



# **District Plan Review**

## **Plan Change 48**

### **Tree Plan Change**

## **Proposed Plan Change and Section 32 Report**

Analysis of Costs, Benefits, and Alternatives

### **Volume 1**

4 November 2015

Ref: PC48





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*Plan Change 48 reviews the objectives, policies and rules related to protected trees as well as Schedule 3 – Outstanding or significant natural features and trees and other protected items. The planning maps will also be updated in terms of the identifying where protected trees are located.*

## 1: Introduction

Plan Change 48 proposes amendments to provisions of the District Plan and Schedule 3 of the District Plan - “Outstanding or significant natural features and trees and other protected items”. A review of the protected tree provisions and Schedule 3 is required to ensure that the Schedule is up to date and reflects the appropriate outcomes for our community.

This will be achieved by successfully reviewing the provisions of the District Plan (objectives, policies and rules) as well as reviewing the existing protected trees and updating the relevant planning maps to reflect the changes made to Schedule 3. The planning process has included consultation with the local community and directly affected landowners who have and/or may wish to retain protected trees on their property.

The Council have engaged an arboriculture firm, Arbor Care, to carry out a review of all of the currently protected trees and potential new trees for inclusion in the schedule of protected trees. Arbor Care have undertaken assessments using the Standard Tree Evaluation Method, known as STEM assessments.

Plan Change 48 proposes to update Schedule 3 to include only those trees that reach or exceed a STEM value of 140. It is proposed that a total of 93 individual and groups of trees will be included on Schedule 3 “Outstanding or significant natural features and trees and other protected items”.

As well as amendments to Schedule 3, it is also proposed to provide more flexible rules so that people who have a protected tree on their property are able to carry out minor work to it that will not cause harm to the tree, without obtaining a resource consent. As well as changes to the rules, we are also proposing to create a new objective and policy to provide directional framework for protected trees in the district.

### 1.1 Purpose and format of the report

Section 32 of the Resource Management Act 1991 (RMA) allows for objectives in the plan change to be assessed for their suitability in achieving the purpose of the RMA. This report provides analysis of the key issues, objectives, and policies as well as the proposed changes to Schedule 3 of the District Plan and provides a summary of the evaluation of the costs, benefits, and options considered during the preparation of the plan change, as required under Section 32.

Section 32(2) states:

*“An assessment under subsection (1)(b)(ii) must—*

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
  - (i) economic growth that are anticipated to be provided or reduced; and*
  - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions*

Under the above provision, Council is required to document the evaluation process and the reasons for selecting the preferred options as the most suitable option for dealing with the resource management issues and achieving the desired environmental outcomes.

Section 32(5) requires that the *“report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made”*. Therefore, this report will be available, alongside the new plan provisions, when the plan change is notified, to inform the public and stakeholders of Council’s reasoning and assessment.

The report is, however, a “living document”. As the plan-making process progresses from this point on, it is recognised that the public and stakeholders have an important contribution to make through the submissions and hearings process. The report, along with submissions received during notification, will assist Council in its deliberations, prior to making its final decisions on the proposed plan change.

Ultimately, when Council makes its decision, a supplement to this report will be prepared to summarise the process undertaken by Council during its deliberations, and the rationale for any changes made to the proposed plan provisions as a result of the submissions that are heard.

There are six sections to this report:

- Section 1 - Introduction
- Section 2 - Legislative requirements
- Section 3 - Proposed Changes to the District Plan
- Section 4 - Assessment of Relevant Planning Instruments
- Section 5 - Review and research process undertaken.
- Section 6 - Consultation
- Section 7 - Section 32 Cost/benefit analysis.

Five appendices complete the report. The full text of the changes proposed to the District Plan are attached in Appendix A, B and C. Appendix D provides the proposed changes to the planning maps. Appendix E provides detailed section of the RMA which apply to the plan change process and Appendix F provides the individual STEM evaluations for each of the trees in the existing Schedule 3 (excluding those sites that did not warrant a proper evaluation).



In Appendix A, B and C, proposed additions to the District Plan are underlined and are shown in blue text. Deletions are shown in ~~blue strikethrough~~. The other provisions of the District Plan, shown in black text, are operative.

The changes to the District Plan proposed through this review relate to the protected tree provisions in the District Plan (rules, objectives, policies and Schedule 3). Under this plan change process, the Council has no legislative authority to hear submissions or consider other District Plan matters not related to the protected tree provisions.

## 1.2 District Plan rolling review

Our District Plan determines the direction that the community wants to take to sustainably manage the District's natural and physical resources, within the framework provided by the RMA. The Plan describes the resource management issues for the District and determines how we deal with those issues through policies and methods, to meet our objectives. The methods include rules that determine when activities are permitted and when resource consents are required. Where activities require resource consents, the Plan provides guidance to ensure that we avoid, remedy, or mitigate adverse effects on the environment.

The RMA requires every District to have a District Plan which, once operative, has to be reviewed every ten years.

Our current District Plan became operative in 2005 meaning that the Plan needs to be reviewed by 2015. To this end, the Council is currently undertaking a rolling review of sections of the District Plan, through consecutive plan changes, rather than a full review of the District Plan.

The option of a rolling review was enabled through legislative changes when the Resource Management (Simplifying and Streamlining) Amendment Act 2009 came into force on 1 October 2009. Section 79 of the RMA as amended through the above change, states:

### **79 Review of policy statements and plans**

- (1) *A local authority must commence a review of **a provision** of any of the... documents it has, if the provision has not been a subject of a proposed ... plan, a review, or a change by the local authority during the previous 10 years:*

Prior to the 2009 change to the RMA, the requirement was for a full review of the district plan:

- (2) *Every territorial authority shall commence **a full review** of its district plan not later than 10 years after the plan became operative.*

The District Plan's rolling review has so far covered "Integration of the Development Manual" (Plan Change 41), "Rural Subdivision" (Plan Change 42) and "Transportation" (Plan Changes 43) and "Works and Network Utilities" (Plan Changes 44) and Waitoa Private Plan - Change - Development Concept Plan for Poultry Processing and Manufacturing (Plan Changes 46). Plan Changes 41, 42, 43 and 44 are now fully operative with Plan Changes 43 and 44 just becoming operative on 21 October 2015.

Plan Change 46 will be made operative in December 2015.

Presently, the Council is reviewing the provisions of Morrinsville, Matamata and Te Aroha which has been named "Plan your Town". This proposed plan change is likely to progress to the notification stage in 2016.

In undertaking this District Plan review there are number of legislative requirements to be considered. Those which are most relevant are outlined in this section.

## 2: Legislative Requirements

In undertaking this District Plan review there are number of legislative requirements to be considered. Those which are most relevant are outlined in this section. The detailed provisions of the RMA related to the plan change process are provided in Appendix E.

### 2.1 Purpose and principles of the RMA

The overriding framework that guides all decision-making under the RMA is embodied in the purpose and principles of the RMA, as stated in Part 2 (sections 5 – 8).

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 5 RMA states:

#### ***“5 Purpose***

- (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

Section 6 of the RMA identifies matters of national importance, and states that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for these matters.

Section 7 of the RMA identifies “other matters” that in achieving the purpose of the RMA, all persons exercising functions and powers under the RMA shall have particular regard to in relation to managing the use, development, and protection of natural and physical resources.

In achieving the purpose of the RMA, decision makers should also take into account the principles of the Treaty of Waitangi (Section 8 of the RMA).

## 2.2 Functions of territorial authorities

A district plan is a document to assist territorial authorities to carry out their functions. It follows then that a district plan must be confined to matters that fall within the scope of a territorial authority's functions. The functions of territorial authorities are set out in Section 31 of the RMA. Plan Change 48 proposes to protect significant individual and groups of trees in the District. Protection of trees will ensure the integrated management of effects of land use activities. It is considered that the proposed Plan change will assist Council to carry out its functions set out in Section 31 of the RMA.

## 2.3 Purpose of district plans

The purpose of district plans as set out in Section 72 of the RMA is to assist territorial authorities to carry out their functions, in order to achieve the purpose of the RMA.

## 2.4 Preparation/change of district plans

Section 73 requires a territorial authority to have a district plan in place at all times, gives authority to the Council to change its district plan in accordance with the provisions in Schedule 1<sup>1</sup> RMA, and mandates the Council to change its district plan to give effect to an operative regional policy statement.

## 2.5 Matters to be considered

Section 74 sets out the matters to be considered when changing district plans. Relevant to this plan change is that Section 74 requires that the Council:

- Considers its functions (Section 31), Part 2 RMA matters (i.e. the purpose and principles of the RMA), and its duty to consider alternatives, benefits, and costs (Section 32);
- Have regard to the proposed regional policy statement, management plans and strategies prepared under other Acts and consistency with the plans of adjacent territorial authorities; and:
- Disregards trade competition.

## 2.6 District plan content

Section 75 determines the contents of district plans, planning instruments that a district plan must give effect to, and that it must not be inconsistent with.

Under Section 75(1) it is mandatory for district plans to state:

- Objectives;
- Policies to implement the objectives; and:
- Rules to implement the policies.

Under Section 75(2) it is optional for district plan to state:

- Significant resource management issues for the district;
- Non-regulatory methods to implement policies;
- Reasons why the policies and methods were adopted;
- Environmental results expected;

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<sup>1</sup> Schedule 1 of the RMA sets out the procedural requirements for the plan change process including time limits, consultation, submissions, hearings, notification of decisions, and appeals.

- Procedures for monitoring the effectiveness and efficiency of the plan provisions;
- How to deal with cross-boundary issues;
- The information requirements for resource consent applications; and
- Any other information required to enable a territorial authority to exercise in full its functions, powers, and duties under the RMA.

Section 75(3) mandates a district plan to give effect to certain planning instruments. The planning instruments relevant to this plan change to which effect must be given under Section 75(3) are the Operative Waikato Regional Policy Statement, National Policy Statement on Electricity Transmission and the National Policy Statement for Renewable Electricity Generation.

Section 75(4) requires that a district plan must not be inconsistent with certain planning instruments. The only Section 75(4) planning instrument relevant to this plan change is the Operative Waikato Regional Plan.

Section 75(5) provides the ability for the district plan to incorporate material by reference.

## **2.7 District rules**

Section 76 enables rules to be included in a district plan, to enable the Council to carry out its functions, and to achieve the objectives and policies of the plan. In making rules, the territorial authority must have regard to the effects on the environment. Rules may apply universally to the whole of the district, or to selected parts of the district only. Rules may be general or specific, can make provision for different classes of effects, and can require resource consent to be obtained for an activity likely to cause adverse effects not covered by the plan.

Section 76(4A) of the RMA, under the recent amendments to the RMA (2009) removes rules for tree protection except under specific circumstances. In essence Section 76(4A) of the RMA states that a rule must not prohibit or restrict the felling, trimming, damaging or removal of any tree or group of trees in an urban environment unless the tree or group of trees is specifically identified in the Plan. In this instance, all protected trees are listed in Schedule 3 of the District Plan.

Section 77A gives Council the power to make rules for the different activity classes (permitted, controlled, restricted-discretionary, discretionary, non-complying, and prohibited) and specify conditions in a plan.

Under s77B, it is mandatory that a district plan must state the matters over which the Council has retained control for controlled activities, and to which the Council has restricted its discretion for restricted-discretionary activities.

## **2.8 National environmental standards**

Sections 43A, 43B and 44A deal with the contents of national environmental standards and their relationship to plan rules. With respect to the proposed Plan Change 48, it is considered that the National Environmental Standards are not directly relevant to this plan change.

## 2.9 National policy statements

Sections 45(1) and 55 deal with the purpose of national policy statements (NPS), and their relevance to the plan-making process.

Under the relevant provisions, the purpose of NPSs is to state objectives and policies for matters of national significance, relevant to achieving the purpose of the RMA.

The RMA determines that NPSs must be dealt with as follows during the plan-making process:

- If the NPS directs so, then a plan must be amended, without using the Schedule 1 process, to include the specific objectives and policies specified in a NPS or so that the objectives and policies in the plan give effect to the NPS;
- Otherwise and in all other respects, a plan must be amended, using the Schedule 1 process, to give effect to a NPS.
- All amendments required, must be made within the timescale specified in a NPS, or if none is specified then the changes must be made as soon as practicable.

## 2.10 Section 32 evaluation

Section 32 RMA requires the Council, before a plan change is notified, to evaluate alternative options for dealing with the District's resource management issues.

Section 32(1) states:

*An evaluation report required under this Act must—*

- (a) *examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) *examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
  - (i) *identifying other reasonably practicable options for achieving the objectives; and*
  - (ii) *assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
  - (iii) *summarising the reasons for deciding on the provisions; and*

The scope and matters that Council must take into account during its evaluation of the evaluation required, is described as follows in Section 32(2):

*An assessment under subsection (1)(b)(ii) must—*

- (a) *identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
  - (i) *economic growth that are anticipated to be provided or reduced; and*
  - (ii) *employment that are anticipated to be provided or reduced; and*
- (b) *if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) *assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

The proposed changes to the District Plan are identified in Appendices A, B and C of this report.

### **3: Proposed Changes to District Plan**

The proposed changes to the District Plan are presented in the appendices as follows:

#### **Appendix A**

Proposed changes to the objectives and policies of the District Plan.

#### **Appendix B**

Proposed changes to the rules of the District Plan.

#### **Appendix C**

Proposed changes to Schedule 3 of the District Plan.

#### **Appendix D**

Proposed changes to planning maps

There are a number of planning instruments (such as the Regional Policy Statement) that Plan Change 48 must take into account as part of the review of the District Plan.

This section provides a discussion and assessment of the relevant planning instruments in accordance with the statutory requirements.

## 4: Assessment of Relevant Planning Instruments

The relevant planning instruments that this plan change must give effect to or must be consistent with, or must have regard to under the legislation are summarised below.

### 4.1 Planning instruments that must be given effect to

This plan change must give effect to the following regional planning instruments:

#### **Operative Waikato Regional Policy Statement**

The Waikato Regional Policy Statement (WRPS) became operative in October 2000 and contains a number of provisions that this plan change must give effect to. The relevant issues, objectives, policies and implementation methods are quoted below:

#### ***Achieving integrated management (Clause 2.2.2)***

- **Issue**  
*Ad hoc decision-making has the potential to prevent integrated management of natural and physical resources.*
- **Objective**  
*The integrated management of natural and physical resources in the Waikato Region is achieved.*
- **Policy One- Natural and physical resources**  
*When managing the use, development, and protection of natural and physical resources recognise and provide for:*
  - *The interconnected nature of all elements of the environment;*
  - *The inter-relationships between natural and physical resources;*
  - *The potential for adverse environmental effects to occur;*
  - *The range of social, cultural and economic values within the Region.*
- **Implementation Method 2**  
*Encourage territorial authorities, when they are preparing district plans and processing resource consents, to give consideration to the matters listed in Policy One above.*



### **Heritage (Clause 3.15)**

- **Issue**  
*Natural and cultural heritage resources are integral parts of the Region's heritage. Subdivision, use and development have the potential to degrade and destroy natural and cultural heritage.*
- **Objective**  
*The protection of regionally significant heritage<sup>4</sup> resources, and allowing subdivision, use, and development of other heritage resources, while ensuring that there is no net loss in the Region.*
- **Policy One: Protection of Heritage Resources**  
*Ensure the protection of significant natural and cultural heritage resources.*
- **Policy Two:**  
*Allow subdivision, use and development, while avoiding, remedying or mitigating any adverse effects on other natural and cultural heritage resources.*

### **Implementation Methods**

3. Through liaison with territorial authorities, the NZHPT, tangata whenua and other interested parties, ensure the *integrated management* of the Region's natural and cultural heritage resource.

