

Summaries of submissions - Urban Tree Variation 1 Indigenous Trees

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15UTV – 1: Mr Robert Paterson

	Planners summary
A. General Comments	Oppose the requirement that arborists trim listed trees. If council requires this, they should pay the costs. Listed tree trimming should be permitted without restriction.
1: 1.3.2 Information Requirements for Applications for Land Use Consent	Trimming of listed trees should not be restricted. Amend rule 1.3.2 to allow for trimming by property owners.
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	Support
4: Definitions – new definition for ‘tree’	Support
5: 1.4 Definitions – ‘key indigenous tree’	Oppose Schedule 3.2A if trees are not notable enough for schedule 10.1 they should not be protected.
6: 1.4 Definitions – ‘modification’	Support
7: Planners Final Summary - Final Summary:	Support
8: 1.4 Definitions – ‘trimming’	Support
9: 1.4 Definitions – ‘Urban Environment’	Support
10: Objective 2.2 – Ecology and biodiversity and Explanation	Support
11: Objective 2.4 – Coastal Environment and Explanation	Support
12: Objective 2.4 – Coastal Environmental Explanation	Support
13: Natural Environment Chapter Structure	Delete section g) in Chapter Structure so that there is no reference to 'Key Indigenous trees'.
14: Policy 3.7 - Subdivision	Delete references to "key indigenous trees" in Policy 3.7.
15: Policy 3.12 – Management approach to biodiversity protection	Delete all references to "key indigenous trees".
16: Natural Environment Rule 3A.1.2	Under "Standards" - delete "(b) a key indigenous tree listed in Schedule 3.2A".

17: Natural Environment Rule 3A.1.3	Support
18: Natural Environment Rule 3A.1.4	Support
19: Natural Environment Rule 3A.1.5	Support
20: New Controlled Activity Rule 3A.2.5	Support
21: Natural Environment Rule 3A.3.1	Oppose
23: Schedule 3.2	Opposed definition of 'Key indigenous trees'. Delete schedule 3.2A.

15UTV – 2: Anthony Peter and Janet Susan Jack

	Planners summary
A. General Comments	The trees listed as T55 in the Notable Tree Schedule are dead. Remove these trees from the PDP and LIM reports.
1: 1.3.2 Information Requirements for Applications for Land Use Consent	Remove the trees T55 from the PDP.

15UTV – 3: Mr Tom Seaman

	Planners summary
A. General Comments	Support most of the plan change as it limits council's ability to be involved in property owners day to day decision making. Concerned that the requirement for arborists to trim trees will lead to an increase in prices and wait times. Owners may need to wait even if their issue is urgent or dangerous.
1: 1.3.2 Information Requirements for Applications for Land Use Consent	Support
2: 1.3.3. Information Requirements for Subdivision Applications	Support
3: 1.4 Definitions – new definition for 'indigenous vegetation'	Support
4: Definitions – new definition for 'tree'	Support
5: 1.4 Definitions – 'key indigenous tree'	Support
6: 1.4 Definitions – 'locally indigenous vegetation'	Support
7: 1.4 Definitions – 'modification'	Support
8: 1.4 Definitions – 'trimming'	Amend so that work can be carried out by anyone as long as it is in accordance with NZAIBPG 'Amenity Tree Pruning' Version 3 dated April 2011.
9: 1.4 Definitions – 'Urban Environment'	Support
10: Objective 2.2 – Ecology and biodiversity and Explanation	Support
11: Objective 2.4 – Coastal Environment and Explanation	Support
12: Objective 2.4 – Coastal Environmental Explanation	Support

13: Natural Environment Chapter Structure	Support
14: Policy 3.7 - Subdivision	Support
15: Policy 3.12 – Management approach to biodiversity protection	Support
16: Natural Environment Rule 3A.1.2	Same as submission points in Section A: General Submission Points & Amendment 8.
17: Natural Environment Rule 3A.1.3	Support
18: Natural Environment Rule 3A.1.4	Support
19: Natural Environment Rule 3A.1.5	Support
20: New Controlled Activity Rule 3A.2.5	Support
21: Natural Environment Rule 3A.3.1	The matters of Discretion are too vague and ill defined. Either remove these terms, define them to remove 'discretion' or create an independent binding arbitration solution that is free of charge to rate payers who want to dispute a council officers' decisions.
22: Schedule 3.1	Support
23: Schedule 3.2	Support
24: 4 Coastal Environment Rule 4A.3.2	Support
25: 4 Coastal Environment Rule 4A.3.3	Support
26: 5 Living Zones Rule 5A.2.2	Support
27: 5 Living Zones Rule 5A.3.1	Support
28: 5 Living Zones Rule 5A.3.2	Support
29: 5 Living Zones Rule 5B.3.3	Support
30: 5 Living Zones Rule 5C.2.1	Support
31: 6 Working Zones Rule 6A.2.1	Support

32: 6 Working Zones Rule 6A.3.1	Support
33: 6 Working Zones Rule 6B.2.1	Support
34: 6 Working Zones Rule 6B.3.1	Support
35: 6 Working Zones Rule 6C.2.1	Support
36: 6 Working Zones Rule 6C.3.1	Support
37: 6 Working Zones Rule 6D.2.1	Support
38: 6 Working Zones Rule 6D.3.1	Support
39: 6 Working Zones Rule 6D.3.2	Support
40: 6 Working Zones Rule 6E.2.1	Support
41: 6 Working Zones Rule 6E.3.1	Support
42: 6 Working Zones Rule 6F.2.1	Support
43: 6 Working Zones Rule 6F.3.4.	Support
44: 6 Working Zones Rule 6F.3.5.	Support
45: 10 Historic Heritage Rule 10A.1.4.	Same as submission points A & 8.
46: 10 Historic Heritage Controlled Activity 10A.2	The level of control is not defined. Either remove the matters over which council has reserved its control, define them to remove 'discretion' or create an independent binding arbitration solution that is free of charge to rate payers who want to dispute a council officers' decisions.
47: 10 Historic heritage Restricted Discretionary Activity Rule 10A.3.4.	Support

15UTV - 4: Mr Thomas Connor

	Planners summary
A. General Comments	Remove the protected and notable tree lists (including tree T80 on the submitters property).
1: 1.3.2 Information Requirements for Applications for Land Use Consent	Remove clause amendment 1.3.2. (l) d) "a Notable Tree Listed" as these trees are covered by clauses 1.3.2(l) a), b) & c).
2: 1.3.3. Information Requirements for Subdivision Applications	Remove section 1.3.3. as it is covered elsewhere.
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	Same as General Submission points under Section A.
4: Definitions – new definition for ‘tree’	Same as General Submission points under Section A.
5: 1.4 Definitions – ‘key indigenous tree’	Remove the definition of 'Key Indigenous Tree' as it is covered in other sections.
6: 1.4 Definitions – ‘locally indigenous vegetation’	Same as General Submission points under Section A.
7: 1.4 Definitions – ‘modification’	Support
8: 1.4 Definitions – ‘trimming’	Support
9: 1.4 Definitions – ‘Urban Environment’	Support
10: Objective 2.2 – Ecology and biodiversity and Explanation	Support
11: Objective 2.4 – Coastal Environment and Explanation	Support
12: Objective 2.4 – Coastal Environmental Explanation	Support
13: Natural Environment Chapter Structure	Same as General Submission points under Section A.
14: Policy 3.7 - Subdivision	Remove references to notable trees in Policy 3.7.

