



## **Section 42A Officer's Report**

Marlborough Sounds Resource Management Plan  
- ***Plan Change #08***

Wairau/Awatere Resource Management Plan  
- ***Plan Change #56***

## **Heritage Tree Update**

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Hearing Commencing: 3<sup>rd</sup> May 2010



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# Introduction

## Background

The Wairau/Awatere Resource Management Plan (WARMP) and the Marlborough Sounds Resource Management Plan (MSRMP) (or the Plans, as they are collectively referred), provide a framework for local resource management that promotes sustainable management of natural and physical resources within the Marlborough District. The Plans identify the prevalent resource management issues within the district, and the objectives, policies, methods, and rules to resolve the resource management issues and promote sustainable management. Occasionally the contents of the Plans require updating, and this is one circumstance when Plan Changes are initiated.

On the 10<sup>th</sup> December 2009, Plan Change #56 to Wairau/Awatere Resource Management Plan and Plan Change #08 to the Marlborough Sounds Resource Management Plan were publicly notified. These Plan Changes were proposed to update the Register of Significant Heritage Resources relating to Heritage Trees, as contained within Appendix A of each Resource Management Plan.

The Register of Significant Heritage Resources (or the Heritage Schedule as they are otherwise referred), in conjunction with Plan rules, provide protection for notable or historic trees that meet the Plans criteria for protection. Trees listed within the Heritage Schedule are also denoted on the applicable property Planning Maps contained in the Plan.

The Plan rules provide that the alteration to a heritage tree requires a Resource Consent. The 'alteration' to a heritage tree is described to include 'the removal of any listed tree; significant trimming of any listed tree; the construction of any building or laying of overhead or underground services within 5 metres of the base of any listed tree, or other work or activity that could adversely affect the condition of a scheduled tree'. The term 'alteration', excludes any minor maintenance work including trimming and pruning.

Each of the Plans include the following list as criteria for the identification of a notable or historic tree:

- (a) Any tree commemorating an important local event either in Maori or European history, settlement and development;
- (b) Any tree that is regarded as an important landmark and has been acknowledged as such for a significant period of time;
- (c) Any tree that has historic association with a well-known public figure or has had strong public association for some reason;
- (d) Any rare or important species;
- (e) A stand of trees conforming to the above.

The protection of heritage resources through their identification within the Heritage Schedule is consistent with objectives and policies contained in each Plan. The relevant objectives and policies are identified below:

<b>The Marlborough Sounds Resource Management Plan 6.2.2 – Objectives and Policies</b>		<b>The Wairau/Awatere Resource Management Plan 3.3 – Objectives and Policies</b>	
Objective 1	The preservation of the Plan area heritage resources including: historic buildings, places and sites, waahi tapu, archaeological sites and areas, and heritage trees.	Objective 1	The protection or preservation of heritage resources, in appropriate cases, including: historic buildings, places and sites, waahi tapu, archaeological sites and areas, and heritage trees.

<b>The Marlborough Sounds Resource Management Plan 6.2.2 – Objectives and Policies</b>		<b>The Wairau/Awatere Resource Management Plan 3.3 – Objectives and Policies</b>	
Policy 1.1	Recognise the heritage resources of the Plan area which have been identified as specified in section 6.2.3, and provide the necessary protection to avoid or mitigate any adverse effects of activities on these resources.	Policy 1.1	Recognise the heritage resources which have been identified and provide the necessary protection to avoid, remedy or mitigate any adverse effects of activities on these resources.
Policy 1.2	Research and assess additional items of heritage value in the Plan area (or local significance) according to the criteria specified in section 6.2.3, in consultation with landowners and other agencies including NZ historic Places Trust, New Zealand Department of Conservation and iwi.	Policy 1.2	Research and assess additional items of heritage value in the Wairau/Awatere Plan area (of local significance) in consultation with iwi and the Historic Places Trust, NZ Archaeological Association, and the Department of Conservation.
Policy 1.5	Ensure that regard is had for heritage preservation with all subdivision, use and development in the Plan area.	Policy 1.5	Ensure that regard is had for heritage and conservation with all subdivision, use and development in the Wairau/Awatere area.

The objectives and policies identified above are consistent with the Resource Management Act 1991, which provides that in achieving the purpose of the Act, 'all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance', including 'the protection of historic heritage from inappropriate subdivision, use and development'.

The proposed Plan Changes are sought to enable new trees to be protected by updating the existing list of heritage trees contained within Appendix A of each Plan, and to remove trees from the Schedule that no longer exist. Two hundred and one trees are proposed to be added to the Wairau/Awatere Resource Management Plan, with 29 trees proposed for inclusion within the Marlborough Sounds Resource Management Plan.

### **Submissions on the Plan Changes**

The public notification of the Plan Changes has resulted in 7 submissions being received on Plan Change #56, and 10 submissions on Plan Change #08. No further submissions were received in relation to either of these Plan Changes.

Two of the submissions on Plan Change #56 and one submission on Plan Change #08 were received by Council after the closing date for receiving submissions passed. As noted later on in this report, it is recommended that the Committee accept these submissions for consideration.

The submissions received primarily raised issues concerning the potential consequences of specific heritage tree listings on landowners' property rights, and concern over the potential financial costs associated with the consequent requirement to get Resource Consent prior to the alteration or removal of any tree listed on the Heritage Schedule. As a result of these concerns, many of the submissions in opposition to the Plan Changes were targeted in relation to individual trees and specific sites, and a number of amendments and deletions from the Heritage Schedule and Planning Maps were requested by submitters. Submissions received that were in general support of the Plan Changes were also subject to requests for minor fix ups to the Heritage Schedule and associated Planning Maps.

The issues raised as a result of the submissions process are summarised within this report. These issues are considered in context to the site and in relation to specific trees, with recommendations to the Committee being made as to whether or not to accept or reject each submission.

## Issues, Discussion and Recommendations

The tables below identify the issues raised as a result of the submission process. These issues are discussed, taking into account the relevant objectives, policies and heritage tree protection criteria. Recommendations have also been made to the Committee in respect of the appropriateness of heritage tree scheduling subsequent to the submissions process.

As a result of submissions, site visits, and dialogue with the public and stakeholders, a vast amount of additional heritage tree information emerged throughout the Plan Change process. Consequently, Mr Robert Hutchinson, Reserves and Amenities Officer, Marlborough District Council (being Submitter/Submission Number 1), made a detailed submission on the Proposed Plan Changes, requesting that minor amendments be made to the Proposed Plan Changes. Submission Number 1 is therefore referenced a number of times within the following tables on varying points and issues.

Where trees are proposed for inclusion within the Heritage Schedules contained within Plan Changes #08 and #56, but are not identified in the following tables, no submissions have been received in either support or opposition to the listing of these trees.