4. Provide information to the public pertaining to the Region's significant heritage resources and their appropriate management, and support education programmes which promote the understanding and values of natural and cultural heritage.

### **Comment**

Plan Change 48 has taken into consideration the relevant issues in the Regional Policy Statement including integrated management, and heritage. It is considered that the proposed Plan Change will contribute towards the integrated management of the District's resources. Plan Change 48 will ensure the protection of significant natural resources by protecting trees that meet or exceed a STEM value of 140.

For the reasons mentioned above, no inconsistencies with the Regional Policy Statement and this proposed plan change have been identified.

## **4.2 Planning instruments that the plan change must not be inconsistent with**

This plan change must not be inconsistent with the following national and regional planning instruments:

### **Operative Waikato Regional Plan**

The Waikato Regional Plan (WRP) became operative on 28 September 2007. Subsequently, there have been a number of variations to the WRP, all of which are now operative.

The WRP provides further policy direction, including rules, to give effect to the WRPS relating to matters within the scope of the Waikato Regional Council's functions under the RMA. The relevant matters are listed on the following page:

1. *Approaches to Resource Management*
2. *Matters of Significance to Maori*
3. *Water Module*
4. *River and Lake Bed Module*
5. *Land and Soil Module*
6. *Air Module*
7. *Geothermal Module*

#### Comment

For the reasons outlined earlier, this plan change is consistent with the Regional Policy Statement and taking into consideration that the WRP provides further policy direction and detail on these issues. The issues identified above have been considered however are not fundamental to Plan Change 48.

No inconsistencies with the Operative Waikato Regional Plan and Plan Change 48 have been identified.

### **4.3 Planning instruments that the plan change shall have regard to**

During the preparation of this plan change, regard was given to the following planning instruments:

#### **Proposed Waikato Regional Policy Statement (PRPS)**

The Waikato Regional Policy Statement is currently being reviewed. The review has reached the stage where WRC has made its decisions (November 2012). Parts of the PRPS are currently under appeal and being dealt with through the Environment Court process. A large number of appeals have been settled by Consent Order and the PRPS was updated on 1 September 2015 to reflect the decisions on the appeals which have been settled.

The relevant “issues”, “objectives”, “policies” and “methods” of the PRPS can be summarised as follows:

- **Objective 3.17 Historic and cultural heritage**  
*Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region’s and New Zealand’s history and culture.*
- **Objective 3.18 Ecological integrity and indigenous biodiversity**  
*Ensure that the extent and full range of ecosystem types that occur in the Waikato region, and the indigenous biodiversity that they contain, exist in a healthy and functional state.*
- **Objective 3.19 Outstanding natural features and landscapes**  
*The values of outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.*
- **Objective 3.20 Amenity**  
*The qualities and characteristics of area and features, valued for their contribution to amenity, are maintained or enhanced.*

### Comment

This Plan Change has given particular regard to the PRPS due to the advanced stages of the PRPS.

Plan change 48 has taken into consideration the need to retain the region's history and culture. The historic heritage values of trees has been considered as a part of the Standard Tree Evaluation Method (STEM) assessment criteria. All currently protected trees have been assessed for their historical values as part of the STEM value assessment matrix. It is noted that there were few identified species that have historical significance in the District. The local historical societies in the District have also been consulted with.

For trees that are over 50 years old, the STEM assessment takes into account any remnants of native ecosystems, scientific, rarity and endangerment features of trees. The STEM assessment method provides assurance that high value indigenous trees are protected.

The value of outstanding natural features and landscapes in the District are identified in Schedule 3 of the District Plan, however this plan change deals only with the protected trees in Schedule 3. A review of the significant natural features in the District will take place at a later date. Generally, however, it is considered that the protection of trees contributes towards ensuring the protection of outstanding natural landscapes.

Plan Change 48 ensures that, through tree protection, the qualities and characteristics of areas that are valued for their contribution to amenity will continued to be maintained.

For the reasons mentioned above, no inconsistencies with the proposed Regional Policy Statement and this proposed plan change have been identified.

### **National Policy Statements (NPS)**

A number of National Policy Statements (NPSs) have been prepared to identify matters of national significance. These must then be incorporated into District Plans in accordance with Section 55 of the RMA.

Plan Change 48 has been assessed in terms of the current NPS's. It is considered that the plan change does not raise any issues which would require further amendment to give effect to the NPS's.

### **Hauraki Gulf Marine Part Act 2000**

The Hauraki Gulf Marine Park Act has been taken into consideration and is not considered relevant to Plan Change 48.

This section outlines the review and research process that has been undertaken to inform Plan Change 48.

## 5: Review and Research Process

### 5.1 Existing plan provisions

There are a range of broad objectives and policies provided in Section 3.1.2 of the District Plan (Natural environment and heritage) which cover protection of the natural environment, however there are currently no specific Objectives or Policies on protected trees in the District Plan. The proposed amendments to the Objectives and Policies are provided in Appendix A.

The existing rule provisions are provided in Section 10 (Natural environment and heritage) of the District Plan. The proposed amendments to the Rules are provided in full in Appendix B.

The existing Schedule 3 “Outstanding or significant natural features and trees and other protected items” contains protected trees as well as “outstanding or significant natural features and other protected items”. Plan Change 48 relates only to protected trees. The outstanding or significant natural features will be reviewed at a later date.

### 5.2 Review of Schedule 3

A review of all the currently protected trees has been carried out by Arbor Care using the Standard Tree Evaluation Method (STEM). This method provides a quantitative measure for the assessment of trees. The STEM method lists a range of criteria on which to score trees and compares the relative merits of trees on a point system. The STEM method is widely accepted and used by arborists and is endorsed by The Royal New Zealand Institute of Horticulture.

Each of the trees protected through the existing schedule (except for one tree where approval was not granted from the owner) have been evaluated by Arbor Care. This information was then recorded in a spreadsheet. In order to capture all of the potentially significant trees in the District the arborist recommended additional trees for assessments that they considered to be significant. In addition, the public were also asked to nominate trees that they felt may be significant.

Letters were sent to all owners and occupiers of the existing properties where protected trees are located as well as the nominated and recommended trees to be assessed. Site visits were undertaken by Arbor Care between April and September 2015.

### **5.3 Assessment of protected trees**

The assessment of all of the protected trees in the District found a range in STEM scores. Some of the trees that are currently protected were not able to be assessed by Arbor Care as it was found that they were no longer on site and others were in such a poor condition that a STEM assessment was not warranted. Through an assessment of the respective merits of different STEM value thresholds and advice from Arbor Care it was confirmed that an appropriate level of protection would be achieved using a STEM value of 140.

Currently there are 667 protected trees in the District Plan. After taking into account all of the STEM assessments that have been carried out and the trees that reach a STEM value of 140, the number of trees proposed to be protected is 93. The complete amended schedule is provided in Appendix C.

### **5.4 Assessment of other approaches**

The approaches to tree protection by other district councils has been taken into consideration, this involved reviewing the criteria around tree protection as well as reviewing the relevant objectives, policies and rules. The STEM assessment method is commonly used for assessing trees, however the STEM value chosen to represent worthy trees varies across different councils. For example, a council that chooses to protect a broad range and variety of trees may use a STEM value of 120 whereas a council that only wishes to protect a very unique or limited number of trees would use a STEM value of 160 or 170.

In some instances Councils have no tree protection rules. While this approach has been reviewed, it is not considered appropriate for the District. The proposed rules and schedule of protected trees provide flexible rules to landowners while also only protecting trees of a significant value.

A range of consultation has been undertaken with affected landowners and the general community and stakeholders. This has helped inform and shape the proposed changes to the Plan.

## 6: Consultation

### 6.1 Letters to affected parties

An initial information letter was sent to all landowners who have protected trees on their properties, advising them that Plan Change 48 was being undertaken. Landowners were also advised that Arbor Care would visit their property to carry out a STEM assessment and asked to respond to the letter if there was any concerns with Arbor Care carrying out a site visit. One objection was received to the proposed Arbor Care site visit. As a result the protected tree was not assessed and due to no updated information being available the particular tree has remained on the proposed Schedule.

Another letter to all of those landowners with protected trees, where an assessment was carried out was sent to advise them of the outcome of the STEM assessment. In some instances no assessment was carried out because the tree was either no longer on a property or it was considered that it was not worth assessing because the STEM value would be too low. The letter to landowners who had an assessment carried out included specific information about the protected tree on their properties. The landowners were invited to provide comments through filling out a feedback form.

The feedback from those landowners is summarised in Section 6.5 below.

### 6.2 Letters to potentially new affected parties

Arbor Care identified, through their field work, a number of other trees that may be worth protecting and that could meet the STEM criteria. A total of four sites were identified, of those sites, two parties replied to a letter confirming they were happy for a site visit to be carried out. The purpose of the site visit was to confirm if the subject trees reached the 140 STEM value threshold. Two parties declined a site visit to be carried out and those trees have been left off the proposed Schedule. Of the two parties that did reply one tree was included on the Schedule and the other did not reach a 140 STEM value.

### 6.3 Community Consultation

The wider community were informed of the Plan Change via the following channels:

- Council in-focus media articles  
The ads provided regular updates on the Plan Change and specifically asked for nominations for other trees that may be worth protecting. A total of two nominations were received and of those neither of them reached a STEM value of 140.

- Displays in Council offices at reception and libraries  
Large tree displays were put in place in the offices and libraries of Te Aroha, Matamata and Morrinsville. The purpose of the tree displays was to advertise this plan change and provide information and the opportunity to be involved in Plan Change 48 via a feedback form. A total of 16 feedback forms were received.
- Council Website  
Throughout the Plan Change process we have referred the community to the Council website for further information, the webpage provides more detail about Plan Change 48 process as well as specific details on the proposed changes.

#### 6.4 Other Stakeholder

A letter was sent to other stakeholders in the District regarding the proposed plan change, advising them generally of the contents of the plan change, advising them of the forthcoming notification and seeking any feedback from them. The other stakeholders were:

- The Te Mana Whenua Forum
- The Historical Societies

#### 6.5 Summary of feedback received

A range of feedback has been received through the consultation process, the feedback received so far has identified the following issues:

##### Maintenance

- Frustration that landowner pays for tree maintenance when they don't want a protected tree on their property.
- Council should share cost of maintenance.
- The rules should enable the use of machinery for maintenance without a resource consent.
- Maintenance is expensive.

##### Funding

- Council funding should be provided to contribute towards costs incurred to landowners with protected trees, including maintenance.
- Opposed to Council funding maintenance for trees on private land.
- Concern at cost of resource consents.

##### Rules

- Protected trees that are removed should be replaced by others.
- Property owners should have the final say on a tree's status.
- The existing rules are inflexible.
- Trees shouldn't be protected based on their height only.
- The current rules are reasonable.

##### Heritage

- Trees that are planted for significant reasons should be protected.

#### Amenity

- Trees provide enhanced amenity in towns.
- Loss of trees would result in less attractive landscapes.

#### Health and safety

- Tree protection is favourable provided trees are not dangerous or in poor health.
- Rules should be changes to allow for the removal of dangerous trees.
- Concern of health and safety due to falling branches of protected trees.

#### General

- Concern raised around the proposed reduction in protected trees.
- Protected tree hinders the resale value of a property.
- Stand of protected trees hinders farm production.
- Support tree protection for amenity, ecological and heritage values.
- Retain protection of four trees on Council owned property that is not protected by the Reserves Act.



This section of the report provides a summary of the different regulatory options, costs and benefits considered during this plan review process, as required under s32 RMA.

## 7: Section 32 Cost/Benefit Analysis

This section of the report provides a summary of the different regulatory options, costs and benefits considered during this plan review process, as required under s32 RMA.

### 7.1 Methodology

In broad terms, the purpose of the section 32 analysis is to ensure:

- That decision-makers have the necessary policy analysis on which to base their decisions;
- That the costs borne by individuals and the community are the most practicable, and consistent with achieving the purpose of the RMA; and:
- That the proposed plan provisions are necessary and more appropriate (efficient and effective) than the alternatives.

To achieve its purpose, a section 32 analysis must therefore evaluate:

- The extent to which each objective is the most appropriate way to achieve the purpose of the RMA;
- Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- The benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the policies, rules or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and other methods.

The following steps have been carried out for this plan review:

- Review the existing trees protected by the District Plan.
- Review of the Objectives, Policies and Rules associated with protected trees.
- The issues with the Objectives, Policies and Rules were identified.

### 7.2 Proposed objective

The following new objective is proposed:

*O2: To protect trees that have significant value to the community in terms of amenity, ecological and historical values.*

The above objective is considered to be the most appropriate way to achieve the purpose of the RMA because it seeks to ensure that trees that are of significance are protected, therefore achieving (Section 7(c) and 7 (f) of the RMA.

The proposed objective is consistent with Objective 1 of the Natural Environment and Heritage section. Objective 1 aims to protect and enhance the natural resources within the District that are values for their intrinsic, scientific, educational and recreational values.

### 7.3 Proposed policy changes

Plan Change 48 proposed the following new policy to achieve the objective set out above:

*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.*

The policy is the most appropriate for achieving the objective because the objective seeks to protect trees of significance. The policy provides certainty to the community regarding the protection of trees and also signals that the financial impact on landowners should be avoided which is further prescribed in the proposed rules. The proposed policy is consistent with existing policies in the District Plan.

It is proposed to remove the following policies from the District Plan:

*SP1: Council will encourage landowners to permanently protect natural features, trees and vegetation provisions.*

*SP2: To encourage a “conservation” education programme in conjunction with other agencies for targeted groups such as farmers, schools, tangata whenua. This programme may be developed in consultation with these groups.*

*SP3: Council may, where it considers necessary acquire land to protect threatened outstanding natural features.*

*SP4: Council will advocate and promote the voluntary protection of individual trees or stands of trees.*

It is considered that the above Policies are no longer applicable to the District Plan. The Policies are redundant in terms of the implementation of the District Plan and don't provide a meaningful framework for enactment.

The full proposed changes to the objectives and policies can be found in Appendix A.

### 7.4 Proposed rules and Section 32 analysis

In order to evaluate whether the proposal to have 93 trees (individually and as groups) protected and the proposed rules are the most appropriate method to achieve the purpose and principles of the RMA, four options have been considered. These are:

1. Status quo, i.e., no changes to Rules, Objectives, Policies or Schedule 3.
2. No tree protection, i.e., remove all tree protection rules and Schedule 3.
3. Update the Tree Schedule and relevant rules, objectives and policies with a STEM value of 140.
4. A higher or lower STEM value.

