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**ENVIRONMENTAL COMMITTEE
12 MARCH 1998**

**A meeting of the Environmental Committee
was held on Thursday 12 March 1998 at 4.00 pm**

PRESENT: Councillor Carole Evans (Chairman),
Councillors Oscar Alpers, Anna Crighton,
Newton Dodge, Lesley Keast, Pat Harrow
and Charles Manning.

IN ATTENDANCE: Councillor Graham Berry (to 5.10 pm).

APOLOGIES: Apologies for absence were received and accepted
from Councillor Barbara Stewart.

Councillor Alpers arrived at 4.10 pm and was not
present for part of clause 1.

Councillor Dodge left at 5.30 pm and was not present
for clauses 9-12.

Councillor Manning arrived at 4.15 pm and was not
present for clauses 1 and 2.

Councillor Keast arrived at 4.20 pm and was not
present for clauses 1, 2 and part of clause 3.

The Committee reports that:

PART A - MATTERS REQUIRING A COUNCIL DECISION

**1. DRAFT SOLID AND HAZARDOUS WASTE MANAGEMENT PLAN -
1998**

RR 7147

Officer responsible Waste Manager	Author Zefanja Potgieter
Corporate Plan Output: Solid Waste Management Plan	

The purpose of this report is obtain approval from the Council to publicly
notify a draft waste management plan for solid and hazardous waste for the
city.

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The draft plan (refer City Services Committee report) was made available to the members of the Advisory Group and discussed in detail at a meeting of the Group on 20 February 1998 and presented to the City Services and Environmental Committees at their March meetings. Amendments recommended by the City Services Committee are included in the draft report tabled at the Council meeting. This report was circulated to all Councillors.

- Recommendation:**
1. That the Committee support the adoption of the Draft Plan for public notification.
 2. That the Committee endorse the recommendations of the City Services Committee.
 3. That Councillors Evans and Dodge, or their nominees, be appointed to the proposed hearing panel.

2. PROPOSED DOG REGISTRATION AND RELATED FEES FOR THE 1998/99 DOG LICENSING YEAR

RR 2366

Officer responsible Environmental Services Manager	Author Brent Ablett (Senior Clerk - Dog Registration)
Corporate Plan Output: Animal Control	

The purpose of this report is for the Committee to consider the setting of dog registration and other related fees for the 1998/99 dog licensing year which commences 1 July 1998.

INTRODUCTION

The Dog Control Act 1996 requires that:

1. All dogs of greater age than three months be registered by 1 July each year with the authority in whose district the dog is normally domiciled and, in the case of a young dog reaching registerable age after 1 July, on or before it attains the age of three months.
2. The fees for dog registration set by an authority be publicly notified in a newspaper circulated within its district at least once in the month prior to the commencement of the registration year. Reference Appendix 1.

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It has long been the practice of territorial authorities in this area to send to each known dog owner an application form for registration. In the past these forms have contained information required by the Dog Control legislation as well as setting out the annual fee structure.

This year the information provided will be that required by the Dog Control Act 1996, which took effect on 1 July 1996.

In order that the completed application forms are supplied by early May it is necessary that the fees be set by the Council no later than its March meeting, as it is intended that the dog control fees continue to be printed on the registration application form. A brochure containing further dog registration information, and a return envelope will also be included with the registration forms to encourage prompt registration by dog owners.

DOG REGISTRATION POLICY

The Council at its meeting on 23 April 1997 adopted the following recommendations of the Environmental Committee in regard to fees.

1. That the Responsible Dog Ownership category be continued with a suitable concessionary fee as resolved by Council from time to time.
2. That a considerable concessional neutering or spaying fee be considered annually by the Council. This fee to be lesser than the standard registration fee, but greater than the Responsible Dog Owner fee. This to be a sufficiently large concession on the standard registration fee to give a strong incentive to neuter or spay. The concession to be provided from the Dog Control Account.
3. Where a dog is released from the Council's dog shelter to a new owner, the new owner is no longer required to pay a standard release fee, but must pay the cost of registration.
4. Where a dog is claimed by its owner from the Council's dog shelter, the dog will not be released from the shelter until all fees and charges have been paid or appropriate arrangements for payment made.

DOG REGISTRATION FEES RECOMMENDED

Provision has again been made to allow for a concessionary fee for those persons having been granted Responsible Dog Owner Status in accordance with the criteria previously adopted by the Council. Reference Appendix 2.

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The fee structure suggested rewards those granted the above status with a generous financial concession with the first dog registered receiving a higher concession than that of subsequent dogs registered by the same owner. To claim the concessionary fees, owners are required to register their dogs by 30 June each year.

