



Christchurch City Council

ENVIRONMENTAL COMMITTEE AGENDA

THURSDAY 9 APRIL 1998

AT 4.00 PM

IN THE NO 2 COMMITTEE ROOM, CIVIC OFFICES

Committee: Councillor Carole Evans (Chairman), The Mayor, Ms Vicki Buck, Councillors Oscar Alpers, Anna Crighton, Newton Dodge, Pat Harrow, Lesley Keast, Charles Manning and Barbara Stewart.

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1. APOLOGIES

2. DEPUTATIONS BY APPOINTMENT

(a) OURUHIA RESIDENTS' ASSOCIATION INC - FUNDING APPLICATION

The Association has sought speaking rights to address the Committee, it is understood in respect of seeking funds for the Association.

(b) KEITH MCKAY - TREES

Mr Keith McKay has sought speaking rights in respect of the city's trees.

WASTE MANAGEMENT SECTION

3. CLEAN RETAIL SCHEME

RR 7330

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|--|----------------------------------|
| Officer responsible Waste Minimisation Officer | Author Christine Byrch |
| Corporate Plan Output: Commercial Waste Auditing | |

The purpose of this report is to inform the City Services/Environmental Committee of a joint initiative of the Waste Management Unit, City Centre Marketing, Keep Christchurch Beautiful and other parties. This is a Cleaner Production program for city center retailers.

About 12 city centre retailers will be given the opportunity to participate in an initial cleaner production demonstration project. Through this project, environmental experts will show these businesses how they can increase environmental awareness, improve their environmental performance and minimise waste in all areas including packaging and electricity. Most of the techniques that these retailers learn will also save them money. Additionally retailers will be taught how to market their environmental image.

Zero Waste New Zealand, a funding trust set up by the Tindall Foundation, is contributing \$12,500 to this project. Waste Management Unit is contributing \$10,000 from the Commercial Waste Minimisation budget, and City Centre Marketing and 'Keep Christchurch Beautiful' will most likely contribute about \$2,000 to the project. The initial demonstration project will run from late April to the end of August. After this time, it is envisaged that other retailers will join and carry on with the scheme with less intensive support.

Over the next couple of weeks, retailers will be invited to take part in this project. The detailed project program will then be finalised together with the participating companies.

Chairman's

Recommendation: That the information be received.

WATER MANAGEMENT SECTION

4. WATER EXPO

RR 7301

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| Officer responsible Water Services Manager | Author Christine Heremaia and Craig McGregor |
| Corporate Plan Output: Education Programme Volume 3 Page 9.3.5 | |

The purpose of this report is to provide information on the Water Expo programme, an educational programme to increase children's environmental awareness of the city's water resource.

The Water Services Unit has a responsibility to encourage environmental awareness of this resource in accordance with Policy 2.9.1 in the City Plan. This policy states:

To encourage greater public awareness of important natural features and habitats within the city, particularly waterways, the coast and their margins, the Port Hills and indigenous grasslands.

The Council's Environmental Policy Statement also states that:

The Council will promote an awareness within the community of environmental matters as they affect the city.

In 1996 the Council adopted the recommendations of the Children's Strategy Research Report which included ensuring that policies were good for children and that children's views and perspectives were taken into account in planning. They are also the next generation who will be managing and using this important resource.

The Water Expo Programme focuses on children year 6 to year 10.

The focus of the programme will be on information technology such as the computer and web sites. This technology is being rapidly introduced into schools and will encourage interactive participatory learning by the children as well as provide a lot of information easily. It is important that the Council provide local information, in order that Christchurch children understand their local resource as well as the situation worldwide.

Last year Craig McGregor and the Water Services Unit jointly applied to the Royal Society of New Zealand for a Science and Technology Teacher Fellowship in order to develop this programme and to run a pilot Water Expo competition. Craig is the Deputy Principal of Wharenui School. The application was successful. Craig has now taken a year off school and his replacement is being funded by the Royal Society of New Zealand.

The programme has three main components:

4 Cont'd**1. Web Site**

The development of a children's web site on the Water Services Unit's home page. It will contain information on Christchurch's water resource, teacher and student work sheets, links to the school curriculum and information about the competition. Opportunities will be provided for students to e-mail their questions to the Water Services Unit and having their answers posted to the web.

2. Audio Conferencing

Audio conferencing will involve linking several schools at the same time by telephone and enabling them to interview an expert on a particular aspect of the water resource.

3. Competition

The culmination of children's study will be their (optional) entry into one of the following competition categories: photographic essay/poster, video presentation, computer multimedia presentation.

