

# **The Truth About Tree Protection Public Meeting**

## **Thursday 16 April 2015**

### **Kelston Community Centre**

Hosted by Forest & Bird Waitakere, Titirangi Ratepayers & Residents Association, The Tree Council & Waitakere Ranges Protection Society.

Chair: Mels Barton - Titirangi R&R Assoc Chair & The Tree Council Secretary

Speakers:

Madeleine Wright, Environmental Defence Society Lawyer

Douglas Allan, Partner Ellis Gould

Sean Freeman, Arborist & Chair The Tree Council

Marie Brown, Environmental Defence Society Policy Adviser

Approx 120 attendees.

#### **RMA and District Plans**

Ministry for the Environment online guidance is unclear as to the relationship between the RMA changes to the district plan rules to protect trees and regional plan rules. Regional plan rules more appropriate for protecting bush areas.

Debate that MfE think the changes to RMA stop the regional plan rules as well as the district plan rules to protect trees. Regional plan rules more appropriate for protecting bush areas.

Changes to RMA by Government means that blanket tree protection for areas like Titirangi can no longer be applied to urban sections <4000m<sup>2</sup> with water and sewage reticulation and with a building.

Only thing remaining as a tool to protect trees is the "schedule" in the relevant district plan, which lists individual trees identified by their street address, or a grove, line of trees.

5 September 2015 "chainsaw date" is the date at which the old district plan provisions cease to apply - and therefore the old protection is removed.

#### **Unitary Plan and Significant Ecological Areas**

View that Council can introduce general tree protection via regional rules for the ecosystem functions, soil conservation, maintenance & enhancement of water quality & coastal water & avoidance of natural hazards, eg land instability.

Council has used SEA identification of areas in this context for places like Titirangi.

#### **Nominating a Tree to be Scheduled**

Very hard to meet the criteria unless your tree is extremely old, exceptionally rare, providing essential habitat for endangered species, or has significant heritage value, with the perfect form for that species, and seen by a lot of people every day.

If the owner of the tree opposes the nomination it will not be scheduled.

New additions to the list require a plan change, so they are infrequent.

The scheduled list therefore only protects the largest, oldest trees in the city, nothing else.

### **Effect of the Waitakere Ranges Heritage Area Act**

Requires the Council to take into account the principles of the Act.

Does not provide a blueprint for the district plan rules.

Rules in the district plan have to comply with the RMA and therefore cannot contain general tree protection rules.

Therefore RMA trumps WRHAA.

### **Ensuring Protection in the Future**

Unitary Plan - EDS, F&B and The Tree Council propose a second tier to the schedule for trees achieving 80% of the score to be included in the Unitary Plan.

Trees will not be included in any 2nd tier schedule until there is a plan change, minimum of 2 years away.

Think the SEA mechanism will be effective for bush areas like Titirangi.

Will support it via the hearings process.

No guarantee that Govt won't just change the RMA in response if they think the Council has gone too far.

RMA Reforms - EDS lobbying for better quality protection, eg coastal pohutukawas, riparian planting. Section 32 is the answer which requires costs & benefits of the provisions to be assessed.

Govt needs to think there is a problem worth fixing.

Meanwhile change regarding loss of trees will be incremental and will take a while to be noticed.

May need to be a trigger eg loss of a tree significant to a politician!

Questions were taken by the panel of speakers.

Bruce Harvey suggested that the meeting should take action and proposed writing to Council.

The following resolution was moved by Mels Barton, seconded by Bruce Harvey and carried unanimously:

*"This meeting expresses its concern about the lack of sufficient tree protection provided by Auckland Council. The meeting supports a request to Auckland Council to:*

1. *Improve the tree protection provisions within the Unitary Plan to the extent that is possible within the current law, in particular by:*
  - a. *Introducing a second tier to the scheduled list of trees comprising those trees achieving 80% of the score required for scheduling under the current provisions; and*
  - b. *Continuing to support the proposed protections in the Unitary Plan regarding trees and forested areas within the identified Significant Ecological Areas;*
2. *Invite the public to submit nominations of further trees for scheduling in either the primary or proposed secondary tier so that assessments can be done with the minimum impact on Council resources in advance of any future plan change; and*
3. *Lobby the Government to review and relax the RMA statutory constraints on tree protection through its forthcoming proposed RMA reforms".*