

**PROPOSED KĀPITI COAST DISTRICT PLAN
PROPOSED VARIATION NUMBER 1
(URBAN TREE VARIATION)**

SUMMARY OF KEY AMENDMENTS PROPOSED

The following summary does not form part of Proposed Variation Number 1 but is intended to assist the reader's understanding of the purpose of the amendments proposed by Proposed Variation Number 1.

1. Proposed Variation No. 1 proposes protection only for notable trees and indigenous trees. For indigenous trees, only the following trees are identified for protection:
 - (a) Indigenous trees within ecological sites listed in **Schedule 3.1**;
 - (b) Indigenous trees outside ecological sites that have very high biodiversity values and limited to a highly refined list of 18 important remnant species (Black Beech, Hīnau, Kahikatea, Kaikōmako, Kohekohe, Marbleleaf, Mataī, Milk Tree, Miro, Nīkau, Northern Rātā, Pukatea, Rewarewa, Rimu, Swamp Maire, Tawa, Tītoki, Tōtara). The trees identified for protection are listed in a new **Schedule 3.2A**.

2. The proposed new rules only apply in the Living and Working Zones (not Rural Zones or Open Space Zones) – excluding Te Horo Beach, Peka Peka and Paekakariki. These settlements are not reticulated with both water and sewerage and are therefore not captured by section 76 (4C) of the RMA. Also, there is no tree information available about these settlements. These settlements will continue to be subject to the operative District Plan 'Native Vegetation' standard until the proposed District Plan review is resolved. The one exception to this is ecological sites (listed in Schedule 3.1) where both the operative and proposed District Plan rules have legal effect.

3. The level of protection proposed for the fully reticulated urban areas to which Proposed Variation Number 1 applies is as follows:
 - (a) Trimming, modification and removal of exotic trees is permitted without restriction (unless the tree is a notable tree listed in Schedule 10.1 to which the rules of Chapter 10 apply. Proposed Variation No. 1 has not added any trees to Schedule 10.1);
 - (b) Trimming, modification and removal of indigenous trees that are not listed in any Schedule are permitted activities without restriction;
 - (c) There are to be four schedules of 'protected' trees:
 - Schedule 3.1 – trees in ecological sites (individually listed and described)
 - Schedule 3.2A – key indigenous trees (individually listed and described)
 - Schedule 3.3 – rare and threatened vegetation species (none of those are trees but it creates a 'hanger' into which to list any that come up in the future such as the recently reclassified rare coastal Kanuka)
 - Schedule 10.1 – notable trees;
 - (d) Trimming of the above scheduled trees is a permitted activity provided it is done by a qualified arborist in accordance with a best practice guideline referenced in the rules;
 - (e) Modification (including felling and removal) of the any scheduled trees (meaning anything that is more than permitted 'trimming') is a controlled activity provided that it involves only broken, dead or dying trees and vegetation and provided the application is accompanied by a statement from a qualified arborist about the condition of the

vegetation/tree. This means that felling and removal of significant indigenous trees cannot occur without a consent. The Council has decided that the usual application fee for such consents will be remitted (i.e. nil-cost). Work is underway to streamline the consent process as part of a package of non-regulatory initiatives. Consent for a controlled activity must always be granted – but there is scope to impose conditions (e.g. requiring remediation of a site or replacement planting);

- (f) Trimming by electricity transmission operators is a permitted activity provided it is undertaken in accordance with a recognised arboricultural code of practice;
 - (g) Felling or removal of trees to reduce risks to electricity transmission lines is a controlled activity (aligning with the relevant National Environmental Standard);
 - (h) Trimming and modification that is not a permitted or controlled activity are restricted discretionary activities.
4. Parallel rule changes are made for notable trees in Chapter 10.
 5. Specific information requirements are inserted into Section 1.3 for applications affecting trees identified in Schedules 3.1, 3.2 and 3.2A.
 6. The following definitions are deleted: '*locally indigenous vegetation*', '*urban environment*'.
 7. Three new definitions are inserted: '*indigenous vegetation*', '*key indigenous tree*' and '*tree*'.
 8. The definition of '*modification*' is amended to clarify that it is felling, removal destruction that is more than permitted activity '*trimming*'. The definition of '*trimming*' is amended to remove the specified standards (these are, instead, in the proposed rules) and to provide additional clarity.
 9. No changes are made to any objectives – but additional explanatory text is inserted in relation to tree biodiversity (under Objectives 2.2 and 2.4).
 10. Amendments are proposed to two policies:
 - Policy 3.7 (considerations for subdivision applications)
 - Policy 3.12 (management approach to biodiversity protection) – really just getting consistent language
 11. The expression '*key indigenous tree species*' and its definition and the Schedule 3.2 that it relates to are retained where relevant throughout the rules. That is because the expression remains relevant for all of the non-urban areas not affected by the Variation No. 1 rules and it is not appropriate to alter those provisions until the submissions pertaining to those non-urban provisions have been resolved.
 12. The variation incorporates amendments proposed in the Stakeholder Engagement Version of the PDP only where these are directly related to urban tree protection.
 13. There are consequential changes to the rules within the Living and Working Zones to include in the controlled activity reserved matters and restricted discretionary matters explicit consideration of effects on the trees identified for protection.
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