

RESOURCE MANAGEMENT ACT 1991  
SELWYN DISTRICT COUNCIL

---

SELWYN DISTRICT PLAN  
PROPOSED PLAN CHANGE 18  
**PROTECTED TREES**

---

Recommendation of Commissioner Janette Dovey

---

November 2010

## **1.0 INTRODUCTION**

---

- 1.1 Proposed Plan Change 18 (“Change 18” or “the Change”) is a Council-initiated plan change that seeks to amend the tree protection provisions of the Selwyn District Plan (“the Plan”).
- 1.2 I have been appointed as a Commissioner by the Selwyn District Council (“the Council”), pursuant to Section 34 of the Resource Management Act 1991 (“the Act”). As such, I conducted the hearing, will consider all matters relevant to the Change and will make a recommendation to the Council. Within the legal framework, I can recommend declining the Change, approving it or approving it with modifications, and I am required to provide the reasons for my recommendation. The final decision, i.e. whether or not to accept my recommendation as its decision, will be made by the elected Council.

## **2.0 STATUTORY CONTEXT**

---

- 2.1 The Council has sought to change its Plan in accordance with s.73 of the Act, following the process set out in Schedule 1. The Act requires that the Council undertake any change to its Plan in accordance with its functions under s.31, the provisions of Part 2 and its duty under s.32 – all summarised below. In addition, s.74 and s.75 require, respectively, that regard be had to a proposed Regional Policy Statement and that the Plan give effect to the operative Regional Policy Statement.
- 2.2 Section 31 states the functions of the Council for the purpose of giving effect to the Act. One of these functions is the establishment, implementation and review of objectives, policies and rules (in the District Plan context) to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources.
- 2.3 Part 2 deals with the fundamental purpose and principles of the Act. Section 5 sets out the purpose of the Act as being to promote the sustainable management of natural and physical resources, and ‘sustainable management’ is defined in s.5(2). Other sections within Part 2 address matters of national importance (s.6), other matters of significance (s.7) and the Treaty of Waitangi (s.8).
- 2.4 Section 32 requires an evaluation of the extent to which each objective is the most appropriate way to achieve the purpose of the Act, and whether the policies and rules are the most appropriate for achieving the objectives. This evaluation must also take into account the benefits and costs of policies and rules, and have regard to their efficiency and effectiveness.

## **3.0 PROPOSED PLAN CHANGE 18**

---

- 3.1 As I understand it from the Change documentation, Change 18 arose in response to various issues relating to the existing Plan provisions. These issues included errors in descriptions, lack of background information re the evaluation of trees, provisions that did not ensure adequate protection and a need to protect additional trees in the District.

- 3.2 The preferred option adopted by the Council involved developing a tree evaluation process and applying it to currently-protected and newly-nominated trees, introducing new objectives and policies into the 'Culture and Heritage' sections, defining 'Tree' and 'Protected Tree', introducing a suite of rules relating to protected trees, replacing the existing schedule of trees and amending the relevant planning maps. Change 18 seeks to change both the Township and Rural volumes.
- 3.3 The Change was notified on 29 April 2010. Seven submissions (four in support, three seeking amendments) and eleven further submissions were received.

#### 4.0 THE HEARING

---

- 4.1 Prior to the hearing, I was provided with, and reviewed, the Change 18 documentation, copies of submissions/further submissions and the s.42A report prepared by Ms Styles, which included a report by Mr Fielding-Cotterell.
- 4.2 The hearing was held at the Council's Rolleston Headquarters on 19 October 2010. (It is noted that previous hearing dates were notified and postponed twice, due to the September 4<sup>th</sup> earthquake and an administration error.)
- 4.3 It was noted at the hearing that the s.42A report had been slightly amended before being distributed for this hearing (as compared to the earlier version). It was advised, however, that the only amendment was the inclusion of Mr Conolly's further submission, which had been excluded earlier due to an administration error.
- 4.4 At the hearing, evidence and statements were presented by the Council's consultants, and by submitters and further submitters addressing the 'Lincoln Oak Tree' (tree T79 in the Change 18 Schedule). Those that appeared are as follows:

##### COUNCIL'S CONSULTANTS:

Stephanie Styles	Senior Planner
Walter Fielding-Cotterell	Arboriculturist

##### SUBMITTERS AND FURTHER SUBMITTERS ADDRESSING THE LINCOLN OAK TREE:

Paul Comrie

Ralph Scott (also on behalf of Lincoln Envirotown Trust)

Jim Conolly (also on behalf of Lincoln Business Association and Lincoln Community Committee)

Frances Conolly

Margaret Allan

- 4.5 Further written statements (letters dated 26 August 2010) were also received from the New Zealand Transport Agency ("the NZTA") and the Ministry of Education, both of which no longer wished to be heard. The NZTA advised that the recommendations in the s.42A report

addressed its concerns and requested that they be adopted. The Ministry of Education elaborated further on its concerns with respect to the listing of the two trees at Ladbrooks School.

## 5.0 EVALUATION

---

### SUBMISSIONS

- 5.1 I firstly note that the submissions received did not oppose the objectives and policies introduced by Change 18, but instead generally supported Change 18 to a greater or lesser extent, and/or sought amendments to particular methods: rules/listings. The issues raised by submitters are addressed in the following evaluation.

#### **General Support**

- 5.2 Transpower and Rolleston Square Ltd generally supported Change 18. Transpower also sought the insertion of the word 'new' where appropriate, in order to clarify that the rules are intended to apply to new utility services, and not to existing situations. Having considered the relevant rules, I agree with Ms Styles that this amendment is appropriate. These submissions in support are recommended to be accepted and accepted in part, respectively.

#### **Tai Tapu School and Perymans Road Riverbank Oak Trees**

- 5.3 Vicki Black supported the protected listings of the two Oak trees at Tai Tapu School and Perymans Road riverbank (T33 and T80 respectively). Given that the trees have been evaluated as having merit, have been listed and that there has been no opposition to their listing throughout this process, I agree with Ms Styles that it is appropriate that the submission by Ms Black be accepted.

#### **Amendments sought by the NZTA**

- 5.4 The NZTA sought amendments with respect to maintenance, thrusting and emergency works. As noted in 4.5 above, the NZTA indicated, pre-hearing, that the recommendations made in the s.42A report were acceptable to it. I accept the expert advice of Mr Fielding-Cotterell and Ms Styles, and recommend that amendments be made. In particular, I recommend that the amendments with respect to maintenance, as proposed in the s.42A report, be accepted.
- 5.5 With respect to the underground drilling/thrusting rules proposed, I consider that further amendments are needed to ensure that resource consent is not required under the preceding sub clause in each case (i.e. that which states that there is to be no laying of services within 10m/dripline), and to ensure that the amendments reflect the proviso structure of the sub clauses. Therefore, I recommend an amended wording to address these issues, as follows:

*there is no laying/installation of any underground utility service within a distance of 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater distance; except that underground drilling or thrusting operations are permitted within this distance where the installation depth is not less than 1.2m and the holes to accommodate the drilling/thrusting machines are outside of this distance.*

- 5.6 In considering emergency works, there was some discussion at the hearing relating to s.330 of the Act, which deals with emergency works by requiring authorities and Councils. I was advised that Ms Styles and Mr Fielding-Cotterell had reviewed the relevant sections of the Act and concluded that a rule in the Plan was preferable in order to avoid confusion, the need for a retrospective resource consent and the need for further reference to, and interpretation of, the Act (potentially by the layperson) at a time of emergency.
- 5.7 I agree that a rule would be useful and efficient, and that it would provide for the health and safety of the community; however, as discussed at the hearing, I consider it necessary to clarify that Council engagement is required, and to clarify what 'proof' would be acceptable. Therefore, I recommend a slightly amended wording for the emergency rule, as follows:

*In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, the Council is to be advised immediately. Where an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard. Within 5 working days of any action being taken, the Council shall be notified in writing of the action taken and provided with proof of the urgency. This proof is to include photographs and, where applicable, a report from the arborist that undertook the action.*

- 5.8 Therefore, to the extent that the proposed amendments meet the concerns of the NZTA, I recommend that the NZTA submission be accepted in part.

