

PLAN CHANGE 48 – PROTECTED TREES TO THE MATAMATA-PIAKO DISTRICT PLAN

DECISION REPORT OF COUNCIL

PART 1 – INTRODUCTION

1. Plan Change 48 – Protected Trees seeks to review the protected trees section of Schedule 3 of the District Plan and the associated tree protection Objectives, Policies and Rules. As a consequence of the review, changes are also proposed to the Planning Maps to show the location of the protected trees.

Format of report

2. This Decision Report provides the Council analysis of the plan change and decisions on submissions and further submissions. It contains the following sections:

Part 1 – Introduction

Part 2 – Evidence heard and tabled

Part 3 – Statutory provisions

Part 4 – Decisions

Part 5 - Conclusion

3. The following appendices are provided:
 - Appendix A – changes to the District Plan including maps. Notified changes to the District plan are shown in **red text** with deletions in **red-strikethrough**. Changes made as a result of the hearing are shown in **green text**, and deletions in **green-strikethrough**.
 - Appendix B – Section 32 Report
 - Appendix C – Summary of Submissions and Further Submissions with Council decisions

Plan change process

4. The review of Plan Change 48 commenced in March 2015. Plan Change 48 relates to Part A of Schedule 3 of the District Plan and the associated tree protection Objectives, Policies and Rules. The Plan Change seeks to update Schedule 3 to ensure that it continues to represent the most significant trees and groups of trees in the District. The review of all protected trees and groups of trees also included reviewing the relevant legislative requirements, planning instruments, and identification of issues and options through the Section 32 report.
5. Public consultation has been undertaken throughout the review process with initial information pages published in the Matamata Chronicle, Piako Post and on Council's website, as well as information displays in Council offices and libraries in Te Aroha, Matamata and Morrinsville. All of these invited comments from the community and stakeholders in regards to the plan change.
6. In September 2015, the preparation and evaluation of the plan change was completed. The plan change report (Section 32 Report) considered the responses received from the public and key stakeholders during consultation, and included an assessment under the provisions of section 32 of the Resource Management Act 1991.
7. The report identified and considered seven resource management issues in respect to protected trees, namely:
 - Maintenance of protected trees;
 - Flexibility of rules;
 - Heritage value of protected trees;
 - Amenity value of protected trees;
 - Reduction in the number of protected trees on Schedule 3;
 - Funding / resources to landowners with protected trees;
 - Health and safety.
8. The report recommended changes to the District Plan objectives, policies and rules to address the seven issues identified above.
9. On 11 November 2015, Council resolved to proceed with public notification of Plan Change 48 under Schedule 1 of the RMA. The submission period closed on 10 December 2015. A total of 27 submissions were received, one of which was late (S-27 Matamata Piako District Council), and it was resolved to accept the late submission as there was no prejudice to any other party and it was considered that the submission raised valid matters for consideration as part of the plan change process. The summary of submissions was notified on 3 February 2016, calling for further submissions by 18 February. A total of eight further submissions were received, of which one was received late.
10. In response to the public notification, 27 submissions were received from:
 - 1) Lynette Beer;
 - 2) Lynn Beesley;
 - 3) Gisela Faber;
 - 4) Tracy Franklyn;
 - 5) Ron Moles;
 - 6) Silvia Vercoe;
 - 7) Gord Stewart;
 - 8) Peter Barker;

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- 9) Neil Hastie;
 - 10) M.J. Koppenol;
 - 11) Ross McIntyre;
 - 12) Ian Bruce;
 - 13) Mike Arthur;
 - 14) Robyn and Russel Phillips;
 - 15) St David's Church, St Andrew's Presbyterian Church;
 - 16) Peter Volker;
 - 17) Vicki Freeman;
 - 18) Michael Barker, Peter Barker and Mary Hansen;
 - 19) Robin Reid;
 - 20) Martin Wallace;
 - 21) Te Aroha Club;
 - 22) D and R Cole;
 - 23) Dorothy Tuffey;
 - 24) Pauline Raphael;
 - 25) Mike Gribble;
 - 26) Powerco;
 - 27) Matamata-Piako District Council.
11. Eight further submissions were received from:
- 1) Mike Gribble;
 - 2) GreyPower Matamata;
 - 3) Pauline Raphael;
 - 4) Pauline Raphael;
 - 5) Pauline Raphael;
 - 6) Transition Matamata;
 - 7) Powerco;
 - 8) Peter Barker;
12. One late further submission was received from Peter Barker. Council resolved at the hearing on 4 May 2016 to accept the late submission in accordance with Section 37 of the RMA. It was considered that the acceptance of the further submission did not prejudice any party.
13. On 17 March 2016 an informal open day meeting was held with stakeholders who wanted to discuss their submission further. These meetings enabled dialogue between submitters and Council staff to clarify submission points.
14. After taking into account the submissions, and the open day meeting, Council recommended changes to the originally notified District Plan.
- Council hearing**
15. A Council hearing was held on 4 May 2016 to consider the merits of the plan change and to hear from the individual submitters. The following Councillors were in attendance at the hearing:
- Jan Barnes – Mayor (Chair)
 - Brian Hunter
 - Bob McGrail
 - Garry Stanley
 - Leonie Tisch
 - Neil Goodger
 - Nicki Robb
 - Maurice Steffart
 - James Thomas
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- Teena Cornes
- Peter Jager
- Ash Tanner

