surrounding a notable tree, which is the greater of the radius, measured from the base of the trunk to:~~

~~a. the outer extent of the branch spread; or~~

~~b. half the height of the tree.~~

~~Dripline has the same meaning as Root Protection Area.~~

a circle taken from the centre of the trunk with a radius equal to 12 times the diameter of the trunk measured at 1.4m above ground level of a tree".

Date: 27 October 2023

B. Stewen

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Appendix 1 – List of materials provided by submitters

Statement of Evidence of Melanie Foote on behalf of MainPower New Zealand Ltd | 7 August 2023²

Summary of Evidence of Melanie Karen Foote on behalf of MainPower New Zealand Ltd | 23 August 2023³

Statement of evidence of Chris Horne on behalf of Chorus New Zealand Limited, Spark New Zealand Trading Limited, Connexa Limited, One New Zealand Group Limited and FortySouth (Submitter 62) | 7 August 2023⁴

Proposed Waimakariri District Plan: Hearing Stream 5 (EI, EW, TREE, HH Topics) Chris Horne Speaking Notes⁵

² https://www.waimakariri.govt.nz/__data/assets/pdf_file/0032/139973/STREAM-5-EVIDENCE-11-SUBMITTER-249-AND-58-MAINPOWERMainPower-evidence-Hearing-Stream-5-Melanie-Foote.pdf

³ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0023/141818/STREAM-5-EVIDENCE-11-SUBMITTER-249-AND-58-MAINPOWER-SUMMARY-OF-EVIDENCE-MELANIE-FOOTE-RESOURCE-MANAGEMENT-GROUP-PRESENTED-23-AUGUST-2-05PM-Melanie_Foote_Summary_Stream-5_-FINAL_23.08.23.pdf

⁴ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0013/140350/STREAM-5-EVIDENCE-12-SUBMITTER-62-AND-FS-95-TELCOS-Stream-5-EI-EW-TREE-HH-Planning-Evidence-Telco-FINAL.pdf

⁵ https://www.waimakariri.govt.nz/__data/assets/pdf_file/0018/141813/STREAM-5-EVIDENCE-12-SUBMITTER-62-FS-95-CHORUS-SPARK-VODAFONE-SPEAKING-NOTES-CHRIS-HORNE-24-AUGUST-@-1020-Chris-Horne-Speaking-Notes-Waimakariri-EI-EW-TREE-HH-Topics-FINAL.pdf

Appendix 2 – Recommended amendments to PDP provisions

In order to distinguish between the recommendations made in the s42A report and the recommendations that arise from this report:

- s42A recommendations are shown in **red text** (with underline and ~~strike-out~~ as appropriate); and
- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

THIS SECTION HAS RULES THAT HAVE LEGAL EFFECT. PLEASE CHECK THE EPLAN TO SEE WHAT THE LEGAL EFFECT IS OR SUBJECT TO APPEAL.

TREE - Rākau hirahira - Notable Trees

Introduction

Notable trees make a positive contribution to the quality of an environment, including through their size, age and species values. The presence of a notable tree or group of trees can also play an important role in linking current and future communities with historical events.

The loss or modification of a notable tree can have a significant impact on an environment, particularly if the tree or trees are highly valued due to their significance. The use of significance criteria provides a basis for assessing the values of trees for protection and their contribution to the maintenance of District character and identity.

The provisions in this chapter have been justified where required by a s77J qualifying matter assessment contained in the relevant section 32 evaluation report under the RMA.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to notable trees include:

- Energy and Infrastructure: rules within the chapter are relevant regarding earthworks in the root protection area of notable trees, and the trimming or removal of trees and vegetation for the safe operation or maintenance of overhead lines or other infrastructure.

- Subdivision: contains provisions relevant for any notable tree, in particular SUB-R7 Subdivision of a site containing a historic heritage item or heritage setting, or notable tree.
- Earthworks: addresses earthworks in relation to any notable tree, in particular EW-R8 Earthworks for underground infrastructure.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
TREE-O1	<p>Contribution of notable trees The contribution notable trees make to the character and amenity values of the District is recognised and maintained.</p>
Policies	
TREE-P1	<p>Identification of notable trees Identify and assess potential notable trees, including any groups of notable trees, other than located in any road corridor or on public land administered by Council, and schedule based on significance and/or notable values, according to the following STEM criteria:</p> <ol style="list-style-type: none"> 1. Condition - form, occurrence, vigour and vitality, function, age; 2. Community - stature, visibility, proximity, role, climate; 3. Stature - feature, form; 4. Historic - association, commemoration, remnant, relict, age (100+ years); and 5. Scientific - source, rarity, endangered.
TREE-P2	<p>Scheduling of notable trees Schedule trees in TREE-SCHED1 where they are assessed as having significant and/or notable values and the tree or group of trees are structurally sound and healthy, unless:</p> <ol style="list-style-type: none"> 1. there is unacceptable risk, including likely future risk, serious threat to people, property or critical infrastructure taking into account potential mitigation measures and their costs; and 2. the location of the tree or trees unreasonably restricts development potential of the site or the surrounds of the site.
TREE-P3	<p>Retention and protection Retain any notable tree listed in TREE-SCHED1 and protect the tree or group of trees from the adverse effects of inappropriate subdivision, land use and development, by considering:</p> <ol style="list-style-type: none"> 1. the specific significance and/or notable values of the tree or group of trees; 2. the extent that the subdivision, land use or development provides for protection; 3. the extent that the health or structural integrity of the tree or group of trees is affected by the necessity of the subdivision, land use or development; 4. the likelihood of any serious threat to people or property from the tree or group of trees; 5. the necessity to provide for activities within the road corridor, or where required for the safe operation or maintenance of overhead lines;

