

**BEFORE THE ENVIRONMENT COURT**

**ENV-2016-AKL**

**IN THE MATTER**

of an appeal under Clause 14 of the First Schedule to the Resource Management Act 1991 (*the Act*)

**AND**

**IN THE MATTER**

of the decisions of the Matamata Piako District Council on Proposed Plan Change 48 – Protected Trees to the Matamata Piako District Plan

**BETWEEN**

**POWERCO LIMITED**

Appellant

**AND**

**MATAMATA PIAKO DISTRICT COUNCIL**

Respondent

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**NOTICE OF APPEAL UNDER CLAUSE 14 OF THE FIRST SCHEDULE TO THE RESOURCE  
MANAGEMENT ACT 1991**

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**To: The Registrar, Environment Court  
Specialist Courts and Tribunals Centre  
Level 2  
41 Federal Street (Corner Wyndham Street)  
Auckland 1010  
New Zealand**

1. **The Appellant is Powerco Limited (*Powerco*)**
2. **The Respondent is the Matamata Piako District Council (*the Council*).**
3. Powerco appeals against part of a decision of the Council on Proposed Plan Change 48 – Protected Trees to the Matamata Piako District Plan (*PPC48*). Powerco made submissions to the Council in relation to PPC48. Powerco owns and operates electricity distribution infrastructure that traverses the Matamata Piako District.
4. Powerco is not a trade competitor for the purposes of section 308D of the Act.
5. The Council notified PPC48 and made decisions on the submissions and further submissions of Powerco in relation to PPC48. The decisions were notified on 6<sup>th</sup> July 2016.
6. **The parts of the decision being appealed:**
  - 6.1 The parts of the decision that Powerco’s appeal relates to are:
    - a) Policy 5
    - b) Rule 10.2.2(a) and advice note regarding the Electricity (Hazards from Trees) Regulations
    - c) Rule 10.2.2(b) & (d)
    - d) Performance Standard 10.3.1

## 7. **GENERAL REASONS**

- 7.1 The general reasons for the appeal are that the decision:
  - a) Does not promote the sustainable management of natural and physical resources and is contrary to Part 2 and other provisions of the Act;
  - b) Does not give effect to the objectives and policies of the Waikato Regional Policy Statement relating to regionally significant infrastructure;
  - c) Does not adequately address the matters set out in the submissions, further submissions and evidence of Powerco on PPC48;
  - d) Does not represent the most appropriate means of exercising the Council’s statutory functions, having regard to the efficiency and effectiveness of other available options under section 32 of the Act;
  - e) Will potentially impose unnecessary and unjustified costs on utility operators;
  - f) Does not clearly identify reasons for all decisions made, which leads to uncertainty.
- 7.2 The specific reasons for Powerco’s appeal are set out below.

## 8. POLICY 5

### *Powerco's submission*

- 8.1 In its submission (26/3) Powerco sought the replacement of proposed Policy 5 with a new policy, which would provide clear guidance on the situations in which a proposal to trim or remove a notable tree may be considered acceptable, and to rework the proposed Policy 5 as a method as follows:

#### *Policy 5*

~~Provide an effective set of rules to protect significant trees while also limiting the financial impact on landowners who have a scheduled tree on their property.~~

Protect significant trees from inappropriate subdivision, use and development by considering where applicable:

- a) The specific values of the tree for which it has been identified as a protected tree;
- b) The likelihood of significant adverse effects to people and property from the tree;
- c) The extent to which any trimming, pruning or removal of a protected tree is necessary to accommodate efficient operation of the road network, network utilities or permitted development on the site;
- d) The extent to which any trimming, pruning, maintenance or works within the drip line of a protected tree will adversely affect the health of the tree and the surrounding landscape character of the area in which the tree is located;
- e) Whether the values that are lost if a protected tree is removed can be adequately mitigated.

#### New Method:

Limit the financial impact on landowners, of the protection of significant trees.

### *The Council's decision*

- 8.2 The Council's decision was to reject Powerco's submission and to amend Policy 5 to read as follows:

~~Provide an effective set of rules to protect~~ Protect significant trees while also managing the financial impact on landowners who have a ~~scheduled~~ protected tree on their property.

- 8.3 The reasons given in the decision report include that Policy 5 is supported by the information provided in the explanation and it is not necessary to add the STEM value threshold into the policy; that Policy 5 takes into account the adverse effects on people and property; and that the rules sufficiently take into consideration the need to, on some occasions, carry out maintenance on Protected Trees.

### ***Reason for appeal***

- 8.4 The wording of Policy 5 is unhelpful and provides no policy guidance on how to assess a resource consent application for works to a Protected Tree or the situations in which such works may or may not be considered acceptable.
- 8.5 The Council decision appears to suggest that interpretation of the policy is reliant on the explanation to the policy. This is not a sound approach as it is the policy itself, rather than the explanation, which holds legal weight. Further, the policy appears to rely on the rules as achieving all the desired outcomes in relation to the management of Protected Trees. This is contrary to best planning practice, whereby policies should provide the course of action to achieve or implement an objective and need to be worded to provide clear direction to those making decisions on rules and implementing methods<sup>1</sup>. Finally, the policy is of no assistance to Powerco, as Powerco is rarely the landowner and in that situation the policy simply requires significant trees to be protected.
- 8.6 In an overall sense, the policy approach does not give effect to the policy intent of the Waikato RPS.

### ***Relief sought***

- 8.7 Amend Policy 5 as sought in Powerco's submission in order to provide clear and consistent guidance on the situations in which a proposal to trim or remove a notable tree may be considered acceptable.
- 8.8 Make any consequential amendments as a result of the above amendments.
- 8.9 Such other relief as the Court sees fit.
9. **RULE 10.2.2(A) AND ADVICE NOTE REGARDING THE ELECTRICITY (HAZARDS FROM TREES) REGULATIONS**

### ***Powerco's submission***

- 9.1 In its submission (26/4) Powerco sought amendments to the wording of Rule 10.2.2(a) to specifically permit the trimming, pruning or maintenance of Protected Trees where such works are required to ensure compliance with the Electricity (Hazards from Tree) Regulations 2003 (*the Tree Regulations*).

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<sup>1</sup> Refer to best practice guidance on the Quality Planning website.

