

## 2.48 – Trees in streets - section 32 evaluation for the Proposed Auckland Unitary Plan

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## **1 Overview and Purpose**

### **1.1 Subject Matter of this Section**

This report contains the analysis to support the use of the Corridor Access Request (CAR) process, as a method to manage works on trees in streets by Network Utility Operators.

For the purpose of this report a 'street' has the same meaning as the road which includes all the land from one legal boundary to another legal boundary and contains the road corridor, berms and footpath. It excludes the Strategic Transport Corridor Zone.

This report only deals with the change in approach for managing trees in streets by Network Utility Operators.

There are methods in the proposed Unitary Plan (UP) for the management of trees in streets by Auckland Council or its agent. This is not the subject of this report. There are also methods in the proposed UP for managing trees in Public Open Space. These are also not covered in this report.

The methods for managing trees by Council or its agent and managing trees in Public Open Space are similar to the approach taken in legacy plans. Here resource consent is needed for the removal of trees. A range of permitted activities are provided for Council or its agent as they are responsible for maintaining trees in streets and public open space. Since this is not a significant shift in the approach taken in legacy plans this report will only deal with the management of trees in streets by Network Utility Operators.

The proposed UP also contains provisions for the protection of notable trees. The CAR method does not cover when works are carried out on notable trees. Here the resource consent process would still apply. This is consistent with legacy plan approaches and therefore will not be discussed in this report.

### **1.2 Resource Management Issue to be Addressed**

Streets are unique and important environments where trees are located. Streets serve multiple functions including the movement of people and goods, utility and amenity purposes. These functions need to be balanced with the protection of trees.

### **1.3 Significance of this Subject**

The UP proposes a change in the method used to manage trees in streets for Network Utility Operators. The approach in legacy plans is to manage trees in streets through the resource consent process. This new method is therefore a shift to what was in legacy plans.

It is proposed to manage works on trees in the street by Network Utility Operators through the CAR. For more information on the CAR process see 3.0 of this report.

The CAR method specifically relates to Network Utility Operators and can also be used by Council or its agent. For all other parties carrying out works on trees in the street resource consent would still be required along with landowner approval from Council.

As part of the CAR process it is proposed that all works on trees are carried out in accordance with a Tree Works Management Plan. This Tree Works Management Plan, which is modelled on the legacy blanket consents, will set out the tiers of works that can be carried out under the CAR process. This includes when arborist supervision is required or if a site works plan needs to be submitted to the asset owner (Auckland Transport) for approval. For a summary of the tiers of work covered in the Tree Works Management Plan refer to 3.6 of this report. A draft of this document is in Appendix 3.38.1. This is a draft proposed by the Auckland Utility Operators Group and is a working draft for discussion.

While this method is similar to the resource consent process and the Tree Works Management Plan proposed is based on blanket consents. This process is a significant shift in the current approach.

There are some inherent differences in the CAR process compared to the resource consent process. However this report concludes that the CAR process can be used to manage trees in streets. Adapting the CAR process to include trees will require new internal processes and systems to be put in place.

#### **1.4 Auckland Plan**

The Auckland Plan contains directives and priorities that are relevant to the method proposed to protect trees in streets. These include:

Directive 8.2 - Protect, enhance and increase Auckland's green infrastructure networks. Auckland Council is committed to increasing the number of trees on reserves and streets. Council has committed to valuing natural heritage and 'greening' Auckland's expanding network of open public spaces which provides for a more attractive city, while reducing GHG emissions and improving community resilience to the effects of climate change and resource scarcity and by supporting local food production.

Directive 7.5 - Protect ecological areas, ecosystems and areas of significant indigenous biodiversity from inappropriate use and development, and ensure ecosystems and indigenous biodiversity on public and private land are protected and restored.

Priority 2 of Auckland's recreation and sport – Prioritise and optimise our recreation and sports facilities, public open space use and the capability of recreation and sport organisations

It is acknowledged that as residential and commercial densities increase neighbourhoods need to encourage public amenities such as parks, wide footpaths, street lighting, attractive street furniture and street trees.