16. During the proceedings, the following parties were in attendance/ made appearances:

Attendee

Ally van Kuijk, District Planner
 Mark Hamilton, Policy Planner
 Kelly Moulder
 Tracey Miller
 Philip Sale

Representing

Matamata-Piako District Council
 Matamata-Piako District Council
 Matamata-Piako District Council
 Harrison Grierson (Planning
 Consultant)
 Arbor Care (Tree specialist)

Martin Wallace & Elizabeth Jacks
 Powerco, Georgina McPherson - Burton Planning
 Mike Gribble
 Pauline Raphael & Mary Cobham
 Gisela Faber
 Gord Stewart, Aquas Consultants and Transition
 Matamata
 Robyn & Russell Phillips
 Peter Volker
 Vicki Freeman
 Barry Monds, Te Aroha Club
 Mary Hansen

PART 2 – EVIDENCE HEARD AND TABLED

Council Staff

17. Council staff prepared a hearings report which provided an analysis of the issues to be considered by Council and recommendations regarding individual submissions and further submissions by way of a summary table.
18. Council has considered all matters raised in submissions and further submissions in determining the Plan Change outcomes. The following is a record of the key points made from those submitters present at the hearing.

Martin Wallace

19. Martin Wallace spoke at the hearing and tabled evidence which generally supported staff's recommendations, subject to the following amendments:
- Minor amendments to Objective 2
 - Amendments to Policy 5
 - Minor amendment to the wording activity table 10.2.2
 - Amendments to wording in Rules 10.2.4
 - Moving existing tree 196 and 200 from Part A of Schedule 3 to Part B
 - Requests an alternative qualified arborist is engaged to validate STEM assessments.

Georgina McPherson (Burton Planning) for Powerco

20. Georgina McPherson spoke at the hearing and tabled evidence seeking the following amendments:

- Delete and replace Policy 5
- Provide a new method
- Amendment of advice note
- Amendment of Rules 10.2.2b, d and e
- Amendment to performance standard 10.3.1

Mike Gribble

21. Mike Gribble spoke in support of his submission, discussing the following:
- STEM assessments are not accurate in terms of the history of trees, Council should have employed a historian
 - Supports Powerco submission
 - Agree with reduction of number trees
 - Conflict of interest with Arbor Care undertaking STEM assessments and also working for Council.

Pauline Raphael and Mary Cobbin

22. Pauline Raphael, supported by Mary Cobbin, tabled evidence and spoke in support of her submission discussing the following:
- Concern over lack of historical data of trees
 - Concern over not assessing groups of trees
 - No new trees have been found to meet 140 threshold to add to the Part A of Schedule 3
 - Concern over large groups of trees to be deleted
 - Consultation period was not long enough to produce evidence on history of trees
 - Concern that very few trees gained points under the notability section
 - Concerned that not all owners of protected trees were consulted; a lack of consultation with the Matamata community generally and, in particular, only one tree has been listed as a memorial tree in Matamata
 - Tree memorials to honour soldiers who died at war should be protected for life, it shouldn't matter what the trees look like
 - Multiple trees for inclusion on Part A of Schedule 3 were discussed.

Gisela L Faber

23. Gisela Faber spoke in support of her submission discussing the following:
- Trees are stepping stones, feeding and breeding grounds and should be valued as such
 - Concern over relying on the public for compliance with the RMA for protected trees
 - Concern that the Plan Change is not necessary
 - Concern over Section 32 analysis favouring reducing trees
 - Concern over the reduction in the number of trees
 - Concern that the Plan Change is contrary to the principles of the RMA; particular regard should be given to the maintenance and enhancement of the amenity values and quality of the environment.
 - Recommends rejecting option 3 of Section 32 Analysis.