### ***The Council's decision***

- 9.2 The Council's decision is to accept in part Powerco's submission and to amend Rule 10.2.2(a) to read as follows and to include an advice note drawing attention to the Tree Regulations:

#### ***Permitted Activity***

*a) Minor trimming, pruning or maintenance of any tree listed in Schedule 3 undertaken in accordance with accepted arboriculture practice and limited to:*

- *Pruning and removal of branches with a maximum diameter of 40mm;*
- *No more than 10% canopy removal per calendar year;*
- *Trimming, pruning or maintenance undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.*

*Advice Note: It is noted that all works on Protected Trees listed in Schedule 3 (Part A), shall be undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.*

#### ***Reason for appeal***

9.3 Powerco supports the intent of the Council's decision. However, the rule needs to be further amended to clarify if the bullet point list is inclusive or exclusive i.e. if compliance with the criteria in all three of the bullet points is required in order to comply with the rule; or if compliance with any one of the bullet points will enable compliance with the rule. Powerco would not support a situation in which compliance with all three bullet points was required as there may be situations in which branches of more than 40mm diameter may need to be removed in order to achieve safe separation distances from electricity assets, as required by the Tree Regulations. Some other rules (eg; Rule 10.2.2(f)) specifically include an "and" or an "or" between the bullet points to give certainty to the interpretation and Powerco seeks that that same approach is adopted in respect of Rule 10.2.2(A). Compliance with the Tree Regulations will ensure works to protected trees are undertaken in accordance with best arboricultural practice and with appropriate notification and/or consultation with the tree owner. A requirement to obtain resource consent for tree trimming works required under and undertaken in accordance with the Tree Regulations for health and safety reasons, but where the branches to be trimmed do not comply with the maximum diameter or percentage of canopy removal restrictions, is inappropriate and unnecessary.

- 9.4 The intent of the advice note is supported. However, the current wording could be interpreted in a way that suggests the Tree Regulations only apply in relation to the protected trees listed in Schedule 3 (Part A) of the Plan. That is not the case. The Tree Regulations apply in relation to all trees and vegetation and the advice note should be amended accordingly as a matter of clarification.

### **Relief sought**

- 9.5 Amend Rule 10.2.2(a), as follows, to clarify the relationship between the bullet point clauses and to ensure that the rule does not result in a requirement to obtain resource consent for tree trimming that is otherwise required under the Tree Regulations:

#### *Permitted Activity*

a) *Minor trimming, pruning or maintenance of any tree listed in Schedule 3 undertaken in accordance with accepted arboriculture practice and limited to either:*

- *Pruning and removal of branches with a maximum diameter of 40mm; and*
- *No more than 10% canopy removal per calendar year; or*
- *Trimming, pruning or maintenance undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.*

- 9.6 Amend the advice note to clarify that the Tree Regulations apply with respect to all trees, not just Protected Trees.

*Advice Note: It is noted that ~~all~~ works on all trees, including Protected Trees listed in Schedule 3 (Part A), shall be undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.*

- 9.7 Make any consequential amendments as a result of the above amendments.

- 9.8 Such other relief as the Court sees fit.

### **10. RULE 10.2.2(B) & (D)**

#### ***Powerco's submission***

- 10.1 Powerco (26/5) sought amendments to Rules 10.2.2(b) and (d) to specify that where any pruning or trimming is proposed to a Protected Tree and that work will occur within 4 metres of an electricity line, then it should be carried out by an arborist on the Council's list of qualified arborists, who is also authorised by a network utility provider, in order to ensure the works are undertaken in a safe manner.

#### ***The Council's decision***

- 10.2 The decision identifies that this submission point is accepted in part. However, no changes are made to address the matters raised in Powerco's submission and the reasoning provided in the decision report relates to a different rule (Rule 10.2.2(e)) such that it is unclear what consideration (if any) has been given to this submission point.

***Reason for appeal***

- 10.3 Given the significant health and safety risks associated with working in and around live electricity lines, it is critical that tree trimming, pruning and maintenance works undertaken in close proximity to such lines be undertaken by not only a qualified arborist, but by someone who is also authorised by a network utility provider as having suitable experience to carry out such activities in a safe manner.

***Relief sought***

- 10.4 Amend the rules to specify that works to protected trees that are undertaken within 4 metres of electricity lines must be undertaken by a qualified arborist that is also authorised by a network utility provider. This could be achieved by amending Rules 10.2.2(b) and (d). However, Powerco considers a more efficient way of achieving this would be to include a clause in Performance Standard 10.3.1 to this effect, as follows:

***10.3 Performance Standards***

***10.3.1 Tree Protection***

...

- (x) Works to Protected Trees undertaken within 4 meters of electricity lines must be undertaken by a qualified arborist that is also authorised by a network utility provider.

- 10.4 Make any consequential amendments as a result of the above amendments.

- 10.5 Such other relief as the Court sees fit.

**11 PERFORMANCE STANDARD 10.3.1**

***Powerco's submission***

- 11.3 In its submission (26/5) Powerco raised concerns with the wording of Performance Standard 10.3.1 in terms of clarity and certainty and its relationship to the rules. A number of amendments were sought.

***The Council's decision***

- 11.4 No specific decision is identified in relation to Powerco's submission on Performance Standard 10.3.1. However, the changes sought by Powerco have not been included in the decisions version of the text and so it is assumed the submission is rejected. In the Council's decision, the Performance Standard (10.3.1) reads as follows:

### *10.3 Performance Standards*

#### *10.3.1 Tree Protection*

*For the permitted activity rules which are subject to compliance with this performance standard, rely on the Council list of qualified arborists, a report from a qualified arborist on councils list of approved arborists shall be submitted to Council and the report shall be acknowledged and accepted by Council prior to any works commencing, with the exception of Rule 10.2.2(e), in which case the report can be submitted within 5 working days of any works being undertaken.*

*The report shall document the rationale for why the works are required and assess the impact of the works on the long term health and vitality of the tree (where the tree is to be retained).*

*Photographic records of before and after works shall be submitted.*

#### ***Reason for appeal***

- 11.5 The general intent of the Performance Standard is supported. However, the requirement for an arborist's report to be 'acknowledged and accepted' by Council prior to any works commencing is opposed.
- 11.6 The requirement for 'acceptance' essentially creates a defacto approval or consent requirement but with no restrictions set around the nature of or timeframes for the response. This potentially creates significant uncertainty and time delays in the ability to undertake works as a permitted activity in a timely manner. If such a report is prepared by a council approved arborist, then Council should be able to rely on it as appropriate, or alternatively, the list of arborists should be amended. Such an approach would provide an appropriate level of certainty, particularly with respect to the tests for a permitted activity, insofar as it would simply require the arborist's report to be submitted to the Council at least 5 working days prior to the works commencing.
- 11.7 In addition, the requirements for provision of photographic records of the works are unclear and confusing. They appear to suggest that photographs of the works must only be taken by an arborist and that photographic records of before and after the works must be submitted at the same time even though they will be taken at different timeframes, and where the before photos are logically included with the arborist's report (rather than separately). These requirements are unnecessary and impracticable.