This year it is intended to adopt a more tiered fee structure to ensure that throughout the registration period, the fees for concessionary categories of dogs will retain some fee advantage. Notwithstanding this however, a dog owner holding the Responsible Dog Owner status who does not register their dog by the date required, has breached a status condition and stands to lose their status for up to two years.

The possibility of a concessionary fee for spayed and neutered dogs has implications for the section's ability to recover the budgeted revenue for the 1998/99 year. For this reason, the recommended fees for 1998/99 include fee increases for some categories.

There is a requirement under the Council's dog control bylaw for the occupier of any premises where more than one dog is kept for more than 14 days in any one year to obtain a licence from the Council.

A 'one off' fee of \$65 is required to be paid for appropriate consultation, inspection and issue of the licence.

A licence is not transferable between either owners or properties.

A \$30 re-inspection fee is charged where the holder of the licence either changes address, the type of dog kept; or varies any of the conditions under which the original licence was issued, or is the subject of a bone fide complaint arising from the keeping of dogs on the property.

For the 1998/99 year it is proposed to apply by way of a penalty an additional charge of \$30 (\$30) for the registration of any dog, being a dog that should have been registered by 1 July, but is not registered until after 1 August.

The Dog Control Act 1996 requires that the fee for a dog certified as 'Dangerous' under section 31 of the Act shall be 150% of the fee that would apply if the dog were not classified as a dangerous dog. The Council currently has 12 dogs on it's records that are classified as dangerous.

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STOCK CONTROL

The cost of undertaking stock ranging and stock pound activities are required to be paid from rates and the net cost is estimated to decrease from \$26,862 in the 1997/98 year to \$23,017 for the 1998/99 year.

Costs associated with stocking ranging and the stock pound cannot be charged to the Dog Control Account.

Recommendation: That pursuant to the provisions of the Dog Control Act 1996 the Council adopt the attached schedule of dog control fees for the registration year commencing 1 July 1998.

3. OPTIONS FOR PROTECTING TREES IN THE CITY

RR 7211

Officer responsible Environmental Services Manager	Author Irene Clarke
Corporate Plan Output: City Plan	

The purpose of this report is to follow up on a report presented to this Committee on 4 December 1997 regarding the protection of trees and options for the future protection of the city's trees. This report will provide more information as requested by the Committee and more about the some of the options to which the Council resolved to give consideration.

APPROACHES TO TREE PROTECTION IN OTHER CITIES

(a) Auckland

The Rules

Auckland City Council has provided further information on the approach used for tree protection in the Auckland City Proposed District Plan (Isthmus Section). The tree protection controls are contained in Part 5C - Heritage, of the Isthmus Plan. The protection controls consist of

- (a) protection of notable/scheduled trees
- (b) protection of trees on roads and unzoned land
- (c) general tree protection controls.

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The general tree protection controls apply to every site on the Isthmus and require a resource consent for cutting, damaging, altering, injuring, or destroying any indigenous tree over 6m in height or greater than 600mm in girth, or any exotic tree over 8m in height or 800mm in girth. In addition, any works in, above or under the dripline of such a tree require resource consent. There are some exceptions provided to this rule such as minor trimming or pruning, removal of dead or diseased parts of trees, works required to avoid injury or damage. Certain species are also excluded from these rules.

It appears that the question of whether the Proposed Isthmus District Plan should contain general tree protection was a hotly debated issue amongst members of the Planning Committee at the time of drafting the Proposed Plan. After considerable debate, the Planning Committee resolved to include the general tree protection rule in the Proposed Plan in addition to the other provisions for tree protection.

Submissions Received

A number of submissions were received on the proposed general tree protection rules. There was significant support for the proposed controls and comparatively little opposition expressed in the submissions received. A number of submissions also sought amendments to the dimensions of trees protected.

The Council decision on submissions emphasised that the purpose of the rules is to ensure that the existing general tree cover within the city is retained wherever possible and to reduce the risk of serious or irreparable damage being done to the local environment through unnecessary or undesirable tree removal. The Council resolved to retain the proposed rules.

Appeals were lodged on the Council's decisions however all but one of these has now been withdrawn. The only outstanding appeal relates to the list of species to which the rules do not apply and does not relate to the inclusion of general tree protection rules in the plan.

General tree protection is now widely accepted in Auckland as a district plan rule and has vocal support from the Tree Council of Auckland, the Royal Forest and Bird Protection Society, the Auckland Civic Trust, residents groups and community boards.

The Tree Council of Auckland (Inc) provides important support to the City Council in its protection of trees. The Tree Council is funded by local authorities in the Auckland region and has been serving the community since 1985 in the protection of mature trees.

