



**SOUTH WAIRARAPA  
DISTRICT COUNCIL**  
*Kia Reretahi Tātou*

# **SOUTH WAIRARAPA DISTRICT COUNCIL**

## **HEARING REPORT: PLAN CHANGE 10 (PC10)**

<b>SUBJECT:</b>	PC10 Council-led plan change of the Wairarapa Combined District Plan “Update of Table 3, Appendix 1.4 – Schedule of notable trees”.
<b>LOCATION:</b>	Rural and urban areas bounded by the South Wairarapa District Council boundaries.
<b>REFERENCE NUMBER:</b>	190044
<b>REPORT TEXT:</b>	1-13
<b>ATTACHMENTS:</b>	<ol style="list-style-type: none"><li>1. Index of documents adopted by this report</li><li>2. PC10 Table 3 as Notified</li><li>3. Summary of Submissions by Topic (incl. Further Submissions)</li><li>4. Statement of Evidence Arborist Mr. Richard Neville Hill</li><li>5. PC10 Table 3 as Recommended</li><li>6. Electronic database</li></ol>
<b>ELECTRONIC LINKS:</b>	<ol style="list-style-type: none"><li>1. PC10 – Original submissions and Further Submissions (<i>PDF Cache</i>)</li><li>2. PC10 – Section 32 Evaluation (<i>PDF document</i>)</li><li>3. PC10 – Key Planning and Arborist advice documents including STEM™™ assessments (<i>PDF Cache</i>)</li></ol>
<b>REPORT PREPARED BY:</b>	Mr. Louis Brown, Intermediate Planner
<b>REVIEWED AND APPROVED BY:</b>	Mr. Russell O’Leary, Group Manager Planning and Environment
<b>DATE:</b>	30 October 2019

## Introduction

1. This report is about the statutory evaluation completed by South Wairarapa District Council over the last 2 and a half years in order to make changes to Table 3, Appendix 1.4 – Schedule of Notable Trees of the Wairarapa Combined District Plan 2011 (**WCDP**). The focus at hand is threefold: the quality of record keeping in Table 3; the quality of technical assessment within each record; and the quality of the line of logic to solve ‘controversies’ that have arisen through the plan change process. This will achieve the goal of presenting ‘**PC10 Table 3 as Recommended**’ as a viable plan change under the Resource Management Act 1991 (**RMA**) and Council discharging its responsibilities under the Act to deliberately manage natural and physical resources through District Plan provisions.
2. This report has been prepared in accordance with s42A of the RMA and forms the Hearing Report for the South Wairarapa District Council (**SWDC**) Proposed Plan Change 10 (**PC10**) ‘Update of Table 3, Appendix 1.4 – Schedule of Notable Trees’.
3. This s42A report has been prepared by Louis Morrison Brown. I am an Intermediate Planner. I hold a Master of Planning degree from the University of Otago. I have over 7 years’ experience as an environmental planner. I am currently employed by the South Wairarapa District Council as an intermediate planner (policy and consents), prior to this role I have worked as a planner in various capacities.
4. I am and have been a member of the New Zealand Planning Institute (**NZPI**) since 2008 and am bound by its Code of Ethics. I am also a member of the Resource Management Law Association of New Zealand. In addition to the NZPI Code of Ethics, I have read and agree to comply with the Code of Conduct for Expert Witnesses as set out in the Environment Court Consolidated Practice Note Section 7 2014. I confirm that my evidence on planning matters that I present is within my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express. The opinions expressed in this evidence are based on my qualifications and experience. If I rely on the evidence or opinions of another, my evidence will acknowledge that position.