#### ***Relief sought***

- 11.8 Amend Performance Standard 10.3.1, as follows or to achieve the same intent, to provide an appropriate level of certainty and clarity and to address the specific concerns raised in paragraphs 11.5-11.7 above:



10.3 Performance Standards

10.3.1 Tree Protection

For the permitted activity rules which are subject to compliance with this performance standard:

1. ~~For the permitted activity rules which are subject to compliance with this performance standard, a~~ A report from a qualified arborist on councils list of approved arborists shall be submitted to Council and the report shall be acknowledged and accepted by Council a minimum of 5 working days prior to any works commencing, with the exception of Rule 10.2.2(e) in which case the report can be submitted within 5 working days of any works being undertaken.

The report shall:

- a) document the rationale for why the works are required; and
  - b) Include photos of the tree before the works; and
  - c) where the tree is to be retained, assess the impact of the works on the long term health and vitality of the tree (where the tree is to be retained).
2. Photographic records of the tree of before and after the works shall be submitted within 5 working days of any works being undertaken.
  3. Works to Protected Trees undertaken within 4 meters of electricity lines must be undertaken by a qualified arborist that is also authorised by a network utility provider.<sup>2</sup>

11.9 Make any consequential amendments as a result of the above amendments.

11.10 Such other relief as the Court sees fit.

Signature of person authorised to sign on behalf of Powerco

.....  
Georgina McPherson  
Burton Planning Consultants Limited

<sup>2</sup> Note that clause 3 is included as a result of the relief sought in Section 10 rather than Section 11, but is shown to illustrate how Performance Standard 10.3.1 would read as a whole.

Dated at Takapuna this 17<sup>th</sup> August 2016

**Address for Service:**

Burton Planning Consultants Limited  
PO Box 33-817  
Takapuna  
**AUCKLAND 0740**

Attention: Georgina McPherson

Ph: (09) 917-4301

Fax: (09) 917-4311

E-Mail: [gmcpherson@burtonconsultants.co.nz](mailto:gmcpherson@burtonconsultants.co.nz)

**Annexures:**

- (a) A copy of Powerco's submissions on the relevant points subject to this appeal
- (b) A copy of the decision on the relevant points subject to this appeal
- (c) Names and addresses of the persons to be served with a copy of this notice

## **Advice to Recipients of This Copy of Notice of Appeal**

### ***How to become party to proceedings***

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 15 working days after the period for lodging a notice of appeal ends. Note that the period for lodging of a notice of appeal ended on Wednesday 21 January 2015.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (*see form 38*).

### ***How to obtain copies of documents relating to appeal***

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision appealed. These documents may be obtained, on request, from the appellant.

### ***Advice***

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

### ***Contact Details of Environment Court for lodging documents***

Documents may be lodged with the Environment Court by lodging them with the Registrar.

#### **Auckland Registry:**

**Street address:**

Specialist Courts and Tribunals Centre  
Level 2  
41 Federal Street  
Auckland 1010

Ph (09) 916 9091  
Fax: (04) 916 9090

**Postal address:**

CX10086  
Auckland  
or  
PO Box 7147  
Wellesley Street  
Auckland 1010

#### **Wellington Registry:**

**Street address:**

District Court Building  
Level 5  
49 Ballance Street  
Wellington 6011

Phone: 04 918 8300  
Fax: 04 918 8303

**Postal address:**

SX10044  
Wellington  
or  
PO Box 5027  
Wellington 6145

**Christchurch Registry:**

**Street address:**

District Court Building  
Level 1  
282 Durham Street  
Christchurch 8013

Phone: 03 365 0905 or 03 353 8546

Fax: 03 365 1740

**Postal address:**

WX11113  
Christchurch  
or  
PO Box 2069  
Christchurch 8013

**ANNEXURE A**

**A copy of Powerco's submissions on the relevant points subject to this appeal**





**SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE 48  
(PROTECTED TREES) TO THE MATAMATA PIAKO DISTRICT PLAN**

10<sup>th</sup> December 2015

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**TO:** Matamata-Piako District Council  
Plan Change 48  
PO Box 266  
Te Aroha 3342

**BY EMAIL:** [submissions@mpdc.govt.nz](mailto:submissions@mpdc.govt.nz)

**FROM:** Powerco Limited ("Powerco")  
Private Bag 2061  
NEW PLYMOUTH 4342

**ADDRESS FOR SERVICE:** BURTON PLANNING CONSULTANTS LIMITED  
Level 1, 2-8 Northcroft Street  
PO Box 33-817, Takapuna  
**AUCKLAND 0740**

Attention: Georgina McPherson

Phone: (09) 917 4301

Email: [gmcpherson@burtonconsultants.co.nz](mailto:gmcpherson@burtonconsultants.co.nz)

Ref: 15j079



## **A. INTRODUCTION**

1. Powerco is New Zealand's second largest gas and electricity distribution company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand.
2. Powerco's electricity networks are in Tauranga, Thames, Coromandel, Eastern and Southern Waikato (including a small area within the Waipa District), Taranaki, Wanganui, Rangitikei, Manawatu and the Wairarapa. It has gas pipeline networks in Taranaki, Hutt Valley, Porirua, Wellington, Horowhenua, Manawatu and the Hawkes Bay. Powerco's customers are served through over 30,000 kilometres of electricity lines (including overhead lines and underground cables) and 6,200 kilometres of gas pipelines.
3. The Matamata sub transmission and distribution network is based within the Valley region (refer Attachment A for Map). The Valley region covers the eastern area of the Waikato as far south as Kinleith, plus Waihi and the Coromandel Peninsula. Several small towns have some industrial load, and the rural area is predominantly dairy farming load. The region has six grid exit points owned and operated by Transpower supplying Powerco's network at 66, 33 and 11kV.
4. Powerco has installed a new grid exit point at Putaruru to increase security of supply and address capacity issues in the area. Powerco is also undertaking assessments to address capacity issues at existing Powerco zone substations. This is likely to result in an additional five zone substations requiring construction in the Valley region over the next 10 year planning period.