#### **1.5 Current Objectives, Policies, Rules and Methods**

The objectives and policies proposed in the UP are similar to those contained in legacy plans for this topic. These acknowledge that trees provide a range of benefits including ecological, amenity, protection from natural hazards and air quality benefits.

Trees can significantly improve visual amenity within street environments. Trees located within streets can be more at risk from damage and removal. This is due to the nature of the street environment and its multiple and often competing uses. These issues are reflected in the proposed UP objectives and policies for trees in streets.

It is also acknowledged that provision must be given for the maintenance, repair and operation of network utilities.

#### **1.6 Information and Analysis**

Alternatives for managing trees in streets have been explored as part of this report. This includes looking at the approaches taken in legacy plans. The main approach in legacy plans is to require resource consent to carry out works or remove trees within streets. This report also looks at the option of having no methods to manage trees in the street.

#### **1.7 Consultation Undertaken**

The CAR process was proposed as an alternative method by Network Utility Operators and Council CCOs. This proposal was then developed further in meetings with Auckland Council

planners, Auckland Transport, the Parks, Sport and Recreation Team and the Auckland Utility Operators Group.

The method proposed was seen as a possible alternative to the legacy plan resource consent process. It was seen by Network Utility Operators as a more streamlined process as it means only one approval is needed when carrying out works within the street. Currently a CAR must be applied for if any works within the street are carried out. If trees are present then a separate resource consent is also needed. Utility Operators were finding that this current process was inefficient.

Further meetings were held to develop the Tree Works Management Plan. This sets out the tiers of work that could be carried out as part of the CAR. This Tree Works Management Plan was based on current blanket resource consents. For more details on the tiers of works included in the Tree Works Management plan see 3.6 of this report.

Feedback on the draft UP resulted in Auckland Transport and the AUOG supporting the proposed alternative.

The Tree Council had concerns around the details of the Tree Works Management Plan and the fact it was not available to the public or included as part of the draft UP.

### **1.8 Decision-Making**

The proposal to use the CAR process to manage trees in streets was taken to the Political Working Party on the 28 August 2012. A copy of the draft Tree Works Management Plan was circulated to the Political Working Party and the decision to adopt the proposed alternative was made.

The Auckland Plan Committee heard the topic of trees in streets on 04 August 2013 and requested that the details around the updated Tree Works Management Plan be provided. This was circulated as part of the overall response to the Auckland Plan Committee meetings on the 26 August 2013.

### **1.9 Proposed Provisions**

Works on trees undertaken by a Network Utility Operator or Council or its agent and carried out in accordance with an approved CAR is a permitted activity in the proposed UP.

Works on trees undertaken by a network utility operator or council or its agent not carried out in accordance with an approved Corridor Access Request is a discretionary activity.

Tree removal carried out by a Network Utility Operator is a discretionary activity. However, this is subject to further agreement on the Tree Works Management Plan, as some removals could be undertaken as part of the CAR process.

### **1.10 References to other Evaluations**

Refer to Section 32 2.11- Biodiversity. This is of relevance as the protection of trees located in streets and public open space contributes to the overall maintenance of biodiversity.

## 2 Objectives, Policies and Rules

### 2.1 Objectives

#### *RPS*

1. Auckland's sense of place and identity is maintained and enhanced through the recognition and protection of the contribution of trees and vegetation to our cultural and natural heritage.
2. The contribution of trees and vegetation to the maintenance of indigenous biodiversity, and the provision of ecosystem services including soil conservation, water quality, stormwater control and the mitigation of natural hazards is recognised and enhanced.
3. The retention of trees and groups of trees in urban areas which contribute to neighbourhood amenity and character are promoted.