## 7.5 Part 2 RMA

It is considered that the proposed plan change is consistent with the purposes and principles of the RMA. In particular Plan Change 48 seeks to provide for the sustainable management of significant trees in the District. 93 individual and groups of tree have been assessed as being significant and are proposed to be included in the updated Schedule 3 of the District Plan, which will ensure they will be protected. The trees that are proposed to be protected have significant amenity, ecological and heritage values, which is considered to provide for the communities' wellbeing and also safeguarding the life supporting capacity of the environment.

The importance of the protection of outstanding natural features, areas of significant vegetation and the protection of historic heritage are matters of national importance in Section 6 of the RMA. The protection of significant trees is considered consistent with the matters outlined in Section 6.

Section 7 of the RMA (other matters) states that particular regard be given to the maintenance and enhancement of amenity values as well as the maintenance and enhancement of the quality of the environment. It is considered the protection of trees through Plan Change 48 specifically provides for the protection or the maintenance of amenity values and the maintenance and enhancement of the quality of the environment in the District.

It is considered that Section 8 of the RMA has been taken into account through consultation with local Iwi authorities.

For the reasons mentioned above, it is considered that the proposed Plan Change appropriately gives effect to the purpose and principles within Part 2 of the RMA.

	Option 1 – Status Quo	Option 2 – No tree protection	Option 3 – Update Schedule, Rules, Objectives and Policies	Option 4 – A higher or lower STEM value
<b>Description</b>	<ul style="list-style-type: none"> <li>No changes to Rules, Objectives, Policies or Schedule 3.</li> </ul>	<ul style="list-style-type: none"> <li>Remove all tree protection rules and Schedule 3.</li> </ul>	<ul style="list-style-type: none"> <li>Update the Tree Schedule and relevant rules, objectives and policies.</li> <li>See Appendix - A-D for details.</li> </ul>	<ul style="list-style-type: none"> <li>A higher or lower STEM value.</li> </ul>
<b>Benefits</b>	<ul style="list-style-type: none"> <li>No need to undertake a separate plan change, however any review which maintained status quo would still require a formal plan review process.</li> <li>Public notification of the plan change will enable any interested party to participate in the plan change through the submission process, increasing the quality of the decision making and legitimacy of decisions.</li> <li>No changes to rules and associated costs to land owners, providing certainty.</li> <li>Regulatory and enforcement options would still be available for those trees currently protected on the Schedule.</li> </ul>	<ul style="list-style-type: none"> <li>Beneficial to landowners who view protected trees as a nuisance.</li> <li>No costs to Council associated with monitoring and handling queries from the public on protected trees.</li> <li>Public notification of the plan change will enable any interested party to participate in the plan change through the submission process, increasing the quality of the decision making and legitimacy of decisions.</li> </ul>	<ul style="list-style-type: none"> <li>Provides a good level of tree protection (STEM value 140) and allows for the on-going update of Schedule 3.</li> <li>Public notification of the plan change will enable any interested party to participate in the plan change through the submission process, increasing the quality of the decision making and legitimacy of decisions.</li> <li>The proposed Plan Change is aligned with the RMA and therefore consistent with the Purpose and Principles of the RMA.</li> <li>Criteria contained in assessment of trees provides a fair and quantitative assessment for the basis of the identification of any potential protected trees.</li> <li>The inclusion of protected trees on the schedule involves documentation and recording of information specific to that tree, or group of trees, therefore preserving the knowledge and history associated with a particular tree/s.</li> <li>The proposed Plan Change provides flexibility to landowners with protected trees by making the rules as permissible as possible while still providing for the necessary protection of protected trees.</li> <li>Property owners can access funds for undertaking arborist reports.</li> <li>Protection of trees will retain amenity, ecological and heritage values in the District.</li> <li>Protects trees of a high value.</li> </ul>	<ul style="list-style-type: none"> <li>The likely benefits of a higher STEM value threshold would mean only a small number of trees would be protected.</li> <li>A low STEM threshold would protect a large number of trees in the District, providing for amenity, ecological and heritage values.</li> <li>Public notification of the plan change will enable any interested party to participate in the plan change through the submission process, increasing the quality of the decision making and legitimacy of decisions.</li> </ul>

<b>Costs</b>	<ul style="list-style-type: none"> <li>Schedule 3 will remain out of date, trees that are currently protected may not be worthy of protecting.</li> <li>No new trees will be added to the Schedule, creating inconsistencies across the District.</li> <li>Does not achieve environmental enhancement.</li> </ul>	<ul style="list-style-type: none"> <li>Potential for loss of amenity, ecological and heritage values in the District.</li> <li>Possibility of the plan change being widely challenged through the appeal process.</li> </ul>	<ul style="list-style-type: none"> <li>Potential costs for enforcement and abatement notices.</li> <li>Costs of preparing the plan change.</li> <li>Possibility of the plan change being widely challenged through the appeal process.</li> </ul>	<ul style="list-style-type: none"> <li>A high STEM value threshold would reduce the amount of protected trees in the District significantly. For example a STEM threshold of 170 would mean approximately 10 trees would be protected. This could potentially result in a significant loss of amenity, ecological and heritage values in the District.</li> <li>A low STEM threshold would mean that there would be a lot of affected parties with protected trees on their property.</li> <li>Possibility of the plan change being widely challenged through the appeal process.</li> </ul>
<b>Economic Growth and Employment</b>	As Plan Change 48 is only concerned with tree protection, it is considered that each of the options have a similar and very low influence on economic growth and employment conditions for our District and our community.			
<b>Effectiveness/ Efficiency</b>	<p><u>Efficiency</u> No need to undertake a separate plan change, however any review which maintained status quo would still require a formal plan review process.</p> <p><u>Effectiveness</u> This option would not be the most effective in terms of achieving the objectives and policies of the District Plan and the purpose and principles of the RMA as the individual and groups of trees that have been identified through the review process are considered significant. Without updating Schedule 3, insignificant trees will remain on the Schedule and significant trees could potentially be lost through lack of protection.</p>	<p><u>Efficiency</u> This option would be the most financially cost efficient option for the Council.</p> <p><u>Effectiveness</u> Does not provide for the Part 2 of the RMA or the Operative and Proposed Waikato Regional Policy Statements.</p>	<p><u>Efficiency</u> The proposed rules work together as a package, providing tree protection while also providing permissible rules for tree maintenance. The proposed rules are effective in achieving a balanced approach.</p> <p><u>Effectiveness</u> The proposed STEM value of 140 provides for the protection of high quality trees across the District and ensures trees that are not up to a high standard are not protected.</p>	<p><u>Efficiency</u> A high STEM threshold would provide a low number of protected trees which would provide for efficiencies in Council processes and costs.</p> <p><u>Effectiveness</u> A high or low STEM threshold is not effective in achieving the right balance between protection of trees and unnecessary restrictions on landowners.</p>
<b>Risks of Acting/ Not Acting</b>	The risk of the status quo is that the tree schedule will remain out of date and a number of trees that are currently protected are not considered good tree specimens.	No tree protection could lead to a loss of amenity, ecological and heritage values.	It is considered that there is sufficient information to update Schedule 3 now that all of the existing protected trees have been assessed by Arbor Care as well as other trees that were picked up through the site assessment process.	An appropriate STEM value has been carefully considered. A high STEM value could mean that only some of the best trees would be protected a low STEM value may create an un-meaningful schedule of protected trees.
<b>Preferred Option</b>	<u>Option 3.</u> A STEM value of 140 and a review of the existing schedules will ensure that significant trees are protected and the associated rule provisions will ensure that any cost and restrictions on landowners are kept to a minimum.			

## **PLAN CHANGE 48**

### **Appendix A**

#### **Proposed Changes to Objectives and Policies**

## 3.1.2 Natural environment and heritage

## 2. Natural environment

O1	To protect and enhance the natural resources within the District that <u>are</u> is-valued for their intrinsic, scientific, educational and recreational values.	P1	Recreational use of wetlands and bush and the surface of rivers and streams will be allowed where such use is consistent with the conservation objectives of that area. Council may exclude access to some areas of high ecological quality.	<ul style="list-style-type: none"> <li>General Provisions, Section 1</li> <li>Activity Table Section 2</li> <li>Development Controls, Section 3</li> <li>Activity Related Standards, Section 4</li> <li>Performance Standards, Section 5</li> <li>Subdivision, Section 6</li> <li>Development Contributions, Section 7</li> <li>Natural Environment and Heritage, Section 10</li> <li>Other Methods, Section 13</li> </ul>	<p><i>Little of the natural environment remains unchanged by human occupation. Areas of the natural environment that exist require protection because of their scarcity or their value as representative examples of particular ecosystems and landscapes. Preservation of the natural character of the wetlands, rivers and their margins is a matter of national importance. The Kopuatai Peat Dome is the largest peat dome in the country and contains at least six threatened plants, the locally threatened North Island fernbird, a number of important fish species and has international significance as a waterfowl habitat wetland.</i></p> <p><i>Council acknowledges the Dome is part of our vanishing natural heritage. The Peat Dome is very vulnerable to change and parts of this wetland remain unprotected. The margins of the Dome are affected by land drainage practices, grazing, maize cropping and peat mining.</i></p> <p><i>Council considers it important that this wetland be protected and managed in a sustainable manner. Other smaller wetlands exist through the District and Council wishes to retain as many examples of the District's wetlands, for environmental and botanical reasons.</i></p> <p><i>RMA requires Council to have particular regard to the maintenance and enhancement of amenity values and the quality of the environment and the finite characteristics of natural and physical resources. Policies recognise that the natural environment is vulnerable to insensitive uses and development which may generate adverse effects. These policies give a higher level of protection to certain areas of the District in recognition of their regional, national</i></p>
<u>O2</u>	<u>To protect trees that have significant value to the community in terms of amenity, ecological and historical values.</u>	P2	To avoid, remedy or mitigate the adverse effects of activities that have the potential to compromise, damage or destroy significant areas of indigenous vegetation and habitats of indigenous fauna.		
		P3	Outstanding natural features, areas of indigenous vegetation or habitats of indigenous fauna are to be permanently protected at the time of subdivision, use and development.		
		P4	To maintain and enhance ecosystems with their essential values and qualities.		
		<u>P5</u>	<u>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.</u>		
		<del>SP1</del>	<del>Council will encourage landowners to permanently protect natural features, trees and vegetation provisions.</del>		
		<u>SP2</u>	<u>To encourage a "conservation" education programme in conjunction with other agencies for targeted groups such as farmers, schools, tangata whenua. This programme may be</u>		

		<p>SP3 developed in consultation with these groups. Council may, where it considers necessary acquire land to protect threatened outstanding natural features.</p> <p>SP4 Council will advocate and promote the voluntary protection of individual trees or stands of trees.</p> <p>SP51 Council will advocate that the Regional Council investigate the hydrological dynamics of the Kopuatai Peat Dome with a view to reviewing catchment policies on drainage, water quality and erosion control where necessary.</p> <p>SP62 Council will actively support the preparation of a management plan for the Kopuatai Peat Dome and land uses in the vicinity.</p>	<p>and international significance and their vulnerability. Council recognises conflicting demands on the environment may result in natural features being damaged or destroyed. A regulatory approach is adopted to control activities as one method of ensuring their long term protection.</p> <p>Policies SP1 and SP2 will, through the Strategic Plan, enable Council to use voluntary incentives and educational programmes to encourage public support and "ownership" of the need for protection. Information empowers landowners to make informed decisions and results in a greater understanding of the need for protection of particular natural features or resources by the Community.</p> <p>Policy SP3 provides Council with the option, where the cost can be justified, of using public ownership it ensures permanent protection for outstanding natural features. Inappropriate subdivision, use or development can then be prohibited and the development of more sympathetic activities permitted, if these were sensitive to the character and intrinsic values of the District's outstanding natural features.</p> <p>A "partnership" in the wider community in protecting the tree resources of the District is sought by Council to encourage community acceptance and support for tree protection.</p> <p>A regulatory approach is considered essential to provide certain protection from the adverse effects of inappropriate subdivision, use or development.</p> <p>Through Policies SP15 and SP26 Council advocates further investigations into the natural functioning of wetland ecosystems. This approach will enable Council to make more informed decisions on activities near wetlands while enabling to consider the effectiveness of present policies and methods relating to wetlands.</p> <p>Under Policy SP6 the preparation of a management plan for the Kopuatai Peat Dome is strongly</p>
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				<p>recommended by Council to ensure the long term sustainability of the wetland. Issues such as recreational use of the wetlands, drainage for agricultural purposes is a need to be debated in more detail in a forum such as a management plan process</p> <p><u>Council will protect trees that reach or exceed a standard tree evaluation method (STEM) value of 140. Trees that attain or exceed a STEM value of 140 are considered to be of a very high standard.</u></p> <p><u>The provisions have been developed to ensure landowners are able to carry out routine maintenance on trees on their properties that are protected by the District Plan through Schedule 3. There are a range of permitted activities that aim to provide a balance between protecting significant trees and reducing the impact on landowners with Protected Trees. Council aims to minimise Council resource consent requirements through the permitted activity criteria.</u></p>
<p><b>Anticipated environmental results</b></p> <ol style="list-style-type: none"> <li>1. Protection in perpetuity of outstanding natural features and resources.</li> <li>2. Greater public awareness and support for protection of the natural environment.</li> <li>3. To permanently protect significant examples of specimen trees and stands of native bush or trees (Typical performance measure: reduction in number of trees destroyed in the District).</li> <li>4. Reduction in the risk of serious or irreparable damage being done to trees through lack of knowledge or undue haste.</li> <li>5. To achieve permanent protection and sustainability of the Kopuatai Peat Dome and other important wetland areas.</li> </ol>				

## **PLAN CHANGE 48**

### **Appendix B**

#### **Proposed Changes to Rules (Section 10)**

## 10 Natural environment and heritage

### 10.1 ACTIVITIES INVOLVING SCHEDULED ITEMS AND NATURAL RESOURCES

Activities involving scheduled natural environment resources shall comply with the following:

- (i) 10 days notice in writing shall be given to the Council of any proposed work, redecoration, repair or alteration to any scheduled work, or any work in the Te Aroha Character Conservation Area, to determine the environmental effects of the proposed work.