## **B. GENERAL COMMENTS ON PROPOSED PLAN CHANGE 48**

5. A reliable and constant energy supply is critical to sustaining the regional economy, population and way of life and demand for energy is constantly increasing. Powerco faces an increasing number of constraints, in terms of providing a secure and reliable supply of electricity to meet the increasing demand and population growth.



6. Powerco's electricity network is identified as regionally significant infrastructure in the Proposed RPS. It is therefore appropriate, given the local and regional significance of Powerco's network, that its management is comprehensively addressed in the Matamata Piako District Plan Change 48 – Protected Trees (Plan Change 48).
  
7. In a general sense, Powerco seeks to ensure that Plan Change 48 is drafted to recognise and ensure:
  - (i) The sustainable management of Powerco's assets as a physical resource;
  - (ii) That the NPSET is given effect to, with consequential recognition being given to Powerco's supporting sub-transmission and distribution networks;
  - (iii) Effect is given to the objectives and policies of the RPS;
  - (iv) Appropriate provision is made for the on-going operation and maintenance of Powerco's network;
  - (v) Maintenance of public safety around electricity lines;
  - (vi) That the provisions of Plan Change 48 do not impose unnecessary constraints on vegetation trimming and clearance associated with the protection of public safety, the vegetation itself and Powerco's electricity assets.

**C. THE SPECIFIC PROVISIONS OF PLAN CHANGE 48 – PROTECTED TREES THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:**

8. This submission relates specifically to the following provisions:

**Appendix A - Proposed Objectives and Policies**

- Objective 2
- Policy 5

**Appendix B - Proposed Rules**

- Rule 10.2.2
- Performance Standard 10.3.1

9. The specific provisions submitted on, the rationale for Powerco's submission on each of these matters, and the relief sought is contained in the following schedules. In the specific relief sought, all additions are shown in underline, with all deletions in strikethrough.
10. In addition to the specific outcomes set out in the following schedules, the following general relief is sought:
- i) Achieve the purpose and principles of the RMA and consistency with the relevant provisions in sections 6-8 RMA;
  - ii) Implement the statutory tests in section 32 and the requirements in the First Schedule RMA;
  - iii) Address the relevant statutory functions of the consent authority and the related statutory requirements for the Proposed District Plan;
  - iv) Address the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law);
  - v) Avoid, remedy or mitigate the relevant and identified environmental effects; and
  - vi) Make any alternative or consequential relief as required to give effect to this submission.

**D. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION**

**E. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**

**F. THE POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**

**G. POWERCO ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—**

- (i) ADVERSELY AFFECTS THE ENVIRONMENT; AND**
- (ii) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Dated this day of 10<sup>th</sup> December 2015

Signature of person authorised to sign on behalf of Powerco Limited



.....

Georgina McPherson

Principal Planner

**SCHEDULE A: PROTECTED TREES - PLAN CHANGE 48**  
**(APPENDIX A - OBJECTIVES AND POLICIES)**

17. Plan Change 48 proposes to introduce a new objective and policy relating to the protection of significant trees and to delete four existing policies (SP1 – SP4) that are considered no longer applicable.
18. Powerco supports the intent of the proposed new objective, Objective 2. However, it is drafted more like a policy than an objective. It should be amended to identify what the objective of the provisions is. On the basis of the Council’s s32 report, Powerco understands this to be the recognition and protection of trees that have significant value to the community in terms of amenity, ecological and historical values.
19. The proposed new policy, Policy 5, indicates that the Council will provide a set of rules to protect significant trees while limiting the financial impact on landowners. While the intent is not opposed, the policy is written in the form of a method and does not provide any clear policy guidance on how the protection of significant trees should be achieved. The policy provides no guidance on the situations in which a proposal to trim or remove a notable tree may be considered acceptable, for example in terms of the effects on the health of the tree, the need to protect human health, property or infrastructure or the need for emergency works. Furthermore the limitation of financial impact on landowners is a method rather than a policy. The policy should be deleted and replaced with a new policy that provides clear guidance on such matters. If it is considered necessary, then a new (non-regulatory) method could be included with the intent of limiting the financial impact on landowners.

**Relief Sought – Schedule A**

Note: All additions are underlined and all deletions are in ~~strikethrough~~.

1. **Amend Objective 2 so it is worded as an objective rather than as a policy. This could be achieved by making the following changes or changes to like effect:**

*Objective 2*

~~To protect trees that have significant value to the community in terms of amenity, ecological and historical values are recognised and protected.~~

2. Delete Policy 5 and replace it with a new policy that provides clear policy guidance on how the Council intends to achieve the protection of significant trees, including in terms of proposals to trim or remove significant trees. If it is considered necessary, include a new (non-regulatory) method in Section 13: Other Methods, of limiting the financial impact on landowners of the protection of significant trees. This could be achieved by making changes along the following lines:

*Policy 5*

~~Providing an effective set of rules to protect significant trees while also limiting the financial impact on landowners who have a scheduled tree on their property.~~

~~Protect significant trees from inappropriate subdivision, use and development by considering where applicable:~~

- ~~a) The specific values of the tree for which it has been identified as a protected tree;~~
- ~~b) The likelihood of significant adverse effects to people and property from the tree;~~
- ~~c) The extent to which any trimming, pruning or removal of a protected tree is necessary to accommodate efficient operation of the road network, network utilities or permitted development on the site;~~
- ~~d) The extent to which any trimming, pruning, maintenance or works within the drip line of a protected tree will adversely affect the health of the tree and the surrounding landscape character of the area in which the tree is located;~~
- ~~e) Whether the values that are lost if a protected tree is removed can be adequately mitigated.~~

*New Method:*

*Limit the financial impact on landowners, of the protection of significant trees.*