#### *Regional and Local*

1. Trees in streets and public open space that contribute to cultural amenity, landscape and ecological values are protected.
2. There is an increase in the quality and numbers of trees planted in streets and public open space particularly within areas identified for intensified living.
3. Enable the efficient maintenance and upgrading of utilities in streets provided there is not net loss in the values of trees or groups of trees.

### Relevance

It is considered that these objectives are in line with the purpose of the RMA which is to 'promote the sustainable management of natural and physical resources'.

Section 6 of the RMA sets out the matters of national importance. Of relevance are s.6(a) and (c). Section 6(c) requires that Council to recognise and provide for areas of significant indigenous vegetation and significant habitats of indigenous fauna. Objective RPS 2 and Regional and Local 1 specifically identify the values trees provide in terms of ecosystem services and natural heritage values. It is considered protecting trees in areas outside of those assessed as being ecologically significant will contribute to supporting overall biodiversity values.

Section 7 requires Council to have particular regard to a range of other matters. Of relevance are s.7(c), (d), (f), and (i).

- 7(c) the maintenance and enhancement of amenity values:
- 7(d) intrinsic values of ecosystems
- 7(f) maintenance and enhancement of the quality of the environment:
- 7(i) the effects of climate change

It is considered that the objectives proposed for the protection of trees located within the road reserve and reserves contribute towards achieving these 'other' matters as set out in the RMA.

Section 8 requires the principles of the Treaty of Waitangi to be taken into account when achieving the purpose of the RMA. It is not considered that the objectives as proposed are inconsistent with section 8 of the RMA.

### Usefulness

It is considered that the objectives proposed will provide sufficient guidance on the reasons why trees located within streets and public open space are important.

The objectives proposed will assist in decision making when assessing applications for resource consent.

### **Achievability**

The proposed rules for trees located within streets and public open space are in accordance with Councils functions under s.31 of the RMA.

The objectives as they relate to trees located within the road reserve and reserves would be exempt from requirement where 'no district rule may prohibit or restrict the felling, trimming, damaging, or removal of any tree or group of trees in an urban environment' as per s.76 of the RMA.

The land to which the objectives relate for the purposes of this report are located within reserve land as per s.76(4A)(b)(i) or within the road reserve which would not meet the definition of 'urban environment' as per s.76(4B).

The UP will contribute to the achievement of these objectives through its policies and methods and requirement to obtain resource consent for the removal of larger trees located within the streets and public open space.

A range of methods to achieve the proposed objectives will sit outside the UP. Council's reserves department will also contribute to the achievability of these objectives. This includes managing Councils current tree assets and planting new trees located within streets and public open space.

### **Reasonableness**

It is considered that the proposed objectives are reasonable in light of the purpose of the RMA.

### **Legacy Issues**

Similar objectives were contained in legacy plans. The proposed objectives continue the approach to protecting trees on Council owned land where this was previously implemented by legacy Councils.

See section 3.1 of this report for a summary of legacy provisions for trees located within streets and public open space.

#### **2.1.1 Policies**

##### *RPS*

1. Promote the values that trees provide in urban areas and neighbourhoods.
2. Identify and protect areas where vegetation contributes significantly to the maintenance of indigenous biodiversity and to ecosystem services including soil conservation, water quality and quantity management and the avoidance and mitigation of natural hazards.
3. Promote the appropriate planting and maintenance of trees on public and private land.
4. Recognise the benefit public trees provide within streets and public open space while acknowledging the multiple uses of these spaces.

##### *Regional and Local*

1. Balance the efficient maintenance and upgrading of infrastructure and utilities with the protection of trees and groups of trees in streets.
2. Encourage ongoing planting and maintenance to enhance trees in public open space.

3. Manage trees within streets and public open space to protect their ecological and amenity values while acknowledging that multiple uses occur in streets and public open space.
4. Encourage the use of indigenous trees and vegetation for planting within streets and public open space, where appropriate, to recognise and reflect cultural, amenity, landscape and ecological values.

The above policies contribute to achieving the objectives outlined in 2.1 of this report in the following ways:

Policies RPS 3 and Regional and Local Policy 2 encourage the planting of trees on public land. This provides a mandate to Councils reserve team to continue to increase the tree cover within the streets and public open space.

