

Notes for the hearing PC10 Table 3 schedule of notable trees

Date: 21 November 2019

Venue: Greytown Town Hall

Present:

Richard Knott	Commissioner
Clive Paton	Submitter
Phyll Paton	Submitter
Roland (Ro) Griffiths	Submitter
Katie Abbott	Submitter (Greytown Tree Advisory Group)
Jeremy (Jez) Partridge	Technical expert
Lucy Cooper	Planner
Shane Atkinson	Submitter
Alison Paterson	Submitter
Richard Harvey	Submitter
Yvonne Legarth	Planner
Richie Hill	SWDC technical expert
Russell O'Leary	SWDC Group Manager Planning and Environment
Godwell Mahowa	SWDC Planning Manager
Louis Brown	SWDC Planner
Adrienne Sutcliffe	SWDC Planning Administrator (notes)

The hearing commenced at 8:32am.

Commissioner Richard Knott

Introduction.

STEM methodology is central to today's discussions.

Will prepare a decision on the submissions heard today.

Not comfortable accepting the late submission from Mr Donald on 8 August, as it was received well after further submissions had closed.

Louis Brown

Overview of PC10)

Addendum 2) see presentation #3 notes attached

Summary)

Maps have been produced for all trees to be added as a result of the consultation process. However some sites have up to 25 trees, making it messy and complicated to display an icon for each tree on the site, so one icon has been loaded for the site. Recommendation that the Commissioner consider the best option.

Commissioner: Asked submitters to provide their opinions on the matter, when it's their turn to speak.

Jez Partridge: Each tree must be individually GPS-plotted on the map according to changes to RMA 2009.

Commissioner: Louis Brown might need to investigate this further and include in the written reply.
Needs copy of the Carol White memo 27/5/2004.
It would be good for Mr Hill to run through the 3 categories of heritage, landscape and local interest/general during his evidence.
Which columns from the table are needed in the report?

Louis Brown: Columns A-D. Columns F-M could be in another tab.

Commissioner: Where is the category identified?

Louis Brown: On the STEM assessment and in the database, but not on the paper copy.

Commissioner: Overview of s42A recommendation – if the recommendation was to remove the qualifier when the landowner does not consent, so the trees would not go on the list, how many trees would this affect?

Louis Brown: One.

Commissioner: The 230 qualifier means that all trees scored less than 230 with landowner non-consent would drop off.

Jez Partridge: If trees qualify at the threshold they can go on the list regardless of owner consent.

Commissioner: Are there landowners with trees currently on the register who don't want them to be on the register?

Louis Brown: Yes. Note that the 230 qualifier only applies to new trees.

Commissioner: At the end of the hearing the date of the Council right of reply will be agreed.

Clive Paton

Clive and Phyll Paton bought the property on Puruatanga Road in 1991 and decided to make a statement about their road which had wide barren berms. Wanted to plant trees along the berms and got 95% buy-in from other landowners but met with a blasé approach from the council. Consulted with the Power Board (Dave Patten) and were advised that the power lines would eventually be put underground (which never happened). Bought 300 claret Ash trees and planted them along Puruatanga/Huangarua/Martins Roads. Hundreds of people walk down there, particularly in the summer months. The trees are something special for the town.
Noted that there are no heritage trees in Martinborough Square.

Roland (Ro) Griffiths

Congratulations to Louis Brown on the work done to date.
Speaking in support of Clive Paton's submission. The avenue of trees is iconic to Martinborough, providing shade and joy, enhancing the atmosphere. Would like to see the claret Ash trees put on the register so that they can be fully protected. Asked whether STEM can include groups of trees.

Richie Hill: Yes STEM can include groups of trees.

Commissioner: Asked Richie Hill how far away from the power lines the trees are meant to be.

Richie Hill: 4 metres. Noted that he had not engaged with all landowners about their trees. He is aware of defects in some of the Ash trees.

Clive Paton: Is aware of the defects. Had expected more damage due to the Wairarapa winds. Most of the damage occurs in spring with the new growth.

Richie Hill: The trees are in a problematic position being located under the powerlines. The tree defects will become more noticeable as they grow.

Clive Paton: Some of the trees are less than 4 metres from the power lines.

Richie Hill: Powerco can issue trim notices. Need to find a better strategy to handle the trees.

Commissioner: Will consider the submission to add the trees, and will carry out a site visit.

Ro Griffiths: Power lines can be replaced easier than trees.

Clive Paton: Power lines can sheathed or bundled.

Louis Brown: Will convene a meeting with the SWDC Roding Manager before preparing his written reply.

Jez Partridge: Council has a tree policy for trees on their own land.

Commissioner: Louis Brown to take the council tree policy under consideration. Commissioner will carry out a site visit.

Hearing adjourned for a break at 10:40

Louis Brown

Completed his presentation.

Commissioner: What did the council want to achieve with the review?
Does s32 clarify what is needed? (noted that it's very sparse).
Was it the correct process – should council have looked at other options?
Do we need a more comprehensive survey?

Louis Brown: Is aware of one NZ council (Nelson City Council) that carried out a comprehensive survey. Also aware that Whangarei Council limited their technical review to only the trees submitted on.
Believes the council consultation to be robust.

Commissioner: Given that there is a combined District Plan, was the survey undertaken for just South Wairarapa or for the whole district?

Louis Brown: Council consulted with Boffa-Miskell and Wellington Water. The original assessments were carried out 15 years ago by Carol White. STEM technology was used by Carterton and Masterton District Councils, but SWDC is unaware of the methodology they used. Greytown has a long and unique tradition of tree protection (started Arbor Day celebrations, families with new-borns were given \$10 tree vouchers).

Commissioner: Is it an issue that the methodology used by SWDC is different to that used in Carterton and Masterton?