	<ol style="list-style-type: none"> 6. the provision and implementation of a tree management plan in accordance with best arboriculture practice; 7. the extent that the specific significance and/or notable values that would be lost can be mitigated, including alternative methods; and 8. limited activities within the root protection area, gardening, and activities with the area of the trunk or crown.
TREE-P4	<p>Maintenance of notable trees</p> <p>Provide for the maintenance of any notable tree listed in TREE-SCHED1, for the purposes of:</p> <ol style="list-style-type: none"> 1. supporting the continuing health or structural integrity of the notable tree where undertaken in accordance with best arboricultural practice by a suitably qualified and experienced arborist; 2. enabling the reasonable use of the root protection area, trunk or crown area where the adverse effects of maintenance on the tree are avoided or, if avoidance is not practicable, are minimised; and 3. mitigating adverse effects of the tree on public safety, sunlight access, damage to property or critical infrastructure.
TREE-P5	<p>Removal of notable trees</p> <p>Discourage the removal of any notable tree listed in TREE-SCHED1, unless:</p> <ol style="list-style-type: none"> 1. it is demonstrated to be necessary to prevent a serious threat to people or property; 2. the notable tree is dead or certified to be in terminal decline by a suitably qualified and experienced arborist; 3. the use and enjoyment of the site of the notable tree or surrounds is significantly compromised or diminished; or 4. it is necessary to avoid adverse effects on the ongoing provision of infrastructure.
TREE-P6	<p>Siting of infrastructure and maintenance, repair, or upgrades</p> <p>Ensure the siting of new infrastructure and the maintenance, repair, or upgrade to existing infrastructure, maintains the significance and / or notable values of the tree or group of trees listed in TREE-SCHED1, taking into account the functional or operational need of the infrastructure.⁶</p>

Activity Rules

TREE-R1	Maintenance pruning of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R3⁷
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⁶ Recommendation from right of reply report: MainPower [249.185]

⁷ Recommendation from right of reply report: consequential amendment to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

<p>Notable Trees Overlay</p>	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. pruning is limited to: <ol style="list-style-type: none"> a. branches and foliage that have a maximum diameter up to 50mm at the point of severance; b. branches between 50mm and 100mm in diameter at the point of severance, where the work is undertaken, or supervised by a suitably qualified and experienced arborist; c. branches directly impacting or touching buildings or structures, where the maintenance is undertaken, or supervised by a suitably qualified and experienced arborist; d. subject to (1)(a), (1)(b) and (1)(c), removal of foliage of a maximum of 10% of total foliage over any three year period, with the maximum amount of foliage removed in any one year limited to 5% of total foliage, where the work is undertaken, or supervised by a suitably qualified and experienced arborist; and e. removal of any dead, broken or diseased branches or foliage. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>TREE-MD1 - Pruning, root protection area, trunk and crown, removal</p> <p>TREE-MD2 - Extent of benefit or need for the activity or works</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
<p>TREE-R2 Gardening or earthworks within any root protection area of any Notable Tree</p>		
<p>Notable Trees Overlay</p>	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. gardening or earthworks shall not involve: <ol style="list-style-type: none"> a. mechanical cultivation; b. planting of trees; c. planting of tree climbing vines; d. alteration or disturbance of the existing ground level of more than 75mm; or 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>TREE-MD1 - Pruning, root protection area, trunk and crown, removal</p> <p>Notification</p>

	e. trenching for fence or wall foundations.	An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.
TREE-R3	Overhead lines work or maintenance to any Notable Tree⁸	
Notable Trees Overlay	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the works or maintenance is required under, and carried out in accordance with, the Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001; and 2. the works or maintenance is undertaken by, or supervised by, a suitably qualified and experienced arborist. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>TREE-MD1 – Pruning, root protection area, trunk and crown, removal</p>
TREE-R4⁹	Activities within any root protection area of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R2 or TREE-R3¹⁰	
Notable Trees Overlay	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. activities within any root protection area shall not involve: <ol style="list-style-type: none"> a. any impervious surface, sealing, soil compaction, storage of materials, plant or equipment or parking of vehicles greater than 20% of the area defined by the root protection area; b. alteration or disturbance of the existing ground level of more than 75mm; c. the release, injection or placement of toxic chemicals or toxic substances; 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <p>TREE-MD1 - Pruning, root protection area, trunk and crown, removal</p> <p>TREE-MD2 - Extent of benefit or need for the activity or works</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>

⁸ Recommendation from right of reply report: consequential amendment to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

⁹ Recommendation from right of reply report: consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

¹⁰ Recommendation from right of reply report: consequential amendment to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

