

Chairperson and Committee Members
REGULATORY MANAGEMENT COMMITTEE

5 MAY 2011

Meeting Status: Public

Purpose of Report: For Decision

DRAFT DISTRICT PLAN CHANGE – URBAN TREE PROTECTION

PURPOSE OF REPORT

- 1 This report seeks approval to consult affected landowners and other statutory parties on a draft plan change to protect “specifically identified” trees in urban environments in the District Plan and amend other tree protection provisions in the District Plan (Attachment 1).

SIGNIFICANCE OF DECISION

- 2 The Council’s significance policy is not triggered.

BACKGROUND

- 3 The Council has a responsibility under the Resource Management Act (RMA) to protect areas of significant indigenous vegetation, significant habitats of indigenous fauna and historic heritage, as matters of national importance. This means that Council has to ensure that these issues are included in the District Plan.
- 4 The operative District Plan includes objectives, policies, rules and standards to protect significant native vegetation and significant trees. The existing objectives and policies in the District Plan related to the protection of native vegetation and trees are attached as Attachment 2 to this report. The District Plan currently protects indigenous trees in all parts of the District by requiring a resource consent to “modify” indigenous trees greater than 4m in height which also have a trunk circumference of at least 95cm when measured 1.4m from the ground.
- 5 In 2008 the Council began the review of the Kāpiti Coast District Plan. The scope of the District Plan Review includes reviewing the District Plan provisions relating to indigenous biodiversity, heritage and native vegetation. In 2009 the Resource Management Amendment Act (Simplifying and Streamlining) (RMAA) was passed which changes the level of protection for trees under general tree protection rules and removes general protection of trees in urban environments by 1 January 2012.
- 6 The District Plan Review timeframes will not enable the relevant provisions to be changed before 1 January 2012 as the proposed District Plan is not expected to be publicly notified until October 2012. Therefore a plan change, is proposed to specifically address these tree protection issues ahead of the other District Plan review topics.
- 7 To ensure issues were dealt with early, the Council undertook an Urban Tree Survey in 2009 and 2010 to identify trees in the Kāpiti Coast urban environments. A trained research assistant visited properties, identified trees and confirmed their location

using a GPS unit. The remainder of this report presents the findings of this survey and discusses options for ensuring adequate protection of indigenous trees in the urban environment. On the basis of a recommended option, it presents a draft Plan Change for consideration and approval for release for consultation.

CONSIDERATIONS

Resource Management Amendment Act Changes

- 8 The RMAA makes the following changes to the way a Council is able to protect trees in the District Plan:
 - revokes District Plan rules that prohibit or restrict the “trimming” of any tree, or group of trees, in an urban environment, unless it is specifically identified in the District Plan, in a reserve or subject to a conservation management plan or strategy effective from October 2009;
 - from 1 January 2012, revokes District Plan rules that prohibit or restrict the felling, damaging or removal of any tree, or group of trees, in an urban environment;
 - defines “urban environments” as allotments no greater than 4000m² that are connected to a reticulated water supply system and a reticulated sewerage system, and on which is a dwelling, industrial or commercial building;
- 9 Trees in urban environments must be individually identified in the District Plan in order to be protected. The current Kāpiti Coast District Plan will therefore not protect locally indigenous trees in urban environments from 1 January 2012 as a result of these changes. This will mean that the Council is not able to achieve the objectives and policies set out in the District Plan.
- 10 This will also affect the Council’s ability to achieve its responsibilities under the purpose of the RMA (Section 5 of the RMA) which includes “*safeguarding the life supporting capacity of air, water, soil and ecosystems*” and recognising and providing for “*the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*” (Section 6: Matters of National Importance).
- 11 The RMA now gives less weight to proposed plan changes at the time they are notified. The RMA in section 86(B) states that rules in plans only have legal effect once a decision on submissions is made and publicly notified except in subsection (3):

“A rule in a proposed plan has immediate effect if the rule...

 - (b) protects areas of significant indigenous vegetation; or*
 - (c) protects areas of significant habitats of indigenous fauna; or*
 - (d) protects historic heritage;...”*
- 12 If the Council wishes to continue with a level of protection changes to the tree protection provisions must be made. These will need to be publicly notified prior to 1 January 2012 to enable tree protection in urban environments to continue.

- 13 This means that in order for trees to be protected immediately when the plan change is notified the trees must be considered to be “significant indigenous vegetation or historic heritage”.

Current District Plan Provisions

- 14 There are three broad categories of trees protected under the current District Plan:
- **locally indigenous trees** are naturally occurring in the Kāpiti Coast District, within the five ecological districts of Foxton, Manawatu Plains, Tararua, Wellington and Cook Strait. These are protected via the permitted activity rules and standards in the District Plan as “native vegetation”.¹ These rules are considered to be “blanket tree protection” rules which can no longer be applied to trees in urban environments. They can still be applied in non-urban areas. Fourteen of these trees are considered to be of such historic or cultural significance they have additional protection in the Heritage Register (see below)
 - **New Zealand trees** are indigenous to parts of New Zealand but exclude trees which are naturally occurring in the five ecological districts in the Kāpiti Coast District. Some of these trees are listed as “significant trees” in the Heritage Register, i.e. they may not have ecological significance locally but are important to the community from a cultural or heritage perspective;
 - **exotic trees** are not naturally occurring in New Zealand. Selected trees of historical or cultural significance are listed in the Heritage Register.

Mechanisms to Protect Trees.

