

Monitoring Report Heritage Trees



Policy and Planning
Queenstown Lakes District Council
December 2011

Contents

Executive Summary	1
1. Introduction	2
1.1 What is District Plan monitoring?	2
2. History of the heritage trees provisions	4
3. How the current provisions work	5
3.1 Objectives and Policies	5
3.2 Criteria	5
3.3 Maps	6
3.4 Rules	8
4. What do the heritage tree objective, policies and rules seek to achieve	10
5. How effective are the heritage tree objectives, policies and rules?	11
5.1 Effectiveness of the Objective	11
5.2 Effectiveness of the Policies	11
5.3 Effectiveness of the Rules	13
5.4 Effectiveness of the methods	15
6. How efficient are the heritage trees objectives, policies and rules?	17
6.1 How many resource consents have been triggered?	17
6.2 Notification	19
6.3 Average cost of processing resource consents to alter, remove or undertake work within the dripline of heritage trees	19
6.4 Environment Court appeals	19
6.5 Issues that have been raised	19
6.6 Summary with regard to efficiency	20
7. Conclusion	21
Appendix 1 - Heritage Tree provisions. Excerpt from the District Plan.	23
Appendix 2 – STEM Evaluation Sheet	26

Executive Summary

This report assesses the effectiveness and efficiency of the Heritage tree provisions of the Queenstown Lakes District Plan. While the objective, policy and rules were found to be effective, there is room to improve the effectiveness and efficiency of the policies and rules as part of the District Plan review.

The objective is effective and efficient but the policies are repetitive and could be combined and reworded. Both policies 2.1 and 2.2 seek to protect significant trees from loss or destruction and recognise the contribution they make to the character of the district. Policy 2.3 is superfluous as it seeks to encourage planting and protection of trees on public reserves. The District Tree Policy and reserve management plans promote and manage the planting and protection of trees on reserves.

The rules were generally found to be effective, although they could be improved to improve their clarity, streamline the provisions. In particular to recognise the different maintenance requirements for hedges and trees, to adequately protect the roots of heritage trees and to ensure an efficient mechanism for the removal of heritage trees that are dead, dying or unsafe.

The rules delivered consents efficiently, with only 12 consents being applied for between 1 January 2003 and 1 September 2011. All consents were granted on a non-notified basis, at an average cost of \$1007.27.

Through the District Plan Review the planning maps and the Inventory of Protected Features should be amended to improve their clarity. The description and legal descriptions for heritage trees in the Inventory should match what is shown on the Planning maps. The maps could be improved to make them easier to use and to show the location of heritage trees clearer.

1.0 Introduction

Section 35(2)(b) of the Resource Management Act 1991 requires the District Council to monitor the efficiency and effectiveness of policies, rules, or other methods in its District Plan. Council is also required under Section 35(2A) to, at intervals of not more than five years, compile and make available for the public a review of the results of its monitoring under this subsection of the Act. This monitoring report has been prepared to fulfil these requirements with specific regard to Heritage Trees in the District. The policies and rules on this subject are contained in Chapter 13 - Heritage of the Queenstown Lakes District Plan. This is the second monitoring report of the heritage chapter of the District Plan. The first, on built heritage, both heritage structures and heritage precincts, was produced in June 2011.

Monitoring of the efficiency and effectiveness of policies, rules and other methods in the District Plan will show how well the existing provisions are working. Therefore it is an important first step for the review of the District Plan. This report encompasses the period from October 2003, which is when the original heritage provisions of the District Plan became operative, until 1 September 2011.

This report focuses specifically on Objective 2 of the Heritage Chapter (with its related policies, rules and other methods) which applies to heritage trees. This objective states that *“The protection of trees and groups of trees which contribute significantly to the District’s amenity and/or heritage”*

Heritage trees are identified and listed in Appendix 3 – *The Inventory of Protected Features*, to the District Plan. This issue of whether or not additional heritage trees should be included or excluded from Appendix 3 will be addressed during the District Plan review process.

It is anticipated that a monitoring report on Objective 3 of the Heritage Chapter, which relates to heritage landscapes, will be prepared separately.

The tree protection provisions within the Residential Arrowtown Historic Management Zone are not included in this report. They are monitored in the report *Monitoring Report: Residential Arrowtown* November 2011.

1.1 What is District Plan monitoring?

The Resource Management Act requires that three aspects of the District Plan are assessed and used to inform the process of reviewing the District Plan. These three aspects are:

District Plan Effectiveness – of the objectives, policies and methods,
District Plan Efficiency – of objectives, policies and methods,
District Plan Appropriateness - of the objectives, policies and methods at fulfilling the purpose of the Resource Management Act.

District Plan Effectiveness monitoring requires the Council to compare what is actually occurring under the District Plan provisions with the intentions of the Plan (as expressed through its objectives). In order to do this, there is a need to first identify what the District Plan is trying to achieve for heritage trees, and to then track how well this objective is being achieved. Once it is understood how well the objective is being met, consideration needs to be given to what extent this can be attributed to the District Plan policies and rules and to what extent 'outside' influences may be affecting the ability of the Plan to achieve its objectives.

Plan Efficiency monitoring refers to comparing the costs of administering the heritage tree provisions incurred by applicants, the Council and other parties compared to the outcomes or benefits achieved. It is noted here that determining what level of costs are acceptable is generally a subjective judgment and, as such, it is difficult to reach definitive conclusions.

Evaluating District Plan Appropriateness is the final aspect of District Plan monitoring. This relates to assessing how appropriate the Plan's objectives and policies are at achieving the purpose of the Resource Management Act and the function of the Council.

2.0 History of the heritage trees provisions

The Proposed District Plan (1995) contained a heritage chapter which contained rules relating to the conservation of individual heritage features (structures, precincts and trees) which were listed in Appendix 5 (now Appendix 3) of the District Plan. A few minor amendments were made to the wording of the tree rules and some changes and additions made to individual trees listed in Appendix 5 as a result of submissions. A number of appeals resulted mainly in changes to the list of protected features.