15: Policy 3.12 – Management approach to biodiversity protection	Support
16: Natural Environment Rule 3A.1.2	Support
17: Natural Environment Rule 3A.1.3	Support
18: Natural Environment Rule 3A.1.4	Support
19: Natural Environment Rule 3A.1.5	Rule 3A.1.5 should be included in all other rules, not separately.
20: New Controlled Activity Rule 3A.2.5	Include protected and notable trees with all trees.
21: Natural Environment Rule 3A.3.1	Support
22: Schedule 3.1	Delete Schedule 3.1.
23: Schedule 3.2	Support
24: 4 Coastal Environment Rule 4A.3.2	Remove the notable trees list and all references to it.
25: 4 Coastal Environment Rule 4A.3.3	Same as submission on Amendment 24.
26: 5 Living Zones Rule 5A.2.2	Support
27: 5 Living Zones Rule 5A.3.1	Same as submission on Amendment 24.
28: 5 Living Zones Rule 5A.3.2	Same as submission on Amendment 24.
29: 5 Living Zones Rule 5B.3.3	Same as submission on Amendment 24.
30: 5 Living Zones Rule 5C.2.1	Same as submission on Amendment 24.
31: 6 Working Zones Rule 6A.2.1	Same as submission on Amendment 24.
32: 6 Working Zones Rule 6A.3.1	Same as submission on Amendment 24.
33: 6 Working Zones Rule 6B.2.1	Same as submission on Amendment 24.

34: 6 Working Zones Rule 6B.3.1	Same as submission on Amendment 24.
35: 6 Working Zones Rule 6C.2.1	Same as submission on Amendment 24.
36: 6 Working Zones Rule 6C.3.1	Same as submission on Amendment 24.
37: 6 Working Zones Rule 6D.2.1	Same as submission on Amendment 24.
38: 6 Working Zones Rule 6D.3.1	Same as submission on Amendment 24.
39: 6 Working Zones Rule 6D.3.2	Same as submission on Amendment 24.
40: 6 Working Zones Rule 6E.2.1	Same as submission on Amendment 24.
41: 6 Working Zones Rule 6E.3.1	Same as submission on Amendment 24.
42: 6 Working Zones Rule 6F.2.1	Same as submission on Amendment 24.
43: 6 Working Zones Rule 6F.3.4.	Same as submission on Amendment 24.
44: 6 Working Zones Rule 6F.3.5.	Same as submission on Amendment 24.
45: 10 Historic Heritage Rule 10A.1.4.	Remove all references notable trees. Remove Rule 10A.1.4 as this is not necessary as it is the same as trimming any tree.
47: 10 Historic heritage Restricted Discretionary Activity Rule 10A.3.4.	Same as submission on Amendment 24.

15UTV - 5: Dayle and Neil Rawstorn

	Planners summary
A. General Comments	<p>The UTV discriminates against some property owners. Council is dictating to property owners and this is an invasion of property rights. Property owners should have full discretion and control over their trees.</p> <p>KCDC should concentrate on reserves, public parks and our national treasure (Kapiti Island).</p>

15UTV - 6: Mrs Rachel Palmer

	Planners summary
A. General Comments	Support the listing of the tree 12554 on their property.

15UTV - 7: Andra & Tony Davies

	Planners summary
A. General Comments	<p>Generally support the variation.</p> <p>More clarity is needed regarding whether the tree on their property is protected under the variation.</p> <p>KCDC should take responsibility for the welfare of private trees it wants to protect including trimming and other expenses.</p>

15UTV - 8: John Granville

	Planners summary
A. General Comments	Support the variation as it reduces the number of protected trees.
1: 1.3.2 Information Requirements for Applications for Land Use Consent	Property owners should have the ability to plant, trim and remove trees on their property.
2: 1.3.3. Information Requirements for Subdivision Applications	Support
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	Support
4: Definitions – new definition for ‘tree’	Support
5: 1.4 Definitions – ‘key indigenous tree’	Support
6:1.4 Definitions – ‘locally indigenous vegetation’	Support
7: 1.4 Definitions – ‘modification’	Support
8: 1.4 Definitions – ‘trimming’	Support
9: 1.4 Definitions – ‘Urban Environment’	Support
10: Objective 2.2 – Ecology and biodiversity and Explanation	Support
11: Objective 2.4 – Coastal Environment and Explanation	Support
12: Objective 2.4 – Coastal Environmental Explanation	Support
13: Natural Environment Chapter Structure	Support
14: Policy 3.7 - Subdivision	Support

15: Policy 3.12 – Management approach to biodiversity protection	Support
16: Natural Environment Rule 3A.1.2	Support
17: Natural Environment Rule 3A.1.3	Support
18: Natural Environment Rule 3A.1.4	Support
19: Natural Environment Rule 3A.1.5	Support
20: New Controlled Activity Rule 3A.2.5	Support
21: Natural Environment Rule 3A.3.1	Support
22: Schedule 3.1	Support
23: Schedule 3.2	Support
24: 4 Coastal Environment Rule 4A.3.2	Support
25: 4 Coastal Environment Rule 4A.3.3	Support
26: 5 Living Zones Rule 5A.2.2	Support
27: 5 Living Zones Rule 5A.3.1	Support
28: 5 Living Zones Rule 5A.3.2	Support
29: 5 Living Zones Rule 5B.3.3	Support
30: 5 Living Zones Rule 5C.2.1	Support
31: 6 Working Zones Rule 6A.2.1	Support
32: 6 Working Zones Rule 6A.3.1	Support
33: 6 Working Zones Rule 6B.2.1	Support

34: 6 Working Zones Rule 6B.3.1	Support
35: 6 Working Zones Rule 6C.2.1	Support
36: 6 Working Zones Rule 6C.3.1	Support
37: 6 Working Zones Rule 6D.2.1	Support
38: 6 Working Zones Rule 6D.3.1	Support
39: 6 Working Zones Rule 6D.3.2	Support
40: 6 Working Zones Rule 6E.2.1	Support
41: 6 Working Zones Rule 6E.3.1	Support
42: 6 Working Zones Rule 6F.2.1	Support
43: 6 Working Zones Rule 6F.3.4.	Support
44: 6 Working Zones Rule 6F.3.5.	Support
45: 10 Historic Heritage Rule 10A.1.4.	Support
46: 10 Historic Heritage Controlled Activity 10A.2	Support
47: 10 Historic Heritage Restricted Discretionary Activity Rule 10A.3.4.	Support

15UTV – 9: Mrs Janet MacDonald

	Planners summary
A. General Comments	The variation is more sensible than the previous rules and gives residents good control of their gardens.

15UTV - 10 Mr Malcolm Thorpe

Planners summary	
16: Natural Environment Rule 3A.1.2	Opposes the deletion of the word Urban in the first sentence of the original Proposed Variation. Urban trees should remain in a separate category to deal with situations and conditions specific to them.
20: New Controlled Activity Rule 3A.2.5	Support standards a) and b) under Rule 3A.2.5. Serious harm to people or property should be added to b) (felling or removal).

15UTV – 11: Mrs Angela Cooper

Planners summary	
A. General Comments	<p>This variation is overly controlling of property owners. Owners have looked after these trees by themselves so far so they should be trusted to continue to do so. KCDC should work with landowners and offer assistance not make rules.</p> <p>To protect trees KCDC should care for the trees themselves by organising and paying for any work required. There should be less rules and more communication.</p> <p>How will these rules be monitored?</p>

15UTV - 12 Mr Ferdinand Kneepkens

Planners summary	
A. General Comments	Object to the variation. Owners should be able to make decisions about their own property. The variation doesn't take into account the basic rights of property owners.