	<ul style="list-style-type: none"> d. the cutting or pruning of roots more than 25mm in diameter except for purposes under (1)(a) and (1)(e); e. the construction, addition or replacement of any building or structure greater than 20% of the area defined by the root protection area, fixed or unfixed to the land; and f. the lighting of an open air fire. 	
TREE-R54¹¹	Activities within the trunk or crown of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R1 and TREE-R3¹²	
Notable Trees Overlay	<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. activities within the trunk or crown shall not involve: <ul style="list-style-type: none"> a. the fixing of structures to the tree; b. the carving, cutting or stripping of bark; and c. the release, injection or placement of toxic chemicals or toxic substances. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to:</p> <ul style="list-style-type: none"> TREE-MD1 - Pruning, root protection area, trunk and crown, removal TREE-MD2 - Extent of benefit or need for the activity or works <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
TREE-R65¹³	Removal of any Notable Tree listed in TREE-SCHED1 that is unsafe	

¹¹ Recommendation from right of reply report: consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

¹² Recommendation from right of reply report: consequential amendment to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

¹³ Recommendation from right of reply report: consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

<p>Notable Trees Overlay</p>	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. the tree is dead, in terminal decline, at risk of extreme failure or having a significant loss of structural integrity; or 2. the tree is damaged and poses a significant risk to life, critical infrastructure, or a site as a consequence of an natural hazard or severe emergency¹⁴ event; and 3. it is certified by a suitably qualified and experienced arborist that the tree is unsafe and that certification is supplied to the District Council. 	<p>Activity status when compliance not achieved: DIS</p>
<p>TREE-R76¹⁵ Removal of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R65¹⁶</p>		
<p>Notable Trees Overlay</p>	<p>Activity status: RDIS Where:</p> <ol style="list-style-type: none"> 1. the structural integrity of the tree, certified by a suitably qualified and experienced arborist, cannot be improved by maintenance or other measures to mitigate safety to people or property or ongoing viability of the tree. <p>Matters of discretion are restricted to:</p> <p>TREE-MD1 - Pruning, root protection area, trunk and crown, removal</p>	<p>Activity status when compliance not achieved: DIS</p>

Advice Note

<p>TREE-AN1</p>	<p>Only Notable Trees on private land are listed and subject to the rules in this Chapter. The management of all trees on District Council administered public land is subject to the policy guidance of the Street and Reserve Trees Policy. The removal of a notable tree on public land is also subject to the consideration of the relevant Community Board.</p>
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¹⁴ Recommendation from S42A report: MainPower [249.188]

¹⁵ Recommendation from right of reply report: consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

¹⁶ Recommendation from right of reply report: consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]

Matters of Discretion

<p>TREE-MD1</p>	<p>Pruning, root protection area, trunk and crown, removal</p> <ol style="list-style-type: none"> 1. The character and degree of modification, damage, or destruction of the values of the tree, including the cultural significance of taonga species. 2. The extent to which the activity will or may adversely affect the health or structural integrity or visual appearance of the tree. 3. The extent to which the activity will be undertaken in a manner consistent with accepted arboricultural standards, practices and procedures. 4. The duration and frequency of the activity and the effect on the tree. 5. The resilience of the tree, in relation to structural soundness and health and any irreversible effect on the tree. 6. The scope for the tree to recover from, or compensate for, any effects from pruning, work in the root protection area or modification of the trunk and crown. 7. In relation to a listed group of trees, the extent to which the activity will or may adversely affect the health or structural integrity of the wider group or undermine its unity, setting or other collective significance. 8. The extent to which any proposed compensation for the removal of the tree mitigates the loss of the tree and its values.
<p>TREE-MD2</p>	<p>Extent of benefit or need for the activity or works</p> <ol style="list-style-type: none"> 1. The need for the activity to deal with an emergency situation, or to avoid significant risk of effects on human health and safety, or adverse effects on infrastructure, including critical infrastructure. 2. The extent of benefits associated with the use and development of the site for activities anticipated by the zoning for the site. 3. The extent of benefits associated with the infrastructure, whether there is a functional need or operational need for that location and whether there are any practical alternatives. 4. The extent to which the activity will or will not enhance amenity values beyond that achievable by arboricultural or property management alternatives. 5. The significance of the tree and extent of loss of notable tree values and amenity values within and beyond the site. <p><u>6. The need for the activity to undertake any maintenance, repair, or upgrade of existing infrastructure.</u>¹⁷</p>

Schedules

TREE-SCHED1 - Notable Trees



¹⁷ Recommendation from right of reply report: MainPower [249.190]