- 15 In order to maintain a level of protectionThe following matters that need to be addressed are:

Urban Trees

- develop a new sub-section of the Heritage Register for the protection of locally indigenous trees in the urban environment. This requires strong justification around the issue of significance.
- establish a clear process identifying locally indigenous trees when a non-urban environment is changed to urban environment lots at the time of subdivision.
- make changes to the rules around the trimming of trees in urban environments.

¹ The Native Vegetation Permitted Activity Standard requires discretionary activity resource consent for the for “*the disturbance, removal, damage or destruction (“modification”) of naturally occurring indigenous vegetation*” which is:

- Greater than 4m high and has a trunk circumference greater than 95cm at 1.4 height; or
- forms a contiguous area of more than 100m²; or
- within 20m of a waterbody or the coastal marine area; or
- is nationally or regionally rare or threatened; or listed individually in the Heritage Register;

Rural Trees

- modify references in the District Plan to ensure that rural locally indigenous trees continue to be protected.

Urban Tree Survey

- 16 A key issue for the RMA requirements is ensuring there is a clear rationale for the listing of any urban trees. A survey of urban trees was undertaken to provide a clear database and an assessment of significance. The scope of the urban tree survey included identifying all trees that were:
 - locally indigenous trees and at least four metres in height;
 - locally indigenous trees and at least 95 centimetres in circumference;
 - New Zealand and exotic trees identified by the researcher as ‘significant’;
 - all trees where the resident requested identification and consideration for protection.
- 17 To set a baseline for the survey, the height and circumference criteria was consistent with the current District Plan Native Vegetation Permitted Activity Standard.
- 18 The survey identified 19,199 trees in 14,539 locations and a total of 103 different species. Data collected about each tree included the species, origin, size, source, location and composite indicators (tree health and biodiversity value). The identified trees were classed by their origin: locally indigenous, New Zealand or exotic.
- 19 This classification used in the Urban Tree Survey provides greater clarity than the existing term ‘native vegetation’ used in the District Plan which, although not defined, is interpreted by Council Officers as the same as ‘locally indigenous’.
- 20 The urban tree survey identified the following number of species by their origin:
 - 70 locally indigenous species identified (13,165 points, 17,592 trees);
 - 14 New Zealand species identified (1337 points, 1569 trees);
 - 20 exotic species identified (38 points, 39 trees).
- 21 The Research Assistant informally reported strong public support for the survey. The researcher was also able to inform many residents of the type of trees on their properties and in their localities and explain their importance for biodiversity.
- 22 Attachment 1 includes maps showing the distribution of trees surveyed across the Kāpiti Coast District.
- 23 It is important to note that measures of significance in the survey focused on ecological values. The current general tree protection rules give consideration for general urban amenity but the RMAA changes effectively precludes this. However, the further work being undertaken on landscape values and urban character may identify key areas where the vegetation is an important consideration and this may lead to further adjustments to the list. The most important issue at this stage is to ensure protection from an ecological perspective.

Listing Significant Locally Indigenous Trees in the Urban Environment for Protection

- 24 The urban tree survey identified the locally indigenous trees by species, common name, height, trunk circumference, health and a ‘biodiversity value’ indicator was used to determine the overall significance of the contribution to biodiversity. The biodiversity value uses a scoring out of 10 (10 being the highest value) and considered the following additional factors:
- species (rarity and local importance);
 - size (height and circumference – this indicates age and maturity);
 - locality (presence of other locally indigenous species and under-storey, and including contribution to habitat for indigenous fauna);
 - health.
- 25 Five options for protection were developed for consideration:
- **Option A:** protect locally indigenous trees meeting the current height AND circumference measurement in the Native Vegetation Permitted Activity Standard (current protection).
 - **Option B:** protect locally indigenous trees meeting the height OR circumference in the Native Vegetation Permitted Activity Standard.
 - **Option C:** protect locally indigenous trees meeting size, biodiversity value and tree health criteria.
 - **Option D:** protect all locally indigenous trees with a biodiversity value of 7 or greater.
 - **Option E:** protect all trees which are identified as ‘important locally indigenous species’ – i.e. keystone species, or significant food providers for indigenous fauna.
26. In terms of Option E, the Biodiversity Advisor considered that this was an important concept but more research would be needed to determine species selection and other appropriate criteria. There is insufficient information to protect trees on this basis at this time and further work will be would undertaken as part of the District Plan Review which may result in further trees being protected in the future
27. The remaining options are explored below.
- Option A: Protect locally indigenous trees meeting the current height AND circumference measurement in the Native Vegetation Permitted Activity Standard (currently protected).*
28. This includes 4397 trees identified in the survey, at 3338 points encompassing 53 locally indigenous species. If chosen this option would protect the same trees as the current District Plan rules and standards.
29. This is consistent with the Permitted Activity Standard existing protection and therefore consistent with the provisions applied to non-urban environment parts of the District. However, this approach does not take advantage of the information on tree

health and biodiversity value gathered in the survey and may protect specimens which no longer warrant protection because they are unhealthy or dangerous.

30. This option does not acknowledge that many trees are still growing and potentially significant trees could be removed prior to reaching the height and girth limits. That is, simple reliance on girth and height limits is a flaw in the current approach.
31. This option also discounts the value of trees growing in groups as these are often thinner specimens than trees grown in the open but groups of trees can have much higher biodiversity value, in terms of habitat for fauna, than individual trees. For example there are many groups of kohekohe trees with high biodiversity values which would not be protected using Option A.
32. It also discounts the value of locally indigenous species that have naturally small trunk circumference, even at mature size. For example tree ferns and species that do not generally exceed 4m at maturity, such as mapou, may have an important biodiversity function.

Option B: Protect locally indigenous trees meeting the height OR circumference in the Native Vegetation Permitted Activity Standard.

