

PROPOSED RECOMMENDATIONS BASED ON MINISTER TWYFORD'S FEEDBACK

1. Agree that the policy intent of RMA sections 76(4A) - (4D) is not retained in the primary legislation. These sections specify that district plans cannot include rules that protect urban trees from being trimmed, damaged, or removed unless that tree or group of trees is specifically identified in a schedule to the plan

This will also allow SNAs to be scheduled in urban environments, but only where the area meets the prescribed criteria as an area of significant indigenous vegetation/significant habitat of indigenous fauna. SNAs do not apply to individual trees. Providing for the protection of SNAs in urban areas has multiple benefits for urban tree protection, quality urban environments and adapting to climate change

2. Agree that, subject to any direction by the NPF, the NBA plan may identify and protect any individual tree ~~or group of trees~~ in a specified locations where it can be established that the tree is of very high value to the community

This amendment enables NBA plans to schedule individual trees where the community has indicated they are of very high value. To respond to the Minister's concerns, the reference to "groups of trees" has been removed so that trees cannot be scheduled in a plan over wide areas such as a suburb. The Minister may wish to consider whether this recommendation should be further refined to apply to public land only?

3. Agree that an NBA plan must not impose tree protection provisions where trees are identified by species, height or girth, irrespective of their location or value, across undefined areas unless directed to do so by the NPF

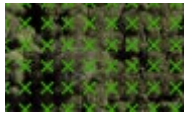
This amendment responds to the Minister's suggestion that there may be some circumstances where qualified blanket protection rules should be enabled (eg specimen trees over a certain height regardless of whether they are indigenous species or not), and that the correct mechanism to undertake this is through secondary rather than primary legislation

4. Note further advice is being developed to outline options for the NPF that connect urban trees and vegetation with Part 2 environmental outcomes. ~~Retaining controls through the NPF to ensure blanket tree protection provisions are not used will be considered as part of future NPF development~~

This amendment removes reference to prohibiting blanket tree protection provisions, allowing the NPF to be used to provide more specific direction on how urban trees are managed to achieve a balance between protection and development. For example, the NPF could provide direction on ways urban vegetation can contribute to quality urban environments

5. Note that these recommendations do not preclude the identification and/or protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

This is an advisory note to Ministers and PCO clarifying that the protection of areas which are evaluated as meeting SNA criteria (eg representativeness, rarity, ecological context) is not precluded by any of the provisions relating to individual tree protection



SNA in urban settings – could these override the intent of our urban policy? The Minister gave Titirangi as an example, where people “essentially have kauri forests in their backyards”

Comment:

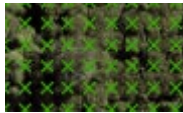
- SNAs are matters of national importance – they do not apply to individual trees
- SNAs must meet specific criteria and are identified by ecologists, usually as part of comprehensive region-wide assessments
- SNAs are already identified in Auckland and are a component of well-functioning urban environments – they compliment urban policy
- The following pages show an example of SNA corridors near Swanson Rd

Auckland Unitary Plan - Factors for assessing ecological value

An area shall be considered to have significant ecological value if it meets one or more the sub-factors 1 to 5 below.

1. REPRESENTATIVENESS
2. THREAT STATUS AND RARITY
3. DIVERSITY
4. STEPPING-STONES, MIGRATION PATHWAYS AND BUFFERS
5. UNIQUENESS OR DISTINCTIVENESS

Under each heading the assessment criteria are broken down into a number of sub-factors eg: It is part of a network of sites that cumulatively provide important habitat for indigenous fauna or when aggregated make an important contribution to the provision of a particular ecosystem in the landscape.

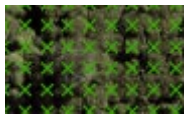


SNA IDENTIFIED (SWANSON RD, AUCKLAND)



SNA IDENTIFIED (SWANSON RD, AUCKLAND)





RECS 2 and 3

Recs 2 and 3 – are these two things complementary or do they conflict?

Noted, the Minister's previous advice that he is not keen to protect groupings of trees

2. Agree that, subject to any direction by the NPF, the NBA plan may identify and protect any individual tree ~~or group of trees~~ in a specified locations where it can be established that the tree is of very high value to the community

This amendment enables NBA plans to schedule individual trees where the community has indicated they are of very high value. To respond to the Minister's concerns, the reference to "groups of trees" has been removed so that trees cannot be scheduled in a plan over wide areas such as a suburb. The Minister may wish to consider whether this recommendation should be further refined to apply to public land only?

3. Agree that an NBA plan must not impose tree protection provisions where trees are identified by species, height or girth, irrespective of their location or value, across undefined areas unless directed to do so by the NPF

This amendment responds to the Minister's suggestion that there may be some circumstances where qualified blanket protection rules should be enabled (eg specimen trees over a certain height regardless of whether they are indigenous species or not), and that the correct mechanism to undertake this is through secondary rather than primary legislation

Comment:

- Rec 2 removes the reference to groups of trees, allowing individual trees to be scheduled where they can be described in a specific location (see the example at Waitakere Hospital). It prevents a group of trees from being scheduled unless they are individually identified (see the group example at Waitakere College)
- Rec 3 could be reformatted so it is more clear. Plans cannot protect all trees over 15m (for example), *unless* the NPF directs them to

3. Agree that unless directed to do so by the NPF, an NBA plan must not impose tree protection provisions where trees are identified by species, height or girth, irrespective of their location or value, across undefined areas



NOTABLE TREES IDENTIFIED (WAITAKERE HOSPITAL)



GROUP OF TREES IDENTIFIED (WAITAKERE COLLEGE)



1955	<i>Platanus x acerifolia</i>	Plane Trees	Group	Swanson Road 133-179	Henderson	Pt Lot 40 DP 670
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REC 4

4. Note further advice is being developed to outline options for the NPF that connect urban trees and vegetation with Part 2 environmental outcomes. ~~Retaining controls through the NPF to ensure blanket tree protection provisions are not used will be considered as part of future NPF development~~

This amendment removes reference to prohibiting blanket tree protection provisions, allowing the NPF to be used to provide more specific direction on how urban trees are managed to achieve a balance between protection and development. For example, the NPF could provide direction on ways urban vegetation can contribute to quality urban environments

Rec 4 summary is unclear – are we saying we can direct protection through the NPF?

Comment

- Previously the noting rec suggested that the NPF could not be used to apply blanket protection to trees
- The Minister has indicated that blanket protection of specimen trees may be an appropriate mechanism in the future
- The noting rec could be amended, for example:

4. Note further advice is being developed to outline options for the NPF that connect urban trees and vegetation with Part 2 environmental outcomes, including the consideration of blanket protection of specimen trees in identified circumstances