Tree ID	Address	Legal Description	Common name (Botanical name)	Number of Trees (Single Group) /
TREE001	110 Parsonage Road, Woodend	LOT 1 DP 3598	Ghost Gum (<i>Eucalyptus sp.</i>)	1
TREE002	110 Parsonage Road, Woodend	LOT 1 DP 3598	Weeping Wych Elm (<i>Ulmus glabra Pendula</i>)	1
TREE003	110 Parsonage Road, Woodend	LOT 1 DP 3598	Copper Beech (<i>Fagus sylvatica Purpurea</i>)	1
TREE004	1 Gatehouse Lane, Woodend	LOT 1 DP 329116	Giant Redwood (<i>Sequoiadendron giganteum</i>)	1
TREE005	6 Queens Avenue, Waikuku Beach	LOT 2 DP 367425	Lawson's Cypress (<i>Chamaecyparis lawsoniana</i>)	1
TREE006	1461 Main North Road, Waikuku	LOT 4 DP 55678	English Walnut (<i>Juglans regia</i>)	1
TREE007	1461 Main North Road, Waikuku	LOT 4 DP 55678	English Walnut (<i>Juglans regia</i>)	1
TREE008	177 Heywards Road, Clarkville	LOT 1 DP 57139	English Oak (<i>Quercus robur</i>)	1
TREE009	177 Heywards Road, Clarkville	LOT 1 DP 57139	English Oak (<i>Quercus robur</i>)	1
TREE010	177 Heywards Road, Clarkville	LOT 1 DP 57139	English Oak (<i>Quercus robur</i>)	1
TREE011	157 Waikuku Beach Road, Waikuku	Pt RS 5485	English Oak (<i>Quercus robur</i>)	1
TREE012	431 Tuahiwi Road, Tuahiwi	LOT 1 DP 20189	Black Poplar (<i>Populus nigra</i>)	1
TREE013	431 Tuahiwi Road, Tuahiwi	LOT 1 DP 20189	Black Poplar (<i>Populus nigra</i>)	1
TREE014	431 Tuahiwi Road, Tuahiwi	LOT 1 DP 20189	Black Poplar (<i>Populus nigra</i>)	1
TREE015	2 Poyntzs Road, Eyrewell Forest	LOT 12 DP 327552	Gum (<i>Eucalyptus sp.</i>)	1
TREE016	2 Poyntzs Road, Eyrewell Forest	LOT 12 DP 327552	Gum (<i>Eucalyptus sp.</i>)	1

TREE017	359 Oxford Road, Rangiora	LOT 2 DP 48800	Coast Redwood (<i>Sequoia sempervirens</i>)	Group (2 +)
TREE018	359 Oxford Road, Rangiora	LOT 2 DP 48800	Coast Redwood (<i>Sequoia sempervirens</i>)	Group (2 +)
TREE019	1320 Poyntzs Road, West Eyreton	LOT 5 DP 349021	English Oak (<i>Quercus robur</i>)	Group (8 - 10)
TREE020	1945 North Eyre Road, West Eyreton	Pt LOT 1 DP 56025	English Oak English Ash Turkey Oak (<i>Quercus robur Fraxinus excelsior Quercus</i>)	Group (Approx. 50 Oaks, 2 Ash)
TREE021	21 Jacksons Road, Ohoka	LOT 1 DP 81869	English Oak (<i>Quercus robur</i>)	Group (Approx. 8)
TREE022	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Blue Atlantic Cedar (<i>Cedrus atlantica Glauca</i>)	1
TREE023	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Californian Black Oak (<i>Quercus kelloggii</i>)	1
TREE024	21 Jacksons Road, Ohoka	LOT 1 DP 81869	English Elm (<i>Ulmus procera</i>)	Group (Approx. 10)
TREE025	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Fluttering Elm (<i>Ulmus laevis</i>)	1
TREE026	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Weeping Elm (<i>Ulmus glabra Horizontalis</i>)	1
TREE027	21 Jacksons Road, Ohoka	LOT 1 DP 81869	English Oak (<i>Quercus robur</i>)	Group (Approx. 30)
TREE028	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Coast Redwood (<i>Sequoia sempervirens</i>)	1
TREE029	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Coast Redwood (<i>Sequoia sempervirens</i>)	1
TREE030	1368 Poyntz Road, West Eyreton	LOT 2 DP 349021	Monterey Pine (<i>Pinus radiata</i>)	1
TREE031	815 Ashley Gorge Road, Glentui	RS 36945	Matai	1

			<i>(Prumnopitys taxifolia)</i>	
TREE032	598 South Eyre Road, Swannanoa	RES 4995	English Oak (<i>Quercus robur</i>)	1
TREE033	598 South Eyre Road, Swannanoa	RES 4995	English Oak (<i>Quercus robur</i>)	1
TREE034	598 South Eyre Road, Swannanoa	RES 4995	English Oak (<i>Quercus robur</i>)	1
TREE035	1 Hilton Street, Kaiapoi	Pt RS 321	London Plane (<i>Platanus x acerifolia</i>)	1
TREE036	1 Rich Street, Kaiapoi	LOT 1 DP 16755	Kowhai (<i>Sophora tetraptera</i>)	1
TREE037	23 Fuller Street, Kaiapoi	LOT 3 DP 26905	Giant Redwood (<i>Sequoiadendron giganteum</i>)	1
¹⁸ TREE038	77 Hilton Street, Kaiapoi	FLAT Unit 1 DP 423305	Black Beech (<i>Nothofagus solandri</i>)	4
TREE039	23 Cass Street, Kaiapoi	LOT 3 DP 26905	English Oak (<i>Quercus robur</i>)	1
TREE040	100 Oxford Road, Rangiora	LOT 1 DP 504565	English Elm (<i>Ulmus procera</i>)	1
TREE041	4 Boundary Road, Sefton	Pt RS 2859	English Oak (<i>Quercus robur</i>)	1
TREE042	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE043	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE044	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE045	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)

¹⁸ Recommendation from S42A report: Waimakariri District Council [367.48]