Variation Number 11 - Heritage 1 was notified in August 2002. This variation sought to update and amend errors in the Inventory of Protected Features in the proposed District Plan. This variation did not add, remove or review items on the Inventory. Another Variation was initiated to do this which was finally notified as Plan Change 3 - Heritage 2 in 2006.

In 2006 Plan Change 3 – Heritage 2 was publically notified to amend errors in and add features to the Inventory of Protected Features and add a section on the protection of heritage landscapes. Following submissions and appeals a number of changes were made to the Inventory of Protected Features and an objective, policies and methods and extent of heritage landscapes were added for the protection of heritage landscapes.

3.0 How the current provisions work

3.1 Objectives and Policies

The relevant section of the district plan is replicated in Appendix 1 of this report. The objective and policies relating to Heritage Trees are as follows:

Objective 2 - Heritage Trees

The protection of trees and groups of trees which contribute significantly to the District's amenity and/or heritage.

Policies:

2.1 To identify and draw to the public attention heritage trees that are in public and private ownership and to protect them from avoidable loss or destruction.

2.2 To protect particularly notable specimens and groups of mature trees from avoidable loss or destruction, recognising them as an important character element in maintaining and enhancing the environment of the District.

2.3 To encourage the practice of planting trees on public reserves and protect these trees from unnecessary interference or destruction.

The identified trees in the Inventory of Protected Features in Appendix 3 of the District Plan are grouped into four geographical areas. These are Queenstown and Environs – which has 71 identified trees; Arrowtown and Environs – which has 16 identified trees; Kingston which has 2 identified trees; and Wanaka and Environs which has 65 identified trees.

3.2 Criteria

The criteria used to assess whether trees are included in the inventory are not included in the District Plan. The criteria used in the most recent plan change, Plan Change 3 – Heritage 2, were the Standard Tree Evaluation Method (STEM) - New Zealand. This is a recognised New Zealand Standard and the majority of NZ councils use it or a version of it.

This system uses a point system to rate 20 tree attributes (3 to 27 points for each attribute) in three general categories of condition, amenity, and notable (special merit) qualities. The attributes rated by the STEM scoring system are:

1. Condition

- Form
- (Frequency of) occurrence
- Vigor and vitality
- Function (usefulness)
- Age (years)

2. Amenity

- Stature (greater of height or spread)
- Visibility (km)
- Proximity (presence of other trees)
- Role
- Climate

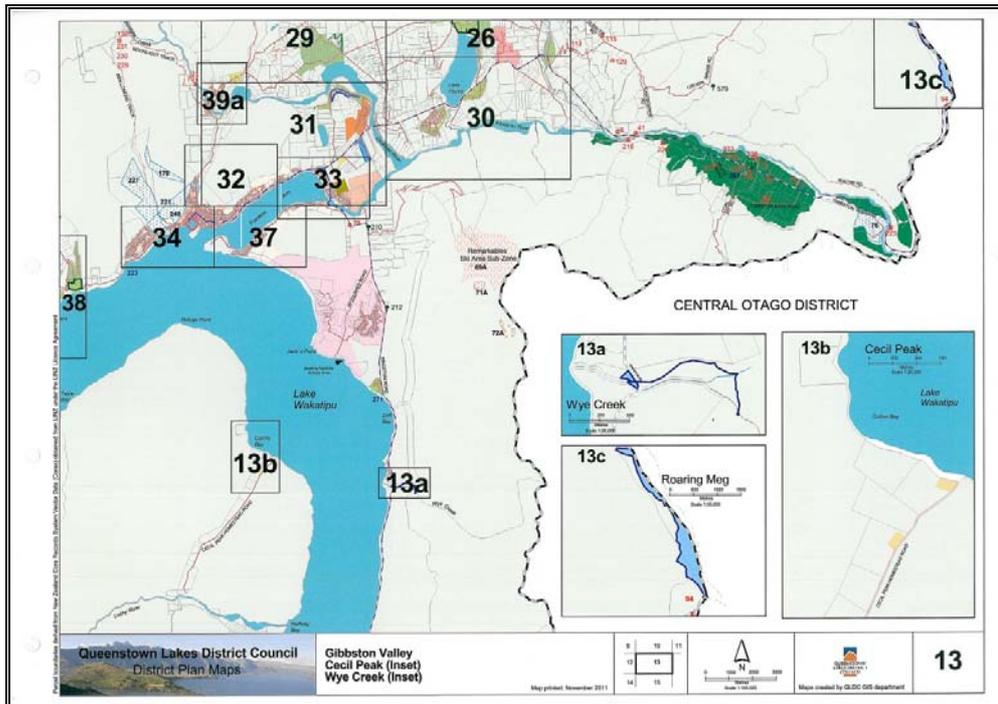
3. Notable (only for trees over 50 years old)

- Stature
- Feature (exceptionally large/special visual interest)
- Form (outstanding example/specimen)
- Historic
- Age (100 years +)
- Association (with event, person, tradition, etc.)
- Commemoration
- Remnant (of a native ecosystem)
- Relict (survived change from natural to artificial environment)
- Scientific
- Source (quality of genetic derivation)
- Rarity (of species)
- Endangered

A STEM score of 120 or above was used as the trigger for determining whether trees should be protected as a heritage tree under the District Plan. A blank STEM evaluation sheet is attached as Appendix 2.

3.3 Maps

Each site in the District that contains a tree listed in Appendix 3 is identified on the District Planning Maps. However, the small scale of the maps for some areas within the District, such as the Gibbston Valley, makes it difficult to determine the exact location of some of these trees by using these maps alone.