## Adoption of documents

5. Several documents since 24<sup>th</sup> June 2015 have been prepared to evaluate the scope and feasibility of Plan Change 10 then on referred to as PC10, Council then authorised the work and appointed Council officers to initiate the PC10 project. Upon Council approving the plan change to be

initiated, a “fit for purpose, legally compliant and technically supported”<sup>1</sup> hearing report was considered in three sequential stages: community and landowner evaluation; technical evaluation; and planning evaluation with arborist review. Each stage had a set of required tasks and was accompanied by relevant documentation. This staging of evaluation has been designed in order to document the current status of records within Table 3 including their limitations. On that basis, it was then deemed reasonable that amendments could be conceived relying also on specialist re-assessment of all current records whilst having the flexibility to remove or edit flawed records, add ‘first time’ tree records whilst keeping existing records that stand up to technical scrutiny.

6. All documents have been indexed into one of four categories as set out in **Attachment 1** and full documents are available online (electronic link enclosed in the same attachment):
  - *Key Council authorising and scoping documents*
  - *Stage 1 documents: community evaluation*
  - *Stage 2 documents: technical/ further landowner response evaluation*
  - *Stage 3 documents: planning evaluation with technical input*
7. For the avoidance of doubt, these documents have been adopted by this report, whole or in part. This report has referenced these documents by paraphrasing but the full documents are accessible via the electronic link in Appendix 1 for further perusal as required.

### Description of the plan change (PC10 Table 3 as Notified)

8. The notified text of PC10 is available in **Attachment 2**.
9. PC10 proposes to amend the schedule of notable trees (as a six-page table) within Appendix 1.4<sup>2</sup> of the **WCDP** and comprises the following:

*WCDP Volume 1 Appendix 1.4 Table 3 ‘South Wairarapa District’ – remove 2011 text within table 3 (p. 28-13 – 28-7); insert text comprised within ‘PC10 Table 3 as Recommended’ recorded in **Attachment 5** of this report and any re-numbering or reformatting required to accommodate the amended Table 3.*

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<sup>1</sup> “The report and subsequent plan change should be fit for purpose, legally compliant and technically supported so as to provide the basis for inclusion, removal or correction of details surrounding scheduled trees, while ensuring that costs to Council are minimised and high quality listings are put into Appendix 1.4” (Purpose statement, p. 3, Plan Change to Update Appendix 1.4 of WCDP – Notable Trees: Detailing an updated Appendix 1.4 of WCDP, unpublished Council report, c. 2 June 2017)

<sup>2</sup> Appendix 1: Schedule of Natural and Historic, Appendix 1.4: Notable Trees, Table 3 ‘South Wairarapa District’, p. 28-13 – 28-17, WCDP.

10. PC10 does not propose to change Planning Maps as was first consulted on. It is deemed reasonable to expect that PC10 Table 3 as Recommended along with a proposed electronic database to be published on Council website would replace the function of the planning maps and provide a vast improvement on information currently available. The electronic database would be available at all times or can be requested from Council direct. GPS locations of each tree or group of trees are housed within this database for each. This provides greater accuracy than an arbitrary 'centre of each property' technology that current planning maps provide. This may also provide misleading advice to the customer as well. Further, the planning maps provides very limited information as compared to the database which records not only the specific location of the tree (+/- 5 meters) but also its STEM™™ scoring, public significance category and other contextual information such as which ward it is within and whether urban or rural. Furthermore, given the 10-year district plan review is scheduled for the next 12-18 months where all planning maps are highly likely to undergo review, it is seen as a double effort to amend planning maps for solely the notable tree layer when all planning maps will be reviewed in 12-18 months as a full package.
11. I recommend the Commissioner accept the above proposal. A copy of the electronic database is available in **Appendix 6**. No submissions have been obtained related to the matter of planning maps.
12. The following caveats are proposed as part of the point 11 recommendation; the requirement for the planning map number to be recorded within each record within column 4 of Table 3 would become redundant and not provided, and instead replaced with "see Council electronic database". In addition, a footnote is proposed to be added at the bottom of PC10 Table 3 as Recommended to also reference the electronic database. Column 1 tree reference numbers are incomplete at this stage, and it is proposed by the author numbering be confirmed at the close of the Hearings process (to save double and triple efforts).
13. For the avoidance of doubt, the changes are limited to Table 3 and no amendments have been proposed to any District Plan policy chapters that cross-reference Table 3, including objectives and policies, methods, performance standards and rules of the WCDP. Method 10.3.4 (g) "*identify notable trees important to the Wairarapa community using the STEM™ criteria*" remains and is not affected by the plan change. Similarly, Tables 1 and 2 of Appendix 1.4 dedicated to Masterton and Carterton Districts are not impacted or provided for by the proposed amendment.

