

BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O AOTEAROA

IN THE MATTER of the Resource Management Act 1991
AND of appeals under cl 14 of the First Schedule
to the Act
BETWEEN FEDERATED FARMERS OF NEW
ZEALAND
(ENV-2018-WLG-000012)
ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED
(ENV-2018-WLG-000021)
Appellants
AND KAPITI COAST DISTRICT COUNCIL
Respondent

Environment Judge B P Dwyer sitting alone pursuant to s 279 of the Act

In Chambers at Wellington

CONSENT ORDER

- [A] Under s 279(1)(b) of the Act, the Environment Court, by consent, orders that the Kapiti Coast District Proposed District Plan be amended as set out in Appendix 1.
- [B] The appeals are otherwise dismissed.
- [C] Under s 285 of the Act, there is no order as to costs.



REASONS

Introduction

[1] The Court has read the notices of appeal and the memoranda of the parties dated 1 March 2019 and 4 July 2019.

Other relevant matters

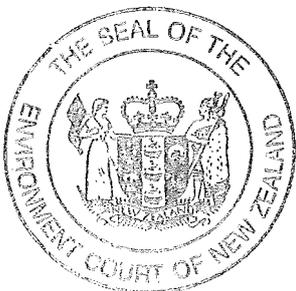
[2] The following persons gave notice of an intention to become parties under s 274 to the aspects of the appeals resolved by this consent order and have signed the memorandum setting out the relief sought:

- A Smith;
- L Smith;
- Waa Rata Estate;
- Margaret Niven;
- Transpower NZ Ltd;
- Maypole Environmental Limited;
- Greater Wellington Regional Council;
- Lyndon Enterprises Limited;
- Horticulture NZ;
- Department of Conservation;
- New Zealand Transport Agency;
- Spark Trading New Zealand Limited;
- Ulrich Guttke;
- E Guttke; and
- C T Brown.

Orders

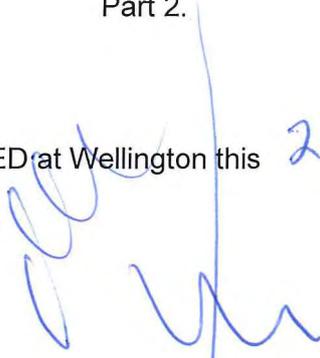
[3] The Court is making this order under s 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to s 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order;



- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

DATED at Wellington this *2nd* day of October 2019



B P Dwyer
Environment Judge



APPENDIX 1

Amendments to the Kapiti Coast Proposed District Plan 2012

Additions in underline and deletions in ~~strikethrough~~

Amend definition of "*Indigenous Vegetation*" section 1.4

Indigenous Vegetation means vegetation or plant species, including *trees*, that have ~~established naturally~~ which are native to within the Kapiti Coast District, ~~and excludes vegetation or plant species, including *trees*, planted or introduced to New Zealand by humans.~~

Amend definition of "Significant Indigenous Vegetation, and Significant Habitats of Indigenous fauna" section 1.4

Significant Indigenous Vegetation, and Significant Habitats of Indigenous Fauna means that which meets the criteria identified in Policy 3.7 or is scheduled in Schedules 3.2, 3.2A or 3.3.

Amend explanation to Objective 2.11

...

A significant area of the District is productive and attractive rural areas, with a backdrop of the Tararua Ranges. The rural areas are characterised by openness, natural landforms, areas and corridors of *indigenous vegetation* (some of which may have been planted), and *primary production activities*. The major challenges for the District is protecting this rural character from pressures for urban expansion and rural lifestyle living.

Amend explanation to Objective 2.13

...



While *infrastructure* can have significant local, regional and national benefits, it is recognised that the nature of some *infrastructure* generates adverse environmental *effects*. These *effects* may result from activities involved in establishing the *infrastructure*, be generated by the *infrastructure* itself, or be associated with the maintenance and operation of the *infrastructure*. Such activities may adversely affect landscape values, ecological resources, significant indigenous vegetation, *amenity values*, streetscape, heritage and public health and safety. There is also the potential for some activities undertaken in the vicinity of *infrastructure* to lead to adverse *reverse sensitivity* effects which may impinge upon public health and safety and restrict the operation of *infrastructure*.

