

DISCUSSION PAPER: PROTECTION OF NOTABLE TREES

1.0 Introduction

- 1.1 This paper is part of a series of discussion documents on potential changes to the Operative Otorohanga District Plan. The Council embarked on its review of the Plan in May 2006 by consulting key organisations, running open days in September 2006, and taking part in meetings at local halls and marae with information days and workshops of the Shore Futures Project between 2006 - 2009 -- a joint project with Environment Waikato, the Department of Conservation, and the territorial authorities surrounding the Kawhia and Aotea harbours.
- 1.2 This initial consultation period revealed some of the gaps and errors in the Operative Plan that should be corrected in this review. The Council has undertaken further research on specific issues such as landscape, coastal hazards, capacities for on-site disposal of storm water and waste water, hazards such as flooding and erosion, potential structure planning for townships, and the protection of significant trees. The research papers will feed into discussion papers on how the plan should be changed.
- 1.3 The Council is continuing to consult specific groups and also to initiate improved dialogue with hapu and iwi in the area particularly about the protection of taonga and waahi tapu. Concurrently the Shore Futures project is working towards comprehensive draft strategy for the area and is due to be available in mid 2009. Implementation of the strategy will be through regional and district plans.
- 1.4 The Council has decided to retain the current format of the Operative Plan. As an effects-based plan, it is easy for people to understand. Applicants follow a series of questions to find the parts of the plan that affect their development proposals. The changes made under the review will continue to use this framework as the means to assess the effects of proposals to subdivide and develop land.
- 1.5 This paper is confined to the issues arising from the protection of significant trees.

2.0 Background to this paper

At the end of 2008 Council began its community consultation in order to identify trees which may warrant protection through the District Plan. All ratepayers received notices in their mail and in addition, the opportunity for advising Council on trees to be protected was advertised in the Waitomo News and Te Awamutu Courier. Residents nominated 119 individual and groups of trees considered important for the landscape, cultural and/or historical value—a large number of these trees were nominated more than once. The majority of these trees are located on public land.

Council appointed an arboricultural expert to assess the trees through the STEM (Standard Tree Evaluation Method). He inspected, documented, and evaluated all the nominated trees with Council's parks officer. His report recommends that 12 of the trees warrant some level of protection because of their value to the amenity of landscape or their contribution to the cultural and historical landscape. The list of trees recommended to be protected is appended to this paper.

As protection of individual and groups of trees was omitted in the preparation of the operative district plan, the Council has recognised that a new set of objectives, policies and rules needs to be devised to address the omission.

2.1.1 Protection of heritage trees: district plan provisions

The issue: The damage or destruction of heritage trees can have a significant adverse effect on the character of an area as they provide landscape amenity and contribute to cultural and historical identity.

Discussion:

While trees that have this level of value to the community may be in little danger of being damaged or felled, their recognition and protection through the District Plan can provide greater assurance that every consideration will be given to retaining them. With objectives, policies and rules in place, anyone wanting to remove or prune protected trees will have to go through a resource consent process so that the request can be considered fully.

Local authorities in some parts of the country have chosen to apply a blanket tree protection to all trees above a certain height. This method has been adopted in urban areas where trees are under significant pressure from development on small parcels of land. In the Otorohanga district, the density of development is not considered to warrant such a level of protection for trees. Council prefers instead to select individual or small groups of trees for protection on the basis of community recognition of their amenity, cultural and heritage value.

In formulating the objectives, policies, and rules to support this approach, Council is aware that by requiring a consent process, people will be less likely to seek removal of these trees. It works as a deterrent to wonton damage and encourages design and layout of development that takes trees into account. When applications are lodged, the rationale for consideration should be clear so that applicants can understand Council's expectations.

Council recognises that some notable trees are of such significance to local people that kaitiaki or caretakers of the trees should be recognised and consulted should any proposal to modify or destroy them be put forward. Council is now seeking comments on who should be consulted for any of the particular trees listed in the register.

The draft objectives, policies, and rules are attached.

2.1.2 Tree list

The issue: The relative quality and importance of notable trees is a subject of debate; objective evaluation can be contentious. All trees nominated must be assessed on an equal basis against objective criteria. Selection of trees worthy of protection requires expert assessment with sound base comparisons. Methods of assessment used by local authorities vary with the NZ Institute of Horticulture and the New Zealand Standard Tree Evaluation Method (STEM) being the most commonly used by arborists.

Discussion:

Council sought nominations for the protected tree list from the public. Over 40 of the nominated trees were assessed by Council appointing an arborist to examine each for the three major factors of tree condition, amenity, and notability. The scoring system of STEM enables a comparison to be made. Some trees will not meet a standard warranting protection because of low scores. Low scores may result from a range of factors including the tree's health, its stature, and its contribution to the landscape.

The Standard Tree Evaluation Method is recognised by the Environment Court and is widely used by other local authorities as an objective and consistent evaluation method for identifying significant trees. The STEM has been used as a basis for deriving the monetary value of specimen trees and has been tested in the courts.