Regional and Local Policy 3 promotes the ability for Council to maintain the current tree cover within streets and public open space. This would give effect to the proposed objectives and supports the methods including the proposed permitted controls. The permitted controls enable Council to carry out general maintenance of trees located within the road reserve and reserves by enabling trimming, pest plant removal, emergency works and dead tree removal without the need for resource consent.

Regional and Local Policy 3 acknowledge the wide range of values that trees provide and this is in keeping with the objectives outlined in 3.2 of this report.

RPS 4 and Regional and Local 1 and 3 attempt to provide some balance by acknowledging that the street in particular is an area where multiple values exist. The street is the location of many utility services, accessways, and other infrastructure including the road itself. There is a need to balance the values that trees provide against the ability for the street to function. This is also reflected in the methods proposed where utility operators are able to carry out works on trees located within the street in accordance with a tree works management plan and as part of the corridor access request process (CAR). Resource consent would be needed where any work was not in accordance with an approved tree works management plan or the CAR process.

### **2.1.2 Methods**

The proposed provisions are summarised in 1.9 above. The most significant change to the methods is the use of the CAR process to manage trees. The analysis of this option against the status quo is contained in 3.0 of this report.

### **2.1.3 Costs and Benefits of Proposed Policies and Rules**

The analysis of using the CAR process to manage trees in streets against the status quo is contained in 3.0 of this report.

The CAR process is likely to result in a more efficient process and reduce the overall consenting cost for those working in streets. In terms of environmental costs it is considered that providing the Tree Works Management Plan is adhered to a similar level of environmental protection as the current resource consent process would be achieved.

#### **2.1.4 Adequacy of Information and Risk of Not Acting**

Through meetings outlined in 5.2 of this report sufficient information was provided on the details of the CAR process and its ability to be modified to manage works on trees. The managers of the CAR process provided Council planners with a level of certainty that the process and associated resourcing implications could be dealt with.

The CARs is a new process for managing works on trees. It will require new processes to be put in place to support it as a method. The Tree Works Management Plan is integral to the CAR process. The Tree Works Management Plan needs to ensure that trees located in streets are protected.

Where proposals for works on trees within streets have the potential to result in significant adverse effects on the health of the tree, or if they require the removal of a street tree then resource consent may still be required. This would be due to the works not being in accordance of an approved CAR and the Tree Works Management Plan.

### **3 Alternatives**

The proposed alternative is discussed in 2.0 above. The status quo alternative is outlined in 1.5 above.

Alternatives are:

1. Proposed alternative – Managing works trees in streets by Network Utility Operators through the CAR process
2. Alternative 1 - Status quo - Manage works on trees in streets through the resource consent process
3. Alternative 2 - Do nothing – No UP methods to protect trees in streets

The table below discusses each alternative compared to the proposed alternative.