15UTV – 13: Mark and Eva Stevenson-Wright

	Planners summary
A. General Comments	<p>Oppose the inclusion of tree 8805 in Schedule 3.2A. Including this tree is contrary to the sustainable management purpose of the RMA as it will unreasonably constrain the development of the section for no environmental benefit.</p> <p>The tree has no public amenity value as it cannot be viewed or enjoyed by anyone but those on the site itself.</p> <p>Scheduling tree 8805 will have a cost to the owners. Even without a Council fee for an application, there are costs such as demonstrating how the tree prevents development and paying for an arborist's report. The removal of the tree on site may also change the Resource Consent activity status of the entire development.</p>

15UTV - 14 Lauren Murray

Planners summary	
A. General Comments	Concerned with the listing of the tree on their property (19 Wharemauku Road). The tree is likely to cause drainage problems and dampness on the site. The listing of the tree would restrict development on the site and could lead to a lack of natural light and block potential views.

15UTV – 15: Mrs Chris Dentice

	Planners summary
A. General Comments	<p>Some protected trees are not legitimately protected. Review the listing of T106 and T120 as well as any other questionable designations.</p> <p>If protection remains, the costs of normal trimming should be met by the community (Ratepayers) not property owners.</p>

15UTV – 16: Laura Lincoln

	Planners summary
A. General Comments	<p>Believe that there is a discrepancy between the description of the intent of the variation on the KCDC website, and what the variation contains. The website focuses on scheduling trees, though the rules apply to all 'indigenous vegetation' (defined much more broadly than only trees). Land owners have been misled by this, particularly owners with scheduled ecological sites. This should be remedied.</p> <p>Provisions for modification, felling and removal of trees on ecological sites within urban areas (especially those zoned residential) are too restrictive, and potentially deprive owners of the right to reasonably use their land.</p> <p>Modification, felling, and removal of indigenous vegetation on ecological sites in Schedule 3.1 in urban areas, where either there are no identified trees on the site or where the proposal does not remove any identified tree, should be a permitted activity or at worst a controlled activity where the modification, felling or removal is for the purpose of constructing a building platform and reasonable curtilage within the site, and where there are no other areas on the site where these activities can locate.</p> <p>Support no application fee for controlled activity resource consents in relation to the modification of trees in urban areas. If the relief that is sought above regarding a permitted or controlled activity rule is not granted, KCDC should remit all application fees relating to this variation.</p> <p>Relief sought may extend to consequential amendments to the objectives, policies and other provisions of Variation No. 1 and the Proposed Plan to give effect to the relief sought.</p>

15UTV – 17: Ms Errolyn Jones

	Planners summary
A. General Comments	<p>The proposed variation will not protect biodiversity and ecosystems. KCDC should protect the greater good by encouraging the protection of trees, not enabling their removal. Trees have many positive effects.</p> <p>Without council tree protection the district will be denuded of vegetation, birds and wildlife and the environment will be degraded.</p> <p>There are trees on the submitters site that were protected under the ODP and are not under the variation. These trees are precious. The variation will allow future owners to fell these trees.</p>

15UTV – 18: Mr Murray Cooper

Planners summary	
A. General Comments	The problem being solved by the council with this variation is not a problem. KCDC is using the variation to keep staff numbers high. KCDC must be one of the first councils in the country to carry out such a ‘hair brained’ variation.

15UTV – 19: Ms Janice Wakeman

	Planners summary
A. General Comments	<p>No consultation was undertaken with the submitter before the September letter. Contrary to Council information.</p> <p>The description of trees on the site is inaccurate and out of date. The owner has a Topographical Survey of the ecological site, this lists 27 trees.</p> <p>The section 32 assessment states non-planted and naturally occurring trees and key indigenous species will be listed. The trees listed on the submitter's property are planted and non-indigenous camellia and grapefruit.</p> <p>The ecological site on the property is so large that the owner must drive through it to access their garage which is partially within the ecological site. If trees block access owners should be able to trim or remove them immediately.</p> <p>If the variation continues the submitter will pay rates on land that cannot be used, landscaped, planted, trimmed, or cared for without cost and expense.</p> <p>There is a proposal to change the area of the ecological site on this property. This area contains the oldest trees, that were part of the original forest. These trees should be protected.</p>

15UTV – 20: Mr Murray Allerby

	Planners summary
A. General Comments	<p>Objects to the variation as it does not give a sustainable solution to the problem. The variation takes away private property rights and adds costs. The variation offers no financial mitigation for the owners. The change will devalue property and have other costs to do with rates, maintenance and inability to use land.</p> <p>If KCDC and/or the public want to dictate what happens with trees and/or vegetation on private property they should pay for that right.</p> <p>The schedules do not properly identify sites/trees in quantum or on individual sites and often do not have the correct status of the vegetation.</p> <p>KCDC have failed to manage or eradicate pests in the district and should address this problem rather than taking away owners' rights. Education is the best way to preserve our ecological systems.</p> <p>This variation should be dropped. KCDC should replace it with a comprehensive programme of education and pest control. KCDC should work with owners where a problem is perceived.</p>

15UTV – 21: Arvida Group

	Planners summary
Organisation	Waikanae Country Lodge
16: Natural Environment Rule 3A.1.2	Support the approach taken. Retain rules 3A.12, 3A.1.3 and 3A.1.4 as notified. Retain Map 10B as notified as it relates to 394 Te Moana Road.
17: Natural Environment Rule 3A.1.3	Same as submission on Amendment 16.
18: Natural Environment Rule 3A.1.4	Same as submission on Amendment 16.

15UTV – 22: Mr Graeme McCarrison

	Planners summary
Organisation	Spark New Zealand
A. General Comments	Generally support the move to a less restrictive approach but request changes to specific amendments.
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	Support the definition as, in conjunction with the rules, it provides greater certainty and greater flexibility by making it clear that non-indigenous trees, and indigenous trees planted by humans are not caught by the provisions.
7: 1.4 Definitions – ‘modification’	<p>In conjunction with Rule 3A.1.4, all earthworks associated with undergrounding in the dripline of indigenous vegetation listed in Schedules 3.1, 3.2A or 3.3 will require a resource consent. This could include trees that overhang road reserve - where undergrounding is common. With appropriate performance standards undergrounding can be undertaken while ensuring the health of the tree is not adversely affected.</p> <p>Amend the definition of 'Modification' and/or Rule 3A.1.4 to provide a permitted activity within the Living and Working Zones (excluding the Living and Working Zones at Te Horo Beach, Peka Peka and Paekakariki) for undergrounding within the dripline of indigenous vegetation in Schedules 3.1, 3.2A or 3.3 in specified circumstances, this being drilling 800mm below the root zone or a hand dug trench under the supervision of, or by, an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent arboricultural qualification.</p>
8: 1.4 Definitions – ‘trimming’	<p>Definition does not recognise that trimming is required in some instances to provide for the safe and efficient operation of network utilities (as well as to increase light or air movement or improve tree health which are currently specified).</p> <p>Amend the definition for ‘Indigenous vegetation’ as notified.</p> <p><i>Trimming of vegetation means pruning of vegetation and trees including the removal of broken branches, deadwood or diseased vegetation and selective branch removal to increase light and air movement, or to improve tree health, or to enable the ongoing safe and efficient operation and maintenance of network utilities , and excluding the felling, complete removal or destruction of the vegetation or tree.</i></p>
16: Natural Environment Rule 3A.1.2	Support the rule as it permits the trimming of listed indigenous vegetation in urban areas (other than notable trees listed in Schedule 10.1) for the purposes of the safe and efficient operation of network utilities.
18: Natural Environment Rule 3A.1.4	Same as submission on Amendment 9.