- 33 This includes 17,580 trees identified in the survey located at 13,155 points, encompassing 70 locally indigenous tree species.
- 34 The advantage of this approach is that it is comprehensive and ensures that a large number of locally indigenous trees would be protected. This approach takes account of both tall thin tree species (e.g. tree ferns) and shorter species (e.g. mapou), and trees in groups, and protects them.
- 35 However, this approach does not take advantage of the information on tree health and biodiversity value gathered in the survey and may protect specimens which no longer warrant protection because they are unhealthy or dangerous. A larger number of trees would be protected but this risk is that this would be without consideration of significance in terms of biodiversity values. This option could be seen as excessive protection of lower quality trees, as no test of significance has been applied. Under the new tests of significance, this position would be difficult to defend.
- 36 Option B does include trees not currently protected under the District Plan and therefore involves more property owners in the decision process.

Option C: Protect locally indigenous trees meeting height OR circumference size, tree health AND biodiversity value criteria.

- 37 This option includes 5998 trees identified in the survey located at 4401 points, encompassing 58 locally indigenous tree species.
- 38 This option would protect:
 - locally indigenous trees which are 4m or greater in height and have a trunk circumference greater than 95cm (Native Vegetation Permitted Activity Standard) and have a biodiversity value of 7 or greater and a tree health value of 4 or greater.

- locally indigenous trees which either have a height of 4m or greater, or have a trunk circumference of 95cm or greater, and also have a biodiversity value of 8 or greater and a tree health of 4 or greater.
- 39 This is complex but removes the problem of including all trees over a certain height or circumference irrespective of whether they are healthy or important from a biodiversity point of view. The biodiversity value of 7 for larger trees was selected as an appropriate level to consider protection from the advice of the Council's Biodiversity Advisor and the Research Assistant. It also does include smaller and shorter trees but requires them to have a slightly higher biodiversity importance, in order to ensure a robust concept of significance which can withstand legal challenge. The higher biodiversity requirement of 8 for thinner or shorter species ensures that these additional trees have significant biodiversity value.
 - 40 This option takes account of the health of the tree and biodiversity value as well as trees that are thin and shorter trees if they are significant. Ideally the issue of size would be set for each species but again this is not possible at this stage and would be addressed during the District Plan Review.
 - 41 The Biodiversity Advisor noted that the difference between value 6 and 7 trees was that 6s are noticeably smaller trees of common species. There are 5,439 trees that were identified in the survey as having a biodiversity value of 6. The Biodiversity Advisor does not consider that trees with a biodiversity value of 6 are significant indigenous vegetation, such that the requirement for a resource consent could be justified under the requirements of the RMA.
 - 42 Option C presents the most robust approach to the issue of significance of the locally indigenous trees in urban environments, thus meeting the expectations of the RMA to protect "significant indigenous vegetation" and the "significant habitats for indigenous fauna".
 - 43 Option C does include trees not currently protected under the District Plan and therefore involves more property owners in the decision process.

Option D: Protect all locally indigenous trees with a biodiversity value of 7 or greater but exclude all currently assessed as being in poor health.

- 44 This option includes would protect 10,689 trees located at 7704 points encompassing 73 locally indigenous species. This option would exclude 60 trees with poor health but with a biodiversity value of 7 or more.
- 45 This approach ensures that a large number of locally indigenous trees which have high biodiversity values would be protected. It takes account of both tall thin tree species (e.g. tree ferns) and shorter species (e.g. mapou), and trees in groups. The only size based criteria is related to the maturity of the tree and sits as a factor in the assessment of biodiversity value.
- 46 From an administrative point of view, this significantly adds to the Heritage Register list. However, it also provides Council with the assurance that all trees with significant biodiversity values are protected.
- 47 The main difference between Option D and Option C is that Option D includes 4631 trees which have a trunk diameter of less than 95 cm or a height less than 4m. However, there is concern that a biodiversity value alone is not enough to justify

protection of these trees as ‘significant indigenous vegetation’ and the issue of size needs to be linked back to species type. Further work is needed on this and would be included in the wider District Plan review process.

Comparison of Options

- 48 All of the options outlined protect trees which are currently protected by the District Plan. Options B and D protect a very large number of trees and use a single criteria for listing. However, this approach could be challenged as not robust enough to determine “significance”, without some further work to ensure filtering based on species size. It is proposed that this is done via the District Plan review.
- 49 There are differences between options A and C in terms of common tree species. For example, Option A only protects 62% of the Kohekohe, 14% of the Rewarewa and 81% of Tawa identified in the survey while Option C protects 100% of Tawa, 89% of Kohekohe and 52% of Rewarewa. However for both options only a small percentage (4-9%) of low growing species such as Taupata, Kohuhu, Mapou are proposed to be protected with a slightly higher percentage protected in Option C due to their biodiversity value being recognised.
- 50 Option C is the recommended option for public consultation as it considers multiple factors and requires a higher test, in terms of biodiversity value for the smaller or thinner species.
- 51 The trees identified in Option C above are recommended for inclusion in the Heritage Register as a new category called “Significant Locally Indigenous Vegetation in Urban Environments” and protection of the trees is recommended using Permitted Activity Rules and Standards used to protect the “Significant Trees” listed in the Heritage Register. To ensure clarity and consistency with the RMA, a definition of “locally indigenous tree/vegetation” is also required.
- 52 Further work in locally significant indigenous species under Option E and species size/height will be undertaken in the District Plan Review.

