

Notable Trees – Section 42A Update

2 June 2023

Summary of s42A

We recommend a range of amendments to PC9; the key purpose of these was to:

- To clarify the protection of roots within the Protected Root Zone by restricting the footprint of the existing buildings, not restricting building envelope according to David and Barbara Yzendoorn statement in submitter evidence; and concur with Ms Laura Galt's recommendation in Statement of Evidence.
- Reduce the constraints and consenting obligations and allow some flexibility around maintenance of existing structures (*tracks, footpaths, lawns and gardens and fences*) while enhancing the protection of notable trees according to Ms Laura Galt's recommendation in Statement of Evidence.
- Agree with technical suggestions by Mr Redfern and Ms Laura Galt's recommendation in their Statement of Evidence.
- Agree with Ms Laura Galt's recommendation for minor wording amendment to enhance the workability / clarity of the provisions.

S42A report update

The purpose of this statement is to provide an update to the Section 42A report for notable trees topic. This update responds to several oversights and matters identified within submitter statements of evidence and presentations during this hearing where recommendations are amended in response.

Summary of revised recommendations

Submitter/ Reasons for revised recommendations	Provision / Address	Revised recommendation
No primary submission was received regarding 20.3(s)(ii). Agree with technical suggestions by Mr Redfern and Ms Laura Galt's recommendation in Statement of Evidence.	Chapter 20 Natural Environments 20.3(s)(ii)	Delete the word " <i>fatal disease</i> " and replace with " <i>biosecurity risk that is confirmed by a qualified arborist</i> " after 'The Notable Tree carries a'. This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
Agree with technical suggestions by Mr Redfern.	Chapter 20 Natural Environments 20.3(t)(i)	Add the word " <i>retains the natural shape of the tree and</i> " after " <i>All pruning</i> ". This is <u>not</u> shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding changing the wording " <i>qualified Works Arborist</i> " to " <i>qualified Arborist</i> ".	Chapter 20 Natural Environments 20.3(t)(v)	Delete the word " <i>Works</i> " before " <i>Arborist</i> ". This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.

Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence.		<p>Add the word <i>"that does not exceed the standards outlined in 20.5.2"</i> after <i>"Arborist"</i>.</p> <p>This is <u>not</u> shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>
<p>Sub 301 David and Barbara Yzendoorn regarding the tree location and Protected Root Zone of notable trees T172 (T172.1 to T172.20) affecting 189 Fox Street.</p> <p>Agree with Ms Laura Galt's recommendation in Statement of Evidence.</p>	Planning Maps	The correction of mapped location of notable trees T172 (T172.1 to T172.20) on the planning map is required. No map has been prepared at this time displaying the change however.
<p>No primary submission was received regarding removing the wording <i>"non-mechanical"</i>.</p> <p>Agree with technical suggestions by Mr Redfern and Ms Laura Galt's recommendation in Statement of Evidence.</p>	Chapter 20 Natural Environments 20.3(v)(i)	<p>Delete the wording <i>"non-mechanical practices"</i>.</p> <p>Delete the word <i>"installing"</i> as per technical suggestions by Mr Redfern because new underground network utilities in the Protected Root zone should not be permitted.</p> <p>Delete the wording <i>"which do not exceed the standards outlined in 20.5.3"</i> because the amendments made to 20.3(v) has been covered.</p> <p>This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>
<p>No primary submission was received regarding removing the wording <i>"non-mechanical"</i>.</p> <p>Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence.</p>	Chapter 20 Natural Environments 20.3(v)(ii)	<p>Delete the word <i>"non-mechanical"</i> and replace with <i>"hand-held"</i>.</p> <p>This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>
<p>No primary submission was received regarding removing the wording <i>"non-mechanical"</i>.</p> <p>Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence.</p>	Chapter 20 Natural Environments 20.3(v)(iii)	<p>Delete the word <i>"using non-mechanical practices"</i>.</p> <p>This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>
<p>David and Barbara Yzendoorn (Submitted submitter evidence)</p> <p>Agree with Ms Laura Galt's recommendation in Statement of Evidence.</p>	Chapter 20 Natural Environments Proposed Rule 20.3(v) (v) and (vi)	<p>Remove the word <i>"envelope or"</i>.</p> <p>This is <u>not</u> shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>