15UTV – 23: Mr Stephen McArthur

	Planners summary
Organisation	Kapiti Coast District Council
A. General Comments	<p>Submission seeks:</p> <ul style="list-style-type: none"> • Inclusion of tangata whenua values as a matter over which the Council reserves discretion for resource consents requesting the modification or removal of protected trees; • Changes to schedules 3.1 and 3.2A of the variation. <p>Submission seeks to enable changes that are necessary to clarify provisions and make the plan accurate. These amendments include but are not limited to:</p> <ul style="list-style-type: none"> • Removal of listed trees that no longer exist or have resource consent for removal; • Consequential changes such as the removal or addition of trees in schedules 3.1 and 3.2A in response to District Plan Changes such as amendments to ecological site boundaries; • Correction of factual inaccuracies in schedules 3.1 and 3.2A of the variation.
20: New Controlled Activity Rule 3A.2.5	<p>Seeks an addition to matters over which Council reserves control in new Controlled Activity Rule 3A.2.5:</p> <p>5. Effects on tangata whenua values.</p>
21: Natural Environment Rule 3A.3.1	<p>Submission seeks the an addition to matters over which Council restricts its discretion in Restricted Discretionary Activity Rule 3A.3.1</p> <p>8. Effects on tangata whenua values.</p>

22: Schedule 3.1

Amend schedule 3.1 for accuracy. Examples of amendments should include, but are not limited to, the following corrections that have been determined following further site visits after the notification of variation 1:

Amendment 1 Amend description of trees for 112 Rahui Road Otaki on p3-110 to “A group of no less than 70 trees is located within the property in the north (rear third) from the top to middle of the slope. The stand comprises the following species: tōtara (*Podocarpus totara* var. *totara*), kawakawa (*Piper excelsum* subsp. *excelsum*), māhoe (*Melicytus ramiflorus* subsp. *Ramiflorus*), mamaku (*Cyathea medullaris*), hangehange (*Geniostoma ligustrifolium* var. *ligustrifolium*), five finger (*Pseudopanax arboreus*, whauwhaupaku), kohekohe (*Dysoxylum spectabile*), karamū (*Coprosma robusta*), pōhuehue (*Muehlenbeckia complexa*), kāmahi (*Weinmannia racemosa*), and mataī (*Prumnopitys taxifolia*), and non-local species non-local trees kauri (*Agathis australis*) and karaka (*Corynocarpus laevigatus*) and nonindigenous species Italian evergreen buckthorn (*Rhamnus alaternus*), Cherry (*Prunus* sp.), blackberry (*Rubus fruticosus* agg.), cotoneaster (*Cotoneaster coriaceus*), brush wattle (*Paraserianthes lophantha*); but it excludes adjacent trees including: mamaku (*Cyathea medullaris*), sequoia (*Sequoia sempervirens*) and fatsia (*Fatsia japonica*).”

Reason: Site visit has enabled a revised description.

Amendment 2 - Amend address for 1 Nikau Road on page 3-80 to 1A Nikau Road

Reason: Site visit confirmed correct address.

Amendment 3 - Delete tree description for 31 Kohekohe Road Waikanae on page 3-79

Reason: Site visit has confirmed that the ecological site does not extend on to this property.

Amendment 4 - Amend tree description for 33 Kohekohe Road Waikanae on page 3-79 to read: A group of no less than 6 trees is located within the property in the north-western corner of the property. The stand comprises the following species: tītoki (*Alectryon excelsus*), kohekohe (*Dysoxylum spectabile*), and mahoe (*Melicytus ramiflorus*).

Reason: Site visit has confirmed that the extent of overlap onto this property and species involved.

Amendment 5- Amend tree description for 24 Ngaio Road Waikanae on page 3-90 to read: A group of no less than 15 trees is located in the rear southwest corner of it. The stand comprises the following species: tītoki (*Alectryon excelsus*), kohekohe (*Dysoxylum spectabile*), taupata (*Coprosma repens*), māhoe (*Melicactus ramiflorus*), non-local karo (*Pittosporum ralphii*), and non-local karaka (*Corynocarpus laevigatus*); but it excludes adjacent trees including: exotic deciduous species to the northeast of the ecological site boundary.

Reason: Site visit has clarified the description of the trees

Amend the District Plan maps to reflect these changes.

23: Schedule 3.2

Amend schedule 3.2A for accuracy. Examples of amendments should include, but are not limited to, the following corrections:

Amendment 1 - Delete totara tree ref no 12605 at 46 Rosetta Road, Paraparaumu - Raumati

Reason: Site inspection confirmed only one large totara on this property

Amendment 2 - Delete rimu tree ref no 12558 at 117 Arawhata Road, Paraparapumu - Raumati

Reason: There are two large trees on the site which are already listed as notable trees

Amendment 3- Delete 3 kohehohe trees ref no 5412 at 68 Rimu Street, Waikanae

Reason: Only two trees exist, one on the boundary with 66 Rimu Street Site inspection confirmed neither remaining tree merit biodiversity protection.

Amendment 4 - Delete rimu tree ref no 4709 at 6 Winara Avenue Waikanae.

Reason: Site inspection confirmed tree does not exist.

Amendment 5 - Delete Rewarewa tree ref no 7121 at 67 Huia Street Waikanae.

Reason: Site inspection confirmed t tree does not exist.

Amendment 6 - Delete tawa tree ref no 623 and kohekohe trees ref 5339 and 5430 at 29 Oriwa Crescent, Otaki.

Reason: Site visit confirmed that tree 5340 is in poor health and does not warrant biodiversity protection. The other two trees were confirmed to be located within the ecological site on the property.

Amendment 7 - Delete titoki tree ref no 555 and milk trees 14228 and 14229 at 9 Rata Street Otaki.

Reason: Site visit established that milk trees were incorrectly identified and the titoki does not exist.

Amendment 8 - Delete kohekohe tree ref no 5565 at 19 Sunny Glen Waikanae.

Reason: Site visit confirmed that tree is located on road reserve.

Amendment 9 - Delete Rewarewa tree ref no 7115 at 1 Nikau Road Waikanae.

15UTV – 24: Forest and Bird Protection Society

	Planners summary
A. General Comments	Generally supports the UTV, but concerned that the threshold for scheduling has been set too high. Also concerned about how the policies and rules will apply.
1: 1.3.2 Information Requirements for Applications for Land Use Consent	<p>Support in part. The matters included in an application are not broad enough for an assessment of effects on biodiversity generally, particularly in ecological sites. For ecological sites and areas near a waterbody/coastal marine area in particular, there are likely to be effects on a number of biodiversity aspects (i.e. more than on just vegetation). It is not clear from the information requirements whether an assessment of those effects is required. Further, an arborist is unlikely to be qualified to comment on these.</p> <p>Retain, but amend point (ii) to the following effect:</p> <p>For trimming or modification of vegetation in Schedule 3.2, 3.2A, 3.3, 10.1:</p> <p><i>An assessment prepared by a suitably qualified arborist or ecologist describing the condition of the vegetation intended to be trimmed or modified and the impact of any proposed modification including any impact on other nearby vegetation.</i></p> <p>For trimming or modification of vegetation in ecological sites, or within 20 metres of a waterbody of the coastal marine area:</p> <p><i>An assessment prepared by a suitably qualified ecologist describing the condition of the vegetation intended to be trimmed or modified and the impact of any proposed modification including any impact on other nearby biodiversity, including fauna and vegetation.</i></p>
2: 1.3.3. Information Requirements for Subdivision Applications	Support