Queenstown Lakes District Plan. Map 13

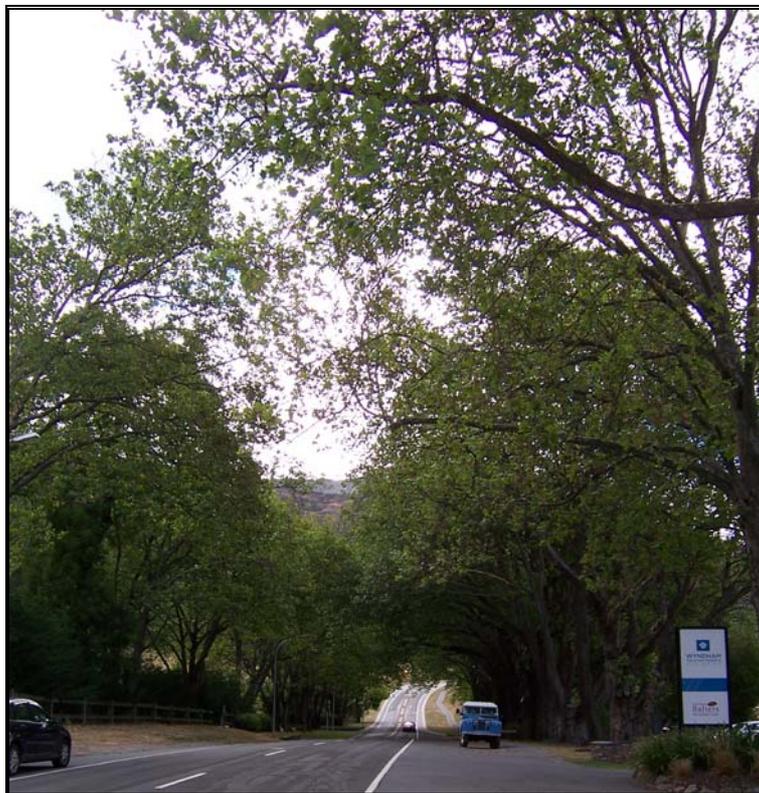
Also where a group or avenue of trees are protected, such as along Mount Aspiring Road, Wanaka, this is not clear on the maps as a tree icon is located at points along the avenue. It is often not clear that areas between these icons also contain protected trees. Also the icons on the maps often do not match the description or legal description in the Inventory of Protected Features. For example the description for the heritage trees 588 is “Avenue of London Plane (*Plantanus x europea*, *Tilia sp*, *Fraxinus sp* and *Aesculus sp*) Avenue on Mt. Aspiring Road, Wanaka.” The legal description for the allotments they are located on is “Lots 5, 6 & 7 DP 18590”. The icon for items 588 on the map 22 seems to indicate that only some of the avenue of trees on one side of the road are protected as heritage trees.

HERITAGE TREES - WANAKA

Ref No	Map Ref	Description	Legal Description	NZHPT Ref	Valuation Reference
588	22	Avenue of London Plane (<i>Plantanus x europea</i> , <i>Tilia sp</i> , <i>Fraxinus sp</i> and <i>Aesculus sp</i>) Avenue on Mt. Aspiring Road, Wanaka	Lots 5, 6 & 7 DP 18590		2905431300



Queenstown Lakes District Plan. Map 22. Showing the location of heritage trees 588



Avenue of London Plane on Mt. Aspiring Road, Wanaka

3.4 Rules

Trees that are listed in the Inventory of Protected Features in Appendix 3 are subject to rules. Rule 13.2.3.2 (iii), for a discretionary activity for the removal, significant trimming, work within 5 metres of the base of the tree and any works within the drip line of the tree. The assessment criteria for considering applications for the removal, significant trimming, work within 5 metres of the base of the tree and any works within the drip line of protected trees are listed under Rule 13.3.2(iv) of the District Plan, and are set out in full in Appendix 2 of this report.

Significant trimming is not defined in the District Plan but has been defined in the guide to pruning heritage trees brochure. Routine maintenance pruning is defined in the brochure and significant trimming is anything that is not routine maintenance pruning.

Routine maintenance pruning as “ *promoting a tree in a safe, healthy and natural form where pruning is restricted to less than 10% of the canopy of the tree. Routine maintenance pruning may also include one or more of the following works provided that total pruning shall be restricted to less than 10% of the canopy of the tree:*

- *The removal of identified broken branches and /or wood that is damaged, diseased or dead and where removal of branches is confined to those that are not part of the main canopy structure, and does not include major live limb removal.*
- *The pruning of branches towards the outer canopy (drip line) of the tree that are interfering with overhanging buildings or structures, but only up to a distance of 1.0 to 1.5 metres from (sic) the external walls or roof of the building.*
- *The clearance of branches from power wires and lines but only to provide a clear distance in accordance with the requirements of Electricity (hazards from tree regulations) 2003 (or any legislation in substitution or replacement thereof).*
- *The removal of sucker growth up to 4 years old from the main stem or on areas where previous pruning cuts have occurred.*

Note: Pruning is not to occur more frequently than biannually or triennially if the full 10% of the canopy has been pruned during the most recent maintenance. “

This chapter of the district plan also contains rules regarding Category 1, 2 and 3 heritage items. These rules refer specifically to a building, memorial, feature, structure or precinct listed in and identified as Category 1, 2 or 3 in Appendix 3. Heritage trees are not given a category classification in the Inventory of Protected Features. This should be clear enough to ensure that no heritage trees are considered under these rules but under those specifically for heritage trees (Rule 13.3.2(iv)).

It is noted that the Subdivision Chapter of the District Plan – Chapter 15 also contains a rule that specifically applies to listed heritage items. Rule 15.2.3.3(ii) requires that any complying subdivision of a lot which contains “a heritage item or archaeological site listed in Appendix 3” shall be a discretionary activity. Rule 15.2.3.5(a) lists the assessment criteria applicable for such resource consents and these are also set out in full in Appendix 2 of this report.

It is not clear in these rules whether ‘a heritage item’ includes a heritage tree. It is presumed that it does. The term heritage item is not defined in the District Plan.