266 Keryn Drummond, 301 David and Barbara Yzendoorn, 216 Feathers Planning, 353 Planman Consultants Limited, 408 Graham Family Trust, 410 Wise Trust, 43 Clyde Bunker Limited, 138 CB Trustees 2010 Limited and Jones Family Trustees Limited, 139 Hamilton Campground Limited, 437 Made of Hamilton Limited, 439 Octagon Property Limited 109 Bloxam Burnett and Olliver and 295 Aslan Kansas	Chapter 20 Natural Environments Proposed new rule in s42A update 20.3(v)(viii)	<p>Agree with Ms Laura Galt's Statement of Evidence to Insert a new permitted activity to Rule 20.3(v), as 20.3(v)(viii).</p> <p><i>"Routine maintenance and repair and replacement of existing tracks, footpaths, lawns and gardens and fences".</i></p> <p>This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p> <p>Furthermore, agree with Ms Laura Galt's additional recommendation to include <u>"any associated layers"</u>.</p> <p><u><i>"Routine maintenance and repair and replacement of existing tracks, footpaths, lawns and gardens and fences including any associated layers"</i></u>.</p> <p>This is <u>not</u> shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>
109 Phillip Curnow 453 Waikato Community Hospice	Chapter 20 Natural Environments Proposed new rule in s42A update 20.3(v)(ix)	<p>Agree with Ms Laura Galt's additional recommendation to Insert a new permitted activity to Rule 20.3(v), as 20.3(v)(ix).</p> <p><u><i>"The maintenance, repair, or like-for-like replacement of existing impervious surfaces including any associated base layers"</i></u>.</p> <p>This is <u>not</u> shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>
Agree with Ms Laura Galt's additional recommendation.	Chapter 20 Natural Environments 20.3(w)(i)	<p>Delete the word "or" after "ii".</p> <p>Add the word "or viii" after "iii".</p> <p>This is <u>not</u> shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>
Agree with Ms Laura Galt's additional recommendation.	Chapter 20 Natural Environments 20.3(w)(ii)	<p>Delete the wording <i>"that exceed the area of impervious surfaces that already exists at (insert decision date)"</i>.</p> <p>Add the word <i>"not provided for in 20.3v. ix"</i> after <i>"any impervious surfaces"</i>.</p> <p>This is <u>not</u> shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>
Consequential amendment and recommendation to maintain consistency of terminology between the notable tree rule provisions	Chapter 20 Natural Environments 20.3(w)(iv)	<p>Remove the word "envelope or".</p> <p>This is <u>not</u> shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.</p>

Agree with the wording order of Ms Laura Galt's recommendation in Statement of Evidence.	Chapter 20 Natural Environments 20.3(w)(viii)	Amend the wording order the Rule as per Ms Laura Galt's recommendation in Statement of Evidence. <i>"The new and permanent storage of materials, vehicles, plant or equipment"</i> . This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding changing the wording <i>"qualified Works Arborist"</i> to <i>"qualified Arborist"</i> . Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence.	Chapter 20 Natural Environments 20.5.2(d)	Delete the word <i>"Works"</i> before <i>"Arborist"</i> . This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding changing the wording <i>"qualified Works Arborist"</i> to <i>"qualified Arborist"</i> . Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence.	Chapter 20 Natural Environments Proposed Rule 20.5.2(f)	Delete the word <i>"Works"</i> before <i>"Arborist"</i> . This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding changing the wording <i>"qualified Works Arborist"</i> to <i>"qualified Arborist"</i> . Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence.	Chapter 20 Natural Environments 20.5.3(a)	Delete the word <i>"Works"</i> before <i>"Arborist"</i> . This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding changing the wording <i>"qualified Works Arborist"</i> to <i>"qualified Arborist"</i> . Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence. Change of numbering order	Chapter 20 Natural Environments New 20.5.3(b) Previously was Proposed Rule 20.5.3(g)	Change the numbering order as 20.5.3(b). Delete the word <i>"Works"</i> before <i>"Arborist"</i> . Agree with Ms Laura Galt's Statement of Evidence for logical change of numbering order to place companion provisions together. This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
Change of numbering order	New 20.5.3(c) Previously was 20.5.3(b)	Change the numbering order as 20.5.3(c). Agree with Ms Laura Galt's Statement of Evidence for logical change of numbering order.

		This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
Change of numbering order	New 20.5.3(d) Previously was 20.5.3(c)	Change the numbering order as 20.5.3(d). Agree with Ms Laura Galt's Statement of Evidence for logical change of numbering order. This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding changing the wording <i>"qualified Works Arborist"</i> to <i>"qualified Arborist"</i> . Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence. Change of numbering order	New 20.5.3(e) Previously was 20.5.3(d)	Change the numbering order as 20.5.3(e). Delete the word <i>"Works"</i> before <i>"Arborist"</i> . Agree with Ms Laura Galt's Statement of Evidence for logical change of numbering order. This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding removing the wording <i>"non-mechanical"</i> . Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence. Change of numbering order	New 20.5.3(f) Previously was 20.5.3(e)	Change the numbering order as 20.5.3(f). Delete the word <i>"or non-mechanical cultivation"</i> . Add the word <i>"and cultivation"</i> after <i>"gardening"</i> . Add the word <i>"-held"</i> after <i>"using hand"</i> . Agree with Ms Laura Galt's Statement of Evidence for logical change of numbering order. This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
Change of numbering order	New 20.5.3(g) Previously was 20.5.3(f)	Change the numbering order as 20.5.3(g). Agree with Ms Laura Galt's Statement of Evidence for logical change of numbering order. This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding changing the wording <i>"qualified Works Arborist"</i> to <i>"qualified Arborist"</i> .	Chapter 20 Natural Environments	Delete the word <i>"Works"</i> before <i>"Arborist"</i> . Delete the word <i>"installing"</i> .

Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence.	Proposed Rule 20.5.3(h)	This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.
No primary submission was received regarding changing the wording <i>"qualified Works Arborist"</i> to <i>"qualified Arborist"</i> . Agree with technical suggestions by Mr Redfern and Ms Laura Galt's Statement of Evidence.	Chapter 20 Natural Environments Proposed Rule 20.5.3(i)	Delete the word <i>"Works"</i> before <i>"Arborist"</i> . This is shown in Attachment 1 to Ms Laura Galt's Statement of Evidence.

Otherwise, we maintain all our other recommendations in the s42A report dated 6 April 2023 without change (except as stated a change in recommendation within the Attachment 2 – Submitter Response Table.)

Craig Sharman and May Soe
Section 42A Reporting Planners – Notable tree topic

Attachment 1 – Revised Chapter 20 Natural Environments (incorporating the above)

Attachment 2 – Submitter Response Table