## Background

14. Section 79 of the RMA established Councils' requirements to review district plan provisions every 10 years. Following any review of the provisions, the local authority must notify a plan change whether the local authority considers that the provisions require alteration or considers no alteration is required.
15. To meet this requirement, SWDC has adopted a need-driven revolving review method. Progress on this front has been determined by external forces such as budget and resource availability. As the review time frames have arisen, the rest of the District Plan will be updated jointly by the three constituent councils. No other plan changes are currently notified or under appeal.
16. Table 1 outlines a chronology of events relevant to PC10 Council decision making that has underpinned the gestation of the proposed amendment.

<b>Table 1: Chronology of Council decision making</b>		
<b>Event</b>	<b>Date</b>	<b>Documentation</b>
Council authorises commencement of review of notable trees in Long Term Plan 2015-2025	24 June 2015	Council meeting minutes.
Council authorises commencement of PC 10 in Annual Plan 2016/ 2017	29 June 2016 (for 2016/ 2017 financial year)	Council meeting minutes. Further background in Council action registers/ Planning and Environment information reports
Council authorises PC 10 project scope, timeline and community evaluation. Engages main contractor Hans van Kregten and project team is formed including SQEP Mr. Richie Hill, consulting arborist.	2 June 2017	GM level; internal documents.
Council authorises PC 10 technical evaluation approach. Confirmed for the preparation of notification documentation	8 August 2018	Council meeting minutes 9 resolutions.
Council authorises PC 10 notification documentation, action to publicly notify PC10 and engage a commissioner.	4 December 2018	Council meeting minutes 6 resolutions

## Statutory considerations

17. The South Wairarapa District Council (SWDC) completed a cost/benefit analysis and evaluation of the proposed amendment in accord with s32 of the RMA (**see Electronic Link 2 on report cover page**). Other key RMA considerations are documented in the Appendix, namely s5 purpose and principles of the RMA; s31 functions of territorial authorities; s72-s76 sections pertaining to district plans. Specifically, carrying out and updating of a tree by tree, property by property database to confirm its currency and credibility further strengthens s76(4A) district plan requirements to keep specific and detailed databases for protections on trees or groups of trees.
  
18. In terms of meeting the ‘completeness’ requirements of such a proposed amendment (s32AA(1)(c)), the writer deems that the analysis provided is reasonable for the modest scale and purposes of the amendment. As a single-issue amendment, whilst it may appear small, initially Council may have underestimated its complexity and resourcing requirements. There is a large data set comprising over 330 records, a vast range of native and exotic tree species to assess and a large and generally engaged cohort of landowners; independently and cumulatively the components have been surprisingly arcane and demanding. Thus, the complexity must be met with an equal amount of rigour. Council has undertaken pre notification engagement, has engaged a suitably qualified and experienced professional (**SQEP**) continuously for 2 years, commissioned site-based tree by tree *complete* STEM™ assessments for each first time listing as well as re-assessment of all existing records. Council also dedicated significant senior staff and subcontractor hours to the project. For these reasons, the author deems the detail provided to progress the proposed amendment adequately corresponds with the scale and significance of the recommended amendments.
  
19. Section 32AA ‘completeness’ requirements also apply to the contents of this report, particularly in the main body of the report where submissions are analysed. Where the author proposes an edit of the notified proposal, the scale and significance of the change must be met in equal rigour provided in the analysis.

## Purpose of the report

20. This report considers submissions received in relation to PC10. It has been prepared in accordance with s42A of the RMA to assist the Commissioner with deliberations on submissions and further submissions received by Council as part of PC10.