Gord Stewart - Aquas Consultants Ltd and Transition Matamata

24. Gord Stewart spoke in support of his submission and tabled evidence discussing the following:
- Concern over the reduction in the number of protected trees proposed
 - Reduce the STEM threshold
 - More emphasis should be placed on the benefits of trees to the environment and this should be incorporated into the assessment of trees

- Stated the need for effective monitoring of protected trees
- Stated the need for greater consequences for violation of tree rules
- Discussed the need for flexibility in special circumstances for tree maintenance.

Robyn and Russell Phillips

25. Robyn and Russell Phillips spoke in support of their submission and tabled evidence discussing the following:
- Support the removal of the existing protected tree (182) from the Schedule of protected trees due to health and safety concerns.

Peter Volker

26. Peter Volker spoke in support of his submission and tabled evidence discussing the following:
- That all currently protected trees remain protected
 - That penalties are defined for breaching the tree protection rules
 - That a Council fund be established to reimburse landowners who need to spend over \$200 in expenses a year to maintain protected trees
 - That the removal of a protected tree is prohibited after one year when a new owner purchases a property with a protected tree
 - That all LIM applicants receive a brochure about protected trees
 - Stated that trees are important for our wellbeing
 - Stated that the Council and the public need to be guardians of trees.

Vickie Freeman

27. Vickie Freeman spoke in support of her submission discussing the following:
- Concern over rules for maintaining protected trees and, in particular, the protected group of oaks on her property, which are protected
 - Concerns over the costs for maintaining trees, expressed concern with dealing with Council to take care of trees on her property as it affects her business
 - Concern over accuracy of STEM assessments
 - Stated that farm land has more complex requirements than urban land and that farmers should be able to look after trees without council involvement
 - Stated that tree protection rules can be daunting.

Barry Monds for the Te Aroha Club

28. Barry Monds spoke in support of the Club's submission and discussing the following:
- Concern that there is not enough money being put aside to maintain protected trees and that Council needs to take care of the responsibility of maintaining protected trees and the damage caused by protected trees
 - Te Aroha Club can't afford to maintain the large tree out the front of their club that may have a future impact on neighbouring properties
 - The Club are happy for the tree to be protected as they recognise that it is a great specimen.

Mary Hansen

29. Mary Hansen spoke in support of her submission discussing the following:
- Stated that discussions with staff have been very helpful
 - Stated that a great deal of symbolism and history are attached to trees and more trees need to be considered for protection through the plan change

- Explained that a list of historic and commemorative trees in the District should be compiled, this information should then be used by the arborist when assessing STEM scores.
30. It is noted that an addendum report was issued prior to the hearing regarding an additional tree being included in Part A of Schedule 3 as per Submission 8 and Further Submission 8.

Right of reply

31. Council staff also provided a right of reply at the end of the hearing. After hearing the evidence presented at the hearing, Council staff affirmed their primary recommendations and recommended some minor changes to specific plan provisions. In summary the changes are:
- Amendment to Policy 5
 - Amendment to Rules deleting unnecessary additional wording
 - Minor Amendment to advice note to correct wording error
 - Addition to permitted activity 10.2.2(a) to provide for Electricity Regulations 2003
 - Amendment to heading of performance standard and format of performance standard.

PART 3 – STATUTORY PROVISIONS

32. The Section 32 report contains a comprehensive review of the relevant statutory matters, these matters are therefore not repeated below.
33. In summary, Plan Change 48 must give effect to the over-arching purpose and principles of the Resource Management Act (the Act) 1991 which are contained in Part 2 of the Act. Section 31, 32, 74 and 75 of the Act contain specific provisions relating to the preparation of district plans, those provisions have been outlined in Appendix B (Section 32 Report).