## **SCHEDULE B: PROTECTED TREES - PLAN CHANGE 48 (APPENDIX B- RULES)**

### ***Works necessary to protect people's health and safety, or protect structures or utilities***

20. Powerco supports the general intent of PC48 to recognise and protect significant trees in the district. However, there is potential for trees, including significant trees, planted in close proximity to overhead electricity lines to interfere with lines. This can result in a significant public safety hazard, interruption of electrical service and/or an outage if they come into contact with the lines. In addition, electricity lines that are downed or broken by trees can be live. This is a significant risk as live lines can cause fires and be fatal. It is, therefore, important that trees, including significant trees, which grow too close to lines can be trimmed, pruned, maintained or removed, as necessary, to avoid such hazards. This is generally provided for by the Electricity (Hazards from Trees) Regulations 2003. However, specific provision for such activities should also be included in the district plan to avoid unnecessary delays and regulation of such works.
21. Amendments to Rules 10.2.2(a) and (e) are sought to ensure the trimming, pruning, maintenance and removal of protected trees can be undertaken as a permitted activity where such works are required to ensure compliance with the Electricity (Hazards from Trees) Regulations or to maintain or restore electricity or telecommunication connections.

### ***Works in Close Proximity to Electricity Assets***

22. It is also important, and critical to meeting health and safety requirements, that such works are carried out by people who are qualified to undertake works in the vicinity of electricity lines, including potentially live lines. To that extent, Powerco supports the Council's current list of qualified arborists insofar as it currently includes Arbor Care Ltd, Treescape Ltd and Waikato Tree Services. However, Powerco notes that that list sits outside the District Plan and therefore can be amended at any time. Powerco may or may not be satisfied that any parties added to the list will similarly be suitably experienced in tree works undertaken near electricity lines. Accordingly, Powerco seeks that the list also specifically identifies those

arborists who have suitable experience to carry out such activities in a safe manner to ensure compliance with the Electricity (Hazards from Trees) Regulations, and who are authorised by a utility provider to undertake works on a protected tree within 4 meters of the utility asset.

23. Amendments to Rule 10.2.2 clauses (b) and (d) are sought to require that any works undertaken on a protected tree within 4 meters of electricity lines is to be carried out by an arborist on the Council list of qualified arborists that is also authorised by a network utility provider.

### ***Emergency Works***

24. Rule 10.2.2(e) requires emergency removal works to be undertaken by an arborist on the Council list of qualified arborists. Emergency works are provided for in Section 330 of the Resource Management Act, 1991, where such works can be undertaken in certain circumstances without being constrained by additional restrictions. Rule 10.2.2(e) imposes a restriction over and above what is provided for under Section 330 of the RMA. The District Plan regulations should not be more restrictive than specific enabling provisions of the RMA. As such, Powerco seeks that this requirement is deleted. Subsequent amendments to Performance Standard 10.3.1 are also sought. Furthermore, it is unclear why an arborist would be required to remove the tree, and it is noted that an arborist is not required for tree removals in accordance with Rule 10.2.2(c). A consequential change to Rule 10.3.1 is required.

### ***Consistency of References***

25. As a matter of consistency, the heading to Rule 10.2.2 should be amended to remove the reference to 'scheduled trees', as the terminology used in Schedule 3 and elsewhere in Rule 10.2.2, is simply to list 'protected trees'.
26. In Rule 10.2.2(c) the correction of a typographical error in clause c) is required, where the reference to arborists (plural) should be to arborist (singular).

## Relief Sought – Schedule B –

(additions underlined; deletions in strikethrough)

1. Amend Rules 10.2.2(a) and (e) to specifically permit the trimming, pruning, maintenance or removal of protected trees where such works are required to ensure compliance with the Electricity (Hazards from Trees) Regulations or to maintain or restore electricity or telecommunication connections. This could be achieved by making the following changes:

### *Permitted Activity*

- a) *Minor trimming, pruning or maintenance of any tree listed in Schedule 3 undertaken in accordance with accepted arboricultural practice and limited to either:*
- *Pruning and removal of branches with a maximum diameter of 40mm; and*
  - *No more than 10% canopy removal per calendar year; or*
  - *Trimming, pruning or maintenance undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.*

### *Permitted Activity*

- e) *The emergency removal of any protected tree listed in Schedule 3 where there is an imminent threat to life or property or the removal of any protected tree listed in Schedule 3 where required to maintain or restore electricity or telecommunication connections. The works must be undertaken by an arborist on the Council list of Qualified Arborists.*

2. Amend Rule 10.2.2 clauses (b) and (d) to require that any works undertaken on a protected tree located within 4 meters of electricity lines is to be carried out by an arborist on the Council list of qualified arborists that is also authorised by a network utility provider. This could be achieved by making the following changes:

### *Permitted Activity*

- b) *The removal of dead, damaged or diseased limbs of any protected tree listed in Schedule 3 when undertaken by an arborist on the list of qualified arborists, and, when undertaken within 4 meters of electricity lines, that is also authorised by a network utility provider. Notification to Council is required prior to the commencement of works.*

### *Permitted Activity*

- d) *The removal of limbs from any protected tree listed in Schedule 3 to provide for pedestrian and traffic safety when undertaken by an arborist on the Council list of qualified arborists, and, when undertaken within 4 meters of electricity lines, that is also authorised by a network utility provider. Notification to Council is required prior to the commencement of works.*



**3. Amend rule 10.2.2(e) to remove the requirement for emergency works to be undertaken by an arborist on the Council list of qualified arborists. This could be achieved by making the following changes:**

***Permitted Activity***

*e) The emergency removal of any protected tree listed in Schedule 3 where there is an imminent threat to life or property or the removal of any protected tree listed in Schedule 3 where required to maintain or restore electricity or telecommunication connections.*  
~~The works must be undertaken by an arborist on the Council list of qualified arborists.~~

**4. Amend performance standard 10.3.1 to reflect changes sought to Rule 10.2.2(e) as follows:**

*10.3.1 Approved Arborists*

*For the permitted activity rules which rely on the Council list of qualified arborists, a report from a qualified arborist shall be submitted to Council and the report shall be acknowledged and accepted by Council prior to any works commencing, ~~with the exception of Rule 10.2.2(e) in which case the report can be submitted within 5 working days of any works being undertaken.~~*

