

**Important Note to Track Changes for Section 10
of the Proposed District Plan:**

Section 10 of the District Plan is subject to proposed amendments from Plan Change 47 (Plan Your Town) and Plan Change 48 (Protected Trees). The changes from Plan Change 47 are shown in blue track change. The changes from Plan Change 48 are shown in green track change. Any submissions on Plan Your Town can only be to those sections within the scope of this plan change as shown in the blue track change.

10. Natural environment and heritage

10.1 Activities involving scheduled items and natural resources

Activities involving scheduled natural environment resources shall comply with the following:

- (i) 10 days notice in writing shall be given to the Council of any proposed work, redecoration, repair or alteration to any scheduled work, or any work in the Te Aroha Character Conservation Area, to determine the environmental effects of the proposed work.

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1	P1, P2, P3, P4
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

10.1 Activity Table

KEY	
P Permitted activity	C Controlled activity
D Discretionary activity	RD Restricted Discretionary activity
N/C Non Complying activity	PRHB Prohibited activity
<i>All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for.</i>	
Activity	All zones
1. Buildings And Objects In Schedule 1 and Buildings and Objects Within The Te Aroha Character Area	
(a) Character Any minor redecoration, repair and/or insignificant alteration to a scheduled item, building or object which is carried out in a manner and design and with similar materials and appearance to those originally used which does not detract from those features for which the item has been scheduled.	P
(b) All activities affecting the appearance of any building or object in Schedule 1 and in the Te Aroha Character Area not considered to be minor including: <ul style="list-style-type: none"> Any alteration, modification or demolition; to non-scheduled buildings constructed earlier than 1914. The construction of any new building. 	D
2. Buildings and Sites Wwithin Tthe Te Aroha Character Area	
(a) Any minor maintenance and repair to the building façade or frontage of a building.	P
(b) All activities affecting the appearance of the building façade or frontage which is not minor	RD
(c) The construction of any new building where the new building is located alongside or in front of any existing building.	RD
(d) The demolition of any building which has a the building façade or frontage.	D
<i>Advice note: See definitions for interpretation of "minor". Refer also to "Project Te Aroha" and supporting documentation in Clause 1.8 (Part A).</i>	
3. Scheduled Trees Or Any Protected Trees within Part A of Schedule 3 excluding understorey and regrowth of vegetation in a plantation forest.	
(a) Minor trimming, pruning or maintenance of any tree listed in Schedule 3 undertaken by hand operated clippers (of a 20mm maximum blade length) in accordance with accepted arboricultural practice and limited to:	P

<ul style="list-style-type: none"> Pruning and removal of branches with a maximum diameter of 40mm; No more than 10% canopy removal per calendar year. Trimming, pruning or maintenance required to comply with Electricity (Hazards from Trees) Regulations 2003. 	
(b) The removal of dead, damaged or diseased limbs of any tree listed in Schedule 3 when undertaken by an arborist on the Council list of qualified arborists, in compliance with Section 10.3.2.	P
(c) The removal of any tree listed in Schedule 3 that is dead, dying or terminally damaged by disease or natural causes, in compliance with 10.3.1. To trigger this rule a report undertaken by an arborist on the council list of qualified arborists confirming that the scheduled tree is dead, dying or terminally damaged has to be lodged with and accepted by council prior to removal of the tree.	P
(d) The removal of limbs from any tree to provide for pedestrian and traffic safety, in compliance with 10.3.1 when undertaken by an arborist on the Council list of qualified arborists	P
(e) The emergency removal of any tree where there is an imminent threat to life or property, in compliance with 10.3.1.	P
(f) Works within the drip line of any tree including: <ul style="list-style-type: none"> compaction, sealing, soil raising or soil disturbance, except for sealing of an existing footpath; and construction of structures; and parking or storage of materials, vehicles or machinery; and discharge of an ecotoxic substance. 	RD
(dg) Any trimming, pruning or maintenance of a scheduled tree (including to the roots) specified in of any protected tree listed in Schedule 3 that is not otherwise permitted.	DRD
(e) Any works or activity which is proposed within the dripline of any scheduled tree or which may impact on the root system of the tree.	D
(fh) Removal of any protected tree listed in Schedule 3 scheduled tree (excluding those trees that meet the provisions of 2c and 2e)	N/C
3. General Tree Protection Provisions not covered by 10.2.2	
(a) Any major trimming, (that which cannot be done by hand operated clippers) pruning, maintenance or removal of any indigenous vegetation within 20m of river or stream.	D
4. Identified Sites in Schedules 1 (Heritage Buildings and Objects), 2 (Waahi Tapu) and 3 (Outstanding or Significant Natural Features, and Protected Trees and Other Protected Items) except Scheduled Buildings and the understorey and regrowth of vegetation in a plantation forest.	
(a) Modification of any natural landform	D
(b) Any building or structure of any kind, including any fence boundary wall or retaining wall except in the Kaitiaki (Conservation) zone.	D
(c) Maimais in wetlands unless defined as not being permitted in a management plan of the wetland.	P
(d) Excavation, damage or alteration, reconstruction, or destruction to any scheduled resource.	N/C
(e) Wildlife management activities carried out by the Department of Conservation and Fish & Game Council.	P
5. Unscheduled Significant Natural Features	
Damage, alteration or destruction of any significant indigenous vegetation or habitat or indigenous fauna meeting any one of the criteria of Appendix 1, Clause 5 (i) or (xi).	D