4.0 What do the heritage tree objective, policies and rules seek to achieve

Objective 2 seeks to ensure that trees that contribute significantly to the District's amenity and/or heritage are protected. The policies also seek to encourage planting trees on reserves and protecting them from interference and destruction.

The methods outlined in the plan to achieve this are to identify heritage trees in the Inventory of Protected Features in the District Plan and to apply rules to protect these trees. The rules require a resource consent for removal, significant trimming or the construction of any building or laying of overhead or underground services within 5m of the base of any protected tree and any works, including paving, within the drip line of any protected tree.

The rules contain a special exclusion for the protected poplars along the road reserve on Speargrass Flat Road between its intersection with Lower Shotover Road/Hunter Road and Domain Road (both sides of the road). It recognises that the protected trees (protected feature 209) may need to be removed from time to time to prevent potential damage to property or people. Therefore there is an exception to the rules that exempts the removal of these trees (item 209) from the rule. However the applicant must first have authorisation from the Council in accordance with Council's Tree Policy and ensure that any tree removed will be replaced with planting that is appropriate and that, where the tree being removed is part of an identifiable avenue of poplars, the planting shall be the same or comparable to the species of trees that is being removed.

There is also a similar exemption from the rules for maintenance trimming works on the avenue of hawthorn hedge (item 208) within the triangle of Domain Road, Speargrass Flat Road and Lower Shotover Road, on both sides of the road. The provisos for this are that the work is carried out under the authority and supervision of a qualified Council approved arborist.

Another method identified in the District Plan to achieve the objective is to impose conditions through the subdivision process to require the protection of listed or other significant trees on properties being subdivided. This is to ensure that heritage trees are not threatened through subdivision and to protect significant trees on a site from damage or removal as a result of subdivision.

The final method is to ensure that trees, including trees of substantial size, are planted and maintained on public reserves, roads and other public land. The method involves securing funding through the annual plan to ensure that tree planting and maintenance on public land can occur.

5.1 How effective are the heritage tree objectives, policies and rules?

5.1 Effectiveness of the Objective

The objective is as follows:

Objective 2 - Heritage Trees

The protection of trees and groups of trees which contribute significantly to the District's amenity and/or heritage

The objective seeks to protect individual and groups of trees which contribute to the district's amenity and heritage. Trees which are considered to contribute to amenity and/or heritage of the district have been identified, mapped and put on the inventory of protected features. These trees are subject to rules that require a resource consent for removal, significant trimming, work within 5 metres of the base of the tree and any works within the drip line of the tree. The objective is effective

Generally the trees identified in the schedule have been protected as shown by the very small number of resource consent applications for trimming, works adjacent to and removal of these trees. Also worth noting is the withdrawal of resource consent applications where consent was unlikely to be approved.

The mechanism of identifying trees which contribute significantly to the District's amenity and/or heritage has been the use of the STEM system. This system is effective at identifying amenity and heritage values. However the STEM system is only as good as the information put in it. It is noted that the STEM assessments that are available (since the 2006 Plan Change) do not assess the tree against the historic criteria in STEM just on the condition and amenity evaluation. The criteria for historic evaluation for STEM are Age 100+, Association, Commemoration, Remnant, Relict, and whether they are of Local, District, Regional, National, International importance. So the heritage significance of trees is not being identified. However protection of trees with heritage significance is probably still occurring as many of the trees in the inventory will be old so will be protected for their amenity significance.

Overall the objective has been effective at protecting trees that are listed in the Inventory of Protected Features. The current assessment matters for both controlled and discretionary subdivisions include the protection of vegetation and landscape features. So other, non-protected trees can be protected for their amenity values through conditions on subdivision consents.

5.2 Effectiveness of the Policies

Objective 2 has three supporting policies. These are set out below with a comment on the effectiveness of each policy.

Policies:

Policy 2.1 To identify and draw to the public attention heritage trees that are in public and private ownership and to protect them from avoidable loss or destruction.

This policy refers to heritage trees, which are not defined. It is not clear how this policy differs from policy 1.2 which refers to notable specimens and groups of mature trees which form part of the character of the district. Both policies seek to protect significant trees from loss or destruction and recognise the contribution they make to the character of the district.

Heritage trees have been identified through listing in the Inventory of Protected Features and mapping on the planning maps. The district plan is not a document that many people would be aware of so heritage trees may not have been drawn to the public's attention. More publicity could be done on this. Trees that are on the inventory are both on private and public land such as reserves and road reserves.

The rules that apply to trees listed on the inventory do protect them from avoidable destruction by ensuring they cannot be removed or significantly pruned or their roots damaged by work in close proximity to them without first obtaining a resource consent to do so. However the rules do recognise that maintenance pruning is necessary and allows for this as a permitted activity. Many of the resource consent applications for work on, or close proximity or removal of trees was because the trees had been damaged or were diseased. This is unavoidable loss or destruction. Other applications where development would result in the removal or compromising of protected trees were either withdrawn or compromise solutions, usually regarding replanting, were found.

Generally the policy has been effective. However more could be done to ensure that the public are aware of heritage trees. Listing heritage trees in the district plan is not enough to draw attention to them.

Policy 2.2 To protect particularly notable specimens and groups of mature trees from avoidable loss or destruction, recognising them as an important character element in maintaining and enhancing the environment of the District.

This policy refers to the protection of notable specimens and groups of mature trees which form part of the character of the district. It is not clear how this policy differs from the previous policy (policy 201) which refers to heritage trees. Both policies seek to protect significant trees from loss of destruction and recognise the contribution they make to the character of the district.