The appendices at the rear of this report contain photos and Planning Maps that may be of reference to the reader when considering the following table. These Planning Maps and photos only relate to trees subject to submissions in opposition to their listing. Where no submission in opposition has been received for the listing of a tree, no photo or Planning Map has been included as their inclusion within the Heritage Schedule is not considered to be a matter of contention. Where a photo or Planning Map exists for a property, a reference to the Appendix is included within the 'Address' column.

### - The Wairau/Awatere Resource Management Plan (WARMP)

Address	Submission Number(s)	Issues Raised by Submitters	Discussion and Recommendations
22 Weld Street	1	The Plan Change states that there are four Oak trees and four Walnut trees located on site, however in reality there is only one Oak and one Walnut tree located on site, and these two trees were originally protected through the pre-notification Plan text. Therefore, the pre-notification Heritage Schedule Plan text stands as correct.	As outlined by the submission, the proposed Plan Change has resulted with inaccuracies within the Heritage Schedule. Amendments to the Heritage Schedule are therefore required to be consistent with the pre-notification Plan text. These amendments would improve the accuracy of the Plan Change.
80 Nelson Street	1	Amendments are required to correct the location of heritage tree numbers 30, 31, 169, 170 on the associated Planning Map (Map Page 157), as per the Planning Map notified with the Plan Change.  In addition, the Planning Maps require amendment to delete heritage tree numbers 26, 28 and 32, as these trees no longer meet the criteria for protection through the Plan and are proposed to be deleted from the Heritage	As outlined by the submission, amendments are required to the relevant Planning Map to show the correct location of the heritage trees on site, and to remove reference to trees that are no longer protected through the Heritage Schedule.

Address	Submission Number(s)	Issues Raised by Submitters	Discussion and Recommendations
		Register. The Planning Maps therefore similarly require updating.	
Morrington Reserve	1	Errors occurred in the GPS recording and mapping of tree numbers 102G,102K and 102L, with these trees being incorrectly depicted on the associated Planning Map (Map Page 165, 166) and these maps therefore require amendment.	Amendments to Map Pages 165, 166, as detailed by Submission Number 1, would improve the accuracy of the Planning Maps.
40 and 42 Lakings Road	1	<p>That the location of heritage tree number 146 is incorrectly depicted on the Planning Map (Map Page 160), and its location requires amendment.</p> <p>The Heritage Schedule inaccurately states that tree number 145 located at 40 Lakings Road, when it is actually located on the Road Reserve adjoining 42 Lakings Road.</p> <p>The Heritage Schedule is unclear, as it does not state that tree number 146 is located on the Council Road Reserve.</p>	Amendments are sought to correct the erroneous information within the Heritage Schedule, by amending the text associated with tree numbers 145 and 146, to provide that these trees are located on the road reserve, respectively, adjoining 42 and 40 Lakings Road.
108 Maxwell Road	1	<p>Heritage tree number 8 is incorrectly depicted on the Planning Map, and therefore its location requires amendment.</p> <p>In addition, the listing of Heritage Tree number 8 includes reference to other heritage trees associated with the site contained in the Heritage Register (being tree numbers 151-152), for which the reference is incorrect. These errors require amendment.</p>	<p>As outlined in the submission, amendments are required to alter the location of heritage tree number 8, as per the map page attached to the submission for 108 Maxwell Road.</p> <p>Further, to assist Plan users, it is useful for a heritage tree listing to refer to other relevant heritage tree listings contained within the Plan for the same property. This reference should be noted and updated accordingly. The final numbering will need to vary according to the Committee decisions on the submissions.</p>
Burleigh Park	1	That the location of heritage tree number 87 is incorrectly depicted on the Planning Map (Map Page 164), and its location requires amendment.	As per the map for Burleigh Park contained in the submission, an amendment to Heritage Tree number 87 would correct the erroneous information would improve the

Address	Submission Number(s)	Issues Raised by Submitters	Discussion and Recommendations
			accuracy of the Plan.
25 Percy Street	1	The location of heritage tree number 19 is incorrectly depicted on the Planning Map, and its location requires amendment	As outlined in the submission, an amendment to correct Planning Map 161 to show the correct location of heritage tree number 19 would improve the accuracy of the Plan.
Bethsaida Home, Litchfield	1	The heritage tree numbers 171 and 172 are incorrectly depicted on the Planning Map, and their location requires amendment.	As per the map for Bethsaida Home contained in the submission, an amendment to the Planning Map 161 to show the correct location of tree numbers 171 and 172 would improve the accuracy of the Plan.
Wairau Incident Reserve	1	The location of heritage tree number 79 is incorrectly depicted on the Planning Map (Map Page 128), and its location requires amendment.	As per the map for the Wairau Incident Reserve contained in the submission, an amendment Planning Map 128 to show the correct location of heritage tree number 79 would improve the accuracy of the Plan.
Nelson Street, Road Reserve	1	That the Planning Map relating to heritage tree number 164 is inaccurate and requires amendment.	An amendment to correct Planning Map 158 to show the correct location of heritage tree number 164 would improve the accuracy of the Plan.
Marlborough Boys College	1	That the Planning Map relating to heritage tree number 139 is inaccurate and requires amendment.	As outlined by the submission, amendments are required to the Planning Maps for Marlborough Boys College, to correct the location of Heritage Tree number 139.
82A Lakings Road	1	That the Planning Map (Map Page 160) relating to heritage tree number 83 is inaccurate and requires amendment.	As per the map for 82A Lakings Road contained in the submission, an amendment to the Planning Map to correct the erroneous information would improve the accuracy of the Plan.
Spring Creek Holiday Park, Rapaura	1	<p>The Planning Map relating to heritage tree number 77 indicates there are three Bunya Bunya's located on site, whereas there is only one.</p> <p>In addition, the listing of Heritage Tree number 77 includes reference to another heritage tree associated with the site contained in the Heritage Register (being tree number 166), for which the reference is incorrect. These</p>	As per the map attached to the submission relating to Spring Creek Holiday Park, it is recommended to amend the Heritage Schedule tree listing number 77, to refer to the correct reference of other heritage tree listings located on the same property. It is also recommended to amend the associated Planning Maps to show the correct number of heritage trees on site.