*The report shall document the rationale for why the works are required and assess the impact of the works on the long term health and vitality of the tree (where the tree is to be retained). Photographic records of before and after works shall be submitted.*

**5. Ensure the consistent use of terminology in referring to the 'protected trees' listed in Schedule 3 as follows:**

~~2.Scheduled Trees Or Any Protected Trees Within Schedule 3 excluding understorey and regrowth of vegetation in a plantation forest.~~

**6. Correct a typographical error in clause c) by amending the reference to 'arborists' to 'arborist' as follows:**

*c) The removal of any protected tree listed in Schedule 3 that is dead, dying or terminally damaged by disease or natural causes. A report undertaken by an arborists-on the Council list of qualified arborists confirming that the scheduled tree is dead, dying or terminally damaged has to be lodged with and accepted by council prior to removal of the tree.*



**ANNEXURE B**

**A copy of the decision on the relevant points subject to this appeal**



**Plan Change 48, Appendix C, Summary of Submissions and Further Submissions.**

Submitter	Specific provisions of the plan change that the submission relates to	Support/ Oppose	Details of Submission <u>Note: all protected trees referred to submissions are identified by their existing numbers in Schedule 3 of the District Plan.</u>	Decision that the Submitter wants Council to make	Further Submissions			Council decision	Accept/ Reject/ Accept in part
					Support/ Oppose	Reasons	Decision Requested		
	7) 10.2.2(g)	7) Oppose	7) Delete the rule	machinery; and discharge of an ecotoxic substance. 7) (g) — Any trimming, pruning or maintenance (including to the roots) of a Scheduled tree any protected tree listed in Schedule 3 that is not otherwise permitted.	Support  Oppose	<b>Pauline Raphael (F-3)</b> Agrees with removal of protected tree if it is a threat to life.  <b>Powerco (F-7)</b> Powerco opposes the relief sought by the submitter insofar as the default activity status would be unclear as a result of the changes.	<b>Pauline Raphael (F-3)</b> Reject the submission point and do not make the changes sought.  <b>Powerco (F-7)</b> Reject the submission point and do not make the changes sought.	Reject S-25. Accept F-3. Accept F-7.	
	8) Add new entry into the 'advice' section of the plan	8) n/a	8) Add modified version of 10.2.2(f) and (g) into advice section	8) Care must be taken when working within the drip line of any protected tree listed in Schedule 3 This includes: - compaction, sealing, soil raising or soil disturbance, - parking or storage of materials, vehicles or machinery, and - the discharge of an ecotoxic substance. - Any works or activity which is proposed within the dripline of any scheduled tree, or which may impact on the root system of the tree	Oppose	<b>Powerco (F-7)</b> Powerco opposes the relief sought by the submitter. It is considered that Rule 10.2.2(f) provides appropriate guidance for works within the dripline of a protected tree listed in Schedule 3.	Reject the submission point and do not make the changes sought.	The rule (10.2.2.2(f) provides for guidance on works within the dripline of a protected tree in Schedule 3.	Reject S-25. Accept F-7.
	9) Add new clause to Appendix B of the plan	9) n/a	9) Add a new clause to Appendix B.	9) If a protected tree listed in Schedule 3 is removed under the 10.2.2(c) provision, it will be deleted from Schedule 3 of the District Plan when that tree is physically removed from the site.				Schedule 3 and the contents of the District Plan must be updated through a plan change process.  New information on the removal of protected trees will be noted by Council and the information will be used to inform future plan changes.	Reject S-25.
26. Powerco Limited	1) General	1) n/a	1) Powerco wants to ensure that the Plan Change takes into account and recognises the following: i) The sustainable management of Powerco's assets, ii) Relevant legislation relating to Powerco's assets such	1) None				The submitter spoke at the hearing in support of their submission and tabled evidence covering amendments to the provisions in relation to the maintenance of power lines and the integration and	Accept in part.

**Plan Change 48, Appendix C, Summary of Submissions and Further Submissions.**

Submitter	Specific provisions of the plan change that the submission relates to	Support/ Oppose	Details of Submission Note: all protected trees referred to by their submissions are identified by their existing numbers in Schedule 3 of the District Plan.	Decision that the Submitter wants Council to make	Further Submissions		Council decision	Accept/ Reject/ Accept in part
					Support/ Oppose	Reasons		
			<p>as the National Policy Statement for Electricity Transmission and Regional Policy Statement.</p> <p>The ongoing operation and maintenance of the Powerco network</p> <p>Maintenance of public safety around electricity lines.</p> <p>That no unnecessary constraints result on vegetation clearing, public safety and Powerco assets</p> <p>iii)</p> <p>iv)</p> <p>v)</p>				<p>alignment of the rules. The following changes were recommended:</p> <ul style="list-style-type: none"> <li>Delete and replace Policy 5</li> <li>Provide a new method</li> <li>Amend advice note</li> <li>Amendment of Rules 10.2.2 a, b, d and e</li> <li>Amendment to performance standard 10.3.1</li> </ul> <p>Council has determined that Policy 5 will remain and is supported by the information provided in the explanation. A new method to limit the financial impact on landowners is therefore accepted. Council has accepted the inclusion of a new permitted activity criterion with some minor amendments to the wording. Council has also corrected an error in the advice note. Changes to Rule 10.2.2e is not considered necessary as the rule already provides for emergency situations. Rule 10.2.2b and d should state that activities need to be undertaken by an arborist on the Council list of qualified arborists, those responsible for carrying out work in accordance with the rules. The performance standard heading has been amended, however, wording changes are not considered necessary.</p>	
2)	3.1.2.2 Natural Environment t - Objective 2	2) Oppose	<p>Objective 2 is drafted more like a policy than an objective. It should be amended to identify what the objective of the provisions is.</p>	<p>To protect trees that have significant value to the community in terms of amenity, ecological and historical values are recognised and protected.</p>			<p>Amend Objective 2: Trees that have significant value to the community in terms of amenity, ecological and historical values are recognised and protected.</p>	Accept.
3)	3.1.2.2 Natural Environment t - Policy 5	3) Oppose	<p>Replace Policy 5 with a policy that provides clear policy guidance on how the council intends to achieve the protection of significant trees. If it is considered necessary, include a</p>	<p>Providing an effective set of rules to protect significant trees while also limiting the financial impact on landowners who</p>			<p>The STEM methodology takes into account multiple values. It is considered that Policy 5 takes into account the</p>	Reject.