#### **Cairnbrae Drive Oak trees**

- 5.9 The joint submission from Selwyn District Council and M Coffey sought the protection of the two Oak trees at 27 Cairnbrae Drive, Prebbleton. I note that there has been no opposition to their listing and accept Mr Fielding-Cotterell's expert advice; therefore, I recommend that these trees be listed and that the submission be accepted.
- 5.10 I note that Plan Change No. 2, which affects the zoning of this property, is not operative as yet, although it is noted that no appeals have been lodged. As such the zoning to be included in the Schedule at this stage is 'Inner Plains'. Once that plan change becomes operative, the Council can change the zoning shown in the Schedule without further formality.

#### **Ladbrooks School trees**

- 5.11 The two trees subject to this submission are listed in the Schedule of Protected Trees as T103 (Common Lime) and T104 (English Oak). The Ministry of Education sought that they be removed from the list.
- 5.12 The Ministry of Education did not wish to be heard at the hearing, and instead provided a letter (dated 26 August 2010), which stated the Ministry's concerns. The Ministry advised that both trees are in close proximity to services that will need to be maintained and/or upgraded. It was also advised that, should future maintenance, building or site work need to be done at the School, this would potentially involve excavation within 10m of the trees. The Ministry expressed concern at the need to apply for consents and pay additional costs. Finally, it advised that the School's environmental group of students, Environmental Ninjas, had nominated the trees for inclusion in Change 18, that the School Board was very aware of the significance of the trees and that any work required would be done in a way that minimised the impact on the trees.

- 5.13 This matter was discussed further at the hearing. Mr Fielding-Cotterell advised that it was typical to have services within close proximity to protected trees and that works could still be carried out satisfactorily using hand excavation/boring methods that would not greatly impact the tree roots. Ms Styles addressed the fact that the School was designated in the Plan; therefore, works would require an outline plan, and resource consents would not be required for works in the proximity of protected trees. Therefore, it was considered that the tree protection would not be unduly onerous for the School.
- 5.14 In considering the matter, I note that the Ministry recognises the value of the trees and indicates that any works will be undertaken in a way that minimises the impact on them, regardless of whether or not they are protected. I also note that Mr Fielding-Cotterell considers the trees to be of Category B merit. Therefore, I conclude that the trees have significant value that is worthy of protection. The question then is to what degree this protection would affect the efficient and cost-effective operation of the School. Given the locations of the trees on the peripheries of the site and Mr Fielding-Cotterell's observations, I conclude that their protection would not unduly restrict future development of the School. With respect to compliance costs, I note that the School is designated and that works would require an outline plan in any event; therefore, I do not consider that tree protection would add to those costs or be particularly onerous. Given that the Ministry seeks to complete works in a way that minimises impacts on the trees in any case, any requests that the Council may have in response to an outline plan, e.g. hand excavation/boring, would be likely to accord with this aim.
- 5.15 Therefore, I consider that the protection of the trees is the most appropriate way of achieving the relevant protected trees objective and policies of the Plan, and recommend that they be included in the Schedule of Protected Trees and that the submission be rejected.
- 5.16 I also note, as discussed at the hearing, that the Schedule currently lists trees T103 and T104 as being located on 'Map No. 21'. This is an error and it is recommended that these references be amended to be 'Map No. 14'.