Address	Submission Number(s)	Issues Raised by Submitters	Discussion and Recommendations
		errors require amendment.	
General	1	<p>That the text/symbols included on planning maps to assist readers in understanding the Plan, will need to be removed prior to the publishing of any Planning Maps.</p> <p>To assist readers in understanding the referencing system used within the Heritage Schedule, a preamble note is suggested.</p> <p>Within the Heritage Tree Register's, where more than one heritage tree exists on the one property, but these trees are not listing alongside each other on the register, then referencing has been included to refer the reader to relevant heritage tree listings for that property. The referencing will require updating prior to the final production of the Heritage Schedule.</p>	<p>Amendments are required to the proposed planning maps to remove any explanatory Plan text or symbols that were included within the notified Planning Maps to assist readers in understanding the proposed map changes.</p> <p>It is recommended that a preamble is added to the Heritage Tree Register, which explains to the reader that where multiple trees of the same species are located on the same property, they are annotated on the Planning Map using alphabetical numbering (e.g. 66A, 66B, 66C).</p> <p>Prior to the final production of the Heritage Schedule, all referencing of Heritage Tree numbers will require updating.</p>

Address	Submission Number(s)	Issues Raised by Submitters	Discussion and Recommendations
<p>SH 1, Spring Creek</p> <p><i>(See Appendix A5-Photo and D1-Map)</i></p>	<p>4</p>	<p>The protection of the stand of London Plane trees is opposed by the submitter on the basis that they shade the dwelling that is located on site, and because the protection of these trees may have implications on an appeal to the Environment Court regarding a Resource Consent application proposed for the site.</p>	<p>The Heritage Schedule, as it stood prior to the notification of the Plan Change, signalled that a London Plane tree was protected at Blenheim/Picton, State Highway 1 (being listing number 41). However, this listing within the Heritage Schedule did not identify it was actually a stand of 7 trees protected by the Plan, nor did the associated Planning Maps indicate that any trees were protected on site. The proposed Plan Change seeks to remedy these shortcomings, by amending the Planning Maps to show the location of the trees and the Plan text to identify that 7 trees are protected on site.</p> <p>While the submitter states they do not object to some of the London Plane trees being listed as protected, they do not specify which trees they seek to be removed from the Heritage Schedule.</p> <p>It is important to note that since making this submission on the Plan Change, the submitter has withdrawn their appeal to the Environment Court for a Resource Consent to establish Spring Creek Engineering on site. In February 2010, a new Resource Consent application for Spring Creek Engineering was lodged for the site, however the Plans indicate that the 7 London Plane Trees are not affected by the proposal. Consequently, potential shading on the dwelling remains the key issue of concern in consideration of this submission.</p> <p>This stand of trees holds heritage and notable value in their collective form, with all 7 trees meeting the criteria for protection. These trees were planted in 1916 by, the then, MP for Marlborough, Hon Mills. The stand therefore complies with the criterion of having an historic association with a well-known public figure. As the 7 London Plane trees meet the criteria for protection, it is recommended that the stand of trees be listed on the Heritage Schedule.</p>

Address	Submission Number(s)	Issues Raised by Submitters	Discussion and Recommendations
Wairau Valley	5	This submission opposes the potential protection of trees within the area of Wairau Hydroelectric Power Scheme proposal. However, the Plan Change does not actually propose to protect any trees within the area to which the submission relates.	This submission is considered to be outside of the scope of the Plan Change as the Plan Change does not seek to change the status quo within the area in question by introducing additional heritage trees. Further, to preclude the potential protection of any tree within the area as a result of the submission would be to inhibit the real opportunity for public to participate in such a Plan Change [Bezar v Marlborough District Council, EC Blenheim C031/2009].
Langley Dale  (See Appendix D2-Map)	1  6	<p>Heritage tree numbers 160, 161 and 163 are depicted in the incorrect locations on Planning Map Page 161.</p> <p>The protection of tree number 160 – being the Gum, is supported by both the property owners and by the Council's Reserves and Amenities Officer, Mr Robert Hutchinson. The property owners have advised that the protection of this tree is important to their family, and to the province, as it dates back 150 years to the establishment of the Marlborough province.</p> <p>The location of heritage tree number 161 is problematic for the owners of the site, as it is strategically located in potentially the sole access way leading to the eastern part of their farm.</p> <p>The owners of the site have advised that heritage tree number 162 is dead.</p>	<p>The location of tree number 160 requires amendment within the associated Planning Maps, to be shown in its correct location on Pt Sec 3 Blk 1 Wairau District. The protection of this tree is recommended.</p> <p>With regards tree number 161, the protection of the tree through the Heritage Register would potentially restrict the ability for the land owners to access their farm property, thus potentially inhibiting the ability of the land owners to utilise their land to provide for their economic and social wellbeing. Due to these exceptional circumstances, it is therefore recommended that this tree be removed from the Heritage Schedule.</p> <p>Following a site visit, it has been confirmed that tree number 162 is dead, and consequently should be removed from heritage schedule and associated planning maps.</p>

Address	Submission Number(s)	Issues Raised by Submitters	Discussion and Recommendations
		<p>Following the notification of the Plan Change, David James Tree Services have carried out an assessment of tree number 163, and confirmed to Council that tree number 163 is in poor health and that in their opinion it is not worthy for protection.</p>	<p>Taking into account the assessment of Heritage Tree number 163 by David James Tree Services, it is therefore recommended that this tree be removed from the Heritage Schedule.</p>
<p>Spring Terrace  (See D3-Map)</p>	<p>1  7</p>	<p>Planning Map page 134 shows there are three Wellingtonia's and three Tasmanian Blue Gums, but there are only two Wellingtonia's and one Tasmanian Blue Gum.</p> <p>The associated Planning Maps therefore shows the incorrect number of heritage trees being located on site.</p>	<p>Amendments are required to the Heritage Schedule to show there are two Wellingtonia's and one Tasmanian Blue Gum on site.</p> <p>As per the map for Spring Terrace, attached to Submission Number 1, amendments are recommended to be made to the Planning Maps to improve the accuracy of the Plan.</p>
<p>High Street, Road Reserve, Renwick  (See A6-Photo and D4 Map)</p>	<p>8</p>	<p>The submitter advises that Heritage Tree number 123 has negative effects on the amenity of their dwelling located at 17 High Street, Renwick, which is a result of shading and falling leaves from the tree. The submitter advises that the tree blocks the majority of their winter sunlight, making their home damp and extremely difficult to heat.</p>	<p>Reserves and Amenities Officer Mr Robert Hutchinson, has advised that this tree, which is in Council ownership, meets the criteria for selection as heritage tree within the Plan because it stands as a healthy specimen of Cottonwood that is approximately 100 years in age, and is therefore an important specimen of tree for the district. Consequently it is recommended that this tree be listed within the Heritage Schedule.</p> <p>Note – This submission was received by Marlborough District Council 9 days after the closing for receiving submissions. It is recommended that the Committee receive this submission for consideration.</p>