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The Tree Council aims to promote and coordinate effective programmes for the protection, management and planting of trees, particularly in the urban environment, to improve the quality of life in the Auckland region and to improve the Auckland treescape. The Tree Council organises seminars and produces information on the importance and value of trees, provides assistance to councils to develop and implement tree protection programmes, and supports community groups with tree planting and maintenance.

It should be noted here that the Auckland City Proposed Plan (Isthmus Section) was notified in 1993, decisions were issued in mid 1995 with the appeal period closing in August 1995. Since mid 1995 there have been a lot of developments in public and political opinion about the Resource Management Act. The current political climate is generally anti-regulation. Should an approach similar to that in Auckland be introduced in Christchurch, it is unlikely to be accepted with such little opposition as experienced in Auckland.

The Cost

Concern was raised by the Auckland City Council in its 1996/97 budget round about the cost to the Council of administering and enforcing the general tree protection provisions. A report was presented to the Planning Committee in June 1996 setting out options available to reduce these costs. At that time, the Council was spending just under \$800,000 per annum on the administration and enforcement of the District Plan's tree provisions.

Several options were suggested to the Committee for reducing the costs including:

- (i) Have no general tree protection
- (ii) Require consent for felling/removal only
- (iii) Increase the size criteria
- (iv) Protect only indigenous trees
- (v) Procedural changes to the processing of pruning applications

The Committee resolved to consider some procedural changes and to increase the height trigger by 2m. However, in the information available from Auckland City Council, procedural changes did not proceed, and the increase to the height trigger did not proceed after opponents addressed the Planning Committee resulting in a reversal of its previous resolution.

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In relation to the costs quoted above the Auckland City Council also assists residents with protected trees by making its arborists available to advise on tree matters, by charging no fee for resource consent applications relating to trees and by the provision of information (pamphlets, guidelines). There are also the indirect costs associated with administration and enforcement of tree protection.

The Auckland City Council has accepted that these costs must be borne, and the information and incentives must continue to be provided to retain the general tree protection rules.

The Parks Unit of the Christchurch City Council currently spends \$45,000 per annum on administration of the protected trees rules. This equates to three-quarters of a full time equivalent staff member. When the general tree protection rules were introduced in Auckland, an additional three arborists were employed bringing the total number of arborists in Auckland to six. Additional enforcement staff were also employed.

(b) Hamburg

Efforts to find information on the basis for protection of trees in the City of Hamburg included searches of the Internet, sending of e-mail messages, and searches of references in the University library. No information of any assistance to this Committee was found. However, I believe that the situation in Hamburg is unlikely to be comparable to that in Christchurch in terms of the legislative basis, the resource management environment, and the urban form.

PARLIAMENTARY COMMISSIONER FOR THE ENVIRONMENT REPORT

In March 1997 the Parliamentary Commissioner for the Environment (PCE) published a report on 'The Management of Suburban Amenity Values' based on experience in cities including Christchurch and Auckland. The findings of this report were reported to the Environment Committee in June 1997.

This report recognised existing tree protection measures in proposed district plans (eg special character zones, the listing of notable trees, and general tree protection) however found that there is some uncertainty as to the future survival of urban trees in areas subject to intensification.

The report found that:

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'The particular fabric of different areas of the city needs to be taken into account in promoting the retention of vegetation cover. General tree protection provisions for significant trees (eg over a certain height and width), either city-wide or for specified areas, would complement existing notable or heritage tree provisions in many district plans. Tree protection will require skilled staff, including a combination of arborists and landscape architects, to assess applications for pruning or tree removal.'

THE URBAN TREES BILL

Background information is provided about the Urban Trees Bill in response to the resolution by Council 'that consideration be given to the possibility of seeking legislative changes regarding tree protection and/or removal, including a possible review of the present legislative provisions which require disputes between neighbours regarding trees to be resolved through the District Court.'

The Urban Trees Bill was introduced into Parliament in March 1996 by Christine Fletcher. The purpose of the Bill was to amend the Resource Management Act and other enactments to give greater recognition to the importance of trees within urban areas. Provisions of the Bill included

- (i) Adding the protection, maintenance and conservation of tree cover in any urban area as a matter of national importance in the RMA.
- (ii) Requiring a territorial authority to include in the district plan, rules making suitable provision for the protection, maintenance and conservation, so far as practicable, of the existing tree cover, whether of indigenous or exotic trees, in every urban area.
- (iii) The introduction of new penalties that prohibit a developer who has been found guilty of chopping down a protected tree from undertaking any further development for up to three years.

Ninety-nine submissions were received on the Bill, the majority in opposition because they believed that the RMA already provides sufficient means for local authorities to protect urban trees through their policy statements and plans. In their submission on the Bill, Local Government NZ stated that 'local authorities did not agree that trees should be provided with a special status under the RMA as this would not be consistent with an effects-based approach or the impartial treatment of all resources'.