21. The report includes recommendations to the Commissioner to accept, accept in part or reject individual submissions. Where appropriate, it also includes recommended edits to the PC10 proposed amendment as notified by Council. Where any amendment necessitates further evaluation in accordance with s32AA of the RMA, the necessary analysis is provided within the points of this report. Depending on the complexity of the edit proposed, the s32AA assessment then follows; for simple matters a separate point beneath may suffice, ranging to complex whereby a separate table beneath the relevant point was included.
22. When making its decision on allowing or disallowing submissions, SWDC is required under clause 10 of the First Schedule of the RMA to clearly describe the decision and the reasons for allowing or not allowing the given submissions. Subsequently, this may materially affect whether edits are made or not made to the notified text.

### Statutory timeframes and submissions received

23. Table 2 outlines a chronology of events relevant to PC10 comments and statutory consultation.

Table 2: Comments and statutory consultation		
Event	Date	Timeframe
Non-RMA notification period <b>begins</b>	16 August 2017	n/a
Non-RMA notification period <b>closes</b>	1 October 2017	32 days
RMA notification/ submission period <b>begins</b>	23 April 2019 8:00am	Max. 2 years until a Hearing is held
RMA notification/ submission period <b>closes</b>	24 May 2019 4:30pm	23 days
RMA notification/ further submissions period <b>begins</b>	20 June 2019 8:00am	n/a
RMA notification/ further submissions period <b>closes</b>	3 July 2019 4:30pm	10 days
Hearing report and any council expert evidence <b>due</b>	30 September 2019 4:30pm	Min. 15 days before hearing
Notice of Hearing <b>due</b>	7 November 2019 4:30pm	Min. 10 days before hearing
Submitters who appear at Hearing with expert evidence pre-circulation <b>due</b>	13 November 2019 4:30pm	Min. 5 days before hearing
Hearing <b>held</b>	21 November 2019 8:00am	
Notice of decision <b>due</b>	12 December 2019 4:30pm	Max 15 days after hearing

Decision appeal period <b>closes</b>	TBC	Max 30 days after decision is released
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24. Council received 38 original submissions from April – May 2019 and 3 further submissions from June – July 2019; a total of 41 submissions were received within the statutory timeframes. One late submission was received and if accepted, would make a total of 42 submissions.
25. Please refer to **Attachment 3** for the Summary of Submissions by Topic (including Further Submissions). Please refer to **Electronic Link 1 (on report cover page)** for full copies of all submissions.
26. The late submission (number 42) was submitted to Council on 8 August 2019 while the period for original submissions closed on the 24 May 2019. It is considered that no person or persons would be disadvantaged by this submission being accepted. In addition, given the proposal is to add a tree to the schedule, a very large Kahikatea and the relative disproportionate number of natives to exotics on the schedule, I recommend this as a positive and beneficial addition to the schedule. Furthermore, the Kahikatea may become one of the largest on record of its species in New Zealand and the highest scoring tree on the list. I recommend that the commissioner accepts the late submission. If the late submission above is accepted there will be a total of 42 submissions. No submissions have been withdrawn at the time of compiling this report.

### Structure of the consideration of submissions section

27. The Consideration of Submissions section of this report has been structured to provide an assessment of the submissions and further submissions received by SWDC, arriving at a recommendation to the Hearing Commissioner.
28. Submission points were grouped thematically in both the summary of submissions and summary of further submissions beneath the following eight topics:
- A. Request to add record/ part record to Table 3*
  - B. Request to remove record from Table 3*
  - C. Minor corrections to Table 3*
  - D. STEM<sup>TM</sup> Criteria*
  - E. s32 report*
  - F. Council procedures*
  - G. Maintenance funding (from Council)*
  - H. Other*



29. The above summary of submissions by Topic is available as Attachment 3 of this report. Where further submissions present additional evidence that require addressing, this has been done within the report where the original submission point has been addressed. The assessment of submissions generally adheres to the following format:

**Submission information** – matters raised in the submission points with a brief outline of the relief sought/alteration proposed and reasons for relevant submission points  
**Comment** – discusses response to the relief sought/alteration proposed. Where appropriate, submission points have been grouped together for discussion.  
**Recommendation** – outlines a recommendation to the Commissioner in response to the relief sought/alteration proposed.

