

- 1.4 PPC36 completely replaces the existing Chapter 14G Trees and proposes changes to the existing list of protected Notable Trees. The existing chapter is outdated and does not meet the requirements of the Resource Management Act 1991 (the RMA) or best practice standards.
- 1.5 PPC36 instigates changes to the existing vegetation clearance provisions in residential activity areas in response to recent changes to the RMA relating to blanket tree provisions.
- 1.6 PPC36 is the most appropriate means of giving effect to the objectives of the City of Lower Hutt District Plan, in relation to the management of Notable Trees, and to provide a management regime for vegetation in residential zones.

2. HEARING

- 2.1 The Hearings Subcommittee consisted of Cr Margaret Cousins (Chair), Cr Lisa Bridson, Cr Campbell Barry.
- 2.2 The Hearings Subcommittee heard this matter on Wednesday March 9 2016, at James Coe 1, Dowse Art Museum, 45 Laings Road, Lower Hutt commencing at 9am. The Hearing was concluded that same day, and deliberations took place immediately after the close of Hearing.
- 2.3 Appearances:
 - City Council: Corinna Tessendorf, Senior Environmental Policy Analyst, Environmental Policy
Andrew Cumming, Divisional Manager, Environmental Policy
Bradley Cato, City Solicitor
 - Submitters: Robert Ashe
Felicity Rashbrooke, East Harbour Environmental Association
Linda Mead
Derek Wilshere
Troy Baisden
Alison Fleming
Sinead and Matt Diederich
Caroline Watson, Greater Wellington Regional Council
Virginia Horrocks, Eastbourne Community Board

In Attendance: Heather Clegg, Committee Secretary

3. BACKGROUND

- 3.1 The City of Lower Hutt District Plan became operative in 2004. The Hutt City Council has elected to undertake the review of its District Plan in components. The reasoning being that this was to lessen the administrative burden of

reviewing an entire District Plan, and to allow the public to comment on more manageable topics.

- 3.2 At its 18 August 2014 meeting, the Policy and Regulatory Committee resolved to instruct officers to prepare a draft Proposed Plan Change and Section 32 evaluation. At its 13 October 2014 meeting, the Policy and Regulatory Committee gave further direction on key issues identified during the PPC36 preparation process.
- 3.3 PPC36 was publicly notified on 1 September 2015 by placing a public notice in the Hutt News and sending direct notification letters to all owners of properties with current or proposed Notable Trees. Submissions closed on 2 October 2015. The summary of decisions requested (summary of submissions) was notified on 3 November 2015 and the further submissions phase closed on 17 November 2015. Overall, we were informed there were 21 submissions, two late submissions and three further submissions received.

4. PROCEDURAL MATTERS

- 4.1 We were informed that two late submissions were received. One was withdrawn immediately before the hearing. The other was from Martin Edghill (DPC36A/22), received on 4 November 2015, being 22 working days after the close of the submissions period. We were informed by the Council Planner that this resulted in the submission not being included in the summary of submissions publicly notified and consequently there was no opportunity for further submissions on the issues raised in the submission. We read the late submission and understand Mr Edghill was requesting a tree located on his property be included in the Notable Trees list.
- 4.2 We are mindful of the requirements of s37A of the Act

37A Requirements for waivers and extensions

- (1) *A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account—*
- (a) *the interests of any person who, in its opinion, may be directly affected by the extension or waiver; and*
- (b) *the interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan; and*
- (c) *its duty under section 21 to avoid unreasonable delay.*

- 4.3 On balance, we find that the interests of the submitter can still be accommodated within the provisions of PPC36, and that the interests of the community need to be able to be taken account of. We therefore decline to accept the late submission from Mr M Edghill.

RESOLVED:

That the Hearings Subcommittee decline to accept the late submission received from Mr Martin Edghill (DPC36A/22).

5. CONSULTATION

- 5.1 Clause 3 of Schedule 1 of the Act requires the Council, during preparation of any Plan Change, to consult with the Minister for the Environment, other potentially affected Ministers of the Crown and affected local authorities. Clause 3 also states that the Council may consult with anyone else (and where this is done, it must be in accordance with section 82 of the Local Government Act 2002). The Ministry for the Environment, Greater Wellington Regional Council (GWRC), Upper Hutt City Council, Porirua City Council, South Wairarapa District Council and Wellington City Council were all consulted. A submission was received from the GRWC.
- 5.2 The Planner informed us of the public consultation undertaken in preparation of the drafting of PPC36. Her report explained the process carried out in detail, noting the “Great Hutt Trees” promotion run in July and August 2014 and the engaging of a Consultant Arboriculturist to carry out the Standard Tree Evaluation Method (STEM) analysis. We refer to the Planner’s report prepared for the Hearing, and the section 32A (s32A) evaluation which both outline the detailed consultation undertaken in the preparation of PPC36.
- 5.3 As a result of the assessment and Council’s proposed STEM score threshold, 79 individual trees are proposed for addition to the list of Notable Trees protected by the Plan. Three trees that no longer exist, as well as 37 trees that did not meet the threshold of Notable (as determined by their STEM score) are proposed to be removed from the list. Most of the trees that do not meet the threshold are currently protected as part of a group of trees. The proposed list of Notable Trees contains 147 trees.
- 5.4 Council staff consulted with Mana Whenua in face to face meetings with Port Nicholson Block Settlement Trust and Wellington Tenths Trust representatives, also providing photographs and maps of the location of Nikau Palms previously protected in the Plan. The Mana Whenua response was provided from the Wellington Tenths Trust, which indicated that no Nikau Palms were associated with significant cultural sites and therefore no Nikau Palms need to be protected in the Plan solely for cultural significance to Mana Whenua.

6. LEGISLATIVE CHANGES

- 6.1 The Planner informed us of the principle reasons for PPC36:

- The RMA requires District Plan provisions to be reviewed at least every 10 years. Council has elected to undertake the review of its District Plan in components. The current District Plan became operative in 2004. The Notable Trees provisions were partly reviewed in 2011 (Plan Change 23) in response to the Resource Management Amendment Act 2009 (RMAA 2009).
- Initial amendments to Section 76(4) of the RMA were introduced by RMAA 2009 and were intended to prohibit blanket tree protection rules in urban areas. In 2010 the Environment Court provided direction on Section 76(4A) of the RMA which was contrary to the Government’s intentions. The Government considered that the combined effect of the Environment Court decision and the response of councils created general confusion and therefore amended Section 76(4) to “align with its original policy intent – the prohibition of blanket tree protection rules in urban areas”¹.
- Sections 76(4A) to (4D) were then amended under the Resource Management Amendment Act 2013 (RMAA 2013) to reflect the Government’s intention to prohibit blanket tree protection in urban areas. RMAA 2013 introduced new requirements and definitions associated with tree protection. The amendments also invalidated (from 4 September 2015) the current District Plan provisions that protect trees which are not individually identified and are located on urban environment allotments as defined in the RMA. The District Plan needs to be updated to meet the RMA’s new requirements.

6.2 We were informed by the Planner that the current District Plan Chapter 14G Trees uses policies and rules to protect 105 Notable Trees (individual trees and groups of trees individually identified in Appendix Trees 1) and previously protected all Nikau Palms in the areas defined in the maps in Appendix Trees 2 as Valley Floor and Eastern Bays. The Valley Floor and Eastern Bays maps were added in Plan Change 23 in response to RMAA 2009.

6.3 The RMAA 2013 means that the District Plan’s “blanket protection” provisions for Valley Floor and Eastern Bays Nikau Palms became invalid on 4 September 2015. Transitional provisions in the RMA provide that if a proposed plan change is notified before 4 September 2015, the proposed rules affecting trees formerly enjoying blanket protection have legal effect from 4 September 2015.

6.4 The RMAA 2013 clarifies provisions for blanket tree protection, which were first introduced in the RMAA 2009. For clarity, we copy Section 76 below:

- (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*

¹ Ministry for the Environment Guidance Note: Tree protection in urban environments

- (b) *the allotment is specifically identified by street address or legal description of the land, or both.*
- (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.*
- (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 4000 m²; 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.*
- (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.*

6.5 Any blanket tree protection rules on sites fitting the definition of urban environment allotment are invalid from 4 September 2015 if no validating amendments have been made to them. The previous rules that protected remnant Nikau Palms and the rules that manage vegetation removal in residential areas are affected by the above Section 76 of the RMA.

7. SUMMARY OF PROPOSED PLAN CHANGE 36

7.1 PPC36 addresses two major subjects – provisions around protecting Notable Trees which are contained in Chapter 14G of the District Plan and vegetation removal provisions contained in the Residential Activity Areas.

7.2 Notable Trees

The Planner's report explained PPC36 contains a complete review of Chapter 14G Trees and proposes a new introduction, a new issue and objective, new policies

and new rules regulating the trimming of Notable Trees, removal of Notable Trees and activities within the dripline of Notable Trees.

- 7.3 PPC36 also proposes changes to the list of Notable Trees protected by the Plan. The proposed changes to the list of Notable Trees are the result of a city wide tree nomination process (Great Hutt Trees), consultation with tree owners, consultation with mana whenua, and independent arboriculturist assessments. Only those trees that meet a specified STEM threshold score of 120 are proposed to be added. Those trees that no longer exist or did not meet a specified threshold score are proposed to be deleted from the list. The STEM is the most widespread method of evaluating heritage and Notable Trees for District Plans around the country and is the preferred methodology used by the Royal New Zealand Institute of Horticulture (RNZIH). It provides an objective scoring system and is generally considered the most robust evaluation method for amenity trees.
- 7.4 Council has previously confirmed its longstanding policy to protect Notable Trees in the District Plan only with the consent of the owners and to take full responsibility for the maintenance of protected trees.
- 7.5 Any groups of trees that were previously listed have been individually assessed and only those trees that meet the threshold are proposed to be retained. PPC36 proposes to add 79 individual trees to the list while deleting 40 trees resulting in a proposed list of 147 Notable Trees including 9 individually listed Nikau Palms.
- 7.6 All issues, objectives, policies and rules relating to blanket Nikau Palm protection as well as Appendix 2 of Chapter 14G are proposed to be deleted as they became invalid on 4 September 2015.
- 7.7 Vegetation Removal in Residential Zones
The Planner's report also explained PPC36 seeks to partly remove and partly amend the current provisions for vegetation removal in residential areas to bring them in line with the requirements of the RMA. PPC36 proposes to remove controls on vegetation removal in the General Residential Activity Area and the Special Residential Activity Area and to amend the vegetation removal provisions in the Hill Residential Activity Area and the Landscape Protection Residential Activity Area as follows:
- No controls on vegetation removal for sites under 4000m²;
 - Exotic vegetation removal on lots over 4000m² is permitted subject to conditions relating to site stabilisation;
 - Indigenous vegetation removal up to 500m² on sites over 4000m² is permitted subject to conditions relating to site stabilisation;
 - Indigenous vegetation removal over 500m² on sites over 4000m² is restricted discretionary with discretion restricted to visual amenity, site stability and intrinsic values of the ecosystems effects.

7.8 The policies, explanations and reasons and anticipated environmental results that relate to the above provisions are proposed to be deleted or amended.

8. SUMMARY OF SUBMISSIONS AND RECOMMENDATIONS

8.1 The following sections of this report provide a brief summary of each submission and a recommendation in response to each relief sought. Every effort has been made to cover each matter raised in all submissions.

8.2 The submissions are addressed in groups based on issues or concerns raised and where the content of the submissions is the same or similar. In summarising submissions, the name of the submitter is shown in **bold**, with their submission number shown in **bold** within **[square brackets]**. In summarising further submissions, the name of the further submitter is shown in **bold italics**, with their submission number shown in **bold italics** within **[square brackets]**.

8.3 Where amendments to the District Plan are to be made as a result of our recommendation, additional text is shown as underlined and text to be removed is shown as being ~~struck out~~.

8.4 Attached to this report as Appendix 2 are the revised amendments to the District Plan provisions further to the decisions contained in this decision. Where there is any inconsistency between the provisions contained in Appendix 2 and amendments made by the decisions below, then the provisions in Appendix 2 shall be considered correct.

8.5 Where changes are made as a result of recommendations, the effectiveness and efficiency of such changes have been assessed in accordance with the requirements of Section 32 of the Resource Management Act, in making that decision.

8.6 Where a submission is determined to be outside the scope of PPC36 the submission is rejected. With respect to determining the scope of a submission, reference is made to Clause 6 of the First Schedule to the Resource Management Act 1991 (referred to as the Act) which states:

6 ***Making of submissions***

(1) Once a proposed policy statement or plan is publicly notified under clause 5, the persons described in subclauses (2) to (4) may make a submission on it to the relevant local authority.

(2) The local authority in its own area may make a submission.

(3) Any other person may make a submission but, if the person could gain an advantage in trade competition through the submission, the person's right to make a submission is limited by subclause (4).

(4) A person who could gain an advantage in trade competition through the submission may make a submission only if directly affected by an effect of the proposed policy statement or plan that—

- (a) *adversely affects the environment; and*
 - (b) *does not relate to trade competition or the effects of trade competition.*
- (5) *A submission must be in the prescribed form.*

8.7 A submission on PPC36 is therefore limited in that it must be “on” PPC36.

8.8 A full list of the submitters is contained in Appendix 1.

General - Support

8.9 Submission

Rod & Liz Gillespie and David Butler [2.3] submit general support for PPC36 and request it be approved in all aspects.

8.10 Assessment

The submission supports PPC36 as notified. While this report recommends some changes in response to other submissions, it recommends that the concepts of PPC36 be adopted as notified.

8.11 Justification for PPC36 and reasons for the recommended changes are provided throughout this report and in the s32A evaluation which was notified together with PPC36. From this it has been concluded that PPC36, including the recommended changes, is appropriate in terms of achieving the purpose of the RMA.

8.12 Accordingly, we recommend that this submission be accepted in part, taking into consideration the recommendations made to amend PPC36 as sought by other submissions.

RECOMMENDATION

*That the submission of **Rod & Liz Gillespie and David Butler [2.3]** be accepted in part insofar as the concept of PPC36 remains unchanged and is adopted as notified.*

General - RMAA 2013

8.13 Submissions

Linda Mead [9.1 (i)] submitted that the law says that blanket protection for trees can be given but needs to be identified allotment by allotment and that this should be implemented as soon as possible. Ms Mead appeared at the Hearing, and presented a slide show to further her submission. She was concerned that many parts of the Eastbourne hills especially, could have all their trees felled, as several individual lots were over 4000m² in size and that PPC36 provides no protection for them.

8.14 **East Harbour Environmental Association (EHEA) [F3.7]** supports the suggestion that HCC carry out an allotment by allotment assessment, specifying street

addresses in association with geo-referencing. The RMA amendment permits contiguous allotments, which should simplify the process in Hill Residential and Landscape Areas where the further submitter has greatest concerns. Mrs Felicity Rashbrooke appeared at the Hearing, and tabled additional comments to support her submission. In regards to the concerns about the cumulative effect of vegetation removal, she explained it is vital a time limit be specified, and that EHEA believed the 12month time limit in PPC36 was too short a time frame. She acknowledged that the 50year time period the EHEA had suggested could be a bit excessive.

8.15 Assessment

The Planning Officer's report and s32A evaluation gave detailed analyses as to the changes to legislation and their implications. For clarity, we explained the implications of RMAA 2009 and RMAA 2013 in paragraphs 6.1 – 6.5 above.

8.16 It was further clarified by the Planning Officer that any District Plan rules that restrict the trimming, felling or removal of trees that are not in line with the new requirements in Sections 76(4A) to (4D) of the RMA were revoked and became invalid on 4 September 2015.

8.17 We find that the RMA, as amended by the RMAA 2013, does not allow for blanket tree protection on urban environment allotments but does provide for the protection of individual trees and groups of trees on urban environment allotments. To be protected, trees need to be individually listed and described and the allotments need to be specifically identified by street address and/or legal description in a schedule to the District Plan. Groups of trees can be protected if the trees are on single or adjacent urban environment allotments, form a group and the group of trees is described and the allotments identified as per the requirements of s76(4A) and s76(4B).

8.18 We are aware that PPC36 focussed on individual amenity trees rather than groups of trees. To ensure a transparent and robust evaluation to form the basis for protection, all nominated trees were assessed individually, even if they formed part of a group, using the STEM analysis. All groups of trees that have been nominated and assessed happen to be situated on public land and are protected regardless of their status in the District Plan.

8.19 Council is currently investigating sites of ecological and landscape significance. That work is likely to lead to a future District Plan Change proposal and is outside the scope of PPC36. Should Council's ecosites project identify that there are urban environment allotments with ecologically significant groups of trees then regulatory and other protection mechanisms will be considered through the ecosites process.

RECOMMENDATION

*That the submission of **Linda Mead [9.1 (i)]** and the supporting further submission of **EHEA [F3.7]** be rejected as they advocate actions outside of the RMA legislation.*

8.20 Submissions

Korokoro Environmental Group (KEG) [14] submits that whilst some amendments may be necessary under the RMAA 2013, Council should retain as many as possible of the existing safeguards to protect trees and vegetation. This will guide and enable Council to withstand pressures, including from developers, that would unnecessarily remove vegetation and irrevocably damage the natural environment.

