

## Notable Trees

We have concerns regarding the following:

- 1- The financial analysis required under section 32 of the RMA regarding Notable Trees has not been carried out. The cost of the maintenance and protection of notable trees and loss of production from the area surrounding notable trees on private property has not been considered. Also, the council approved arborist costs have not been allocated. Will the costs be incurred by the landowner or the Council? There should be compensation for private property owners for the loss of production and costs associated with the protection and maintenance of notable trees on their property.
- 2- A more definitive framework for the identification of notable trees needs to be developed.
  - a. Definitions of key attributes in the identification process such as 'notable' and 'rare', need to be included to avoid interpretation discrepancies.
  - b. STEM is a good tool but it does involve a lot of discretion by the user. The use of STEM needs to be carried out by an independent person with professional botanic credentials.
  - c. Identification is proposed to be carried out in consultation with Ngai Tahu, the community and stakeholders. Nowhere is there a solution for these parties not agreeing.

The current identification process is vulnerable to abuse by people wanting to block development on both public and private land.

- 3- Other overlays, such as the SASM's, override the rules associated with this chapter making the presence of a notable tree, especially on private land, onerous as there would be another layer of permission to go through. For example, in order to carry out tree management, to continue with existing land use or to change the land use, permission from a council appointed arborist and in the case of a SASM, permission from local iwi would need to be attained. Basically, two consents would be required.

We have a couple of questions.

Is a plan change required to alter add or remove a notable tree? If so, what is the process?

With regard to Policy 3: (Enable opportunities for mana whenua to exercise tino rangā tira tanga for notable trees of value to Poutini Ngāi Tahu) Does Poutini Ngāi Tahu have to observe private property rights? For example, do they need to seek permission to access private land to deem a tree notable? And do they have to use STEM to identify a notable tree?

With regard to Rule 8: (Removal, Partial Removal or Destruction of a Notable Tree identified in Schedule Two not meeting Permitted or Restricted Discretionary Activity standards) Does this apply to Poutini Ngāi Tahu? For example, Ngāi Tahu may deem a tree on private property notable due to its cultural value for potential use for carving (whakairo). Then, in turn fell the tree for this use.

The notable tree chapter needs to give the private property owner the right to refuse or consent to trees on their property being identified as notable. A provision for compensation for the costs associated with notable trees on private land is required for private property owners giving consent.

Notable Trees Trees play an important ecological, environmental, historical and cultural role on the West Coast. Notable trees are those that have been identified as prominent landmarks, that add character and identity to different parts of the West Coast, are rare species or spectacular specimens and/or have special historical or cultural values. Trees are important contributors to amenity, particularly in our urban environments. There are approximately 56 notable tree locations listed in the three Operative District Plans, containing over 60 notable trees. Approximately 80% of notable tree locations are on 6 Te Tai o Poutini Plan Section 32 Report 4 Historic and Cultural Values public land (such as the road reserve or within parks), with the remainder being located on private property. The outcomes experienced for notable trees under the Operative Plans are variable. Factors such as the lack of a standalone chapter and specific objectives, and poor information on the location and reasons for scheduling some of the trees have caused implementation issues. The resource management issue relating to notable trees is the potential for loss or degradation of notable trees through inappropriate land use, development or subdivision, which can detract from the amenity and character of the environment. The key changes introduced for Notable Trees are: - A standalone chapter and specific objective and policies for notable trees to align with the National Planning Standards. - Simplified rules that provide consistent rule triggers for notable trees, irrespective of their category. - The addition of a number of notable trees identified by the community as having important amenity, historic or cultural values. - Proposed rules that ensure

protection but provide flexibility for tree management such as trimming and maintenance and minor activities in the root protection area. - Stronger controls on tree removal where a tree is not unsafe or unsound. - Notations on Planning Maps that identify listed notable trees. The Proposed Plan and updated Notable Tree Schedule will provide better outcomes, providing for arboriculture contractor input for key activities that represent risk to notable trees.