Chairman's

Recommendation: That the information be received

ENVIRONMENTAL POLICY AND PLANNING SECTION**5. UPDATE ON HERITAGE BUILDINGS**

RR 7430

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| Officer responsible Environmental Policy and Planning Manager | Author Jenny May, Planner (Heritage) |
| Corporate Plan Output: City Design and Heritage Policy Advice | |

The purpose of this report is to provide an update on the heritage information presented to the committee in the February report. Where applicable, information from the last report is repeated in italics.

PETERBOROUGH CENTRE (EX TRAINING COLLEGE), PETERBOROUGH STREET, GROUP 3

Hearings relating to the alteration of this building were heard in April 1997 and consent for the conversion of the Peterborough Centre into a boutique hotel was granted in May 1997. However the owners have since sold the building and a proposal to convert it into apartments is being explored by the new owners.

The proposal to convert the building into apartments has been approved and work has now commenced; this has required large scale demolition of the interior in order to accommodate the conversion of the building for its new use.

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OCTAGONAL UNITS, JUBILEE HOSPITAL, JUBILEE STREET, GROUP 3

This building was notified for demolition in February 1996 and the hearing took place in April 1997. The Council's decision was to defer demolition for a further 12 months to provide for interested parties to further explore conservation options.

Council staff have been liaising with the New Zealand Historic Places Trust and the Christchurch Heritage Trust in an effort to find a new use for the building. None has been found to date and it is anticipated that the owner will apply for consent to demolish the units in April this year

The 12 month period for Community groups to find a new use for this building expires on 11 April 1998. To date a use has not been found, however, the applicant needs to apply to demolish the building if this is what he wishes to do. A group led by the Canterbury Branch of the NZHPT has had a successful meeting with the owner with respect to removing the building to another site - this option is now being investigated

WESLEY LODGE/EVENTIDE HOME, 138-148 PARK TERRACE, GROUP 3

The site containing these two heritage buildings has now been offered for tender nationally and internationally. Tenders closed 19 March, 1998. The agents, Harcourts have been contacted by Council staff - to date no further information other has been forthcoming.

SAMOAN CONGREGATIONAL CHURCH, 343 COLOMBO STREET, GROUP 2

The church has accepted a conditional offer from a developer who has applied for consent to demolish. The hearing application is to be held in February (1998) and has attracted over 85 submissions in opposition.

The applicant withdrew the application for demolition prior to the hearing and the hearing was subsequently cancelled. Council staff are pursuing finding a new use for the building with those who have expressed an interest, however, it would be fair to say that we are "back to square one" with this building with one inquiry received requesting a cleared site.

DWELLING, 23 MANDEVILLE STREET, GROUP 3

Discussions between Council staff and the new owner of this dwelling have been held. These have proved to be somewhat unproductive to date and the owner is considering an application for demolition.

AVON THEATRE, 88 WORCESTER STREET, GROUP 3

A Resource Consent has been applied for for the demolition of the Avon Theatre building and replication of the existing Art Deco facade as part of an 11 storey apartment and office block development proposal. The application is now following the due process.

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STAR/LYTTTELTON TIMES BUILDINGS, CATHEDRAL SQUARE/GLOUCESTER STREET, GROUP 1, GROUP 2; WARNERS HOTEL, CATHEDRAL SQUARE, GROUP 2

The hearing for the application for the demolition of these buildings has now been held. The Commissioner's decision granted consent for demolition of the Lyttelton Times building; consent for partial demolition of the Star building, Gloucester Street, which retains the principal facade and returns; consent for demolition of Warners Hotel was refused. The date for appeals closes on 1 April 1998.

COACHMAN INN (EX DOMINION HOTEL) GLOUCESTER STREET, GROUP 2

The Coachman Inn has now been purchased by the City Council thus ensuring its retention. Property Unit and EPPU heritage staff are liaising with respect to the future use and conservation of this building and its onward sale in due course.

CITY PLAN HEARINGS

Over the past two months staff have been involved in City Plan hearings - these are now drawing to a close.

HERITAGE WEEK 1998

The dates for Heritage Week 1998 are 17 - 23 October. The theme this year is *Gothic Revival Christchurch* to mark the centenary of the death of Benjamin Woolfield Mountfort (1825-1898), New Zealand's leading 19th century Gothic Revival architect, and to draw attention to Mountfort's Christchurch buildings and the conservation work being undertaken on them.

Chairman's

Recommendation: That the information be received.

