

Rachael Law for QLDC – Summary of evidence, 24 June 2016

Chapter 32 – Protected Trees, Hearing Stream 3

1. The Protected Trees Chapter provides protection for trees that have been identified as having high botanical, amenity and heritage values.
2. I consider the recommended rule framework provides greater certainty regarding the maintenance and modification of protected trees, and activities on or around the root protection area. The rule framework acknowledges the limited life of trees and that in some instances the values for which they were protected can be lost due to ill health or damage sustained. The framework provides the potential to consider substitution plantings, taking into account the impact on the values for which the tree or hedge was protected.
3. The Protected Trees Chapter allows landowners with a protected tree or hedge to carry out minor maintenance that would not affect the structural stability or health of the item, and would not require expert guidance, as a permitted activity.
4. A discretionary activity resource consent is required for significant trimming, removal, damage or destruction of a protected tree item. I consider that this discretionary status is appropriate to protect such trees as it provides appropriate discretion for decision makers to assess the adverse effects on the botanical, amenity and heritage values of the scheduled items and ensures the continuance of such values in the district.
5. A restricted discretionary activity is required for significant trimming, removal, damage or destruction of a tree contained in the Schedule of Character Trees in the Arrowtown Residential Historic Management Zone (**ARHMZ**). The assessment matters include the positive and negative effects of the activities on the tree item and the values for which it was protected. This includes considering the effect of removal on the surrounding environment.
6. The amendments recommended in the revised chapter have in my view made the protection of the Scheduled Trees more effective through changes to the

assessment matters, allowing for the amount of natural light available to be assessed and the necessary maintenance of nearby buildings.

7. The revised chapter allows for minor trimming of trees or hedges in the streets and public places in the ARHMZ as a permitted activity, not just for the Council, who is responsible for the maintenance of these trees, but also for other parties such as utilities companies, thus giving these particular parties the ability to ensure the continued operation of their network in the area.

Submitter evidence filed

8. The Sycamore tree (*Acer psuedoplatanus*) has been identified in the Wilding and Exotic Trees Chapter 34¹ as a species with wilding potential, prohibiting the *planting* of any new trees in the District. It is for this wilding potential that Te Anau Developments (#607/FS1342) request that the protected status of Scheduled item 193, a Sycamore located near Walter Peak Station, be removed.
9. There are several instances throughout the District where protected trees or hedges are of species that have been identified with having wilding potential. For example: there are protected hedges in Arrowtown that are Hawthorn, (identified in Chapter 34 as having wilding potential), and there are approximately 25 protected Sycamores throughout the District.²
10. In my view, Protected Tree 193 has been found to have significant values using the STEM assessment (which takes into account botanical and amenity values). The fact that it also has wilding potential is not, in my opinion, a basis for its removal. While acknowledging that the submitter has support from the Department of Conservation for the removal of this tree and that this tree has wilding potential, in this instance, the submitter has not provided a risk assessment from an ecologist demonstrating that this tree presents a wilding threat in terms of seed take-off or its location.

¹ Recommended Chapter, dated 6 April 2016 (provided with the Right of Reply dated 3 June 2016).

² Hawthorn: Item 1 32.7 Schedule of Character Trees; Item 4 32.8 Schedule of Protected Trees, Sycamore: items 20, 27, 31 32.7 Schedule of Character Trees; items 148, 264 (8 trees within this group are sycamore), 268 (13 trees within this group are sycamore), 562, 1014 and 1016 32.8 Schedule of Protected Trees