Notable and mature trees have been identified through listing in the Inventory of Protected Features and mapping on the planning maps. The rules that apply to trees listed on the inventory protect them from avoidable loss or destruction by ensuring they cannot be removed or significantly pruned or their roots damaged by work in close proximity to them. However the rules do recognise that maintenance pruning is necessary and allows for this as a permitted activity. Many of the applications for work on, or close proximity or removal of trees was because the trees had been damaged or were diseased. This is unavoidable loss or destruction. Other applications where development would result in the removal or compromising of protected trees were either withdrawn or compromise solutions were found usually regarding replanting.

The trees listed on the inventory were identified back in 1998 with more added through the heritage plan changes in 2006. While there are many trees on the inventory it is important that there is a regular update of trees on the inventory. The community may suggest trees for inclusion but until there is a plan change to update the inventory these

trees will not be considered. No individual or group is likely to want to fund a private plan change to add trees to the inventory. There needs to be a regular system for adding trees (and other heritage structures and landscapes) which is funded by the Council.

As trees grow some will meet the STEM criteria for Heritage Trees but currently there is no system to investigate and include these trees. A systematic review of trees to investigate whether existing heritage trees still meet the criteria for heritage trees and whether any existing unprotected trees meet the criteria would be very expensive to do. However every 10 years through the district plan review the community will have the opportunity through submissions to request that trees are added or removed from the inventory of protected features.

Policy 2.3 To encourage the practice of planting trees on public reserves and protect these trees from unnecessary interference or destruction.

The District Tree Policy contains policies and objectives regarding Council's on-going protection and management of Council owned trees within the District. The tree policy was updated in September 2010. This policy is only implemented through the district plan when assessing applications for resource consent that may adversely affect trees on public reserves. There were two applications that affected protected trees on adjacent reserves in the resource consent applications reviewed. Both of these applications were eventually withdrawn as the Council would not give permission for the trees to be pruned or removed. Apart from these situations the tree policy, which is updated regularly, and reserves management plans promote the planting and protection of trees on reserves.

While this policy has been useful for two resource consent applications it is difficult to measure if it has been effective as other documents and policies apart from the district plan govern the planting and maintenance of trees on reserves. Trees on reserves that are listed in the inventory are protected through the rules in the district plan as are trees on private property. The policies protecting notable, mature and heritage trees are adequate to protect trees in the inventory that are located on reserves too.

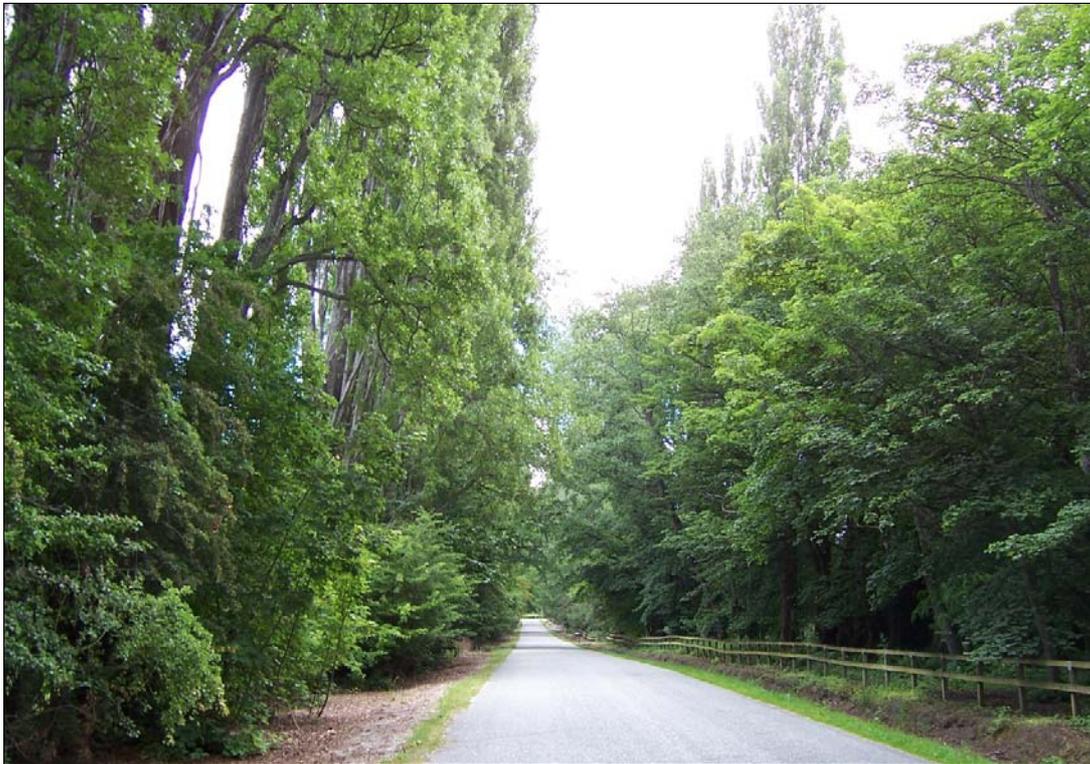
5.3 Effectiveness of the Rules

Overall the rules have been effective at protecting trees and groups of trees which contribute significantly to the District's amenity and/or heritage. While this report has not done an in-depth check on every protected tree in the district the number of resource consents applied for, the number approved and conditions attached demonstrates that few applications have been received to work on, or close proximity or removal of heritage trees. Applications that have been received are either for the removal of damaged or diseased heritage trees. This is unavoidable loss or destruction. Other applications where development would result in the removal or compromising of protected trees were either withdrawn or compromise solutions were found, usually regarding replanting.

The following matters have been identified in relation to the effectiveness of the rules:

Clarity of rules

The rules do not provide for easy removal of heritage trees that are dying or unsafe. The rules require a resource consent to remove heritage trees except for heritage trees 209 and 208. The protected poplars (heritage trees 209) along the road reserve on Speargrass Flat Road between its intersection with Lower Shotover Road/Hunter Road and Domain Road (both sides of the road) and the hawthorn hedge (item 208) within the triangle of Domain Road, Speargrass Flat Road and Lower Shotover Road, on both sides of the road are exempt from the protected tree rules. This is because they may need to be removed from time to time to prevent potential damage to property or people. Many heritage trees have similar issues. It is not certain why these heritage trees have been specifically identified and given this exemption. Further investigation needs to be undertaken to ascertain whether the need to remove heritage trees that are dying or unsafe is a wider issue for the whole district or just relevant in these two specific locations.