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

### 10.2 Activity Table

KEY	
P	Permitted activity
D	Discretionary activity
N/C	Non Complying activity
C	Controlled activity
RD	Restricted Discretionary activity
PRHB	Prohibited activity
<i>All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for.</i>	
Activity	All zones
<b>1. Buildings And Objects In Schedule 1 and Buildings and Objects Within The Te Aroha Character Area</b>	
(a) Character Any minor redecoration, repair and/or insignificant alteration to a scheduled item, building or object which is carried out in a manner and design and with similar materials and appearance to those originally used which does not detract from those features for which the item has been scheduled.	P
(b) All activities affecting the appearance of any building or object in Schedule 1 and in the Te Aroha Character Area not considered to be minor including: Any alteration, modification or demolition to non-scheduled buildings constructed earlier than 1914. Construction of any new building.	D
<i>Advice note: See definitions for interpretation of "minor". Refer also to "Project Te Aroha" and supporting documentation in Clause 1.8 (Part A).</i>	
<b>22. Scheduled Trees Or Any Protected Trees Within Schedule 3 excluding understorey and regrowth of vegetation in a plantation forest.</b>	
(a) Minor trimming, pruning or maintenance of any tree listed in Schedule 3 undertaken by hand-operated clippers (of a 20mm maximum blade length) in accordance with accepted arboricultural practice and limited to: <ul style="list-style-type: none"> <li>Pruning and removal of branches with a maximum diameter of 40mm;</li> <li>No more than 10% canopy removal per calendar year.</li> </ul>	P

(b) The removal of dead, damaged or diseased limbs of any protected tree listed in Schedule 3 <del>when</del> undertaken by an <del>arborist</del> arborist on the Council list of qualified <del>arborists</del> arborists. Notification to Council is required prior to the commencement of works.	P
(c) The removal of any <del>protected</del> tree listed in Schedule 3 that is dead, dying or terminally damaged by disease or natural causes. <del>To trigger this rule a</del> A report undertaken by an <del>arborist</del> arborists arborists on the Council list of qualified <del>arborists</del> 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.	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. Notification to Council is required prior to the commencement of works.	P
(e) The emergency removal of any protected tree listed in Schedule 3 where there is an imminent threat to life or property. The works must be undertaken by an arborist on the Council list of qualified arborists.	P
(f) Works within the drip line of any protected tree listed in Schedule 3 including: - compaction, sealing, soil raising or soil disturbance, except for sealing of an existing footpath; and - construction of structures; and - parking or storage of materials, vehicles or machinery; and - discharge of an ecotoxic substance.	RD
(g) Any trimming, pruning or maintenance (including to the roots) of a <del>Scheduled tree</del> any protected tree listed in Schedule 3 that is not otherwise permitted.	<del>D</del> RD
<del>(e) 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.</del>	<del>D</del>
(h) Removal of any <del>protected tree listed in Schedule 3</del> scheduled tree (excluding those trees that meet the provisions of 2c and 2e)	N/C
<b>3. General Tree Protection Provisions</b>	
(a) Any major trimming, (that which cannot be done by hand operated clippers) pruning, maintenance or removal of any indigenous vegetation within 20m of river or stream.	D
<b>4. Identified Sites in Schedules 1 (Heritage Buildings and Objects), 2 (Waahi Tapu) and 3 (Outstanding or Significant Natural Features and Trees and Other Protected Items) except Scheduled Buildings and the understorey and regrowth of vegetation in a plantation forest.</b>	
(a) Modification of any natural landform	D
(b) Any building or structure of any kind, including any fence boundary wall or retaining wall except in the Kaitiaki (Conservation) zone.	D
(c) Maimais in wetlands unless defined as not being permitted in a management plan of the wetland.	P
(d) Excavation, damage or alteration, reconstruction, or destruction to any scheduled resource.	N/C
(e) Wildlife management activities carried out by the Department of Conservation and Fish & Game Council.	P
<b>5. Unscheduled Significant Natural Features</b>	
Damage, alteration or destruction of any significant indigenous vegetation or habitat or indigenous fauna meeting any one of the	D

criteria of Appendix 1, Clause 5 (i) or (xi).	
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Objectives/Policies		
3.1.2.1	O1,O2	P1
3.1.2.2	O1	P1, P2, P3, P4, P5
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

3.1.2.1	O1,O2	P1
3.1.2.2	O1	P1, P2, P3, P4, P5
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

Explanation: Section 13, Other Methods.

While some outstanding and significant natural features have been identified in Schedule 3, it is important when contemplating activities that may affect other natural features, that the criteria of Appendix 1 Section 5, are used to evaluate their significance, and thus determine whether that activity has permitted status or whether it is one that may require a resource consent. Council has agreed that by July 2003 it will initiate a study to identify any other significant natural features within the District that fit within the criteria so that this rule does not become a costly exercise to members of the community with the objective of completing the exercise by July 2005.

Council recognises that many landowners are already aware and voluntarily protect indigenous vegetation and wetlands for their own sake and as habitats of indigenous fauna. Council encourages such protection through incentives provided in this plan as follows:

- Subdivision rights where certain significant features are to be protected by landowners. See bonus protection lots Section 6, Subdivision.
- Provision of professional assistance from Council staff, liaison with other agencies and a willingness to consider supporting specialist outside advice where appropriate.
- Identification of the role of Council's Strategic and Annual Plans for advice to property owners, education, financial assistance and other incentives. This may include in the future rate relief, waiver of development levies or transferable development rights. See Section 13: Other methods.
- Limited land purchase for esplanade reserves and access. See Section 13: Other Methods.
- Promotion of, and provision for, assistance in the preparation of Landcare Plans which provide for eligibility for Council grants for fencing and planting. See Section 13: Other Methods.

## 10.3 Performance Standards

### 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.

### 10.3.2 Conservation plans

Any resource application on a Category 1 building which in the opinion of the Council involves significant work or alteration shall include a Conservation Plan as a part of the application. A Conservation plan must include:

- A statement of the significance of the heritage item.
- The physical, conservation action and care necessary for retaining or revealing the heritage significance - this may include maintenance, reconstruction or restoration.
- Particular activities which may be compatible with the protection of the heritage item and those which may need to be constrained.
- Policies to enable the cultural significance of a place to be retained in its future use and development.

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

3.1.2.1	O1	P1
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

## Explanation

These scheduled natural resources are considered significant (through complying with the evaluation criteria in Appendix 1) to Matamata-Piako and worthy of protection in the public interest. Resources included in the schedules are considered to be community assets and which would be valued ahead of most land development proposals which might endanger them or compromise their form or condition. Additional features may be added to the schedule by the Plan Change procedure including compliance with Appendix 1.

Heritage resources can be easily devalued or compromised by development or change, hence the need for rigorous controls over the redevelopment of these resources. The degree of protection afforded to heritage places should be adjusted to take account of the relative heritage value of the feature concerned. Categorising heritage significance into registration classes allows greater scope for adaptation and redevelopment of less significant items. It can also establish priority for the allocation of conservation resources.

~~Scheduled Protected trees listed in Schedule 3~~ are recognised as community assets and are afforded the greatest level of protection. Any alteration to the Schedule must be by way of a plan change. The general tree protection category recognises the considerable amenity, ~~historical and ecological value~~ afforded by ~~the most notable trees in our district on roads and reserves~~ and hence the provision for their protection. ~~The height and girth criteria ensure that protection is afforded to mature trees which make a significant contribution to the landscape and amenity of the District.~~ Trees located in the vicinity of rivers and streams contribute to water and soil conservation and can assist in minimising damage from natural hazards such as floods, erosion and siltation.

To avoid unnecessary delay in maintaining any scheduled items provision is made for minor or insignificant works as permitted activities.

Provisions for scheduled resources take precedent over the more general Te Aroha Character Area provisions. By controlling non-scheduled buildings in the conservation area it is expected that over time the particular character of Victorian Te Aroha will be retained and enhanced. Activities which do not adversely affect this character will be permitted in this area, as will new buildings and additions complimentary and in keeping with the character of the Te Aroha Character Area.

The Kaitiaki (Conservation) zone is applied to significant natural landscapes and habitats where the geographical spread of areas or features is sufficient to justify zoning rather than individual schedule of areas. This zone applies to areas to protect or enhance their natural, intrinsic, or other recognised values of an area. It covers the Kaimai Ranges, Western Ranges, Peat Dome, riparian areas and Kahikatea floodplain forest remnants over 4000m<sup>2</sup> in area. The Kaitiaki zone in the Kaimai Ranges includes all that land held in public reserve, areas identified by previous Hauraki Catchment Commission reports as being subject to soil conservation and generally all land down to the bush line at the base of the ranges. Pastoral country is generally excluded. Provisions are designed to achieve the conservation emphasis of the zone and any development or activities are restricted to ensure adverse effects on the environment are minimised. Mineral or peat processing is prohibited in this zone as such activities can be located in less environmentally sensitive areas, and their adverse effects can be more appropriately mitigated. Protection Forestry is permitted subject to Council conditions concerning rehabilitation, replanting within one year and soil conservation matters. The Forestry Code of Practice will be used by Council as a guide to the implementation of the controlled category criteria. Pastoral farming that exists as at November 1996 may continue with existing use rights. The clearance of further bush for farming use within the Kaitiaki zone is not to be allowed. Buildings are discretionary within the Kaitiaki zone to ensure an appropriate location relative to the visual impact, the impact on ecology and fire fighting facilities.

The Council will undertake a review, 5 years after the plan has become operative, of the environment along the Waihou, Waitoa and Piako rivers in terms of land use, the Kaitiaki (Conservation) zone and the categorisation of activities and methods used within the Kaitiaki (Conservation) zone in conjunction with affected landowners, interest groups and other members of the public who may have an interest.

## 10.4 Restricted Discretionary Activity Criteria

For activities which are a Restricted Discretionary Activity in accordance with Rule 10.2.2, Council has reserved control and may impose conditions in respect of the following matters:

### 10.4.1 General

- (a) Whether the proposal has adverse effects on the scheduled resource and the measures taken to avoid, remedy, or mitigate potential adverse effects;
- (b) The necessity for the proposed works or activity and any alternative methods and locations available to the applicant for carrying out the work or activities;
- (c) Whether the proposed activity detracts from the intrinsic value of the resource;
- (d) Whether the works or activity would wholly or partially nullify the effect of scheduling the resource;
- (e) Whether there is any change in circumstance that has resulted in a reduction of the value of the resource since it was scheduled in the plan.

### 10.4.2 Trimming, maintenance, removal and the undertaking of any activity or works within the dripline of any protected tree listed in Schedule 3:

- (a) The necessity for carrying out the works, including whether the tree is:
  - Dead, dying, diseased, or has lost the original qualities for which it was originally scheduled,

- Required to be removed from drainage systems, rivers or watercourses,
  - Interfering with network utilities or other public works,
  - Causing significant or unusual hardship.
- (b) The extent of trimming, maintenance and the methods to be employed and whether this is in accordance with accepted arboricultural practice;
- (c) Any alternative methods which may be available to protect the tree, including modification of development controls where this would encourage retention and enhancement of existing large trees on the site;
- (d) Whether the tree can be relocated;
- (e) Whether the proposed activities in the dripline of the tree are, in the opinion of Council, likely to damage the tree or endanger its health;
- (f) The extent to which the tree contributes to the amenity of the neighbourhood, both visually and physically, including as a habitat for native birds and animals;
- (g) Whether the proposed landscaping or revegetation can compensate for any envisaged loss.

## 10.5 Discretionary and non-complying assessment criteria.

The Restricted Discretionary Assessment criteria may be used as a framework for assessing Discretionary and Non-complying subdivision. However all actual and potential effects from any such activity shall be assessed and may be used in determining an application and/or imposing conditions.

## **PLAN CHANGE 48**

### **Appendix C**

#### **Proposed Changes to Schedule 3**



### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
1	Aitken Homestead Maungakawa Road Kereone	Ginkgo, Sweet Chestnut, Macrocarpa, Radiata Pine, Silver Birch, Eucalyptus, Phoenix Palm, Oaks, Silver Fir, Liquidamber and Redwoods	8	Part Lot 2 DP 13021
2	Near Aitken Homestead Maungakawa Road Kereone	Cork Oak	8	Lot 1 DPS 24698
3	Both banks Waitoa River west of Ngarua Memorial Hall State Highway 27 Ngarua	Lowland Bush	8	Pakarau Pa Block A2 and Part SW 6 Block VIII Maungakawa SD
4	North of Walton Road at junction with State Highway 27	Kahikatea Lowland Forest	11	Section 23 block VIII, Wairere SD
5	State Highway 27/Wairere Road	Stand of Kahikatea	11	Part Section 1 & Matamata North, Part 2B1 A2 and 3A block VIII, Wairere SD and Part Lot 2 DPS 12032
6	Walton School Walton	Red Oaks	39	Part DP 915A and All DPS 3403, DP 8523, DP 14538
7	Walton Village Walton	Copper Beech	11	Part Lot 2 DP 27651
7/1	Walton Village Walton	Kauri	39	Part Lot 2 DP 27651
8	Walton Village Walton	Sycamore	11	Part Lot 1 DP 7329
9	Wardville School Wardville	Tanekaha, Japanese Cedar, Sycamore, Holly, Totara (3), Liquid Amber, Memorial Ginkgo, Kauri	12	Part Lot 9 DP 2838, and Part Lot 9 DP 4223
10	Walker/Mills Streets Waharoa	Kahikatea Bush	31	Part Lots 1 and 2 DP 13299, Part 9A DP 850 Lots 1 and 2 DPS 26844, Section 77 block XIII Wairere SD and Lot 2 LTS 39444
11	Banks of Waitoa River North of Landsdowne Road Waharoa	Kahikatea Bush	31	Part Lot 58 DP 4455 Part Lot 20 DPS 4399 Part Lot 18 DP 850 Part Lot 19 DP 850
12	Banks of Waitoa River	Kahikatea Stand	31	Lot 1 DPS 3701, Lot 1 DP 3347

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
	South of Landsdowne Road Waharoa			
13	North of Dunlop Road Cemetery Waharoa	Sycamore	11	Section 1, SO 7632 and Part Lot 14 DP 850 (SO 58560)
14	East of Martyn Road Wardville	Kahikatea Remnant forest	11	Lot 2 DP 16072
15	South of Jagger Road Waharoa	Kahikatea Forest – Totara, Rimu with Kahikatea	11	Part Matamata North A1 and D1 blocks, Lot 7 DP 8106 and Lot 8 DP 8994
16	Near junction Alexandra/Wardville Roads Wardville	Kahikatea	12	Part Lot 1 DP 16072
18	Kopuatai Peat Dome/Waitoa Canal Right Bank	Raised Peat Dome, Stand of Kahikatea	2	Part Section 6 Block II Waitoa SD
19	Piako River off State Highway 27 Tahuna	Kahikatea Bush	2	Part Sections C and D Block VI Waitoa SD
20	Right Bank Piako River Western end of unformed part of North Road Tahuna	Lowland forest	2	Lot 1 DPS 15106
21	Right bank Piako River No.8 Road extension, Tahuna	Lowland forest	2	Section 1 Block VI Waitoa SD
23	Mangawara Road Hoe-O-Tainui	Mostly Kahikatea, with Rimu and Rewarewa	1	Block 6B2C1, Hoe-O-Tainui North Block
24	Mangawara Road Hoe-O-Tainui	Mostly Kahikatea, with Rimu, and Rewarewa		Mangawara Road Reserve (Legal Road) adjoining Section 11S block IV Haupukohu SD
25	Hoe-O-Tainui School Hoe-O-Tainui	Totara, Rimu, Tanekaha, Kowhai, Oak (2)	4	Part Section 6 block XII, Haupukohu SD
26	Quine Road Tahuna	Native Bush	4	Lot 1 DPS 57396 and Section 13 block IX Waitoa SD
27	Left Bank Piako River North of Paeroa- Tahuna Road Tahuna	Totara with Kahikatea	5	Crown Land Reserved From Sale and Part Section 30 Block V Waitoa SD
28	Right bank of Piako River north of Paeroa- Tahuna Road	Lowland Podocarp Forest	5	Part Section 19 Block V Waitoa Survey District and unformed road and Section 3 Block V Waitoa SD