Trimming activities in urban environments

- 53 The current District Plan Native Vegetation Permitted Activity Standards refer to “modification” (which includes “disturbance, removal, damage and destruction”) and it is unclear to District Plan users how “trimming” for trees in urban environments (allowed by the RMAA) differs from the term “modification” in the current District Plan.
- 54 This issue can be resolved by amending the District Plan to change the standards for “modification” in relation to trees in urban environments and add a standard for trimming of trees listed in the Heritage Register. To ensure clarity, a definition of “trimming” is also required.
- 55 The RMAA allows for ‘trimming’ to be managed in District Plans in non-urban environments. No changes to the rules and standards relating to ‘trimming’ in non-urban environments are proposed.

Identifying locally indigenous trees during subdivision to urban scale lots

- 56 If locally indigenous trees are to be protected in the “urban environment”, there will need to be a process to identify trees which are currently in non-urban environments, (for example on vacant sections or on sites over 4000m²) if these sites become urban through subdivision or development of the site. The District Plan does not currently do this as the Native Vegetation Permitted Activity Standard covers all parts of the District. If locally indigenous trees in the “urban environment” are to be protected in future, there needs to be a “trigger” for newly created “urban environments”.
- 57 The recommended method is to include a requirement for subdivision, on sites which are over 4000m² prior to subdivision that create lots which are less than 4000m² after subdivision, in the Residential, Commercial/Retail, Paraparaumu Town Centre, Ngarara and Industrial zones to identify trees for inclusion in the Heritage Register. This requires a change to subdivision standards and information requirements in the District Plan.

Locally indigenous trees in non-urban environments

- 58 The current District Plan Native Vegetation Permitted Activity Standard will remain effective for locally indigenous trees that are not in the “urban environment”, including all rural areas, as well as larger and undeveloped lots within residential and commercial areas. All parks, reserves, roads and other areas of public land are not part of the “urban environment” and the existing protection for native vegetation will remain in place for these areas.
- 59 This Plan Change does not propose to change the level of protection of locally indigenous vegetation in non-urban environments. In order to retain the existing level of protection provided by the Native Vegetation Permitted Activity Standard, it is proposed to be renamed as “Native Vegetation in Non-Urban Environments” and change references to “native vegetation” to “locally indigenous vegetation” to provide clarity. A comprehensive review of the identification and protection of locally indigenous vegetation in non-urban environments will be considered in the District Plan Review as part of the biodiversity focus area work.

Protection of New Zealand and exotic trees

- 60 The Urban Trees Survey undertaken by the Council identified 1569 New Zealand trees (excluding locally indigenous trees) and 39 exotic trees in the urban environment. These trees are not proposed for protection as “significant locally indigenous vegetation” in the Heritage Register. However some of these trees may be significant for their cultural, heritage or amenity values and warrant protection in the District Plan. As part of the District Plan Review, a STEM assessment will be undertaken for trees with potential cultural, heritage or amenity values to determine if they warrant protection in the District Plan as “significant trees” in the Heritage Register.

Financial Considerations

- 61 The costs of the consultation on the plan change will be met by the existing District Plan Review budget.

Legal Considerations

- 62 The statutory requirements which have led to this plan change for consultation have been set out in the background section of this report. All consultation activities will be undertaken in accordance with the requirements set out in Schedule 1 of the RMA and the principles of consultation set out in the Local Government Act.

Delegation

- 63 The Committee may make a decision under the following delegations:

7.16 Authority to exercise all of the Council's functions, powers, and duties under the Resource Management Act 1991, except under clause 17 of Schedule 1.

7.22 Authority to undertake the formal review of the District Plan as dictated by the statutory timeframes included in the Resource Management Act 1991, including considering submissions, holding hearings on submissions, making decisions pursuant to clause 10 and clause 29(4) of Schedule 1, and to make recommendations about the approval, under clause 17 of Schedule 1, of the District Plan and any change or variation to the District Plan.

7.23 Authority to approve the development of Public Plan Changes.

- 64 This report proposes to advance a small part of the District Plan Review as a plan change and ahead of the main review therefore the delegations relating to both the review and plan changes are relevant.

Consultation

- 65 The following activities are proposed as part of consultation on this draft plan change:

- prepare explanatory material for affected parties and for general use.
- write to directly affected land owners and residents giving detailed information about trees identified on their properties which are recommended for inclusion in the Heritage Register.
- advise the general public about the draft plan change on the Council website and via advertisement in a local paper. Copies of the draft plan change will be available to view at Council libraries and service centres.
- directly consult with statutory parties including local iwi, Department of Conservation, Minister for the Environment and other statutory parties.

Policy Implications

- 66 This draft plan change (attached as Attachment 1 to SP-11-160) does not create a change in policy for the Council but retains and refines the protection of significant indigenous vegetation in the District. The plan change focuses on the protection of trees in urban environment, as the RMAA legislation change in 2009 requires that trees in the urban environment be specifically identified if they are to be protected after January 2012.

Publicity Considerations

- 67 A media release was produced when the tree survey was underway and articles were written in the local newspapers. Publicity will be part of the consultation process and a media statement will be released in advance of the public consultation. Advertisements will be placed in the local newspapers when the consultation is undertaken.

CONCLUSION

- 68 There is a need to amend the District Plan to continue to protect significant trees in urban environments as a result of changes to the RMA in 2009 which come into effect in January 2012. A survey of urban trees has been undertaken and a range of protection options considered.
- 69 The preferred option is to protect locally indigenous trees which meet height, trunk circumference, tree health and biodiversity values as outlined in Option C above and investigate other trees for inclusion in the Heritage Register as part of the District Plan Review. The next steps require consultation with affected landowners, statutory parties and the community giving specific information about the trees and changes to the District Plan rules, standards and definitions to protect urban locally indigenous trees.

