

15 Trees

Introduction

Trees contribute towards amenity and the quality of the environment throughout Dunedin City. They provide ‘natural’ impact and contrast with the built elements of the environment. They are of particular importance in urban areas where they are the largest, most significant natural elements in the landscape at the scale of the street environment and they provide a sense of scale and setting. The most visually attractive urban areas of the City are those where trees make a substantial visual impact. As well as enhancing the landscape, trees provide habitat for birds and other wildlife and provide shelter. Certain trees may also have value as botanical specimens or have historical or other cultural significance. The importance of trees is not restricted to urban areas. In rural areas trees also play an important role in the protection of rural amenity and of soil and slope stability. Trees are living dynamic organisms that provide an identity and presence.

Trees, being large natural elements in populated urban areas, are often perceived as having negative impacts, usually by individuals living adjacent, in terms of shading and safety threats. Any controls should recognise that trees are dynamic organisms which have value for the community. Management of trees as a natural resource is essential. It is important to protect significant trees, promote the retention of trees, and promote new plantings in recognition of their important role in enhancing the urban environment while providing for individual landowners who may need to modify or remove trees no longer suitable for their location.

15.1 Significant Resource Management Issues

Issue 15.1.1

Trees are potentially at risk from subdivision, land use activities and development. Their removal or modification may result in a reduction in amenity and/or the quality of the environment.

Objectives: 15.2.1, 15.2.2

Policies: 15.3.1 - 15.3.3

Explanation

Development, particularly where this results in ongoing subdivision and greater built density, often results in pressure for trees to be felled or topped. This is usually because the space the trees occupy is needed for building or because the development results in people living in greater proximity to the trees and being shaded by them or having views blocked.

Issue 15.1.2

Planting of trees in appropriate locations enhances the quality of the environment.

Objective: 15.2.1

Policies: 15.3.1, 15.3.3

Explanation

Trees provide natural impact which contrasts with built elements in the environment and helps create a setting for buildings. They also provide habitat for birds and other wildlife, shelter and can be important in reducing water runoff, stabilising soils and preventing erosion.

Issue 15.1.3

Trees can have adverse effects on people living in close proximity to them. The reasonable expectations of adjacent residents to a satisfactory living environment must be recognised and provided for.

Objective: 15.2.1

Policy: 15.3.1

Explanation

Leaf drop, shading, blocking views or possible impacts on health and safety are matters which can cause people living in close proximity to trees to seek their removal or modification. Any perceived negative impacts should be balanced against the benefits of the tree's retention, particularly to the wider environment, but also to the individuals concerned. The adverse effects associated with trees can be ameliorated through thinning or crown reduction. In some instances the most viable option will be to remove the tree(s).

15.2 Objectives

Objective 15.2.1

Maintain and enhance the amenity and environmental quality of the City by encouraging the conservation and planting of trees.

Issues: 15.1.1 - 15.1.3

Policies: 15.3.1, 15.3.3

Explanation

The encouragement and promotion of tree planting and conservation will contribute towards the maintenance and enhancement of amenity and the quality of the environment.

Objective 15.2.2

Protect Dunedin's most significant trees.

Issue: 15.1.1

Policy: 15.3.2

Explanation

Some trees have a greater impact on amenity and quality of the environment than others and require protection.

Principal Reasons for Adopting Objectives

Sections 7(c) and 7(f) of the Act require the Council to have particular regard to the maintenance and enhancement of amenity values and the quality of the environment. Trees are significant contributors to both amenity and environmental quality and the protection of significant trees, and encouragement of conservation and planting of trees is therefore important.

15.3 Policies

Policy 15.3.1

Ensure that landowners and developers are aware of the environmental benefits of trees and encourage them to conserve trees and undertake new plantings whenever possible.

Objective: 15.2.1

Methods: 15.4.1, 15.4.2

Explanation

It is important that those with control over trees and who may be focused mainly on the nuisance a tree is causing them are made aware of the value of their trees to the wider community. It is also important that individuals are aware of the ways which negative impacts can be reduced without removing a tree (for example thinning to allow more light through the canopy) and of any positive impacts the tree has on their own property. Enhanced awareness is likely to result in conservation of many trees.

Policy 15.3.2

Identify and protect trees that make a significant contribution towards amenity and environmental quality.

Objective: 15.2.2

Methods: 15.4.1, 15.4.4

Explanation

Certain trees have landscape, botanical, cultural and historic values which make them particularly important to the community. It is essential that these trees are identified and given protection.

Policy 15.3.3

Require tree planting or other landscape treatment associated with development where this will avoid, remedy or mitigate any adverse effects on the environment.

Objective: 15.2.1

Methods: 15.4.2, 15.4.3

Explanation

Tree planting can be used effectively to screen undesirable views, provide enclosure, reduce street scale or provide natural impact. Development which is sympathetic to the character of its setting and where planting is considered an integral part of the project, can enhance the environment.

