

Speaking notes Notable Trees Report – Bryony Steven

My name is Bryony Steven, I am a Graduate Planner in the Development Planning Unit at the Waimakariri District Council. I prepared the s42A report on the Notable Trees chapter and I can confirm that I have read all the submissions, further submissions, submitter evidence and higher order policies. Additionally, I have undertaken some site visits as needed.

The notable tree chapter is subject to identifying mark up as a result of variation 1. All submissions received on variation 1 are addressed in the S42A report for Variation 1 and no part of the variation is addressed in the S42A report.

To introduce the notable trees topic, I would like to provide you with an overview of the s32 report, the submissions received, the s42A report and my recommendations in that report. Then I will go through the questions from the hearing panel and my preliminary written responses. After which, I will be happy to answer any questions the Panel have on the S42A report.

RMA direction for notable trees

There is no specific direction for the protection of notable trees in the RMA. However, there are relevant section 6 and section 7 matters that are applicable to notable trees. These include, for example, section 6(e) the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, and section 7(c) the maintenance and enhancement of amenity values.

However, the RMA does provide direction in section 76 that prohibits blanket tree protection and requires identified trees to be described in a district plan, including the identification of the allotment.

Operative plan provisions

The notable plants chapter in the operative plan includes one objective and four policies. The chapter controls certain activities affecting notable plants as restricted discretionary activities requiring resource consent. There are 84 trees or groups of trees listed in Appendix 29.1 in the operative plan.

Key resource management issues

In section 4 of the section 32 report, three key issues are identified.

Issue 1: is the potential loss or degradation of trees through inappropriate land use, development or subdivision, which can detract from the amenity and character of the environment and botanical and historic values represented by significant trees.

Issue 2: Restrictions on landowner use of their property for anticipated purposes in order to protect the tree(s) and its values.

Issue 3: Notable trees can pose a safety threat to property, people or infrastructure.

Proposed plan provisions

The proposed plan includes one objective, five policies and seven rules as well as an advice note, two matters of discretion and a schedule of notable trees. The chapter permits certain activities in, on

and around notable trees providing certainty to landowners on what activities are and are not permitted in relation to the notable tree.

There were 59 trees or groups of trees listed on TREE-SCHED1 when the proposed plan was notified.

Submissions on the chapter

The notable trees chapter received 33 original submission points from ten submitters. The objective and policies were unanimously supported by all submitters.

The main topics that emerged through submissions included infrastructure needs, proposed new policies, opposition to the 'Root Protection Area' definition, and the addition or deletion of items on TREE-SCHED1.

Recommended amendments to the Notable Trees chapter

In response to the issues raised in submissions, I have recommended several amendments to the Notable Tree chapter as shown in Appendix A in the S42A report. Some of my recommendations are based on the technical report provided Ms Liz Warner and the expert opinion of Mr Greg Barnard. In my S42A report I have recommended changes to TREE-R6 and TREE-SCHED1 to add and to delete scheduled notable trees.

Submitter evidence

I have read the submitter evidence received on this topic. The majority of the evidence is agreeable with my recommendations. The following are the areas submitters do not agree with my recommendations.

- Ms Foote on behalf of MainPower continues to seek a new policy in the TREE chapter. Ms Foote has provided an alternatively worded policy to address my concern that the original policy was difficult to understand.

The new policy provided by Ms Foote is clearer than the initial policy. However it appears to me to relate to the siting of infrastructure within the root protection area whereas I interpret the policy in the original submission as applying more generally to works to and around scheduled trees. I would be interested to hear more from Ms Foote as to the changes that MainPower seek to the Notable Trees policy framework.

Questions from the panel