6. UPDATE REPORT ON CLEAN AIR AND ENERGY EFFICIENCY INCENTIVES PROGRAMME

RR 7411

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| Officer responsible Environmental Policy and Planning Manager | Author Isobel Stout, Environmental Health Officer |
| Corporate Plan Output: Environmental Health Policy Vol II P.7.2.Text.12 | |

The purpose of this report is to update the Committee on the progress of a proposed programme by which the Council will make available financial incentives to encourage city residents to convert to non-polluting forms of heating and upgrade thermal insulation in their houses. The report has been prepared in conjunction with the Accounting Services Manager and the Energy Manager.

6 Cont'd

INTRODUCTION

The Council in September 1997 adopted the following recommendations (amongst others):

That the Council adopt the following, subject to the Legal Services Manager confirming that the Council has the power to spend money for the purpose, as the policy for the incentives programme:

- (a) *The incentives be granted for changing to non-polluting forms of home heating to householders and home owners closing off or removing open fireplaces.*
- (b) *These incentives be provided in conjunction with any energy efficiency measures as provided for from any Energy Saver Fund.*
- (c) *That the Council pursue this programme irrespective of whether any proposed regulatory measures are or are not introduced by the Canterbury Regional Council under the Resource Management Act.*
- (d) *That discussions be continued with the Regional Council; energy supply authorities; and relevant industry groups to develop the specific details of the incentives scheme for reporting back to the November meeting of the Council.*

THE CANTERBURY REGIONAL COUNCIL POLICY

The Canterbury Regional Council adopted in March 1998 the recommendations under section 369 (11) of the Resource Management Act 1991:

- (a) *Prohibition of the domestic use of coal and coal derivatives as a fuel in the Christchurch portion of the Clean Air Zones by 30 September 1998*

THE CANTERBURY REGIONAL COUNCIL AIR QUALITY PLAN

The Canterbury Regional Council plan to have a draft of the Air Quality Plan out for public discussion and comment for two months from late April 1998. The submissions received will then be analysed and incorporated into the proposed Air Quality Plan which is planned to be notified later in 1998.

THE COUNCIL'S CLEAN AIR AND ENERGY EFFICIENCY INCENTIVES PROGRAMME

The programme will be available to residents with regularly used open fires and coal burners. Participating residents will be required to permanently seal the open fire or remove the burner. A permanent seal will involve the complete air tight seal of the open fire place with suitable materials, such as: bricks and mortar; sealed frame with wood/metal panel; or eligible heater (ie, heater designed as a fireplace insert). The aim is to ensure that fireplaces can not be easily made usable again.

Eligible technologies for the replacement of open fires and coal burners would be:

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- flued gas heaters
- fixed electric heaters with thermostatic controls
- flued diesel heater
- wood fired heater that meets the CRC target for year 2000 compliance
- electric heat pumps

Eligible technologies for improving home energy efficiency would be:

- ceiling insulation (no existing insulation present)
- under floor insulation
- weather strip

Only those residents that are replacing their open fires or coal burners would be eligible for the home energy efficiency incentives.

It is intended that the residents that participate in the clean air programme will be offered a grant of \$500 for the conversion of open fireplaces or coal burners to eligible heating appliances, including heat pumps, but excluding fixed electric heaters.

In the case of the home energy efficiency measures an incentive of 50% of the installed cost of measures that meet the requirements of the Energy Saver Fund would be available. Grants for the installation of fixed electric heaters are to be set at not less than 80% of the cost to a maximum of \$300.

The Programme Implementation Plan and Programme Marketing Plan (developed by our consultant SRC International Pty. Ltd of Melbourne) has been received.

The draft brochure which explains to potential participants, who is eligible and what for, can now be finalised as the programme administrator will be confirmed shortly and then the brochure will go to print. A draft Application and Installation Certificate Form is also ready. The draft advertisement for "Registration of Interest" from equipment suppliers and installers is ready to go to local newspapers.

From the beginning, it was planned that the Programme be a "Clean Air **and Energy Efficiency** Incentives Programme". It was planned to bid for funds from the Energy Efficiency and Conservation Authority (EECA) and our first bid for their Energy Saver Fund money for this financial year (ending June 98) was successful. There is now also a sum of money to spend as incentives for thermal insulation of houses that participate in the Programme.

THE PROGRAMME ADMINISTRATION

The EECA has agreed to act as the programme administrators provided this is acceptable to the Minister and once the Council funding is available.

6 Cont'd**THE FUNDING**

There has been a little delay in implementing the programme due to legal matters over Council funding. A mechanism has been put in place to resolve this issue and the funds will now be made available through one of the Council's subsidiary companies.