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
	Tahuna			
29	Right bank Piako River north of Whakahoro Road	Lowland Podocarp Forest. Mainly Totara	5	Public road, Sections 20, 16-18 and Part 15 block X, Waitoa SD
30	Kopuatai Peat Dome	Peat Dome	2	DP 25664 Section 1 Part Sections 5, 6, 7, 27, 29, Blocks II, III, IV, VII Waitoa SD
31/1	Springdale School Springdale	Weeping Elm	5	Part Section 12S, Ballachraggon Settlement, block XI Waitoa SD
31/2	Springdale School Springdale	Elm, Rimu (2), Totara (2)	5	Part Section 12S, Ballachraggon Settlement, Block XI Waitoa SD
33	No.4 Road Springdale	English Oaks	5	Section 30A, Ballachraggon Settlement, Block XI, Waitoa SD
34A	Intersection No.4 Road State Highway 27 Te Puinga	Totara	5	Lot 1 DP 16209
34	Intersection No. 4 Road State Highway 27 Te Puinga	Oak	5	Lot 1 DP 16209
35	Waihou River, Off Endowment Road Elstow	Kahikatea	2	Part Sections 6 and 7, Block IV, Waitoa SD
36	Waihou River Waitoki	Kahikatea, Kanuka, Cabbage Tree	2	Block 3 Ngahuoneone, block IV, Waitoa SD
37	Matamata-Piako District Council Metal Dump, Mellon Road Elstow	Native Bush	5	Part 13 Block XII Waitoa SD
38	Junction Thomas/Bailey Road Waihou	Totara, Kahikatea	5	Part Section 31, Block XVI Waitoa SD
39	Waitoa River, Thomas Road Waihou	Totaras, Kowhai, Lowland Forest	5	Lot 1 DP 2483, Part Section 32 block XVI Waitoa SD and Road Reserve
41	No 2 Road Waihou	English Oak	5	Lot 30 DP 4443; Lot 29 DP 4443
42	Elstow School Grounds Elstow	Totara	5	DP 13560, Lot 2 DP 32996

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
44/1 44/2 44/3	Eastport Road Elstow	Oaks	5 5 5	Part Lot 1 DPS 41533
45	Eastport Road Elstow	Evergreen Magnolia	5	Lot 12A DP 4443
46/1	Eastport Road Elstow	Totara (5), Kowhai (5)	5	Lot 1 DP 23645
47	Scanlen Homestead Strange Road Elstow	Elm, Fan Palm, Phoenix Palms, Copper Beech, Red Oak, English Oaks, Tulip, London Plane, Japanese Maple, Beech, Melia, Pin Oak, Totara, Rimu (2), Kowhai, Ginkgo, Cabbage, Box Elder, Poplar, Pear Pawlonia, Magnolia, Holly	5	Lot 1 DPS 23374
48	Streamside, Wright Road Romani Stream Waitoki	Totara, Kanuka, Tanekaha, Mamaku, Mahoe	3	Part Lot 1 DP 576
49	Pukeroa Station Near homestead/woolshed Rawhiti Road Mangaiti	Pepper Tree, Totara, Karaka, Silver Birch, Sweet Gum, Palms, Nikau, Melia, Idesia, Deodar Cedar	3	Lot 5 DP 7035
50	Strange Road Te Aroha	Tulip Tree, Oaks	6	Part Lot 1 DP 33429
51	Tauhei School Tauhei	Golden Totara	7	Part Lots 2 and 3 DP 8138
52	Tauhei Hall Tauhei	Matai and Totara	7	Part Lot 1 DP 10385
53	Wairongomai Loop Road Te Aroha	Rimu	6	Part Section 1 block XII Aroha SD
54	Haumia Road Piako River Bridge Mangateparu	Totara Bush	5	Lot 1 DPS 56117, Section 66S, Mangateparu Settlement and Lot 1 DP 19448
55	Horrell Road Right bank of Piako River	Mixed Bush	7	Part of Ngakuri a ruru block, Block II Maungakawa SD

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg no	Location	Common names	Map no	Legal description
	Morrinsville			
56	Horrell Road Morrinsville	Mixed Lowland Bush	7	Part of Ngakuri a ruru block, Block II Maungakawa SD
57	Horrell Road Morrinsville	Totara	7	Lot 4 DP 13350
58	Te Puinga School Te Puinga	Tulip Tree	5	DP 11816
59	Gordon Avenue Te Aroha	Oak	21	Lot 1 DPS 59588 Block IX Te Aroha SD
60	State Highway 26 Tatuanui	Oak	25	05308/001.14 New Zealand Rail
62	Driveway off Horrell Road Morrinsville	Avenue of mixed trees to and around Homestead	7	Part Lots 1 and 2 DPS 4131
63	Junction of State Highway 26 and Thomas Road Waihou	Oak	5	Lot 2 DPS 5953
64	Waitoa River, No 1 Road Waitoa	Lowland Kahikatea Forest	24	DP 4444
65	Off Ngarua Road Right bank Waitoa River Waitoa	Lowland Podocarp forest	8	Section 2 Block IV Maungakawa SD
66	Waihou School Grounds Waihou	Noble Fir, English Oak (17), Totara, Kowhai (3), Douglas Fir (7), Lawson Cypress (5)	23	Section 9 Block XVI, Waitoa SD
67/1/A 67/1/C 67/1/D 67/2	School Front and Near Swimming Pool Motumaoho School Motumaoho	Silver Birch, Oaks, Golden Cedar	7 10 10 10	DP 7238
67/3/A	Road Reserve near Motumaoho School Motumaoho	Deodar Cedar (2), Douglas Fir, Flowering Ash, European Beech, Twisted Willow (4), Black Walnut (2), Idesia (2), Japanese Cedar, Linden	10	Road Reserve
68	North end of Studholme Street Morrinsville	London Plane, Oak	26	Lot 2 and Part Lots 3 and 4 DP 24498

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
69	End of Eynon Road Morrinsville	Oak	29	Lot 1 DPS 61200
70	North Side of State Highway 26 Western Entrance Morrinsville	Totara	7	Part Lot 2 DPS 21721
71	Left and Right Banks Waitakaruru Stream, Near Motor Camp Morrinsville	Linear Stand of Totara Bush	28	Lot 1 and 2 DP 29273, Part Lot 1 DP 2460, Part Lot 2 DP 14105, Lot 2 DPS 468 and Part Lot 28 DP 2456
71	Left and right banks Piako River Morrinsville	Linear Stand of Totara Bush.	28	Part Lot 1 DP 14105
72	Along the banks of the Waitakaruru Stream Morrinsville	Totara, Kanuka, Macrocarpa, Kowhai	28	Various Lot 3 DPS 43044, Part Lot 1 DP 7261
73	Between Murray Road/State Highway 26 Morrinsville	Mainly European Oaks	7	Sections 4 and 5, Block II Maungakawa SD
74	Maungakawa Road Ngarua	Totara	8	Part Lot 1 DPS 16286
75	Kereone School Hutchinson Road Kereone	Pepper Tree, Lawson, Cypress, Oak, Liquidamber, Douglas Fir, Native Trees at the entrance	11	All DP 21403
76	Baker Road Manawaru	Oak	8	Part Section 3 Block VI, Wairere SD
77	Waghorn Road Hungahunga	Cedars, Ginkgo, Red Oak, Copper Beech, Tanekaha, Silver Beech, Cryptomeria, 'Elegans', Macrocarpa, Wanut, Ash, Tarata, Golden Catalpa	9	
77/1	Driveway, Waghorn Road Hungahunga	Cedars, Ginkgo, Red Oak, Copper Beech, Tanekaha, Silver Beech, Cryptomeria, 'Elegans', Macrocarpa, Walnut, Ash, Tarata, Golden Catalpa	9	
79	Alexandra Road Hungahunga	Pink Horse Chestnut	11	Part Lot 2A DP 3723
80	Wardville Road Wardville	Red Oak	12	Lot 2 DPS 45995
81	Tahuroa Road	Robinia, Blue Gum, Oak, Pine, European Beech, Sweet	10	Lot 1 DPS 35119 Block X Maungakawa SD

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
	Tahuroa	Chestnut		
82	Chepmell road, Near School Kiwitahi	Limes/Lindens	10	Part Te Au O Waikato 2B2 block XV Maungakawa SD
83	Kiwitahi Station Road Kiwitahi	Ginkgo, Redwood, Sweet Chestnuts, Pines, Tulip Trees; Small patch of native bush in garden, Road Oak, Liquid Amber, blue Cypress, Red Oak	11	Lot 1 DP 49714
87, 87A	Waharoa Primary School Waharoa	Tulip Tree, Elm	31	Sections 1 14 and Sections 64 and 65, Block X Waharoa Township
88	Bowling Club, Mowbray Road Waharoa	Limes/Lindens	31	Part Section 26, Waharoa Township
89	Waterworks Road Kiwitahi	Native Bush, Eucalypts, Redwoods, Pines and Black Walnuts	13	Section 2D and 2E Kiwitahi Block ML 8878, and Section 73S Te Miro Settlement, Block III Cambridge SD
90	Piakenui Road Richmond Downs	Kauri, Pohutukawa, Micaella, Titoki, Phoenix Palm, Twisted Willow, Albizia, Flowering Gum, Flowering Cherry, Redwood, Puriri and many others	13	Part Section 4 Block IV Cambridge SD
95	Firth Tower Reserve Tower Road Matamata	Oaks, Redwood, Cabbage Tree, Japanese Plum Yew	40	Lot 1 DPS 19768, Lot 1 DPS 40537
96	Tower Road Matamata	Oak	14	Part Section 248 Matamata Settlement, and Section 247 Matamata Settlement
97	Off Buckland road Buckland	Native Bush	16	Lot 1 DPS 27787, Part 3, on Deed C37 being Part Hinuera No. 2 Block VIII Cambridge SD
98	Mathieson Road Buckland	Native Bush	16	Part 43B Deed C37 being Part Hinuera No. 2 Block VIII Cambridge SD
99	Buckland Road BUCKLAND	Sitka Spruce, Lagonaria, Twisted Willow, Catalpa, Japanese Cedar, Silver Birch, Poplar Vars, Gleditsia, Ash, Jacaranda, Sycamore, Pin Oak and others	13	Part 135 Part 136 DP 22189
100	Buckland Road Buckland	Golden Totara, Norfolk Island Pine (80 years), Rimu (80 years), Tanekaha, Silky Oak, Pinaster Pine, Totara, Kauri, Magnolia, Kawaka, Huge Sweet Chestnut, Oak, Elm, Plane, Walnut and others	16	Lot 2 DP 30676
101	East of Puketutu/Buckland Roads	Sycamore	17	Section 185, Block B and IX Tapapa SD

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
	Hinuera			
102	Totman Road West of State Highway 29 Piarere	Kahikatea Bush	17	Part Lot 2 DP 15231
104	Taotaoroa Road Piarere	Pin Oaks	17	Part Lot 1 DP 35663
105	Blandford Park State Highway 27 Matamata	Blue Cedar, Macrocarpa, Tasmanian Blackwood, Claret Ash, Linden, Red Oak, Poplar Vars, Willow, Silver Birch	14	All DP 21734
106	State Highway 29 Hinuera	Tasmanian Blackwood	17	Part Lot 1 DP 7128
107	State Highway 29 Hinuera	English Oak, Blue-Gums	17	Part Lot 1 DP 7128
108 108/A	Taihoa South Road Matamata	English Oak	17 14	Lots 1 and 2 DP 24515, Lot 1 DP 14047; Lot 1 DPS 12990; Lot 1 DPS 43471
109	State Highway 29 East from junction with State Highway 27 Te Poi	Black Locust/Acacia/Robinia, Chestnuts	17	Part Lot 2 DP 17672
111	Rapurapu Road Te Poi	Poplar/Cotton Wood	18	Lot 1 DPS 17684 and Sections 78 and 79 block XII Tapapa SD
112	Totara Springs Taihoa North Road Matamata	Bush on gully edge in quite good condition. Many exotics mixed in. Pin Oaks, Magnolias, Gum Trees, Poplars, Blue Cedars	14	Lot 1 DPS 34763 Part Section 1A Mangawhero Settlement, SO 13998
113	State Highway 29 Piarere	London Plane	16	Section 156 Block XVI Tapapa SD
115	32 Studholme Street Morrinsville	Evergreen Magnolia	28	Lot 4 DP 33165
116	39-41 Lorne Street Morrinsville	Miro, Tanekaha, Karaka, Kahikatea, Kauri, Cabbage Tree	28	Part Lot 43 DP 13335
117	Near Railway, Allen Street Morrinsville	Totara	28	Part Lot 194 DP 2461
120	22 George Street	Totara	27	Lot 1 DPS 2345



### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
	Morrinsville			
120	22 George Street Morrinsville	Oak	27	Lot 1 DPS 2345
121	72 Coronation Road Morrinsville	Cedar	27	Lot 48 and Part Lot 46 DP 7150
125	Thomas Park, Moorhouse Street Morrinsville	Liquidamber, London Plane, Totara	28	Lots 9 and 10 DP 1721
126	Baptist Church	Totara, Magnolia	28	Lots 1 and 2 DP 19690
126	54-58 Moorhouse Street Morrinsville		28	
128	Moorhouse Street/Allen Street Morrinsville	Phoenix Palm	29	Part 5 Portion Lot 107, DP 180
134	6 Sain Crescent Morrinsville	Tulip Tree	26	Lot 34 DPS 11211
136	61 Coronation Road Morrinsville	Oak	27	Lot 1 DPS 2244
138	Corner Elm Street River View Road Morrinsville	Oak	27	Lot 1 DPS 59997
139 Mo	462 Thames Street Morrinsville	Oak	27	Lot 1 DPS 67835
146	11 Page Street Morrinsville	Rimu	26	Lot 1 DP 28345
155	David Street Morrinsville	Pin Oak, Cedar, Dawn Redwood, Red Oak, Idesia, Ash, Claret Ash, Liquidamber, Sheeko, Italian Cypress, Golden Totara, Tarata, Tanekaha, Kahikatea, Rimu, Kowhai	26	Lots 1, 2, 5, 6 DPS 1161 and others
156	39 Coronation Road Morrinsville	Sweet Chestnut	26	West Part Lot 30 DP 7150
157	40 Coronation Road Morrinsville	Oak	26	Part Lot 21 DP 7151
158	Corner Bank and North Streets Morrinsville	Oak	26	Lot 3 DP 13122