30. Any recommended amendments by the author to the PC10 Table 3 as Notified as a result of submissions and/or further submissions are contained in **Attachment 5** PC10 Table 3 as Recommended.

## Consideration of submissions

### A. Request to add record/ part record to Table 3

#### Submission information

31. 17 submissions requested to add tree records or part records to Table 3; submissions numbers 1, 2, 3, 9, 10, 12, 18, 19, 20, 25, 26, 27, 28, 34, 35, 37, 42.

#### Comment

32. Subsequent to the submissions and further submissions solicited by Council, further STEM™ assessments have been completed by Council SQEP for each tree proposed to be added for the first time (see Statement of Evidence . See Attachment 4 Statement of Evidence Arborist Summary of Notable Tree submissions p. 3-4, 13/9/2019.

33. Submission 20 proposes to add a record for a Copper Beech tree at 134 Main St, Greytown. This is a long running controversy of its status. However, given the non-landowner threshold is 230 points and the tree has scored at 170, the score is significantly low as not to warrant any further investigation.

#### Recommendation

34. I recommend to the Commissioner that he reject submission numbers 19, 20, 28, 34, 35, and 37.

35. I recommend the Commissioner accept all other submission within this Topic with a caveat; implementing Mr. Hills specific recommendations in the above evidence. Appendix 5 PC10 Table 3 as Recommended has been updated to include these records.

## **B. Request to remove record from Table 3**

### Submission information

36. 13 submissions requested to remove tree records from Table 3; Submission numbers 5, 6, 7, 13, 15, 16, 21, 23, 29, 30, 32, 36, 38.

### Comment

37. STEM™ assessments have been completed for each of the trees requested to be removed by Council SQEP in a previous stage of the project as (see **Electronic Link 3** on report cover page). Therefore, each tree has been technically scrutinised confirming they either meet or are above the recognised threshold of protection for their given class. No extraordinary circumstances were identified that may warrant reconsideration or re-assessment.

38. Submission number 6 is deemed not relevant – Council has recommended the Elms be removed at a prior stage.

39. Submission number 7 whilst reasonable in aspects of his analysis, maintenance funding is deemed outside the scope of this plan change.

40. Submission number 15 refers to an existing record on the 2011 schedule (Ts42). The 2018 re-assessment scored the tree at 228 STEM™ points and clearly has high values across condition, amenity and heritage/ scientific (refer to STEM™ assessment). This STEM™ assessment revealed it is likely to be one of the first Oak trees planted in modern day Greytown. As per Council SQEP advice, existing trees that have been classified as ‘Heritage’ require to be at or above a notability junction of 120 points. The tree is almost double the scoring required to be maintained within the schedule, and from a planning point of view would establish a dangerous precedential decision. Council SQEP has advised Council that a reduction in the canopy has been completed after the STEM™ assessment yet a re-assessment would not provide a material deviation from its original status.

### Recommendation

41. I recommend to the Commissioner that he reject submission numbers 5, 6, 7, 13, 15, 16, 21, 23, 29, 30, 32, 36 and 38.
42. I recommend to the Commissioner that he note the request for maintenance funding from Council may be considered a reasonable request, congruent with standard planning practice in a significant proportion of Councils in New Zealand<sup>3</sup> and warrants follow up by Council as it is outside the scope of PC10.
43. I recommend to the Commissioner that he note the request for Council to maintain a road reserve tree as per submission 30 (Ts79) and recommend the Council Roding Manager to investigate the matter.
44. I recommend the Commissioner note the request for Council to maintain a park reserve tree as per submission 32 (Ts35I) and recommend the Council Amenities Manager to investigate the matter.