Address	Submission Number(s)	Issues Raised by Submitters	Discussion and Recommendations
<p>32 Weld Street</p> <p><i>(See photo 1-4-Photos and D5-Map).</i></p>	<p>9</p>	<p>The submitter opposes the protection of the four trees on site, for the following reasons:</p> <ul style="list-style-type: none"> <li>- The financial costs associated with the Resource Consent process;</li> <li>- The trees listed are neither native, nor rare specimens of trees. Nor is the submitter aware of any history associated with the trees;</li> <li>- A report by David James Trees Services recognises that only three out of the four trees identified on site are suitable for inclusion within the Plan;</li> <li>- Concerns associated with the devaluing of the site as a result of the registration of the trees within the heritage schedule;</li> <li>- The submitters wish to reserve the right to have control over their own property.</li> </ul>	<p>The four trees proposed for protection within the Plan have been recognised as being notable for sometime, being previously protected within the District Scheme by the Blenheim Borough Council. This registration was never carried over into the Wairau/Awatere Resource Management Plan.</p> <p>In June 2006 David James Tree Services was commissioned by the Council to detail and provide comments on a range of potentially notable and/historic trees within Marlborough. At that time, three trees were identified as being in good health including the Pepper Tree, Silver birch and Nootka Cypress, with the Copper Beech being in poor health.</p> <p>To assist the Council in their decision making, a secondary assessment on the health of the Copper Beech has been carried out by David James Tree Services. This assessment concludes that the health of the Copper Beech is fluctuating, with it currently being in quite good health but it being in poor health in the past, (see Appendix A).</p> <p>Reserves and Amenities Officer Mr Robert Hutchinson, has advised that all four of these trees meet the criteria for selection as heritage trees, as they are important tree specimens, over 80 years old, which stand as remnants of a larger cluster of trees that became prominent in the 1920's in the Bethsaida, Burden, Litchfield and Weld Street area.</p> <p>It is therefore recommended that due to the notable importance, and the consistent good health of the Pepper Tree, Silver Birch, Nookta Cypress, that these three trees be listed within the Heritage Schedule.</p> <p>However, due to the variable and vulnerable health of the Copper Beech tree, no recommendation has been made as to the appropriateness for inclusion. It is requested that the Committee</p>

<b>Address</b>	<b>Submission Number(s)</b>	<b>Issues Raised by Submitters</b>	<b>Discussion and Recommendations</b>
			<p>determine whether the variable health of the tree is an exceptional circumstances that supports the submitters request for its exclusion from the Heritage Schedule.</p> <p>Note – This submission was received by Marlborough District Council 26 days after the closing for receiving submissions. It is recommended that the Committee receive this submission for consideration.</p>

- **The Marlborough Sounds Resource Management Plan (MSRMP)**

Address	Submission Numbers	Issues Raised by Submitters	Discussion
10 Newgate Street, Picton  (See C2-Map)	1  3  9	<p>Errors that have occurred in the drafting of the proposed Plan Change, which resulted in two heritage trees (numbers 90A and 90B) being depicted on Lot 2 DP 3209, instead of one Tulip tree and one Pin Oak tree being located on Lot 1 DP 3209.</p> <p>Submissions also highlighted that the use of alphabetical numbering within the Planning Maps required an explanation within the Plan text.</p>	<p>Amendments are sought by the submitters to correct the erroneous information associated with 10 Newgate and 9 Rutland Street Picton, as contained within the Heritage Schedule and on Map Page 58. These amendments remain within the scope of the Plan Change and would improve the accuracy of the Plan Change.</p>
Te Mara, Double Bay  (See C1-Map)	1  2	<p>The submitters have identified there is no Kahikatea Tree located at Te Mara in Double Bay, and requested that listing number 63 be deleted from the Heritage Schedule.</p>	<p>The removal of this tree was not proposed within Plan Change #08 and consequently the removal of this tree from the schedule has not undergone the appropriate legal process identified within the First Schedule of the RMA 1991. The removal of this tree from the schedule is therefore outside the scope of the Plan Change, and does not form a part of Plan Change #08.</p> <p>However, investigation has confirmed that the tree does not exist and its inclusion in the schedule is an error. It is therefore recommended that a separate process be initiated to remove this tree from the register without further formality pursuant to Clause 20A of the First Schedule of the RMA 1991.</p> <p>It is therefore recommended that Committee reject the submissions requesting the deletion of Heritage Tree number 63 from the Heritage Schedule, and acknowledge that there is an alternative process for the removal of the tree pursuant to Clause 20A if the RMA 1991.</p>
Picton Police Station	7	<p>This submission calls for the deletion of the Scarlet Oak located at the Picton Police Station.</p>	<p>This tree is currently protected within the Marlborough Sounds Resource Management Plan, with the protection existing prior to the notification of Plan Change #08.</p>

Address	Submission Numbers	Issues Raised by Submitters	Discussion
			<p>Plan Change #08 does not propose to alter the status of protection on this heritage tree. Council records show that the tree was registered for protection by the NZ Police in 1989 Senior Constable #5721).</p> <p>It is also considered that the removal of this tree from the Heritage Schedule would be outside of the scope of the Plan Change #08.</p>
<p>27 Devon Street, Picton  (See A7-Photo and C3-Map)</p>	<p>11</p>	<p>That tree number 65 be removed from the Heritage Schedule on the basis that the listing of the tree will create additional costs as a consequence of the need to secure a Resource Consent to undertake maintenance works to the tree.</p>	<p>This tree was assessed by David James Tree Services in June 2006. At that time, it was reported by the arborist that the tree was healthy with a large spread, however as there was a crack in the main stem of the tree it would need to be propped/braced if it was to be retained. Since the time of this assessment, necessary maintenance work has been undertaken on the tree.</p> <p>Mr Robert Hutchinson, Council's Reserves and Amenities Officer advises that this Kowhai tree is considered to be an important as it is over 50 years in age and is of a substantial specimen size. It is therefore recommended that this submission be rejected, and that the Kowhai tree be protected within the Heritage Schedule.</p>
<p>8 Taranaki Street, Picton  (See C4-Map)</p>	<p>6</p>	<p>That errors exist on map page 57/58 as the map for Heritage Tree number 71 does not accurately reflect the trees actual position, and that this requires amendment.</p> <p>In addition, it is request that the schedule be amended to include a stand of 3 Rimu trees being protected at 8 Taranaki Street (ref. Heritage Tree #72).</p>	<p>An amendment of the Heritage Schedule and associated Map Page 57/58 to show the correct location of the Kauri Tree (Heritage Tree number 71) would improve the accuracy of Heritage Schedule and remain within the scope of Plan Change #08.</p> <p>The inclusion of two additional Rimu Trees associated with Heritage Tree listing number 72 is also recommended, as both the two additional trees meet the Plan criteria for protection. The amendment of tree number 72 from a single Rimu tree to a stand of Rimu trees is considered to remain within the scope of the Plan Change as the listing of a Rimu Tree on this site has been subject to the First Schedule</p>