The Parliamentary Commissioner for the Environment came to the conclusion that

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'Greater recognition of the value of the urban treescape is needed ... the need for this legislation has not been proven. The new provisions, if inserted in the RMA, would still serve only to be persuasive to councils and the councils should be responsive to local views as required by the RMA. If councils are responsive to local views on tree protection then there is no need for this Bill and its enactment would not ensure that councils protect trees, as there is plenty of scope for discretion to be exercised.'

The Bill was reported back from the Select Committee on 2 October 1997. On the basis of submissions received, the Committee concluded that 'this legislation is unnecessary' and that the Bill 'not be passed'. The Bill was discharged from Parliament on 22 October 1997.

Disputes between neighbours are a significant proportion of inquiries received by the Council about trees. The legislative provisions for disputes between neighbours regarding trees come from Section 129 of the Property Law Act. This section of the Act seems to work well and it would be a significant task for the Council to oversee the resolution of these disputes.

Where the dispute between neighbours relates to a protected tree, then the Council does have a role. A resource consent is required for works to the tree and the District Court expects this consent to be resolved before it hears the dispute in the Court. If the Council resolves to protect more trees in the city by any of the methods discussed in this report, then the Council would consequently have more of a role in neighbours disputes about trees. The Council's responsibilities under the Resource Management Act include the maintenance and enhancement of amenity values (Section 7c). The City Plan aims to achieve this by identifying and protecting trees of special value to the community (Policy 4.3.3). It would therefore be appropriate for the Council to only be involved in those disputes which involve trees of special value, as protected in the City Plan.

LOCAL GOVERNMENT NZ CONFERENCE 1998

The December 1997 meeting of the Council also resolved that 'Local Government NZ be requested to include tree protection measures as a workshop to be discussed at the 1998 Local Government Conference'. I have spoken with staff of Local Government NZ about this year's conference which is on 29-30 June in Dunedin. The conference programme has already been confirmed and it is too late to introduce new topics. However, the workshop topic on Environment/Resource Management at the conference is on 'Local Agenda 21'. Staff of the LGNZ office felt that there was enough scope in this topic to focus on certain issues such as protection of trees.

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NON-REGULATORY OPTIONS

(a) Public awareness / Education

Information from Auckland City Council indicates that on notification of the Proposed District Plan, the Council undertook a range of activities designed to inform the public about tree protection. These included articles in the Auckland 'City Scene', and local newspapers, public meetings to explain the new District Plan, pamphlets explaining the tree controls, an annexure in the District Plan giving guidelines on works in the vicinity of trees. It is the opinion of the Auckland Tree Council (from their submission on the Proposed Plan) that the community of Auckland have reached a stage where the benefit of education has made them a tree-conscious people prepared to look after their trees at some sacrifice. Education by itself however, has been clearly shown to be insufficient and the community have indicated they want controls to achieve the level of protection they consider necessary and desirable for the trees in the city.

Education about the value of trees and the methods used in Christchurch to retain the city's tree cover would be beneficial in conjunction with any regulatory methods for tree protection. People would then know what the issue is, why the rules are there, and the results anticipated by the rules.

In the series of information booklets on the City Plan, there is no information booklet about tree protection. It would be beneficial to produce an information booklet in this series which covered such matters as; why trees are protected; what trees are protected; what the difference is between a heritage tree and a notable tree; the procedure for adding trees to the city plan list; the criteria for including trees on the list; what the rules are for protected trees; what to do if you need a resource consent for work affecting a protected tree; Council assistance available for meeting costs associated with protected trees. The Parks Unit is also working on an information brochure about the care of trees.

A public awareness programme could also include articles in 'City Scene', stories in the media (if there is a news angle), articles in newsletters such as 'Our Environment', public seminars or practical workshops on tree care. The Communications and Promotions Unit have been approached and can draw up a strategy for a public awareness programme.

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A public awareness programme designed to increase knowledge about the value of trees could use an example such as the Council planting programme in Boon Street, Sydenham to illustrate one type of assistance available from the Council. This project, which was to encourage tree planting on private property and increase tree cover on a particular street could also be explained to Community Boards, and Boards encouraged to support similar projects in the future.

(b) Council tree planting

The Parks Unit is currently working on a street by street survey of street trees to assess the existing planting and/or the suitability of streets for new planting, with the objective of putting streets in some sort of priority order. At present the planting of street trees is generally done at the time of road construction or reconstruction, or in response to requests by residents for street tree planting.

The budget for planting of Council reserves is split between new reserves which require planting and improvements when they become reserves, and the upgrading of existing reserves. The budget for upgrading existing reserves is evenly spent around the city and is spent according to the priority for where upgrading is needed. In addition to the general spending on Council reserves, additional planting is also achieved by Community Board spending, and planting related to cemeteries, revegetation projects, and waterway margins.