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
160	St John Headquarters Rewi Street/Burgess Street Te Aroha	Giant Redwood	22a	Lot 1 DPS 61248
166/1	Grounds of Waitoa School State Highway 26 Waitoa	English Oaks (2), Red Oak, Silver Fir	24	Lot 2 DPS 316755
170	136 Burwood Road Matamata	English Walnut	34	Lot 2 DP 13321 Block VI Tapapa SD
171	104-106 Burwood Road Matamata	English Oaks	34	Lot 13 DPS 17200
173	52 Burwood Road Matamata	Cooper Beech and Judas Tree	34	All DP 29622
177	Matamata College, Firth Street Matamata	Planes, Oaks, Palms, Tulip Tree and others	34	All DP 15182 Lots 9, 10 DP 15616 Lot 2 DP 34755 Lot 12 DPS 5650—School
178	54 Smith Street Matamata	Tulip Tree	32	Lot 2 DP 27301 Block II Tapapa SD
182	Rawhiti Rest Home 15 Gordon Terrace Matamata	Japanese Cedar, Oak	32	Lot 1 DPS 51286 Part Lot 7 DPS 20292—Rawhiti Rest Home
183-Ma	2 Burwood Road Matamata	Bullbay Tulip Tree, Copper Beech	33	Lot 2 DP 31194
184-Ma	Matamata Primary School Broadway Matamata	Totara, Plane, Oak, Chestnuts, etc.	32	Blocks IX, X and XXI Matamata Township
185	Bedford Park Football Cricket Grounds, Tainui Street Matamata	London Plane	34	DP 23641 Lot 1 DPS 2560
186	Railway Land, Hotana Street Beautification Reserve Matamata	Oak, Larch, Chestnut, and Ash	32	Lots 1 and 2 being a subdivision of Part Turanga-O- Maona Block (railway land)
187	1 Totara Avenue Matamata	Scarlet Oak	35	Lot 28 DPS 7004

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
188	9 Cranswick Crescent Matamata	Copper Beech	34	Lots 27, 28 DP 34573
191	139 Firth Street Matamata	Hiba (Thujopsis Dolabrata)	34	Lot 32 Part Lot 31 DPS 42
192	Elizabeth Street Matamata	Chamaecyparis Pisifera	34	
193	Te Aroha Club Centennial Avenue Te Aroha	Lebanon Cedar	20	Lots 3, 9 DP 34185
194	540 Peria Road Matamata	Tulip Tree, Chestnut, Kauri, Japanese Cedar, Camellia	14	Section 150 Block I Tapapa SD
195	498 Peria Road Matamata	Karaka (2)	14	Part Lot 2 DPS 7858 Block I Tapapa SD
196	438 Peria Road Matamata	Kahikatea, Titoki, Tawa, and others	14	Lots 23, 26 DP 1297 Block I Tapapa SD
197	Matamata Domain Meura Street Matamata	Oaks (2) in memory of soldiers	32	PT BLK XII Matamata TNSP
200	434 Waharoa Road East Waharoa	Stand of Native Bush (Kahikatea)	31	Lot 1 DPS 69701 (being a subdivision of Part Lot 12 DP 850)
201	Factory Road Waharoa	Oak Trees	31	Lot 19 being subdivision of Waharoa Dairy Company property
203	1263 Piakonui Road Richmond Downs	Stand of Native Bush	13	Lot 2 being a subdivision of Lot 4 DP 14276 and Lot 16 DP 17891
204	112 Stanley Road South Te Aroha	Stand of Native Bush (Totara), Redwoods	22	Sections 3, 7A, 7C and Part 7B, Block XI, Aroha SD
205	Wakahongi Road State Highway 27 Tatuanui	White Spruce	8	Lot 2 DPS 70451
206	54 Stirling Street Te Aroha	Oak trees	19	Part Lot 9 DP 9294
207	Te Aroha Racecourse	Phoenix Palm Trees	21	All DP 12926, All DP 20218, All DP 27549, Lot 1 DP

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map no	Legal description
	Stanley Road Te Aroha			33370, Lots 2 and 3 DP 37114 and Sections 115 and 119, block XI Aroha SD
208	Tirotira Peaks Mangawhara Road Hoe O Tainui	Remnants of Kauri Forest	1	Maukoro 1B1, Block VIII, Hapuakohe SD
209	Campbell Road Walton	Open Space Covenant protecting flora and fauna	11	Part Lot 4 DP 7329
211	State Highway 29 Piarere	Ongatiti Ignimbrite Bluffs (Hinuera Stone)	16, 17	Lot 2 DPS 36745, Sections 181, 182 and 183 Blk XIII Tapapa SD; Lot 4 and Part Lot 5 DPS 4861; Lots 2 and 3 DPS 4861; Lot 1 DPS 2507 and Lot 1 DPS 53527; Part Lots 1 and 2 DP 24661; Part Section 30 Matamata Settlement, Block XVI Cambridge SD; Part Section 127 Matamata Settlement, Block XIII Tapapa SD; Part Section 126 Matamata Settlement, Block XIII Tapapa SD
212	171 Scott Road Morrinsville	Oaks, Cottonwood and stands of Totara	29, 30	Lots 1, 2, 3 DPS 8659 and Lot 1 DP 35252
213	Natural Native Forest on all that land zoned Kaitiaki (Conservation) excluding understorey and regrowth of vegetation in a plantation forest. <ul style="list-style-type: none"> <li>Along the Kaimai Ranges including Mt Te Aroha.</li> <li>Over the Kopuatai Peat Dome.</li> <li>In the Te Tapui Scenic Reserve.</li> <li>In the Hapuakohe Ecological Area.</li> <li>In the Maungapiko Scenic Reserve.</li> </ul>	Various exotic and indigenous flora and fauna	<ul style="list-style-type: none"> <li>3, 6, 9, 12, 15, 18</li> <li>2</li> <li>13, 14</li> <li>1</li> <li>1</li> </ul>	Various
215	2994 State Highway 26 Morrinsville	Common Beech	7, 27	DP 23519 Blks II VI Maungakawa SD
216	628 Hinuera Road Hinuera	Totara, Rimu, other natives	42	Lot 11 DP 7128
217	4 North Street Morrinsville	Liquidambar	26, 27	Lot 1 DP 16524

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
219	32 David Street Morrinsville	Tulip Tree	26	Lot 10-DPS 7450
220	303 Thames Street Morrinsville	Macrocarpa (2)	27	Lot 2-DPS 12975
221	349 Thames Street Morrinsville	Red Oak (4)	27	Part 2 Motumaoho, Part DP 26237
222	Morrinsville College Alexandra Avenue Morrinsville	Copper Beech	27	Part 2 Motumaoho, Part Lot 1 DP 32457
223	Morrinsville College Alexandra Avenue Morrinsville	Cedar	27	Part 2 Motumaoho, Part Lot 1 DP 32457
224	Morrinsville College Alexandra Avenue Morrinsville	Ash (13), Liquidambar (4), Ginkgo, Tulip Tree (2), Evergreen Oak, Beech (2), Pin Oak, Plane, Elm, (Along North Street boundary)	27	Part 2 Motumaoho, Part Lot 1 DP 32457
225	Morrinsville College Alexandra Avenue Morrinsville	English Oak (5), (Fronting Alexandra Avenue)	27	Part 2 Motumaoho, Part Lot 1 DP 32457
226	Morrinsville College Alexandra Avenue Morrinsville	London Plane (6), (On central sports field)	27	Part 2 Motumaoho, Part Lot 1 DP 32457
227	Morrinsville College Alexandra Avenue Morrinsville	English Oak (2), Totara, Camphor Laurel, (Staff Vehicle Entrance)	27	Part 2 Motumaoho, Part Lot 1 DP 32457
228	Morrinsville Intermediate Elizabeth Avenue Morrinsville	Tulip Tree, Cedar (2), Swamp Cypress. Cedars front Coronation Road, Tulip and Cypress (On sports field)	27	Part Lot 7 DP 7445
229	Matamata-Piako District Council Canada Street Morrinsville	English Oak	29	Lot 1 DP 8452
230	Rhoda Road Hospital 222 Studholme Street	Ginkgo (3), Cedar (2), Melia, Kauri, Pin Oak (3), Ash (2), Liquidambar, Redwood (2)	26	Lot 1-DPS 524

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
	Morrinsville			
231	201 Station Road Matamata	11 Poplar Hybrid (two individual specimens and two groups of 4 and 5 trees respectively)	14	Lot 2 DP 21055
232	173 Station Road Matamata	2 Willow, Oak, 3 Poplar Hybrid	14	Lot 2 DP 377005
233	143 Station Road Matamata	Liquid Amber, 14 Silver Birch, group of 7 trees including Plane, Oak and Willow	14	Lot 1 DP 14362
234	127 Station Road Matamata	Oak	34	Lot 1 DP 65481
235	64 Station Road Matamata	6 London Plane, 2 Poplar	14 and 34	Lot 2 DP 373715
236	16 Jellicoe Road Matamata	Willow, 3 Pin Oak	34	Lot 16 DP 4476
237	14 Beatty Road Matamata	Group of Oak, Cedar, Elm, Willow, Loguart, Nikau, hedge of Willows	34	Lot 2 DP 62506
238	217a Firth Street / Hinuera Road Matamata	Willow	34	Lot 1 DP 2354
239	St Josephs Church Victoria Avenue Morrinsville	Weeping Wych Elm	27	Part Lot 17 DP 15095
240	St Josephs Primary School Linden Street Morrinsville	English Oak (9), 7 front Victoria Avenue, (2 on edge of sports field)	27	Part Lot 17 DP 15095
241	2 College Street Matamata	Copper Beech	34	Lot 13 DPS 132
242	2 Tower Road Matamata	English Oak	33	Lot 26 DP 14540
243	6 Hohaia Street Matamata	Cypress	32	Section 2 Block XI Matamata TNSP
244	10 York Place Matamata	English Elm	34	Lot 20 DPS 7582
245	15 Waharoa Road East	Beech, Rimu, Fir	32	Lot 5 DP 20193

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map-no	Legal description
	Matamata			
246	Matamata Country Lodge 18 Elizabeth Street Matamata	Horse Chestnut	32	Lot 2 DPS 78614
247	Matamata Country Lodge 18 Elizabeth Street Matamata	Walnut	32	Lot 2 DPS 78614
248	26 Western Street Matamata	Copper Beech	32	Lot 1 DPS 54540
249	35 Elizabeth Street Matamata	Tulip Tree	32	Lot 81 DP 13191
250	40 Tamihana Street Matamata	Beech	34	Lot 1 DPS 12681
251	63 Station Road Matamata	Redwood	34	Lot 9 DPS 4107
252	Matamata College Firth Street Matamata	Kauri, (at Bradley Gymnasium)	34	Part Section 79 Block II Tapapa SD
253	Matamata College Firth Street Matamata	Kauri, (at Nga Kuri a Whare)	34	Part Section 79 Block II Tapapa SD
254	Matamata College Firth Street Matamata	Native Beech, (front garden, Firth Street)	34	Part Section 79 Block II Tapapa SD
255	Matamata College Firth Street Matamata	English Oak (4), (3 on boundary with Firth Primary, 1 near Matamata Intermediate buildings)	34	Lot 2 DP 34755
256	Matamata College Firth Street Matamata	Pin Oak, (main entrance)	34	Part Section 79 Block II Tapapa SD
257	Matamata College Firth Street	Plane, (Firth Street in front of library)	34	Part Section 79 Block II Tapapa SD

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg-no	Location	Common names	Map no	Legal description
	Matamata			
258	Matamata College Firth Street Matamata	Swamp Cypress, (Firth Street Boundary North)	34	Part Section 79 Block II Tapapa SD
259	Farmers Building Tainui Street Matamata	English Oak	32	Part Section 9 Block VII Matamata TNSP
260	Firth Primary School Station Road Matamata	Plane (3), (Boundary with Matamata College)	34	Part Lot 3 DP 15176
261	Caltex Garage Farmers Road/Firth Street Matamata	Cedar	32, 34	Lot 2 DPS 71392
262	Matamata Intermediate School Smith Street Matamata	Ginkgo, (by tennis courts)	34	Part Lot 3 DP 15176
263	Matamata Intermediate School Smith Street Matamata	English Oak (2), Plane (9), (on boundary with Matamata College)	34	Part Lot 3 DP 15176
264	St David's Presbyterian Church 78 Seddon Street Waharoa	Cedar	31	Lot 7 DP 850
265	11 First Avenue Waihou	Italian Cypress	23	Lot 102 DP 60
266	5 Koromiko Street Te Aroha	English Oak	22a	Part Lot 2 DPS 41318
267	16 Rata Street Te Aroha	Northern Rata	22a	Section 37 Block LIII TN OF Te Aroha
268	38 Ritchie Street Te Aroha	English Oak	21	Lot 3 DPS 64676
269	12A Hikutaia Street Te Aroha	English Oak	19	Lot 1 DP 344456



### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

Reg no	Location	Common names	Map no	Legal description
270	Te Aroha College Stanley Avenue Te Aroha	Kauri, (Norman Blakey Native Reserve)	19	Lot 1 DP 5177
271	Te Aroha College Stanley Avenue Te Aroha	Lime, (near grounds mans shed on sports field)	19	Lot 1 DP 5177
272	Te Aroha College Stanley Avenue Te Aroha	Walnut, (in courtyard)	19	Lot 2 DP 5177

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

#### Protected Trees

New Tree Number	Current Tree No <small>(Note: This is for reference purposes only and will not be incorporated in the District Plan)</small>	Location	Common names	Tree/Group	Map no	Legal description
1	1	224 Maungakawa Road, Morrinsville	Sweet Chestnut	Single	8	Lot 2 DP 404660
2			Redwood	Single		
3			Redwood	Single		
4			Redwood	Single		
5		225 Maungakawa Road, Morrinsville	Oak	Single		Lot 1 DP 404660
6			Oak	Single		
7			Ginkgo	Single		
8	2	149A Maungakawa Road, Morrinsville	Cork Oak	Single	8	Lot 5 DP 317860
9	7	303A Walton Road, Walton	Copper Beech	Single	39	Lot 1 DP 315233
10	7/1	303A Walton Road, Walton	Kauri	Single	39	Lot 1 DP 315233
11	9	411-413 Wardville Road, Waharoa	Memorial Ginkgo	Single	12	Part Lot 9 DP 2838
12	25	2702 Tahuna-Ohinewai Road, Ohinewai	Totara, Rimu, Tanekaha, Karaka, Titoki, Oak	Group	4	Part Lot 6 DP 8697
13			Oak	Single		
14	31/2	985 No 1 Road, Waitoa	Elm	Single	5	Part Section 12 Block XI SD WAITOA
15	33	No 4 Road, Waitoa	Oaks	Group	5	Section 30 Block: XI SD: WAITOA
16	41	97A & 169 Eastport Road, Te Aroha	English Oaks	Group	5	Part Lot 30 DP 4443 & Lot 29 DP 4443
17	44/1	566 Eastport Road, Te Aroha	Oak	Single	5	Part Lot 1 DPS 41532
18	44/2	482 Eastport Road	Oak	Single	5	Part Lot 1 DPS 41533
19			Oak	Single		
20			Oak	Single		
21	44/3	482 East Port Road	Oak	Single	5	Part Lot 1 DPS 41533
22			Oak	Single		
23	47	393 Strange Road, Te Aroha	Pin Oak	Single	5	Lot 1 DPS 23374

