

27. 10. 2011



7. PLAN CHANGE 44 - LISTING OF THE LOWLAND KAHIKATEA FOREST REMNANT, (RICCARTON BUSH) AS A CATEGORY 2 NOTABLE GROUP OF TREES. – FINAL APPROVAL

General Manager responsible:	General Manager Strategy and Planning
Officer responsible:	Programme Manager District Planning
Author:	David Punselie, Assistant Planner

PURPOSE OF REPORT

1. This report seeks Council approval to make operative the changes to the City Plan introduced by a decision on Plan Change 44, The Listing of the Lowland Kahikatea Forest Remnant, (Riccarton Bush) as a Category 2 Notable Group of Trees.

EXECUTIVE SUMMARY

2. Plan Change 44 is a Council initiated change that seeks to provide the lowland kahikatea forest remnant area commonly known as Riccarton Bush with better protection from the effects of external activities. While the forest remnant is well protected from within through a Conservation 1 zoning and an ecological heritage site status, there are no mechanisms protecting it from the external threats posed by peripheral urban development occurring along its legal boundaries. These potential threats include damage to trees and/or their root systems, negative effects of impervious surfaces on the soil moisture content and aeration, shading of trees and the surrounding vegetation by buildings, fire risk, chemical spray drift and reverse sensitivity associated with leaf and branch litter, wind throw and shading by trees.
3. The plan change adds the entire forest remnant enclosed within the predator proof fence, as well as a kahikatea tree growing close to the north-west legal boundary of the reserve, to Appendix 4 – Heritage/Notable Trees in Part 10 of the City Plan. The protected trees provisions in Part 10 are also amended to include specific reference to the forest remnant. The rules applicable to Category 2 – Notable trees - seek to protect the listed or groups of trees and their roots from development and other activities, which have the potential to cause damage to the trees. Resource consent for a restricted discretionary activity would be required for any proposed development within 10 metres of the predator fence surrounding the forest remnant.
4. Public notification of the plan change in June 2010 attracted 10 submissions. A hearing was conducted on 30 May 2011 before Commissioner Ken Lawn. His recommendation that the Plan Change be adopted with some modifications was accepted by the Council on 28 July 2011. A copy of the plan change as modified is **attached** to this report.
5. No appeals were lodged against the decision. As the matter is now beyond challenge the Council can take the necessary steps to make operative the changes introduced by this plan change.

FINANCIAL IMPLICATIONS

6. There are no direct financial implications.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

7. The recommendation will not impose on the LTCCP budgets.

LEGAL CONSIDERATIONS

8. The recommendation in this report is for the Council to take the procedural step to make operative the changes introduced by the Council's decision on Plan Changes 44. The Resource Management Act 1991 requires that, following the closing of the appeal period and the resolution of any appeals, the Council must formally approve the changes to the plan under clause 17 of Schedule 1 before the plan change becomes operative on a date that is nominated in a public notice of the Council's approval. As the appeal period has closed and no appeals were lodged against the Council's decision this plan change has now reached the stage where it can be made operative.

7 Cont'd**Have you considered the legal implications of the issue under consideration?**

9. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. Aligns with District Plan Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

11. Yes. Supports the project of processing plan changes in compliance with statutory processes and time frames.

ALIGNMENT WITH STRATEGIES

12. Not applicable.

Do the recommendations align with the Council's strategies?

13. Not applicable.

CONSULTATION FULFILMENT

14. Approval of changes to the District Plan under clause 17 of Schedule 1 to the Resource Management Act 1991 is a procedural step that does not require consultation.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) Approve, pursuant to clause 17(2) of the Resource Management Act 1991, the changes to the District Plan introduced by the Council's decision on Plan Change 44 - Listing of the Lowland Kahikatea Forest Remnant, (Riccarton Bush) as a Category 2 Notable Group of Trees.
- (b) Authorise the General Manager, Strategy and Planning to determine the date on which the changes introduced by Plan Change 44 become operative.