TREE046	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE047	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE048	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE049	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE050	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE051	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE052	229 Tuahiwi Road, Tuahiwi	Maori Reserve 873 151 Kaiapoi	English Oak (<i>Quercus robur</i>)	1
TREE053	76 Hodgsons Road, Loburn	LOT 1 DP 16405	English Oak (<i>Quercus robur</i>)	1
TREE054	73 Hodgsons Road, Loburn	LOT 1 DP 16405	Weeping Elm (<i>Ulmus glabra Horizontalis</i>)	1
TREE055	73 Hodgsons Road, Loburn	LOT 1 DP 16405	English Oak (<i>Quercus robur</i>)	1
TREE056	73 Hodgsons Road, Loburn	LOT 1 DP 16405	Weeping Elm (<i>Ulmus glabra Horizontalis</i>)	1
TREE057	76 Gatehouse Lane, Woodend	LOT 5 DP 396889	English Oak Monterey Cypress London Plane (<i>Quercus robur</i> , <i>Cupressus macrocarpa</i> , <i>Latanus x acerifolia</i>)	Group (Approx. 43 Oaks, 1 x Cypress, 1 x Plane)

TREE058	16 Champions Road, Cust	RS 7746	English Oak (<i>Quercus robur</i>)	1
TREE059	16 Champions Road, Cust	RS 7746	English Oak (<i>Quercus robur</i>)	1
¹⁹ TREE060	<u>100 Parsonage Road, Woodend</u>	<u>LOT 600 DP 545059</u>	<u>English Oak (<i>Quercus robur</i>)</u>	<u>1</u>
²⁰ TREE061	<u>431 Tuahiwi Road, Tuahiwi</u>	<u>LOT 1 DP 20189</u>	<u>Lombardy Polar (<i>Populus nigra</i> '<i>Italica</i>')</u>	<u>Group 2X shelterbelts</u>

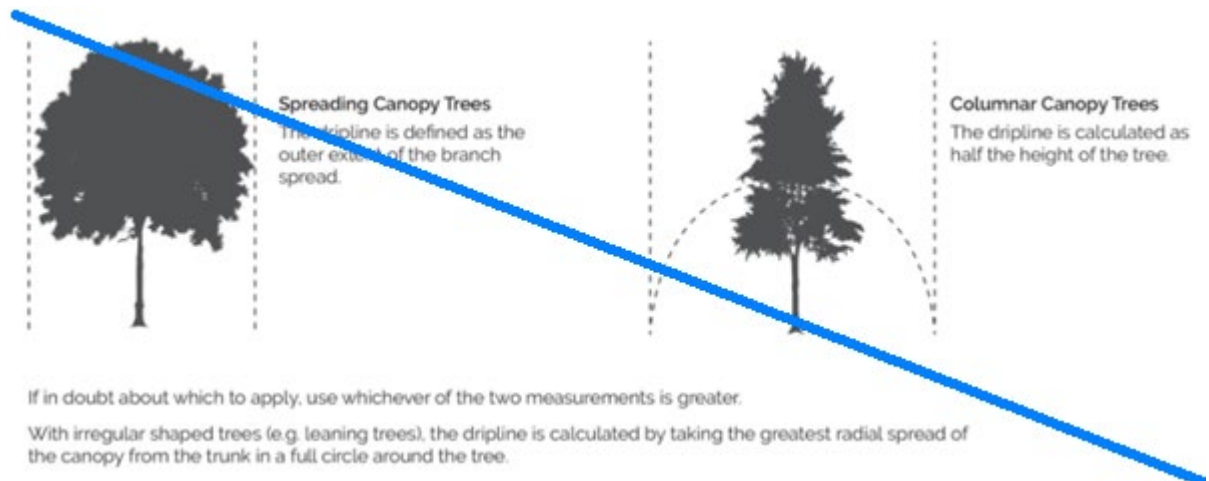
Definitions:

Root protection area

means the circular area surrounding a notable tree, which is the greater of the radius, measured from the base of the trunk to:

- a. the outer extent of the branch spread; or
- b. half the height of the tree.

Dripline has the same meaning as Root Protection Area.