RECOMMENDATIONS

- 70 That the Committee approves consultation with affected landowners, the general public and statutory parties on a draft plan change (Attachment 1 to report SP-11-160), specifically consultation on :
- proposed protection of a category in the Heritage Register called “Significant Locally Indigenous Vegetation in Urban Environments”, as identified in Option C of report SP-11-160;
 - proposed changes to Permitted Activity Rules and Standards to distinguish urban and non- urban environments (in relation to trees) in the District Plan;
 - proposed definitions of “trimming”, “urban environment” and “locally indigenous tree/vegetation”;
 - the process to specifically identify trees for protection during subdivision to urban scale lots.
- 71 That the Committee approves the retention of the current Native Vegetation Permitted Activity Standard to protect locally indigenous trees in non-urban environments at this time, with the minor changes set out in Attachment 1 to report SP-11-160.

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ATTACHMENTS:

Attachment 1: Draft Plan Change wording for trees in urban environments

**Attachment 2: District Plan objectives and policies related to the protection
of trees and vegetation**

Attachment 1: draft Plan change wording for Tree in urban Environments

(underlining indicates additions, ~~strikethrough~~ indicates deletions)

1 Amend Permitted Activity Rules for Native Vegetation for Residential, Commercial/Retail, Ngarara, Paraparaumu Town Centre and Industrial Zones as follows

THE FOLLOWING ARE PERMITTED ACTIVITIES:

The disturbance, removal, damage or destruction (“modification”) of naturally occurring locally indigenous vegetation, which is not located in an urban environment where such modification is in accordance with the Permitted Activity Standards.

Trimming of trees and groups of trees listed in the Heritage Register located in urban environments.

2 Amend Permitted Activity Standards for Native Vegetation for Residential, Commercial/Retail, Ngarara Paraparaumu Town Centre and Industrial Zones

LOCALLY INDIGENOUS VEGETATION IN URBAN ENVIRONMENTS

- (i) *The disturbance, removal, damage or destruction (“modification”) of naturally occurring locally indigenous vegetation is a permitted activity where such modification is limited to trimming (as defined in part Q) of trees or groups of trees listed in the Heritage Register including any locally indigenous vegetation located within an ecological site.*
- (ii) *The modification of vegetation which is not listed in the Heritage Register or identified at the time of subdivision of the land to create lots smaller than 4000m².*

NATIVE VEGETATION IN NON-URBAN ENVIRONMENTS

- (iii) *The disturbance, removal, damage or destruction (“modification”) of naturally occurring locally indigenous vegetation is a permitted activity where such modification is limited to:*
- *The removal of trees less than 4 metres high or which have a trunk diameter less than 30cm measured at a height of 1.4 metres or higher, above the ground. Trees listed in the Heritage Register are excluded from this provision.*

Provided that in (i) above, modification of vegetation is not permitted where it is:

- (a) Forms a contiguous area of more than 100m²; or*
 - (b) Within 20 metres of a waterbody (including within the waterbody itself) or the coastal marine area; or is*
 - (c) Nationally or regionally rare or threatened.*
- (ii) The disturbance, removal, damage or destruction (“modification”) of naturally occurring locally indigenous vegetation and/or trees listed in the Heritage Register, is a permitted activity where such modification is limited to:*

- (a) The removal of broken branches, deadwood or diseased vegetation.*
- (b) The removal of branches which are not part of the main structure of the tree that are interfering or overhanging buildings, but only up to 1 metre from the external walls or roof of that building.*
- (c) The removal of the branches which are not part of the main structure of the tree to maintain access across existing farm tracks.*

- (iii) The modification of no more than 2 hectares of naturally occurring locally indigenous vegetation in any 12 month period is a permitted activity where:*

- (a) The vegetation is predominantly Manuka (*Leptospermum scoparium*) or kanuka (*Kunzea ericoides*); and*
- (b) The vegetation has a canopy less than 4 metres tall.*

Provided that in (iii) above, modification of vegetation is not permitted where it is:

- (a) Manuka or kanuka within 20 metres of a waterbody (including the waterbody itself) or the coastal marine area;*
or
 - (b) Nationally or regionally rare or threatened.*
- (iv) The disturbance, removal, damage or destruction (“modification”) of naturally occurring locally indigenous vegetation, is a permitted activity, provided it is limited to:*
- (a) Modification by any network utility operator to ensure the safety and integrity of any network utility or to maintain access to the network utility. This does not apply to specifically listed Heritage trees.*

- (b) *Modification to vegetation where it occurs within an established production forest or where it occurs within two years of a production forest being harvested.*
- (c) *Modification of vegetation that has been specifically planted as a production forest.*

Note 1: Part I of the District Plan contains a list and map of the general locality of nationally or regionally rare or threatened species occurring in the Kapiti Coast District.

Note 2: Any person wishing to modify a tree listed in the Heritage Register that has been identified as having Maori values should contact the relevant iwi before carrying out any modification to the tree.

3 Add Subdivision Rule to identify ‘Significant Locally Indigenous Trees’ as part of subdivision to Residential, Commercial/Retail, Paraparaumu Town Centre and Industrial Zones

Controlled Activity Standards for Subdivision in Residential, Commercial/Retail, Paraparaumu Town Centre, Ngarara and Industrial Zones

SUBDIVISION

(xi) Heritage Sites and Native Vegetation

The sites in the Heritage Register shall be protected and areas of locally indigenous native vegetation, ~~as defined in Part Q of this Plan~~, shall be protected from destruction, burning, cutting or removal.

Council will issue a Section 221 Consent Notice to ensure compliance with this standard or Conservation Covenant.