Plan Change 48, Appendix C, Summary of Submissions and Further Submissions.

Submitter	Specific provisions of the plan change that the submission relates to	Support/ Oppose	Details of Submission Note: all protected trees referred to submissions are identified by their existing numbers in Schedule 3 of the District Plan.	Decision that the Submitter wants Council to make	Further Submissions			Council decision	Accept/ Reject/ Accept in part
					Support/ Oppose	Reasons	Decision Requested		
			new, non-regulatory method in Section 13: Other Methods, of limiting the financial impact on landowners of the protection of significant trees.	Have a scheduled tree on their property  Protect significant trees from inappropriate subdivision, use and development by considering where applicable.  a) The specific values of the tree for which it has been identified as a protected tree. b) The likelihood of significant adverse effects to people and property from the tree. c) The extent to which any trimming, pruning or removal of a protected tree is necessary to accommodate efficient operation of the road network, network utilities or permitted development on the site. d) The extent to which any trimming, pruning, maintenance or works within the drip line of a protected tree will adversely affect the health of the tree and the surrounding landscape character of the area in which the tree is located. e) Whether the values that are lost if a protected tree is removed can be adequately mitigated.  New Method:  Limit the financial impact on landowners, of the protection of significant trees.				adverse effects on people and property. Protected trees are considered the most significant in the District. It is considered that the rules sufficiently take into consideration the need to, in some occasions, carry out maintenance on Protected Trees.  Change to Policy 5: <b>Providing Provide an effective set of rules to</b> Protect trees while also managing the financial impact on landowners who have a scheduled tree on their property.	
4)	10.2.2 Scheduled Trees or Any Protected trees within Schedule 3 excluding understorey and regrowth of vegetation in a	4) Oppose	4) Suggest amendment to rules 10.2.2(a) and (e) to specifically permit the trimming, pruning, maintenance or removal of protected trees to avoid causing public safety hazards, downed wires, interruption of electrical service, or power outage. While this is generally provided for by Electricity (Hazards from Trees) Regulations 2003, Powerco requests specific provision for such activities to avoid unnecessary delays, and regulation of such works.	4) Amend Rules 10.2.2(a) and (e) to specifically permit the trimming, pruning, maintenance or removal of protected trees where such works are required to ensure compliance with the Electricity (Hazards from Trees) Regulations or to maintain or restore electricity or telecommunication connections. This could be achieved by making the following changes:				Rule 10.2.2(a) and (e)  It is considered that the Electricity Regulations 2003 provide for the trimming, pruning, and maintenance of protected trees to avoid causing public safety hazards.  An advice note has been added to the Rules Section to ensure that people undertaking works are aware of the Electricity Regulations 2003.	Accept in part.

Plan Change 48, Appendix C, Summary of Submissions and Further Submissions.

Submitter	Specific provisions of the plan change that the submission relates to	Support/ Oppose	Details of Submission Note: all protected trees referred to submissions are identified by their existing numbers in Schedule 3 of the District Plan.	Decision that the Submitter wants Council to make	Further Submissions			Council decision	Accept/ Reject/ Accept in part
					Support/ Oppose	Reasons	Decision Requested		
	plantation forest			<p><b>Permitted Activity</b></p> <p>a) Minor trimming, pruning or maintenance of any tree listed in Schedule 3 undertaken in accordance with accepted arboriculture practice and limited to either: Pruning and removal of branches with a maximum diameter of 40mm; and No more than 10% canopy removal per calendar year; or Trimming, pruning or maintenance undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.</p> <p><b>Permitted Activity</b></p> <p>e) The emergency removal of any protected tree listed in Schedule 3 where there is an imminent threat to life or property or the removal of any protected tree listed in Schedule 3 where required to maintain or restore electricity or telecommunication connections. The works must be undertaken by an arborist on the Council list of Qualified Arborists.</p>					
	5) Council List of qualified arborists.	5) Oppose	5) Powerco supports Council's list of qualified arborists. However, it is noted that the list sits outside the District Plan and therefore can be amended at any time. Powerco may or may not be satisfied that arborists subsequently added to this list will be similarly suitably experienced in tree work near electricity lines. Powerco seeks that the list of qualified arborists specifically identifies those with suitable experience to carry out such activities in compliance with Electricity (Hazards from Trees) Regulations, and who are authorised by a utility provider to undertake works on a protected tree within 4 metres of the utility asset.	<p>5) Amend Rule 10.2.2 clauses (b) and (d) to require that any works undertaken on a protected tree located within 4 meters of electricity lines is to be carried out by an arborist on the Council list of qualified arborists that is also authorised by a network utility provider. This could be achieved by making the following changes:</p> <p><b>Permitted Activity</b></p> <p>b) <i>The removal of dead, damaged or diseased limbs of any protected tree listed in Schedule 3 when undertaken by an</i></p>			<p>Reject proposed amendment to 10.2.2(e). It is not considered appropriate to allow for the removal of a protected tree to restore electricity or telecommunications. It is considered that this is covered through the emergency works Rule 10.2.2(e).</p> <p>Advice note added to rules</p>	Accept in part.	



Plan Change 48, Appendix C, Summary of Submissions and Further Submissions.

Submitter	Specific provisions of the plan change that the submission relates to	Support/ Oppose	Details of Submission Note: all protected trees referred to submissions are identified by their existing numbers in Schedule 3 of the District Plan.	Decision that the Submitter wants Council to make	Further Submissions			Council decision	Accept/ Reject/ Accept in part
					Support/ Oppose	Reasons	Decision Requested		
				<p>arborist on the list of qualified arborists, and, when, undertaken within 4 metres of electricity lines, that is also authorised by a network utility provider. Notification to Council is required prior to the commencement of works.</p> <p><b>Permitted Activity</b></p> <p>d) The removal of limbs from any protected tree listed in Schedule 3 to provide for pedestrian and traffic safety when undertaken by an arborist on the Council list of qualified arborists, and, when, undertaken within 4 metres of electricity lines, that is also authorised by a network utility provider. Notification to Council is required prior to the commencement of works.</p>					
	6) Performance standard 10.3.1	6) Oppose	6) Amend performance standard 10.3.1 to reflect changes sought to Rule 10.2.2	6) Amend performance standard 10.3.1 to reflect changes sought to Rule 10.2.2(e) as follows:  10.3.1 Approved Arborists For the permitted activity rules which rely on the Council list of qualified arborists, a report from a qualified arborist shall be submitted to Council and the report shall be acknowledged and accepted by Council prior to any works commencing—with the exception of Rule 10.2.2(e)—in which case the report can be					

Plan Change 48, Appendix C, Summary of Submissions and Further Submissions.