...

Amend Chapter 3, Chapter Structure

...

- g) ***Indigenous vegetation*** - vegetation or plant species, including *trees* that naturally occur within the Kapiti Coast District and excludes ~~vegetation or plant species, including trees, planted or introduced to New Zealand by humans.~~

This Chapter addresses three matters of national significance, being clauses from Section 6 of the Resource Management Act 1991 (RMA):

- a) the preservation of the *natural character* of the *coastal environment* (including the coastal marine area), *wetlands*, and lakes and rivers and their margins, and the protection of them from inappropriate *subdivision*, use and *development*
- b) the protection of *outstanding natural features* and *landscapes* from inappropriate *subdivision*, use and *development*
- c) the protection of areas of significant indigenous vegetation and *significant habitats of indigenous fauna*.

...

Amend Policy 3.1

Policy 3.1 – Protection

Protect areas of *significant indigenous vegetation* and *significant habitats of indigenous fauna* (including *ecological sites* identified in Schedule 3.1, *key indigenous tree species* in Schedule 3.2, *key indigenous trees* in Schedule 3.2A, and *rare and threatened vegetation species* in Schedule 3.3 of this Plan), Protect outstanding natural features and landscapes (identified in Schedule 3.4 of this Plan), *geological features* (identified in Schedule 3.6 of this Plan), and the values associated with these areas and features, from inappropriate *subdivision*, use and *development*.



Insert Policy 3.X

Policy 3.X – Maintenance of indigenous biodiversity

Subdivision, land use and development shall be undertaken in a manner to maintain indigenous biodiversity within large areas of contiguous indigenous vegetation and riparian and coastal vegetation.

Amend Policy 3.7

Policy 3.7 – Criteria For Identification Of Significant Biodiversity

Indigenous vegetation and habitats of indigenous fauna in the District will be considered significant if they meet one or more of the following criteria:

- a) **Representativeness:** the ecosystems or habitats that are typical and characteristic examples of the full range of the original or current natural diversity of ecosystem and habitat types in the District or in the region, and:
 - i. are no longer commonplace (less than about 30% remaining); or
 - ii. are poorly represented in existing protected areas (less than about 20% legally protected).
- b) **Rarity:** the ecosystem or habitat has biological physical features that are scarce or threatened in a local, regional or national context. This can include individual species, rare and distinctive biological communities and physical features that are unusual or rare.
- c) **Diversity:** the ecosystem or habitat has a natural diversity of ecological units, ecosystems, species and physical features within an area.
- d) **Ecological context of an area:** the ecosystem or habitat:
 - i. enhances connectivity or otherwise buffers representative, rare or diverse indigenous ecosystems and habitats; or
 - ii. provides seasonal or core habitat for protected or threatened indigenous species.
- e) **Tāngata whenua values:** the ecosystem or habitat contains characteristics of special spiritual, historical or cultural significance to tāngata whenua, identified in accordance with tikanga Māori.

Amend Policy 3.8

Policy 3.8 – Management Approach to Biodiversity Protection

Adverse effects, including cumulative effects, from subdivision, use and development on significant indigenous vegetation and significant habitats of indigenous fauna including aquatic ecosystems will be avoided, or where it cannot be avoided, remedied or mitigated, in order



to maintain the values and characteristics of the *significant indigenous vegetation or significant habitats of indigenous fauna*, including by:

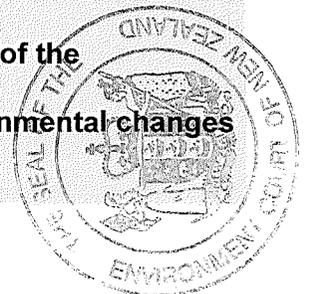
- a) avoiding where practicable the *modification* of *significant indigenous vegetation*, in particular all *indigenous vegetation* within *ecological sites*;
- b) managing land use activities resulting in increased sediment and *contaminant* levels of surface water, including storm water, to reduce the likelihood of aquatic ecosystems being detrimentally affected;
- c) creating and maintaining appropriate buffers around *ecological sites*, *key indigenous trees and rare and threatened vegetation species*, *significant habitats of indigenous fauna* including aquatic ecosystems to ensure that wider ecological processes are considered when making decisions about applications for *subdivision* and land use consent;
- d) preventing where practicable the introduction or spread of exotic weed species and pest animals both terrestrial and aquatic;
- e) enabling pest and weed management and passive recreational activities within *ecological sites* including the associated construction and maintenance of tracks (where the biodiversity gains from pest control will outweigh the loss of *significant indigenous vegetation* from track construction) and the construction and maintenance of fences at the margins of *ecological sites*;
- ~~f) enabling the *trimming* and *modification* of *indigenous vegetation* that has established within a plantation forest or which occurs within two years of a plantation forest being harvested; and~~
- g) providing for appropriate *trimming* of *indigenous vegetation* while avoiding inappropriate *trimming of significant indigenous vegetation*.
- h) ensuring that *subdivision* which creates *lots* which are entirely within an *ecological site* or which necessitate *modification* of any *key indigenous tree species or rare and threatened vegetation species* protects the values and characteristics of those areas.
- i) ensuring that *subdivision* which creates boundaries that cut through any *ecological site*, or any *key indigenous tree species or rare and threatened vegetation species*, protects the values and characteristics of those areas.

Amend Policy 3.11

Policy 3.11 – Monitoring

Monitoring of levels of biodiversity in the District will be undertaken through:

- a) periodic monitoring of the District's *indigenous vegetation* and habitats of indigenous fauna by desktop methods including aerial photography analysis, and site inspections;
- b) monitoring of compliance with *resource consent conditions* affecting the District's *significant indigenous vegetation* and habitats of indigenous fauna;
- c) complementing monitoring work undertaken by other relevant authorities or suitably qualified persons on the state of the *environment* in the Kapiti Coast District;
- d) reviewing District Plan policies in response to *development* pressures, expressed community outcomes and environmental changes which may reduce the policies' effectiveness;
- e) requiring that data for monitoring purposes is collected and analysed in a scientifically defensible manner; and



- f) including monitoring and review conditions on *resource consents* where required for base level and performance monitoring and to implement adaptive management if unanticipated *effects* occur.

Amend table 3A.1

Table 3A.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards in this table, and all relevant rules and permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards
<p>3. <i>Trimming of <u>significant indigenous vegetation</u> that is:</i></p> <p>a) located within an <i>ecological site</i> listed in Schedule 3.1; or</p> <p>b) a <i>key indigenous tree</i> listed in Schedule 3.2 and exceeds either of the maximum size criteria diameter or height (<u>excluding trees planted by humans</u>); or</p> <p>c) a <i>key indigenous tree</i> listed in Schedule 3.2A; or</p> <p>d) is rare and threatened vegetation species listed in Schedule 3.3</p>	<p>1. <i>Trimming of indigenous vegetation</i> must be undertaken as specified in a) and b) below:</p> <p>a) Any <i>trimming</i> must be limited to the pruning of vegetation that:</p> <p>i. achieves compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003; or</p> <p>ii. is broken, deadwood or chronically diseased; or</p> <p>iii. does not form part of the main structure (the trunk or a primary structural limb) and:</p> <p>a. is pruned up to 3m from a window of a <i>habitable room</i>; or</p> <p>b. is pruned up to 2m from the wall or roof of an existing permanent <i>building</i>; or</p> <p>c. is restricting access along an existing <i>access leg</i>, right of way or <i>driveway</i>; or</p> <p>i. is carried out in accordance with a registered protective covenant under the Reserves Act 1977, Conservation Act 1986 or Queen Elizabeth the Second National Trust Act 1977; or Reserve Management Plan approved under the Reserves Act 1977; or</p> <p>ii. is necessary to avoid an imminent threat to the safety of persons or damage to lawfully established <i>building</i> and</p> <p>iii. is necessary to provide for the ongoing safe and efficient operation and maintenance of</p>