(??) Locally Indigenous Trees in Urban Environments

Locally indigenous trees (as defined in part Q of this plan) with a height of 3m or greater shall be protected as part of the subdivision where sites less than 4000m² are created. Council will issue a Section 221 Consent Notice to ensure compliance with this standard or Conservation Covenant.

4 Amend the information requirement for subdivision to provide detailed info including maps for locally indigenous vegetation maps for subdivisions where lots greater than 4000m² are subdivided in Residential, Commercial/Retail, Paraparaumu Town Centre and Industrial zones.

F.3.3 Subdivision Consent

An application for a Subdivision Consent shall include:

...

- (a) A site plan detailing the **existing situation** including:
- ...
 - Details of the location, species, height, trunk circumference (when measured at 1.4 m above ground level) of All locally indigenous vegetation over 3 metres in height (including any vegetation located on or adjacent to the legal road or surrounding properties).
 - photographs of all locally indigenous vegetation present on any site where the proposed lots will be 4000m² or less.
 - ...

6 Add new heritage register category and data for “Significant Locally Indigenous Vegetation in Urban Environments” and include trees proposed for protection (excerpt shown only) (4401 lines in table for new info)

NO	Origin	Owner	Location	Description/Significance and Comments
LN1	Locally Indigenous	Private	10 Nimmo Ave West Waikanae	Titoki- <i>Alectryon excelsus</i> 11m height, 130cm trunk circumference, biodiversity value 7 and health 5.
LN2	Locally Indigenous	Private	53 Nimmo Ave West Waikanae	Titoki- <i>Alectryon excelsus</i> 8.5m height, 100cm trunk circumference, biodiversity value 7 and health 5.
LN3	Locally Indigenous	Private	108 Waerenga Rd Otaki	Titoki- <i>Alectryon excelsus</i> 8m height, 105cm trunk circumference, biodiversity value 8 and health 5.
LN4	Locally Indigenous	Private	11 Charnwood Gr Waikanae	Titoki- <i>Alectryon excelsus</i> 15m height, 100cm trunk circumference, biodiversity value 8 and health 5.
LN5	Locally Indigenous	Private	11 Millvale St Waikanae	Titoki- <i>Alectryon excelsus</i> 11m height, 95cm trunk circumference, biodiversity value 8 and health 5.
LN6	Locally Indigenous	Private	118-122 Mill Rd Otaki	Titoki- <i>Alectryon excelsus</i> 7.5m height, 85cm trunk circumference, biodiversity value 8 and health 5.
LN7	Locally Indigenous	Private	12 Iti St Otaki	Titoki- <i>Alectryon excelsus</i> 6.5m height, 95cm trunk circumference, biodiversity value 8 and health 5.
LN8	Locally Indigenous	Private	13 Karu Crescent Waikanae	Titoki- <i>Alectryon excelsus</i> 10m height, 100cm trunk circumference, biodiversity value 8 and health 5.
LN9	Locally Indigenous	Private	175 Waerenga Rd Otaki	Titoki- <i>Alectryon excelsus</i> 12m height, 110cm trunk circumference, biodiversity value 8 and health 5.
LN10	Locally	Private	18 Walton Ave	Titoki- <i>Alectryon excelsus</i>

NO	Origin	Owner	Location	Description/Significance and Comments
	Indigenous		Waikanae	9m height, 120cm trunk circumference, biodiversity value 8 and health 5.
LN11	Locally Indigenous	Private	19 Tararua St Pram/Raumati	Titoki- <i>Alectryon excelsus</i> 10m height, 95cm trunk circumference, biodiversity value 8 and health 5.
LN12	Locally Indigenous	Private	238 Te Moana Rd Waikanae	Titoki- <i>Alectryon excelsus</i> 16m height, 120cm trunk circumference, biodiversity value 8 and health 5.
LN13	Locally Indigenous	Private	27 Callender Tce Paraparaumu	Titoki- <i>Alectryon excelsus</i> 6.5m height, 100cm trunk circumference, biodiversity value 8 and health 5.
LN14	Locally Indigenous	Private	30 Aotaki St Otaki	Titoki- <i>Alectryon excelsus</i> 13m height, 115cm trunk circumference, biodiversity value 8 and health 5.

5 Add definitions for ‘trimming’, ‘urban environment’ and ‘locally indigenous vegetation’ to Part Q

Trimming means the removal of smaller limbs from a tree and the pruning of canopy (excluding roots) by the resident of no more than 20 per cent of live growth removal in any one year, in accordance with currently accepted arboriculture practice and which does not damage the tree's health or by a qualified practitioner of no more than 30 per cent of live growth in any one year, according to accepted arboriculture practice. The natural form and branch habit of the tree species must be maintained

Urban environment has the same meaning as Section 76 Sub section (4B) of the RMA1991.