8.21 **EHEA [10.1]** submits that the status quo should be maintained as far as possible.

8.22 Assessment

As discussed above, blanket tree protection provisions for urban environment allotments became invalid on 4 September 2015. Any new rules that introduced blanket tree protection would not comply with the RMA and would also be invalid.

8.23 We were informed that PPC36 proposes to continue to restrict vegetation clearance on sites larger than 4000m² but also proposes changes to the provisions to make them easier to implement and enforce and provide a stronger focus on indigenous vegetation.

8.24 As a result of the review of the existing list of protected trees and additional research and assessments in the preparation of PPC36 we recommend that the list of protected individual trees is extended and more individual trees become protected. Council's policy is to protect individual Notable Trees with the consent of the owner only.

8.25 The focus and main intention of PPC36 is the identification and protection of notable individual amenity trees as well as providing an adequate response to the legislative changes relating to blanket tree protection introduced by the RMAA 2013. Council is currently undertaking an independent review to identify and assess ecosites as well as coastal natural character areas and outstanding natural landscapes and natural features.

RECOMMENDATION

*That the submissions of **KEG [14]**, and **EHEA [10.1]** be rejected.*

8.26 Submissions

Greater Wellington Regional Council (GWRC) [16.5] initially submitted that it understands the need to meet the requirements of the RMAA 2013 by removing blanket vegetation clearance rules in the urban environment but considered that there are alternative options to meet RMAA 2013 requirements and continue to protect values of trees and vegetation in the urban environment:

Option 1: Include 'ecological values' in criteria for identification of Notable Trees and re-assess

Option 2: Define 'tree' separate to 'vegetation', exclude 'Notable Tree' from tree definition, continue to protect vegetation in urban environment while allowing for the removal of trees (except Notable Trees).

8.27 **Troy Baisden [F2.1]** *supports the view that the recognition of ecological values in council plans is important. We note that Mr Baisden appeared at the Hearing, and was concerned that his submission had not been summarised accurately. We find that Mr Baisden's submission was a submission in support of the initial GWRC submission, and that he did not make an initial submission. His submission in support focussed mainly on slope stability, which is not an item expressly raised by the initial GWRC submission. We record we accepted Mr Baisden's submission of support, and took it into account when deliberating.*

8.28 Assessment

During the course of the Hearing, Caroline Watson from the GWRC tabled additional submissions, which explained that the GWRC is now supportive of PPC 36, having initially submitted concerns. This change of submission is as a result of pre hearing meetings with Council Officers and expresses their (GWRC's) confidence that HCC intends to address the gap between the District Plan and the Regional Policy Statement (RPS) (specifically with Policy 23 of the RPS), by undertaking a comprehensive study to identify and protect significant natural resources (ecosites), coastal natural character areas and areas of outstanding natural landscapes and outstanding natural features; and that this proposed work will involve the participation of the general public as well as identified stake holders (including the GWRC). Such a study will ensure a consistent policy approach to the management and protection of identified areas.

8.29 As a result, the GWRC submission changed at the Hearing to now request:
That GWRC's support for the recommendations relating to the amended rules on indigenous vegetation clearance in non-urban areas be noted; and

That the GWRC's support for HCC addressing the protection of significant indigenous biodiversity values in urban areas through a subsequent District PPC36 Process be noted.

8.30 As the GWRC did not formally withdraw their initial submission, we recommend their initial submission be rejected as we find the STEM method provides an objective scoring system for amenity trees which has been extensively used in

New Zealand since 1996. It is a widely accepted and used method, and we find that to amend the STEM criteria to focus more on ecology or other factors would detract from this nationally recognised standard method. We also find that the suggestion to exclude trees from the definition of vegetation and to then have provisions that restrict the removal of vegetation but at the same time allow for the removal of trees because they are not covered by the definition for vegetation provided by the plan (except for protected Notable Trees) would be not only confusing but inconsistent with and even contradictory to the intentions of the RMAA 2013. The clear intention of Sections 76(4A) to (4D) is to remove any blanket protection and provide certainty for landowners and plan users about what tree protection rules affect their properties.

RECOMMENDATION

*That the initial submission of **GWRC [16.5]** and the supporting further submission of **Troy Baisden [F2.1]** be rejected.*

*That the submission of **GWRC** as tabled at the Hearing be accepted in full, namely that **GWRC's** support for the recommendations relating to the amended rules on indigenous vegetation clearance in non-urban areas be noted; and*

*That the **GWRC's** support for **HCC** addressing the protection of significant indigenous biodiversity values in urban areas through a subsequent District Plan Change Process be noted.*

General - RMA Sections 6 and 7

8.31 Submissions

Robert Ashe [7(k)], Linda Mead [9.1(i)], EHEA [10.1] and the **Eastbourne Community Board (ECB) [15]** point out that Council has an ongoing obligation under the RMA to

- preserve the natural character of the coastal environment and their margins and to protect from inappropriate subdivision and development – Section 6 (a);
- protect significant indigenous vegetation and significant habitats of indigenous fauna – Section 6 (c);
- have particular regard to the intrinsic values of ecosystems, the enhancement of the quality of the environment and climate change – Section 7 (d), (f), (i); and

8.32 **Linda Mead** submits that Council is now in breach of the requirement to protect significant indigenous vegetation and significant habitats of indigenous fauna (Sec 6 (c), Sec 30 and Sec 31 RMA) and that this breach needs urgent attention. At the Hearing, Ms Mead provided a slide show to assist her submission. She stressed her concern that PPC36 does not protect groups of trees and that the Eastbourne area especially will be prone to significant vegetation clearance as only a small

number of trees are now protected. She further advocated the Kapiti Coast District Council's approach to tree protection.

8.33 **EHEA** submits that it was not the Government's intention to open hillsides to large scale subdivision and that Council must take prompt steps to give effect to Sections 5, 6 and 7 of the RMA.

8.34 Assessment

As mentioned earlier, the purpose of PPC36 is to review the Notable Trees Chapter 14G and to address legislative change relating to blanket protection of trees and vegetation in the Plan. Council is also undertaking a comprehensive study to identify and protect significant natural resources (ecosites), coastal natural character areas and areas of outstanding natural landscapes and outstanding natural features. We note the previous vegetation clearance provisions, although referring to 'intrinsic values of ecosystems' were mainly intended to maintain and enhance residential amenity values and were not based on any assessment or evaluation of ecological significance. We believe that in order to protect significant indigenous vegetation and habitats they need to be identified first. Sections 5, 6 and 7 are given effect to as outlined in the s32A report.

RECOMMENDATION

*That the submissions of **Robert Ashe [7(k)], Linda Mead [9.1(i)], EHEA [10.1], and ECB [15]** be rejected.*

General - Protection from Adverse Effects

8.35 Submissions

Robert Ashe [7(b)] submits that PPC36 puts the intrinsic beauty of the bush clad hills at risk with incremental loss of bush on private property up to the ridgeline especially in the Eastern Bays. In his oral submission at the Hearing, Mr Ashe reiterated his belief that PPC36 will result in the loss of environmental protection for the city.

8.36 **Petone Planning Action Group (PPAG) [5.1]** and **Robert Ashe [7.1]** submit that Council should adopt a positive vision for the city and protect the best of trees and retain high amounts of natural vegetation in suburbs and hills.

8.37 **Robert Ashe [7.16]** and **ECB [15.9]** submit that Council should acknowledge the importance of trees and native vegetation in protecting communities from the adverse effects of climate change. Trees absorb carbon and runoff and stabilise hillsides from slips and erosion.

8.38 **EHEA [10.1]** submits that Council should introduce provisions that offer suitable protection against inappropriate development leading to adverse impacts on

amenity values, destruction of significant indigenous vegetation and indigenous habitats.

- 8.39 **ECB [15]** and **Sharon Lawson [18.1]** submit that Council should not allow for increased development and density on unstable hillsides up to the ridgeline.
- 8.41 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.
- 8.42 **EHEA [F3.5]** supports the request that the District Plan specifically takes the matter of slope stability into account.
- 8.43 Assessment
Under previous rules, vegetation clearance over a certain threshold was not a prohibited activity but a restricted discretionary activity meaning it would have required resource consent. If a subdivision or land use development was to occur on hillside properties it was likely to require consent for various reasons (e.g. earthworks, subdivision standards, building bulk and location) and vegetation clearance would have been addressed as part of the consent process. Furthermore, the previous rules were not clear (because they provided no timeframes) and were effectively unenforceable.
- 8.44 PPC36 proposes to amend the vegetation clearance rules and these will continue to apply to larger properties in areas zoned Hill Residential Activity Area or Landscape Protection Residential Activity Area.
- 8.45 It was the Planner's opinion, and we concur, that the previous vegetation clearance rules would not have been the main factor in preventing more intense development on steep hillside properties (rather than slope stability, difficult access and higher development) and therefore the lapsing of those rules is unlikely to result in widespread clearance of native bush for no particular gain. We note the above mentioned rules and provisions relating to earthworks, subdivision and bulk and location of buildings continue to apply.
- 8.46 As mentioned above, the current review of ecosites, coastal natural character and outstanding landscapes and natural features aims at identifying and protecting sites of outstanding values.
- 8.47 The matter of slope stability has been taken into account and provided for in the proposed changes. Policies 4D 1.2.1 and 4E 1.2.1 as well as Rules 4D 2.1.1 (g) and (e), 4D 2.2.1 (b), 4E 2.1.1 (f) and (g) and 4E 2.2.1 (b) continue to refer to and promote slope stability.

RECOMMENDATION

*That the submissions of **Robert Ashe [7(b), 7.1, 7.16]**, **PPAG [5.1]**, **ECB [15, 15.9]**, **EHEA [10.1]**, and **Sharon Lawson [18.1]** and the supporting further submission of **EHEA [F3.4]** be rejected.*

That the further submission of EHEA [3.5] be accepted in part insofar as site stability continues to be a relevant matter for discretion on larger sites.

Notable Trees - General

8.48 Submission

Robert Ashe [7(j)] submits that established trees will disappear and compromise quality and security of the living environment.

8.49 Assessment

PPC36 as notified proposes an increased number of individually listed Notable Trees to be protected. The proposed list of Notable Trees is an outcome of the Great Hutt Trees campaign, other nominations and the reassessment of currently protected trees to ensure they still warrant protection. The overall level of protection for Notable Trees has not been diminished by PPC36 (except for Nikau Palms due to the previous blanket protection becoming invalid). Previous vegetation clearance rules did not target or prohibit the removal of established trees.

RECOMMENDATION

*That the submission of **Robert Ashe [7(j)]** be rejected.*

8.50 Submissions

Robert Ashe [7(e)], EHEA [10.1] and **ECB [15]** submit that other councils such as Kapiti Coast District Council have done more to protect trees. During his oral submission at the Hearing, Mr Ashe elaborated on the Kapiti District Council's approach.

8.51 **EHEA [10.1]** requests that HCC should follow the example of Kapiti Coast District Council in making an inventory of native trees that must be protected and consider that the addition of a handful of trees does not remedy the environmental issues such as protection of natural resources, slope protection from erosion, visual amenity values and protection for indigenous plant and bird species. At the Hearing, Mrs Rashbrooke reiterated their opinion that slope stability issues have not been addressed by PPC36.

8.52 Assessment

The Planner's report explained that Kapiti Coast's District Plan had the widest reaching blanket protection rules for indigenous trees in the region and that that council is currently processing a PPC36 to achieve wide reaching protection of individually listed trees of high biodiversity value. As outlined earlier and discussed throughout this report, the focus of PPC36 is on the protection of Notable Trees mainly for their amenity and heritage values. Council is also undertaking a comprehensive review of ecosites, areas of coastal natural character and outstanding natural landscapes and features. Hutt City Council's

policy is to only protect trees with the consent of the owner and in return take responsibility for the maintenance of protected trees. This approach may not be cost-effective for extensive numbers of protected trees. Furthermore, PPC36 is not designed to address slope stability issues, although this matter has been taken into account and provided for in the proposed changes. Policies 4D 1.2.1 and 4E 1.2.1 as well as Rules 4D 2.1.1 (g) and (e), 4D 2.2.1 (b), 4E 2.1.1 (f) and (g) and 4E 2.2.1 (b) continue to refer to and promote slope stability.

RECOMMENDATION

*That the submissions of **Robert Ashe [7(e)], EHEA [10.1], ECB [15] and EHEA [10.1]** be rejected.*

8.53 Submissions

Robert Ashe [7.3] and **ECB [15.10]** request that the requirement for land-owner permission for the protection of Notable Trees be removed. At the Hearing, he reiterated his belief that all urban trees are an integral part of the City, and requiring owners consent before a tree can be protected is not conducive to maintaining the character of the City. He stated Council should take full control on behalf of the environment.

8.54 **Robert Ashe [7.4]** and **ECB [15.11]** requested the removal of Council's responsibility for the maintenance of all protected trees and to reserve this service for special cases only.

8.55 **EHEA [F3.1], [F3.2]** also support the submissions which request that landowner consent not be required for adding trees to the register and that landowners remain responsible for maintenance, for the reasons given.

8.56 Assessment

Council has decided it will continue its long-standing approach to protect trees on private land only with the permission of the owners. The protection of trees in the District Plan may pose additional restrictions on land owners and therefore Council's position is that compulsory protection of individual trees against the expressed wishes of owners can create avoidable conflicts.

8.57 Once a tree has been nominated or otherwise identified as potentially being Notable, a full STEM assessment is required to establish the value of the tree based on an objective and standardised evaluation. An owner who is opposed to having his/her tree protected is unlikely to grant Council access to undertake a meaningful evaluation and assessment of the tree.

8.58 The need for owners' consent for the assessment and protection of Notable Trees promotes a workable tree maintenance regime including property access, regular inspection and maintenance trimming undertaken by arboriculturists working on behalf of Council, if required. It promotes a process that avoids costly

and lengthy opposition from affected landowners that do not wish their trees to be assessed or protected and recognises the benefits of protected trees to the community. Council also achieves efficiencies and economies of scale with its widespread trees and parks and gardens maintenance programmes.

RECOMMENDATION

*That the submissions of **Robert Ashe [7.3] and [7.4]** and **ECB [15.10] and [15.11]** and the supporting further submission of **EHEA [F3.1] and [F3.2]** be rejected.*

8.59 Submissions

Ned Bruno [12.1] and **Kate Orange [13.1]** are concerned about the impact of tree protection removal on site stability, amenity values and intrinsic values of ecosystems.

8.60 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.

8.61 **EHEA [F3.5]** supports the request that the District Plan specifically takes the matter of slope stability into account.

8.62 Assessment

The Planner's report explained that very few protected trees are proposed to be removed from the list of Notable Trees. Reasons for the proposed removals are that a tree does not exist anymore (e.g. storm damage), that it has been assessed and does not meet the STEM threshold of 120 or that the current owner did not give his/her consent for continued protection. Due to the lapsing of blanket tree provisions, the previous protection for Nikau Palms became invalid on 4 September 2015 and is therefore proposed to be removed from the Plan. As part of PPC36, 14 individual Nikau Palms have been nominated and individually assessed using STEM. Of these 14 Nikau Palms, 12 met the threshold of 120 and are now proposed to be individually protected.

8.63 Vegetation clearance rules that are now invalid were not intended or designed to protect trees in particular but existing vegetation in general. Therefore, the proposed changes are not removing tree protection in particular and are not expected to have any significant negative impact on site stability, amenity values and intrinsic values of ecosystem. Furthermore, the proposed rule changes apply mainly to smaller, flatter sites in the urban environment where stability is unlikely to be of significant concern. The loss of the intrinsic values of ecosystems is accepted by the community for small urban allotments. For larger sites in the Hill Residential and Landscape Protection Residential Activity Areas, PPC36 proposes to retain vegetation clearance rules including the reference to site stability while making some amendments to the rules.

RECOMMENDATION

*That the submissions of **Ned Bruno [12.1]** and **Kate Orange [13.1]** and the supporting further submissions of **EHEA [F3.4]** be rejected.*

*That the further submission of **EHEA [3.5]** be accepted in part insofar as site stability continues to be a relevant matter for discretion on larger sites.*

Notable Trees - Proposed List of Notable Trees8.64 Submissions

Robert Ashe [7] and **EHEA [10.1]** submit that the larger Notable Trees register does not make up for the loss of blanket protection for Nikau Palms and that significant numbers of old growth Nikau Palms are now unprotected and can be cut down. At the Hearing, Mr Ashe read from a book by Geoff Park (an Ecological Historian), concerning the establishment of the Ludlum Road Nikau Palms, which identifies these Nikau to be the oldest trees in Lower Hutt. He further described how these trees hold important genetic information and that the consequences of losing protection for these Nikau are serious and he requested all Nikau Palms be protected.

8.65 Assessment

We acknowledge that the majority of Nikau Palms have lost their protection under PPC36. As outlined above, the loss of blanket protection for Nikau Palms is a result of recent changes to the RMA. As a result of the nomination and assessment process, 12 individual Nikau Palms are proposed to be added to the list of Notable Trees in the Plan and due to relevant legislation these Nikau Palms have immediate protection.