Council planting on Council land is an important and relatively safe option for ensuring tree cover is maintained in the city. It is also an efficient use of funds which will always achieve the desired result, compared to spending on administration and enforcement of rules.

Trees in Council reserves often include trees around park boundaries. There have, on occasion, been disputes with neighbours about the 'nuisance' caused by often mature trees eg shading, falling debris, risk due to overhanging branches. These disputes are increasing as residential density around parks increases. There are many trees on Council reserves which are not listed as protected trees but their value, either individually or in combination can be significant for the reserve and the area the reserve serves. The importance of retaining trees in Council reserves could be recognised by either listing these trees as notable trees (if the criteria are met), or protecting all trees in open space and conservation zones which meet general size criteria. A consequence of this would be that the Council would require resource consent for a lot of the regular tree maintenance work which is carried out. This would increase maintenance costs and could lead to time delays. However, Walter Fielding-Cotterell has advised that

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applications could be made by ward for all proposed tree maintenance in a season and would not, therefore, restrict ongoing works.

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Any changes to strategic policies for parks, or standards and practices relating to existing or new reserves will need to be referred to the Parks Unit or the Parks and Recreation Committee.

REGULATORY OPTIONS

(a) Increase number of listed trees

An information booklet on protected trees and the criteria for protection would advise the public about how trees become listed. This booklet, along with a public awareness programme could be used to encourage the public and community boards to identify trees and advise the Council of trees suitable for protection.

Options and costs for increasing the number of listed trees was reported to the December meeting of the Committee.

Any increase in Council surveys of areas of the city for trees, is limited by present budget restraints. If surveying was increased, it will be most effective if it is concentrated in those areas of the city which are under the most threat, for example higher density residential areas.

(b) Increase the desirability of having a protected tree

Increasing the desirability of having a protected tree would encourage more community (and consequently developer) support for the retention of protected trees. One reason why some property owners see a protected tree as undesirable is the fact that resource consent is required from the Council for most pruning, works and removal. If the application process was simplified and the application costs reduced (as in Auckland City), then people may see more value rather than costs in having a protected tree.

One issue which has arisen in a submission to the City Plan is whether some or all applications for works related to trees should be processed on a non-notified basis with no neighbours consents required. This suggestion will be resolved along with all other submissions on the City Plan later this year. However it should be noted that if this submission was accepted, then the application process would be simpler and quicker and would not require consultation with neighbours which applicants often find difficult and time consuming.

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It may also be appropriate to re-consider resource consent fees for applications related to trees. At present, no fee is charged for applications relating to pruning where the proposal will benefit the safety, health and form of the protected tree. In Auckland however, all application fees related to trees are waived. This acts as an incentive to property owners to obtain the required consents, to not see application costs as a burden, and to see the application as an opportunity to obtain advice from expert Council staff.

In the report to the December meeting of this Committee it was reported that in a recent 12 month period, 56 resource consent applications were received which related solely to protected trees, and of those 30 applications were solely for pruning. The application fee (where it is not pruning for the benefit of the tree) for a non-notified resource consent is \$250 and the initial fee for a notified application is \$650. These fees are charged for removal of a tree or any works within 10m of a tree.

The Council does have a small budget of \$5,000 for assistance with works associated with protected trees. This has been used in the past on specific application for pruning which is of benefit to the tree and works required due to damage caused by protected trees, for example repairs to buildings or drainage. The availability of assistance is not publicised and therefore is not an incentive for the retention of trees. However, it should be noted that the budget will not stretch far as the cost of pruning a large tree can be up to \$1,000.

(c) Improve existing subdivision controls

The subdivision rules of the City Plan provide for the protection of significant trees and vegetation on the subdivision of land. Where significant trees are found on a site to be subdivided, they are shown on a plan and a consent notice is issued which requires the trees to be protected and preserved in accordance with good arboricultural practice. The consent notice is registered on the title so that any owner or interested purchaser is aware of it.

However, there is no definition in the plan for a significant tree. Surveyors often do not show trees on the subdivision plan, and the subdivision staff do not know if there are significant trees on the property. In order to ensure the rule is clear and certain, and that all parties understand what the rule applies to, if any general tree protection rules are introduced to the plan, it may be beneficial to also have some criteria in the City Plan to define what trees are affected by the subdivision rules and what trees will be protected on subdivision.

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(c) Protect trees on development of land

The 'gap' in the City Plan at present is that there is no ability to protect significant trees at the time of development and there is nothing to prevent a site being cleared prior to development. This gap would not be there if subdivision and land use/building consent applications were made at the same time and/or significant trees could be protected at the time of development. However, there is no enforceable method of requiring land/use and subdivision to occur at the same time.