#### **Lincoln Oak Tree**

- 5.17 The Lincoln Oak Tree is situated on the corner of Gerald Street and West Belt, and was nominated for inclusion in the Schedule of Protected Trees by Foodstuffs South Island Ltd; it is listed as a Category B tree - T79. I understand that the subject site is owned by the Council and a community centre development (including library, service centre and other community services) is currently being considered for the site.
- 5.18 Paul Comrie made a submission supporting the protection of the tree, and his submission attracted eleven further submissions; all in opposition. As listed in Section 4.4 above, the submitter and a number of the further submitters attended the hearing and presented comprehensive written and verbal statements.
- 5.19 At the hearing, Mr Comrie strongly supported retention of the tree and provided views with respect to its heritage and landscape merits, the plan change process in general, the community centre development and the tree evaluation system.
- 5.20 The further submitters in attendance (Mr Scott/Lincoln Envirotown Trust, Mr Conolly/Lincoln Business Association/Lincoln Community Committee, Mrs Conolly and Mrs Allan) opposed

protection of the tree. The matters discussed included the new community centre development and the process to date, the community benefits that would result from the centre, the increased open space that could be achieved if the tree was removed, the likely expansion needed in future and the potential ongoing maintenance costs. I note that the further submissions that were not represented at the hearing discussed similar concerns. While Mr Scott did not strongly support removal of the tree at the hearing, he preferred it to be not protected at this stage, so that the site was not constrained at this early stage and full consideration of all options for future development would be possible. The other parties indicated that the community benefits gained from removal of the tree, in terms of providing the best useable open space, would outweigh any potential disbenefits resulting from that removal.

- 5.21 Firstly, I acknowledge that all parties to this matter are seeking the best outcome for the Lincoln community; the differences lie in the delivery. In considering the attributes of the tree, I acknowledge the information provided by Mr Comrie, accept the opinions of Mr Fielding-Cotterell and Ms Styles and consider that the tree is worthy of protection under the evaluation system. I also understand the concerns expressed in the s.42A report by Ms Styles with respect to the impact of the tree on the development of a project of benefit to the wider community. The information presented at the hearing, however, would indicate that the retention of the tree would be possible, and, in fact, plans incorporating the tree were prepared alongside other options that do not. I also note that the proposal is in the process of community consultation; therefore, no clear option has been identified as the most preferred by the wider community or the Council at this stage.
- 5.22 As such, it is my view that it is not appropriate for me to weigh the merits of the tree against the merits of a future community centre (and its open space) as part of this plan change process. Instead, I am satisfied that the benefits of the retention of the tree are significant and that the development of the site in general terms is not unduly restricted or made cost-prohibitive by the retention of the Oak tree. Should it be decided in future that the finally-preferred community centre design requires removal of the protected tree, the community benefits of the tree versus the community benefits of the final site design can be considered and balanced within a resource consent process, if that proves necessary.
- 5.23 In conclusion, I consider that the protection of the tree is the most appropriate way of achieving the relevant protected trees objective and policies of the Plan, and recommend that the submission by Mr Comrie is accepted.

#### STATUTORY CONSIDERATIONS

- 5.24 In terms of the statutory considerations, I accept Ms Styles' assessment of the provisions of the relevant Regional documents, and agree that Change 18 is compatible with them, to the extent that I consider the Change meets the requirements of s.74/s.75 of the Act.
- 5.25 The applicable Part 2 matters include the enablement of people and communities to provide for their social and cultural well-being, the protection of historic heritage (where relevant) and the maintenance and enhancement of amenity values and the quality of the environment (s.5, s.6(f), s.7(c) and s.7(f)). I note that no Treaty of Waitangi issues have been raised in the documentation or through the submission process.