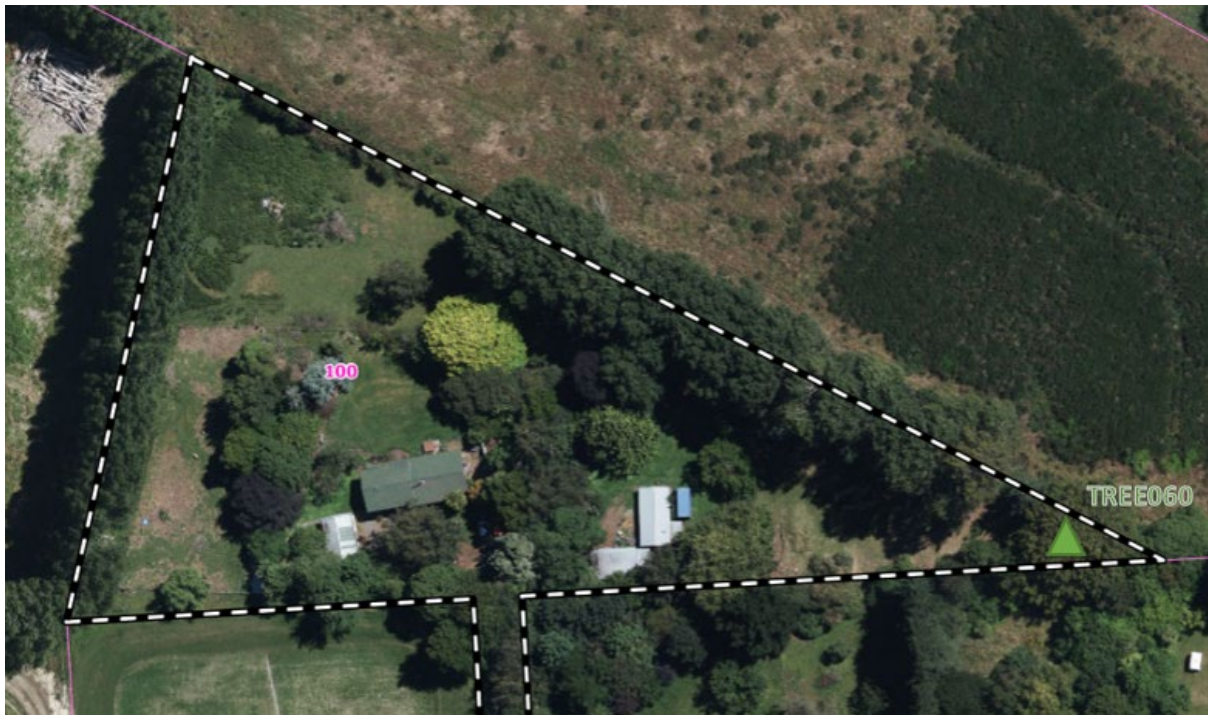
a circle taken from the centre of the trunk with a radius equal to 12 times the diameter of the trunk measured at 1.4m above ground level of a tree²¹

¹⁹ Recommendation from S42A report: Rainer and Ursula Hack [201.10]

²⁰ Recommendation from S42A report: Julia and Anthony Holcroft [356.1]

²¹ Recommendation from right of reply report: Jez Partridge [126.1]

Planning map – Notable Tree overlay amendments to 100 Parsonage Road, Woodend.²²



Planning map – Notable Tree overlay amendments to 431 Tuahiwi Road, Tuahiwi.²³



²² Recommendation from S42A report: Rainer and Ursula Hack [201.10]

²³ Recommendation from S42A report: Julia and Anthony Holcroft [356.1]

Appendix 3 – Recommended responses to submissions and further submissions

In order to distinguish between the recommended responses in the s42A report and the recommended responses that arise from this report:

- Recommendations from this report in response to evidence are shown in blue text (with underline and ~~strike-out~~ as appropriate).

Table B 1: Recommended responses to submissions and further submissions Rākau hirahira - Notable Trees Chapter

