

# Submission on Notified Proposal for Plan, Change or Variation

Clause 6 of Schedule 1, Resource Management Act 1991

To: Timaru District Council

Name of submitter:

THE TREE COUNCIL

[State full name]

This is a submission on the following proposed plan or on a change proposed to the following plan or on the following proposed variation to a proposed plan or on the following proposed variation to a change to an existing plan) (the 'proposal'):

TIMARU PROPOSED DISTRICT PLAN

[State the name of proposed or existing plan and (where applicable) change or variation].

~~I could~~ I could not\* gain an advantage in trade competition through this submission.

[\*Select one.]

~~I am~~ I am not† directly affected by an effect of the subject matter of the submission that—

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

[\*Delete or strike through entire paragraph if you could not gain an advantage in trade competition through this submission.]

[†Select one.]

The specific provisions of the proposal that my submission relates to are: [Give details]

HISTORIC & CULTURAL VALUES  
TREES - NOTABLE TREES

My submission is: [Include whether you support or oppose the specific provisions or wish to have them amended; and reasons for your views]

[If your submission relates to a proposed plan prepared or changed using the collaborative planning process, you must indicate the following:

- Where you consider that the proposed plan or change fails to give effect to a consensus position and therefore how it should be modified; or
- In the case that your submission addresses a point on which the collaborative group did not reach a consensus position, how that provision in the plan should be modified.]

N/A REFER SUBMISSION

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**I seek the following decision from the local authority:** *[Give precise details as this is the only part of your submission that will be summarised in the summary of decisions requested]*

N/A REFER SUBMISSION

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~~I wish~~ (or do not wish) † to be heard in support of my submission.

*[\*In the case of a submission made on a proposed planning instrument that is subject to a streamlined planning process, you need only indicate whether you wish to be heard if the direction specifies that a hearing will be held.]*

*[†Select one.]*

**\*If others make a similar submission, I will consider presenting a joint case with them at a hearing.**

*[\*Delete if you would not consider presenting a joint case.]*

**Signature of submitter (or person authorised to sign on behalf of submitter)**

*[A signature is not required if you make your submission by electronic means]*

Date 15/12/2022

Electronic address for service of submitter: mark@encompassdesign.co.nz

Telephone: 027 2902811

Postal address (or alternative method of service under s352 of the Act): c/- MARK LOCKHART  
PO BOX 60203, TITIKAPPA

Contact person: [name and designation, if applicable] MARK LOCKHART (BOARD MEMBER OF THE TREE COUNCIL)

**Note to person making submission**

1. If you are making a submission to the Environmental Protection Authority, you should use form 16B. If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.
2. Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):
  - It is frivolous or vexatious;
  - It discloses no reasonable or relevant case;
  - It would be an abuse of the hearing process to allow the submission (or the part) to be taken further;
  - It contains offensive language;
  - It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialist knowledge or skill to give expert advice on the matter.



15 December 2022

Planning Policy Team  
Timaru District Council  
PO Box 522  
Timaru

Attention: Planning Policy Team

## SUBMISSION UNDER THE RESOURCE MANAGEMENT ACT 1991- SECTION 88

### Public Notification of the Timaru Proposed District Plan under the Resource Management Act 1991.

- 1.0 Submitter:** This submission is made by *The Tree Council*, a non-profit incorporated charitable society which has been serving the community since 1986 in the protection of trees. It is an independent, voluntary organisation. The objectives of *The Tree Council* are in brief:-
- To promote and coordinate effective programmes for the protection, management and planting of trees.
  - To improve the quality of life in New Zealand.
  - To strengthen the resolve and focus of all those concerned with improving the treescape of New Zealand.

- 2.0 Details of submission:** This submission relates to Part 2 of the Timaru District Plan – District-Wide Matters, Historic and Cultural Values, Trees- Notable Trees.