Table 3A.1. Permitted Activities

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Permitted Activities	Standards
<p>is a <i>permitted activity</i> within the following <i>zones</i>:</p> <ul style="list-style-type: none"> • Residential • Beach Residential • Ngarara • Waikanae North Development • Airport • Town Centre • District Centre • Civic and Community • Industrial/Service • Local Centre • Outer Business Centre • Rural Residential • Rural Eco Hamlet • Future Urban Development • Open Space (Recreation) • Open Space (Local Parks); and • Private, Recreation 	<p>telecommunications, radio communication and other <i>network utility</i>; and</p> <p>b) All <i>trimming</i> must be undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline ‘Amenity Tree Pruning’ Version 3 dated April 2011 to avoid irreversible damage to the health of the <i>tree</i>.</p> <p>Note: The <i>Council</i> recommends that <i>trimming</i> is carried out by an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification.</p>

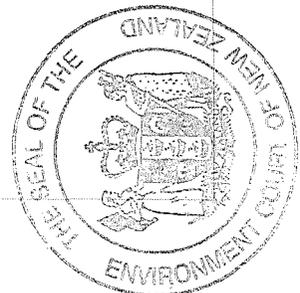


Table 3A.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards in this table, and all relevant rules and permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards
<p>and Leisure.</p> <p>Note: for <i>trimming</i> of <i>indigenous vegetation</i> listed as a notable tree in Schedules 10.1 see Rules 10A.1.4, 10A.2.3, 10A.3.4 and 10A.4.1.</p>	
<p>4. <i>Trimming or modification of indigenous vegetation</i> that is within the Rural Hills, Rural Plains, Rural Dunes, <i>Open Space (Conservation and Scenic)</i> and <i>River Corridor Zones</i>.</p> <p>Note: for <i>trimming</i> and <i>modification of indigenous vegetation</i> listed in Schedules 3.1, 3.2, 3.2A, 3.3 and 10.1 see rules 3A.1.3, 3A.2.2, 3A.3.1, 10A.1.4, 10A.2.3, 10A.3.4 and 10A.4.1.</p>	<p>1. <i>Trimming or modification of indigenous vegetation</i> must not be carried out on any <i>indigenous vegetation</i> that:</p> <ul style="list-style-type: none"> a) is within an <i>ecological site</i> (Schedule 3.1); b) is a <i>rare and threatened vegetation species</i> (Schedule 3.3); c) is listed in the schedule of <i>key indigenous tree species</i> (Schedule 3.2) and exceeds either of the maximum size criteria (diameter or <i>height</i>) (<u>excluding planted vegetation</u>) except that Schedule 3.2 shall not apply to <i>indigenous vegetation</i> in the Rural Hills Zone; or d) forms a contiguous area of more than 100m² (<u>excluding planted vegetation</u>); except that this contiguous area provision of more than 100m² of <i>indigenous vegetation</i> shall not apply within the Rural Hills Zone; or e) is within 20 metres of a <i>water body</i> (including within the <i>water body</i> itself) or the coastal marine area (<u>excluding planted vegetation</u>) <u>except where required to restore or maintain river crossing structures or culverts to a maximum track width of 10 metres.</u>