The assessment form is clear, straightforward, and precise. The directions and instructions are unambiguous and allow little leeway for “creative interpretation”.

As a result of this assessment, Council has been advised to protect 12 of the nominated trees on the basis of this scoring system.

This is an unusually low number of specimen trees for a district this size.

3.0 Please send your comments to:

Otorohanga District Council
Attention: Reginald Proffit
Box 11
Maniapoto Street
OTOROHANGA 3940

OR: Email: districtplanreview@otodc.govt.nz

Appendix 1 – Draft Changes to Operative Otorohanga District Plan

Under **6.2 Objectives**

6.2.1 To protect trees which make a significant contribution to heritage and amenity values.

Under **6.3 Policies**

6.3.5 No subdivision, use or development should result in destruction of, or adverse effects on the long-term life, amenity or heritage value of notable trees as listed under Appendix X.

Add a **question between 16 & 17** in the quick checklist – landuse to read

17. Does the property contain trees on the notable tree register?

Explanation

The Council wishes to ensure that notable trees are recognised and protected for their heritage, amenity and cultural value to the community.

A schedule of these trees has been compiled from a list of trees identified by the community. The scheduled trees have been assessed under the New Zealand Standard Tree Evaluation Method (STEM) and those scoring highly have been included in the schedule.

Council considers that the destruction or modification of these scheduled trees or their immediate growing environment would be detrimental to the character of their locality and the value that the community places on its heritage. The Council also considers that certain trees retain such high value that kaitaki or guardians for them be recognised and consulted for any application affecting their well-being.

The following standards have been set to determine whether or not a resource consent application will be required for proposals on properties which contain a notable tree. Where a proposed activity does not comply with one of the standards, a resource consent will be required.

Standards applying to notable trees listed in Appendix xxx

- 17A** Construction, excavation, or formation of impervious surfaces shall not be carried out within the dripline of a notable tree.
- 17B** The proposed land use does not involve the destruction or removal of a notable tree unless a report from an arborist approved by the New Zealand Arboricultural Association verifies that it is dead or dangerous.
- 17C** Tree trimming that removes dead or dangerous branches provided the work is undertaken with the supervision of a contractor approved by the New Zealand Arboricultural Association.
- 17D** Trimming of branches less than 50.0mm in diameter.

Note that any application should be accompanied by proof that the designated kaitaki or caretaker has been consulted.

Rules

- 17.1** Any activity which complies with all of the standards is a permitted activity.
- 17.2** Any proposed activity which does not comply with standards 17A, 17C or 17D will be considered a discretionary activity.

17.3 Any proposed activity which does not comply with standard 17B will be considered a non-complying activity.

Add a **question between 4 & 5** in quick checklist – subdivision to read

5. Does the property contain trees on the notable tree register?

Explanation

The Council wishes to ensure that notable trees are recognised and protected for their heritage, amenity and cultural value to the community.

A schedule of these trees has been compiled from a list of trees identified by the community. The scheduled trees have been assessed under the New Zealand Standard Tree Evaluation Method (STEM) and those scoring highly have been included in the schedule.

Council considers that the destruction or modification of these scheduled trees or their immediate growing environment would be detrimental to the character of their locality and the value that the community places on its heritage. It wishes to ensure that subdivision of land on which a notable tree is growing provides sufficient room for development without jeopardising the future health of the tree. The Council also considers that certain trees retain such high value that kaitaki or guardians for them be recognised and consulted for any application affecting their well-being.

The following standards have been set to determine whether or not a resource consent application will be required for proposals on properties which contain a notable tree. Where a proposed activity does not comply with one of the standards, a resource consent will be required.

Standards applying to notable trees listed in Appendix xxx

5A The driveway and building platform for a dwelling on the property will not be within the dripline of a notable tree.

Note that any application should be accompanied by proof that the designated kaitaki or caretaker has been consulted.

Rules

5.1 Any activity which complies with the standard is a permitted activity.

5.2 Any proposed activity which does not comply with the standard will be considered a discretionary activity.

Add to Definition section:

Dripline is the area directly located under the outer circumference of a tree's branches.

Notable tree is a tree assessed as scoring 160 points or more through the New Zealand Standard Tree Evaluation Method (STEM) and registered through the District Plan.

Proposed Notable Tree Register

No 017	Red Beech at WW2 Memorial Park with 161 points
No.001	Sweet Chestnut on Bledisloe Street with 168 points
No.005	London Plane on Maniapoto Street with 170 points
No.028	Flowering gum on Jervois Street, Kawhia, with 173 points
No.020	Maire tawaki at Owaikura Rd, RD, with 180 points
No.009	Coastal redwoods, Alex Telfer Drive, with 195 points
No.007	The group of trees at Memorial Park, with 207 points
No.038	Group of pohutukawa, Kaora walkway, Kawhia, 243 points
No.013	Stand of kahikatea at Otewa Rd, RD, with 246 points
No.006	Kahikatea in Huiputea Drive, with 260 points
No.024	Pohutukawa (Papa o Karewa), Kawhia with 273 points
No.025	Pohutukawa (Tangi to Korowhitu) with 294 points