Options for protecting trees at the time of development are:

- (i) Incentives for retention of trees eg relaxation of certain development standards or reduction in reserve contribution. This option was previously not favoured by the committee.
- (ii) Require resource consent for all development with the discretion retained in respect of the protection of significant vegetation (similar to subdivision and design and appearance controls for some areas). This option was previously not favoured by the committee.
- (iii) Blanket tree protection of all trees over a certain size (the Auckland approach) either city-wide or in particular areas where trees are subject to greatest risk or existing tree cover is particularly valuable.
- (iv) Require landscaping of all sites or sites in some zones on development, including the planting of new vegetation or the retention of existing vegetation.

It is important to consider that a potential consequence of blanket tree protection is a reluctance of people to plant trees that grow to that size. There is some evidence of this from records of tree sales in Auckland. It will always be important to keep planting trees in order for tree cover to be retained in the long term.

Council staff in consultation with particular interest groups, are currently investigating design, amenity and landscaping issues in the high density living zones (L3 and L4). The outcome of this assessment may be a recommendation to amend the existing landscaping provisions in these zones. If suggested amendments are effective in encouraging planting and retention of some existing trees (as in iv above) then there may be no need for blanket tree protection.

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(e) Assessment matters for resource consents

The assessment matters in the Plan are used in assessing resource consent applications for controlled and discretionary activities. If the matter of trees (in particular the retention of trees or provision of new trees), is included as an assessment matter for living zone standards such as density and street scene, this would clarify that trees are to be considered in assessing applications for resource consent. For example whether or not trees removed are replaced or whether non-compliance with a particular standard results in the retention of a tree. Such examples would be mitigating factors for non-compliance and may therefore be a reason for approving an application. If consideration of trees as a mitigating factor is specifically listed as an assessment matter, this may encourage developers to consider tree retention along with any non-compliances.

If retaining a tree results in a proposal being unable to comply with other standards in the City Plan, a developer may prefer to remove the tree than spend time and money on the resource consent process. While assessment matters may indicate that retention of the tree will be considered as a mitigating factor, this will not offset additional costs faced by the developer. It may therefore be appropriate to also re-consider resource consent fees for applications which fall into this category.

(f) SAM approach to tree protection

SAMs are Special amenity areas identified in the proposed City Plan which have a coherence and character worthy of preserving in terms of age, condition and appearance of buildings and streetscape. In some SAMs, there are existing protected buildings and trees which are part of the amenity of the area. SAMs with notable street trees are protected through the road zone rules. The streetscape is important in many SAMs, and to recognise this, there is an increased street scene setback in some SAMs. For example SAMs characterised by 1930s bungalows have a requirement for an 8m street scene setback (compared to 4.5m in the L1 and L2 zones) as this was the typical setback of this type of building. This increased setback retains the historical setting of dwellings but also retains vegetation present along the street frontages. Existing SAMs are areas which the Council has identified as having a special character and amenity and therefore protection of vegetation within SAMs would be consistent with this basis. Protection of vegetation would have to be by way of a general tree protection rule which protected all trees above a certain size.

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However, it must be recognised that the existing SAMs in the proposed City Plan have not been identified because of their vegetation. It is likely that other areas of the city have high amenity in terms of vegetation and such areas could qualify for vegetation protection as much as existing SAMs. Other areas with a particular character and coherence of vegetation could be identified as 'tree SAMs' with specific tree protection rules for these areas. There are however, areas where vegetation is important because it is rare, or because it serves another function eg drainage and stability on the hills. While this may not fit into a SAM model, these areas should be recognised in order to protect different types of vegetation in different areas of the city.

- Recommendation:**
1. That a strategy for a public awareness programme be prepared to increase knowledge about the value of trees, the rules for trees and the care of trees:
 2.
 - (a) That information booklets be prepared on the City Plan provisions for protected trees, financial assistance available for trees and the care of trees.
 - (b) That the public and Community Boards be encouraged through the public awareness programme and information booklets to identify trees suitable for listing, and that Council surveys of trees suitable for listing continue.
 - (c) That assessment matters for resource consents for living zones be included for trees to be specifically considered for the following standards; site density and open space, street scene, and separation from neighbours.
 - (d) That it be recommended to the Annual Plan Working Party that provision be made to increase the Parks Unit's Arboricultural team with two additional full time equivalent staff members. This would enable further surveys for additional trees to be added to the list of protected trees and the administration and enforcement of the plan.