PART 4 – DECISIONS

34. Under Clause 10 of Schedule 1 to the Act, the Council must give a decision on the provisions and matters raised in submissions on the plan changes. The decision must include the reasons for accepting or rejecting the submissions and must include a further evaluation of any alterations made.
35. The Council considered all of the submissions and further submissions received during the plan change process, and the evidence heard and tabled at the hearing. The submissions and further submissions are determined in accordance with this Council's decisions below, and the alterations to the plan provisions are provided in Appendix A to this decision. The reasons for accepting, accepting in part or rejecting the submissions and further submissions to the plan change are contained within the summary table (Appendix C).
36. The hearings report provided key matters for determination and council recommendations, the Council at the hearing made the determination to accept the recommendations as set out in the hearings report as follows:

Standard Tree Evaluation Method

37. A number of submitters queried the methodology of the Standard Tree Evaluation Method (STEM) of tree assessment. The STEM methodology was chosen by Council as it is an appropriate method to assess trees, in particular:
- STEM uses a wide range of criteria (including size, age, form, historical association and visual contribution to the landscape) and evaluates the merits of a tree using a point based system.
 - STEM is used and endorsed by the Royal New Zealand Institute of Horticulture.
 - STEM is widely used by a number of territorial local authorities in New Zealand.
38. The STEM methodology lists a range of criteria with which to score trees and compares the relative merits of trees on a point system. In particular STEM covers three categories; condition, amenity and notability. Each of these topics covers different sub-categories that a tree can be scored on.
39. The overall Council decision is that the STEM methodology is retained as the basis to evaluate trees and their respective attributes for inclusion in the District Plan. In making this determination Council also acknowledged advice from staff that a separate register identifying historic trees and monuments will be compiled.

Validation of STEM Assessments

40. Due to the decrease in trees in Schedule 3, a number of submitters raised queries around the validity of the STEM assessments and how they were carried out, and the need to have the STEM assessments peer reviewed by an independent tree expert.
41. Arbor Care have been engaged by Council as independent tree experts who have experience in using the STEM. STEM is widely used by local authorities in New Zealand and it is endorsed by the Royal New Zealand Institute of Horticulture. Arbor Care have also carried out STEM assessments for Tauranga City Council.
42. The overall Council decision is that Arbor Care's STEM assessments are accepted as an accurate and reliable record of assessed trees in the District. Council is satisfied that Arbor Care are independent and professional advisors.

STEM threshold of 140

43. Due to the decrease in the number of trees in Schedule 3, submitters have raised why the STEM value threshold of 140 was chosen. Submitters expressed concerns that trees provide a lot of benefits to the community and therefore it is better to have more trees protected than less.
44. The STEM assessment threshold of 140 protects the most significant trees in the District. The purpose of the Plan Change review has been to find an appropriate balance between providing protection for significant trees, while at the same time providing a reasonable level of flexibility to landowners with protected trees on their properties, by making the rules as permissible as possible.
45. Council have considered different options for the STEM value threshold and the options of tree protection versus no tree protection. A review of the approach of other Councils to tree protection was also undertaken. The tree protection rules work together as a package, providing tree protection while also providing permissible rules for tree maintenance. The rules are effective in achieving a balanced approach.
46. The overall decision on the STEM threshold is that the 140 STEM threshold is adopted.

Reduction in the number of protected trees in Schedule 3

47. Several submitters questioned why so many trees have been removed from Schedule 3. The information below explains the background to, and reasons for the size of, the existing Schedule 3 and the reduction in number of protected trees.
48. The current trees contained within Schedule 3 were protected through two separate processes. Firstly, Council in November 1996 proposed to protect a number of trees through Schedule 3 of the District Plan and through a blanket 10 metre height rule which protected all trees at or above this height in the urban areas (Residential, Business and Industrial Zones). A number of the trees proposed in Schedule 3 were assessed by an arborist, however others were protected following nomination by the community.
49. Subsequently, the Resource Management Streamlining Amendments Act in 2009 introduced the prohibition of blanket trees protection rules. To comply with the Amendment Act Council, through Plan Change 11, removed the blanket 10m rule in the urban area and added some additional STEM assessed trees, located in the urban area, to Schedule 3. At this time there was no review of the then currently protected trees.
50. As a result, the decrease in the number of trees protected is due to the following:
- Some have never had an arborist/STEM assessment and therefore may never have been worthy of protection, and
 - A significant period of time has passed since some trees were assessed and, as they are living organisms, their health and attributes may have changed over time.
51. The Council decision is that the existing Schedule 3 is updated and amended in accordance with the recommendations of Plan Change 48.