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
General							
249.182	MainPower NZ Ltd	General	Insert appropriate hyperlinks from the EI chapter to the relevant notable tree rules contained in the notable trees chapter.	3.2.1	Reject	See body of the report for the assessment of this submission point.	No
TREE-O1 Contribution of notable trees							
326.230	Rolleston Industrial Developments Ltd	TREE-O1	Retain TREE-O1 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
TREE-P1 Identification of notable trees							
326.231	Rolleston Industrial Developments Ltd	TREE-P1	Retain TREE-P1 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
TREE-P2 Scheduling of notable trees							
326.232	Rolleston Industrial Developments Ltd	TREE-P2	Retain TREE-P2 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
373.52	KiwiRail Holdings Limited	TREE-P2	Retain TREE-P2 as notified.	N/A	Accept	I agree with the submitter.	No
TREE-P3 Retention and protection							
326.233	Rolleston Industrial Developments Ltd	TREE-P3	Retain TREE-P3 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
TREE-P4 Maintenance of notable trees							
249.183	MainPower NZ Ltd	TREE-P4	Retain TREE-P4 as notified.	N/A	Accept	I agree with the submitter.	No
326.234	Rolleston Industrial Developments Ltd	TREE-P4	Retain TREE-P4 as notified.	N/A	Accept	I agree with the submitter.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
FS137	Ohoka Residents Association		Reject the submission		Reject		No
373.53	KiwiRail Holdings Limited	TREE-P4	Retain TREE-P4 as notified.	N/A	Accept	I agree with the submitter.	No
TREE-P5 Removal of notable trees							
249.184	MainPower NZ Ltd	TREE-P5	Retain TREE-P5 as notified.	N/A	Accept	I agree with the submitter.	No
326.235	Rolleston Industrial Developments Ltd	TREE-P5	Retain TREE-P5 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
373.54	KiwiRail Holdings Limited	TREE-P5	Retain TREE-P5 as notified.	N/A	Accept	I agree with the submitter.	No
Proposed new policies							
249.185	MainPower NZ Ltd	Policies – General	Insert a new policy: "TREE- P6 Provide for limited physical works to and around trees listed in TREE-SCHED1, for cultivation, maintenance, safety purposes, or infrastructure where those works are required due to locational, technical or operational requirements."	3.3.1	Reject-Accept in part	See body of the report for the assessment of this submission point. I consider that it is appropriate to provide policy direction for the maintenance, repair or upgrade to existing infrastructure within the TREE chapter, provided that the significance or values of the notable tree or group of trees is retained. I recommend the chapter is amended to include a new policy as set out in Appendix 2 of this right of reply report.	No-Yes
261.3	Michael Alexander de Hamel	Policies – General	Amend to refer to Section 36AAB(1) of the Resource Management Act 1991, noting that Council may remit charges for applications which may have a positive effect on heritage and landscape values. Insert new policy, similar to SASM-P4, into Notable Trees chapter, to maintain consistency and lead to best outcomes for the District by enabling Council to contribute financial assistance towards the maintenance and preservation of heritage and landscape values: "TREE-P6 Recognise the social and landscape values of notable trees in the District and: facilitate opportunities to provide information about these values provide opportunities for these values to be recognised manage earthworks involving disturbance of soils in the vicinity of Notable Trees so as to reduce threats to their wellbeing	3.3.1	Reject	See body of the report for the assessment of this submission point.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>assist with the maintenance, restoration or enhancement of Notable Trees where an application is for an activity which will protect or enhance heritage, landscape or environmental values the Council will give consideration under Section 36AAB of the Act for a remission of any part of any charge that would otherwise be payable."</u>				
TREE-R1 Maintenance pruning of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R3							
326.236	Rolleston Industrial Developments Ltd	TREE-R1	Retain TREE-R1 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
TREE-R2 Gardening or earthworks within any root protection area of any Notable Tree							
249.186	MainPower NZ Ltd	TREE-R2	Retain TREE-R2 as notified.	N/A	Accept	I agree with the submitter.	No
326.237	Rolleston Industrial Developments Ltd	TREE-R2	Retain TREE-R2 as notified.	N/A	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
TREE-R3 Overhead lines work or maintenance to any Notable Tree							
249.187	MainPower NZ Ltd	TREE-R3	Retain TREE-R3 as notified.	N/A	Accept <u>Reject</u>	I agree with the submitter. I recommend this rule is deleted as a consequential amendment to the Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6] submission addressed in the EI S42A report.	No
326.238	Rolleston Industrial Developments Ltd	TREE-R3	Retain TREE-R3 as notified.	N/A	Accept <u>Reject</u>	I agree with the submitter. I recommend this rule is deleted as a consequential amendment to the Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6] submission addressed in the EI S42A report.	No
FS137	Ohoka Residents Association		Reject the submission		Reject <u>Accept</u>		No
TREE-R4 Activities within any root protection area of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R2 or TREE-R3							
62.44	Chorus New Zealand, Spark New Zealand Trading Limited, Vodafone New Zealand Limited	TREE-R4	Amend TREE-R4 and rules in the Energy and Infrastructure Chapter (EI) as necessary such that any provisions relevant to infrastructure work within the root zone of notable trees are included within the EI rules.	3.4.1	Reject	See body of the report for the assessment of this submission point.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
126.1	Jez Partridge	TREE-R4	Undertake a cost benefit analysis of international best practice methods used to determine the area of roots which cannot be disturbed without consent, and selects a best practice methodology, ideally being the British Standard 5837 - Trees in Relation to Construction (2012), or Australian Standard 4970 – Protection of Trees on Development Sites (2009). Do not allow various permitted works within the root protection area.	3.4.1	Reject Accept in part	See body of the report for the assessment of this submission point. My view as to the root protection approach has moved in response to the Partially Operative Selwyn District Plan (Decisions Version) and Christchurch District Plan Proposed Housing and Business Choice Plan Change (PC14). For consistency with neighbouring Councils which will have efficiency outcomes, I recommend the 12 times diameter method is adopted in the Proposed Plan. The recommended amendment is set out in Appendix 2 of this right of reply report. I note the recommendation is to the definition of 'root protection area' and not to rule TREE-R4 as submitted on.	No Yes
326.239	Rolleston Industrial Developments Ltd	TREE-R4	Retain TREE-R4 as notified.	3.4.1	Accept in part	I agree with the submitter. I recommend consequential renumbering to this rule as a result of the recommendation to delete TREE-R3. I recommend this rule is amended to become TREE-R3. Additionally, I recommend the title of this rule is amended to delete "or TREE-R3".	No Yes
FS137	Ohoka Residents Association		Reject the submission		Reject in part		No
TREE-R5 Activities within the trunk or crown of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R1 and TREE-R3							
326.240	Rolleston Industrial Developments Ltd	TREE-R5	Retain TREE-R5 as notified.	N/A	Accept in part	I agree with the submitter. I recommend consequential renumbering to this rule as a result of the recommendation to delete TREE-R3. I recommend this rule is amended to become TREE-R4. Additionally, I recommend the title of this rule is amended to delete "and TREE-R3".	No
FS137	Ohoka Residents Association		Reject the submission		Reject in part		No
TREE-R6 Removal of any Notable Tree listed in TREE-SCHED1 that is unsafe							