- 5.26 In my view, the protection of trees of significance enables the community to provide for, and indeed promote, social and cultural well-being. It also protects historic heritage in the case of those trees having significance in terms of heritage, recognising that this is not necessarily the case for all protected trees. Finally, I consider that amenity values and the quality of the environment will be maintained and enhanced into the future through the retention of these protected trees.
- 5.27 Given the above, I consider that Change 18 clearly falls within the s.31 functions of the Council for the purpose of giving effect to the Act.
- 5.28 Section 32 requires an evaluation of the extent to which the objectives are the most appropriate way to achieve the purpose of the Act, and whether the policies and rules are the most appropriate for achieving those objectives. I have reviewed the s.32 evaluation in the Change documentation and all submissions, evidence and statements and consider that the objectives and policies introduced are the most appropriate way to ensure the ongoing protection of significant trees, and therefore the most appropriate way to achieve the purpose of the Act (and to achieve the objectives, in the case of the policies).
- 5.29 In considering the methods proposed and whether these are the most appropriate way of achieving the objectives, I conclude that the evaluation process is sound and effective, and that the Schedule listing and mapping system is an efficient way of reflecting the evaluation results. I also consider the rules introduced to be necessary and appropriate for achieving the objectives, subject to the amendments recommended above in response to the matters raised by submitters.

## 6.0 MINOR AMENDMENTS

---

- 6.1 Ms Styles (Part 7 of the s.42A report) noted some errors in the Change document, and some additional errors were also discussed at the hearing. I recommend that corrections be made to the following:

### SCHEDULE AMENDMENTS

- T08 was not recommended to be protected, due to die back, therefore should not be included in the Schedule.
- *Perymans* was spelt incorrectly under T80.
- *Greendale* was spelt incorrectly under T92 and T93.
- As noted earlier, the map reference for T103 and T104 should be Map 14, not Map 21.

### DEFINITION AMENDMENT

- Under the Definitions section in both the Townships and Rural Volume, under *Protected Tree – Category B*, the ‘i.e.’ should be ‘e.g.’, in order to clarify that “landscape importance” is just one of the reasons.



## 7.0 RECOMMENDATION

---

- 7.1 In conclusion, my recommendation on Change 18 is that it be **approved with modifications**, for the reasons discussed above. The recommended modifications are attached as **Appendix 1**.
- 7.2 For the sake of clarity, I have included my recommendations on individual submissions (and, consequently, on further submissions) as **Appendix 2**.

Commissioner Janette Dovey

24 November 2010

## **APPENDIX 1**

### **RECOMMENDED MODIFICATIONS TO CHANGE 18**

## RECOMMENDED MODIFICATIONS TO CHANGE 18:

### 1. Amend the following rules of Change 18, as specified:

*Townships Volume, Part C, 3 Living Zone Rules - Heritage, 3.2 Protected Trees, Permitted Activities - Protected Trees, 3.2.1.4 a)*

- a) there is no installation of any new overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

*Townships Volume, Part C, 15 Business Zone Rules - Heritage, 15.1 Protected Trees, Permitted Activities - Protected Trees, 15.1.1.4 a)*

- a) there is no installation of any new overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

*Rural Volume, Part E, 2 Rural Rules - Tree Planting and Removal of Protected Trees, 2.3 Protected Trees, Permitted Activities - Protected Trees, 2.3.1.4 a)*

- a) there is no installation of any new overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

### 2. Add the following rules to Change 18, as specified:

*Townships Volume, Part C, 3 Living Zone Rules - Heritage, 3.2 Protected Trees, Permitted Activities - Protected Trees*

3.2.1.5 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.

*Townships Volume, Part C, 15 Business Zone Rules - Heritage, 15.1 Protected Trees, Permitted Activities - Protected Trees*

15.1.1.5 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres

of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.

*Rural Volume, Part C, 1 Rural Rules - Earthworks, 1.5 Earthworks and Protected Trees, Permitted Activities - Earthworks and Protected Trees*

1.5.1.4 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.

*Rural Volume, Part E, 2 Rural Rules - Tree Planting and Removal of Protected Trees, 2.3 Protected Trees, Permitted Activities - Protected Trees*

2.3.1.5 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.