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

#### Protected Trees

New Tree Number	Current Tree No <small>(Note: This is for reference purposes only and will not be incorporated in the District Plan)</small>	Location	Common names	Tree/Group	Map no	Legal description
24			Magnolia	Single		
25			Beech	Single		
26	50	240 Strange Road, Te Aroha	Oaks	Group	6	Part Lot 1 DP 33429
27			Tulip	Single		
28	54	723 Horrell Road, Morrinsville & Haumia Road, Morrinsville	Totara	Group	5	Lot 1 DPS 56117 & Lot 1 DP 19448
29	58	942 Horrell Road, Morrinsville	Tulip Tree	Single	5	Part Lot 1 DP 11816
30	60	State Highway 26, Tatuani	Oaks	Group	25	Railway
31	62	78A & B Horrell Road, Morrinsville	Oaks	Group	7	Lot 1 DP 319102 & Lot 2 DP 319102
32	63	4075A State Highway 26, Te Aroha	Oak	Group	5	Part Lot 2 DPS 5953
33	67/1/C	2101 State Highway 26, Morrinsville	Oak	Single	10	Part Lot 4 DP 7238
34			Oak	Single		
35	67/2	2101 State Highway 26, Morrinsville	Golden Cedar	Single	10	Part Lot 4 DP 7238
36	68	162 Studholme Street, Morrinsville	London Plan, English Oaks	Group	26	Lot 2 DPS 463166
37	69	Eynon Road, Morrinsville	Oaks	Group	29	Lot 1 DPS 61200
38	73	State Highway 26, Morrinsville	Mainly European Oaks	Group	7	Section 4 & 5 Lock: II SD: MAUNGAKAWA
39	76	148 Baker Road, Te Aroha	Oak	Single	8	Part Section 3 Block VI SD WAIRERE
40	77 & 77/1	540 Waghorn Road, Waharoa	Cedar	Single	9	Lot 2 DPS 30861
41	81	1014 Tahuroa Road, Morrinsville	Oak	Single	10	Lot 1 DPS 35119
42	82	17 Chepmell Road, Morrinsville	Linden Lime	Single	10	Section 5 SO 466899
43			Linden Lime	Single		
44			Linden Lime	Single		
45	83	86 Kiwitahi Station Road, Morrinsville	Sweet Chestnut	Single	11	Lot 1 DPS 49714

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

#### Protected Trees

New Tree Number	Current Tree No <small>(Note: This is for reference purposes only and will not be incorporated in the District Plan)</small>	Location	Common names	Tree/Group	Map no	Legal description
46			Pin Oak	Single		
47			Redwood	Single		
48	87, 87A	Mowbray Road, Waharoa	Tulip	Single	31	Section 10 Clock X Town WAHAROA
49			Elm	Single		
50	95	266A Tower Road, Matamata	Oak	Single	40	Lot 1 DPS 19768
51			Oak	Single		
52	101	543A Puketutu Road, Matamata	Sycamore	Single	17	Section 185 SET MATAMATA
53	104	277 Taotaoroa Road, Matamata	Pin Oak	Group	17	Lot 4 DPS 90341
54	106	4873 State Highway 29, Matamata	Tasmanian Blackwood	Single	17	Part Lot 1 DP 7128
55	108	198 Taihoa South Road, Matamata	English Oak	Group	14	Lot 1 DP 14047
56	108A	366 Taihoa South Road, Matamata	English Oak	Group	14	Lot 1 DP 370679
57	121	72 Coronation Road, Morrinsville	Cedar	Single	27	Lot 48 DP 7445
58			Cedar	Single		
59	125	49 Moorhouse Street, Morrinsville	Liquidamber	Single	28	Lot 9 DP 17212
60			London Plane	Single		
61	136	61 Coronation Road, Morrinsville	Oak	Single	27	Lot 1 DPS 2244
62	138	5 Elm Street, Morrinsville	Oak	Single	27	Lot 1 DPS 59997
63	156	39 Coronation Road, Morrinsville	Sweet Chestnut	Single	26	Part Lot 30 DP 7150
64	160	35 Burgess Street, Te Aroha	Giant Redwood	Single	22a	Lot 1 DPS 61248
65	178	54 Smith Street, Matamata	Tulip Tree	Single	32	Lot 2 DP 27301
66	184 Ma	6 Meura Street, Matamata	Oak	Single	32	Block X Town MATAMATA
67	186	Hetana Street, Matamata	Oak, Larch, Chestnut, Ash	Group	32	Section 2 SO 332296
68	187	1 Totara Avenue, Matamata	Scarlet Oak	Single	35	Lot 28 DPS 7004

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

#### Protected Trees

New Tree Number	Current Tree No <small>(Note: This is for reference purposes only and will not be incorporated in the District Plan)</small>	Location	Common names	Tree/Group	Map no	Legal description
69	193	40 Centennial Avenue, Te Aroha	Lebanon Cedar	Single	20	Lot 3 DP 34185
70	194	540 Peria Road, Matamata	Tulip	Single	14	Section 150 SETTLEMENT MATAMATA
71	195	498 Peria Road, Matamata	Karaka	Single	14	Lot 3 DP 368092
72	196	438 Peria Road, Matamata	Kahikatea, Titoki, Tawa	Group	14	Lot 1 DP 328475
73	197	Hohaia Street, Matamata	Oak	Single	32	Part B XII & XXII Town MATAMATA
74			Oak	Single		
75	200	Waharoa Road East, Waharoa	Kahikatea	Group	31	Lot 1 DPS 69701
76	206	6 Oaks Place, Te Aroha	Oak	Single	19	Lot 4 DP 350444
77			Oak	Single		
78	215	2994 State Highway 26, Morrinsville	Common Beech	Group	7 & 27	Dsc: PT MAUNGATAPU
79	219	32 David Street, Morrinsville	Tulip Tree	Single	26	Lot 10 DPS 7450
80	228	12 Elizabeth Avenue, Morrinsville	Tulip Tree	Single	27	Part Lot 7 DP 7445
81	248	26 Western Street, Matamata	Copper Beech	Single	32	Lot 62 DP13191
82	249	35 Elizabeth Street, Matamata	Tulip Tree	Single	32	Lot 81 DP 13191
83	251	63 Station Road, Matamata	Redwood	Single	34	Lot 10 DPS 4107
84	255	121 Firth Street, Matamata	English Oak	Single	34	Lot 2 DP 34755
85			English Oak	Single		
86	259	7 Tainui Street, Matamata	English Oak	Single	32	Part Section 9 Block VII Town: MATAMATA
87	260	45 Station Road, Matamata	Plane	Single	34	Part Lot 3 DP 15176
88	265	11 First Avenue South , te Aroha	Italian Cypress	Single	23	Lot 101 DP 60
89	266	5 Koromiko Street, Te Aroha	English Oak	Single	22a	Part Lot 2 DPS 41318
90	267	16 Rata Street, Te Aroha	Northern Rata	Single	22a	Section 37 Block: LIII Town: TE AROHA
91	269	12a Hikutaia Street, Te Aroha	English Oak	Single	19	Lot 1 DP 344456

### Schedule 3: Outstanding or significant natural features and trees and other protected items

See Appendix 1 for evaluation criteria

#### Protected Trees

New Tree Number	Current Tree No <small>(Note: This is for reference purposes only and will not be incorporated in the District Plan)</small>	Location	Common names	Tree/Group	Map no	Legal description
92	272	102 Stanley Avenue, Te Aroha	Walnut	Single	19	Lot 2 DP 5177
93	Additional	35 Burgess Street, Te Aroha	Giant Redwood	Single	22a	Lot 1 DPS 61248

### Schedule 3: Outstanding or significant natural features and other protected items

See Appendix 1 for evaluation criteria

#### Outstanding or Significant natural features and other protected items

Reg no	Location	Common names	Map no	Legal description
3	Both banks Waitoa River west of Ngarua Memorial Hall State Highway 27 Ngarua	Lowland Bush	8	Pakarau Pa Block A2 and Part SW 6 Block VIII Maungakawa SD
4	North of Walton Road at junction with State Highway 27	Kahikatea Lowland Forest	11	Section 23 block VIII, Wairere SD
5	State Highway 27/Wairere Road	Stand of Kahikatea	11	Part Section 1 & Matamata North, Part 2B1 A2 and 3A block VIII, Wairere SD and Part Lot 2 DPS 12032
10	Walker/Mills Streets Waharoa	Kahikatea Bush	31	Part Lots 1 and 2 DP 13299, Part 9A DP 850 Lots 1 and 2 DPS 26844, Section 77 block XIII Wairere SD and Lot 2 LTS 39444
11	Banks of Waitoa River North of Landsdowne Road Waharoa	Kahikatea Bush	31	Part Lot 58 DP 4455 Part Lot 20 DPS 4399 Part Lot 18 DP 850 Part Lot 19 DP 850
12	Banks of Waitoa River South of Landsdowne Road Waharoa	Kahikatea Stand	31	Lot 1 DPS 3701, Lot 1 DP 3347
14	East of Martyn Road Wardville	Kahikatea Remnant forest	11	Lot 2 DP 16072
15	South of Jagger Road Waharoa	Kahikatea Forest - Totara, Rimu with Kahikatea	11	Part Matamata North A1 and D1 blocks, Lot 7 DP 8106 and Lot 8 DP 8994
18	Kopuatai Peat Dome/Waitoa Canal Right Bank	Raised Peat Dome, Stand of Kahikatea	2	Part Section 6 Block II Waitoa SD
19	Piako River off State Highway 27 Tahuna	Kahikatea Bush	2	Part Sections C and D Block VI Waitoa SD
20	Right Bank Piako River Western end of unformed part of North Road Tahuna	Lowland forest	2	Lot 1 DPS 15106
21	Right bank Piako River No.8 Road	Lowland forest	2	Section 1 Block VI Waitoa SD

### Schedule 3: Outstanding or significant natural features and other protected items

See Appendix 1 for evaluation criteria

#### Outstanding or Significant natural features and other protected items

Reg no	Location	Common names	Map no	Legal description
	extension, Tahuna			
23	Mangawara Road Hoe-O-Tainui	Mostly Kahikatea, with Rimu and Rewarewa	1	Block 6B2C1, Hoe-O-Tainui North Block
26	Quine Road Tahuna	Native Bush	4	Lot 1 DPS 57396 and Section 13 block IX Waitoa SD
27	Left Bank Piako River North of Paeroa- Tahuna Road Tahuna	Totara with Kahikatea	5	Crown Land Reserved From Sale and Part Section 30 Block V Waitoa SD
28	Right bank of Piako River north of Paeroa- Tahuna Road Tahuna	Lowland Podocarp Forest	5	Part Section 19 Block V Waitoa Survey District and unformed road and Section 3 Block V Waitoa SD
29	Right bank Piako River north of Whakahoro Road	Lowland Podocarp Forest. Mainly Totara	5	Public road, Sections 20, 16 18 and Part 15 block X, Waitoa SD
30	Kopuatai Peat Dome	Peat Dome	2	DP 25664 Section 1 Part Sections 5, 6, 7, 27, 29, Blocks II, III, IV, VII Waitoa SD
35	Waihou River, Off Endowment Road Esltow	Kahikatea	2	Part Sections 6 and 7, Block IV, Waitoa SD
36	Waihou River Waitoki	Kahikatea, Kanuka, Cabbage Tree	2	Block 3 Ngahuoneone, block IV, Waitoa SD
37	Matamata-Piako District Council Metal Dump, Mellon Road Elstow	Native Bush	5	Part 13 Block XII Waitoa SD
38	Junction Thomas/Bailey Road Waihou	Totara, Kahikatea	5	Part Section 31, Block XVI Waitoa SD
39	Waitoa River, Thomas Road Waihou	Totaras, Kowhai, Lowland Forest	5	Lot 1 DP 2483, Part Section 32 block XVI Waitoa SD and Road Reserve
48	Streamside, Wright Road Romani Stream Waitoki	Totara, Kanuka, Tanekaha, Mamaku, Mahoe	3	Part Lot 1 DP 576
55	Horrell Road	Mixed Bush	7	Part of Ngakuri a ruru block, Block II Maungakawa SD



### Schedule 3: Outstanding or significant natural features and other protected items

See Appendix 1 for evaluation criteria

#### Outstanding or Significant natural features and other protected items

Reg no	Location	Common names	Map no	Legal description
	Right bank of Piako River Morrinsville			
56	Horrell Road Morrinsville	Mixed Lowland Bush	7	Part of Ngakuri a ruru block, Block II Maungakawa SD
64	Waitoa River, No 1 Road Waitoa	Lowland Kahikatea Forest	24	DP 4444
65	Off Ngarua Road Right bank Waitoa River Waitoa	Lowland Podocarp forest	8	Section 2 Block IV Maungakawa SD
70	North Side of State Highway 26 Western Entrance Morrinsville	Totara	7	Part Lot 2 DPS 21721
71	Left and Right Banks Waitakaruru Stream, Near Motor Camp Morrinsville	Linear Stand of Totara Bush	28	Lot 1 and 2 DP 29273, Part Lot 1 DP 2460, Part Lot 2 DP 14105, Lot 2 DPS 468 and Part Lot 28 DP 2456
71	Left and right banks Piako River Morrinsville	Linear Stand of Totara Bush.	28	Part Lot 1 DP 14105
72	Along the banks of the Waitakaruru Stream Morrinsville	Totara, Kanuka, Macrocarpa, Kowhai	28	Various - Lot 3 DPS 43044, Part Lot 1 DP 7261
74	Maungakawa Road Ngarua	Totara	8	Part Lot 1 DPS 16286
89	Waterworks Road Kiwitahi	Native Bush, Eucalypts, Redwoods, Pines and Black Walnuts	13	Section 2D and 2E Kiwitahi Block ML 8878, and Section 73S Te Miro Settlement, Block III Cambridge SD
97	Off Buckland road Buckland	Native Bush	16	Lot 1 DPS 27787, Part 3, on Deed C37 being Part Hinuera No. 2 Block VIII Cambridge SD
98	Mathieson Road Buckland	Native Bush	16	Part 43B Deed C37 being Part Hinuera No. 2 Block VIII Cambridge SD
102	Totman Road West of State Highway 29 Piarere	Kahikatea Bush	17	Part Lot 2 DP 15231

### Schedule 3: Outstanding or significant natural features and other protected items

See Appendix 1 for evaluation criteria

#### Outstanding or Significant natural features and other protected items

Reg no	Location	Common names	Map no	Legal description
108	198 Taihoa South Road, Matamata	English Oaks	14	Lot 1 DP 14047
109	State Highway 29 East from junction with State Highway 27 Te Poi	Black Locust/Acacia/Robinia, Chestnuts	17	Part Lot 2 DP 17672
112	Totara Springs Taihoa North Road Matamata	Bush on gully edge - in quite good condition. Many exotics mixed in. Pin Oaks, Magnolias, Gum Trees, Poplars, Blue Cedars	14	Lot 1 DPS 34763 Part Section 1A Mangawhero Settlement, SO 13998
203	1263 Piakonui Road Richmond Downs	Stand of Native Bush	13	Lot 2 being a subdivision of Lot 4 DP 14276 and Lot 16 DP 17891
204	112 Stanley Road South Te Aroha	Stand of Native Bush (Totara), Redwoods	22	Sections 3, 7A, 7C and Part 7B, Block XI, Aroha SD
208	Tirotira Peaks Mangawhara Road Hoe O Tainui	Remnants of Kauri Forest	1	Maukoro 1B1, Block VIII, Hapuakohe SD
209	Campbell Road Walton	Open Space Covenant protecting flora and fauna	11	Part Lot 4 DP 7329
211	State Highway 29 Piarere	Ongatiti Ignimbrite Bluffs (Hinuera Stone)	16, 17	Lot 2 DPS 36745, Sections 181, 182 and 183 Blk XIII Tapapa SD; Lot 4 and Part Lot 5 DPS 4861; Lots 2 and 3 DPS 4861; Lot 1 DPS 2507 and Lot 1 DPS 53527; Part Lots 1 and 2 DP 24661; Part Section 30 Matamata Settlement, Block XVI Cambridge SD; Part Section 127 Matamata Settlement, Block XIII Tapapa SD; Part Section 126 Matamata Settlement, Block XIII Tapapa SD
213	Natural Native Forest on all that land zoned Kaitiaki (Conservation) excluding understorey and regrowth of vegetation in a plantation forest. <ul style="list-style-type: none"> <li>Along the Kaimai Ranges including Mt Te Aroha.</li> <li>Over the Kopuatai Peat Dome.</li> </ul>	Various exotic and indigenous flora and fauna	<ul style="list-style-type: none"> <li>3, 6, 9, 12, 15, 18</li> <li>2</li> <li>13, 14</li> <li>1</li> <li>1</li> </ul>	Various