### **C. Specific errors/ minor corrections requested to Table 3**

#### Submission information

45. Two submissions identified specific errors and requested minor corrections be made to PC10 Table 3; Submission numbers 20, 22.

#### Comment

46. Submission 20 and 22 calls for correction of the non-landowner threshold recorded as 210 in error, when in fact Council SQEP recorded in his Explanatory notes 230 STEM™ points is the junction. Submission 20 also calls for congruence between Councils SQEP's use of the category 'Heritage' and others usage of the word 'Historic'.
47. Submission 22 calls for minor corrections to nomenclature in accordance with generally accepted botanical naming protocols with specific examples.

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<sup>3</sup> List serve email responses from 12 local authorities documenting funding for maintenance of notable trees on private landholdings.

### Recommendation

48. I recommend to the Commissioner that he accept submissions 20 and 22. Appendix 5 PC10 Table 3 as Recommended has been updated to include these corrections.

## **D. STEM™ Criteria**

### Submission information

49. Six submissions provided technical critique (positive and negative) on the STEM™ criteria and methodology employed by Council SQEP; submission numbers 20, 22, 33, 39, 40, 41. There are clearly two opposing groups of submissions; numbers 20, 33, 40, 41 accept Table 3 with particular specific amendments and numbers 22 and 39 support the status quo.

### Comment

50. Submission 20 initially called for the plan change to be declined. Subsequently, in submission 39, the submitter sought to modify the status of the submission to support the plan change with amendments as opposed to oppose PC10 and recommend decline.

51. Based on thorough analysis within documents provided by Council SQEP Mr. Hill, with formal endorsement from NZ Notable Tree Trust STEM™ Copyright Manager supporting the plan change, the author has formed the view the status quo is a reasonable approach.

52. Given the endorsement from the NZ Notable Trees Trust of the innovative, multi-threshold methodology carried out by Council SQEP, the author holds the view this is an advancement of the 1996 STEM methodology.

53. The author confirms to the best of his knowledge at the time of writing there exists no current threshold of notability documented by the district plan itself, or via proxy from a previous SQEP Arborist recommendation provided to Council.

### Recommendation

54. I recommend to the Commissioner that he accept submission 41 in terms of 'softening' the outcome requested by the submitter in terms of supporting PC10 not opposing.

55. I recommend to the Commissioner that he accepts submissions 22 and 39. I recommend to the Commissioner that he reject submissions 20, 33, 39, 40.

## **E. s32 report**

### Submission information

56. Six submissions provided technical critique (positive and negative) on the s32 evaluation report; submission numbers 20, 22, 33, 39, 40, 41. There are clearly two opposing groups of submissions; numbers 20, 33, 40, 41 accept Table 3 with particular specific amendments and numbers 22 and 39 support the status quo.

### Comment

57. Submission 20 initially called for the plan change to be declined. Subsequently, in submission 39, Mr. Partridge sought to modify the status of the submission to accept the plan change with amendments.

58. Submission number 20 has made several points around the weakness of the s32 report, such that Mr. Partridge describes these as major flaws. The author does not hold this view. In contrast, Council SQEP's documentation as endorsed by the NZ Notable Tree Trust compliments the s32 analysis and the s32 report must be read along with the dozens of STEM assessments and reporting around them. In addition, the extensive non-RMA notification and comments obtained from the community as well as the RMA notification and submissions obtained from landowners also compliment the s32. Further, the extensive rebuilding of Table 3<sup>4</sup> (without changing the format of the table) also provides further background to the level of detail and care taken to mean Table 3 is fit for purpose. The author acknowledges some weaknesses may exist, however these are far outweighed and mitigated by the level of detail and rigour by complimentary work and documentation.

### Recommendation

59. I recommend the Commissioner reject submissions 20, 33, 39 and 40. I recommend to the Commissioner that he accept submissions 22 and 41.

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<sup>4</sup> See Planning evaluation; rebuilding table 3 in Electronic links 3.