<p>3: 1.4 Definitions – new definition for ‘indigenous vegetation’</p>	<p>Oppose definition as it is too narrow. Section 6 requires the protection of indigenous vegetation, meaning indigenous to New Zealand. Limiting this definition to vegetation or plant species that 'occur naturally within the Kapiti Coast', potentially excludes a large number of indigenous species that may not have been found in Kapiti originally, but nonetheless are now found here.</p> <p>Also oppose the exclusion of vegetation planted by humans. This ignores that indigenous vegetation, even where planted by humans, can have important biodiversity value, even in a relatively short time period. Undermines restoration projects. It is contrary to s6 RMA, which is not limited to vegetation that has naturally occurred. It is also contrary to Council's obligation to maintain biodiversity under s31.</p> <p>Amend definition:</p> <p><i>Indigenous vegetation means vegetation or plant species that naturally occur in New Zealand, and includes indigenous vegetation that has been planted by humans.</i></p>
<p>4: Definitions – new definition for ‘tree’</p>	<p>Oppose in part as the definition contradicts schedule 3.2, which sets out minimum heights of certain trees which trigger rules. Many of these are 3m. Most people would understand a 'tree' to include actual trees, even where they are shorter than 4m. Amend the definition to lower the height limit at most 3m.</p>
<p>6: 1.4 Definitions – ‘locally indigenous vegetation’</p>	<p>Support</p>
<p>7: 1.4 Definitions – ‘modification’</p>	<p>Support in part . 'Disturbance' should remain in definition.</p>
<p>8: 1.4 Definitions – ‘trimming’</p>	<p>Support in part the definition should include clear limits as to what constitutes trimming. The final part of the definition is not clear enough to ensure that there isn't a grey area between 'trimming' and 'modification'. If the definition is going to list some of the ways in which 'trimming' would turn into 'modification' then it needs to either list them all or make explicit reference to the modification definition. Amend definition to make distinction between trimming and modification clear.</p> <p>Amend definition to include clear limits so that excessive 'trimming' does not occur:</p> <p><i>a. The maximum branch diameter must not exceed 50mm</i></p> <p><i>b. No more than 10 per cent of live growth of the tree is removed in any one calendar year</i></p> <p><i>c. The trimming must retain the natural shape, form and branch habit of the tree.</i></p>
<p>10: Objective 2.2 – Ecology and biodiversity and Explanation</p>	<p>Support in part. Delete 'remnant', as this ignores the value of more recent vegetation.</p>
<p>11: Objective 2.4 – Coastal Environment and Explanation</p>	<p>Same as submission on Amendment 10.</p>

<p>12: Objective 2.4 – Coastal Environmental Explanation</p>	<p>Support in part. Support the reference to NZCPS, but it could be more explicit e.g. "policy 11 NSCPS refers to..". Review all policies in Plan to ensure that policy 11 NZCPS is being given effect to.</p>
<p>13: Natural Environment Chapter Structure</p>	<p>Support in part. Retain 'ecological sites' description.</p> <p>'Key indigenous trees' : this definition appears to require that every single tree on schedules 3.2 and 3.2A meet each of the aspects of the description. This would be an extremely high standard for scheduling.</p> <p>This is the only place in the Plan where anything resembling criteria for Schedule 3.2A are found. If these are the only criteria they are insufficient. Criteria need to be clear, so that trees may be added. There should be clear policy support for the criteria. The criteria should not be limited to remnant trees. Two schedules have been included in the same definition, although it appears they cover different sorts of trees.</p> <p>Amend 'Key indigenous trees' description along the following lines:</p> <p><i>Indigenous trees and groups of trees identified in Schedules 3.2 and 3.2A that have:</i></p> <ul style="list-style-type: none"> - <i>High biodiversity values; or</i> - <i>Contribute to vegetated buffers protecting ecological sites; or</i> - <i>Provide important linkages between ecological sites</i> <p>' Ecological domains' : The definition states that these are mapped, whereas the headnote in the SEV states that they are not. The purpose of ecological domains should still be explained in this section, as it is not clear.</p> <p>The UTV uses several different terms in various places. At times some appear interchangeable but this is not clear. E.g. in policy 3.3, what is intended to be covered by the term 'significant indigenous vegetation and significant habitats of indigenous fauna'? This is clearly not only 'ecological sites', as they are listed separately in policy 3.3. Is policy 3.3 for example also intended to cover trees in Schedule 3.2 and 3.2A?</p> <p>Somewhere in the Plan, possibly in this 'structure' section, it needs to be made very clear what is meant by all the terms. A thorough check of all the policies also needs to be undertaken, to ensure that the correct terms are referred to in each case.</p>

<p>14: Policy 3.7 - Subdivision</p>	<p>Support in part. Support the inclusion of trees in this policy, but (a) should be directed at the avoidance of modification, rather than only removal or destruction. The modification definition includes destruction and removal, these do then not need to be repeated.</p> <p>Amend (a) to read: ' ...or which necessitates the modification of any key indigenous tree... '</p> <p>Otherwise retain (a), (b) and (d).</p>
<p>15: Policy 3.12 – Management approach to biodiversity protection</p>	<p>Support in part. The use of 'minimised' adds uncertainty. The focus should be on avoiding in the first instance at least. Oppose the insertion of the words 'where practicable', as they are subjective and substantially lessen the protection for significant biodiversity. This policy is insufficient for biodiversity in the coastal environment, as it does not meet the standard directed by policy 11 NZCPS. Support additions to (c).</p>
<p>16: Natural Environment Rule 3A.1.2</p>	<p>Oppose in part. Question whether the proposed relaxation of trimming rules going beyond what the legislation requires? The standard does not refer to Schedule 3.2, whereas other amendments have. The guidelines refer to Best Practice Guideline for 'Amenity Tree Pruning'. It is unclear whether a guideline for amenity trees would be appropriate for vegetation that is significant. Consider retaining trimming consent requirement at least in ecological areas. Include reference to Schedule 3.2. Consider whether guideline is appropriate for vegetation to be protected under s6(c).</p>
<p>17: Natural Environment Rule 3A.1.3</p>	<p>Oppose in part. This is unclear in the context of KCDC's proposed amendments in the SEV. Clarify Council intent for rule. While providing for some trimming is appropriate, care must be taken to ensure that the rules still protect biodiversity, and in particular significant biodiversity. Generally support the standards imposed on trimming outside of the urban environment. However, some exceptions have the potential to allow significant trimming, e.g. 2 metres either side of a long fenceline could result in a large area of trees being cut back. An overall cap should be included. Ensure standards are not so relaxed that they no longer fulfil requirements to protect biodiversity.</p>
<p>18: Natural Environment Rule 3A.1.4</p>	<p>Support in part. Include reference to Schedule 3.2.</p>

<p>19: Natural Environment Rule 3A.1.5</p>	<p>Support in part. Concerned that some of the exemptions undermine the rule. (1)(a) is not clear. While the standard is generally supported, some of the exemptions significantly detract from it:</p> <p>Oppose exemption (a) for vegetation planted as amenity planting. Whether the original intention of the planting was for amenity or otherwise, eventually indigenous vegetation will have biodiversity values, perhaps even significant values, and it therefore requires some protection.</p> <p>Exemption (b) there should be an overall limit placed on this. Clearance 2 metres either side of a fenceline or track could result in a large amount of clearance. Permitting large amounts of clearance would not fulfil Council's s6(c) or s31 obligations. An overall area limit should be included in this exemption.</p> <p>Exemptions in (c) and (d) are reasonably broad, and should have further conditions placed on them to ensure that large amounts of vegetation are not cleared.</p> <p>Question why vegetation would need to be cleared in exemption (f) if the intention is to exclude stock from an area. May be better managed by a controlled activity rule, so that the Council retains the ability to ensure that unnecessary damage to vegetation is not occurring.</p> <p>The standard, with the exemptions, does not give effects to the NZCPS direction in policy 11 to avoid adverse effects on certain types of biodiversity in the coastal environment. Include references to Schedule 3.2.</p>
<p>20: New Controlled Activity Rule 3A.2.5</p>	<p>Oppose in part. Damaged or dead vegetation forms an important part of some ecosystems. The circumstances in which it is allowed to be removed need to more restrictive if adverse effects on biodiversity are to be avoided. Ensure that this rule does not allow removal of vegetation that still has biodiversity value. Should become at least restricted discretionary.</p> <p>Could require that the two parts of standard (a)(i) are to be met. Provision could be made for cases where diseased vegetation should be removed to protect surrounding vegetation. Standard does not refer to Schedule 3.2. Retain arborist requirement, and extend to network utilities.</p> <p>One way would be to amend standard (a)(i) as follows:</p> <p><i>'the indigenous vegetation is no longer independently viable <u>and</u> presents a risk of serious harm to people or property, <u>or risks significantly damaging surrounding vegetation</u> '.</i></p>