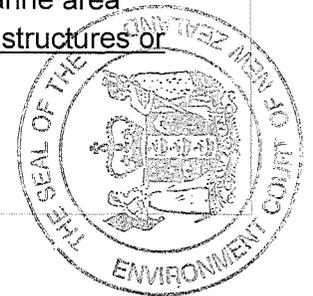


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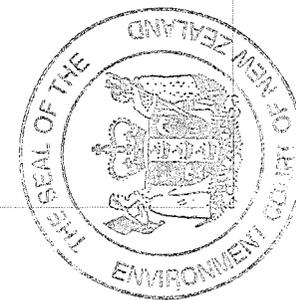
Permitted Activities	Standards
	<p>2. Except that Standard 1 of this rule does not apply where <i>trimming or modification</i> is:</p> <ul style="list-style-type: none"> a) necessary to enable weed management and pest control within the area of significant <i>indigenous vegetation</i>. For the purposes of this rule <i>trimming</i> and <i>modification</i> is limited to that necessary for: <ul style="list-style-type: none"> i. the placement of traps and bait stations and to enable foot access to and between traps and bait stations; ii. to enable foot access for the removal or spraying / poisoning of plant pests; iii. for weed clearance within rivers where authorised by Greater Wellington Regional Council; iv. the maintenance of existing formed tracks used for pest and weed management purposes where <i>trimming</i> and <i>modification</i> may not extend beyond the formed width of the track; v. within K017 only, the formation and maintenance of tracks no wider than 1.5m to provide access to traps and bait stations (for the avoidance of doubt such tracks may only be formed and maintained where servicing active pest management programmes); b) within the Rural Hills Zone and necessary to enable fire control (provided that for fire control, <i>trimming</i> or <i>modification</i> does not extend by more than 2 meters in width from the edge of an existing fire break not exceeding 30m in width); c) necessary for the safe and efficient operation of any formed public road, private access leg or driveway, right of way, or walkway or to maintain existing farm tracks; d) <i>trimming</i> for the ongoing safe and efficient operation and maintenance of telecommunication, radio communication and other network utility structures, provided that all <i>trimming</i> must be undertaken to a growth point or branch union and in accordance with the New Zealand Arboricultural Association Incorporated Best Practice Guideline 'Amenity Tree Pruning' Version 3 dated 2011 to avoid irreversible damage to the health of the tree; e) necessary to enable the maintenance of buildings where the <i>trimming</i> or <i>modification</i> of vegetation is limited to within 3m from a window of a habitable room or 2m from a wall or roof of a building; f) <i>trimming</i> or <i>modification</i> to achieve compliance with the requirements of the Electricity (Hazards from Trees) Regulations 2003;



Table 3A.1. Permitted Activities

The following activities are **permitted** activities, provided that they comply with all corresponding permitted activity standards in this table, and all relevant rules and permitted activity standards in other chapters (unless otherwise specified).

Permitted Activities	Standards
	<ul style="list-style-type: none"> g) for a new fence (<u>including post holes</u>), where the purpose of the fence is to exclude stock and/or pests from the <u>area-areas referred to in Standard 1 or contain stock in, or exclude pests from, areas not referred to in Standard 1</u>, and for the maintenance of existing fences provided that the <i>trimming or modification</i> does not exceed 2 metres in width either side of the fenceline; h) involves only <i>indigenous vegetation</i> specifically planted as a plantation forestry or amenity planting <u>within K017; or where it has established within a plantation forest, and where the <i>trimming or modification</i> occurs within 2 years of a plantation forest being harvested;</u> i) of dead, diseased or dying vegetation and vegetation <i>modification</i>; where imminent danger exists to life or property; j) by tangata whenua for traditional cultural practices that do not result in the removal, or death of any indigenous <i>tree</i>; or k) for flood protection, erosion control and <i>natural hazard</i> mitigation authorised as a <i>permitted activity</i> under Rule 9A.1.6. l) <u>maintenance of existing water pipes provided that the <i>trimming or modification</i> does not exceed 1.0 metre in width either side of the water pipe.</u>
<p>5 Installation, maintenance and upgrading of underground <i>network utilities</i> within the drip line of <u>significant indigenous vegetation</u> in Schedules 3.1, 3.2, 3.2A or 3.3</p>	<ul style="list-style-type: none"> 1. Drilling must be a minimum of 1m below the root zone ground level; or 2. Hand dug trenches undertaken 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.