Biodiversity

52. A number of submitters raised the need to protect trees due to the importance of biodiversity protection. The biodiversity of a tree is taken into consideration under Function and Rarity of the STEM methodology and has been considered when trees have been assessed.
53. Biodiversity in New Zealand is best represented in forested areas or in large ecosystems, for example, wetlands and native forest blocks. Biodiversity is higher in large contiguous ecosystems rather than individual trees. Green corridors are not individual trees, they are generally contiguous tracts or consist of large groups of trees. Biodiversity is taken into consideration in the STEM method under "function".
54. Important areas of biodiversity are protected through the District Plan through identified Significant Natural Features. Significant Natural Features are not being reviewed as part of Plan Change 48. Biodiversity is also further protected through the Waikato Regional Policy Statement through its identification of significant ecological areas.
55. Overall Council decision on biodiversity matters is that Significant Natural Features are the appropriate mechanism for the protection of important ecological sites.

Matamata Township – Character and Amenity of the District

56. Some submitters raised concerns on the potential loss of amenity and character in Matamata due to a large decrease in protected trees in Matamata.
57. Council is proposing to protect trees of high significance through Plan Change 48. The amenity and value placed on trees in Matamata is important, the Council also has control and management of trees in the District which are on Council owned land.
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58. The Council Open Space Strategy, through its stated vision, highlights the importance of natural qualities of parks. The Strategy explains the importance of the Open Space Network to Council not only for recreation opportunities but also for beautifying local communities and providing green corridors for the protection of biodiversity.
59. The overall Council decision is that the important role that trees have in providing amenity to the District is recognised broadly through protection of significant trees under the District Plan and in the Council Open Space Strategy.

Trees / Groups of Trees and Significant Natural Features (SNF)

60. Several submissions raised the need to protect important landscape features and questioned the reason behind assessing trees individually, or as a group.
61. Individual trees have their own STEM assessment and are assessed individually. Groups of trees are defined as three or more trees in a cluster, grove or line of trees. The assessment value of a group of trees is reliant on their inclusion in a group, rather than the individual value of any of the trees. Assessing groups of trees enables some trees to be protected that would otherwise not be protected individually. An outstanding natural feature is determined through an assessment process that identifies whether the sum of its values equates to it being considered remarkable. Outstanding natural features must be a natural landscape.
62. Significant Natural Features (SNF) and important landscapes are not being reviewed as part of Plan Change 48 and will be reviewed in a separate plan change at a future date.
63. The overall Council decision is that Trees/Groups/SNF have been assessed to determine either their individual or combined STEM value. Important landscape features fall into the Significant Natural Feature category and will be assessed separately as part of a future plan change.

Resources to landowners with protected trees

64. Several submitters to the Plan Change raised the issue of the financial implications on landowners with protected trees on their properties. To address this, the Plan Change provides flexibility to landowners with protected tree/s by permitting an appropriate degree of trimming and maintenance work, while still providing for the necessary protection of protected trees. In addition to this, dead, dying or diseased limbs and trees can be removed as a permitted activity provided that a Council approved arborist has confirmed the limb or tree is dead, dying or diseased.
65. In addition to this, Council proposes to set aside a fund of \$6,000 each year for the purpose of assisting landowners with protected trees on their property. In particular, the fund is proposed to be available to landowners who wish to undertake works on a protected tree when rules require an assessment and a report on a tree to be carried out by a Council approved arborist. Council also has a \$15,000 resource consent grant, to assist with the cost of a resource consent for activities that have a community benefit. It is possible that this funding source may be available for protected trees as they may be considered, to have a community benefit.
66. The Council decision on supplying resources to landowners with protected trees is that a \$6,000 annual assistance fund is created. Landowners with protected trees on their property can apply to this fund for assistance with the cost of an arborist's report, where needed, in accordance with the protected tree rules. As well as this, a package of enabling rule provisions has been put together for landowners with protected trees.

Enforcement of protected tree rules

67. Some submitters raised the issue that protected tree rules are not able to be enforced.
68. In order to ensure that protected trees are cared for in accordance with the rules on protected trees in the District Plan and to ensure that protected trees are not felled or wilfully damaged, the Council relies on the public for any new information on the status of protected trees.
69. Council is able to issue enforcement orders or abatement notices in accordance with the RMA to stop anyone damaging or removing a tree, however, like most resource management issues factual evidence is required.
70. An up to date and accurate list of protected trees ensures that Council and the community are aware of what trees are protected. The proposed number of protected trees (97) provides for a manageable list of significant trees in the District.
71. In addition to the above, a further mechanism that Council has in place is that information is provided to landowners when purchasing a property with a protected tree on it through LIM and property file information. Landowners with protected trees on their properties have responsibility for the upkeep and maintenance of protected trees.
72. The Council decision is that the RMA provides enforcement powers to Council in the event that evidence is provided relating to intentional damage to a protected tree.