Heritage trees along Speargrass Flat Road

Work in close proximity to the tree

The rules control work within 5m of the base of any protected tree and within the drip line of any protected tree. The roots of trees are found mostly in the upper 6 to 12 inches of the soil. In mature trees roots typically extend a distance from the trunk between one to three times the height of the trunk. The amount of damage a tree can suffer from root damage depends on how close to the tree the cut is made and whether a major root is severed. The current rules do not adequately protect the root system of mature trees as these are often outside 5m radius of the trunk and outside the drip line (especially of thin

trees). These rules need to be altered to protect heritage trees from damage through damage to their roots.

Definition of significant trimming required

The rules refer to significant trimming needing a resource consent. Significant trimming is not defined in the district plan but is defined in the 'A guide to pruning heritage trees' brochure as anything that is not 'Routine maintenance pruning'. A definition of significant trimming needs to be included in the district plan.

Topping of trees is not excluded

The current definition of routine maintenance pruning does not exclude topping which is an unacceptable arboricultural practice.

Hedges

The current definition of routine maintenance pruning is not appropriate for protected hedges as it refers to pruning less than 10% of the canopy. In many cases, to maintain a hedge, up to 50% of the hedge foliage needs to be removed on an annual basis. As hedges require a different management regime than trees a different definition of routine maintenance pruning is needed for protected hedges.



Hawthorn hedges along Speargrass Flat Road.

These issues need to be addressed as part of the District Plan review.

5.4 Effectiveness of the methods

The other methods outlined in the district plan are:

(i) **District Plan**

- (c) To impose conditions through the subdivision process to require the protection of listed or other significant trees on properties being subdivided.

(ii) Other Methods

- (a) Through the Annual Plan process to continue to plant and maintain trees, including trees of substantial size, on public reserves, roads and other public land.

Method (i)(c) has been achieved through conditions being attached to subdivision consent to protect important trees on sites. However this can be done through the assessment criteria in the subdivision chapter – Section 15 of the District Plan. In section 15.2.17.1 the Council reserves control in respect of:

“The protection of vegetation and landscape features;

Relevant assessment matters are:

(i) Whether any landscape features or vegetation, including mature forest, on the site are of a sufficient amenity value that they should be retained and the proposed means of protection;...

...(iii) Whether the subdivision design will detract from or enhance the significant landscape and visual values of the District including loss, retention or enhancement of native vegetative cover;...

...(v) Any need to provide continual protection for vegetation and or landscape features within the subdivision, including protection of Heritage Trees listed in Appendix 5.[sic]”

It is superfluous to have this method ((i)(c)) under the heritage trees section of the heritage chapter. Heritage trees are already protected by the rules so should not need further protection when subdivision occurs. If they do require further protection the objectives and assessment criteria in the subdivision chapter provide this protection.

Method (ii)(a) is also redundant as this is covered by the District Tree Policy in section 4.1 and so is not relevant to include in the District Plan.

6.0 How efficient are the heritage trees objectives, policies and rules?

The financial costs of administering the provisions/processing resource consents has been evaluated based on an assessment of

- Number of resource consent applications triggered by the rules;
- Average cost of processing resource consent applications triggered by the rules; and
- Number of Environment Court appeals.

6.1 How many resource consents have been triggered?

The heritage tree rules became operative in October 2003. A desk top review of resource consent applications lodged with Council for alteration or removal of heritage trees from 1 January 2003 until 1 May 2011 was undertaken. The records for resource consent applications are limited prior to 2007, with an accurate system for monitoring applications introduced in August 2009. Nevertheless, the final spread sheet, below, is a reasonable record of the applications lodged to either alter, remove or undertake work within the dripline of heritage trees within the District since 2003.

Twelve resource consents applications were triggered by the heritage tree rules between 1 January 2003 until 1 September 2011. These are listed below.

Resource consent applications triggered by heritage tree rules between 1 January 2003 and 1 September 2011.

Consent number	Activity	Total processing cost \$	Notified?	Decision	Processing time (Working days)
31161	Construct an addition to an existing dwelling at Sargood Drive, Wanaka	N/A		Withdrawn	N/A
40188	Construct a new garage and loft at Mclellan Place, Albert Town, Wanaka	N/A		Withdrawn	N/A
50707	Remove four Lombardy Poplars and carry out maintenance on 12 Lombardy and Black Poplar trees located at St Omers Park, Lake Esplanade, Queenstown	783.00	Non-notified	Granted	8
61072	Significantly prune a heritage tree at 901 Frankton Road, Frankton	620.93	Non-notified	Granted	5
70091	Erect and sell sculptures and remove a small section of protected	2984.04	Non-notified	Further information requested	N/A

Consent number	Activity	Total processing cost \$	Notified?	Decision	Processing time (Working days)
	hedgerow located on Domain and Lower Shotover Roads, Wakatipu Basin.				
70745	Remove 18 unsound poplar trees from various locations & replanting same species along Speargrass Flat Road, Wakatipu	2218.66	Non-notified	Granted	13
80139	Retrospective consent for significant trimming of hawthorn hedge at 195 Lower Shotover Road, Wakatipu Basin.	640.16	Non-notified	Granted	7
80875	Exterior restoration and refurbishment of Romans Cottage including pruning of two Cork Elm Trees.	1060.68	Non-notified	Granted	12
90405	Removal five trees and prune the remaining trees in the avenue of Spruce at base of 343 Arrowtown-Lake Hayes Road, Wakatipu Basin.	773.58	Non-notified	Granted	12
100474	Construct a dwelling that encroaches on the internal boundary setback and remove 3 existing cypress trees at 74 and 76 Buckingham Street, Arrowtown.	2549.61	Non-notified	Granted	4
100318	Subdivide an allotment into four allotments and identify a residential building platform on each lot and remove sections of a protected hawthorn hedge at 78 Speargrass Flat Road.	24354.14	notified	Granted	49
100739	Removal of protected heritage trees from verge at Mt Aspiring Road, Wanaka	N/A		Withdrawn	N/A