Address	Submission Numbers	Issues Raised by Submitters	Discussion
			Plan Change process.
11 Broadway Picton  <i>(See C6-Map)</i>	1  12	<p>In relation to tree numbers 74 and 76, there is a need for the Heritage Schedule to differentiate between the location of trees located on private property, and on adjoining land in public ownership.</p> <p>It is requested that heritage tree number 78 be removed from the Heritage Schedule, as the Lancewood no longer exists.</p> <p>Submitter 12 further requests that the Miro Tree located on Taranaki Street road frontage be included within the Heritage Schedule.</p>	<p>Additional changes to the heritage tree schedule to amend the Heritage Schedule and associated Planning Maps to accurately depict the location of heritage tree numbers 74 and 76, and remove reference to tree number 78, which no longer exists, would improve the accuracy of the Heritage Schedule.</p> <p>However, the inclusion of the Miro Tree would create a completely new heritage tree listing, which would not have been subject to the public scrutiny of the First Schedule process, as required as part of the RMA 1991. Therefore the inclusion of the Miro Tree would be outside of the scope of the Plan Change.</p> <p>Note – This submission was received by Marlborough District Council 28 days after the closing for receiving submissions. It is recommended that the Committee receive this submission for consideration.</p>
94 Wellington Street, Picton  <i>(See C5-Map)</i>	5	The submitter requests that tree number 85 be removed from the Heritage Schedule, advising the Council that it has been poisoned with the intent for it to be removed.	Confirmation has been received that tree number 85 has been removed from the site and no longer exists. As Plan Change #08 proposed to include this tree within the Heritage Schedule, the removal of the tree from the Schedule is considered to remain within the scope of the Plan Change. Amendment of the Heritage Schedule and associated maps to remove tree number 85 is therefore required.
Howdens Bush	8	The submitter requests that an additional Rimu Tree be protected within the Heritage Schedule.	The inclusion of the Rimu Tree would create a completely new heritage tree listing, which would not have been subject to the public scrutiny of the First Schedule process, as required as part of the RMA 1991. Therefore the inclusion of the Rimu Tree would be outside of the scope

Address	Submission Numbers	Issues Raised by Submitters	Discussion
			of the Plan Change.
General	1	<p>That any unnecessary text/symbols be removed from the Planning Maps.</p> <p>Amend the preamble of the Heritage Tree Register, to provide clarity to Plan users.</p>	<p>Where necessary, it is recommended that amendments be made to the proposed Planning Maps to remove any explanatory Plan text or symbols that are not intended for transfer onto the Planning Maps.</p> <p>It is also recommended that a note be included within the preamble to Appendix A of the Plan, to state that where multiple trees of the same species are located on the same allotment, the corresponding Planning Maps will be annotated using alphabetical numbering to represent trees of the same species.</p>

Further to the recommendations made above, it is also recommended that Heritage Tree/Planning Map Notation number 88 (as proposed within the Marlborough Sounds Resource Management Plan Heritage Schedule) is withdrawn from Plan Change #08. Given the First Schedule of the RMA 1991 requires that specific notification procedures be followed, which in relation to Planning Map Notation number 88 were not, it is therefore recommended that this tree be withdrawn from Plan Change #08 and be reassessed for inclusion within the Heritage Schedule when the Schedule is next reviewed for updating.

## Conclusion

As provided within the tables above, the recommendations made to the Committee on the submissions received for Plan Changes #08 and #56, are considered to be consistent with the objectives and policies within the respective Plans, and with Part Two of the RMA 1991.

Where a tree has been proposed for protection within a notified Plan Change, and it meets the Plan criteria for identification and protection as a heritage or notable tree, the recommendations generally promote their listing on the appropriate Heritage Schedule. However, in some cases exceptional circumstances are considered to exist and have been taken into account within the recommendations, such as the current ill-health of a tree. Where no submission has been received on a tree identified as part of Plan Change #08 or #56, it is recommended that changes proposed to the Heritage Schedule proceed as publicly notified, subject to the exclusion of Heritage Tree/Planning Map Notation number 88 within the Marlborough Sounds Resource Management Plan Heritage Schedule. As stated above, it is recommended that tree number 88 (MSRMP) is withdrawn from Plan Change #08 due to an anomaly that occurred during the administration, which resulted in inadequate notification of the inclusion of this tree within the Heritage Schedule.

A result of the submission process, site visits, and dialogue with the public and stakeholders, members of the public and Council staff have suggested that a number of additional trees be registered as Heritage Trees within the Heritage Schedule. However, as these additional trees have not been subject to the appropriate assessment and public notification process, their inclusion remains outside of the scope of the proposed Plan Changes and therefore have not been recommended for inclusion within the Heritage Schedule. Nonetheless, at the time of the next review of the Heritage Schedule, it is recommended that the trees listed in Appendix B of this report are assessed and considered for inclusion within the Plans.

# Appendices

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- 5) SH1, Spring Creek – London Plane Trees (7)
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### **B FUTURE HERITAGE TREE ASSESSMENTS**

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- 2) Langley Dale
- 3) Spring Terrace, Kaituna
- 4) High Street, Road Reserve, Renwick
- 5) 32 Weld Street

### **E RECOMMENDATIONS TO THE COMMITTEE**

## APPENDIX A - Photos

### 1) 32 Weld Street - Copper Beech





## DAVID JAMES TREE SERVICES LIMITED

157 ALABAMA ROAD, BLENHEIM.  
PHONE: (03) 577 5430 FAX: (03) 577 5077 EMAIL: DJTS@xtra.co.nz

Hello Hutch,

Further to our conversation regarding the worthiness of the trees at 32 Weld St for protection under the new scheme, I have made a ground based inspection and consider there is no change to the condition of the trees from our 2006 report. Over the past two or three years the health of the Copper Beech (*Fagus sylvatica 'purpurea'*) has fluctuated. It is currently in quite good health. As things stand the trees are probably worthy of protection as a group since they contribute significantly to the treed character of that part of Blenheim.

Tim

Tim Lovejoy  
Tree Team Manager  
David James Tree Services Ltd  
Office: 03 577 5430  
Mobile: 021 890 803



