

Proposed Plan Changes FREQUENTLY ASKED QUESTIONS

New government rules remove blanket protection of unscheduled trees on private urban land from 1 January 2012, so why is the council trying to schedule a tree on my property now?

Auckland Council's position is:

- the protection of notable trees through the use of schedules allows it to meet its statutory obligations under the Resource Management Act 1991.
- the changes to the Resource Management Act do not affect the council's powers to "schedule" individual trees or groups of trees by listing them in the district plan.
- it indicates to the public that the council is taking a pro-active approach to the recognition and protection of notable trees in urban areas of Auckland which may otherwise be at risk. These trees have been identified as having unique values (visually, botanically, ecologically, historically) which warrant additional recognition and protection.
- it will enable additional notable trees to be added to the existing tree schedules. Auckland council arborists have advised that any tree schedule should be reviewed and updated on a regular basis (i.e. ideally every 2-5 years) to ensure that it reflects the range of notable trees that exist in our environment. A number of the operative district plans have not been substantially reviewed and updated for at least 10 years (e.g. isthmus, Waitakere, Papakura).

Why is Council proposing to protect more trees?

To ensure the special trees in neighbourhoods are protected. The council has invited the community, largely with the help of Local Boards, to put forward nominations for trees that may be eligible for scheduling within the district plan.

What is a notable / scheduled tree?

There are numerous reasons why a tree might be considered to be "notable" and worthy of scheduling. It may feature characteristics such as having a high botanical value or ecological significance. It may be an outstanding example of its species or have significant historical or cultural value. It may have high visual appeal or have significant landmark value or it may form part of a wider historical landscape which is considered to be significant.

How was my tree nominated?

There were a variety of ways nominations can occur. Nominations may have been received from interested members of the public, or owners of the subject trees or from professional arborists familiar with the relative merits of trees within any given area, and through ongoing work by council officers to update and maintain the council's trees schedules.

What assessment process was involved?

Auckland Council arborists visited properties to assess nominated trees in order to determine whether they were worthy of scheduling within the region's district plans. The Standard Tree Evaluation Method (STEM) assessment method was used by the arborists. Auckland Council then reviewed the arborists' work to determine whether any given tree should or should not be included in the draft list of trees for potential scheduling. Before these trees are scheduled, the District Plans need to be changed. That's the next part of the process.

Tell me more about STEM

STEM involves consideration of a wide range of criteria (such as size, form, age, visual contribution to the landscape, viewing audience, historical associations) and compares the relative merits of trees using a points system. STEM is used and endorsed by The Royal New Zealand Institute of Horticulture, and widely accepted and used by arborists. The STEM assessment approach has been used by a number of Auckland's former councils (including the former Waitakere City Council) to assess trees for scheduling. The Auckland Council District Plan (Waitakere Section) (**the District Plan**) uses STEM to confirm whether trees nominated for scheduling should be listed as heritage vegetation items in the District Plan's Heritage Appendix.

How many trees have been identified?

Across the region, approximately 1800 trees have been identified as warranting protection as scheduled trees. The number may change as a result of the public submissions phase.

Why are District Plan changes required?

Now that Auckland Council has finalised its draft proposed lists of trees to be scheduled, it has prepared proposed changes to the various District Plans. The plan changes will provide for the additional trees to be identified within the district plans and therefore protected by the tree protection rules. Without the rules in place, scheduled trees may be at risk.

What would it mean to me if my tree was scheduled?

If your tree becomes scheduled under the District Plan, any proposed works either upon or within the dripline of the tree(s) would become subject to the Heritage Vegetation provisions in the District Plan, and will generally require a resource consent to be sought before any work commences. The only works which may be carried out upon heritage vegetation as a permitted activity without requiring a resource consent is where it is proposed to prune no more than 20% of a heritage trees foliage in accordance with accepted modern arboricultural practice.

It should be noted that no payment is required under the District Plan if you need to apply for a resource consent to undertake works either upon or within the dripline of Heritage Vegetation.

How can I review the proposed plan changes?

The proposed plan changes, including the attached list of trees for scheduling and background information, are available on the council website at the following link: www.aucklandcouncil.govt.nz/districtregionalplans at the locations specified in the attached public notices. A cd copy of relevant plan change documents can also be made available upon request.

Can I challenge or show support for the proposed scheduling of tree/s?

There is now an opportunity to lodge a submission with the council which is in support or opposition to the proposal to schedule trees within the district plans. Details on the submission period and where to lodge a submission are in the attached public notices.

There is also another period in which you can make a further submission on those submissions in which you have an interest that is *more than the public in general*, or for which you are representing a relevant aspect of the public interest.

Following the submission processes is the hearing. This is an opportunity to speak to a panel whose role, in part, is to listen to submitters' concerns and give due consideration to these as part of the decision-making process. Submitters are not obliged to participate at this stage.

After hearings have been held, and decisions have been issued by the council, people have the usual rights to appeal such decisions to the Environment Court.

Can I remove my tree if it is not currently proposed for scheduling?

Even if your tree is not proposed for scheduling, it may still be protected by a general tree rule related to the zoning of your property. This rule is different from the rule that protects scheduled trees within your District Plan. If you intend to remove the tree or undertake any other works that may affect the health of the tree you are advised to speak to a help desk planner in the council's resource consents department. They will be able to check the zoning of your property and advise whether your tree is still subject to a general tree rule. If your tree is subject to a general tree rule they will be able to tell you what the rule means for you. For example, should you wish to trim or prune (more than what is permitted), remove or undertake works within the dripline of a tree, they will be able to advise whether you require a resource consent.

It should be noted that no payment is required under the Auckland Council District Plan (Waitakere Section) if you need to apply for a resource consent to undertake works either upon or within the dripline of a protected tree.

Who can I speak to within Council regarding the above matters?

Enquiries about the plan change may be directed in the first instance to Nicholas Lau, Planner on 09 839 3423 or at Nicholas.Lau@aucklandcouncil.govt.nz.