<p>21: Natural Environment Rule 3A.3.1</p>	<p>Oppose in part. Oppose the downgrading of activity status for modification of indigenous vegetation. This is beyond the scope of the UTV. Non-complying status would be more appropriate to ensure that the policies around protection of biodiversity are given effect to. Remove 'modification' from this rule.</p> <p>Insert a new non-complying rule for:</p> <p><u><i>Any modification of indigenous vegetation that is not a permitted activity standard and is not a controlled activity under rule 3A.2.5.</i></u></p>
<p>22: Schedule 3.1</p>	<p>It is not clear what effect this change has, nor whether it is within the ambit of changes required by the legislation. Oppose</p>
<p>23: Schedule 3.2</p>	<p>Support in part. Concerned that the threshold for scheduling is too high. The RMA 2013 change in management approach to require scheduling of trees and vegetation should not result in net loss of trees and vegetation - the process rather than the outcome that has changed. Consider a lower threshold for trees to be scheduled, either in this schedule, or add a second tier of important trees, which possibly could be subject to more lenient trimming rules.</p> <p>The UTV provides almost the least protection available. If only the very best, oldest trees are protected, there is no provision for succession trees to replace current scheduled trees as they age and die.</p> <p>There appears to be nowhere in the Plan clearly stating what kinds of trees will qualify for Schedule 3.2A. There needs to be a clear explanation of this, as well as policy support for the Schedule and associated rules.</p>
<p>24: 4 Coastal Environment Rule 4A.3.2</p>	<p>Support in part . The matters of discretion/control should also include effects on ecological sites etc -i.e. over and above the matter regarding the location of building sites in relation to the ecological site. Merely noting the location of the building site relative to the sensitive feature may not allow for a full consideration of effects.</p> <p>Amend as follows:</p> <p><u><i>The location of any (associated) building site relative to, and the effects on, any identified etc.</i></u></p>
<p>25: 4 Coastal Environment Rule 4A.3.3</p>	<p>Same as submission on Amendment 24.</p>
<p>26: 5 Living Zones Rule 5A.2.2</p>	<p>Same as submission on Amendment 24.</p>
<p>27: 5 Living Zones Rule 5A.3.1</p>	<p>Same as submission on Amendment 24.</p>
<p>28: 5 Living Zones Rule 5A.3.2</p>	<p>Same as submission on Amendment 24.</p>
<p>29: 5 Living Zones Rule 5B.3.3</p>	<p>Same as submission on Amendment 24.</p>

30: 5 Living Zones Rule 5C.2.1	Same as submission on Amendment 24.
31: 6 Working Zones Rule 6A.2.1	Same as submission on Amendment 24.
32: 6 Working Zones Rule 6A.3.1	Same as submission on Amendment 24.
33: 6 Working Zones Rule 6B.2.1	Same as submission on Amendment 24.
34: 6 Working Zones Rule 6B.3.1	Same as submission on Amendment 24.
35: 6 Working Zones Rule 6C.2.1	Same as submission on Amendment 24.
36: 6 Working Zones Rule 6C.3.1	Same as submission on Amendment 24.
37: 6 Working Zones Rule 6D.2.1	Same as submission on Amendment 24.
38: 6 Working Zones Rule 6D.3.1	Same as submission on Amendment 24.
39: 6 Working Zones Rule 6D.3.2	Same as submission on Amendment 24.
40: 6 Working Zones Rule 6E.2.1	Same as submission on Amendment 24.
41: 6 Working Zones Rule 6E.3.1	Same as submission on Amendment 24.
42: 6 Working Zones Rule 6F.2.1	Same as submission on Amendment 24.
43: 6 Working Zones Rule 6F.3.4.	Same as submission on Amendment 24.
44: 6 Working Zones Rule 6F.3.5.	Same as submission on Amendment 24.
45: 10 Historic Heritage Rule 10A.1.4.	<p>Support in part. The guidelines refer to Best Practice Guideline for 'Amenity Tree Pruning'. Consider whether the guideline is appropriate for vegetation to be protected under s6(c). Ensure that the combination of the definition and the rule provide adequate protection for notable trees.</p> <p>See also comments under Amendment 8.</p>
46: 10 Historic Heritage Controlled Activity 10A.2	Same as submission under Amendment 20.
47: 10 Historic Heritage Restricted Discretionary Activity Rule 10A.3.4.	Retain

15UTV – 25: Mr Rupene Waaka

	Planners summary
Organisation	Ngā Hapū o Ōtaki
A. General Comments	<p>The UTV does not take into account the cultural values of Tangata Whenua. As Kaitiaki, they have inherited responsibility to ensure the land within the rohe (area) is not only maintained, but enhanced for future generations, this includes, but is not limited to, the land, waterways, flora and fauna.</p> <p>Consistency with other chapters of the PDP is important and any proposed changes that may affect rules specifically to do with Heritage sites should be discussed further with Iwi.</p> <p>High levels of protection should be applied within at least 20m of waterways to ensure the health and Mauri of these are not put at risk.</p> <p>Would like an analysis of trees with cultural values across the whole district. Rules should apply to these trees.</p> <p>Would like clarification of where rongoa species and other species relevant to traditional uses now sit and what rules/protection apply.</p> <p>Explore possibilities for non-regulatory measures on council/public land and how Iwi can be part of this work in partnership with KCDC.</p> <p>Need consideration of Iwi values reflected throughout the variation. Iwi values should be added as matters of discretion and, more work needs to be carried out regarding non-regulatory measures.</p> <p>The ecological value of 9 and 10/10 to warrant protection under the UTV is too high. This has removed protection from many important trees. Need a lower value to protect trees that will grow into the ecological values of 9 and 10.</p> <p>Ask that Iwi be involved in the consenting process.</p>

15UTV – 26: Housing New Zealand

	Planners summary
A. General Comments	<p>Only one tree on land under Housing New Zealand control is still listed and protected.</p> <p>Neither supportive nor opposed to the changes proposed to the objectives, policies and rules relating to the management of scheduled urban trees.</p> <p>Advice obtained by Housing New Zealand confirms that the tree proposed to be listed is the only one tree on their land that warrants protection.</p> <p>If in the course of this process that the Council identifies any other notable vegetation on any other Housing New Zealand properties not previously mentioned than the organisation reserves its position to be re-consulted and provide submissions on any such changes to Schedule 10.1.</p>

15UTV – 27: Wayne and Adaleen Irion

	Planners summary
A. General Comments	<p>KCDC has misinterpreted the RMA amendments which were intended to only list and protect the most "Notable" trees. KCDC cannot dictate what property owners do in their own back yards.</p> <p>5 trees are listed on the submitters property. TREE - 12731 MATAI is rotting and fatally diseased. Indigenous vegetation should not include a planted Matai tree.</p> <p>TREES - 5279, 5280, 5281, 5535 KOHEKOHE three of these trees have heart rot and two are dangerous with exposed roots where the ground is unstable. These trees need a lot of attention. It is far too simple for KCDC to measure their height and age and classify them as protected trees. Large fatally diseased trees are a liability in severe weather events.</p> <p>How long will KCDC take to issue Resource Consent when protected trees are storm damaged? These precious old indigenous trees on private properties should continue to be the owners responsibility.</p> <p>Submitter seeks that:</p> <ol style="list-style-type: none"> 1. KCDC takes responsibility for "Protected" Trees. 2. KCDC defines what is a "protected" tree (Too vague No.4) 3. KCDC only 'Protects' <u>healthy</u> indigenous trees.
1: 1.3.2 Information Requirements for Applications for Land Use Consent	KCDC need to state how long a consent will take. In dangerous situations a consent should be approved within 24 hours.
2: 1.3.3. Information Requirements for Subdivision Applications	KCDC should define "Protected" tree and "Notable" Tree.
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	KCDC need to focus on more than tree height e.g. health of trees. KCDC must inspect ALL trees they want to 'protect', before trees are classified as "Protected indigenous trees". Planted trees should not be listed.
4: Definitions – new definition for ‘tree’	Define a 'Protected' tree - there is more to a tree than height, it should include position of tree and health of tree.