|                               |  |  |  |
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| <p><b>Description</b></p>     | <p><b>Proposed alternative – Managing works trees in streets by Network Utility Operators through the CAR process</b></p> <p>To maintain the method in the proposed UP to manage works on trees in streets through the CAR process.</p> <p><i>Corridor Access Request</i><br/>The CAR process is an application by a Network Utility Operator to carry out works within the street. Works would constitute pruning, alteration and works within the protected root zone. The removal of trees in streets would still require resource consent unless it was specifically covered by the Tree Works Management Plan.</p> <p>Prior to undertaking works in streets a CAR must be lodged by a Network Utility Operator to the Corridor Manager at Auckland Transport. This application must be in accordance with the ‘national code of practice for utility operator’s access to transport corridors’ 2011.</p> <p><i>Summary of the Corridor Access Request Process</i><br/>The corridor manager has 15 working days to approve a CAR and has the ability to set reasonable conditions. Auckland Transport aims to process these in 5 working days. This is then given to the Utility Operator to see if they agree with the conditions. If so work can commence. If not then the Utility Operator and Corridor Manager (Auckland Transport) enter into good faith discussions to get a resolution. If a resolution is not forthcoming then a disputes resolution process is entered into.</p> <p>On the completion of the works a notice is issued by the Network Utility Operator and the Corridor Manager has an opportunity to inspect the works. If any outstanding issues exist then the Corridor Manager notifies the Network Utility Operator of the need to carry out remedial works within 10 days. If this is not carried out then a disputes resolution process is entered into.</p> <p>It is proposed that this process be used in order to manage works on trees in streets. As it currently sits the process does not include consideration of trees but includes considerations around traffic management, safety and the assurance that any works carried out within the street are adequately reinstated and rehabilitated.</p> | <p><b>Alternative 1 - Status quo - Manage works on trees in streets through the resource consent process</b></p> <p>Rely on the legacy plan approach for managing trees in streets, by obtaining resource consent.</p> <p>A summary of the legacy district plan approaches are as follows:</p> <p><b>Auckland City District Plan – Isthmus section and Central areas section</b><br/>It is a restricted discretionary activity to remove any tree located within streets or unzoned land if the tree is greater than 6m in high and 500mm in girth. Consent is also required for works within the protected root zone of any tree within the street or unzoned land.</p> <p><b>Auckland City District Plan – Hauraki Gulf Islands section</b><br/>It is a restricted discretionary activity to remove any tree or carry out works within the protected root zone of any tree that is greater than 3m in height and located within the street.</p> <p><b>Auckland City District Plan – North shore section</b><br/>Any works undertaken by a Network Utility Operator on trees in the street requires a restricted discretionary resource consent. It is a discretionary activity to remove trees located within street.</p> <p><b>Auckland City District Plan – Waitakere section</b><br/>Tree protection rules in the street are determined based on the underlying natural area zone that applies to the street in that location.</p> <p>For example in the general natural area rules it is a restricted discretionary activity to remove trees that are greater than 6m from the street.</p> <p><b>Auckland City District Plan – Rodney section</b><br/>Here the zone rules apply to the centre of the street so the relevant rules for the residential zone would apply in residential areas. In the residential zones it is a restricted discretionary activity to remove any native tree greater than 3m and any exotic tree greater than 6m.</p> <p><b>Auckland City District Plan –Franklin section</b><br/>The Franklin plan does not contain tree rules for trees located within the street.</p> <p><b>Auckland City District Plan –Papakura section</b><br/>Here the zone rules would apply in the street. For example in the residential zone it is a discretionary activity to remove any tree greater than 6m in height.</p> <p><b>Auckland City District Plan –Manukau section</b><br/>It is a restricted discretionary activity to remove any tree over 6m if it is listed on a specific species list. This would also apply to the street.</p> <p>Each of the legacy plans above include a similar range of permitted activities that enable some activities to be carried out without the need for a resource consent. Examples include, biosecurity works, dead tree removal and trimming.</p> | <p><b>Alternative 2 - Do nothing – No UP methods to protect trees in streets</b></p> <p>Do not include any rules in the UP for the protection of trees in streets.</p> |
| <p><b>Appropriateness</b></p> | <p>It is considered that the CAR would be an appropriate alternative</p>   | <p>The resource consent process has been demonstrated to achieve the</p>   | <p>Not protecting trees in streets could result in the values of trees not</p>   |

