

Memo

7 September 2015

To: Celia Davison – Acting Unitary Plan Manager

From: Adam Haycock – Planning Technician

Subject: **Update to the Proposed Auckland Unitary Plan.**

Please sign below once you have checked the following update(s) and have confirmed that the formatting meets the requirements of the Proposed Auckland Unitary Plan style guide.

Reason for change	Resource Management Amendment Act 2013 ss 76(4A) and 76(4B)
Text	Modifications to Part 1, Chapter A, 4 Using the Unitary Plan and Part 3, Chapter J, 6 Natural heritage, 6.4 Notable Trees which include changes to comply with the new requirements of ss 76(4A) and 76(4B) of the RMA.
Map/Diagram	<i>Not applicable.</i>

Prepared by:

Adam Haycock
 Planning Technician

Reviewed by:

Rebecca Sanders
 Planner

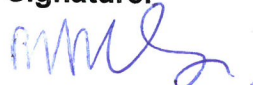
Approved by:

Linley Wilkinson
 Team Leader – Unitary Plan
 Integration

Signature:



Signature:



Signature:



Signed off by:

Celia Davison
 Acting Unitary Plan Manager

Signature:



4.3 Legal effect of Unitary Plan rules

Under s. 86B of the RMA a rule in a proposed plan has legal effect only when a decision on submissions relating to a rule has been made and publicly notified by the council. The exception to this is where the rule, either:

1. protects or relates to water, air or soil (for soil conservation) or
2. protects areas of significant indigenous vegetation or
3. protects areas of significant habitats of indigenous fauna or
4. protects historic heritage or
5. provides for or relates to aquaculture activities.

The rules in the activity tables that have immediate legal effect from 30 September 2013 are identified by shading of the relevant text within the activity table as below. The associated controls, assessment criteria, information requirements, definitions and appendices applicable to those rules also have immediate legal effect.

Example legal effect table

Activity	Activity Status
XXXXXXXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXXXXXXX	X
XXXXXXXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXXXXXXX	XX

4.3A Legal effect of Unitary Plan rules as a result of amendments to tree legislation

Under the transitional provisions of the Resource Management Amendment Act 2013, as set out in Schedule 12 to the Resource Management Act 1991, tree protection district plan rules within a proposed plan have legal effect from 4 September 2015 if they comply with the new requirements of ss 76(4A) and 76(4B) of the RMA. The district plan rules in the activity table in chapter J section 6.4.1 that have legal effect from 4 September 2015 are identified by green shading of the relevant text within the activity table as below. The associated controls, assessment criteria, information requirements, definitions and appendices applicable to those rules also have legal effect.

Example legal effect table

Activity	Activity Status
XXXXXXXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXXXXXXX	X
XXXXXXXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXXXXXXXXXXX	XX

PART 3 - REGIONAL AND DISTRICT RULES»Chapter J: Overlay rules»6 Natural heritage»

6.4 Notable Trees

1. Activity table

The purpose of this overlay is to protect notable trees and notable groups of trees. The following table specifies the activity status of activities on or around notable trees or notable groups of trees.

The notable tree overlay symbol is marked as ▲ on the Unitary Plan GIS. This symbol indicates the presence of a notable tree or notable group of trees but does not depict the tree(s) or groups of trees actual location. The schedule number on the Unitary Plan GIS corresponds to the schedule number in [Appendix 3.4 – Schedule of Notable Trees](#). This provides more detail of the location and species of the tree(s) or group of trees. The council must be contacted where there is any uncertainty around the location or description of the notable tree or notable group of trees.

Activity	Notable tree or notable groups of trees
Biosecurity tree works	P
Dead wood removal	D
Emergency tree works	P
Pest plant removal	D
Tree trimming	P
Tree alteration or tree removal	D

2. Controls

2.1 Tree trimming

1. The maximum branch diameter must not exceed 50mm
2. No more than 10 per cent of live growth of the tree is removed in any one calendar year
3. Must meet accepted modern arboricultural practice
4. The trimming must retain the natural shape, form and branch habit of the tree.