Three of these applications were withdrawn. One because the protected tree, that was to be trimmed to allow for a building located close to the boundary, was on a Council reserve (adjacent to the road) and Council would not give permission for trimming to occur. The second withdrawal was because development adjacent to a protected tree would adversely affect this tree so consent would not be approved. The third application, which was for the removal of a protected tree with the road reserve, was

withdrawn as consent was not required because a previous subdivision approval allowed for the removal of this tree. Another application was put on hold pending further information and no further information has been received.

One application was received for a subdivision of “a heritage item or archaeological site listed in Appendix 3”. This site contained a protected feature as well as protected trees so the application may have been triggered by the existence of the protected features rather than the heritage trees.

6.2 Notification

Only one application was notified. This was because it was for a subdivision to create four allotments and four building platforms as well as remove sections of the protected hawthorn hedge in the Rural General Zone.

6.3 Average cost of processing resource consents to alter, remove or undertake work within the dripline of heritage trees.

Some of the applications were for undertaking development and/or subdivision as well as removing or working on a heritage tree. This is reflected in the cost of processing the resource consent. For example consent numbers 100474, 100318, 80875 and 70091.

Where consent was sought solely to remove, alter or build close to a heritage tree the average cost of processing the consent was \$1007.27. The lowest charge was \$620.93 and the highest was \$2218.66. This reflects the complexities of the applications as the cheapest application was for significantly pruning one heritage tree where as the most expensive was to remove 18 unsound Lombardy poplars on Speargrass Flat Road.

6.4 Environment Court appeals

No consents have been appealed to the Environment Court for resource consent applications relating to work on, or close proximity or the removal of heritage trees.

6.5 Issues that have been raised

Efficiency when tree is dead, dying or unsafe

The Manager of Parks has raised the issue that the requirement for a resource consent to remove a heritage tree that is dead, dying or unsafe is inefficient. A resource consent application in this situation would be accompanied by a report from an arborist outlining that the tree was dead or dying or unsafe. The Manager of Parks considers that such a heritage tree should be able to be removed without a resource consent if an arborist has confirmed the tree is dead, dying or unsafe. He argues that the requirement for a resource consent is an unnecessary expense for the applicant in such a situation. However including a permitted standard requiring a report from an arborist stating the tree is dead, dying or unsafe could be abused. This issue will need to be explored further through the District Plan Review.

6.6 Summary with regard to efficiency

The relatively low average cost, the processing as non-notified applications, well within the 20 working days and the small number of applications suggests that the objectives, policies and rules are efficient at delivering timely and cost effective consent decisions.

7.0 Conclusion

Overall, the objective, policies and rules for heritage trees are effective as individual and groups of trees which contribute to the district's amenity and heritage are being protected. However there is room to improve the effectiveness and efficiency of the policies and rules as part of the District Plan review.

A number of issues have been raised in this report and more are likely to be raised through consultation and the subsequent stages of the District Plan Review.

The issues raised in this report are:

- Policies 2.1 and 2.2 can be combined into one policy.
- Policy 2.3 regarding encouraging protection of and the planting of trees on public reserves should be removed as this is promoted and managed through the District Tree Policy.
- Minor changes could be made to the rules to address the following:
 - An efficient process for consent for the removal of Heritage Trees that are dead, dying or unsafe.
 - Adequate protection of the roots of all heritage trees.
 - A definition of significant trimming.
 - Clarity around whether the topping of trees is excluded from maintenance pruning.
 - Provision for the maintenance pruning of hedges as they have different requirements from trees.
 - Clarify whether subdivision rule 15.2.3.3(ii) applies if the site contains a heritage tree.
 - Methods 2(i)(c) and 2(ii)(a) should be removed as they are already addressed in another section of the District Plan or through the District Tree Policy.
 - Include criteria used to identify heritage trees in the District Plan.
 - Include a definition of 'significant trimming' and 'maintenance pruning' for trees and hedges in the District Plan.
 - Alter planning maps so it is clear where a group of trees are protected.
 - Alter planning maps and Inventory of Protected Features to ensure that the description and legal descriptions for heritage trees match up.
 - Investigate whether a more efficient process (rather than the requirement for resource consent) can be implemented

for the removal of heritage trees that are dead, dying or unsafe.

- Ensure that when trees are assessed against STEM criteria they get assessed against the notable criteria as well as the condition and amenity criteria.



Wellingtonia trees on Berkshire Street, Arrowtown

Appendix 1 - Heritage Tree provisions. Excerpt from the District Plan.

Objective 2 - Heritage Trees

The protection of trees and groups of trees which contribute significantly to the District's amenity and/or heritage

Policies:

2.1 To identify and draw to the public attention heritage trees that are in public and private ownership and to protect them from avoidable loss or destruction.

2.2 To protect particularly notable specimens and groups of mature trees from avoidable loss or destruction, recognising them as an important character element in maintaining and enhancing the environment of the District.

2.3 To encourage the practice of planting trees on public reserves and protect these trees from unnecessary interference or destruction.

Implementation Methods

Objective 2 and associated policies will be implemented through a number of methods:

(i) District Plan

- (a) The inclusion of an inventory of heritage trees in the District Plan.
- (b) The application of rules in the District Plan, requiring applications for destruction or alteration to the listed trees.

To impose conditions through the subdivision process to require the protection of listed or other significant trees on properties being subdivided.