**2) 32 Weld Street - Nookta Cypress**



**3) 32 Weld Street - Pepper Tree**





**4) 32 Weld Street – Silver Birch**





**5) State Highway 1, Spring Creek – London Plane Trees (7)**



**6) High Street, Road Reserve, Renwick – Cottonwood Poplar**



7) 27 Devon Street, Picton - Kowhai



## **APPENDIX B - Future Heritage Tree Assessments**

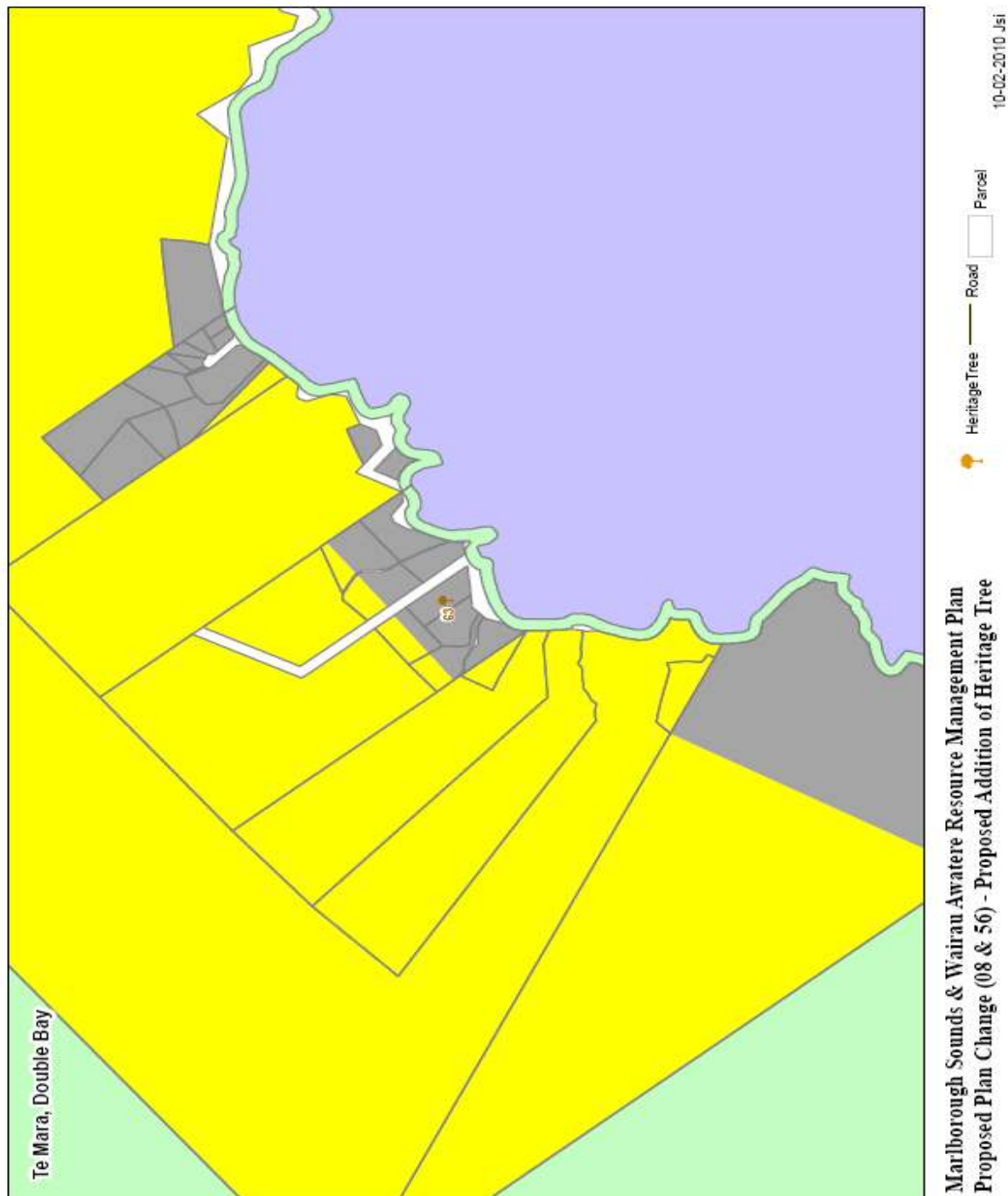
Prior to the next Heritage Schedule Update, it is recommended that the following trees are assessed and considered against the criteria in the Plan for their potential identification of a notable or historic tree:

- Taranaki Street Road Reserve - Miro Tree
- Howdens Bush (2609853E 6011796N) - Rimu
- 10 Stephenson Street, Blenheim (Lot 1 DP 362933) - Totara (2) and Kahikatea.
- 2 Weld Street, Lot 2 DP 1769 - Quercus palustris/Pin Oak.
- 38 Beaver Road - road reserve - Quercus palustris/Pin Oak.
- 36 Lee Street, Lot 2 DP 4290 - Eucalypt.
- SH 1 near Grovetown - Eucalypt.
- Road berm 45 and 47 Howick Road - Fabaceous.
- Fifth Bank Wellington Street, Picton - Podocarpus totara/Totara.
- 9 Rutland Street, Picton – Gingo biloba/Maidenhair Tree; Michelia doltsopa/Chinese Magnolia; Magnolia Campbellia/Magnolia.

## APPENDIX C - Select Planning Maps from the Marlborough Sounds Resource

The following Planning Maps have been included in reference to the discussion and recommendations made within this report. Planning Maps relating to submissions in support and trees for which no submission has been made, have not been included within this report.

### 1) Te Mara, Double Bay



## 2) Newgate Street, Picton



10 Newgate St - Picton

Heritage Tree Road Parcel

Marlborough Sounds & Wairau Awatere Resource Management Plan  
Proposed Plan Change (08 & 56) - Proposed Addition of Heritage Tree

10-02-2010 Jsi



### 3) 27 Devon Street, Picton



Marlborough Sounds & Wairau Awatere Resource Management Plan  
Proposed Plan Change (08 & 56) - Proposed Addition of Heritage Tree

#### 4) 8 Taranaki Street, Picton



Marlborough Sounds & Wairau Awatere Resource Management Plan  
Proposed Plan Change (08 & 56) - Proposed Addition of Heritage Tree



5) 94 Wellington Street, Picton.