Protected Trees on council owned land

73. The Asset's Strategy and Policy Team from Matamata Piako District Council made a submission on the Plan Change identifying that while the Reserves Act and Reserve Management Plans provide protection the best mechanism for protection trees is through Schedule 3. The Team manage the protected trees located on Council owned land.
74. The Council decision on trees on Council owned land is that protected trees on Council owned property are subject to the same rules as protected trees on privately owned property.

Health and Safety

75. Health and safety risks caused by a lack of maintenance of trees were raised by some submitters.
76. The council acknowledge that if trees are not maintained they can become hazardous to people and property. As part of the Plan Change, Council are proposing to make tree protection rules more permissible to allow for routine maintenance work to be carried out without a resource consent (removal of branches with a maximum diameter of 40mm and no more than 10% canopy removal per calendar year as a permitted activity).
77. Council are also proposing a new rule where the removal of any protected tree is a permitted activity where there is an imminent threat to life or property. To meet the assessment criteria, prior to the removal of the tree, an assessment must be undertaken by an arborist on the Council list of qualified arborists to confirm that there is an imminent threat to life or property.
78. The Council decision on health and safety matters is that Plan Change 48 incorporates a set of rules which takes into account health and safety issues.

Amendments to objectives, policies and rules

79. The plan change provides for a number of amendments to the objectives and policies of the District Plan. The amendments are designed to:
- Provide a set of clear and concise objectives and policies that are clarified by supporting text.
 - Provide an increased level of flexibility to landowners with protected trees to carry out maintenance and pruning work;
 - Protect the most significant trees in the District;
 - Provide financial support to landowners with protected trees on their property that need work done which requires an arborist assessment and report.

80. The changes to the provisions are generally supported by a number of submitters on the plan change. Where the provisions are not supported, submitters in opposition have predominantly raised the following concerns:

81. Objectives

- The wording of Objective 2 reads more like a policy than an objective. It should be amended to identify what the objective is.

82. Policies

- Lack of guidance in Policy 5 on how the Council intends to achieve the protection of significant trees in terms of proposal to trim or remove significant trees;
- Include the STEM value threshold in Policy 5, rather than in “Explanation and Reasons for objectives and policies”;
- Remove the reference to financial impact on landowners with protected trees, and included reference to providing an effective set of rules to protect trees that reach the STEM value for vigour and vitality;
- Retain special policies 1-5 in Section 3.1.2.

83. Rules

- Change to permitted activity rule 10.2.2(a) including the following: “Trimming, pruning or maintenance required to comply with Electricity (Hazards from Trees) Regulations 2003”;
- Amend wording error in advice note;
- Change heading of rule 10.3.1 from “Approved Arborists” to “Protected Trees”;
- Editorial changes to the rules to improve their clarity;
- Wording changes to rules 10.2.2.

84. Performance Standard

- A minor wording change to performance standard 10.3.1 to provide further clarification.

85. Council has determined the amendments to the objective, policies, rules and performance standard of the District Plan in accordance with Appendix A.

Planning Maps

86. The planning maps have been updated to include the new protected trees and remove the trees that are no longer in Part A of Schedule 3.

Other amendments

87. In addition, the Council adopts consequential changes and other minor amendments in response to submissions, as shown in Appendix A. These changes are made to correct minor errors and provide further clarity.

88. The summary of submissions table has been updated with final Council decisions incorporated. Refer to Appendix C.

Section 32 summary

89. The Section 32 report has been updated to incorporate the decisions made as a result of the hearing.

PART 5 CONCLUSION

90. Plan Change 48 has provided a thorough assessment of all protected trees in the District as well as assessments of new trees for inclusion in Schedule 3. A number of changes have been made to the rules in the District Plan to provide a set of provisions that are clear and able to be interpreted easily. The provisions seek to provide flexibility to landowners with protected trees while at the same time recognising the importance of significant trees in the District.
91. The Council notes that the changes made in Appendix A are minor and are not of a scale that will trigger a requirement for a further evaluation under Section 32AA RMA. In summary, Plan Change 48 is:
- Appropriate and necessary to fulfil statutory requirements and in particular Part 2 and Section 32 of the RMA;
 - The Section 32 report and consultation process carried out ensures a robust process has been carried out;
 - Appropriate assessment and consideration of different options have been considered.
92. The Council wishes to thank all parties who have contributed time and resources to the consultation, submission, further submission, and hearings stages of the plan change process.