Submitter	Specific provisions of the plan that change the submission relates to	Support/ Oppose	Details of Submission Note: all protected trees referred to by their submissions are identified by their existing numbers in Schedule 3 of the District Plan.	Decision that the Submitter wants Council to make	Further Submissions		Council decision	Accept/ Reject/ Accept in part
					Support/ Oppose	Reasons		
				<p><i>submitted within 5 working days of any works being undertaken.</i></p> <p><i>The report shall document the rationale for why the works are required and assess the impact of the works on the long term health and vitality of the tree (where the tree is to be retained).</i></p> <p><i>Photographic records of before and after works shall be submitted.</i></p>				
7)	10.2.2(e) Emergency removal of protected trees	7) Oppose	<p>7) Rule 10.2.2(e) requires emergency removal works to be undertaken by an arborist on the Council list of qualified arborists. This is more restrictive than that which is provided for in the RMA, where section 330 allows emergency works to be undertaken in certain circumstances without being constrained by additional restrictions.</p> <p>It is unclear why an arborist would be required to remove the tree and it is noted that an arborist isn't required for tree removals under Rule 10.2.2(c)</p>	<p>7) Amend rule 10.2.2(e) to remove the requirement for emergency works to be undertaken by an arborist on the Council list of qualified arborists. This could be achieved by making the following changes:</p> <p><b>Permitted Activity</b></p> <p>6) e) The emergency removal of any protected tree listed in Schedule 3 where there is an imminent threat to life or property or the removal of any protected tree listed in Schedule 3 where required to maintain or restore electricity or telecommunication connections. The works must be undertaken by an arborist on the Council list of qualified arborists.</p>			<p>Reject, proposed amendment to 10.2.2(e). It is not considered appropriate to allow for the removal of a protected tree to restore electricity or telecommunications. It is considered that where there is an immediate threat to life or property that Rule 10.2.2(e) is sufficiently permissive.</p> <p>Advice note added to rules.</p> <p>Only the assessment, and not the emergency tree removal, needs to be carried out by an arborist on the Council list of qualified arborist.</p>	Reject.
8)	10.2.2 Scheduled Trees or Any Protected trees within Schedule 3 excluding understorey and regrowth of vegetation in a	8) Oppose	<p>6) Remove "scheduled trees" from title of rule to ensure consistency in the drafting of rules; as only "protected trees" are referred to elsewhere.</p>	<p>8) Ensure the consistent use of terminology in referring to the "protected trees" listed in Schedule 3 as follows:</p> <p>2 Scheduled Trees or Any Protected Trees Within Schedule 3 excluding understorey and regrowth of vegetation in a plantation forest.</p>			<p>Rule 10.2.2 (b) and (d) Accept amendments to b and d.</p> <p>Remove "scheduled trees" from title of rule to ensure consistency in the drafting of rules, as only "protected trees" are referred to elsewhere.</p>	Accept.

Plan Change 48, Appendix C, Summary of Submissions and Further Submissions.

Submitter	Specific provisions of the plan change that the submission relates to	Support/ Oppose	Details of Submission Note: all protected trees referred to submissions are identified by their existing numbers in Schedule 3 of the District Plan.	Decision that the Submitter wants Council to make	Further Submissions		Council decision	Accept/ Reject/ Accept in part	
					Support/ Oppose	Reasons			Decision Requested
	9) 10.2.2(c) plantation forest	9) Oppose	9) Correct typographical error in this rule so that reference to 'arborists' is amended to 'arborist'.	9) Correct a typographical error in clause c) by amending the reference to 'arborists' to 'arborist':  The removal of any protected tree listed in Schedule 3 that is dead, dying or terminally damaged by disease or natural causes. A report undertaken by an arborist on the Council list of qualified arborists confirming that the scheduled tree is dead, dying or terminally damaged has to be lodged with and accepted by council prior to removal of the tree.			Amend.	Accept.	
27. Matamata-Piako District Council (late submission)	General purpose of the plan change	Not stated	The submitter's comments are provided on behalf of the Assets, Strategy and Policy Department of Council in its role as manager of protected trees located on Council-owned land.  The submission notes the legislation relating to the protection of trees on gazetted reserves via the Reserves Act 1977. Furthermore, it notes that Council administers a diverse range of properties including land which are not gazetted reserves, and thus do not offer protection to trees.  The submission recommends that Council formulates a management policy to align with its District Tree Strategy. The intention of such a policy would be to regulate the maintenance and/or removal of trees on Council owned land, and ensure that Council is meeting its Reserve Act obligations to give assurance that trees on Council land are being managed in a responsible and transparent manner.	Council formulate a management policy to align with its District Tree Strategy.	Oppose	<b>Mike Gribble (F-1)</b> All trees protected, or proposed to be protected by the District Plan be subject to the same rules and requirements, regardless of them being sites on council-owned or privately owned land.  <b>Powerco (F-7)</b> Powerco supports the intent to formulate a management policy that provides a level of assurance to the community that Council is managing trees on Council land in a responsible and transparent manner. Powerco's expectation is that such a document would address the interface between managing trees on	<b>Mike Gribble (F-1)</b> All trees protected, or proposed to be protected by the District Plan be subject to the same rules and requirements, regardless of their location.  That the Council's District Tree strategy is subservient to the District Plan.  <b>Powerco (F-7)</b> Accept the submission and investigate the formulation of a Management Policy for the protection of trees on Council land in consultation with key stakeholders.	Intent of submission was to illustrate that the Reserves Act offers only partial protection to trees located on council owned land.  Trees on Council land are subject to the same rules as any other tree.  Formulation of a Management Policy under the Reserves Act is outside of scope.	Accept in part S-27. Accept in Part F-7. Accept F-1.



**ANNEXURE C**

**Names and addresses of persons to be served  
with a copy of this notice**

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