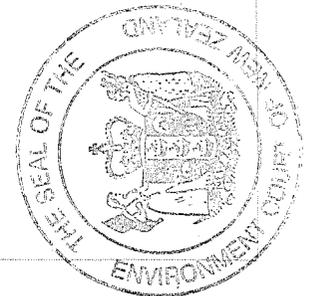


Amend Table 3A.2

Table 3A.2. Controlled Activities

The following activities are **controlled** activities, provided that they comply with all corresponding controlled activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Controlled Activities	Standards	Matters over which Council reserves control
<p>2. The <i>modification</i> of any <i>indigenous vegetation</i>, that is:</p> <p>a) located within an ecological site listed in Schedule 3.1; or</p> <p>b) a key indigenous tree listed in Schedule 3.2 and exceeds either of the maximum size criteria diameter or height (<u>excluding trees planted by humans</u>) ; or</p> <p>c) a key indigenous tree listed in Schedule 3.2A; or</p> <p>d) a rare and threatened vegetation species listed in Schedule 3.3; or</p> <p>e) in or within 20 metres of a <i>water body</i> or the coastal marine area where it not within the <i>urban environment</i>, (<u>excluding planted vegetation</u>);</p> <p>is a <i>controlled activity</i> within the following zones:</p> <ul style="list-style-type: none"> • Residential • Beach Residential • Ngarara • Waikanae North Development • Airport • Town Centre • District Centre 	<p>1. The <i>modification</i> of <i>indigenous vegetation</i> must be limited to:</p> <p>a) <i>modification</i> of vegetation that is damaged, dead or dying; or has sustained storm damage; or is fatally diseased such that:</p> <p>i. the <i>indigenous vegetation</i> is no longer independently viable or presents a <i>risk</i> of serious harm to people or property or risks damaging surrounding protected vegetation; and</p> <p>ii. an arborist who has attained the New Zealand Qualifications Authority National Certificate in Arboriculture Level 4 or equivalent qualification has certified in writing that Condition (i) above is met; <u>or</u></p> <p>b) <u><i>Modification of planted indigenous vegetation where the applicant can demonstrate that it was not planted for ecological restoration or enhancement purposes or as a biodiversity offset.</i></u></p>	<ol style="list-style-type: none"> 1. The extent and method of vegetation removal. 2. The location and timing of planting of any plant species to compensate for the loss of vegetation. 3. Any remedial work necessary to restore the site after the <i>modification</i> activity is complete. 4. Public safety. 5. Measures to avoid, remedy or mitigate <i>effects</i> on <i>tāngata whenua</i> values.



- Civic and Community
- Industrial/Service
- Local Centre
- Outer Business Centre
- Rural Residential
- Rural Eco Hamlet
- Future Urban Development
- Open Space (Recreation
- Open Space (Local Parks); and
- Private, Recreation and Leisure.

Note: For *notable trees* listed in Schedule 10.1 see Rules 10A.1.4, 10A.2.3, 10A.3.4 and 10A.4.1.

Criteria for notification

The written approval of persons will not be required and applications under this rule will not be served on any person or notified.

Amend Table 3A.3

Table 3A.3 Restricted Discretionary Activities
 The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion
1. <i>Trimming or modification</i> of any <i>indigenous vegetation</i> that: <ul style="list-style-type: none"> a) is within an <i>ecological site</i> (Schedule 3.1); 		1. Imposition of conditions necessary to avoid, remedy or mitigate e Effects on: <ul style="list-style-type: none"> a) biodiversity values; b) visual, urban character and amenity values; c) the <i>natural character</i> of the <i>coastal environment</i>;