**3. Amend the following clauses to Change 18, as specified:**

*Townships Volume, Part C, 3 Living Zone Rules - Heritage, 3.2 Protected Trees, Permitted Activities - Protected Trees*

3.2.1.4 The use of the land ...

Below ground level

- e) there is no laying/installation of any underground utility service within a distance of 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater distance; except that underground drilling or thrusting operations are permitted within this distance where the installation depth is not less than 1.2m and the holes to accommodate the drilling/thrusting machines are outside of this distance.

*Townships Volume, Part C, 15 Business Zone Rules - Heritage, 15.1 Protected Trees, Permitted Activities - Protected Trees*

15.1.1.4 The use of the land ...

Below ground level

- e) there is no laying/installation of any underground utility service within a distance of 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater distance; except that underground drilling or thrusting operations are permitted within this distance where the installation depth is not less than 1.2m and the holes to accommodate the drilling/thrusting machines are outside of this distance.

*Rural Volume, Part C, 1 Rural Rules - Earthworks, 1.5 Earthworks and Protected Trees, Permitted Activities - Earthworks and Protected Trees*

- 1.5.1.2 there is no laying/installation of any underground utility service within a distance of 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater distance; except that underground drilling or thrusting operations are permitted within this distance where the installation depth is not less than 1.2m and the holes to accommodate the drilling/thrusting machines are outside of this distance.

*Rural Volume, Part E, 2 Rural Rules - Tree Planting and Removal of Protected Trees, 2.3 Protected Trees, Permitted Activities - Protected Trees*

- 2.3.1.4 The use of the land ...

Below ground level

- e) there is no laying/installation of any underground utility service within a distance of 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater distance; except that underground drilling or thrusting operations are permitted within this distance where the installation depth is not less than 1.2m and the holes to accommodate the drilling/thrusting machines are outside of this distance.

#### **4. Add the following rules to Change 18, as specified:**

*Townships Volume, Part C, 3 Living Zone Rules - Heritage, 3.2 Protected Trees, Permitted Activities - Protected Trees*

- 3.2.1.6 In emergency situations, where a protected listed tree or any part thereof, presents an immediate hazard to persons or property, the Council is to be advised immediately. Where an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard. Within 5 working days of any action being taken, the Council shall be notified in writing of the action taken and provided with proof of the urgency. This proof is to include photographs and, where applicable, a report from the arborist that undertook the action.

*Townships Volume, Part C, 15 Business Zone Rules - Heritage, 15.1 Protected Trees, Permitted Activities - Protected Trees*

15.1.1.6 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, the Council is to be advised immediately. Where an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard. Within 5 working days of any action being taken, the Council shall be notified in writing of the action taken and provided with proof of the urgency. This proof is to include photographs and, where applicable, a report from the arborist that undertook the action.

*Rural Volume, Part C, 1 Rural Rules - Earthworks, 1.5 Earthworks and Protected Trees, Permitted Activities - Earthworks and Protected Trees*

1.5.1.5 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, the Council is to be advised immediately. Where an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard. Within 5 working days of any action being taken, the Council shall be notified in writing of the action taken and provided with proof of the urgency. This proof is to include photographs and, where applicable, a report from the arborist that undertook the action.

*Rural Volume, Part E, 2 Rural Rules - Tree Planting and Removal of Protected Trees, 2.3 Protected Trees, Permitted Activities - Protected Trees*

2.3.1.6 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, the Council is to be advised immediately. Where an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard. Within 5 working days of any action being taken, the Council shall be notified in writing of the action taken and provided with proof of the urgency. This proof is to include photographs and, where applicable, a report from the arborist that undertook the action.

