

Proposed District Plan Change 23

**Amendments to vegetation removal provisions and remnant nikau
palm protection provisions**

Summary of Submissions

Publicly Notified:

15 NOVEMBER 2011

Further Submissions Closed:

29 NOVEMBER 2011 at 5.00pm

PUBLIC NOTICE

Public Notification of the Summary of Submissions on Proposed District Plan Change 23 to the City of Lower Hutt District Plan

Clause 8 of the First Schedule – Part 1 of the Resource Management Act 1991

Hutt City Council has prepared the summary of submissions received on

Proposed District Plan Change 23 – Amendments to vegetation removal provisions and remnant nikau palm protection provisions

The summary of the decisions sought and full copies of the submissions are available and can be inspected at

- All Hutt City Council Libraries; and
- Customer Services Counter, Council Administration Building, 30 Laings Road, Lower Hutt.

Alternatively, the summary of submissions is available on the Council website:

- <http://www.huttcity.govt.nz/Your-Council/Plans-and-publications/District-Plan/District-Plan-changes/District-Plan-change-23>

Copies can also be requested by contacting Hutt City Council:

- Phone: (04) 570 6666 or
- Email: district.plan@huttcity.govt.nz

Further Submissions close on 29 November 2011 at 5.00pm

Persons who are representing a relevant aspect of the public interest or persons who have an interest in the proposed plan change that is greater than the interest of the general public can make a submission in support of, or in opposition to, the submissions already made.

You may do so by sending a written submission to Council:

- Post: Environmental Policy Division, Hutt City Council, Private Bag 31912, Lower Hutt 5040;
- Deliver: Council Administration Building, 30 Laings Road, Lower Hutt
- Fax: (04) 570 6799;
- Email: district.plan@huttcity.govt.nz

You must also send a copy of your further submission to the person whose submission you are supporting or opposing within five working days of sending your further submission to Hutt City Council.

The further submission must be written in accordance with RMA Form 6 and must state whether or not you wish to be heard on your submission. Copies of Form 6 are available from the above locations and the Council website.

Please state clearly the submission reference number to which your further submission relates.

Tony Stallinger
Chief Executive

15 November 2011

SUBMISSIONS RECEIVED

<i>Sub. No</i>	<i>Name/Organisation</i>	<i>Page No.</i>
DPP12-5-23-001	Port Nicholson Block Settlement Trust, Wellington Tenth Trust and the Palmerston North Maori Reserve Trust	2
DPP12-5-23-002	Dennis Page	2
DPP12-5-23-003	Winstone Aggregates	3
DPP12-5-23-004	East Harbour Environmental Association	3
DPP12-5-23-005	Robert Ashe	4

SUMMARY OF SUBMISSIONS - PROPOSED PLAN CHANGE 23

Any new text that is proposed to be added is underlined, while any text proposed to be deleted has been ~~struck through~~.

Submission Number: DPC23/1					
Submitter	Sub. Ref.	Amendment & Provision	Support / Oppose	Reasons	Decision/Relief Sought
Port Nicholson Block Settlement Trust, Wellington Tenth Trust and the Palmerston North Maori Reserve Trust	1.1	General	Support	The new features are consistent with the changes to the tree protection provisions by the Resource Management Amendment Act 2009 and will provide sufficient protection for those Nikau palm that remain in the city.	Not specifically stated.

Submission Number: DPC23/2					
Submitter	Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought
Dennis Page	2.1	General	Support	<p>Well managed vegetation in urban areas provides many positive benefits. Notable and distinct trees also help to provide a source of local identity. Lower Hutt would be one of the few sizeable urban centres in New Zealand where large specimens of nikau palms can be seen growing in suburban gardens. Given that mass urbanisation has all but stripped the indigenous vegetation from the valley floor, any provisions that protect the few remaining trees that connect us to our past must be protected.</p> <p>In addition, as city section sizes become smaller, there is less scope to plant tree varieties that grow to a substantial size as property owners then object to the loss of views and the potential shading of dwellings. This pressure also arises when larger sections that have sizable trees are subdivided into smaller lots for higher density housing – the trees are often sacrificed in order for developers to maximise their profits. The nikau palm would be one of</p>	That the Council endorses the recommendations of its officers in their concluding remarks (pp 34- 45 of Section 32 report) of the report so that the remnant nikau palm and notable tree protection provisions remain consistent with the Act (RMAA 2009) from January 2012.