Table 3A.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion
<p>b) a <i>key indigenous tree</i> (Schedule 3.2 <u>(excluding trees planted by humans)</u>);</p> <p>c) is a <i>key indigenous tree</i> (Schedule 3.2A)</p> <p>d) is a <i>rare and threatened vegetation species</i> (Schedule 3.3);</p> <p>e) is in or within 20 metres of a <i>water body</i> or the coastal marine area where is it not within an <i>urban environment</i> <u>(excluding planted vegetation)</u>;</p> <p>and does not meet the <i>permitted activity</i> standards in Rule 3A.1.3, and is not a <i>controlled activity</i> under Rule 3A.2.2, is a <i>restricted discretionary activity</i> within the following <i>zones</i>:</p> <ul style="list-style-type: none"> • Residential • Beach Residential • Ngarara • Waikanae North Development • Airport • Town Centre • District Centre • Civic and Community • Industrial/Service • Local Centre • Outer Business Centre • Rural Residential • Rural Eco Hamlet • Future Urban Development • Open Space (Recreation) 		<p>d) public safety;</p> <p>e) any vegetation loss.</p> <p>f) <i>Tāngata whenua</i> values.</p>



Table 3A.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion
<ul style="list-style-type: none"> • Open Space (Local Parks) • Private, Recreation and Leisure. <p>Note: For <i>trees</i> listed as a <i>notable tree</i> in (Schedule 10.1) see Rules 10A.1.4, 10A.2.3, 10A.3.4 and 10A.4.1.</p>		
<p>2. <i>Subdivision of land within outstanding natural features and landscapes and on land which contains ecological sites or geological features.</i></p> <p>Note: See Chapter 4: Coastal Environment, Chapter 5: Living Zones, Chapter 6: Working Zones, Chapter 7: Rural Zones, Chapter 8: Open Space and Private Recreation Zones, Chapter 9: Hazards, and Chapter 10: Historic Heritage for other relevant subdivision rules and standards.</p>		<ol style="list-style-type: none"> 1. The location of building sites and lot boundaries relative to ecological sites and geological features. 2. Potential adverse or positive effects of subsequent development on ecological sites and geological features and on the values of outstanding natural features and landscapes identified in Natural Environment Schedule 3.4. 3. The design and layout of the subdivision including earthworks. 4. Council's Subdivision and Development Principles and Requirements 2012. 5. The imposition of financial contributions in accordance with Chapter 12 of this Plan. 6. The imposition of conditions in accordance with sections 108 and 220 of the Resource Management Act.
<p>6. <i>Modification of any significant indigenous vegetation modification to provide for a residential building, minor flat and associated accessory buildings</i></p>	<ol style="list-style-type: none"> 1. This rule shall only be applicable to the following properties: <ul style="list-style-type: none"> • LOT 1 DP 79075 • PT SEC 4 BLK III KAITAWA SD 	<ol style="list-style-type: none"> 1. <i>Effects</i> biodiversity values; 2. <i>Effects</i> on <i>Tāngata whenua</i> values; 3. <i>Effects</i> on <i>indigenous vegetation</i> and habitat loss, with regard given to:

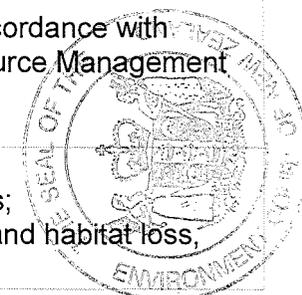


Table 3A.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion
<p>on a <i>property</i> where K017 covers more than 90% of the total area of that <i>property</i>, within a single <i>building</i> platform (one <i>building</i> platform per <i>lot</i>)</p>	<ul style="list-style-type: none"> • PT SEC 15 BLK I AKATARAWA SD • NGARARA WEST C 18 SEC 2 BLKS II III AKATARAWA • LOT 2 DP 79075 • PT LOT 1 DP 58689 • LOT 4 DP 419643 • SEC 6 DP 500 BLK VII KAITAWA SD • LOT 2 DP 91308 BLK I TAUNGATA SD • NGARARA WEST C4 BLK XIII KAITAWA SD • PT SECS 14 & 15 BLK IV KAITAWA SD LOT 1 DP 84368 • NGARARA WEST C 20 BLK II AKATARAWA SD • SUBDIVISION B PT SECS 41 NGARARA WEST C BLOCK LOT 1 DP 3433 • LOT 2 DP 3433 • SECTIONS 9 10 BLK VII KAITAWA SD • SEC 7 DP 500 BLK VII KAITAWA SD • PT SEC 7 BLK VIII KAITAWA SD • SEC 59 BLK X KAITAWA SD • SEC 13 BLK I AKATARAWA SD • LOT 2 DP 54995; and • LOT1 DP 80188 	<p>locating the <i>building</i> platform and aligning the access track so that the comparatively most significant (in the context of the <i>property</i>) vegetation and habitats are avoided;</p> <p style="padding-left: 40px;">a) minimising the width of the access track and associated <i>indigenous vegetation modification</i> to the extent necessary to provide safe vehicular access between the <i>road</i> and <i>building</i> platform.</p> <p>4. Ecological values, with regard to minimising the extent of <i>earthworks</i> required to form the <i>building</i> platform and access track.</p>