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1, O2	P1, P2, P3, P4, P5
3.1.2.3	O1	P1, P2, P3, P4, P5, P6

Explanation: Section 13, Other Methods.

While some outstanding and significant natural features have been identified in Schedule 3, it is important when contemplating activities that may affect other natural features, that the criteria of Appendix 1 Section 5, are used to evaluate their significance, and thus determine whether that activity has permitted status or whether it is one that may require a resource consent. Council has agreed that by July 2003 it will initiate a study to identify any other significant natural features within the District that fit

within the criteria so that this rule does not become a costly exercise to members of the community with the objective of completing the exercise by July 2005.

Council recognises that many landowners are already aware and voluntarily protect indigenous vegetation and wetlands for their own sake and as habitats of indigenous fauna. Council encourages such protection through incentives provided in this plan as follows:

- Subdivision rights where certain significant features are to be protected by landowners. See bonus protection lots Section 6, Subdivision.
- Provision of professional assistance from Council staff, liaison with other agencies and a willingness to consider supporting specialist outside advice where appropriate.
- Identification of the role of Council's Strategic and Annual Plans for advice to property owners, education, financial assistance and other incentives. This may include in the future rate relief, waiver of development levies or transferable development rights. See Section 13: Other methods.
- Limited land purchase for esplanade reserves and access. See Section 13: Other Methods.
- Promotion of, and provision for assistance in the preparation of Landcare Plans which provide for eligibility for Council grants for fencing and planting. See Section 13: Other Methods.

Advice Note: It is noted that all works on Protected Trees listed in Schedule 3 (Part A) shall be ~~in~~ undertaken in accordance with the Electricity (Hazards from Trees) Regulations 2003.

10.2 Performance Standards

10.2.1 Tree Protection

For the permitted activity rules which are subject to compliance with this performance standard, ~~rely on the Council list of qualified arborists,~~ a report from a qualified arborist on Council's list of approved arborists shall be submitted to Council and the report shall be acknowledged and accepted by Council prior to any works commencing, with the exception of Rule 10.2.2(e), in which case the report can be submitted within 5 working days of any works being undertaken.

The report shall document the rationale for why the works are required and assess the impact of the works on the long term health and vitality of the tree (where the tree is to be retained).

Photographic records of before and after works shall be submitted.

10.2.2 Conservation plans

Any resource application on a Category 1 building which in the opinion of the Council involves significant work or alteration shall include a Conservation Plan as a part of the application. A Conservation plan must include:

- (i) A statement of the significance of the heritage item.
- (ii) The physical, conservation action and care necessary for retaining or revealing the heritage significance - this may include maintenance, reconstruction or restoration.
- (iii) Particular activities which may be compatible with the protection of the heritage item and those which may need to be constrained.
- (iv) Policies to enable the cultural significance of a place to be retained in its future use and development.

Objectives/Policies		
3.1.2.1	O1	P1
3.1.2.2	O1, O2	P1, P2, P3, P4, P5

Explanation

These scheduled natural resources are considered significant (through complying with the evaluation criteria in Appendix 1) to Matamata-Piako and worthy of protection in the public interest. Resources included in the schedules are considered to be community assets and which would be valued ahead of most land development proposals which might endanger them or compromise their form or condition. Additional features may be added to the schedule by the Plan Change procedure including compliance with Appendix 1.

Heritage resources can be easily devalued or compromised by development or change, hence the need for rigorous controls ~~over~~ on activities concerning these resources. The degree of protection afforded to heritage places should be adjusted to take account of the relative heritage value of the feature concerned. Categorising heritage significance into registration classes allows greater scope for adaptation and redevelopment of less significant items. It can also establish priority for the allocation of conservation resources.

Scheduled Protected trees listed in Schedule 3 (Part A) are recognised as community assets and are afforded the greatest level of protection. Any alteration to the Schedule must be by way of a plan change. The general tree protection category recognises the considerable amenity, historical and ecological value afforded by the most notable trees in our district on roads and reserves and hence the provision for their protection. Trees located in the vicinity of rivers and streams contribute to water and soil conservation and can assist in minimising damage from natural hazards such as floods, erosion and siltation.

To avoid unnecessary delay in maintaining any scheduled items provision is made for minor or insignificant works as permitted activities.