8.66 Nikau Palms are generally valued by the community, often being described as iconic features of the city. Therefore, there is likely to be wide interest in maintaining the majority of existing Nikau Palms on private properties. The benefits of a more regulatory approach to the protection of Nikau Palms do not outweigh the considerable cost associated with the identification, assessment, protection and maintenance of those trees. We consider Council's current ecosites project will identify that there are urban environment allotments with ecologically significant groups of trees which could include Nikau Palms. If this is the case, then regulatory and other protection mechanisms will be considered through the ecosites process.

RECOMMENDATION

*That the submissions of **Robert Ashe [7]** and **EHEA [10.1]** be rejected.*

8.67 Submissions

Robert Ashe [7.6], Linda Mead [9.1] and ECB [15.13] submit that the register needs regular updating, and that there must be an easy way to add trees and groups of trees.

8.68 **Linda Mead [9.1]** also submits that there must be a clear mechanism for the removal of trees from the register as they grow old and die.

8.69 Assessment

Under the provisions of the RMA adding any trees to or deleting any trees from the list of Notable Trees in the Plan will always require a plan change. However, if Council continues to follow its long-standing policy to only protect trees with the consent of owners, any future plan change proposing the addition of new trees to the District Plan (without reviewing the underlying rules and provisions) would be expected to be relatively straight forward and potentially undisputed.

8.70 The proposed rules provide for the removal of dead or dying trees by Council as a permitted activity. This contributes to a timely, practical, cost-effective approach to managing Notable Trees.

8.71 We consider there is a matter arising out of the resolution to decline the late submission by Mr Edghill, regarding the ability to add further Notable Trees to the List. While not part of this Plan Change process, we are comfortable making a recommendation outside the process. We consider it would be prudent for Council to consider instructing officers to conduct a regular review (every 3 years) of the relevant part of the District Plan and consequential Plan Changes to update the list of Notable Trees. These Plan Changes could potentially be combined with updates of other lists and schedules such as the list of Heritage Buildings and Structures and be heard by the Hearings Subcommittee which would make a recommendation to Council to review and update the Work Programme of the Environmental Policy Division accordingly. Officers could be instructed to set up and maintain a data base of trees that require assessment under STEM for inclusion on the Notable Trees List.

RECOMMENDATIONS

*That the submission of **Robert Ashe [7.6], Linda Mead [9.1] and ECB [15.13]** be accepted in part.*

The following recommendation is not within the PPC36 process, and concerns a review timeframe for the Work Programme of the Environmental Policy Division of Council:

That a programme of a 3-year regular review of the Notable Tree List be undertaken and a data base of trees that require assessment under STEM for inclusion on the Notable Trees List be set up.

8.72 Submissions

Robert Ashe [7.7] and **ECB [15.14]** submit that the proposed register protects predominantly early English heritage, not Maori or pre-Maori heritage. A wider variety of native endemic trees needs to be added. He reiterated these views in his oral submission at the Hearing.

8.73 **Linda Mead [9.1]** submits that there needs to be a way of including more local native trees, perhaps by reducing the STEM requirements for these.

8.74 **KEG [14.13]** submits that Kahikatea should be added to list of Notable Trees.

8.75 Assessment

The proposed list of Notable Trees is based on the current list of trees protected in the Plan. As previously mentioned, Council ran the Great Hutt Trees campaign in July and August 2014 which encouraged the public to nominate trees they consider notable and worthy of protection. In response to the nominations received, Council undertook a preliminary assessment and excluded those trees that could not reach the threshold of notable. The remaining trees as well as other trees nominated earlier by members of the public and trees identified in the Royal New Zealand Institute of Horticulture Notable Trees Register, were then assessed by Council's consultant arboriculturist using STEM. There has been no bias or focus on Council's side to protect mainly early English heritage trees over native endemic trees with relevance to Maori or pre-Maori heritage.

8.76 The Planner's report explained that one kahikatea was nominated and assessed but did not meet the STEM threshold of 120 and therefore is not proposed for protection. To amend the STEM criteria to favour particular types of trees or to use different thresholds for different species would detract from the approach of using the nationally recognised standard method and is therefore not recommended.

RECOMMENDATION

*That the submissions of **Robert Ashe [7.7]**, **ECB [15.14]**, **Linda Mead [9.1]**, and **KEG [14.13]** be rejected.*

Notable Trees - Individual Tree Proposals8.77 Submission

Paulette Yvonne Scott [1.1] requests the removal of the Copper Beech on her property at 7 Norfolk Street, Belmont from the proposed list of protected trees. Although not present at the Hearing, Ms Scott requested her additional comments be read out. These comments explained that while they have no intention of cutting the tree down or damaging it in any way, they would like to explore possibilities of further developing their property.

8.78 Assessment

Council's policy is to protect Notable Trees only with the consent of the owner. As the owner does not give her consent, the tree is recommended to be removed from the list of protected trees as requested by the owner.

RECOMMENDATION

*That the submission of **Paulette Yvonne Scott [1.1]** be accepted.*

8.79 Submission

Rod & Liz Gillespie and David Butler [2.1] request to retain the European Ash on their property at 18 Hautana Square, Woburn on the proposed list of protected trees.

8.80 Assessment

This tree achieved a STEM score of 138 and its protection is supported by the owners.

RECOMMENDATION

*That the submission of **Rod & Liz Gillespie and David Butler [2.1]** be accepted.*

8.81 Submission

Julia Stewart [3.1] requests that the Totara tree in Oroua Street (opposite 111-113 Oroua Street), Eastbourne be added to the proposed list of protected trees.

8.82 Assessment

The tree has been assessed by Council's consultant arboriculturist and achieved a STEM score of 99. It does not meet Council's proposed STEM threshold of 120 or more and is therefore not recommended to be added to the list of protected trees.

RECOMMENDATION

*That the submission of **Julia Stewart [3.1]** be rejected.*

8.83 Submission

Julia Stephens et al. [4.1] request the removal of the English Oak on her property at 235 Riverside Drive, Waterloo from the proposed list of protected trees. The submitters list a number of reasons for the removal of the tree from the list and disagree with some of the findings of the STEM assessment.

8.84 Assessment

Council's policy is to only protect trees with the consent of the owner. As the owner does not give her consent the tree is recommended to be removed from the list of protected trees as requested by the owner.

RECOMMENDATION

*That the submission of **Julia Stephens et al. [4.1]** be accepted.*

8.85 Submissions

PPAG [5.2] and **KEG [14.13]** request that the Morten Bay Fig at 193 Jackson Street (Doreen Doolan Mall) be added to the proposed list of protected trees.

8.86 Assessment

This tree had been nominated and assessed as part of the Great Hutt Trees campaign but with a STEM score of 114 does not meet Council's proposed threshold of 120 and therefore has not been proposed to be protected.

RECOMMENDATION

*That the submissions of **PPAG [5.2]** and **KEG [14.13]** be rejected.*

8.87 Submission

PPAG [5.2] requests that the Kermadec Pohutukawa at 274A Jackson Street (eastern-most in front of Police station) be added to the proposed list of protected trees.

8.88 Assessment

This tree has previously been listed in the District Plan and has been assessed by Council's consultant arboriculturist as part of the PPC36 process. The tree achieved a STEM score of 114 and does not meet Council's proposed threshold of 120 to qualify for protection.

RECOMMENDATION

*That the submission of **PPAG [5.2]** be rejected.*

8.89 Submission

PPAG [5.2] requests that:

- all Pohutukawa Trees in the northern Buick Street centre strip, Petone; and
- the Pohutukawa tree on the island in Tennyson Street, Petone; and
- and all other Pohutukawa trees making the canopy of trees at the Victoria Street/Cuba Street intersection, Petone;

all be added to the proposed list of protected trees.

- The Nikau Palm at 37 Tory Street, Petone, be added to the proposed list of protected trees (subject to the owner's approval).
- The northern rata at 15 Elizabeth Street, Petone be added to the proposed list of protected trees.

8.90 Assessment

All Pohutukawa Trees in the northern Buick Street centre strip were previously listed and have been individually assessed by Council's consultant arboriculturist as part of the PPC36 process. Those that reached Council's proposed threshold of 120 or more are proposed to be retained on the list of protected trees.

However, those trees that did not meet the minimum STEM score of 120 to qualify for protection are proposed to be deleted from the list. The STEM scores for those trees not recommended for protection vary between 90 and 111. All street trees are owned by Council and therefore are managed and protected by Council.

- 8.91 The owner of 37 Tory Street, Petone, declined permission for their Nikau Palm to be assessed or added to the list of Notable Trees.
- 8.92 The owner of 15 Elizabeth Street, Petone, has been approached but so far has not given consent to assess and potentially protect the tree.

RECOMMENDATION

That the submission of PPAG [5.2] be rejected.

8.93 Submission

John Marwick [17.1] requests that the flowering eucalypt tree at on his property at 12 Konini Street, Eastbourne be added to the proposed list of protected trees.

8.94 Assessment

The tree has been assessed by Council's consultant arboriculturist but only achieved a STEM score of 117. It does not meet Council's proposed STEM threshold of 120 or more and is therefore not recommended to be added to the list of Notable Trees.

RECOMMENDATION

That the submission of John Marwick [17.1] be rejected.

8.95 Submission

Alison Fleming [6.1] requests that seven Nikau Palms on the property at 19/19A Nikau Street, Eastbourne be added to the proposed list of protected trees. She appeared at the Hearing to further her submission and believes the loss of protection of these trees will mean the end of a beautiful area of Eastbourne. She repeated her request that the trees be protected.

8.96 Assessment

Five Nikau Palms on the property at 19/19A Nikau Street have been assessed by Council's consultant arboriculturist and three of those reached a STEM score of 120 or over (123, 144, 150) and thereby qualify for protection.

8.97 The property at 19 and 19A Nikau Street is a cross-lease property containing two flats. The Nikau Palms have been nominated by the owners of Flat 1 (19 Nikau Street - A Fleming, G Nielsen, F Staples) but there is no consent or otherwise from the owners of Flat 2 (19A Nikau Street - S and M Diederich).

8.98 Council's policy is to only allow trees to be added to the Notable Trees List with the permission of the owner of the tree. Once a tree has been added to the Notable Trees List, it cannot be removed from this list by subsequent owners, unless through a Plan Change process. There is a one-off exception to this rule for the purposes of the current plan change, where Council has allowed trees to be removed from the Notable Trees List if the owners no longer wish the tree to have this protected status.

8.99 Because this property is a cross lease, two sets of owners have an undivided share of ownership in the property. This extends to the trees. In some instances, Council might be content to rely on the consent of only one owner, assuming that owner spoke on behalf of, and could bind, all the owners. This is not the case with cross lease titles, where Council has decided to take a more cautious approach and require all sets of owners to consent.

8.100 For this reason, it is our recommendation the Nikau Palms are not added to the list of protected trees as this does not have the support of all the owners.

RECOMMENDATION

*That the submission of **Alison Fleming [6.1]** be rejected.*

8.101 Submissions

Sinead & Matt Diederich [19.1] and **Gary Baird [20.1]** request the removal of the kauri tree on the property at 19/19A Nikau Street, Eastbourne from the proposed list of protected trees. They appeared at the Hearing with photographic evidence of the damage the Kauri is doing to buildings on their property. They expressed their concern at the costs they have had and will continue to incur as a result of damage to their property caused by the tree and questioned who is responsible for these costs. They acknowledged the tree is commemorative but that it is still growing and has outgrown its site. They further explained that if the tree is permitted to be removed, they would commission a commemorative item with the timber and donate it to the RSA.

8.102 Assessment

The kauri tree on the property at 19/19A Nikau Street is currently protected in the District Plan and has been assessed as part of the PPC36 process. The assessment resulted in a STEM score of 129 and the tree was therefore recommended to be retained on the list of protected trees.

8.103 The property at 19 and 19A Nikau Street is a cross-lease property containing two flats. The owners of Flat 2 (19A Nikau Street - S & M Diederich) request the removal of the Kauri Tree from the list of protected trees. The owners of Flat 1 (19 Nikau Street - A Fleming, G Nielsen, F Staples) however have not given their approval or otherwise for the tree to be removed. During a phone conversation on 2 February 2016 with the Planner, Mr Glenn Nielsen stated his concern and opposition to the removal but a formal submission or further submission to this effect has not been received.

8.104 We heard from the Planner that the Kauri Tree is one of two commemorative trees to have been planted in this area, by Sir JH Heenan. This particular tree was planted as a memorial to Hugh Girdlestone, killed in action at Passchendaele.

8.105 As previously noted, Council has allowed the removal of a tree from the Notable Trees List as part of the Plan Change process, provided that removal has the consent of the owner/s.

8.106 This property is a cross lease and the removal of the Kauri Tree does not have the support of all the owners. For this reason, we recommend Council does not agree to its removal from the list.

RECOMMENDATION

*That the submissions of **Sinead & Matt Diederich [19.1]** and **Gary Baird [20.1]** be rejected.*

Notable Trees - Nikau Palm Protection

8.107 Submissions

PPAG [5.1] and **Robert Ashe [7.1]** submit that Nikau Palms are endemic and should be valued and become iconic parts of the city.

8.108 **Robert Ashe [7.5]** and **ECB [15.12]** request that Council identify and add all remaining unprotected old growth Nikau Palms to the Notable Trees register.

8.109 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.

8.110 Assessment

Nikau Palms have been protected by the Plan since it became operative in 2003. They are widely valued and seen as an important part of the city's landscape and appearance. The end of blanket protection does not mean that Nikau Palms are

not valued by residents anymore. Certain specimens have been nominated and assessed and are now proposed to be protected individually.

- 8.111 The cost of identifying and regulating the protection of all old growth Nikau Palms throughout the City would be high and would outweigh the benefits. This approach would, under the current policy, require the consent of all owners and the individual assessment of all trees or groups of trees. Furthermore, there appear to be large quantities of old growth Nikau Palms on HCC reserve land and within regional parks which are already protected through Council's ownership and the relevant bylaws as well the Reserves Act 1977.

RECOMMENDATION

That the submissions of PPAG [5.1] and Robert Ashe [7.1] and the supporting further submission of EHEA [F3.4] be accepted in part insofar as the Nikau Palms which meet the STEM threshold are on the Notable Trees List.

That the submissions of Robert Ashe [7.5] and ECB [15.12] be rejected.

Notable Trees - STEM Assessment Criteria

- 8.112 Submission
Rod & Liz Gillespie and David Butler [2.2] request that the STEM assessment method be approved.
- 8.113 **PPAG [5.2]** and **KEG [14.13]** submit that the STEM assessment system can be limiting and therefore the selection of Notable Trees should not be based only on STEM but should also consider their context in the local environment.
- 8.114 **Robert Ashe [7.2]** submits that the STEM scoring system is flawed as it looks at trees in isolation and does not capture positive biodiversity values and therefore should be used as a guide only.
- 8.115 **Linda Mead [9.1]** submits that the STEM requirements should be reduced for local native trees to ensure protection.
- 8.116 **GWRC [16.3 and 16.5]** submits that ecological value should be included in the criteria for assessment of Notable Trees and that a re-evaluation is required.
- 8.117 **Troy Baisden [F2.1]** supports the view that the recognition of ecological values in Council plans is important.
- 8.118 **EHEA [F3.3]** supports comments to the effect that scattered individual or small clusters of trees, particularly large specimens can have disproportionately high biodiversity values.
- 8.119 Assessment
The Standard Tree Evaluation Method is the most widespread method of evaluating heritage and Notable Trees for District Plans around the country (having been used and refined in New Zealand since 1996 to provide an objective

scoring system for amenity trees) and is the preferred methodology used by the Royal New Zealand Institute of Horticulture (RNZIH). It is generally considered the most robust evaluation method for the management and legal protection of amenity trees.

- 8.120 The ecology values of assessed trees are covered in reasonable depth within the STEM criteria. Ecology is covered by the 'Function' category where both the physical and conservation value of the trees are assessed. It is also provided for in the 'Historic' and 'Scientific' scoring categories.
- 8.121 To amend the STEM criteria to focus more on ecology or favour particular types of trees would detract from the approach of using the nationally recognised standard method and is therefore not recommended.

RECOMMENDATION

*That the submission of **Rod & Liz Gillespie and David Butler [2.2]** be accepted.*

*That the submissions of **PPAG [5.2], KEG [14.13], Robert Ashe [7.2], Linda Mead [9.1] and GWRC [16.3 and 16.5]** and the supporting further submissions of **Troy Baisden [F2.1] and EHEA [F3.3]** be rejected.*

Notable Trees - Amendments - Issue, Objective, Policies

Amendment 28 - Chapter 14G - Introduction

Amendment 29 - Chapter 14G - Issue 14G 2.1

Amendment 30 - Chapter 14G - Objective 14G 3.1

8.122 Submissions

GWRC [16.3] requests that the recognition of ecological values be incorporated in the proposed Introduction. The submitter further requests to amend the wording of Issue 14G 2.1 and Objective 14G 3.1 to include reference to ecological values.