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|                       | method for managing works on trees in streets. Provided the Tree Management Plan set reasonable limits the values of trees located within the street should be protected see Appendix 3.38.1. This would be consistent with the purpose of the RMA in that it would promote the sustainable management of natural and physical resources.  | purpose of the RMA. It is considered that this method for managing trees in streets would promote the sustainable management of natural and physical resources.  | being protected This could be contrary to the purpose of the RMA.<br><br>However as Council owns the streets there could be an agreement around the appropriate management of trees in streets as a non regulatory method which could still achieve the purpose of the RMA.  |
| <b>Effectiveness</b>  | <p>The objectives that relate specifically to trees in streets in the proposed UP are as follows:</p> <ol style="list-style-type: none"> <li>1. Trees in streets and public open space that contribute to cultural amenity, landscape and ecological values are protected.</li> <li>2. There is an increase in the quality and numbers of trees planted in streets and public open space particularly within areas identified for intensified living.</li> <li>3. Enable the efficient maintenance and upgrading of utilities in streets provided there is not net loss in the values of trees or groups of trees.</li> </ol> <p>It is considered that the method proposed would achieve the above objectives.</p> | <p>It is considered that Alternative 1 would achieve the objectives for trees in the streets in the proposed UP.</p> <p>The resource consent process could have additional scope in terms of the ability to turn an application down if it had significant adverse effects on the health of a tree. It may have stronger abilities to require conditions of consent to mitigate the loss of trees.</p> <p>In the CAR process conditions can also be set however the application cannot be declined.</p> <p>Managing trees through the resource consent process seems to be the most applicable legislation due to its purpose of the sustainable management.</p>   | Alternative 2 may not result in the achievement of the objectives in the proposed UP. The objectives may need to be revised if this policy alternative is adopted or adequate non regulatory methods developed.  |
| <b>3.4 Efficiency</b> | The proposed alternative is considered to be efficient in that one approval would be required for Network Utility Operators when they are carrying out works in the street. Rather than having a separate resource consent approval for the works on the tree.   | <p>The Proposed UP will result in a single set of rules for trees located in streets for the region. This would mean that a single blanket consent could be applied for by a single Network Utility Operator or group of Network Utility Operators such as the Auckland Utility Operators Group. This could then cover all works on trees across the region.</p> <p>This would be efficient as once consent is obtained the consent holder will be able to proceed in most instances without the need for any further RMA consenting requirements other than the recording of monthly compliance memos.</p> <p>The blanket consent can be used for all works on trees across the region and would mean that numerous CAR applications would not be needed every time works is carried out on a tree.</p> <p>The blanket consent process has an ability to look holistically at an overall approach to tree management for all trees in the region. This would ensure that cumulative effects can be adequately considered.</p> | There could be significant process efficiencies in managing trees in streets outside the CAR and resource consent process. This alternative is less efficient in terms of the ability to monitor these works and ensure overall environmental protection is achieved. There would be no requirements for any mitigation or conditions of consent.  |
| <b>Costs</b>          | <p>There would be reduced costs and a streamlined approval process by requiring only one set of approvals for both the works on the trees and the landowner approval to carry out the works.</p> <p>There are resourcing and cost implications in amending the CAR process to include trees in the road reserve.</p>   | <p>Utility operators consider that there are significant costs and uncertainty in applying for blanket consent and that this cost is transferred onto the consumer. Blanket consents have taken up to 2 years to gain approval in the past.</p> <p>While blanket consents have significant upfront costs once consent is issued the majority of low risk works can be carried out without ongoing cost.</p>  | <p>The majority of Auckland legacy district plans included general tree protection rules in residential areas. It was seen as fair and reasonable to also apply these rules in streets.</p> <p>Now many of the general tree protection rules have been revoked and intensifications within residential areas is encouraged in the proposed UP. This will increase the importance of trees in streets and public open space so that the loss of trees in these areas could be at a greater cost to the community.</p> <p>There is a contrary argument to this in that with the planned intensification as set out in the UP there will need to be a more permissive set of provisions to enable the efficient establishment of new and maintenance of existing infrastructure to support this growth.</p> <p>It is considered therefore that there are greater costs associated with alternative 2.</p> |
| <b>Benefits</b>       | The CAR process has the ability to be amended to cater for trees in  | A consent process for works on trees located within streets:   | There would be significantly less cost on Council and Network Utility  |