Table 3A.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion
	<ol style="list-style-type: none"> 2. The <i>building</i> platform created must involve no more than 500m² of <i>indigenous vegetation modification</i>. 3. Unless access is provided by an existing access track, the <i>building</i> platform must be located within 500m of the <i>formed vehicle access</i> or right of way to the <i>property</i>. 	
<p>8. <i>Trimming or modification of indigenous vegetation</i> that is within the Rural Hills, Rural Plains, Rural Dunes, <i>Open space (Conservation and Scenic)</i> and <i>River Corridor Zones</i> that does not comply with one or more of the <i>permitted activity</i> standards in Rule 3A.1.4</p>		<ol style="list-style-type: none"> 1. Consideration of the effects of the standard not met. 2. <i>Effects on the indigenous vegetation and/or habitats of indigenous fauna</i> including: <ol style="list-style-type: none"> a) habitat loss; b) biodiversity values; c) visual and amenity values; 3. Measures to avoid, remedy or mitigate adverse <i>effects</i>.
<p>9. Installation, maintenance and upgrading of underground <i>network utilities</i> within the drip line of <i>indigenous vegetation</i> in Schedules 3.1, 3.2, 3.2A or 3.3 that does not comply with one or more of the <i>permitted activity</i> standards in Rule 3A.1.5.</p>		<ol style="list-style-type: none"> 1. Consideration of the <i>effects</i> of the standard not met. 2. <i>Effects on the indigenous vegetation or habitats of indigenous fauna</i>. 3. Measures to avoid, remedy or mitigate adverse <i>effects</i>.

Amend Table 6D.3



Table 6D.3 Restricted Discretionary Activities

The following activities are **restricted discretionary** activities, provided that they comply with all corresponding restricted discretionary activity standards in this table, and all relevant rules and standards in other chapters (unless otherwise specified).

Restricted Discretionary Activities	Standards	Matters over which Council will restrict its discretion
<p>5. <i>Earthworks</i> within the Meadows Precinct Local Centre Zone that do not comply with the <i>permitted activity</i> Standards.</p>	<p>1. <i>Earthworks</i> must be undertaken in accordance with the Environmental Management Plan prepared under Rule 6D.2.2. If an Environmental Management Plan has not been prepared and approved in accordance with Rule 6D.2.2, an Environmental Management Plan meeting the requirements of that provision must be prepared and complied with.</p>	<ol style="list-style-type: none"> 1. Visual, character and amenity <i>effects</i>. 2. Location, layout, size, extent and design of proposed <i>earthworks</i>. 3. Consistency with the Meadows Precinct Design Guidelines (Appendix 6.2) and Meadows Structure Plan (Appendix 6.3). 4. <i>Effects</i> on landform and landscape. 5. The degree to which any cut or fill will: <ol style="list-style-type: none"> a) alter existing landforms; b) affect water quality; c) cause or contribute to soil erosion and slope stability; or d) affect any <i>waterbody</i>, <i>historic heritage</i>, <i>locally significant indigenous vegetation</i> or <i>sensitive natural feature</i>. 6. The degree of compliance with the Environmental Management Plan applicable to this rule.