5: 1.4 Definitions – ‘key indigenous tree’	Definition of "Key Indigenous Tree" too vague. Need a new clear definition. KCDC should list what they claim are Kapiti's "Key Indigenous trees".
7: 1.4 Definitions – ‘modification’	No mention of how nature modifies old trees when there is a storm etc - or a drought.
8: 1.4 Definitions – ‘trimming’	How long will KCDC take to grant a consent? Especially following a severe weather event. How will KCDC monitor tree trimming in back yards?
10: Objective 2.2 – Ecology and biodiversity and Explanation	KCDC should use its resources to improve care of the remnants of native bush that still exist in Kapiti.
45: 10 Historic Heritage Rule 10A.1.4.	Same as submission under Amendment 2.
46: 10 Historic Heritage Controlled Activity 10A.2	KCDC should use their resources to plant more indigenous trees in Kapiti and look after neglected remnants of native bush. Leave property owners to care for their own trees.

15UTV – 28: Mrs Shirley Mary West

Planners summary	
A. General Comments	The tree no 5347 listed in schedule 3.2a does not exist and hasn't since the property was purchased 33 years ago. Remove from the variation.

15UTV – 29: Mary Barton

	Planners summary
Organisation	Chorus
A. General Comments	Generally support the move to a less restrictive approach but request changes to specific amendments.
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	Support the definition as, in conjunction with the rules, it provides greater certainty as to which trees are subject to the rules, as well as greater flexibility by making it clear that non-indigenous trees, and indigenous trees planted by humans are not caught by the provisions.
7: 1.4 Definitions – ‘modification’	<p>In conjunction with Rule 3A.1.4, all earthworks associated with undergrounding in the dripline of indigenous vegetation listed in Schedules 3.1, 3.2A or 3.3 will require a resource consent. This could include trees that overhang road reserve - where undergrounding is common. With appropriate performance standards undergrounding can be undertaken while ensuring the health of the tree is not adversely affected.</p> <p>Amend the definition of 'Modification' and/or Rule 3A.1.4 to provide a permitted activity within the Living and Working Zones (excluding the Living and Working Zones at Te Horo Beach, Peka Peka and Paekakariki) for undergrounding within the dripline of indigenous vegetation in Schedules 3.1, 3.2A or 3.3 in specified circumstances, this being drilling 800mm below the root zone or a hand dug trench under the supervision or by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent arboricultural qualification.</p>
8: 1.4 Definitions – ‘trimming’	<p>Amend the definition for ‘Indigenous vegetation’ as notified.</p> <p><i>Trimming of vegetation means pruning of vegetation and trees including the removal of broken branches, deadwood or diseased vegetation and selective branch removal to increase light and air movement, or to improve tree health, or to enable the ongoing safe and efficient operation and maintenance of network utilities, and excluding the felling, complete removal or destruction of the vegetation or tree.</i></p>
16: Natural Environment Rule 3A.1.2	Support the rule as it permits the trimming of listed indigenous vegetation in urban areas (other than notable trees listed in Schedule 10.1) for the purposes of the safe and efficient operation of network utilities.
18: Natural Environment Rule 3A.1.4	Same as submission point 7.

15UTV – 30: Mrs Josephine McLean

	Planners summary
1: 1.3.2 Information Requirements for Applications for Land Use Consent	<p>There are trees that are indigenous to the area, which are useful to birds, provide cover and where near the stream, prevent erosion. These important trees should be listed.</p> <p>KCDC need to consider the adverse impact the variation including on soil, land, vegetation, sedimentation of waterways and erosion on the banks of waterways.</p> <p>There are significant indigenous trees that should be listed:</p> <ol style="list-style-type: none"> 1. 363 Titoki over 6.5 (4.9 metres from Waitohu Stream) 2. 650 Marble leaf (Putaputawētā) over 6m 3. Cabbage tree over 6m (situated approximately from stream) 4, Kowhai 5. Totara, over 6 metres
2: 1.3.3. Information Requirements for Subdivision Applications	The Importance of ecological features should be noted by developers, land users including NZTA. Preservation should be ensured over development. Preservation of existing key indigenous trees and geological features should be able to be relied upon.
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	Proving vegetation was planted by humans is impossible. Amend to state "and where possible to know, excluding vegetation that <u>may</u> have been hand planted."
4: Definitions – new definition for ‘tree’	Smaller trees and vines are useful erosion protectors as they give cover to the ground. Erosion near or on the banks of streams is mostly due to human intervention. Support
5: 1.4 Definitions – ‘key indigenous tree’	This amendment needs to be discussed and clarified.
6:1.4 Definitions – ‘locally indigenous vegetation’	Without full descriptions there will be no reason to observe rules nor to protect trees. Justification of this change is needed. KCDC should outline reason for change to allow discussion, and alternative descriptions.

<p>7: 1.4 Definitions – ‘modification’</p>	<p>The amendment does not go far enough. Stormwater added to areas contains toxins. Soil that is removed changes land character. This rule should include specifics regarding soil dispersal disrupting land (especially around walkways) and toxins including those contained in stormwater from houses.</p> <p>Amend to read</p> <p>"removal, damage, destruction of vegetation....</p> <p>(a) removal, <u>lowering</u> , <u>raising</u> of soil (ADD),</p> <p>(c) discharge of toxic substances <u>AND OR</u> <u>STORMWATER</u></p>
<p>9: 1.4 Definitions – ‘Urban Environment’</p>	<p>Please clarify.</p>
<p>10: Objective 2.2 – Ecology and biodiversity and Explanation</p>	<p>Now that the main threats are known it is up to everyone including councils to ensure remaining areas, especially waterways and forest remnants are protected and preserved. KCDC needs to guarantee their commitment to oversee what the Government has set up.</p>
<p>45: 10 Historic Heritage Rule 10A.1.4.</p>	<p>Historic heritage is of utmost importance and should be preserved 'intact'. There should be no development on land without professional authority and consultation.</p>
<p>46: 10 Historic Heritage Controlled Activity 10A.2</p>	<p>Council should honour the promise to preserve heritage intact. 'Modification' in this amendment should encompass changes that are beneficial to the tree, rather than any other reason given. Council needs to fully investigate when considering c), e) and f) (matters over which it has reserved it's control).</p>
<p>47: 10 Historic Heritage Restricted Discretionary Activity Rule 10A.3.4.</p>	<p>Minor maintenance to historic heritage areas or trees of note has to be outlined in detail. It needs to be clarified and guidelines set. With regard to changes to historic heritage KCDC should confirm that these rules still apply in full and that transparency, of activities, will be maintained.</p>

15UTV – 31: Mr Alan and Mrs Ann Parsonage

	Planners summary
1: 1.3.2 Information Requirements for Applications for Land Use Consent	The current buffer on the submitters property extends 5m into the back bedroom; into the family room; part of the lounge and onto the 'built in' back deck. Seek that Council undertake action to remove this buffer intrusion. In discussions with council officers the submitter raised the reduction of their Ecological Site boundary. The reduction is logical in view of the steep slope at the back of the section. Both amendments would be appreciated.