**5. Add the following listing to the Schedule of Protected Trees in Change 18, as specified:**

<b>Tree No.</b>	<b>Name / Species</b>	<b>Location</b>	<b>Legal Description</b>	<b>Zone</b>	<b>Map No.</b>	<b>Evaluation Score</b>	<b>Tree Category</b>
<u>T107</u>	<u>English Oak</u> <u>/Quercus</u> <u>robur</u> <u>(2 trees)</u>	<u>27 Cairnbrae</u> <u>Drive,</u> <u>Prebbleton.</u>	<u>Lot 105 DP</u> <u>331951</u>	<u>Inner</u> <u>Plains<sup>1</sup></u>	<u>14,</u> <u>121</u>	<u>40</u>	<u>B</u>

<sup>1</sup> This land is subject to Plan Change 2 to the Selwyn District Plan. This column is to be updated with the correct zoning without further formality once Plan Change 2 becomes operative.

6. Amend Change 18 to add the trees listed in 5. above to the relevant planning maps (14 and 121).

7. Delete the following listing to the Schedule of Protected Trees in Change 18, as specified:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
<del>T08</del>	<del>Wellingtonia / Sequoiadendron giganteum</del>	<del>50 High Street, Southbridge</del>	<del>PT LOT 2 DP 7551</del>	<del>Liv 1</del>	<del>4, 131</del>	<del>60</del>	<del>A</del>

8. Amend the following listing to the Schedule of Protected Trees in Change 18, as specified:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T80	English Oak / Quercus robur (21 trees)	River bank, <del>Perrymans</del> <u>Perymans</u> Rd, Tai Tapu	Road Reserve	Inner Plains	9, 125	42	B

9. Amend the following listings to the Schedule of Protected Trees in Change 18, as specified:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T92	English Oak / Quercus robur	188 Adams Road, <del>Greendale</del> <u>Greendale</u>	Lot 5 DP 705	Outer Plains	12	52	B
T93	English Oak / Quercus robur	188 Adams Road, <del>Greendale</del> <u>Greendale</u>	Lot 5 DP 705	Outer Plains	12	52	B

10. Amend the following listings to the Schedule of Protected Trees in Change 18, as specified:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T103	Common Lime / Tilia x vulgaris	Ladbrooks School, Barnes Road	Pt RS 2491	Inner Plains	<del>24</del> <u>14</u>	40	B

T104	English	Ladbrooks			<del>21</del>		
	Oak/Quercus	School,	Pt RS 2491	Inner		40	B
	robur	Barnes Road		Plains	<u>14</u>		

**11. Amend the following ‘Protected Tree’ definitions in Change 18, as specified:**

*Townships Volume, Part D Definitions, Protected Tree, Category B*

... – Category B: trees that have significance for a range of reasons (~~i.e.~~ e.g. landscape importance) and have a moderate score under the evaluation criteria.

*Rural Volume, Part D Definitions, Protected Tree, Category B*

... – Category B: trees that have significance for a range of reasons (~~i.e.~~ e.g. landscape importance) and have a moderate score under the evaluation criteria.



## **APPENDIX 2**

### **RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS**

Submitter	Further Submitter	Request	Decisions Sought	Commissioner's Recommendation
NZ Transport Agency		Amend	That a working depth of 150mm is allowed rather than 75mm. (Rules 3.2.1.4 (c), 15.1.1.4 (c), 2.3.1.4 (c)).	Accept in part
		Amend	That a thrusting depth of 1.2m - 1.5m is allowed for (3,2.1.4(e), 15.1.1.4 (e) and 2.3.1.4).	Accept in part
		Amend	An efficient consenting process for a controlled activity so that works can occur during an emergency. (Rules 3.2.2.1, 15.1.2.1 and 2.3.2.1).	Accept in part
Helen Victoria (Vicki) Black		Support	Protect the Oak trees at Tai Tapu School and Perymans Road riverbank.	Accept
Transpower		Support	Retain without modification Policy B3.3.14.	Accept
		Support	Retain without further modification the following explanation: <i>Policy B3.3.13 establishes a system to protect those trees that have been identified as having and activities close to the trees do not affect their health or the values for which they have significance. These trees would be subject to rules within the Plan to ensure that development been identified. Associated Policy B3.3.14 provides for some situations where urgent works may be necessary for public safety or essential services (including roading networks, power and telecommunications networks and infrastructure services such as water supply and wastewater disposal). This too will be incorporated into the rules.</i>	Accept