### 3.0 Submission

<b>TREES-R3</b>	New activity and development within the <a href="#">root protection area</a> of a notable tree
<b>All Zones</b>	<p><b>Activity status: Permitted</b></p> <p><b>Where:</b></p> <p><b>PER-1</b> The activity or development is not for any of the following:</p> <ol style="list-style-type: none"> <li>1. any <a href="#">earthworks</a> including trenching; or</li> <li>2. establishment of new <a href="#">impervious surface</a>; or</li> <li>3. new <a href="#">buildings</a>; or</li> <li>4. new <a href="#">structures</a> including <a href="#">fences</a> and <a href="#">signs</a> (temporary and permanent).</li> </ol>

- A. Storage of materials in the root zone of a scheduled tree should be added as a Prohibited activity (See above)
- B. The Notable Trees Schedule should be regularly reviewed for accuracy and additional nominations processed as they are received, with qualifying trees added, for example,

every 3 years. The Council's website should encourage new nominations to the Schedule from the public.

- C. The proposed plan requires owner approval for a tree to be nominated and considered for scheduling. This is not the case with other Councils where any tree can be nominated for scheduling and as part of the assessment, plan change and public notification process, the owner has an opportunity to submit on the plan change. Timaru Council should adopt this approach because trees are public assets enjoyed by the public at large, not private assets subject to a veto on their protection by the current short-term landowner.
- D. With our understanding of the importance and critical role of large trees in our urban environment, scheduled trees should be afforded the highest level of protection. There are examples around New Zealand where scheduled trees have been compromised or removed unnecessarily. For this reason, Council should put in place a process whereby any proposal to remove a scheduled tree goes through a robust public process to avoid this situation. We understand that there are no in-house arborists at Council and that therefore any assessment work is carried out by consultants. Given the relatively low number of scheduled trees and groups of trees in the Timaru region, it should be mandatory to publicly notify all applications to remove a scheduled tree. These are public (not private) assets and therefore any application to destroy them should be subject to public scrutiny and the ability for decisions on their fate to be legally challenged.
- E. Please confirm that scheduled rural trees will retain their protection. Considering removing protection for scheduled trees in rural areas is short sighted and irresponsible. While we acknowledge there is pressure on urban areas for development space, this isn't the case in rural areas. Apart from the environmental roles that mature trees play in the rural environment, they are critical for the visual amenity, heritage and character of these areas. Again, these are public heritage assets important inter-generationally. The reasons for them being scheduled as notable met the qualifying criteria at the time and this will not have changed as they have grown older and play an even more significant role in their local environment. The Tree Council will not hesitate to consider judicially reviewing any decision to remove wholesale protection for such assets to Aotearoa's environment.

#### 4.0 Other Matters

##### Services provided by the trees

Trees sequester carbon, reduces air pollution by capturing airborne particulates on its bark and leaves, absorbing noxious substances and gases into its leaves. In terms of temperature, the direct benefit is shade which keeps the urban area cooler, and the indirect benefit is transpiration of water which turns hot air into cooler air.

Only trees on public land and scheduled trees are protected in Timaru. The protection afforded by scheduling translates into stability and permanence for all of the benefits and services associated with scheduled trees over 100s of years, not least visual amenity, heritage and ecological.

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##### Address for service:

The Tree Council  
C/o Mark Lockhart  
P.O.Box 60203  
Titirangi  
AUCKLAND 0642

[info@thetreecouncil.org.nz](mailto:info@thetreecouncil.org.nz)

## Michelle Reeves

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**From:** Mark@Encompassdesign.co.nz  
**Sent:** Thursday, 15 December 2022 3:59 pm  
**To:** PDP  
**Subject:** Timaru District Council Plan Change  
**Attachments:** 2022-12-15-Submission Form.pdf; TC Submission - 2022-12-15-Timaru Proposed District Plan submis.pdf

Hi,

Please find my submission attached on behalf of The Tree Council.

Regards  
Mark Lockhart

M: 027-290-2811