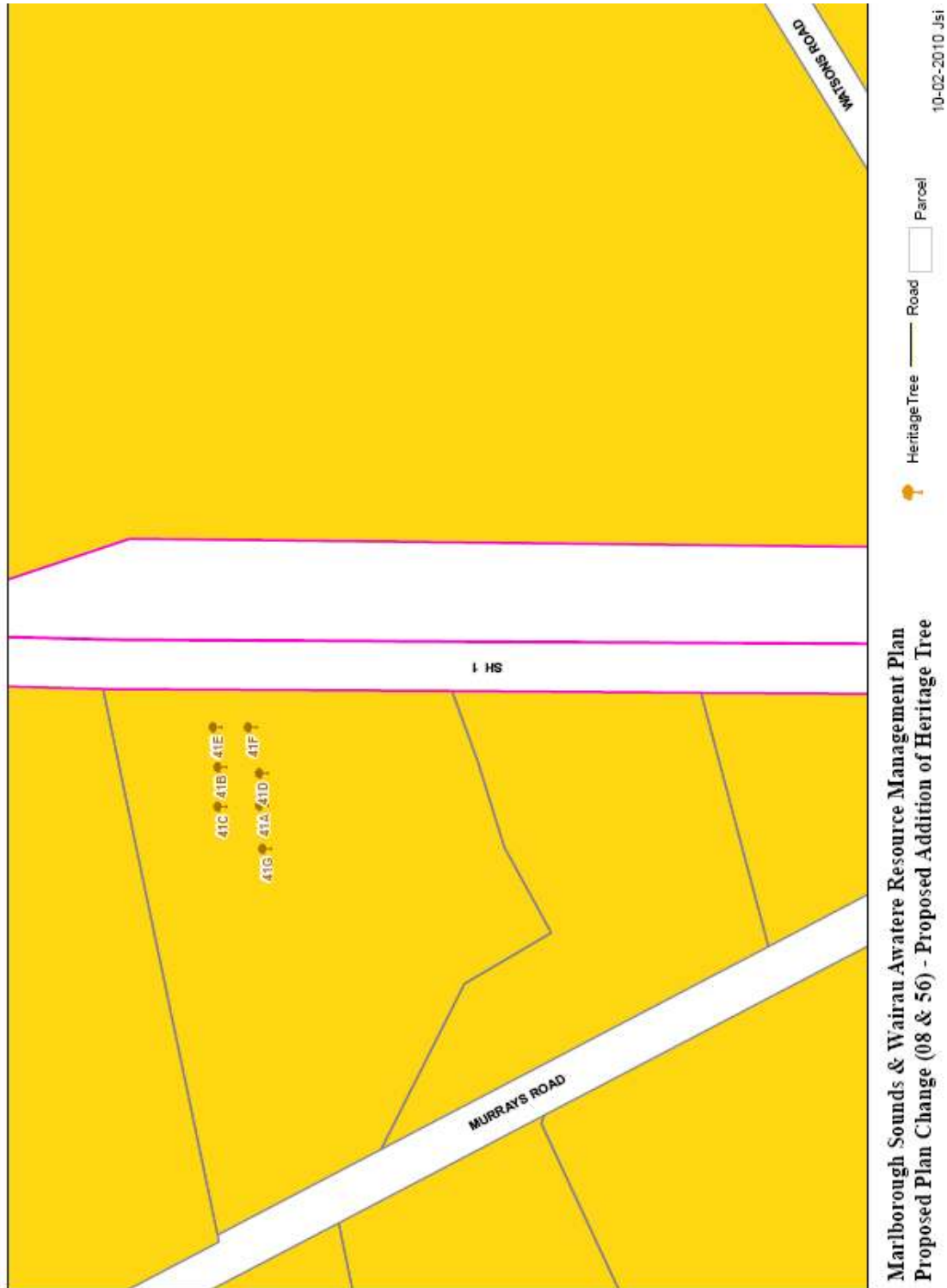
### 6) 11 Broadway, Picton



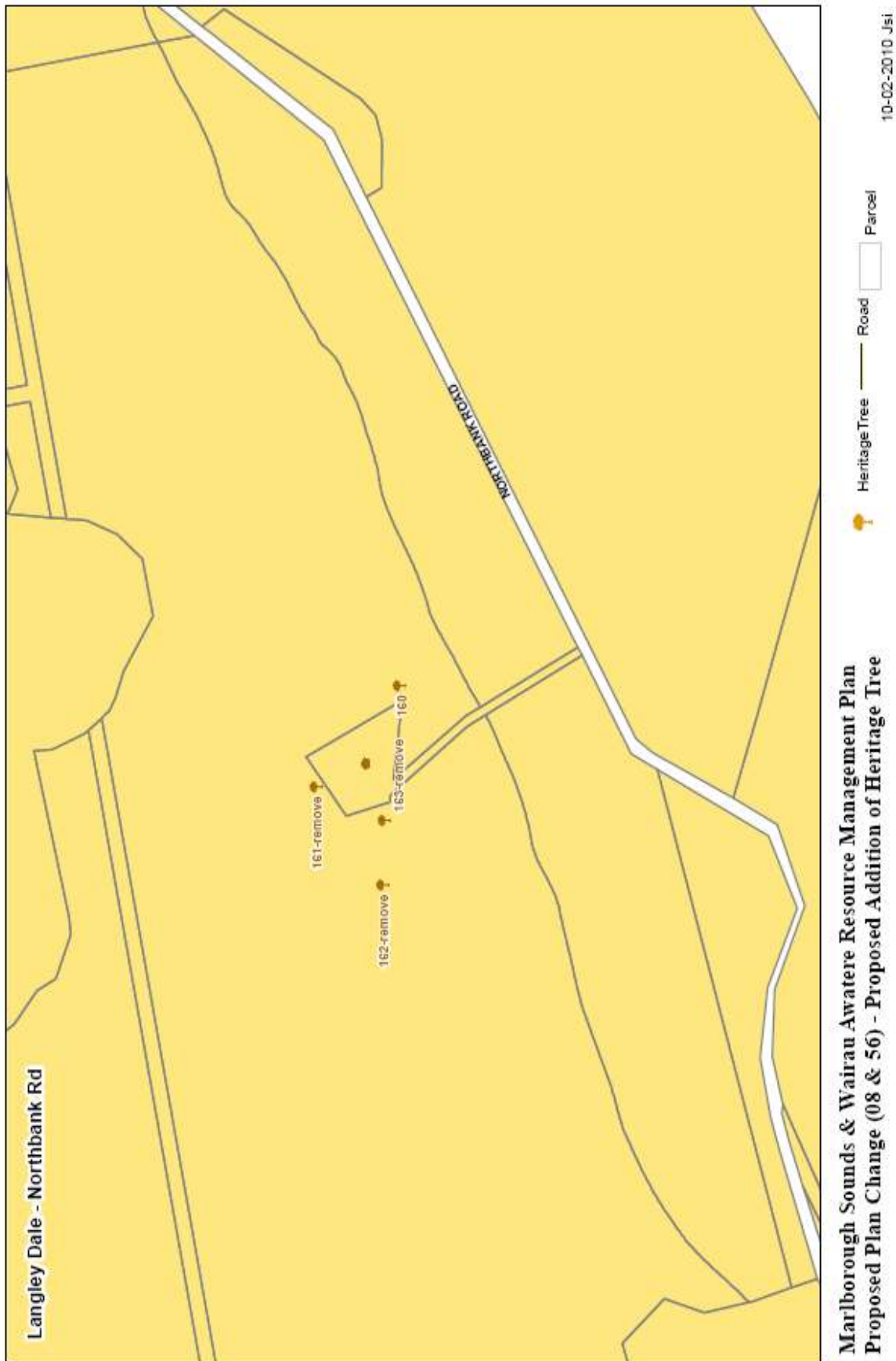
## APPENDIX D - Select Planning Maps for the Wairau/Awatere Resource Management Plan

A select number of Planning Maps subject to discussion within this report, are contained below as a reference for the Committee in the decision making process.