- 8.123 **EHEA [F3.3]** supports comments to the effect that scattered individual or small clusters of trees, particularly large specimens can have disproportionately high biodiversity values.

8.124 Assessment

As discussed earlier, ecological value, while playing a role, is not the main criteria for the protection of trees as Notable Trees. The Notable Trees chapter focuses on the protection of trees with high amenity values in the urban environment and recognises and protects trees mainly for their heritage, cultural and amenity values.

- 8.125 As discussed earlier the ecology values of assessed trees are covered in reasonable depth within the STEM criteria. This is found within the 'Function' category where both the physical and conservation value of the trees are assessed. It is also provided for in the 'Historic' and 'Scientific' scoring categories.
- 8.126 The focus of this review is not on the ecological value of individual trees. Council is currently in the process of reviewing the Significant Natural Resources provisions and is actively identifying, assessing and potentially protecting ecosites to fulfil its obligation under the RMA and the Regional Policy Statement for the Wellington Region (RPS) to protect significant indigenous vegetation and significant habitats of indigenous fauna.

RECOMMENDATION

*That the initial submission of **GWRC [16.3]** and the supporting further submission of **EHEA [F3.3]** be rejected.*

Amendment 34 - Chapter 14G Policy 14G 4.4

8.127 Submission

Ministry of Education (MoE) [11.3] submits that there is uncertainty as to what is the extent of trimming or activities in relation to Notable Trees (including within canopy and root zone) that may constitute damage or be a compromise to a Notable Tree.

8.128 Assessment

Under the existing and proposed rules, the trimming of a protected Notable Tree is only permitted if undertaken by Council, which includes its agents and contractors. Any trimming of a protected tree that is undertaken by someone who is not a Council arboriculturist is a Discretionary Activity requiring a resource consent and the conditions of the resource consent are expected to outline the extent of work allowed for under the consent and the standards to be followed when undertaking the work (e.g. the New Zealand Arboriculture Association Best Practice Guideline for Amenity Tree Pruning). A reference to this guideline or a specific definition for trimming is not necessary in relation to the permitted activity considering that trimming is only permitted if undertaken by Council's arboriculturist.

- 8.129 With regard to activities within the dripline of Notable Trees (canopy and root zone) a pre-cautionary approach should be taken to avoid any potential damage to the tree (e.g. pruning or trimming of roots, laying of impermeable surfaces or storage of hazardous materials or chemicals within the dripline) as specified under proposed Rule 14G 5.3.

RECOMMENDATION

*That the submission of **MoE [11.3]** be rejected.*

Notable Trees - Amendments - Rules

Amendment 36 - Chapter 14G - Rule 14G 5.1

Amendment 37 - Chapter 14G - Rule 14G 5.2

8.130 Submissions

MoE [11.2, 11.4 and 11.5] submits that the wording of Rule 14G 5.1 and Rule 14G 5.2 seems to be inconsistent with the wording of Policy 14G 4.3 as it does not provide for the trimming or removal of a Notable Tree as a permitted activity if it is done by a qualified arboriculturist approved of but not working under Hutt City Council. The submitter requests that Rule 14G 5.1 and Rule 14G 5.2 be amended to reflect the intent of Policy 14G 4.3 to allow for trimming to be undertaken by an arboriculturist approved by but not working for Council.

8.131 **Powerco [F1.1]** requests that Council accept the submission and make the changes sought. They maintain that works in and around Powerco's gas distribution network, including the trimming or removal of vegetation, must be undertaken by Powerco approved contractors for health and safety reasons.

8.132 Assessment

Rules 14G 5.1 and 14G 5.2 are intentionally worded the way they are to reflect the intention that only Council (which includes consultant arboriculturists working on behalf of Council) is entitled to undertake the trimming or removal of protected trees. This is based on Council's policy to take responsibility for and undertake all work required for the maintenance of protected trees. There is no need to provide for arboriculturists that are approved by but do not work for or on behalf of Council to be included in this rule.

8.133 To provide consistency and avoid any uncertainty, we recommend amending the wording of Policy 14G 4.3 to reflect this intention by replacing the words "approved by Council" with the words "working on behalf of Council".

8.134 The further submission by Powerco suggests replacing the words "power and communication links" in Rule 14G 5.1, with "network utilities". We accept this submission as these proposed words better reflect the intention of the rule and do not unintentionally limit their scope.

8.135 The further submission by Powerco requests the addition of a note to Rule 14G 5.1 (a)ii, which they believe is required to further clarify the meaning of "trimming". We do not believe such a clarification is necessary, as any trimming of Notable Trees can only be carried out by a Council arborist and further guidance on what is covered by the term "trimming" is not required. In addition, any work in the dripline of Notable Trees is adequately covered by Rule 14G 5.3.

8.136 The further submission by Powerco raises the issue that any work around Powerco's gas distribution network, including the trimming and removal of vegetation, needs to be undertaken by Powerco approved contractors.

- 8.137 This issue can be addressed by having Council's consultant arboriculturist on site as well as Powerco's approved contractors and for those parties to work together to ensure the best outcome in protecting the health of the tree as well as complying with Powerco's health and safety requirements.
- 8.138 In relation to Powerco's further submission concerning Rule 5.2, we concur with the Planner, and refer to their explanation rejecting this part of the further submission contained in paragraph 34 of the Officer's Summary Statement tabled at the Hearing. WE agree that trees included on the Notable Trees List have gone through a robust process of identification and assessment and therefore the need for retrospective resource consent in the case of an emergency as required under section 330A of the RMA is appropriate.

RECOMMENDATION

*That the submission of **MoE [11.2, 11.4 and 11.5]** and the supporting further submission of **Powerco [F1.1]** be accepted in part.*

That Policy 14G 4.3 be amended as follows, as the initially proposed wording of Policy 14G 4.3 does not align completely with the wording of Rules 14G 5.1 and 14G 5.2. Council's intention is however correctly reflected by Rules 14G 5.1 and 14G 5.2:

Policy 14G 4.3

Trimming or removal of Notable Trees should be undertaken by Council or a qualified arboriculturist approved by working on behalf of Council.

That Rule 14G 5.1 be amended as follows to better reflect the intent of the rule:

Rule 14G 5.1 Notable Tree Trimming

(a) Trimming of a Notable Tree is permitted if:

- i. The trimming is undertaken by Hutt City Council for the health of the tree or to safeguard life or property including network utilities ~~power or communication links~~; and
- ii. The trimming follows accepted arboricultural practice.

Amendment 38 - Chapter 14G - Rule 14G 5.3

8.139 Submission

MoE [11.6] submits that the proposed rule makes no provision for minor activities in relation to either emergency or routine maintenance of existing services such as power, telephone, stormwater, water or wastewater and that

the current form of the proposed rule creates an inability for a school to complete maintenance which could lead to school closures and is not acceptable.

- 8.140 The submitter states that the trimming of vegetation and routine infrastructure maintenance would not be covered under the provision of an Outline Plan of Works or Waiver of Outline Plan under Sec 176A of the RMA. These works are more frequent and may occur on an unplanned and ad hoc basis. The submitter considers that infrastructure upgrade works, or physical changes within the School designation however (e.g. new buildings or playgrounds) are public work of a scale and significance that is planned and would trigger a Sec 176A process and would be exempt from compliance with the proposed rules.
- 8.141 The submitter requests that Rule 14G 5.3 is amended to provide for routine infrastructure maintenance services (fixing or replacement of the same line or pipe used as part of a utility network) as a permitted activity. If maintenance is required, the trimming of vegetation or excavation of pipes or lines within the dripline of protected trees should be permitted without need for resource consent.
- 8.142 **Powerco [F1.2]** *requests that Council accept the submission and make the changes sought. The submitter considers that it is appropriate to make provision for the ongoing operation, maintenance and upgrade of existing network utilities as a permitted activity. Tree roots can grow into and cause damage to underground gas assets, while above ground vegetation can restrict access to assets for maintenance and upgrade purposes. The trimming and, where necessary clearing, of vegetation is an essential part of the ongoing operation, maintenance and upgrade of the gas distribution network to ensure a continuous supply of gas to customers.*
- 8.143 Assessment
The submitter states that the proposed rule does not provide for minor activities in relation to emergency or routine maintenance of existing services such as power, telephone, stormwater, water or wastewater and thereby creates an inability of a school to complete maintenance which could lead to school closures.
- 8.144 Those trees protected in the Plan have gone through a robust assessment process and have been found to be Notable and worthy of protection by meeting a threshold for protection set by Council. To allow for the trimming or any disturbance and potential damage to the canopy or the root system within the dripline of protected trees for standard maintenance work relating to network utilities is inappropriate and might compromise the protection of these trees.
- 8.145 The submitter considers that the trimming of vegetation and routine infrastructure maintenance would not be covered under the provision of an Outline Plan of Works or Waiver of Outline Plan under sec 176A of the RMA. If that was the case these activities would have to comply with the underlying rules

of the Plan and require resource consent. The submitter states that these works may occur on an unplanned and ad hoc basis.

- 8.146 The Planner did not support the submitter's view that infrastructure maintenance and upgrading is not covered by the designation. We concur. Any maintenance and upgrading of the school site (including the maintenance or upgrading of buildings, play areas and related infrastructure) that relates to the designated purpose (being school) is covered by the designation. Only activities that do not relate to the purpose of the designation, e.g. the erection of a dwelling and related activities affecting protected trees, would not be covered by the designation and would require resource consent. Overall the designation and any work or activity covered by the designation overrides the underlying provisions of the Plan.
- 8.147 Any work or activity not covered by the purpose of the designation should be subject to the same rules that apply as beyond the boundaries of the designation. Case by case assessment through the resource consent process is appropriate if the work/activity may potentially endanger the health of a protected Notable Tree.
- 8.148 Routine infrastructure maintenance and upgrading is as a matter of course scheduled and planned ahead rather than being undertaken on an ad hoc basis. The need to apply for resource consent in relation to maintenance work within the dripline of a known protected tree that is not covered by the designation could be factored into the work programme to avoid school closures.
- 8.149 Emergency works in relation to network utilities are provided for in Section 330 of the RMA.
- 8.150 As discussed earlier Council's policy is to protect Notable Trees on private property only with the consent of the owners. The Ministry of Education or the affected schools have the option of withdrawing their permission for District Plan protection of trees on school properties and managing their trees as they see fit.
- 8.151 The further submission from Powerco requested the addition of the word "*maintenance*" into Rule 14G 5.3, to better reflect the activities which should be permitted. We find this addition to be useful for clarification and accept this part of their further submission.

RECOMMENDATION

That the submission of MoE [11.6] be rejected and the supporting further submission of Powerco [F1.2] be accepted in part, insofar as the addition of the word "maintenance" be inserted as follows:

That Rule 5.3(a) and (b) be amended as follows to better reflect the intent of the rules:

Rule 5.3 Activities within the Dripline of Notable Trees

- (a) Construction, maintenance or alteration of any building or structure, excavation of land, deposition of spoil, or formation of new impermeable surfaces within the dripline of a notable Tree is permitted if:
 - i. The activity does not damage the tree or endanger its health.
- (b) Construction, maintenance or alteration of any building or structure, excavation of land, deposition of spoil, or formation of new impermeable surfaces within the dripline of a Notable Tree....

Vegetation Removal Provisions - General8.152 Submissions

PPAG [5.1] submits that PPC36 should add a balancing statement on the value to the community of retaining vegetation, especially native vegetation and provisions to protect the best trees and retain high amounts of natural vegetation in suburbs and hills.

8.153 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.

8.154 Assessment

The proposed provisions are considered to be the most appropriate way of protecting Notable Trees given the limitations on blanket protection introduced by the RMAA 2013. A detailed evaluation is contained in the Section 32 report which forms part of the notified PPC36.

8.155 As outlined throughout this recommendation report, Council is currently reviewing the Plan relating to the identification and protection of significant natural resources (ecosites) and the identification and protection of coastal natural character and outstanding natural landscapes and outstanding natural features.

RECOMMENDATION

That the submission of PPAG [5.1] and the supporting further submission of EHEA [F3.4] be rejected.

8.156 Submissions

PPAG [5.1] and **Robert Ashe [7.9]** request the addition of provisions for any replacement vegetation for the stabilisation of slopes after vegetation clearance to use/prefer locally sourced native (indigenous, endemic) plants.

8.157 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.

8.158 Assessment

The proposed provision which requires stabilisation against erosion by vegetation cover or other method is anticipated to be sufficient. Exotic species may sometimes be better suited to achieve short term results and become nursery plants for native indigenous vegetation over time. To regulate the plant species that property owners are allowed to plant in their urban gardens (be it for slope stabilisation or otherwise) may not find community support. Furthermore, the proposed restriction to use only locally sourced native plants would be almost impossible to monitor and enforce. Overall the costs are likely to outweigh the benefits of this approach.

RECOMMENDATION

That the submissions of **PPAG [5.1]** and **Robert Ashe [7.9]** and the supporting further submission of **EHEA [F3.4]** be rejected.

8.159 Submission

Robert Ashe [7(g)] submits that no balancing measures are proposed by PPC36 to protect or enhance the intrinsic values and ecosystem services that trees and vegetation offer and that there is a need to balance development needs with the interests of existing residents/communities. The submitter requests that Council evaluates the more extensive use of protective covenants.

8.160 Assessment

As mentioned above Council is currently undertaking a review to identify and establish appropriate provisions for the protection of ecosites and outstanding natural landscapes. The review will provide the opportunity for such issues to be fully considered.

8.161 As previously explained all blanket tree protection provisions became invalid on 4 September 2015. The proposed provisions as outlined in PPC36 are considered to be one step towards achieving a balance between the need for further development and the interests of the existing residents to protect vegetation and amenity values. The outcomes of the above mentioned reviews of ecosites, natural landscapes and coastal natural character are expected to be the next steps in achieving this balance.

8.162 Protective covenants are a tool that land owners can choose to enhance long term protection for valued trees or areas of vegetation on their property. They

are usually voluntary and initiated by land owners. The cost for establishing a covenant as well as the cost for the ongoing maintenance lies solely with the owner of the tree/vegetation that is protected rather than being shared with the community.

RECOMMENDATION

*That the submission of **Robert Ashe [7(g)]** be rejected.*

8.163 Submissions

Ann Van der Veen [8.1] submits that the current regulations protecting hill side flora should not be weakened by proposed changes. The submitter wants to see the native flora of hillsides preserved as it supports native fauna and trees help to prevent erosion and flooding.

8.164 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.

8.165 Assessment

As discussed earlier all blanket tree protection provisions (including the vegetation clearance rules for sites under 4000m² and the blanket protection rules for remnant Nikau Palms) became invalid on 4 September 2015. As a result of the new RMA provisions for urban environment allotments, any protected trees and groups of trees need to be individually identified and PPC36 focusses on identifying and protecting individual Notable Trees as well as updating vegetation clearance rules for sites over 4000m².

8.166 A review to identify and establish appropriate provisions for the protection of ecosites and outstanding natural landscapes is expected to address appropriate protection for significant or outstanding sites.

RECOMMENDATION

*That the submission of **Ann van der Veen [8.1]** and the supporting further submission of **EHEA [F3.4]** be rejected.*

8.167 Submissions

Linda Mead [9.1] submits that the continued protection of 'vegetation' (now 'groups of trees') is important and land owner's permission should not be required. The submitter is concerned that the consequences of vegetation clearance will become highly significant over time.

8.168 **EHEA [F3.7]** supports the suggestion that HCC carry out an allotment by allotment assessment, specifying street addresses in association with geo-referencing. The RMA amendment permits contiguous allotments, which should simplify the

process in hill residential and landscape areas where the further submitter has greatest concerns.

8.169 Assessment

As outlined earlier the term 'vegetation' is not equivalent to nor can simply be replaced by the term 'groups of trees'. Groups of trees are defined in the RMA as "trees forming a cluster or line or grove on a single or adjacent allotments. A group of trees includes trees that are located in close proximity to each other but do not need to overlap or touch, have an obvious level of visual connectedness and may be the same or variable species. A group of trees must not be dispersed, dissected, interrupted or traversed by a road or an empty allotment." To be protected each group needs to be identified and scheduled in the Plan.

8.170 As discussed earlier in this report Council's policy is to protect Notable Trees only with the permission of the land owner and this policy would apply to groups of trees on private properties as well as individual trees.

8.171 The amount of vegetation clearance is unlikely to increase dramatically in response to the removal of vegetation clearance provisions on urban environment allotments (under 4000m²). Under the previous (now invalid) vegetation clearance provisions a proposed development that required the removal of vegetation over a certain threshold would have required resource consent. A brief monitoring of resource consents applications for vegetation clearance shows that the majority of those resource consents have been granted and the vegetation clearance and development was enabled to go ahead. Under the proposed provisions there would be no limitation on vegetation clearance on urban environment allotments (except for listed Notable Trees). However, if no development is proposed there is a very limited likelihood for an owner to clear all vegetation especially on steeper hillside lots considering the associated costs and the questionable benefits.