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|                     | <p>streets in that:</p> <ul style="list-style-type: none"> <li>- local conditions can be applied. Here a set of relevant conditions for works on trees can be agreed upon and applied to the CAR when works are carried out. One of these conditions would be that work is to be carried out in accordance with an approved Tree Works Management Plan.</li> <li>- it is able to capture data related to tree works as there is a consistent reporting framework.</li> <li>- it gives effect to the policies that recognise the use of streets as a shared corridor with vital network utilities.</li> <li>- it provides an enabling mechanism for Network Utility Operators to undertake day-to-day operations on their assets while working under appropriate tree works management practices.</li> <li>- it establishes a consistent approach for all Network Utility Operators as there will be one process and one set of expectations with respect to tree management.</li> <li>- the CAR process is able to be modified so that the reserves arborists can be sent applications involving trees and are able to set conditions. They will also be able to be involved in the monitoring of works.</li> </ul> <p>The Tree Works Management Plan would include three tiers of works:</p> <ul style="list-style-type: none"> <li>- Tier 1 would be minor works such as pruning works undertaken by hand operated hand secateurs. Tier 1 works do not involve a monitoring arborist.</li> <li>- Tier 2 works are more significant works but works that can be undertaken in the presence of a monitoring arborist. An example is pruning a street tree to create a wound less than 100mm and not exceeding 20% of the trees canopy.</li> <li>- Tier 3 works are considered to be more significant works i.e. pruning over the thresholds set in Tier 2. This work requires a site works plan to be submitted by the Network Utility Operator to the Asset Owner for approval.</li> </ul> <p>It is considered that this approach is beneficial as it mirrors the approach taken in blanket consents. There is also the ability to send the site works management plan to Councils Reserves Team for approval similar to the current resource consent process.</p> <p>The draft tree works management plan can be viewed in Appendix 3.38.1. This is a draft document as proposed by the Auckland Utility Operators Group and is a working draft for discussion.</p> | <ul style="list-style-type: none"> <li>- means both street trees and trees located in public open space could be treated in the same manner. The CAR process is limited to works within streets. This may mean that blanket consents still have to be applied for by utility operators for works on trees within public open space.</li> <li>- This enables a resource management assessment of the works on trees can be carried out and an ability to negotiate an agreed tree methodology and set of reasonable conditions.</li> <li>- is a process which has been tested in the past by the various legacy Councils.</li> <li>- would provide level of works that can be considered as low risk and enable these works to be carried out without the need for further consents or monitoring. This would be achieved through the blanket consent process.</li> <li>- is an approach where approved blanket consents have been adopted. These have been the subject of extensive discussion and consultation between the Council, the tree asset owner and the consent holder.</li> <li>- could manage activities that could pose a risk to trees. These are able to be dealt with through the use of a site specific tree works management plan. This is required to be provided by a qualified Arborist working on behalf of the consent holder and ensures that the works receive a greater level of arboricultural supervision.</li> </ul> | <p>Operators in administering consents for the removal of trees located in the streets. Many councils across New Zealand rely on Council as the asset owner manage trees in streets without the need for a resource consent. Franklin also does not require resource consent for the management of trees in streets.</p>  |
| <p><b>Risks</b></p> | <p>The CAR approach for managing works on trees is a new approach. It has not been designed specifically for the assessment of trees in streets however it could be used for such purposes.</p> <p>A number of changes to the current CAR process would be needed for works on trees. These include:</p> <ul style="list-style-type: none"> <li>- when receiving a CAR the Corridor Manager (Auckland Transport) would need to be able to identify which applications relate to works on trees. This would need to be identified by the applicant or by using a region wide database of street trees which is not yet available.</li> <li>- Auckland Transport's goal is to process a CAR within 5 working days. This may be a limited timeframe in which to pass the application on to the reserves department for approval where a site works management plan is required. This 5 day time frame may need to be reviewed as a result.</li> <li>- there would need to be some changes to the current CAR</li> </ul>  | <p>There is less risk with this approach as it has been tested across many of the legacy Councils and the processes are currently in place for this approach to continue.</p> <p>In light of the single set of rules proposed for trees in streets consent process will become more efficient due to only needing single blanket consent for works on trees across the region located in both streets and public open space.</p>  | <p>Risks of having no rules include the potential loss of trees on public land when greater reliance will be placed on these areas for their amenity values in light of the intensification proposed in the UP.</p> <p>Risks of having no rules could also result in a reduced ability to manage trees in streets when dealing with the competing values in streets including its function as a utility corridor.</p> |