THE LAUNCH

EECA will by now, have be informed of this development and that they can proceed in gaining Ministerial approval and implementing the programme. It is anticipated that gaining this approval and finalising a few details will conclude by the end of March 1998 from when the full programme can be launched.

Chairman's

Recommendation: That information be received.

7. 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. 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.

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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.

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.

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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

'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.'

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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

‘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.

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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.

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 make 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

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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.

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.

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

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.

(d) 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.

7 Cont'd

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.

(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.

7 Cont'd

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.

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.

The Committee recommended as follows to the Council:

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.

7 Cont'd

- (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.
 - (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.

This report was withdrawn from the Council meeting agenda of 25 March 1998, to enable members of the Committee to provide further information or amendment to the report.

8. REMITS TO LOCAL GOVERNMENT NEW ZEALAND ANNUAL GENERAL MEETING - 1 JULY 1998

Local Government New Zealand is now receiving proposed remits to the Annual General Meeting to be held on 1 July 1998.

8 Cont'd

The constitution of LGNZ calls for remits to be submitted not less than two months before the AGM.

The Chief Executive has requested that remits proposed be forwarded no later than 24 April 1998.

This will require urgent action by staff if the proposed remits are to be processed through the Standing Committees to the Council's meeting on 22 April 1998.

The Remits Policy of LGNZ has been confirmed as follows:

“Remits Policy

The route for members to propose areas of work for national action on legislative or policy matters is now well established as being through the development of the annual Workplan process. In addition, members have zone meetings available to them throughout the year as a means of picking up particular problem issues as they arise and proposing action.

National Council has confirmed that the remits process is therefore no longer appropriate for this type of suggestion from members.

Proposed remits, other than those relating to the internal governance and constitution of *Local Government New Zealand*, should instead address only major strategic “issues of moment”. They should have a national focus and represent the national voice of local government articulating a major interest or concern at the national political level.

Proposed remits should be accompanied by a full background, indicate why the matter is regarded as of major current significance, and identify a link to *Local Government New Zealand's* strategic plan “Full Forward Five”.

Remits may come from individual members or from zones or sector groups. Those from individual members should indicate the extent of consultation within, and support from, the zone or sector.

Process

All remits will be screened by a remits group made up of the Presidential team and the Chief Executive.

The remits group will commission written comment on each remit prepared by *Local Government New Zealand* staff. This will:

- Provide wider assessment of the issue raised in the context of “Full Forward Five”.
- Examine the policy or constitutional context of the issue.
- Assess whether or not the proposal represents a confirmation of existing policy.

8 Cont'd

If, as a result of the group's consideration, any remit fails to meet the screening policy requirement, the proposer will be advised that the remit will not proceed to the Annual General Meeting and an alternative course of action will be identified. The proposer will be fully informed of the considerations and papers prepared on the matter and other options for action.

The group will not consider and take forward proposed remits that do not meet this policy, or are received after 24 April."

Chairman's

- Recommendation:**
1. Any proposed remits for the annual conference be raised for discussion.
 2. The Committee considered nominating a representative to attend the annual conference, as it is understood that the agenda includes matters of a planning nature, which are of interest to the Environmental Committee.

(Note: Councillor Pat Harrow has expressed an interest in attending the conference.

9. RESOLUTION TO EXCLUDE THE PUBLIC

Attached.

THURSDAY 9 APRIL 1998

AT 4.00 PM

- 24 -

ENVIRONMENTAL COMMITTEE

RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987.

I move that the public be excluded from the following parts of the proceedings of this meeting, namely item 10.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under Section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

| | GENERAL SUBJECT OF EACH MATTER TO BE CONSIDERED | REASON FOR PASSING THIS RESOLUTION IN RELATION TO EACH MATTER | GROUND(S) UNDER SECTION 48(1) FOR THE PASSING OF THIS RESOLUTION |
|---------------|--|--|---|
| PART A | | | |
| 10. | PURCHASE OF NON-CONFORMING USE - 3 HARGOOD STREET, WOOLSTON |) GOOD REASON TO WITHHOLD EXISTS UNDER SECTION 7)) | SECTION 48(1)(a) |

This resolution is made in reliance on Section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by Section 6 or Section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

Item 10 Conduct of Negotiations

(Section 7(2)(i))

Chairman's

Recommendation: That the foregoing motion be adopted.

Note

Section 48(4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof):

- (a) Shall be available to any member of the public who is present; and
- (b) Shall form part of the minutes of the local authority.”