RECOMMENDATION

*That the submission of **Linda Mead [9.1]** and the supporting further submission of **EHEA [F3.7]** be rejected.*

Vegetation Removal Provisions - RMAA 2013

8.172 Submissions

Julia Stuart [3.2], **Robert Ashe [7]** and **ECB [15]** submit that the amendments relating to vegetation clearance go beyond what is required by the RMAA 2013.

8.173 **Julia Stuart [3.2]** submits that the remediation provisions are inadequate and requests that the proposed amendments be deleted except for limited exceptions relating to tree protection required by RMAA 2013.

8.174 **EHEA [10.1]** submits that the status quo should be maintained as far as possible.

8.175 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.

8.176 Assessment

As discussed above, all rules that restrict vegetation clearance in urban zones are now considered to be contrary to Sections 76(4A) to (4D) unless they relate to individual trees and groups of trees that are satisfactorily identified and described in a schedule to the Plan. The existing vegetation clearance provisions for urban environment allotments therefore became invalid on 4 September 2015.

8.177 As mentioned previously, Sections 76(4A) to (4D) relate to urban environment allotments only. To reflect this, PPC36 proposes to retain amended vegetation clearance restrictions for sites over 4000m² in the Hill Residential and Landscape Protection Residential Activity Areas. The proposed changes to these provisions are mainly designed to improve the effectiveness and enforceability of these rules e.g. by introducing time frames and focussing protection on indigenous vegetation.

8.178 Blanket protection provisions for all trees cannot be justified. Any protective regulation needs to relate to significant or outstanding areas and as outlined throughout this report the process of identifying and assessing these areas is currently underway.

RECOMMENDATION

*That the submissions of **Julia Stuart [3.2]**, **Robert Ashe [7]**, **ECB [15]** and **EHEA [10.1]** and the supporting further submission of **EHEA [F3.4]** be rejected.*

8.179 Submissions

Linda Mead [9.1] submits that there is need for a clear, legally defensible definition of “significant indigenous vegetation and significant habitats of indigenous fauna” and identification of these areas.

8.180 **ECB [15.8]** submits that significant areas of vegetation and habitats for significant fauna need to be mapped and protected.

8.181 **EHEA [F3.7]** supports the suggestion that HCC carry out an allotment by allotment assessment, specifying street addresses in association with geo-referencing. The RMA amendment permits contiguous allotments, which should simplify the process in hill residential and landscape areas where the further submitter has greatest concerns.

8.182 Assessment

As mentioned above, the identification and protection of significant indigenous vegetation and significant habitats of indigenous fauna will be addressed as part of the work on ecosites which is currently underway. The focus of PPC36 is to

protect Notable Trees and bring the District Plan in line with recent changes of the RMA.

- 8.183 The RPS provides guidance on the identification and protection of indigenous ecosystems and habitats with significant indigenous biodiversity values (Objective 16, Policies 23, 24 and 47). The proposed definition and work on the identification of these areas are beyond the scope of PPC36.

RECOMMENDATION

*That the submission of **Linda Mead [9.1]** and **ECB [15.8]** and the supporting further submission of **EHEA [F3.7]** be rejected.*

Vegetation Removal Provisions - Amendments - New Definitions

8.184 Submissions

Robert Ashe [7.8] and **ECB [15.5]** request the addition of a definition for endemic vegetation meaning native vegetation specific to the region and sourced from local seed.

8.185 Assessment

At this stage it is not necessary to insert a definition for endemic vegetation as there is no reference to this term in the proposed provisions. In the context of PPC36, the proposed definition of exotic and indigenous vegetation is sufficient.

RECOMMENDATION

*That the submissions of **Robert Ashe [7.8]** and **ECB [15.5]** be rejected.*

Vegetation Removal Provisions - Amendments - Policies

Amendment 4 - Policies 4A 1.1.1 (e) and (f)

8.186 Submission

KEG [14.1] requests to retain Policies 4A 1.1.1 (e) and (f).

8.187 Assessment

Policies 4A 1.1.1 (e) and (f) relate to and were supported by Rules 4A 2.3 (b) and 4A 2.3.1 (c) which classified the removal of vegetation in excess of 500m² (or 35% of the site) as a restricted discretionary activity in the General Residential Activity Area. As outlined throughout this recommendation report, these rules are now invalid and are therefore proposed to be deleted. Consequently, we recommend deleting any policy relating to the restriction of vegetation removal as these are no longer supported by the relevant rules.

RECOMMENDATION

*That the submission of **KEG [14.1]** be rejected.*

Amendment 5 - Explanation and Reasons 4A 1.1.18.188 Submission

KEG [14.2] requests to retain the last sentence of 4A 1.1.1 Explanation and Reasons.

8.189 Assessment

The last sentence of 4A 1.1.1 Explanation and Reasons relates to a restricted discretionary activity that has become invalid and is therefore proposed to be deleted. To retain this sentence would be confusing and not add any value to the Explanation and Reasons.

RECOMMENDATION

*That the submission of **KEG [14.2]** be rejected.*

Amendment 9 - Policy 4B 1.1.1 (b)8.190 Submission

KEG [14.1] requests to retain Policy 4B 1.1.1 (b).

8.191 Assessment

Policy 4B 1.1.1 (b) relates to and was supported by Rules 4B 2.2 (b) and 4B 2.2.1 (b) which classified the removal of vegetation in excess of 500m² (or 35% of the site) as a restricted discretionary activity in the Special Residential Activity Area. As outlined throughout this recommendation report these rules are now invalid and are therefore proposed to be deleted. Consequently, we recommend deleting any policy relating to the restriction of vegetation removal as these are no longer supported by the relevant rules.

RECOMMENDATION

*That the submission of **KEG [14.1]** be rejected.*

Amendment 14 - Policy 4D 1.1.1 (c)8.192 Submissions

KEG [14.9] requests to retain Policy 4D 1.1.1 (c).

8.193 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.

8.194 Assessment

Policies 4D 1.1.1 (b) and (c) relate to and were supported by Rules 4D 2.2 (b) and 4D 2.2.1 (b) which classified the removal of vegetation in excess of 500m² (or 35% of the site) as a restricted discretionary activity in the Hill Residential Activity Area. As outlined throughout this recommendation report, these rules are now partially invalid and are therefore proposed to be amended to apply to sites over

4000m² and to focus on the removal of indigenous vegetation. Consequently, we recommend partly amending and partly deleting the related policies to reflect those changes.

RECOMMENDATION

That the submission of KEG [14.9] be rejected.

Amendment 21 - Policy 4E 1.1.1 (d)

8.195 Submissions

KEG [14.11] requests to retain Policy 4E 1.1.1 (d)

8.196 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place

8.197 Assessment

Policies 4E 1.1.1 (c) and (d) relate to and were supported by Rules 4E 2.2 (b) and 4E 2.2.1 (b) which classified the removal of vegetation in excess of 300m² (or 15% of the site) as a restricted discretionary activity in the Landscape Protection Residential Activity Area. As outlined throughout this recommendation report, these rules are now partially invalid and are therefore proposed to be amended to apply to sites over 4000m² and to focus on the removal of indigenous vegetation. Consequently, we recommend partly amending and partly deleting the related policies to reflect those changes.

RECOMMENDATION

That the submission of KEG [14.11] be rejected.

Vegetation Removal Provisions - Amendments - Anticipated Environmental Results

Amendment 13 - Anticipated Environmental Results 4B 3 (b)

8.198 Submission

KEG [14.8] requests to retain Anticipated Environmental Result 4B 3 (b).

8.199 Assessment

The Anticipated Environmental Result relates to provisions that became invalid and are proposed to be deleted.

RECOMMENDATION

That the submission of KEG [14.8] be rejected.

Amendment 26 - Anticipated Environmental Results 4E 3 (c)8.200 Submission

KEG [14.12] submits their support for the addition of the word 'indigenous' to Anticipated Environmental Results 4E 3 (c).

8.201 Assessment

The addition of the word 'indigenous' reflects the increased focus on the protection of indigenous vegetation on non-urban environment allotments.

RECOMMENDATION

*That the submission of **KEG [14.12]** be accepted.*

Vegetation Removal Provisions - Amendments - Rules8.202 Submission

Robert Ashe [7.15] and **ECB [15.4]** request to restore any references to site stability provided by vegetation and intrinsic value of vegetation in Amendments 4, 5, 7, 9, 12, 14, 21.

8.203 Assessment

The existing policies of Chapters 4A, 4B, 4D and 4E (Amendments 4, 5, 9, 14 and 21), which are proposed to be deleted, do not refer to site stability. As discussed above, the rules supporting these policies are considered to amount to blanket protection of trees and became invalid on 4 September 2015. The same applies to the 'Matters in which Council has Restricted its Discretion' (Amendments 7 and 12). Therefore, these policies and matters should be deleted in their entirety.

8.204 Site stability and intrinsic value of vegetation are still relevant matters for discretion in relation to vegetation removal controls on sites over 4000m² in the Hill Residential and Landscape Protection Residential Activity Areas.

8.205 Any adverse effects of vegetation clearance on the intrinsic values of significant ecosystems in particular will be considered as part of the above mentioned review on ecosites.

RECOMMENDATION

*That the submissions of **Robert Ashe [7.15]** and **ECB [15.4]** be rejected.*

8.206 Submissions

GWRC [16.5] initially requested the following amendments in urban zones:

- continue to protect vegetation in urban environment while allowing for the removal of trees by excluding trees from the definition of vegetation (except Notable Trees);

- include a new permitted rule for vegetation clearance (except trees [removal permitted] and Notable Trees [protected under different rules]) allowing clearance of up to 500m² in a 12-month period; and
- include a new restricted discretionary rule for vegetation clearance of more than 500m² and/or more than once in 12-month period with discretion restricted to effects on vegetation values.

[Amendments 6, 7, 11, 12, 15, 16, 17, 18, 22, 23, 24, 25]

8.207 **Troy Baisden [F2.1]** supports the view that the recognition of ecological values in Council Plans is important.

8.208 Assessment

Our comments in paragraphs 8.29 – 8.31 above are relevant to this submission topic. Any rule that restricts vegetation clearance including trees in an urban zone is blanket protection and therefore be contrary to the intentions of Sections 76(4A) to (4D).

RECOMMENDATION

*That the initial submission of **GWRC [16.5]** and the supporting further submission of **Troy Baisden [F2.1]** be rejected.*

8.209 Submissions

Robert Ashe and **ECB** request the following amendments for sites over 4000m² [Amendments 15, 16, 17, 18, 22, 23, 24, 25]:

- Specify that indigenous endemic vegetation be used to stabilise cleared areas against erosion [**7.9, 7.10, 15.6, 15.7**];
- Prohibit indigenous vegetation clearance in areas of significant vegetation or fauna [**7.11**];
- Remove creeping 12-month clearance provision [**7.12, 15.1**];
- Restore original vegetation clearance limit to 300m² or 15% whichever is less [**7.13, 15.2**];
- Restore original allowance for clearance of pest plants [**7.14, 15.3**].

8.210 Assessment

The proposed provision to require stabilisation against erosion by vegetation cover or other method is sufficient. The main purpose of this provision is to provide slope stability and there is no evidence that indigenous endemic vegetation is more effective in achieving this. On the contrary, exotic species may sometimes be better suited to achieve short term effects and may become nursery plants for native indigenous vegetation. The proposed restriction to use only locally sourced native plants would be impossible to monitor and enforce.

8.211 At this stage, and as part of PPC36, there have been no assessments undertaken to identify areas of significant vegetation or fauna. The identification and

management of significant indigenous vegetation will be addressed in the separate review relating to ecosites.

- 8.212 The proposed permitted activity restricts the clearance of indigenous vegetation to 500m² in any 12-month period (on sites over 4000m²). This introduction of a time frame has the potential to be creeping but the absence of any timeframe provides no protection. The proposed time frame gives guidance as well as certainty and clarification in relation to vegetation clearance while the existing provisions do not provide any timeframes at all and could therefore be interpreted as 500m² or 35% at any one time/event, with events able to follow in quick succession.
- 8.213 The existing vegetation clearance provisions do not differentiate between exotic and indigenous vegetation. This approach does not reflect the higher significance of and the priority in protecting indigenous vegetation over exotic vegetation. Therefore, to restrict the limitation of vegetation removal to indigenous vegetation rather than include exotic vegetation is appropriate.
- 8.214 To raise the minimum clearance from 300m² to 500m² for Hill Residential and Landscape Protection Residential Activity Areas is appropriate in view of the minimum lot size of 4000m² to which this rule applies. 500m² is reflective of the area typically required for a house, driveway and curtilage area.
- 8.215 We note that the existing provisions refer to the lesser of 500m² or 35% of the site for Hill Residential and 300m² or 15% for Landscape Protection Residential. The percentage provisions have been removed as the minimum lot size for sites to which this rule applies has been raised to 4000m² and therefore 500m² will always be less than 35% or 15% of 4000m² (35% of 4000m² = 1400m²; 15% of 4000m² = 600m²).
- 8.216 There is no need to specifically provide for the removal of pest plants as there is no limit on the removal of exotic vegetation. The proposed permitted activity condition requires the stabilisation against erosion as soon as possible. The 500m² limit for vegetation removal only applies to indigenous vegetation.

RECOMMENDATION

*That the submissions of **Robert Ashe [7.9, 7.10, 7.11, 7.12, 7.13, 7.14]** and **ECB [15.1, 15.2, 15.3, 15.6, 15.7]** be rejected.*

8.217 Submissions

Linda Mead [9.1] requests that on sites over 4000m² the maximum extent of vegetation removal be no greater than 35%. [Amendments 15, 16, 17, 18, 22, 23, 24, 25.]

8.218 **EHEA [F3.4]** supports submissions that specifically request the blanket provisions currently in place for allotments greater than 4,000m² remain in place.

8.219 Assessment

The proposed limit of 500m² for the removal of indigenous vegetation is always lower and thereby more restrictive than the suggested 35% when applied to a minimum lot size of 4000m².

8.220 As discussed above the removal of exotic vegetation is proposed to be permitted if adequate measures are taken to stabilise the site against erosion.

RECOMMENDATION

*That the submission of **Linda Mead [9.1]** and the supporting further submission of **EHEA [F3.4]** be rejected.*

8.221 Submissions

GWRC [16.5] initially submitted the following in relation to amendments in non-urban areas [Amendments 15, 16, 17, 18, 22, 23, 24, 25]:

- Support for the strengthening of rules by restricting permitted clearance of indigenous vegetation but some reservations on the amount of indigenous vegetation clearance and cumulative effect of loss over time;
- Support for 12-month period limit and acceptance that 35% limit has become irrelevant;
- Support for proposed restricted discretionary rule; and
- Neutral on rules on removal of exotic vegetation, however exotic vegetation can provide important habitats for indigenous species therefore identification of indigenous ecosystems and habitats with significant indigenous biodiversity values using policies 23 and 24 of the RPS is urgently required.

8.222 **Troy Baisden [F2.1]** supports the view that the recognition of ecological values in Council plans is important.

8.223 Assessment

GWRC's support for the recommended changes has been noted. The concerns regarding the amount of indigenous vegetation clearance and the cumulative effect of loss over time are expected to be addressed more appropriately as part of the current review of ecosites, coastal natural character and outstanding natural landscapes and features.

8.224 In particular, the current review of indigenous ecosystems and habitats with significant indigenous biodiversity values (ecosites) includes the identification, management and protection of significant sites and will replace the existing (mostly invalid) Significant Natural Resources provisions of the District Plan.

8.225 The need to monitor the potential cumulative loss of vegetation over time is a valid point that should be built into Council's programme to monitor the effectiveness of the District Plan.

RECOMMENDATION

That the submission of GWRC [16.5] and the supporting further submission of Troy Baisden [F2.1] be accepted in so far as no changes are recommended.

Amendment 6 - Rule 4A 2.3 (b)

Amendment 7 - Rule 4A 2.3.1 (c)

Amendment 11 - Rule 4B 2.2 (b)

Amendment 12 - Rule 4B 2.1.1 (b)

8.226 Submission

KEG [14.3, 14.4, 14.6, 14.7] requests to retain existing Rules 4A 2.3 (b), 4A 2.3.1 (c), 4B 2.2 (b) and 4B 2.1.1 (b).

8.227 Assessment

The existing Rules 4A 2.3 (b), 4A 2.3.1 (c), 4B 2.2 (b) and 4B 2.1.1 (b) amount to blanket tree protection and therefore became invalid on 4 September 2015.

RECOMMENDATION

That the submission of KEG [14.3, 14.4, 14.6, 14.7] be rejected.

Amendment 16 - Rule 4D 2.1.1 (g) and (h)

8.228 Submission

KEG [14.10] submits support for the addition of 4D 2.1.1 (g) and (h)

8.229 Assessment

The proposed permitted activity conditions relate to proposed activities 4D 2.1 (i) and (j) and address the issue of site stability by requiring stabilisation against erosion within specified time frames.

RECOMMENDATION

That the submission of KEG [14.10] be accepted.

Designation

8.230 Submission

MoE [11.1] submits that some trees proposed for protection are located on land covered by designations for education purposes (Ministry of Education).

Designated land is exempt from compliance with District Plan rules which should be clearly stated in PPC36.