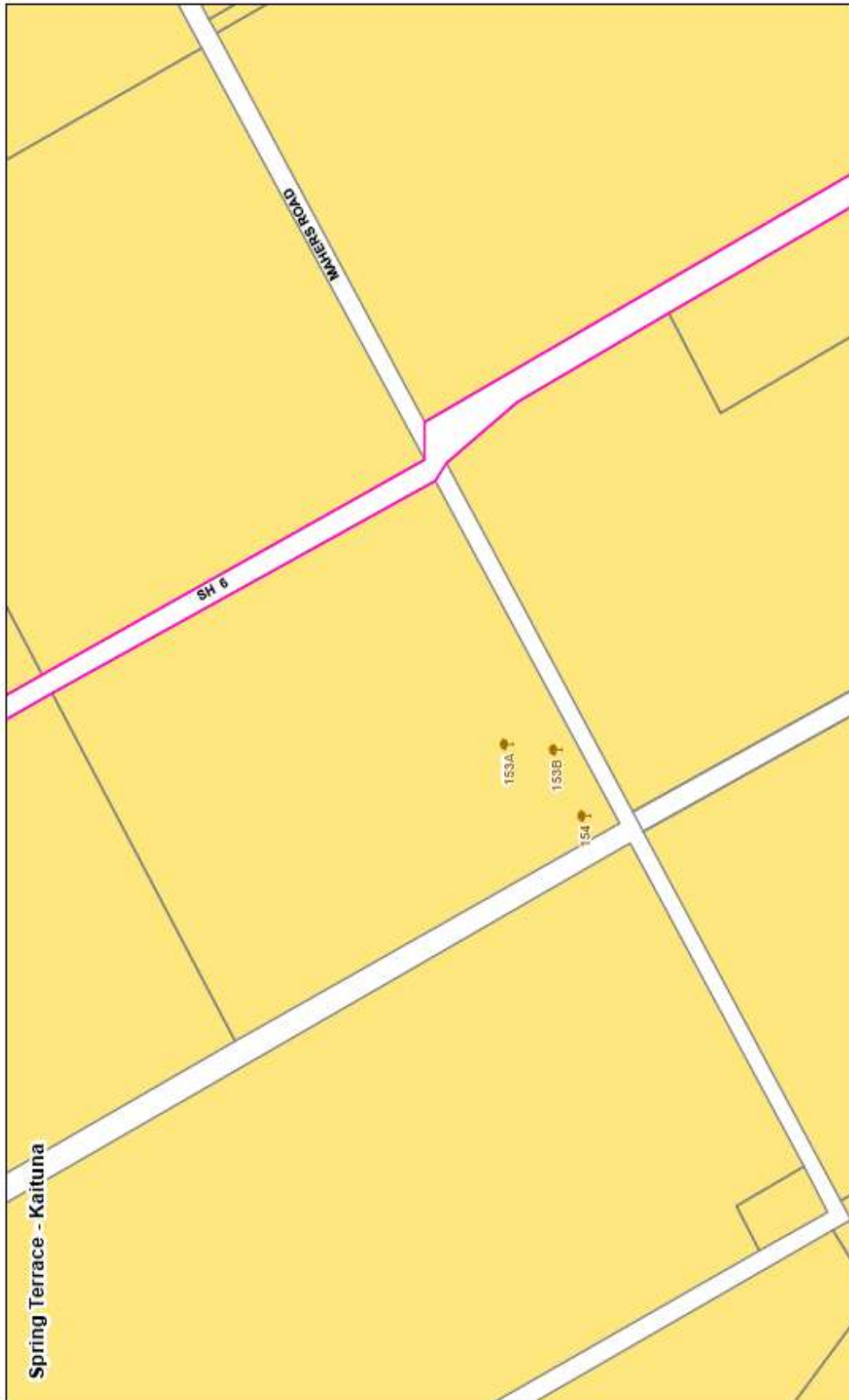
### 1. S H 6, Spring Creek



## 2. Langley Dale



### 3. Spring Terrace, Kaituna



10-02-2010 Jsi

**Marlborough Sounds & Wairau Awatere Resource Management Plan  
Proposed Plan Change (08 & 56) - Proposed Addition of Heritage Tree**

#### 4. High Street, Road Reserve, Renwick



10-02-2010 Jsi

Marlborough Sounds & Wairau Awatere Resource Management Plan  
Proposed Plan Change (08 & 56) - Proposed Addition of Heritage Tree



### 5. 32 Weld Street, Blenheim



Marlborough Sounds & Wairau Awatere Resource Management Plan  
Proposed Plan Change (08 & 56) - Proposed Addition of Heritage Tree

## APPENDIX E - Recommendations to the Committee

The following tables provide recommendations for the Committee on each submission and point. The tables are related to either the Marlborough Sounds Resource Management Plan or the Wairau/Awatere Resource Management Plan. The tables refer only to trees specifically identified within submissions, consequently the majority of trees proposed for inclusion within the schedule are excluded from the table.

### The Wairau/Awatere Resource Management Plan

Submitter	Submission Number: Point	Site Reference	Recommendation
Robert Hutchinson (MDC)	1:2	22 Weld Street	Accept
	1:3	Langley Dale, Northbank	Accept
	1:4	Spring Terrace	Accept
	1:5	Spring Creek Holiday Park	Accept
	1:6	80 Nelson Street	Accept
	1:7	Morrington Reserve	Accept
	1:8	82A Lakings Road	Accept
	1:9	40 and 42 Lakings Road	Accept
	1:10	108 Maxwell Road	Accept
	1:11	Burleigh Park	Accept
	1:12	25 Percy Street	Accept
	1:13	Bethsaida Home, Litchfield	Accept
	1:14	Wairau Incident Reserve	Accept
	1:15	Nelson Street Road Reserve	Accept
	1:16	Marlborough Boys College	Accept
	1:17	General	Accept
	1:18	General	Accept
	1:30	General	Accept
Peter Leslie Family Trust	4:21	Spring Creek, State Highway 1	Reject



Submitter	Submission Number: Point	Site Reference	Recommendation
Trust Power Limited	5:22	Wairau Valley	Reject
Richard & Simon Adams	6:23	Langley Dale	Accept
	6:24		Accept
	6:25		Accept
	6:26		Accept
Frances Maher	7:27		Accept
<b>Late Submissions</b>			
Kevin and Marilyn O'Donnell	8:29	17 High Street, Road Reserve, Renwick	Reject
Andrew Morgan	9:31	32 Weld Street	Reject in part

#### The Marlborough Sounds Resource Management Plan

Submitter	Submission Number: Point	Site Reference	Recommendation
Robert Hutchinson (MDC)	1:2	Te Mara, Double Bay	Reject
	1:3	11 Broadway, Picton	Accept
	1:4	Preamble of the Heritage Schedule	Accept
	1:5	10 Newgate Street, Picton	Accept
	1:16	Marlborough Boys College	Accept
Ally Gibbons	2:6	Te Mara, Double Bay	Reject
Peter Bugler	3:7	10 and 12 Newgate Street	Accept
Mark Baxter	5:8	94 Wellington Street, Picton	Accept

<b>Submitter</b>	<b>Submission Number: Point</b>	<b>Site Reference</b>	<b>Recommendation</b>
B R and G C Smith	6:9	8 Taranaki Street, Picton	Accept
	6:10	8 Taranaki Street, Picton	Accept
	6:11	8 Taranaki Street, Picton	Accept
NZ Police	7:12	Picton Police Station	Reject
John and Judy Hellstrom	8:13	Howdens Bush	Reject
Penelope Carl	9:14	12 Newgate Street, Picton	Accept
David and Lynda Williamson	11:15	27 Devon Street, Picton	Reject
<b>Late Submissions</b>			
Peter and Barbara Rocco	12:17	11 Broadway, Picton	Accept
	12:18		Accept
	12:19		Reject

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