*[Urban environment as defined in the Resource Management Act as:
An allotment no greater than 4000m² -*

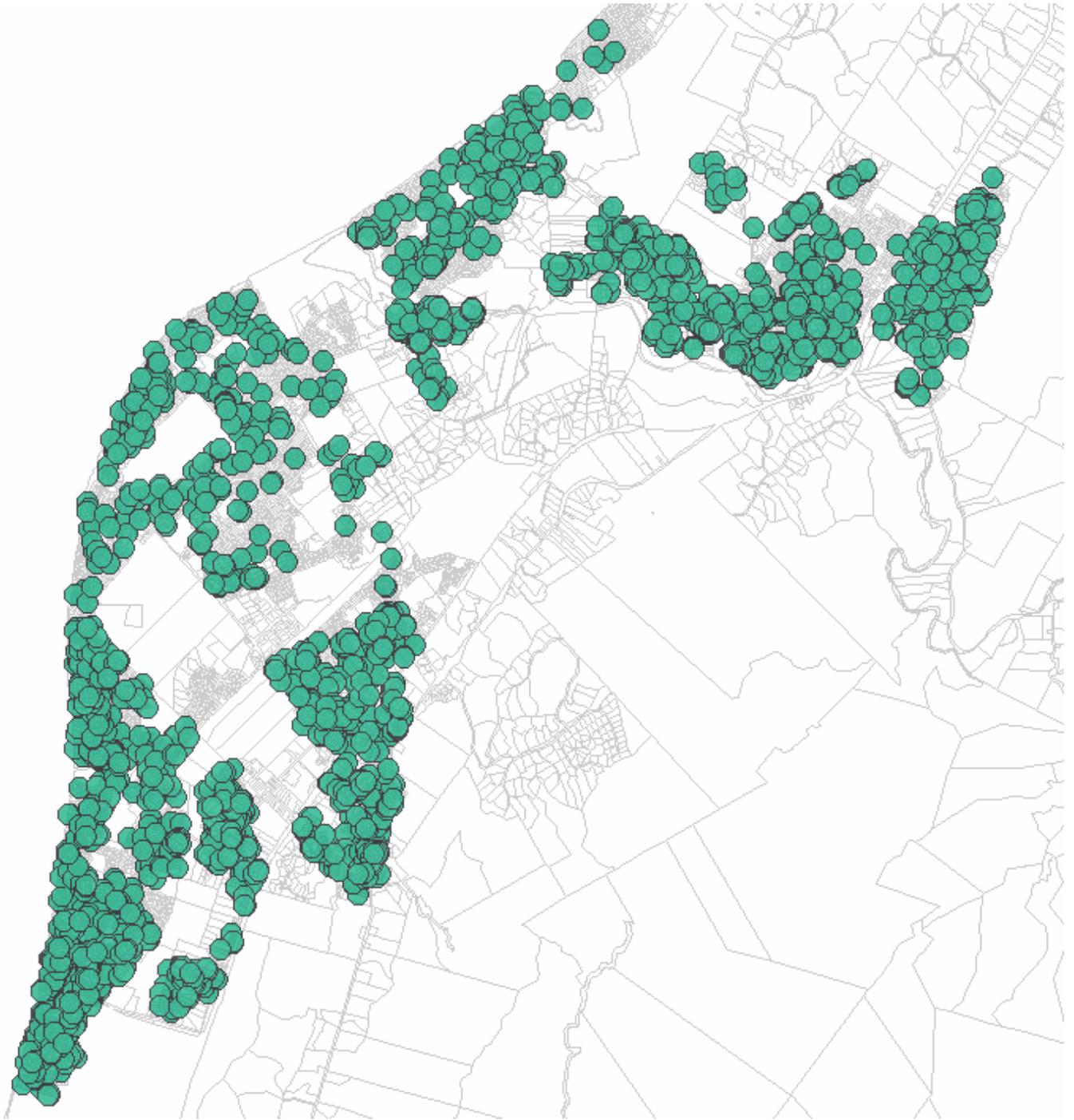
1. *that is connected to a reticulated water supply system and a reticulated sewerage system; and*
2. *on which a building is used for industrial or commercial purposes, or a dwellinghouse.*

You need to meet all of these criteria to be within the urban environment.]

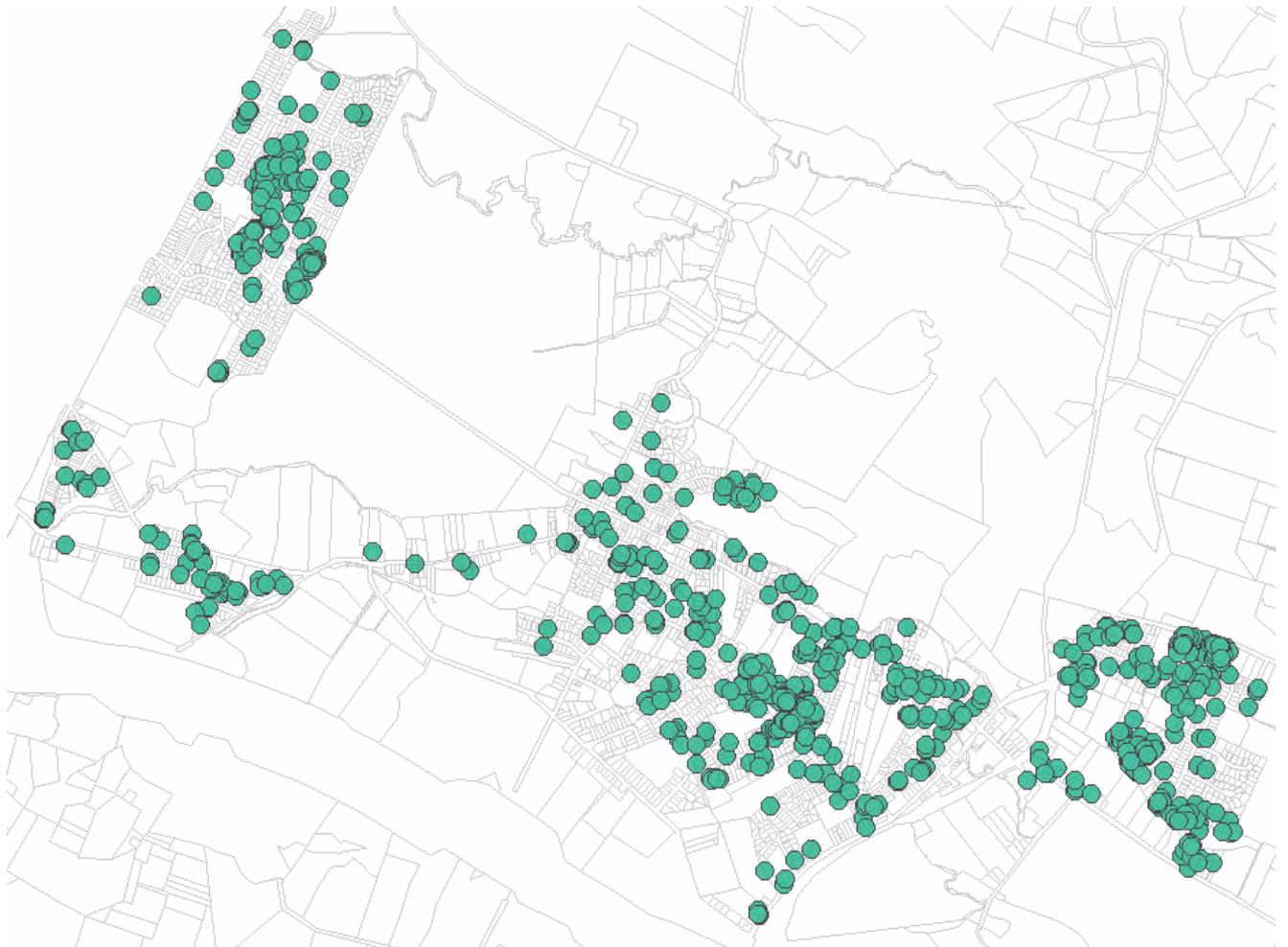
Locally indigenous tree/vegetation means plant species which naturally occur in the ecological districts of the Kapiti Coast District. These are Foxton, Manawatu Plains, Cook Strait, Wellington and Tararua Ecological Districts.