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
249.188	MainPower NZ Ltd	TREE-R6	Amend to clarify the term 'severe event', but otherwise, retain TREE-R6 as notified.	3.4.2	Accept in part	See body of the report for the assessment of this submission point. Additionally, I recommend consequential renumbering to this rule as a result of the recommendation to delete TREE-R3. I recommend this rule is amended to become TREE-R5.	Yes
326.241	Rolleston Industrial Developments Ltd	TREE-R6	Retain TREE-R6 as notified.	3.4.2	Accept in part	I agree with the submitter, subject to the recommended amendment on TREE-R6. Additionally, I recommend consequential renumbering to this rule as a result of the recommendation to delete TREE-R3. I recommend this rule is amended to become TREE-R5.	No
FS137	Ohoka Residents Association		Reject the submission		Reject in part		No
TREE-R7 Removal of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R6							
326.242	Rolleston Industrial Developments Ltd	TREE-R7	Retain TREE-R7 as notified.	N/A	Accept in part	I agree with the submitter. Additionally, I recommend consequential renumbering to this rule as a result of the recommendation to delete TREE-R3. I recommend this rule is amended to become TREE-R5.	No Yes
FS137	Ohoka Residents Association		Reject the submission		Reject in part		No
TREE-MD1 Pruning, root protection area, trunk and crown, removal							
249.189	MainPower NZ Ltd	TREE-MD1	Amend TREE-MD1: ".... 9. <u>The need for the activity to undertake any maintenance, repair, upgrade of existing network utilities or the operational and functional need of network utilities.</u> "	3.5.1	Reject	See body of the report for the assessment of this submission point.	No
326.243	Rolleston Industrial Developments Ltd	TREE-MD1	Retain TREE-MD1 as notified.	3.5.1	Accept	I agree with the submitter.	No
FS137	Ohoka Residents Association		Reject the submission		Reject		No
TREE-MD2 Extent of benefit or need for the activity or works							
249.190	MainPower NZ Ltd	TREE-MD2	Amend TREE-MD2: "....	3.5.1	Reject Accept in part	See body of the report for the assessment of this submission point.	No Yes

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
			<u>6. The need for the activity to undertake any maintenance, repair, upgrade of existing network utilities or the operational and functional need of network utilities."</u>			<u>I agree in part with the submitter and recommend TREE-MD2 is amended with the following new clause:</u> <u>6. the need for the activity to undertake any maintenance, repair, or upgrade of existing infrastructure.</u>	
326.244	Rolleston Industrial Developments Ltd	TREE-MD2	Retain TREE-MD2 as notified.	3.5.1	Accept <u>in part</u>	See body of the report for the assessment of this submission point. <u>Subject to the recommended amendment to TREE-MD2 from the MainPower NZ Ltd [249.190] submission.</u>	<u>No-Yes</u>
FS137	Ohoka Residents Association		Reject the submission		Reject		No
TREE-SCHED1 - Notable Trees							
122.3	Canterbury Botanical Society	TREE-SCHED1 - Notable Trees	Amend TREE-SCHED1 to identify more indigenous trees for protection.	3.6	Reject	See body of the report for the assessment of this submission point.	No
FS78	Royal Forest and Bird Protection Society of New Zealand		Support the submission		Reject		No
201.10	Rainer and Ursula Hack	TREE-SCHED1 - Notable Trees	Support and retain TREE001, TREE002, and TREE003 at 110 Parsonage Road and related provisions in the Notable Trees Chapter. Seek inclusion of the cabbage tree (P004, 110 Parsonage Road) and English Oak (P017, 100 Parsonage Road) as listed in the Operative District Plan.	3.6	Accept in part	See body of the report for the assessment of this submission point.	Yes
356.1	Julia and Anthony Holcroft	TREE-SCHED1 - Notable Trees	Consider protection of the Lombardy Poplar shelter belts at 431 Tuahiwi Road. Information the submitter has regarding Notable Criteria may be of use to achieve this.	3.6	Accept	See body of the report for the assessment of this submission point.	Yes
367.48	Waimakariri District Council	TREE-SCHED1 - Notable Trees	Delete TREE038 from TREE-SCHED1 – Notable Trees.	3.6	Accept	See body of the report for the assessment of this submission point.	Yes
General / Plan wide submissions							
284.1	Clampett Investments Limited	General	Amend all controlled and restricted discretionary activity rules: <u>"Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion."</u>	3.7	Reject	See body of the report for the assessment of this submission point.	No

Sub. Ref.	Submitter / Further Submitter	Provision	Decision Requested	Section of this Report where Addressed	Officer's Recommendation	Officers' Reasons/Comments	Recommended Amendments to Proposed Plan?
326.1	Rolleston Industrial Developments Limited	General	Amend the Proposed District Plan to delete the use of absolutes such as 'avoid', 'maximise' and 'minimise'.	3.7	Reject	See body of the report for the assessment of this submission point.	No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission		Accept		No
FS84	Ohoka Residents Association		Reject the submission		Accept		No
FS119	Andrea Marsden		Reject the submission		Accept		No
FS120	Christopher Marsden		Reject the submission		Accept		No
FS137	Ohoka Residents Association		Reject the submission		Accept		No
326.2	Rolleston Industrial Developments Limited	General	Amend so that all controlled and restricted discretionary activity rules include the following wording, or words to like effect: " <u>Applications shall not be limited or publicly notified, on the basis of effects associated specifically with this rule and the associated matters of control or discretion.</u> "	3.7	Reject	See body of the report for the assessment of this submission point.	No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission		Accept		No
FS119	Andrea Marsden		Reject the submission		Accept		No
FS120	Christopher Marsden		Reject the submission		Accept		No
FS137	Ohoka Residents Association		Reject the submission		Accept		No
326.3	Rolleston Industrial Developments Limited	General	Amend controlled and restricted discretionary activity rules to provide direction regarding non-notification.	3.7	Reject	See body of the report for the assessment of this submission point.	No
FS137	Ohoka Residents Association		Reject the submission		Accept		No
FS78	Royal Forest and Bird protection Society of New Zealand Inc		Reject the submission		Accept		No