8.231 Assessment

As the submitter correctly points out the relationship between the District Plan and designated land is set out in detail in the RMA. A repetition of those provisions and regulations in the District Plan or PPC36 is not necessary or appropriate.

RECOMMENDATION

That the submission of MoE [11.1] be rejected.

Section 328.232 Submission

Robert Ashe [7] submits that the Section 32 evaluation concludes that vegetation removal has a “*moderate to high probability of occurring with moderate to significant consequences*”. The submitter states that inappropriate hillside development has caused significant damage due to the loss of houses from slips and that PPC36 increases the likelihood of further loss of indigenous vegetation, slips and possible harm to people.

8.233 Assessment

PPC36 addresses changes to the RMA which rendered existing vegetation clearance rules invalid. Even without PPC36, the previous provisions around vegetation clearance would be invalid for urban environment allotments.

8.234 The proposed provisions for sites over 4000m² are intended to address issues with the clarity and enforceability of the existing provisions.

8.235 The submitter is correct that as a result of the RMA changes (and PPC36), resource consent is no longer required for the clearance of vegetation other than Notable Trees on urban environment allotments, however this does not necessarily mean an automatic increase in people doing so. Resource consent will continue to be required for most housing developments on steep hillsides due to the earthworks provisions of the District Plan. Subdivision, land use and building consent requirements continue to address issues such as safety and site stability.

8.236 Furthermore, under the proposed provisions, site stability is still a relevant matter for discretion in relation to vegetation removal controls on sites over 4000m² in the Hill Residential and Landscape Protection Residential Activity Areas [Rules 4D 2.2.1 (b) and 4E 2.2.1 (b)]

8.237 Usually vegetation clearance occurs in conjunction with the subdivision or development of a property. Of the 36 resource consent applications received for vegetation clearance over the last 10 years only 1 has been declined. There is unlikely to be a significant increase in vegetation clearance that is not related to a

specific development or would not have occurred with the previous provisions in place.

RECOMMENDATION

*That the submission of **Robert Ashe [7]** be rejected.*

8.238 Submissions

GWRC [16.5] submits that the assessment does not clearly describe effects of invalid vegetation clearance rules on indigenous ecological values.

8.239 **Troy Baisden [F2.1]** supports the view that the recognition of ecological values in Council plans is important.

8.240 Assessment

The main focus of the vegetation clearance provisions in the urban environment (which are now invalid) was on residential amenity values. However, Council is aware of its obligation to give effect to the RPS and will work closely with the community as well as identified stakeholders including GWRC on the identification and protection of significant indigenous ecological values in Hutt City including in the urban environment. During the course of the Hearing, Caroline Watson from the GWRC tabled additional submissions, which explained that the GWRC is now supportive of PPC36. This is due to their confidence that HCC intends to address the gap between the District Plan and the RPS (specifically with Policy 23 of the RPS), by undertaking a comprehensive study to identify and protect significant natural resources (ecosites), coastal natural character areas and areas of outstanding natural landscapes and outstanding natural features; and that this proposed work will involve the participation of the general public as well as identified stake holders (including the GWRC).

8.241 As a result, the GWRC submission changed at the Hearing to now request:

*That GWRC's support for the recommendations relating to the amended rules on indigenous vegetation clearance in non-urban areas be noted;
and*

That the GWRC's support for HCC addressing the protection of significant indigenous biodiversity values in urban areas through a subsequent District PPC36 Process be noted.

RECOMMENDATION

*That the submission of **GWRC [16.5]** and the supporting further submission of **Troy Baisden [F2.1]** be rejected.*

*That the submission of **GWRC** as tabled at the Hearing be accepted in full.*

8.242 Submissions

GWRC [16.5] submits that the complete removal of protection on urban vegetation is not considered a 'precautionary approach'.

8.243 **Troy Baisden [F2.1]** supports the view that the recognition of ecological values in Council plans is important.

8.244 Assessment

The rules relating to vegetation clearance in urban environments are being removed because they have been made invalid by changes to the RMA. As mentioned above, Council is currently reviewing its provisions for and working on the identification of significant indigenous ecosystems and habitats. However, these ecosystems and habitats are expected to be found mainly outside the urban environment. The comment "precautionary approach" refers specifically to the retention of indigenous vegetation clearance provisions on larger lots in Hill Residential and Landscape Protection Residential Activity Areas.

RECOMMENDATION

*That the submission of **GWRC [16.5]** and the supporting further submission of **Troy Baisden [F2.1]** be rejected.*

8.245 Submissions

GWRC [16.4] requests that Council make plain the justification and purpose of PPC36 – some changes are over and above the requirements of RMAA 2013 and reasons for these changes should be more clearly discussed.

8.246 **EHEA [F3.6]** supports *GWRC's* view that RMAA 2013 does not require what HCC is proposing and that the Section 32 evaluation did not make this clear and claims that submitters who reluctantly accepted the need for the proposed changes were not properly informed.

8.247 Assessment

The existing provisions relating to vegetation clearance in residential areas have been reviewed when preparing PPC36 and those proposed changes that are not directly related to RMA changes have been found appropriate to better address the relevant issues. The existing rules have insufficiencies relating to enforceability and clarity. Where regulations have been removed, the Section 32 evaluation clearly states they have been removed and the reasoning behind that.

RECOMMENDATION

*That the submission of **GWRC [16.4]** and the supporting further submission of **EHEA [F3.6]** be rejected.*

Consultation

8.248 Submission

Robert Ashe [7] submits his concerns regarding late timing and extent of consultation undertaken with Maori.

8.249 Assessment

Mana Whenua have been consulted with throughout the preparation of PPC36. We were informed Council Officers had face to face meetings with the Port Nicholson Block Settlement Trust and Wellington Tenths Trust representatives within the time limits of the consultation period.

RECOMMENDATION

*That the submission of **Robert Ashe [7]** be rejected.*

8.250 Submission

Derek Wilshere [21.1] requested an extension of one month supported by renewed consultation on notable trees.

8.251 Assessment

The 'Our Great Hutt Trees' nomination campaign ran for a month and nominations were accepted past the closing date.

8.252 Any nominations received in recent times were also registered and assessed as part of the preparation of PPC36. The PPC36 is now going through the statutory process which included further consultation (4 weeks for submissions and 2 weeks for further submissions). All nominations that were received during the PPC36 process have been assessed and considered as well. An additional nomination phase followed by additional consultation may not justify the significant additional cost and time delays.

RECOMMENDATION

*That the submission of **Derek Wilshere [21.1]** be rejected.*

Out of Scope

8.253 Submission

Sharon Lawson [18.2] requests careful consideration of any commercial or industrial activities in hilly areas.

8.254 Assessment

PPC36 is not reviewing the provisions for commercial or industrial activities in hill side areas. Its sole focus is on Notable Tree protection and vegetation removal provisions. Therefore, the requested decision is beyond the scope of PPC36.

RECOMMENDATION

*That the submission of **Sharon Lawson [18.2]** be rejected.*

8.255 Submission

Derek Wilshere [21] submits that the principles behind the RMAA 2013 reforms undermine environmental protection and deny the public the opportunity to advocate in their interest. The submitter states that Council took commendable initiatives to identify Notable Trees but the process largely missed the community.

8.256 Assessment

PPC36 process can not address issues raised by the submitter in relation to amendments to legislation. Council made significant effort to engage with the community.

RECOMMENDATION

*That the submission of **Derek Wilshere [21]** be rejected.*

8.257 Submission

Derek Wilshere [21.2] requests the addition of a Code of Good Practice Notice to the subdivision rules to the effect that developers seriously consider retaining vegetation on their proposals to enhance both environmental and aesthetic values.

8.258 Assessment

PPC36 does not propose any changes to the subdivision chapter. Therefore, the requested decision is beyond the scope of this PPC36.

RECOMMENDATION

*That the submission of **Derek Wilshere [21.2]** be rejected.*

8.259 Submissions

Derek Wilshere [21.3] requests that HCC revisit the principles and recommendations contained in earlier reports on “Slips and Slopes”. At the Hearing, Mr Wilshere expanded on his submission concerning development of land on unstable slopes, and the role that vegetation, and trees in particular, play in aiding slope stability. He expressed his further concern that PPC36 will permit significant change to the environment to occur, as there will be very few restrictions to development.

8.260 **EHEA [F3.5]** supports the request that the District Plan specifically takes the matter of slope stability into account.

8.261 Assessment

PPC36 is addressing Notable Tree protection and vegetation removal provisions rather than general principles and recommendations around slope stability. Therefore, the requested decision is beyond the scope of PPC36. We note the matter of slope stability has been taken into account and provided for in the proposed changes. Policies 4D 1.2.1 and 4E 1.2.1 as well as Rules 4D 2.1.1 (g) and (e), 4D 2.2.1 (b), 4E 2.1.1 (f) and (g) and 4E 2.2.1 (b) continue to refer to and promote slope stability. We note the comment made by the Planner at the Hearing, that Mr Wilshere's concerns regarding slope stability will be a matter addressed under a future Natural Hazards review of the District Plan.

RECOMMENDATION

*That the submission of **Derek Wilshere [21.3]** be rejected.*

*That the further submission of **EHEA [3.5]** be accepted in part insofar as site stability continues to be a relevant matter for discretion on larger sites.*

Correction of Minor Errors

8.262 Amendment 2 adds a new definition for Indigenous Vegetation which was intended to include a reference to exotic vegetation, however this reference refers to indigenous vegetation which creates a meaningless reference and is clearly a typo. We therefore recommend that this minor error be corrected.

Indigenous Vegetation: means vegetation or trees that occur naturally in New Zealand or arrived in New Zealand without human assistance (refer also to the definition of indigenous exotic vegetation).

Cr MJ Cousins
Commissioner (Chair)

Cr L Bridson
Commissioner

Cr C Barry
Commissioner

Dated this 16th day of May 2016

APPENDIX 1: LIST OF SUBMITTERS

The following submitters have lodged submissions on proposed PPC36 36:

| Submission # | Name of Submitter | Submission Reference |
|---------------------|--|---|
| DPC36A/001 | Paulette Yvonne Scott | 1.1 |
| DPC36A/002 | Rod & Liz Gillespie / David Butler | 2.1, 2.2, 2.3 |
| DPC36A/003 | Julia Stuart | 3.1, 3.2 |
| DPC36A/004 | Julia Stephens on behalf of: Aaron & Julia Stephens Layne & Aroha McKenzie Patricia Lee | 4.1 |
| DPC36A/005 | Petone Planning Action Group c/- Graeme Lyon | 5.1, 5.2 |
| DPC36A/006 | Alison Fleming | 6.1 |
| DPC36A/007 | Robert Ashe | 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 7.12, 7.13, 7.14, 7.15, 7.16, 7.17 |
| DPC36A/008 | Ann van der Veen | 8.1 |
| DPC36A/009 | Linda Mead | 9.1 |
| DPC36A/010 | East Harbour Environmental Association Incorporated c/- Felicity Rashbrooke | 10.1 |
| DPC36A/011 | Ministry of Education Te Tahuu O Te Matauraunga c/- Nick Cooper, Opus International Consultants Ltd | 11.1, 11.2, 11.3, 11.4, 11.5, 11.6 |
| DPC36A/012 | Ned Bruno | 12.1 |
| DPC36A/013 | Kate Orange | 13.1 |
| DPC36A/014 | Korokoro Environmental Group c/- Ruth Mansell | 14.1, 14.2, 14.3, 14.4, 14.5, 14.6, 14.7, 14.8, 14.9, 14.10, 14.11, 14.12, 14.13 |
| DPC36A/015 | Eastbourne Community Board c/- Virginia Horrocks | 15.1, 15.2, 15.3, 15.4, 15.5, 15.6, 15.7, 15.8, 15.9, 15.10, 15.11, 15.12, 15.13, 15.14 |
| DPC36A/016 | Greater Wellington Regional Council c/- Caroline Ammundsen | 16.1, 16.2, 16.3, 16.4, 16.5 |
| DPC36A/017 | John Marwick | 17.1 |
| DPC36A/018 | Sharon Lawson | 18.1, 18.2 |
| DPC36A/019 | Sinead & Matt Diederich | 19.1 |
| DPC36A/020 | Gary Baird | 20.1 |
| DPC36A/021 | Derek Wilshere - Common Sense Solutions - Derek S. Wilshere for Natural Resources Management and Hockey | 21.1, 21.2, 21.3 |
| DPC36A/022 | Martin Edghill - LATE | 22.1 |
| DPC36A/023 | Central Community Committee c/- Sue Lafrentz - LATE | 23.1 |

| Submission # | Name of Submitter | Submission Reference |
|---------------------|--|--|
| # | Name of Further Submitter | Submission Reference |
| DPC36F/1 | Powerco Limited c/- Georgina McPherson, Burton Planning Consultants Ltd | F1.1, F1.2 |
| DPC36F/2 | Troy Baisden | F2.1 |
| DPC36F/3 | Eastbourne Community Board c/- Virginia Horrocks | F3.1, F3.2, F3.3, F3.4, F3.5, F3.6, F3.7 |

APPENDIX 2: RECOMMENDED AMENDMENTS AND CORRECTION

(Note: For the purpose of this report only the changes recommended in this report have been shown here. For the full Plan Change 36, please refer to the section 32 analysis.)

Amendment 1: Amend Policy 14G 4.3 as follows:

Policy 14G 4.3

Trimming or removal of Notable Trees should be undertaken by Council or a qualified arboriculturist ~~approved by~~ working on behalf of Council.

Amendment 2: Amend Rule 14G 5.1 Notable Tree Trimming as follows:

Rule 14G 5.1

- (a) Trimming of a Notable Tree is permitted if:
- i. The trimming is undertaken by Hutt City Council for the health of the tree or to safeguard life or property including network utilities ~~power or communication links~~; and
 - ii. The trimming follows accepted arboricultural practice.

Amendment 3: Amend Rule 14G 5.3 Activities within the Dripline of Notable Trees as follows:

Rule 14G 5.3

- (a) Construction, maintenance or alteration of any building or structure, excavation of land, deposition of spoil, or formation of new impermeable surfaces within the dripline of a notable Tree is permitted if:
- i. The activity does not damage the tree or endanger its health.
- (b) Construction, maintenance or alteration of any building or structure, excavation of land, deposition of spoil, or formation of new impermeable surfaces within the dripline of a Notable Tree....

Amendment 4: Amend Appendix Notable Trees 1 as follows
Appendix Notable Trees 1

| NO | ADDRESS | LEGAL DISCRIPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----|--|---|---|--|---|------------|
| 1 | 35 Athlone Crescent Avalon | Road Reserve | On Council berm, southern corner of Scanlan Street. | Northern Rata (<i>Metrosideros robusta</i>) | Very healthy specimen. Over 80 years old. | 126 |
| 2 | 2 Avalon Crescent Avalon | Road Reserve | On Council berm. | Cork Oak (<i>Quercus suber</i>) | Planted by Thomas Mason in 1860 as part of 'Mason Gardens'. Excellent form, well balanced and symmetrical. | 153 |
| 3 | 6 Avalon Crescent Avalon | LOT 3 DP 19679 | Rear of property. | Totara (<i>Podocarpus totara</i>) | Large, mature, very healthy specimen. Likely to be a remnant tree. Around 200 years old. | 150 |
| 4 | 6 Avalon Crescent Avalon | LOT 3 DP 19679 | Rear of property. | Wellingtonia / Giant Redwood (<i>Sequoiadendron giganteum</i>) | Planted by Thomas Mason in 1859. Healthy tall tree that dominates the locality. | 147 |
| 5 | 7 Avalon Crescent Avalon | LOT 2 DP 19841 | Front of property, next to footpath. | Weeping Japanese Pagoda Tree (<i>Sophora japonica 'Pendula'</i>) | Mature grafted tree. Planted by Thomas Mason in 1896. Oldest known specimen in NZ. | 135 |
| 6 | 7A Avalon Crescent Avalon | LOT 1 DP 19841 | Front of property. | Magnolia (<i>Magnolia campbellii</i>) | Planted by Thomas Mason around 1860. Highly likely to be oldest known specimen in NZ. | 132 |
| 7 | 9A Avalon Crescent Avalon | LOT 2 DP 86064 | Along driveway. | Gold-Leaved Chestnut (<i>Castanopsis cuspidata</i>) | Planted by Thomas Mason around 1860. Displays good structural strength and very healthy canopy. | 162 |
| 8 | 12A Avalon Crescent Avalon | LOT 2 DP 25363 | Rear of property. | Cork Oak (<i>Quercus suber</i>) | Planted by Thomas Mason around 1860. Mature and healthy tree. | 144 |
| 9 | 18A Avalon Crescent Avalon | LOT 2 DP 21901 | Growing on boundary. | Maidenhair Tree (<i>Ginkgo biloba</i>) | Very healthy mature tree showing excellent vigour. Likely to be planted around 1850 by Thomas Mason. | 129 |
| 10 | 22 Avalon Crescent Avalon | LOT 1 DP 17026 | Front of property. | Oak (<i>Quercus</i>) <i>Inspection required when in leaf for positive identification.</i> | Planted by Thomas Mason around 1860. Very good form, healthy, not compromised by pruning. (<i>Currently determined as infrequent but may be rare or very rare depending on final classification.</i>) | 150 |
| 11 | Belmont Domain 711 Western Hutt Road Belmont | SEC 3 BLOCK IX SO 24042 HCC Reserve | Adjacent to Belmont Memorial Hall building. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Mature tree with healthy foliage and canopy. Around 100 years old. | 123 |