Schedule 3: Outstanding or significant natural features and other protected items				
See Appendix 1 for evaluation criteria				
Outstanding or Significant natural features and other protected items				
Reg no	Location	Common names	Map no	Legal description
	<ul style="list-style-type: none"> <li>In the Te Tapui Scenic Reserve.</li> <li>In the Hapuakohe Ecological Area.</li> <li>In the Maungapiko Scenic Reserve.</li> </ul>			

## **PLAN CHANGE 48**

### **Appendix D**

### **Proposed Changes to Planning Maps**

**The District Plan Maps have been included in a separated volume – refer to Volume 2**

## **PLAN CHANGE 48**

### **Appendix E**

#### **Legislative Sections**

## Resource Management Act 1991

### ***“6 Matters of national importance***

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources,*

*shall recognise and provide for the following matters of national importance:*

- (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) the protection of historic heritage from inappropriate subdivision, use, and development:*
- (g) the protection of protected customary rights.”*

### ***“7 Other matters***

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources,*

*shall have particular regard to—*

- (a) kaitiakitanga:*
- (aa) the ethic of stewardship:*
- (b) the efficient use and development of natural and physical resources:*
- (ba) the efficiency of the end use of energy:*
- (c) the maintenance and enhancement of amenity values:*
- (d) intrinsic values of ecosystems:*
- (e) [Repealed]*
- (f) maintenance and enhancement of the quality of the environment:*
- (g) any finite characteristics of natural and physical resources:*
- (h) the protection of the habitat of trout and salmon:*
- (i) the effects of climate change:*
- (j) the benefits to be derived from the use and development of renewable energy.”*

### ***“8 Treaty of Waitangi***

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).”*

**“31 Functions of territorial authorities under this Act**

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
  - (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
  - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
    - (i) the avoidance or mitigation of natural hazards; and
    - (ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
    - (iia) the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:
    - (iii) the maintenance of indigenous biological diversity:
  - (d) the control of the emission of noise and the mitigation of the effects of noise:
  - (e) the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
  - (f) any other functions specified in this Act.
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.”

**“72 Purpose of district plans**

The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.”

**“73 Preparation and change of district plans**

- (1) There shall at all times be 1 district plan for each district prepared by the territorial authority in the manner set out in Schedule 1.
- (1A) A district plan may be changed by a territorial authority in the manner set out in Schedule 1.
- (4) A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—
  - (a) the statement contains a provision to which the plan does not give effect; and
  - (ii) the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative;
- (5) A local authority must comply with subsection (4)—
  - (a) within the time specified in the statement, if a time is specified;”

**“74 Matters to be considered by territorial authority**

- (1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2,.....duty under section 32,
- (2) In addition to the requirements of section 75(3) and (4), when...changing a district plan, a territorial authority shall have regard to—
  - (a) any—



- (i) *proposed regional policy statement;*
  - (b) *any—*
    - (i) *management plans and strategies prepared under other Acts; and*
  - (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*
- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.”*

#### **“75 Contents of district plans**

- (1) *A district plan must state—*
  - (a) *the objectives for the district; and*
  - (b) *the policies to implement the objectives; and*
  - (c) *the rules (if any) to implement the policies.*
- (2) *A district plan may state—*
  - (a) *the significant resource management issues for the district; and*
  - (b) *the methods, other than rules, for implementing the policies for the district; and*
  - (c) *the principal reasons for adopting the policies and methods; and*
  - (d) *the environmental results expected from the policies and methods; and*
  - (e) *the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
  - (f) *the processes for dealing with issues that cross territorial authority boundaries; and*
  - (g) *the information to be included with an application for a resource consent; and*
  - (h) *any other information required for the purpose of the territorial authority’s functions, powers, and duties under this Act.*
- (3) *A district plan must give effect to—*
  - (a) *any national policy statement*
  - (c) *any regional policy statement.*
- (4) *A district plan must not be inconsistent with—*
  - (b) *a regional plan for any matter specified in section 30(1).*
- (5) *A district plan may incorporate material by reference under Part 3 of Schedule 1.”*

#### **“76 District rules**

- (1) *A territorial authority may, for the purpose of—*
  - (a) *carrying out its functions under this Act; and*
  - (b) *achieving the objectives and policies of the plan,—**include rules in a district plan.*
- (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.*
- (4) *A rule may—*
  - (a) *apply throughout a district or a part of a district;*
  - (b) *make different provision for—*
    - (i) *different parts of the district; or*
    - (ii) *different classes of effects arising from an activity;*
  - (c) *apply all the time or for stated periods or seasons;*
  - (d) *be specific or general in its application:*

- (e) require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.”

**76(4A) A rule may prohibit or restrict the felling, trimming, damaging, or removal of a tree or trees on a single urban environment allotment only if, in a schedule to the plan,—**

- (a) the tree or trees are described; and
- (b) the allotment is specifically identified by street address or legal description of the land, or both.

**76(4B) A rule may prohibit or restrict the felling, trimming, damaging, or removal of trees on 2 or more urban environment allotments only if—**

- (a) the allotments are adjacent to each other; and
- (b) the trees on the allotments together form a group of trees; and
- (c) in a schedule to the plan,—
  - (i) the group of trees is described; and
  - (ii) the allotments are specifically identified by street address or legal description of the land, or both.

**76(4C) In subsections (4A) and (4B),—group of trees means a cluster, grove, or line of trees urban environment allotment or allotment means an allotment within the meaning of section 218—**

- (a) that is no greater than 4 000 m<sup>2</sup>; and
- (b) that is connected to a reticulated water supply system and a reticulated sewerage system; and
- (c) on which there is a building used for industrial or commercial purposes or as a dwellinghouse; and
- (d) that is not reserve (within the meaning of section 2(1) of the Reserves Act 1977) or subject to a conservation management plan or conservation management strategy prepared in accordance with the Conservation Act 1987 or the Reserves Act 1977.

**76(4D) To avoid doubt, subsections (4A) and (4B) apply—**

- (a) regardless of whether the tree, trees, or group of trees is, or the allotment or allotments are, also identified on a map in the plan; and
- (b) regardless of whether the allotment or allotments are also clad with bush or other vegetation.

**77A Power to make rules to apply to classes of activities and specify conditions**

- (1) A local authority may—
  - (a) categorise activities as belonging to one of the classes of activity described in subsection (2); and
  - (b) make rules in its plan or proposed plan for each class of activity that apply—
    - (i) to each activity within the class; and
    - (ii) for the purposes of that plan or proposed plan; and
  - (c) specify conditions in a plan or proposed plan, but only if the conditions relate to the matters described in section 108 or 220.
- (2) An activity may be—
  - (a) a permitted activity; or

- (b) a controlled activity; or
- (c) a restricted discretionary activity; or
- (d) a discretionary activity; or
- (e) a non-complying activity; or
- (f) a prohibited activity.
- (3) Subsection (1)(b) is subject to section 77B.

**77B Duty to include certain rules in relation to controlled or restricted discretionary activities**

- (1) Subsection (2) applies if a local authority makes a rule in its plan or proposed plan classifying an activity as a controlled activity.
- (2) The local authority must specify in the rule the matters over which it has reserved control in relation to the activity.
- (3) Subsection (4) applies if a local authority makes a rule in its plan or proposed plan classifying an activity as a restricted discretionary activity.
- (4) The local authority must specify in the rule the matters over which it has restricted its discretion in relation to the activity.

**“43A Contents of national environmental standards**

- (1) National environmental standards may—
  - (a) prohibit an activity;
  - (b) allow an activity;
  - (c) restrict the making of a rule or the granting of a resource consent to matters specified in a national environmental standard;
  - (d) require a person to obtain a certificate from a specified person stating that an activity complies with a term or condition imposed by a national environmental standard;
  - (e) specify, in relation to a rule made before the commencement of a national environmental standard,—
    - (i) the extent to which any matter to which the standard applies continues to have effect; or
    - (ii) the time period during which any matter to which the standard applies continues to have effect;
  - (f) require local authorities to review, under section 128(1), all or any of the permits to which paragraph (ba) of that subsection applies as soon as practicable or within the time specified in a national environmental standard.
- (2) A national environmental standard that prohibits an activity—
  - (a) may do one or both of the following:
    - (i) state that a resource consent may be granted for the activity, but only on the terms or conditions specified in the standard; and
    - (ii) require compliance with the rules in a plan or proposed plan as a term or condition; or
  - (b) may state that the activity is a prohibited activity.
- (3) If an activity has significant adverse effects on the environment, a national environmental standard must not, under subsections (1)(b) and (4),—
  - (a) allow the activity, unless it states that a resource consent is required for the activity; or
  - (b) state that the activity is a permitted activity.
- (4) A national environmental standard that allows an activity—

- (a) may state that a resource consent is not required for the activity; or
- (b) may do one or both of the following:
  - (i) state that the activity is a permitted activity, but only on the terms or conditions specified in the standard; and
  - (ii) require compliance with the rules in a plan or proposed plan as a term or condition.
- (5) If a national environmental standard allows an activity and states that a resource consent is not required for the activity, or states that an activity is a permitted activity, the following provisions apply to plans and proposed plans:
  - (a) a plan or proposed plan may state that the activity is a permitted activity on the terms or conditions specified in the plan; and
  - (b) the terms or conditions specified in the plan may deal only with effects of the activity that are different from those dealt with in the terms or conditions specified in the standard; and
  - (c) if a plan's terms or conditions deal with effects of the activity that are the same as those dealt with in the terms or conditions specified in the standard, the terms or conditions in the standard prevail.
- (6) A national environmental standard that allows a resource consent to be granted for an activity—
  - (a) may state that the activity is—
    - (i) a controlled activity; or
    - (ii) a restricted discretionary activity; or
    - (iii) a discretionary activity; or
    - (iv) a non-complying activity; and
  - (b) may state the matters over which—
    - (i) control is reserved; or
    - (ii) discretion is restricted.
- (7) A national environmental standard may specify the activities for which the consent authority—
  - (a) must give public notification of an application for a resource consent:
  - (b) is precluded from giving public notification of an application for a resource consent:
  - (c) is precluded from giving limited notification of an application for resource consent.

#### **43B Relationship between national environmental standards and rules or consents**

- (1) A rule or resource consent that is more stringent than a national environmental standard prevails over the standard, if the standard expressly says that a rule or consent may be more stringent than it.
- (2) For the purposes of subsection (1),—
  - (a) a rule is more stringent than a standard if it prohibits or restricts an activity that the standard permits or authorises:
  - (b) a resource consent is more stringent than a standard if it imposes conditions on an activity that the standard does not impose or authorise.
- (3) A rule or resource consent may not be more lenient than a national environmental standard.

- (4) *For the purposes of subsection (3), a rule or resource consent is more lenient than a standard if it permits or authorises an activity that the standard prohibits or restricts.*

#### **44A Local authority recognition of national environmental standards**

- (1) *Subsections (3) to (5) apply if a local authority's plan or proposed plan contains a rule that duplicates a provision in a national environmental standard.*
- (2) *Subsections (3) to (5) apply if a local authority's plan or proposed plan contains a rule that conflicts with a provision in a national environmental standard. A rule conflicts with a provision if—*  
 (a) *both of the following apply:*  
     (i) *the rule is more stringent than the provision in that it prohibits or restricts an activity that the provision permits or authorises; and*  
     (ii) *the standard does not expressly say that a rule may be more stringent than it; or*  
 (b) *the rule is more lenient than the provision.*
- (3) *If the duplication or conflict is dealt with in the national environmental standard in one of the ways described in section 43A(1)(e), the local authority must amend the plan or proposed plan to remove the duplication or conflict—*  
 (a) *without using the process in Schedule 1; and*  
 (b) *in accordance with the specification in the national environmental standard.*
- (4) *If the duplication or conflict arises as described in section 43A(5)(c), the local authority must amend the plan or proposed plan to remove the duplication or conflict—*  
 (a) *without using the process in Schedule 1; and*  
 (b) *as soon as practicable after the date on which the standard comes into force.*
- (5) *In every other case of duplication or conflict, the local authority must amend the plan or proposed plan to remove the duplication or conflict—*  
 (a) *without using the process in Schedule 1; and*  
 (b) *as soon as practicable after the date on which the standard comes into force.*
- (6) *A local authority may amend a plan or proposed plan to include a reference to a national environmental standard—*  
 (a) *without using the process in Schedule 1; and*  
 (b) *after the date on which the standard comes into force.*
- (7) *Every local authority and consent authority must observe national environmental standards.*
- (8) *Every local authority and consent authority must enforce the observance of national environmental standards to the extent to which their powers enable them to do so.*

**45 Purpose of national policy statements (other than New Zealand coastal policy statements)**

- (1) *(The purpose of national policy statements is to state objectives and policies for matters of national significance that are relevant to achieving the purpose of this Act.*

**55 Local authority recognition of national policy statements**

- (1) *In subsections (2) and (2A), document means—*  
 (a) *a regional policy statement; or*  
 (b) *a proposed regional policy statement; or*  
 (c) *a proposed plan; or*  
 (d) *a plan; or*  
 (e) *a variation.*
- (2) *A local authority must amend a document, if a national policy statement directs so,—*  
 (a) *to include specific objectives and policies set out in the statement; or*  
 (b) *so that objectives and policies specified in the document give effect to objectives and policies specified in the statement.*
- (2A) *The local authority must—*  
 a) *make the amendments referred to in subsection (2) without using the process in Schedule 1; and*  
 (b) *give public notice of the amendments within 5 working days after making them.*
- (2C) *The local authority must make the amendments referred to in subsection (2B) using the process in Schedule 1.*
- (2D) *In all cases, the local authority must make the amendments—*  
 (a) *as soon as practicable; or*  
 (b) *within the time specified in the national policy statement (if any); or*  
 (c) *before the occurrence of an event specified in the national policy statement (if any).*
- (3) *A local authority must also take any other action that is specified in the national policy statement.*
- (4) *A national policy statement may include transitional provisions for any matter, including its effect on existing matters or proceedings.”*

## **PLAN CHANGE 48**

### **Appendix F**

#### **STEM Assessment Register**

**(Note: Appendix F is a separate document and includes the individual STEM assessments which were undertaken on each of the protected trees which form part of the existing District Plan.)**

**The STEM Assessment Register has been included in a separate volume – Refer to  
Volume 2**