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- (e) That detailed costings be prepared for the options set out below. Their implementation would depend on justification in terms of Section 32 of the Resource Management Act, and adequate future budget provision (probably 1999/2000).
 - (f) That the Parks Unit be asked to identify trees for protection within the city's own parks and reserves.
 - (g) That a seminar on protecting trees in the city be held in July 1998 for all Councillors and Community Board members, to include a bus tour of relevant sections of the city for that seminar.
3. (a) That the existing landscaping requirements in the high density living zones be amended by variation to require the planting of trees which grow to a large size, and the retention of existing trees over a certain size. The means of implementing this amendment to be confirmed through the current investigations on design and amenity issues in the L3 and L4 zones.
- (b) That an assessment be carried out of existing tree cover in the low density living zones to identify areas with a particular character and coherence of vegetation, or where vegetation is important for particular reasons; and that an assessment be carried out of the likely benefits and costs of general tree protection in these areas.
- (c) That general tree protection rules be introduced by variation for those open space zones and conservation zones which are public reserves.

(Note: Councillor Keast withdrew for this clause and referred from speaking and voting thereon.)

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**4. PROPOSED VARIATION TO CITY PLAN -
RURAL QUARRY ZONE**

RR 7258

Officer responsible Environmental Services Manager	Author Bob Nixon
Corporate Plan Output: City Plan	

The purpose of this report is to recommend to the Council that it initiate a variation to the City Plan to make changes to rules in the Rural Quarry Zone and definition of mineral extraction activities.

The variation is proposed to be initiated because of the issues relating to a land use conflict for the Miner's Road quarry sites adjoining the Old West Coast Road, although the variation will relate to all mineral extraction activities and other activities in the Rural Quarry (RuQ) zone.

The City Plan provides for the extraction and processing of sand and gravel within the RuQ zone while having due regard to the effects on occupiers of adjoining land. The intention of rules in the RuQ zone are to achieve this purpose by recognising the potential environmental effects of mineral extraction activities and to have worked out areas rehabilitated.

The purpose of the notified site coverage and vehicle generation rules was to restrict the scale and intensity of non quarrying activities. It has come to the Council's attention that manufacturing, among other activities, has a potential to be carried out in the Rural Quarry zone. The Council's legal advice is that the rules as notified are adequate to achieve the objectives of the zone. However, the scope of the rules for non-quarrying activities are not considered to be as well developed as other rules in the zone. It is considered appropriate to clarify the situation.

Accordingly, Variation 28 proposes to further clarify what constitutes appropriate 'other activities' by altering the wording of Mineral Extraction Activities, bringing 'other activities' under the hours of operation controls applied to mineral extraction, inserting a rule on offices and workshops and requiring a Quarry Management Plan. The rule on offices and workshops will control the use of new buildings for activities that are unrelated to quarry operations. The definition of mineral extraction activity will be tightened for purposes of clarification and certainty.

The rule requiring a Quarry Management Plan is a concept that has been applied in other District Plans and is an industry developed standard. It allows a quarry operator to develop site specific solutions to internalise any potential adverse effects. This will also provide Council with a tool to analyse the impact of 'other activities' that are to occur on the site.

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Recommendation: That pursuant to Clause 16A of the First Schedule of the Resource Management Act 1991, the Council initiate proposed Variation Number 28 to the Christchurch City Proposed District Plan.

(Note: Councillor Keast withdrew from this clause and speaking and voting thereon.)

5. PLAN CHANGE 20, KENNEDY'S BUSH ROAD REZONING RR 7224

Officer responsible Environmental Services Manager	Author A Hansbury
Corporate Plan Output: City Plan, Environmental Services	

The purpose of this report is to seek the Council's approval to make Plan Change 20 to the Paparua Section of the Christchurch Transitional District Plan operative from 6 April 1998.

Plan Change 20 is a privately requested change which rezones an area of land above the existing Residential 3E zone on a continuation of Kennedy's Bush Road, to low density Residential 3F zone. The zone also provides for links between the Halswell Quarry Reserve and the Kennedy's Bush walking track to the Summit Road. Covenants registered against the titles of allotments created will control the form, colour and materials of buildings.

The Change was heard by the Council and the decision approving the Change was confirmed by the Council. An appeal against the Council decision was lodged by the Kennedy's Bush Residents' Association. The Environment Court disallowed the appeal, confirming the Change. A further appeal was lodged in the High Court. The appeal was rejected. The Plan Change can now be made operative.

Recommendation: That pursuant to Clause 20 of the First Schedule of the Resource Management Act 1991, Plan Change 20 be made operative on 6 April 1998.

(Note: Councillor Keast withdrew from this clause and speaking and voting thereon.)

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PART B - REPORTS FOR INFORMATION

6. POSSIBLE SEMINAR PROGRAMME 1998

RR 7215

The Committee received a suggested seminar topic programme for the year.