Submitter	Further Submitter	Request	Decisions Sought	Commissioner's Recommendation
		Amend	<p>Retain without further modification Rule 3.2.1.4 except for the following modification (underlined) in order to ensure that the provision does not inadvertently constrain maintenance and upgrading activities:</p> <p><i>3.2.1.4 The use of the land immediately around the protected tree, within the distances defined below is permitted, provided that the health of the tree is not adversely affected and that:</i></p> <p><i>Above ground level</i></p> <p><i>a) there is no installation of any <u>new</u> overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.</i></p>	Accept
		Support	<p>Retain without further modification the following controlled activity in Section 3.2 Protected Trees:</p> <p><i>3.2.2.2 Pruning of any tree listed as a Category B tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i></p>	Accept
		Support	<p>Retain without further modification the following restricted discretionary activity in Section 3.2 Protected Trees:</p> <p><i>3.2.4.4 Pruning of any tree listed as a Category A tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i></p>	Accept

Submitter	Further Submitter	Request	Decisions Sought	Commissioner's Recommendation
		Support	Retain without further modification the following controlled activity in Section 15.1: <i>15.1.2.2 Pruning of any tree listed as a Category B tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i>	Accept
		Support	Retain without further modification the following restricted discretionary activity in Section 15.1: <i>15.1.4.4 Pruning of any tree listed as a Category A tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i>	Accept
		Support	Retain without further modification the following controlled activity in Section 2.3 Protected Trees: <i>2.3.2.2 Pruning of any tree listed as a Category B tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i>	Accept

Submitter	Further Submitter	Request	Decisions Sought	Commissioner's Recommendation
		Support	Retain without further modification the following restricted discretionary activity in Section 2.3 Protected Trees: <i>2.3.4.4 Pruning of any tree listed as a Category A tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i>	Accept
Selwyn Council & M Coffey		Amend	That the English Oak / Quercus robur trees established in the grounds of the homestead at 27 Cairnbrae Drive, Prebbleton and identified in the attachments to the submission be considered for inclusion in the Protected Tree list of the Selwyn District Plan.	Accept
Rolleston Square Ltd		Support	That Plan Change 18 be accepted.	Accept in part
Paul James Comrie		Support	That the oak on the corner of Gerald St and West Belt (the tree near the Lincoln Community Centre) be put on the protected tree list (if it is not there already).	Accept
	<i>Clinton Murie Allan and Margaret Laura Allan</i>	<i>Oppose</i>		Reject
	<i>Neil John Kells Brailsford</i>	<i>Oppose</i>		Reject
	<i>Thomas Seymour Cholmondeley</i>	<i>Oppose</i>		Reject
	<i>Frances Winifred</i>	<i>Oppose</i>		Reject

Submitter	Further Submitter	Request	Decisions Sought	Commissioner's Recommendation
	<i>Conolly</i>			
	<i>Clara Faith Fleming</i>	<i>Oppose</i>		Reject
	<i>Lincoln Business Association</i>	<i>Oppose</i>		Reject
	<i>Lincoln Community Committee</i>	<i>Oppose</i>		Reject
	<i>Lincoln Envirotown Trust</i>	<i>Oppose</i>		Reject
	<i>Ralph Ernest Scott</i>	<i>Oppose</i>		Reject
	<i>Laurence Charles Wright</i>	<i>Oppose</i>		Reject
	<i>Frederic James Conolly</i>	<i>Oppose</i>		Reject
Ministry of Education		Amend	To remove T103 and T104 as heritage trees on the Ladbrooks School site.	Reject