| NO | ADDRESS | LEGAL DISCRIPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----|--|---|--|---|--|------------|
| 12 | Belmont Domain 711 Western Hutt Road Belmont | SEC 3 BLOCK IX SO 24042 HCC Reserve | Centre Island adjacent to Belmont Memorial Hall building. | Wellingtonia / Giant Redwood (<i>Sequoiadendron giganteum</i>) | Memorial tree to Peter and Matilda Speedy. Overall healthy tree. | 120 |
| 13 | Bishop Park opposite 35 Marine Parade Eastbourne | Road Reserve | Adjacent to Bishop Park, opposite 35 Marine Parade. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with reasonable form. | 120 |
| 14 | Bishop Park opposite 45 Marine Parade Eastbourne | Road Reserve | Adjacent to Bishop Park, opposite 45 Marine Parade. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with reasonable health and vigour. | 132 |
| 15 | Bishop Park opposite 57 Marine Parade Eastbourne | Road Reserve | Adjacent to Bishop Park, opposite 57 Marine Parade. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with reasonable health and well-balanced form. | 126 |
| 16 | Bishop Park opposite 61 Marine Parade Eastbourne | Road Reserve | Adjacent to Bishop Park, opposite 61 Marine Parade. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with reasonable health. | 120 |
| 17 | Bishop Park opposite 71 Marine Parade Eastbourne | Road Reserve | Adjacent to Bishop Park, opposite 71 Marine Parade. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with reasonable health. | 120 |
| 18 | 9 Boulcott Street Boulcott School Boulcott | LOT 5 DP 8735 | By driveway on the western aspect of school grounds. Tree in lawn area 20m back from the road. | Totara (<i>Podocarpus totara</i>) | Good health and form. Around 100 years old. | 141 |
| 19 | 9 Boulcott Street Boulcott School Boulcott | LOT 5 DP 8735 | By driveway on the western aspect of school grounds. Tree closest to the main road. | Totara (<i>Podocarpus totara</i>) | Very healthy tree showing good vigour. Around 100 years old. | 123 |
| 20 | 11 Bracken Street Petone | Road Reserve | On Council berm. | Kermadec Pohutukawa (<i>Metrosideros kermadecensis</i>) <i>Possibly a hybrid</i> | Planted in 1918. Large spreading canopy, displaying very good form and health. | 126 |
| 21 | 12 Britannia Street Petone | PT SEC 5 SO 11031 | Front of property. | Pohutukawa (<i>Metrosideros excelsa</i>) | Large tree in excellent condition. Dominant tree in the area. Around 100+ years old. | 150 |
| 22 | Buick Street Petone | Road Reserve | Central median at Buick Street, south of Elizabeth Street, next to public toilet building. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with excellent form and health. Around 100 years old. | 138 |
| 23 | Buick Street Petone | Road Reserve | Central median north of Elizabeth Street, 3 rd tree from the north. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with nine well developed stems and well balanced spreading canopy. Around 100 years old. | 123 |

| NO | ADDRESS | LEGAL DISCRIPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----|---|--------------------------------|--|---|---|------------|
| 24 | 31 Connolly Street Boulcott | LOT 1 DP 49841 | Front of property. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree showing excellent form and health. Well over 100 years old. | 144 |
| 25 | Eastern Hutt Road Reserve 156 Eastern Hutt Road Taita | LOT 19 DP 17961 HCC Reserve | Northern aspect of property. | Totara (<i>Podocarpus totara</i>) | Solitary specimen in excellent form and health. Highly likely to be remnant. Estimated to be over 200 years old. | 183 |
| 26 | Fraser Street Hutt Central | Road Reserve | Western most and shortest tree. 1 st tree from pedestrian crossing on High Street | Phoenix Palm (<i>Phoenix canariensis</i>) | 80-100 years old. Group of palm trees creates a local landmark. | 129 |
| 27 | Fraser Street Hutt Central | Road Reserve | 2 nd tree from pedestrian crossing on High Street. | Phoenix Palm (<i>Phoenix canariensis</i>) | 80-100 years old. Group of palm trees creates a local landmark. | 147 |
| 28 | Fraser Street Hutt Central | Road Reserve | 3 rd tree from pedestrian crossing on High Street. | Phoenix Palm (<i>Phoenix canariensis</i>) | 80-100 years old. Group of palm trees creates a local landmark. | 147 |
| 29 | Fraser Street Hutt Central | Road Reserve | Eastern most tree. 4 th tree from pedestrian crossing on High Street. | Phoenix Palm (<i>Phoenix canariensis</i>) | 80-100 years old. Group of palm trees creates a local landmark. | 141 |
| 30 | 130 Hair Street Wainuiomata | LOT 53 DP 16946 | Front of property. | Black Beech (<i>Fuscopara [Nothofagus] solandri</i>) | Large mature tree with good health and vigour. At least 150+ years old. Remnant of bush area, surrounded by bush reserve. | 120 |
| 31 | 14 Harbour View Road Harbour View | Road Reserve | Uphill specimen, closest to roadside. | Black Beech (<i>Fuscopara [Nothofagus] solandri</i>) | Mature specimen in overall healthy condition. | 129 |
| 32 | 14 Harbour View Road Harbour View | Road Reserve | Downhill specimen, furthest away from roadside. | Black Beech (<i>Fuscopara [Nothofagus] solandri</i>) | More dominant specimen with good health and foliage cover. | 135 |
| 33 | Harbour View Road / State Highway 2 Melling | Road Reserve | Opposite Melling Railway Station, growing by the stream next to a large Pohutukawa tree. | Silver Fir (<i>Abies alba</i>) | Relatively rare specimen, healthy and reasonable form. Around 100 years old. | 132 |
| 34 | Harbour View Road / State Highway 2 Melling | Road Reserve | On the corner of Harbour View Road/ State Highway 2 opposite Melling Railway Station. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature spreading specimen, dominant tree cover in the area. Around 100+ years old. | 129 |
| 35 | 18 Hautana Square Woburn | PT LOTS 9/10 & 11 DP 1547 | Rear of property. | Ash (<i>Fraxinus excelsior</i>) | Mature tree with well-balanced canopy. Planted by H.T Hawthorn in 1906. | 138 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----|--|--------------------|--|--|--|------------|
| 36 | 610 High Street Boulcott | Pt SEC 35 SO 10494 | Northern most specimen of three trees in close lineal group along Kings Crescent frontage. | Nikau (<i>Rhopalostylis sapida</i>) | Over 100 years old, likely to be remnant growth. | 120 |
| 37 | 610 High Street Boulcott | Pt SEC 35 SO 10494 | Central specimen of three trees in close lineal group along Kings Crescent frontage. | Nikau (<i>Rhopalostylis sapida</i>) | Over 100 years old, likely to be remnant growth. | 126 |
| 38 | 610 High Street Boulcott | Pt SEC 35 SO 10494 | Southern most specimen of three trees in close lineal group along Kings Crescent frontage. | Nikau (<i>Rhopalostylis sapida</i>) | Over 100 years old, likely to be remnant growth. | 120 |
| 39 | 615 High Street Boulcott | LOT 1 DP 7741 | Front of property. | Totara (<i>Podocarpus totara</i>) | Around 150-200 years old, likely to be a remnant tree. Good form. | 126 |
| 40 | 638 High Street Hutt Hospital Boulcott | LOT 3 DP 11717 | South of Labyrinth, adjacent to Norfolk Pine. | Pohutukawa (<i>Metrosideros excelsa</i>) | Large spreading mature tree. Around 150 years old. | 141 |
| 41 | 638 High Street Hutt Hospital Boulcott | LOT 3 DP 11717 | North of Labyrinth, between Oak tree to East and Redwood to West. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with very good form, part of a large canopy cover formed by other similar sized surrounding trees. Around 150 years old. | 135 |
| 42 | 638 High Street Hutt Hospital Boulcott | LOT 3 DP 11717 | North of Labyrinth, adjacent to notable Pohutukawa. | Californian Redwood (<i>Sequoia sempervirens</i>) | Mature specimen displaying good vigour. Well over 100 years old. | 129 |
| 43 | 638 High Street Hutt Hospital Boulcott | LOT 3 DP 11717 | South of Labyrinth, adjacent to notable Pohutukawa. | Californian Redwood (<i>Sequoia sempervirens</i>) | Mature tree showing very good vigour and vitality. Estimated to be over 100 years old. | 123 |
| 44 | 638 High Street Hutt Hospital Boulcott | LOT 3 DP 11717 | North of Labyrinth at the end of walkway, adjacent to Pohutukawa. | English Oak (<i>Quercus robur</i>) | Large spreading specimen. Around 150 years old. | 144 |
| 45 | 638 High Street Hutt Hospital Boulcott | LOT 3 DP 11717 | Adjacent to Labyrinth. | English Oak (<i>Quercus robur</i>) | Large stable tree. Around 150 years old. | 138 |
| 46 | 819 High Street Boulcott | LOT 2 DP 303206 | Northern aspect of property by neighbouring driveway. | Nikau (<i>Rhopalostylis sapida</i>) | Over 100 years old, likely to be remnant growth. | 138 |
| 47 | 32 Hine Road Wainuiomata | Road Reserve | On Council berm. | Wellingtonia / Giant Redwood (<i>Sequoiadendron giganteum</i>) | Mature tree with a good form and health. Around 100 years old. | 129 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----|--|--------------------------------|--|---|---|---------------------|
| 48 | 65 Hutt Road Petone | LOT 1 DP335616 | Close to street frontage. | Mexican Palm / Fan Palm (<i>Washingtonia robusta</i>) | Tall mature specimen, at least 100 years old. Landmark in the area, very visible. | 138 |
| 49 | 274A Jackson Street Petone | PT SEC 6 HUTT DIST SO 36856 | Adjacent to Police station driveway. | Kermadec Pohutukawa (<i>Metrosideros kermadecensis</i>) | Reasonable form and health. 80+ years old. | 126 |
| 50 | 274B Jackson Street Petone | LOT 1 DP 79272 | Outside 274B Jackson Street historic jail/police station. | Kermadec Pohutukawa (<i>Metrosideros kermadecensis</i>) | Reasonable form and health. 80+ years old. | 126 |
| 51 | 274C Jackson Street Petone | LOT 2 DP 79272 | Outside 274C Jackson Street, western most specimen. | Kermadec Pohutukawa (<i>Metrosideros kermadecensis</i>) | Large, healthy tree showing good form. 80+ years old. | 138 |
| 52 | Kereru Road Days Bay | Road Reserve | Adjacent to tennis courts, 50m from intersection. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Good vigour and vitality. Well over 100 years old. | 135 |
| 53 | Kereru Road / Marine Drive Days Bay | Road Reserve | Centre of Kereru road at the intersection with Marine Drive. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Good vigour and vitality. Well over 100 years old. Creates a focal point and landmark. | 159 |
| 54 | 46 Laings Rd Hutt Central | LOT 2 DP 1519 | Front of property, near street frontage. | Nikau (<i>Rhopalostylis sapida</i>) | Well over 100 years old. Oldest and tallest specimen in the garden. | 126 |
| 55 | 47 Laings Road Hutt Central | LOT 3 DP 51721 | Front of property. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted by Laing family. Well over 100 years ago. Healthy specimen which provides a focal point in the vicinity. | 147 |
| 56 | 61 Laings Road Hutt Central | LOT 3 DP 480039 | Corner of Laings Road and Bloomfield Terrace. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted by Laing family. Well over 100 years ago. Healthy specimen which is readily visible and provides a focal point in the vicinity. | 174 |
| 57 | 18 Lincoln Avenue Epuni | Road Reserve | On Council berm. | Maidenhair tree (<i>Ginkgo biloba</i>) | Healthy tree showing good vigour. 80+ years old. | 120 |
| 58 | 81 Ludlam Crescent Woburn | LOT 2 DP 48214 | | Pohutukawa (<i>Metrosideros excelsa</i>) | <i>This tree has not been assessed but is currently protected and estimated to score over 120.</i> | est. >120 |
| 59 | 71 Manuka Street Stokes Valley | LOT 66 DP 597 | Front of property. | Wellingtonia/ Giant Redwood (<i>Sequoiadendron giganteum</i>) | Well balanced and healthy specimen. Around 80 years old. | 138 |
| 60 | Marine Drive Days Bay | Road Reserve | Northern most tree growing along the beach frontage. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Excellent specimen, healthiest and best specimen in this avenue of trees. | 144 |
| 61 | Marine Drive Days Bay | Road Reserve | Second northern most tree growing along the beach frontage. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Displays healthy foliage cover. | 132 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----|--|------------------|---|---|--|------------|
| 62 | Marine Drive Days Bay | Road Reserve | Growing by wharf entrance, beside bus stop and boat shed. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Large wide spreading tree. | 126 |
| 63 | Marine Drive Days Bay | Road Reserve | On north side of changing room facilities. Growing directly into the sandy beach. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Healthy, wide spreading canopy. | 126 |
| 64 | Marine Drive Days Bay | Road Reserve | On south side of changing shed. Growing directly into the sandy beach. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Good growth form with healthy foliage. | 126 |
| 65 | Marine Drive Days Bay | Road Reserve | Second tree to the south of the changing shed. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Compact growth form with healthy foliage. | 126 |
| 66 | 153 Muritai Road Eastbourne | Road Reserve | On Council berm, outside the School. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree. | 120 |
| 67 | 233A Muritai Road Eastbourne | Road Reserve | On Council berm. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with good foliage cover. | 120 |
| 68 | 2 Ngaio Street Eastbourne | Road Reserve | On Council berm. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree in healthy condition. | 120 |
| 69 | 3 Ngaio Street Eastbourne | Road Reserve | On Council berm. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree in healthy condition. | 120 |
| 70 | 2 Nikau Grove Woburn | LOT 49 DP 1155 | Front of property. | Nikau (<i>Rhopalostylis sapida</i>) | Semi mature tree planted as a seed in the early 50's. | 120 |
| 71 | Nikau Street / 420 Muritai Road Eastbourne | Road Reserve | On Nikau Street (outside 420 Muritai Road), close to Muritai Road. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with very dense canopy, good health and form. | 138 |
| 72 | Nikau Street / 421 Muritai Road Eastbourne | Road Reserve | On Nikau Street, (outside 421 Muritai Road), close to Muritai Road. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with good foliage cover. | 132 |
| 73 | Nikau Street / 424 Muritai Road Eastbourne | Road Reserve | On Nikau Street, (outside 424 Muritai Road), tree closer to Muritai Road. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree with very good dense formed canopy showing good health. | 138 |
| 74 | Nikau Street / 424 Muritai Road Eastbourne | Road Reserve | On Nikau Street (outside 424 Muritai Road), tree further from Muritai Road. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature and tall tree with good form and dense foliage cover. | 144 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (SPECIES) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----|-------------------------------------|----------------------------|--|--|---|----------------|
| 75 | 9 Nikau Street Eastbourne | Road Reserve | On Council berm. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature, very healthy tree. | 132 |
| 76 | 10 Nikau Street Eastbourne | Road Reserve | On Council berm. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree, very healthy and dense foliage cover. | 138 |
| 77 | 19/19A Nikau Street Eastbourne | LOT 30 DP 981 | Rear of property. | Kauri (<i>Agathis australis</i>) | Commemorative tree. 'Planted by JH Heenan in 1920 as a memorial to Hugh Girdlestone, who was killed in action at Passchendaele.' | 123 |
| 78 | 23 Nikau Street Eastbourne | LOT 34 DP 981 | Front of property. | Kauri (<i>Agathis australis</i>) | Commemorative tree. 'Planted by Sir Joseph H. Heenan of Wellington in August 1919 as a memorial to H. Marsden who was killed at Passchendaele.' | 123 |
| 79 | 7 Norfolk Street Belmont | LOT 23 DP 10161 | Front of property. | Copper Beech (<i>Fagus sylvatica</i> 'Purpurea') | Mature specimen displaying well-balanced and spreading canopy. Well over 100 years old. | 123 |
| 80 | 301 Normandale Road Normandale | LOT 16 DP 53631 | Below Old Coach Road, on southern boundary adjacent to residential driveway. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Large specimen with spreading dominant canopy. Remnant tree from group that was planted between 1890 and 1900 as part of farm landscaping for shelter purposes. | 132 |
| 81 | 301 Normandale Road Normandale | LOT 16 DP 53631 | Closest to the Old Coach Road boundary fence line, above gully on northern aspect. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Large specimen with spreading dominant canopy. | 132 |
| 82 | 301 Normandale Road Normandale | LOT 16 DP 53631 | Northern most specimen, growing directly below Old Coach Road location. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Largest specimen on site with wide spreading canopy. | 138 |
| 83 | 1 North Street Petone | Road Reserve | On Council berm. | Holm Oak / Evergreen Oak (<i>Quercus ilex</i>) | Healthy specimen of uncommon evergreen species which has an excellent form and wide spread canopy. Planted in 1928. | 141 |
| 84 | 39A Oroua Street Eastbourne | Road Reserve | On Council berm. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tree, very good form and vigour. | 135 |
| 85 | 3 Pharazyn Street Melling | Road Reserve | Northern most specimen, 5m south of Normandale Overbridge. | Wellingtonia / Giant Redwood (<i>Sequoiadendron giganteum</i>) | Mature specimen, local landmark due to height. Over 100 years old. | 141 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----|---|--------------------|--|--|---|------------|
| 86 | 3 Pharazyn Street Melling | LOT 1 DP 50967 | Growing in lawn gardens, 30m south of Normandale Overbridge. | Wellingtonia / Giant Redwood (<i>Sequoiadendron giganteum</i>) | Mature specimen, local landmark due to height. Over 100 years old. | 135 |
| 87 | 16 Pharazyn Street Melling | PT LOT 39 DP 2153 | Rear of property. | Northern Rata (<i>Metrosideros robusta</i>) | Large mature tree. At least 120 years old, remnant specimen of valley floor. Excellent form and health. | 159 |
| 88 | 5 Pilcher Crescent Naenae | Road Reserve | On Council berm. | Chinese Elm (<i>Ulmus parvifolia</i>) | Planted in 1948. Very healthy, spreading specimen. | 120 |
| 89 | 6 Railway Avenue Hutt Central School Hutt Central | LOTS 20-21 DP 1792 | Main entrance off Railway Avenue, western most specimen. | Pohutukawa (<i>Metrosideros excelsa</i>) | Planted in the 1920's. Very healthy tree with dense foliage cover. | 120 |
| 90 | 6 Railway Avenue Hutt Central School Hutt Central | LOTS 20-21 DP 1792 | Main entrance off Railway Avenue, centre tree. | Pohutukawa (<i>Metrosideros excelsa</i>) | Planted in the 1920's. Very healthy tree with upright growth form. | 120 |
| 91 | 6 Railway Avenue Hutt Central School Hutt Central | LOTS 20-21 DP 1792 | Main entrance off Railway Avenue, eastern most specimen. | Pohutukawa (<i>Metrosideros excelsa</i>) | Planted in the 1920's. Very healthy specimen with dense canopy and good form. | 126 |
| 92 | 3 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 3 Raroa Road. First tree from intersection of High Street and Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with dense healthy canopy cover, good spread and balance. Around 80 years old. | 126 |
| 93 | 3 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 3 Raroa Road. 2 nd tree from intersection of High Street and Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree showing very good vigour and vitality. Around 80 years old. | 126 |
| 94 | 7 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 7 Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature, well balanced and healthy tree with very good form. Around 80 years old. | 120 |
| 95 | 11 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 11 Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature healthy tree with very good form. Around 80 years old. | 120 |
| 96 | 15 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 15 Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with very good form, balance and vigour. Around 80 years old. | 126 |
| 97 | Raroa Road / 338 High Street Hutt Central | Road Reserve | On Council berm. In front of Raroa Road frontage of 338 High Street. Corner tree on High Street and Raroa Road on southern side. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with good form. Around 80 years old. | 120 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|-----|---|---|---|--|--|------------|
| 98 | Raroa Road / 338 High Street Hutt Central | Road Reserve | On Council berm. In front of Raroa Road frontage of 338 High Street. 2nd tree from corner of High Street and Raroa Road on southern side. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree displaying very good form and balance with good foliage cover and health. Around 80 years old. | 126 |
| 99 | 6 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 6 Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with spreading canopy. Very healthy with good density of foliage. Around 80 years old. | 126 |
| 100 | 12 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 12 Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature smaller tree with very good form and compact dense canopy. Around 80 years old. | 126 |
| 101 | 16 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 16 Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree, well balanced, healthy canopy. Around 80 years old. | 132 |
| 102 | 20 Raroa Road Hutt Central | Road Reserve | On Council berm. In front of 20 Raroa Road. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with good form and canopy cover with healthy foliage. Around 80 years old. | 126 |
| 103 | Raroa Road / 19 Cornwall Street Hutt Central | Road Reserve | In front of Raroa Road frontage of 19 Cornwall Street. 2 nd tree from corner of Cornwall Street and Raroa Road on southern side. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree, small and compact specimen. Around 80 years old. | 120 |
| 104 | 4 Rata Street Eastbourne | Road Reserve | On Council berm. | Pohutukawa (<i>Metrosideros excelsa</i>) | Mature tree with a good balance and form. Planted around 1915. | 126 |
| 105 | Rata Street / Oroua Streets Eastbourne | Road Reserve | On Council berm. | Pohutukawa (<i>Metrosideros excelsa</i>) | First ANZAC memorial tree in NZ. Planted in memorial of the landing of NZ troops at Gallipoli. | 132 |
| 106 | Riddiford Gardens Laings Road Hutt Central | PT LOT 4 DP 664 HCC Reserve | Between halls and carpark, north of Opahu Stream | Common Lime (<i>Tilia x europea</i>) <i>To be confirmed when in leaf.</i> | Mature and healthy tree. Likely to be an original Riddiford Garden planting and of over 100 years. | 132 |
| 107 | Riddiford Gardens Queens Drive Hutt Central | PT SEC 25 HUTT DISTRICT (SO 10492) HCC Reserve | Outside War Memorial Library western foyer. | Totara (<i>Podocarpus totara</i>) | Remnant tree that has survived for around 150 years. Very good form and excellent health. | 159 |
| 108 | 1 Rimu Street Eastbourne | Road Reserve | On Council berm. Near the corner with Muritai Rd. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature high profile tree. Displays very good health and vitality. | 156 |
| 109 | 3-9 Rimu Street Eastbourne | Road Reserve | On Council berm. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature high profile tree with very healthy foliage cover. | 156 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|----------------|---|----------------------------------|---|---|---|----------------|
| 110 | 11 Rimu Street Eastbourne | Road Reserve | On Council berm. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Planted between 1911 and 1918. Mature tall tree displaying good health and vigour. | 150 |
| 111 | 235 Riverside Drive Waterloo | LOT 1 DP 22681 | Rear of property. | English Oak (<i>Quercus robur</i>) | Healthy spreading tree, not impacted by presence of other trees. Over 100 years old. | 129 |
| 112 | 73 Rutherford Street Hutt Central | Road Reserve / LOT 2 DP 50907 | Partly on Council berm / partly on private property. | English Elm (<i>Ulmus procera</i>) | Local landmark due to its height. Well over 100 years old. | 138 |
| 113 | 1 Scanlan Street Avalon | Road Reserve | On Council berm. | Northern Rata (<i>Metrosideros robusta</i>) | Over 80 years old tree with good overall health. | 120 |
| 114 | Speldhurst Park 222 Stokes Valley Road Stokes Valley | LOT 1 DP 40223 HCC Reserve | Closest to Stokes Valley Road on the northern boundary of the park. | English Oak (<i>Quercus robur</i>) | 120 years old very healthy and large spreading tree dominates the northern side of the park. | 168 |
| 115 | Speldhurst Park 222 Stokes Valley Road Stokes Valley | LOT 1 DP 40223 HCC Reserve | In the centre of the park. | English Oak (<i>Quercus robur</i>) | 120 years old healthy specimen with wide spreading canopy. | 147 |
| 116 | Speldhurst Park 222 Stokes Valley Road Stokes Valley | LOT 1 DP 40223 HCC Reserve | One of two closely growing trees found close to the southern fence-line, it is the eastern most specimen. | English Oak (<i>Quercus robur</i>) | 100 years old mature tree with a healthy crown and associated foliage. | 138 |
| 117 | Speldhurst Park 222 Stokes Valley Road Stokes Valley | LOT 1 DP 40223 HCC Reserve | One of two closely growing trees found close to the southern fence-line, it is the western most specimen. | English Oak (<i>Quercus robur</i>) | 100 years old mature tree. | 132 |
| 118 | Speldhurst Park 222 Stokes Valley Road Stokes Valley | LOT 1 DP 40223 HCC Reserve | Directly to the east of the largest Oak tree. | Red Oak (<i>Quercus rubra</i>) | 100 years old healthy and mature tree. | 120 |
| 119 | 188 Eastern Hutt Road Taita College Taita | PT SEC 61 SO 20010 | Southern end of group of trees on playing field at road frontage. | European Beech (<i>Fagus sylvatica</i>) <i>To be confirmed when in leaf</i> | Large mature tree showing very good vigour and vitality. Over 100 years old. | 147 |
| 120 | Tennyson Street Petone | Road Reserve | Central median, northern most tree. | Pohutukawa (<i>Metrosideros excelsa</i>) | Smaller tree with very good form and health. Planted in 1928. | 120 |
| 121 | Tennyson Street Petone | Road Reserve | Central median, 2 nd tree from north. | Pohutukawa (<i>Metrosideros excelsa</i>) | Tall and healthy tree. Planted in 1928. | 120 |
| 122 | Tennyson Street Petone | Road Reserve | Central median, 4 th tree from north. | Pohutukawa (<i>Metrosideros excelsa</i>) | Shorter but more spreading tree. Healthy showing good vigour and vitality. Planted in 1928. | 120 |
| 123 | Tennyson Street Petone | Road Reserve | Central median, 2 nd tree from south. | Pohutukawa (<i>Metrosideros excelsa</i>) | Large dominating tree with healthy spreading canopy. Planted in 1928. | 120 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|-----|--|--|--|--|---|-------------------------|
| 124 | Tennyson Street Petone | Road Reserve | Central median, southern most tree. | Pohutukawa (<i>Metrosideros excelsa</i>) | Very healthy tree displaying good form. Planted in 1928. | 126 |
| 125 | Victoria Street Reserve Victoria Street / Cuba Street Petone | PT LOT 115 & 116 DP 50 HCC Reserve | One of nine trees creating a single common canopy, on western side of group of trees. | Pohutukawa (<i>Metrosideros excelsa</i>) | Large spreading dominant tree with large girth producing 8 main trunks. Very healthy specimen with good form. Around 80 years old. | 120 |
| 126 | Victoria Street Reserve Victoria Street / Cuba Street Petone | PT LOT 115 & 116 DP 50 HCC Reserve | One of nine trees creating a single common canopy, on eastern side, close to Victoria Waste Water Pumping Station. | Pohutukawa (<i>Metrosideros excelsa</i>) | Tree with large spreading canopy and 7 main trunks. Healthy tree with good form. Around 80 years old. | 120 |
| 127 | 19 Udy Street Petone | LOT 7 DP 4820 | Rear of property. | Southern Rata (<i>Metrosideros umbellata</i>) | Relatively rare species. Very healthy with good form and vigour, dominant canopy. Over 100 years old. | 132 |
| 128 | Waddington Drive Reserve Waddington Drive Naenae | LOT 1 DP 47527 HCC Reserve | Larger of two specimens. | European Beech (<i>Fagus sylvatica</i>) | Original planting from the Balgownie Estate built in 1900. | 153 |
| 129 | 33/53 Wai-iti Crescent Woburn | LOT 2 DP 73265 | | English Oak (<i>Quercus robur</i>) | <i>This tree has not been assessed but is currently protected and estimated to score over 120.</i> | est. >120 |
| 130 | 76 Waiwhetu Road / 28 Guthrie Street, Waterloo | LOT 2 DP 22915 | Street frontage of Waiwhetu Road. | Northern Rata (<i>Metrosideros robusta</i>) | Large mature specimen. Multi-stemmed and highly visible. Over 100 years old. | 138 |
| 131 | 232 Waiwhetu Road Waterloo | LOT 1 DP 14986 | Tallest specimen on property, near the driveway, 12m from entrance. | Nikau (<i>Rhopalostylis sapida</i>) | Over 100 years old, likely to be remnant growth. | 126 |
| 132 | 232 Waiwhetu Road Waterloo | LOT 1 DP 14986 | Second tallest specimen, 5m from road frontage and 3m from driveway. | Nikau (<i>Rhopalostylis sapida</i>) | Over 100 years old, likely to be remnant growth. | 123 |
| 133 | 10 Walter Road Point Howard | LOT 2 DP 61016 | One of four mature Oak trees forming a single common canopy effect. Tree growing next to driveway. | English Oak (<i>Quercus robur</i>) | Mature healthy tree. Integral part of this grouping. Over 100 years old. | 135 |
| 134 | 14 Walter Road Point Howard | LOT 2 DP 29259 | One of four mature Oak trees forming a single common canopy effect. Growing on the fence line with 18/20 Walter Rd. | English Oak (<i>Quercus robur</i>) | Largest tree in the group in terms of canopy spread and girth of trunk. Over 100 years old. | 123 |