Provisions for scheduled resources take precedent over the more general Te Aroha Character Area provisions. By controlling non-scheduled buildings in the conservation area it is expected that over time the particular character of Victorian Te Aroha will be retained and enhanced. Activities which do not adversely affect this character will be permitted in this area, as will new buildings and additions complimentary and in keeping with the character of the Te Aroha Character Area.

The Kaitiaki (Conservation) zone is applied to significant natural landscapes and habitats where the geographical spread of areas or features is sufficient to justify zoning rather than individual schedule of areas. This zone applies to areas to protect or enhance their natural, intrinsic, or other recognised values of an area. It covers the Kaimai Ranges, Western Ranges, Peat Dome, riparian areas and Kahikatea floodplain forest remnants over 4000m² in area. The Kaitiaki zone in the Kaimai Ranges includes all that land held in public reserve, areas identified by previous Hauraki Catchment Commission reports as being subject to soil conservation and generally all land down to the bush line at the base of the ranges. Pastoral country is generally excluded. Provisions are designed to achieve the conservation emphasis of the zone and any development or activities are restricted to ensure adverse effects on the environment are minimised. Mineral or peat processing is prohibited in this zone as such activities can be located in less environmentally sensitive areas, and their adverse effects can be more appropriately mitigated. Protection Forestry is permitted subject to Council conditions concerning rehabilitation, replanting within one year and soil conservation matters. The Forestry Code of Practice will be used by Council as a guide to the implementation of the controlled category criteria. Pastoral farming that exists as at November 1996 may continue with existing use rights. The clearance of further bush for farming use within the Kaitiaki zone is not to be allowed. Buildings are discretionary within the Kaitiaki zone to ensure an appropriate location relative to the visual impact, the impact on ecology and fire fighting facilities.

The Council will undertake a review, 5 years after the plan has become operative, of the environment along the Waihou, Waitoa and Piako rivers in terms of land use, the Kaitiaki (Conservation) zone and the categorisation of activities and methods used within the Kaitiaki (Conservation) zone in conjunction with affected landowners, interest groups and other members of the public who may have an interest.

10.3 Restricted Discretionary Activity Criteria

For activities which are a Restricted Discretionary Activity in accordance with Rule 10.1.2, Council has reserved control and may impose conditions in respect of the following matters:

10.3.1 General

- (a) Whether the proposal has adverse effects on the scheduled resource and the measures taken to avoid, remedy, or mitigate potential adverse effects;
- (b) The necessity for the proposed works or activity and any alternative methods and locations available to the applicant for carrying out the work or activities;
- (c) Whether the proposed activity detracts from the intrinsic value of the resource;
- (d) Whether the works or activity would wholly or partially nullify the effect of scheduling the resource;

- (e) Whether there is any change in circumstance that has resulted in a reduction of the value of the resource since it was scheduled in the plan.

10.3.2 Trimming, maintenance, removal and the undertaking of any activity or works within the dripline of any protected tree listed in Part A of Schedule 3:

- (a) The necessity for carrying out the works, including whether the tree is:
- Dead, dying, diseased, or has lost the original qualities for which it was originally scheduled,
 - Required to be removed from drainage systems, rivers or watercourses,
 - Interfering with network utilities or other public works,
 - Causing significant or unusual hardship.
- (b) The extent of trimming, maintenance and the methods to be employed and whether this is in accordance with accepted arboricultural practice;
- (c) Any alternative methods which may be available to protect the tree, including modification of development controls where this would encourage retention and enhancement of existing large trees on the site;
- (d) Whether the tree can be relocated;
- (e) Whether the proposed activities in the dripline of the tree are, in the opinion of Council, likely to damage the tree or endanger its health;
- (f) The extent to which the tree contributes to the amenity of the neighbourhood, both visually and physically, including as a habitat for native birds and animals;
- (g) Whether the proposed landscaping or revegetation can compensate for any envisaged loss.

10.3.3 Te Aroha Character Area

- (a) Regard to the nature, form and extent of the development, alteration or change and its effect on the particular character of the character area;
- (b) Regard to the use of similar building materials and design in alterations or additions;
- (c) Providing reasons why the work is necessary;
- (d) Where demolition or removal of a building and or subsequent/a new building is proposed, demonstration is required that such action will not significantly affect the streetscape appearance of the character area and will not destroy its unified entity;
- (e) Whether the proposed activity will positively enhance the protection and maintenance of the building, in a manner in keeping with the particular character of the character area;
- (f) Whether the proposal will have an adverse effect on the particular character or environment of the character area.

10.4 Discretionary and non-complying assessment criteria.

The Restricted Discretionary Assessment criteria may be used as a framework for assessing Discretionary and Non-complying activities. However all actual and potential effects from any such activity shall be assessed and may be used in determining an application and/or imposing conditions.