(ii) Other Methods

- (a) Through the Annual Plan process to continue to plant and maintain trees, including trees of substantial size, on public reserves, roads and other public land.

Explanation and Principal Reasons for Adoption

Trees have an important ecological, environmental, heritage and cultural role and collectively endow the landscape with distinctive environmental quality and character.

The Plan recognises significant trees, which are listed in Appendix 3 as Heritage Trees. Trees or groups of trees are listed because they have either outstanding cultural/heritage values, botanical values or high amenity values. Although trees in this list should be protected it is recognised that maintenance is necessary and should be carried out with care.

13.2.3 Activities

13.2.3.2 Discretionary Activities

iii Heritage Trees

Any work including under paragraphs a to d below and involving a tree or group of trees listed in Appendix 3 as heritage trees:

- (a) removal of any protected tree; or
- (b) significant trimming of any protected tree; or
- (c) the construction of any building or laying of overhead or underground services within 5m of the base of any protected tree, whether on the site or not; or
- (d) any works, including paving, within the drip line of any protected tree.

For the purposes of this Rule the term “any works” shall not include:

- (a) removal of trees referred to as item 209 in Appendix 3 where removal is deemed to be necessary to prevent potential damage to property or people provided any removal must first be authorised by Queenstown Lakes District Council in accordance with Council’s Tree Policy and provided further that any removed tree shall be replaced with planting that is appropriate and that, where the tree being removed is part of an identifiable avenue of poplars, such planting shall be the same or comparable to the species of trees that is being removed;
- (b) maintenance trimming of hawthorn hedgerows referred to as item 208 in Appendix 3 provided such work is carried out under the authority and supervision of a qualified arborist first approved by the Queenstown Lakes District Council.

13.3.2 Assessment Matters

iv Discretionary Activity - Heritage Trees

- (a) whether the applicant has the ability to undertake a permitted activity without removal or any major trimming of the tree.
- (b) the condition of the tree including any potential hazard.
- (c) the effect of any trimming, or disturbance of the root system, of the tree on its appearance or health.
- (d) the effect of any building on the visibility of the tree from a road or public place.
- (e) whether the tree or trees are currently causing, or likely to cause, significant damage to buildings, services or property, whether public or privately owned.
- (f) the provisions of Section 129(c) of the Property Law Act.
- (g) whether the tree or trees seriously restrict the development.
- (h) any substitute or compensating tree planting or landscaping proposed.

15.2 Subdivision, Development and Financial Contributions Rules

15.2.3.3 Discretionary Subdivision Activities

Except where specified as a Controlled Activity in Rule 15.2.3.2 above, and except where specified as a non-complying Activity in 15.2.3.4 below:

- (i) Any subdivision which complies with all the Zone Subdivision Standards but does not comply with any one or more Site Subdivision standards shall be a **Discretionary Subdivision Activity**, with the exercise of the Council's discretion limited to the matter(s) subject to that standard.
- (ii) Any subdivision of a lot in any zone, which complies with all of the Zone Subdivision Standards, but which contains an Area of Significant Indigenous Vegetation listed in Appendix 5 or a Heritage Item or Archaeological Site listed in Appendix 3, shall be a **Discretionary Subdivision Activity**.

15.2.3.5 Assessment Matters for Resource Consents

- (i) The assessment matters to which the Council will have regard in relation to Controlled Subdivision Activities, and Discretionary Subdivision Activities where the exercise of the Council's discretion is limited to a particular matter(s), are specified in Subdivision Rules 15.2.6 to 15.2.19.
- (ii) In considering whether or not to grant consent or impose conditions in respect to Discretionary Subdivision Activities specified in Rule 15.2.3.3 above, where the exercise of the Council's discretion is not limited, the Council shall have regard to, but not be limited by, the following assessment matters:

(a) Subdivision of Areas of Significant Indigenous Vegetation, Heritage Items and Archaeological Sites

- (i) The effect of the subdivision on the character of the conservation area, heritage item or archaeological site and its environs, its important values, the reasons for its listing, and the ability of the public to enjoy and appreciate its features, where appropriate.
- (ii) Whether the subdivision enables identification and protection of areas containing nature conservation values.
- (iii) Whether the lot size and dimensions are sufficient and appropriate to provide protection to the area, item or site.
- (iv) Whether the subdivision enables or enhances the retention of the essential character and values of the area, item or site, including any proposed preservation programme.
- (v) Whether the subdivision will allow development on, or use of, the site without adversely affecting the character and values of the area, item or site and its environs.
- (vi) Any need to restrict the location or bulk of future buildings on the lot.

Appendix 2 – STEM Evaluation Sheet

QLDC District Plan Review

Protected Trees - Ref # Full Tree Evaluation Score Sheet

Tree Name
Common Name:

Botanical Name:

Address/Location

Additional Comments

Condition Evaluation						Score
Points	3	9	15	21	27	
Form	Poor	Moderate	Good	Very good	Specimen	
Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	
Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	
Function	Minor	Useful	Important	Significant	Major	
Age (yr)	10 yrs. +	20 yrs. +	40 yrs. +	80 yrs. +	100 yrs. +	
Subtotal Points						
Amenity Evaluation						Score
Points	3	9	15	21	27	
Stature (m)	3 to 8	9 to 14	15 to 20	21 to 26	27+	
Visibility (km)	0.5	1.0	2.0	4.0	8.0	
Proximity	Forest	Parkland	Group 10+	Group 3+	Solitary	
Role	Minor	Moderate	Important	Significant	Major	
Climate	Minor	Moderate	Important	Significant	Major	
Subtotal Points						
Notable Evaluation						Score
Recognition	Local	District	Regional	National	International	
Points	3	9	15	21	27	
Stature						
- Feature						
- Form						
Historic						
- Age 100+						
- Association						
- Commemoration						
- Remnant						
- Relict						
Scientific						
- Source						
- Rarity						
- Endangered						
Subtotal Points						
Total Points						