				<p>the few trees that when mature has a small footprint and a small light-shadow – it is ideally suited for the smaller sized section and is potentially a developer’s ally rather than an obstacle.</p> <p>The submitter does not believe that it was the intent of the RMAA 2009 to create an inconsistency that would effectively over-rule the original aspirations of Hutt City to preserve its notable trees and remnant nikau palms. It is only right that Hutt City seeks to amend its District Plan so that its original aspirations concerning notable trees (including remnant nikau) and their protection are restored.</p>	
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Submission Number: DPC23/3					
Submitter	Sub. Ref.	Amendment & Provision	Support / Oppose	Reasons	Decision/Relief Sought
Winstone Aggregates	3.1	General	Support	The direction of the plan change as a whole is supported as currently notified; it is consistent with the Purpose and Principles of the RMA and the provisions of the Wellington Regional Policy Statement	Adopt the plan change as notified in its entirety.

Submission Number: DPC23/4					
Submitter	Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought
East Harbour Environmental Association	4.1	Amendments to vegetation removal provisions	Support	<p>The District Plan would be significantly weakened if the provisions controlling vegetation removal were allowed to lapse as a result of amendments introduced by the RMAA 2009.</p> <p>The submitter recognises that the proposed definition of vegetation has the potential to give rise to perverse outcomes. The submitters reading of the definition may mean that an application involving the removal of 50m² lawn could require a resource consent.</p>	Adopt Option 2 as put forward in the Section 32 Report

				However, the submitter states that the intent of the objective and rule are clear and they trust the definition would be applied with a good measure of common sense.	
	4.2	Remnant Nikau Palm provisions	Support	<p>The submitter supports the approach taken to the protection of remnant Nikau palms by identifying the areas within which they will be protected rather than through the identification of individual trees. It would be highly inefficient and laborious task to identify all Nikau palms individually and register them to ensure their protection.</p> <p>The submitter would like to see similar protection given to other surviving trees that are remnants of the former vegetation in identified areas. For example – Totara, Rata, Rimu, Beech and Kahikatea.</p>	Adopt Option 2 as put forward in the Section 32 Report.

Submission Number: DPC23/5					
Submitter	Sub. Ref.	Amendment & Provision	Support / Oppose	Reason	Decision/Relief Sought
Robert Ashe	5.1	Amendment 2	Oppose	This provision that requires a plan change to make an amendment to the notable tree list is unwieldy and a huge administrative barrier.	Remove the provision requiring a plan change to occur to add/remove trees to the notable tree list.
	5.2	Amendment 3	Oppose	Best practice elsewhere no longer requires landowner consent to protect trees the community values highly.	It should not be a requirement to obtain landowner permission.
	5.3	Amendment 2, 4, 6 and 9	Oppose	The scope of nikau palm protection is significantly limited in Lower Hutt.	Return to former wording or list all areas in Lower Hutt if required to comply with new RMAA 2009 provisions. Expand protection to include native Beech, Rata, Totara, Tawa, Titoki, Matai, Miro and Kahikatea.
	5.4	Amendment 5		Correct spelling in Section 32 report 'live expectance'.	Retain spelling as per current text in the District Plan.

	5.5	Amendment 10	Oppose	Large parts of Lower Hutt will lose their current nikau palm protection.	Add back in the following areas where nikau palms naturally occur: the Western Hills, Korokoro, Petone, Gracefield, Wainuiomata and Sunshine Bay.
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ADDRESS FOR SERVICE – PROPOSED PLAN CHANGE 23

Submission No.	Name/Organisation	Address	Address
DPC23/1	Liz Mellish, Port Nicholson Block Settlement Trust, Wellington Tenth Trust and the Palmerston North Maori Reserve Trust	Freepost 166774 PO Box 12164	WELLINGTON 6144
DPC23/2	Dennis Page	██████████ ██████	LOWER HUTT 5010
DPC23/3	Geoff England, Winstone Aggregates	PO Box 17-195 Greenlane	AUCKLAND 1546
DPC23/4	Felicity Rashbrooke, East Harbour Environmental Association	PO Box 41029	EASTBOURNE 5013
DPC23/5	Robert Ashe	██████████ Eastbourne	LOWER HUTT 9013