6 Maps of “Significant Locally Indigenous Vegetation in Urban Environments” recommended to be protected

Map for Waikanae, Paraparaumu and Raumati



Map of Ōtaki Trees to protect



Appendix 2 Current District Plan Objectives and Policies related to tree protection

C.11.1 Objective 1.0

PROTECT AND ENHANCE THE NATURAL ENVIRONMENT AND ECOLOGICAL INTEGRITY OF THE DISTRICT, INCLUDING PROTECTION OF SIGNIFICANT INDIGENOUS VEGETATION AND SIGNIFICANT HABITATS FOR INDIGENOUS FLORA AND FAUNA

C.11.1 POLICY 1

Identify and protect significant sites of flora and fauna.

C.11.1 POLICY 2

Ensure that potential or actual adverse effects on the natural environment from subdivision, use and development are avoided, remedied or mitigated.

C.11.1 POLICY 4

Ensure significant native vegetation is not removed and any disturbance is avoided, remedied or mitigated.

C.7.4 OBJECTIVE 3.0- ECOSYSTEMS

THE PATTERN OF SUBDIVISION PROVIDES FOR THE HEALTHY FUNCTIONING OF ECOSYSTEMS THROUGHOUT THE DISTRICT AND PROTECTS THE REMAINING FLORA, FAUNA AND HABITATS

C.8.1 OBJECTIVE 1.0 - GENERAL TO IDENTIFY AND PROTECT HERITAGE FEATURES OF SIGNIFICANCE TO THE KAPITI COAST DISTRICT

C.8.1 POLICY 1 - HERITAGE REGISTER

Prepare and maintain a heritage register for inclusion in the District Plan.

C.8.1 POLICY 2 - GENERAL ASSESSMENT CRITERIA

When considering the destruction, burning, cutting and/or removal of native vegetation, as defined in Part Q of this plan, and destruction, demolition, alteration, modification or removal of any heritage feature recorded in the Heritage Register, take into account the following:

In respect of native vegetation (excluding individual trees - see below), ecological and geological sites and waahi tapu:

- The necessity for carrying out the works.*
- The degree to which the activity detracts from the integrity/value of the heritage site.*
- Whether the proposal can be altered to preserve the integrity of the site.*
- The degree to which the proposal reflects the conservation principles contained within the ICOMOS New Zealand Charter for the Conservation of Places of Cultural Heritage Value.*
- The registration (if applicable) and the reasons for this registration of the heritage resource under the Historic Places Act 1993.*
- The recommendations made by the NZ Historic Places Trust and any other professionally recognised party in heritage conservation issues.*

- *The outcome of consultation with Tangata Whenua and other parties where appropriate in accordance with the requirements contained in the Fourth Schedule of the Resource Management Act 1991.*
- *Assessment of actual, potential, seasonally significant or cumulative effects on the environment including flora, fauna, recreational water quality and animal and plant pests.*
- *An assessment of the species that can be transplanted and the risk/loss factor of the species where appropriate.*

In respect of significant trees, including individual significant native trees:

- *The necessity for carrying out the works.*
- *Whether the tree is dead or has a serious contagious disease, or is damaged, which has caused a decline in its health.*
- *Whether the tree has become a danger to the public or interferes with public utilities or drainage systems, watercourses or streams.*
- *Compliance with any statutory or legal obligation.*
- *Whether the tree can be relocated where such relocation is appropriate.*
- *Whether the proposal can be altered to preserve the tree while still meeting the objectives of the applicant.*
- *Whether the proposed activity within the dripline is likely to damage the tree or endanger its health.*
- *The outcome of consultation with the Department of Conservation and the Royal Forest and Bird Society and other parties including a recognised and qualified arborculturalist where appropriate.*