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|--|---|--|--|
|  | <ul style="list-style-type: none"><li>- Arborist's would also need to be involved in the process in terms of auditing works.</li></ul> <p>There is an exemption in the CAR process where any works involved in soft landscaping or any excavations within the berm up to 3m<sup>2</sup> in area (with a length up to 6m) is not subject to the CAR. It is considered that the system could be amended so that if there are works on trees required so this exemption would not apply.</p> <p>There is a risk that the CAR applications are not able to be declined but only conditions set. This is similar to a controlled activity under the RMA.</p> |  |  |
|--|---|--|--|

## **4 Conclusion**

Based on the discussion above, the following conclusions are drawn:

That a range of alternatives exist for the management of trees in streets by Network Utility Operators. All of these alternatives have some validity.

Based on the objectives proposed, the purpose of the RMA, and the relevant Auckland Plan directives it is considered that the proposed alternative and alternative 1 are the most reasonable.

Having a blanket consent is a tried and tested approach which is likely to become more efficient with the creation of a single set of rules in the UP trees in streets. It is also considered that costs for applicants would be higher upfront but reduced in the long term once consent is obtained.

The proposed alternative of using the CAR process has the potential to mirror this resource consent process and is more palatable for Network Utility Operators. It enables trees in streets to be managed like any other asset. It means only one application for those working in the street.

It is therefore recommended that the proposed alternative is adopted.

Auckland Transport has provided a level of assurance that the CAR process can be amended to manage works on trees in streets. They have demonstrated that there is a mechanism to deliver the application information to parks arborists so they are able to be involved in the process, set conditions and audit works.

## **5 Record of Development of Provisions**

### **5.1 Information and Analysis**

#### **Relevant legislation**

Changes to the RMA – in 2009 mean that Councils are not able to include rules in their district plans that prohibit the felling or removal of trees located within the ‘urban environment’.

Urban areas are defined as a site:

- no greater than 4000m<sup>2</sup>
- that is connected to a reticulated water supply and a reticulated sewerage system
- which is used for a dwelling or for industrial or commercial purposes.

A site that does not meet all of the above criteria is not defined as being within the ‘urban environment’.

Streets are not considered to meet this definition of ‘urban environment’.

The result of this amendment to the RMA is that there will be less tree rules across the region and as intensification occurs more trees are able to be removed without the need for resource consent.

This means that greater importance is placed on trees in streets and public open space.

#### **Appendix**

Appendix 3.38.1 - Tree Management Plan for Network Utility Works in the Road Corridor

## **5.2 Consultation Undertaken**

### *Consultation outcomes*

7 January 2013 - Initial meeting with Auckland Utility Operators Group on the proposed approach to administer works on trees in the road reserve under the CAR process.

15 January 2013 - Follow up meeting with Auckland Utility Operators Group and Auckland Transport on the proposed approach to administer works on trees in the road reserve under the CAR process.

16 May 2013 - Initial meeting to go over the Tree Works Management Plan. A follow up meeting is needed to finalise the tiers and appendices.

17 June 2013 - Meeting on the Corridor Access Request Process with Auckland Transport. Here Auckland Transport assured UP staff that the CAR process could be amended in order to manage trees in streets.

Additional meetings have been held to further develop the Tree Works Management Plan.

## **5.3 Decision-Making**

PWP /political decisions - Final sign off for the method to manage trees in streets by Network Utility Operators has not yet been obtained. This is likely to be provided at the decision making Auckland Plan Committee Meetings at the end of August 2013.