## **F. Council procedures**

### Submission information

60. Six submissions provided technical critique (positive and negative) on the s32 evaluation report; submission numbers 20, 22, 33, 39, 40, 41. There are clearly two opposing groups of submissions; numbers 20, 33, 40, 41 accept Table 3 with particular specific amendments and numbers 22 and 39 support the status quo.

### Comment

61. Submission 20 initially called for the plan change to be declined. Subsequently, in submission 39, Mr. Partridge sought to modify the status of the submission to accept the plan change with amendments.

62. Submission 33 poses 12 specific questions for Council to respond to in this Hearing report. The author recommends points 5-7 and the vast catalogue of documents made available through attachments and electronic links will answer those questions. Specific answers to questions ventured as follows in order given in submission 33:

- 62.1. At the time of writing the author does not have clear documentation establishing Council policy of 100 STEM™ points as the junction between notable and non-notable trees.
- 62.2. As above
- 62.3. Existing STEM threshold was recommended by Council SQEP in numerous documents, reviewed at Council meetings and accepted as a viable, reasonable approach to be taken.
- 62.4. As above – see documents in Appendices and Electronic links.
- 62.5. Yes, reviewed at Council meeting August, 2018.
- 62.6. See point 62.1 above.
- 62.7. Covered in Council SQEP advice.
- 62.8. reviewed at Council meeting August, 2018.
- 62.9. At the time of writing, my understanding is GM Planning and Environment.
- 62.10. STEM threshold recommended by Council SQEP Arborist
- 62.11. Covered in Council SQEP advice.
- 62.12. Covered in Council SQEP advice.
- 62.13. Covered in Council SQEP advice.
- 62.14. Covered in Council SQEP advice.
- 62.15. Covered in Council SQEP advice.

### Recommendation

63. I recommend the Commissioner reject submissions 20, 33, 39 and 40. I recommend to the Commissioner that he accept submissions 22 and 41.

## **G. Maintenance funding (from Council)**

### Submission information

64. Four submissions call for Council to provide maintenance funding for notable trees; submission numbers 4, 7, 8, 31.

### Comment

65. Whilst reasonable in aspects of the analysis within each submission, maintenance funding is deemed outside the scope of this plan change.

### Recommendation

66. I recommend to the Commissioner that he reject submission numbers 4, 7, 8 and 31.

67. I recommend the Commissioner note the request for maintenance funding from Council maybe considered a reasonable request, congruent with standard planning practice in a significant proportion of Councils in New Zealand<sup>5</sup> and warrants follow up by Council as it is outside the scope of PC10.

## **H. Support for records to be retained**

### Submission information

68. Four submissions provided support for specific records, one of which was referring to all trees and/ or the existence of Table 3 itself and tree protection in general; submission numbers 11, 14, 17, 24.

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<sup>5</sup> List serve email responses from 12 local authorities documenting funding for maintenance of notable trees on private landholdings.

### Comment

69. No other submissions requested the records identified in the submissions to be removed.

### Recommendation

70. I recommend the Commissioner accept submission numbers 11, 14, 17 and 24 and that the records contained in the above submissions be retained.

## Conclusions and recommendations

71. After carefully considering the submissions and further submissions received in relation to each topic, I recommend PC10 be amended to the extent detailed in the preceding sections of this report, and as illustrated by PC10 Table 3 as Recommended in **Appendix 5**. Further, I acknowledge those submissions and further submissions (or part there of) that have been recommended to be accepted have formed part of PC10 Table 3 as Recommended. All other submissions be rejected.

72. The amendments made to Table 3 (as distinct from Table 3 as notified) have been re-considered against the provisions of s32AA. This has included considering topics such as costs, benefits, efficiency, effectiveness, and risk that may accompany any give amendment. It is considered PC10 Table 3 as Recommended adequately manages key aspects of quality including record keeping of the table, technical assessment of each record and a line of logic that solves 'controversies' that have arisen through the plan change process.