The Committee **decided** that the seminar programme be amended as follows:

	1996	1997	1998
March	Heritage buildings	<ul style="list-style-type: none"> Review of Update '96 The Year 2000 Projects 	23rd <ul style="list-style-type: none"> Design guides CBD Housing
April	Water Conservation	<ul style="list-style-type: none"> City Environment Centre Resource Consent Process 	20th <ul style="list-style-type: none"> Resource Management Act Review
May		<ul style="list-style-type: none"> Earthquake strengthening City Planting Strategy 	28th <ul style="list-style-type: none"> Review of Update '97 Environmental Policy Statement
June	City Growth	<ul style="list-style-type: none"> Environmental Mission Statement Retailing and Resource Management Act 	
July	Efficient use of Water	BBQ Fencing Pools	20th <ul style="list-style-type: none"> Options for Protecting Trees in the City
August	Use of Non-Chemicals	Air Pollution	24th <ul style="list-style-type: none"> City Planting Strategy
September	<ul style="list-style-type: none"> Ministry for Environment Video Resource Consent Notification 	Urban Trees	24th <ul style="list-style-type: none"> Heritage Buildings
October	Waste Management joint with City Services		-
November	Natural Environment Strategy	Poster Pasting	-

7. HISTORICAL HERITAGE MANAGEMENT REVIEW

RR 7233

A report from the Environmental Policy and Planning Manager outlined the content of a discussion document received from the Department of Conservation on the review of heritage management. The Minister of Conservation seeks to streamline existing procedures and to clarify legislation.

The Committee **decided** that its Heritage Sub-Committee comprising Councillors Evans, Alpers and Crighton examine the discussion document, to co-ordinate a reply on behalf of the Council.

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8. MONITORING REPORTS

The Committee received the six monthly report on the activities of the Environmental Policy and Planning Unit and Environmental Services Unit.

The Committee **received** the monitoring reports covering the period 1 July 1997 to 31 December 1997.

9. STRICKLAND STREET PROPERTY SALE

A request from the Sydenham Residents' Association to the Spreydon/Heathcote Community Board in respect of the detrimental effect the sale of Council owned properties in Strickland Street could have on the neighbourhood was received for consideration.

The Committee **decided**:

1. That a working party be formed with representation from the Environmental Committee and Spreydon/Heathcote Community Board to consider possible restrictions or controls on the design criteria prior to the sale of the Council owned property.
2. That the Sydenham Residents' Association be invited to attend the meeting of the working party to speak on the issues.

**10. WARNERS HOTEL/LYTTELTON TIMES/OLD STAR BUILDINGS -
RESOURCE CONSENT DECISION HEARING**

RR 7278

The Committee received a copy of the Commissioner's decision in respect of the Warners Hotel/Lyttelton Times/Old Star buildings resource consent hearing.

The decision refused the application for the demolition of the Warners Hotel building, but granted the application for demolition of the Lyttelton Times building and Old Star building, subject to conditions, principally the retention of the original facade features of the old Star building's Gloucester Street frontage.

The Committee was made aware that there is a 15 day period in which to appeal the decision to the Environment Court.

The Committee **decided**:

1. That a working party comprising the Chairman of the Strategy and Resources Committee, Councillor David Close, Chairman of the Environmental Committee, Councillor Carole Evans, and Councillors Oscar Alpers and Anna Crighton, together with relevant officers be

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delegated power to consider the decision and determine what action, if any, should be taken in respect of the matter.

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2. That in high profile/important resource consent hearing applications, consideration be given to the appointment of a hearings panel of three commissioners, rather than one.

11. ITEMS OF GENERAL INTEREST

The Committee discussed additional items covering Avebury House - sale of property.

The Committee requested a report from Council officers in respect of:

1. A schedule of all Council owned buildings under the control of various Council units that are of an historic nature or worthy of retention.
2. A report on the current condition of such buildings.

The Committee also requested that no sales of Council owned buildings in this category take place until the report has been considered by the Environmental Committee.

**PART C - REPORT ON DELEGATED DECISIONS
TAKEN BY THE COMMITTEE**

**12. SUPPLEMENTARY ITEMS -
STRICKLAND STREET PROPERTY SALE
WARNERS HOTEL/LYTTELTON TIMES/OLD STAR BUILDINGS -
RESOURCE CONSENT DECISION HEARING**

The Chairman sought the approval of the Committee to introduce two supplementary reports on the above topics. The reasons why the above items were not on the agenda and why they could not wait for the next meeting was explained to the Committee. It was **resolved** that the reports be received and considered at the present meeting.

The meeting concluded at 6.05 pm

CONSIDERED THIS 25TH DAY OF MARCH 1998

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MAYOR