| NO | ADDRESS | LEGAL DISCRPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|-----|---|--------------------------------------|--|--|--|------------|
| 135 | 18/20 Walter Road Point Howard | Road reserve | One of four mature Oak trees forming a single common canopy effect. On Council berm. | English Oak (<i>Quercus robur</i>) | Displaying good health and vigour. Over 100 years old. | 129 |
| 136 | 207/1 Waterloo Road Hutt Central | LOT 4 DP 7907 | Front of property. | Nikau (<i>Rhopalostylis sapida</i>) | Healthy tree growing in reasonably exposed location. Over 100 years old. | 120 |
| 137 | 61 Whites Line East Waiwhetu | LOT 1 DP 322484 | Rear of property, close to dwelling. | Northern Rata (<i>Metrosideros robusta</i>) | Mature tree with distinct canopy formation. Good form, health and vigour. | 129 |
| 138 | Williams Park 611B Marine Drive Days Bay | PT SEC 33 SO 17210 HCC Reserve | At the back of duck pond. Northern most specimen closest to the cafe building. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Large mature specimen with spreading canopy. Over 100 years old. | 123 |
| 139 | Williams Park 611B Marine Drive Days Bay | PT SEC 33 SO 17210 HCC Reserve | At the back of duck pond. Dominant central specimen. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Healthy specimen, good vigour and vitality. Largest specimen of the group. Over 100 years old. | 147 |
| 140 | Williams Park 611B Marine Drive Days Bay | PT SEC 33 SO 17210 HCC Reserve | At the back of duck pond. Southern most specimen. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Healthy specimen, good vigour and vitality. Smallest specimen of the group. Over 100+ years old. | 141 |
| 141 | Williams Park 611B Marine Drive Days Bay. | PT SEC 33 SO 17210 HCC Reserve | Rear of "Menzshed" adjacent to Kereru Road. | Macrocarpa (<i>Cupressus macrocarpa</i>) | Multi-stemmed healthy specimen. Planted around the turn of the century. | 129 |
| 142 | 150 Woburn Road Woburn | LOT 1 DP 6028 | Front of property. | Pohutukawa (<i>Metrosideros excelsa</i>) | Excellent specimen. Planted in the 1840's by A Ludlam. One of the oldest and largest Pohutukawa trees in the Hutt environs. Hugh girth, wide spreading canopy, excellent health. Local landmark. | 162 |
| 143 | 154 Woburn Road Woburn | LOT 3 DP 5877 | American Embassy grounds. On western boundary. | Tulip Tree (<i>Liriodendron tulipifera</i>) | One of the original plantings of Ludlam Estate / Bellevue Gardens. Spreading tree with large girthed trunk. Around 150 years old. | 126 |
| 144 | 160 Woburn Road Woburn | Pt LOT 4 DP 5877 | American Embassy grounds. Central feature in main lawn. | Tulip Tree (<i>Liriodendron tulipifera</i>) | One of the original plantings of Ludlam Estate / Bellevue Gardens. Large spreading form with excellent branch structure. Aged around 150 years old. | 159 |
| 145 | 160 Woburn Road Hutt Central | PT LOT 5 DP 5877 | American Embassy grounds. Close to street frontage. | Norfolk Island Pine (<i>Araucaria heterophylla</i>) | Healthy specimen with good form and vigour. Height creates a local focal point. Planted by Alfred Ludlam. Between 100 and 150 years old. | 153 |

| NO | ADDRESS | LEGAL DISCRIPTION | LOCATION | COMMON NAME (<i>SPECIES</i>) | STATEMENT OF SIGNIFICANCE | STEM SCORE |
|-----|-----------------------------|---------------------|---------------------------------|---|---|------------|
| 146 | 160 Woburn Road Woburn | Pt LOT 4 DP 5877 | American Embassy grounds. | Pohutukawa (<i>Metrosideros excelsa</i>) | Excellent large spreading specimen displaying excellent health. | 147 |
| 147 | 1 York Avenue Manor Park | Road reserve | On Council berm. | Red Oak (<i>Quercus rubra</i>) | Large rounded specimen showing excellent symmetry and balance. Around 80-90 years old. | 126 |

Correction 1: Correct Definition for Indigenous Vegetation as follows:

Indigenous Vegetation: means vegetation or trees that occur naturally in New Zealand or arrived in New Zealand without human assistance (refer also to the definition of ~~indigenous~~ exotic vegetation).