Principal Reasons for Adopting Policies

Trees are an important natural resource that contribute positively to the amenity and landscape values of the environment. They are also important in terms of their cultural and botanical values. Together, these values all influence the quality of the environment. Sections 7(c) and 7(f) of the Act require the Council to have particular regard to the maintenance and enhancement of amenity values and the quality of the environment. The policies contained within this section seek to protect significant trees and inform the community about the benefits that trees can offer generally, while at the same time recognising that there may be a need to avoid, remedy or mitigate any adverse effects associated with trees, for example nuisance from shading or falling leaves, the obstruction of views, or risk to the health and safety of people and the safety of buildings.

Section 5(2)(c) of the Act requires that the adverse effects of activities on the environment be avoided, remedied or mitigated. The policies contained within this section recognise that the retention or new planting of trees can be used as a means to achieve this, particularly in terms of screening undesirable views, or softening any adverse impact of physical structures or buildings on streetscapes, townscapes, landscapes or the environment in general.

15.4 Methods of Implementation

In addition to the rules, the methods to be used to achieve the objectives and policies identified in this section include the following:

Method 15.4.1 Maps and Schedule

Trees that make a significant contribution towards the maintenance and enhancement of amenity and the quality of the environment are identified in Schedule 25.3 and on the District Plan Maps. Trees on the schedule are subject to management controls for the purpose of ensuring their protection (refer Rule 15.5.1). The schedule will be reviewed by the Council on a regular basis and amended (if required) by way of a plan change. Trees proposed for inclusion on Schedule 25.3 (Significant Trees) shall be assessed by the Council using the STEM method of tree evaluation. A copy of the STEM method of tree evaluation and the procedure by which it shall be applied can be inspected at the Council's offices. This method assesses positive and negative aspects of a tree prior to its inclusion in the list. The owners of any trees proposed for inclusion on Schedule 25.3 will be individually notified at the time of notification of a plan change affecting them.

Policies: 15.3.1, 15.3.2

Method 15.4.2 Education and Public Awareness

The Council will provide information and publicity which:

- (a) promotes the benefits of trees in the environment,
- (b) identifies that in some situations they may have potential adverse effects, and
- (c) advises on appropriate selection, planting and management of trees to avoid, remedy or mitigate potential adverse effects.

The Council will also make available an arborist to provide advice about tree management, tree planting and care of significant trees. *[Amended by C206/2000, 18/12/00]*

Policies: 15.3.1, 15.3.3

Method 15.4.3 Works Programmes

The implementation of Council's street planting policy (which includes Council's Street Trees Register) and reserves management plans.

Policy: 15.3.3

Method 15.4.4 Economic Instruments and Incentives

The provision of rates relief or other financial incentives to assist with the protection of trees subject to Rule 15.5.1.

The Council will assess requests for financial incentives on a case by case basis, having regard to the reasons why financial assistance is being requested.

Policy: 15.3.2

Principal Reasons for Adopting Methods

To achieve its responsibilities under the Act the Council must avoid, remedy or mitigate the adverse effects of subdivision, land use activities and development on the environment. The methods used in this section aim to maintain or enhance amenity values and the quality of the environment in general, while providing for efficient land use and development.

Rules are considered necessary to protect the City's significant trees. The Council also wishes to place particular emphasis on the provision of advice, guidelines, information and incentives, which will lead to increased awareness and voluntary conservation of trees in general.

It is also very important that the Council continues to provide directly for ongoing planting and enhancement of the environment.

The range of methods to be used should be seen as a comprehensive package which collectively will achieve the maintenance and enhancement of amenity and the quality of the environment, and will avoid, remedy or mitigate adverse effects through the establishment and appropriate management of trees.

15.5 Rules

Rule 15.5.1 Discretionary Activities (Unrestricted)

The following activities are discretionary activities (unrestricted):

- (i) The removal or modification of any tree or pruning, trimming or any other modification or activity within the canopy spread of any tree listed in Schedule 25.3.

This rule does not apply where:

- (a) The work amounts only to minor trimming and maintenance undertaken by hand-operated pruning shears or secateurs in accordance with accepted arboricultural practice.
- (b) The work is required as emergency work to safeguard life or property and is carried out by the Council or a statutory authority. In such cases the authority concerned shall notify the Council in writing as to the reason for the trimming within 10 working days.
- (c) The tree or trees are subject to an order for removal or modification in terms of Section 129(C) 5(a), (b) and (c) of the Property Law Act 1952. *[Amended by Variation 11, 26/07/2003]*

15.6 Assessment of Resource Consent Applications

In assessing any application, in addition to the matters contained in the Fourth Schedule of the Act, the Council will have regard to, but not be restricted by the following matters:

15.6.1 Effect of Modification

The health and quality of the tree, and the effect of any proposed pruning, trimming or other modification to the tree.

15.6.2 Reasons and Alternatives

The reasons for carrying out such proposed work and any alternative methods or locations which may be available to the applicant to achieve his or her purposes.

15.6.3 Amenity Values

The impact of the proposed work upon the amenities of the locality, and the values of the tree.

15.7 Anticipated Environmental Results

The anticipated environmental results are:

15.7.1

Trees are conserved through community awareness of the benefits of trees in the environment.

15.7.2

Trees which make a significant contribution towards the maintenance and enhancement of amenity and environmental quality are identified and protected.

15.7.3

Tree planting is used to maintain and enhance amenity and the quality of the environment and to avoid, remedy or mitigate the adverse visual effects of development.