15UTV – 32: Mr Neil Jury

Planners summary	
A. General Comments	The large eucalyptus tree next to the passive reserve in Matuhi St Waikanae (Lot 31 Kapiti Views) should be listed as a "notable tree" in Schedule 10.1.

15UTV – 33: Ms Johanne McComish

	Planners summary
A. General Comments	The permitted activities for modification in the UTV are too broad and permitted too much modification in the urban areas. There is no scope to add further trees (as they grow) to Schedule 3.2A. This ability would encourage regeneration or replanting. As well as protecting listed locally key indigenous trees, the protection of key species should be continued (including planted trees).
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	Delete "excluding...humans"
11: Objective 2.4 – Coastal Environment and Explanation	In inserted text - delete "remnant", add "and regenerating or replanted vegetation".
16: Natural Environment Rule 3A.1.2	Standard (b) - develop process for adding trees to Schedule 3.2A.
18: Natural Environment Rule 3A.1.4	Same as submission on Amendment 16.

15UTV – 34: Transpower New Zealand Limited

	Planners summary
A. General Comments	<p>The National Grid either passes over or is adjacent to protected features within the schedule.</p> <p>Clarification is sought as to whether the rules relating to Schedule 3.1 apply to all indigenous vegetation or just the list of specifically listed/identified trees that have been added as a sub-table to the schedule.</p> <p>Request:</p> <p>(i) That, if the intent of proposed Variation 1 is to apply to only the individual listed and described trees within Schedule 3.1 (as opposed to all indigenous vegetation within (Schedule 3.1), proposed Variation 1 (and specifically the rules referenced in this submission) be amended to specifically refer to the newly identified and listed trees within Schedule 3.1. This could be achieved by labelling the new tables within Schedule 3.1 as "Schedule 3.1A" and amending the rules accordingly.</p> <p>(ii) Any consequential amendments that arise from the amendments proposed in this submission.</p>
3: 1.4 Definitions – new definition for ‘indigenous vegetation’	<p>Support in part - there is one aspect of the definition which may create confusion as it is open to interpretation. Specifically, the last part of the definition <i>'and excluding vegetation planted by humans'</i> may be difficult to interpret as determining whether vegetation has been planted by humans may not always be clear.</p> <p>Request:</p> <p>(i) That the definition of <i>Indigenous vegetation</i> be retained but Council re-assess the necessity of the last part of the definition given potential interpretive difficulties.</p> <p>(ii) Any consequential amendments.</p>
4: Definitions – new definition for ‘tree’	Support
5: 1.4 Definitions – ‘key indigenous tree’	Support
7: 1.4 Definitions – ‘modification’	Support
8: 1.4 Definitions – ‘trimming’	Support

<p>15: Policy 3.12 – Management approach to biodiversity protection</p>	<p>Oppose in part - The reference to “where practicable” in Policy 3.12(a) in the context of avoiding the removal of significant indigenous vegetation is supported.</p> <p>Amendments to clause (c) are not supported as the effect of the amended wording is that it would require future subdivision, use and development consents to create and maintain appropriate buffers and linkages regardless of whether the subdivision, use or development directly affects a significant site.</p> <p>Request:</p> <p>(i) That Policy 3.12 be amended as follows (refer bold text):</p> <p>c) creating and maintaining appropriate buffer zones around and linkages between, <u>ecological sites, key indigenous trees and rare and threatened vegetation species</u> areas of significant indigenous vegetation, significant habitats of indigenous fauna and around aquatic ecosystems to ensure that wider ecological processes are considered when making decisions about <u>applications for subdivision and land use consent that relate to these sites or areas</u> on ecological sites and sites with key indigenous trees significant sites; and</p> <p>(ii) Any consequential amendments.</p>
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<p>16: Natural Environment Rule 3A.1.2</p>	<p>Support in part - It is important Transpower is able to trim and clear any vegetation that could affect the safe operation, maintenance or upgrade of its lines. Subject to submission point 1, the permitted activity rule to allow for trimming as a permitted activity is supported. In particular Transpower supports Standard (c)(i) .</p> <p>However, while reference to the Tree Regulations is supported, Transpower is concerned the regulations do not fully recognise and provide for the instances in which vegetation can affect the safe operation of the National Grid. For instance the Tree Regulations do not recognise the need for access to the National Grid conductors in order to provide for the operation, maintenance, upgrade and development of the National Grid, nor do the Tree Regulations address the risk of vegetation falling on conductors during storms.</p> <p>Transpower seeks an additional provision within the permitted activity rule which specifically recognises the National Grid. Transpower would also support the provision of an advice note that highlights the need to consult with the Network Utility Operator for any works in proximity of any electricity line for workspace and public safety reasons.</p> <p>Request:</p> <p>i) That Rule 3A.1.2 be amended as follows (refer bold text):</p> <p><u>Any trimming must be undertaken only:</u></p> <p><u>i. To achieve compliance with the requirements _ of the Electricity (Hazards from _ Trees) Regulations 2003 or its successor; or</u></p> <p><u>ii. Where required for the operation, maintenance, upgrade and development _ of, _ and access to, the National Grid; or.</u></p> <p><u>iii . # By an arborist who has attained the New Zealand Qualifications Authority _ National Certificate in Arboriculture Level _ 4 or equivalent qualification; and</u></p> <p><u>Advice Note: Works _ in _ close proximity to any electricity line can be dangerous and _ should be undertaken in accordance with appropriate guidelines. To discuss any _ tree trimming works near any electricity line, especially works within _ the _ National _ Grid Corridor; contact the relevant network utility operator.</u></p> <p>(ii) Any consequential amendments.</p>
<p>18: Natural Environment Rule 3A.1.4</p>	<p>Subject to their submission on Amendment 3, support this amendment.</p>

<p>20: New Controlled Activity Rule 3A.2.5</p>	<p>Subject to their submission on Amendment 3, Transpower supports proposed rule 3A.2.5. as it reflects Regulation 31 of the NESETA.</p>
<p>21: Natural Environment Rule 3A.3.1</p>	<p>Support in part - The restricted discretionary activity status for trimming or modification is supported. However, clarification is sought that the rule applies only to the living and working zones.</p> <p>Request:</p> <p>i) That Rule 3A.3.1 be amended as follows to clarify the specific zones to which it applies (refer bold text):</p> <p><u>1. Within the Living Zones and Working Zones excluding the Living and Working Zones at Te Horo Beach, Peka Peka and Paekakariki, trimming or modification of any indigenous vegetation that does not meet the permitted activity standards and is not a controlled activity under Rule 3A. 2. 5.</u></p> <p>(ii) Any consequential amendments.</p>
<p>45: 10 Historic Heritage Rule 10A.1.4.</p>	<p>Support in part - For the reasons provided in the submission on Amendment 16, Transpower supports an amendment to Rule 1 OA.1.4 as follows :</p> <p>Request:</p> <p>(i) That Rule 10A.1.4 be amended as follows (refer bold text)</p> <p><i>i. To achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003 or its successor; or</i></p> <p><u>ii. Where required for the operation, maintenance, upgrade and development of, and access to, the National Grid; or</u></p> <p><i>iii ii. By an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification; and all trimming must be undertaken In accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline 'Amenity Tree Pruning' Version 3 dated April 2011.</i></p> <p><u>Advice Note: Works in close proximity to any electricity line can be dangerous and should be undertaken in accordance with appropriate guidelines. To discuss any tree trimming works near any electricity line, especially works within the National Grid Corridor; contact the relevant network utility operator.</u></p> <p>(ii) Any consequential amendments.</p>

46: 10 Historic Heritage Controlled Activity 10A.2	Support
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