Louis Brown: No. Each district has its own sovereignty eg Masterton minimum section size is 350m², while SWDC is 400m².

Commissioner: Historic heritage issue – trees fall in the heritage part of the plan, but 3 of the categories are not heritage – national significance, landscape and general.

Louis Brown: 6 of the 360 proposed records are national significance.

Commissioner: Useful to consider s76 – notable trees should not necessarily be historic heritage. Is there a link between national significance and the threshold? Do all trees fall under the heritage category?

Louis Brown: Even if the national significance rating was discarded, the tree would still score sufficiently for historic heritage.

Commissioner: Struggling with the 4 categories. Could there just be a bottom line, and any tree passing over the line gets categorised as heritage?

Louis Brown: Need to consider if historic heritage schedule is a Trojan horse for other forms of heritage being included eg landscape/amenity.

Commissioner: If the current system remains, does the table need to have a column for each of the 4 categories? Please include in written reply.

Louis Brown: The project is a mechanical update, it's not about policies.

Richie Hill

(see presentation notes #4 attached)

Commissioner: Why should we have 2 trees both scoring 138, but depending on the category one gets through and the other one doesn't? Important for all STEM practitioners to use the same process in the district. By changing thresholds depending on categories, the tree ratings are effectively being weighted.

Richie Hill: Generally Greytown has bigger trees than Featherston or Martinborough, so has more trees listed. Could reduce the size rating. Small heritage trees will get on the list but other small trees won't. If you have a fixed threshold some trees will miss out – the national threshold is 110.

Commissioner: If SWDC used the 110 threshold for all trees, what difference would it make to the number listed?

Louis Brown: Will check the database and get back to the Commissioner.

Commissioner: By adhering to the STEM explanatory notes, the ratings will give different results to the initial STEM work done by Carol White. Does the council therefore need to reconsider the threshold?

Richie Hill: Is not aware of Carol White's qualifications.

Commissioner: Is a review done after the STEM analysis?

Richie Hill: The initial assessment is done on site, and photos are taken, then the information is reviewed off-site.

Commissioner: Do the results clearly show which trees are historic heritage?

Richie Hill: Research is carried out as far as practicably possible for historic heritage. Assessments get reviewed if more information comes in.

Katie Abbott

(see presentation notes attached)

Commissioner: What relationship does the Greytown Tree Advisory Group (GTAG) have with the Greytown Community Board? Was GTAG established

first, then a memorandum of understanding set up with the Community Board?

Katie Abbott: Yes. One member of the Community Board has the tree portfolio, and GTAG reports to that member.

Jez Partridge

(see presentation notes #6 attached)

Commissioner: Did other councils use the multiple threshold approach?

Jez Partridge: No.

Commissioner: Did Jez Partridge get to look at the assessment sheets for other councils? Noted that Whangarei did not assess landscape issues.

Jez Partridge: Councils vary a lot in their approach. The assessments might have been done by a landscape architect or an arborist or internally by the council. Noted that the standard of STEM assessments is generally rising. With a national mean threshold of 120, SWDC is the lowest of all councils at 100. Sometimes the threshold is determined by councillors, sometimes by arborists - leading to inconsistent thresholds. Common differences of up to 100 points due to subjectivity.

Louis Brown: STEM doesn't set thresholds because different regions have different tree stocks or populations.

Commissioner: Don't the explanatory notes assist with consistency?

Jez Partridge: Yes but different assessors could still have different results.

Louis Brown: It appears that the last SWDC District Plan used the 100 threshold. The categories were not meant to be used as thresholds.

Commissioner: Should the labels be added after the scores?

Jez Partridge: If the default threshold was 140 they would all be automatically protected but they could still go into another category. Was the appropriate methodology used or was it confusing? It weakened the level of protection of trees.

Commissioner: Revised methodology? Unsure how previous assessments were done. Maybe the threshold should move?

Jez Partridge: Willing to consider raising the threshold but discussion needed with SWDC. Need collective decision with a lot of feedback.

Commissioner: Should the threshold be able to move?

Jez Partridge: Yes it should. Lots of trees proposed didn't make the thresholds – need a lower tolerance.

Commissioner: Existing landowner consent policy only relates to existing trees, while new proposed landowner consent policy relates to 'new' trees.

Jez Partridge: Need single STEM threshold. The current exercise was supposed to be an update of the list, not a change of methodology.

Commissioner: Are there any remaining issues with the assessment?

Jez Partridge: No.

Commissioner: Are you willing to share your research data?

Jez Partridge: Yes as long it's not on-shared.

Commissioner: What are your thoughts on risk assessment?

Jez Partridge: If landowner has an issue there should be a short pre-risk assessment by council.

12:45 break for lunch, resuming at 1:15pm

Lucy Cooper

(see presentation #7 notes attached)

Commissioner: Do non-historic trees sit in s6 objectives and policies of chapter?

Lucy Cooper: Need to consult more with other districts and listen to GTAG feedback regarding the threshold. Review App 1.4 with status quo lens then look at threshold separately next year as part of the overall district plan review.

Commissioner: What do you see as the way forward?

Lucy Cooper: Return to status quo. SWDC to take on board and acknowledge that they can undertake a wide-ranging review in 18 months.

Commissioner: Keeping the STEM assessments?

Lucy Cooper: Yes but not the threshold change. s32 should have laid out the status quo and the other options – not all of the submitters were aware of the implications. 100 is not outlandish.

Commissioner: Should the landscape/historic categories be ignored?

Lucy Cooper: Yes – under s32 there is a variety of actions the council can take including the acting/not acting test. Richie Hill's approach not tested. Don't have enough information about the impact of the new categories.

Jez Partridge: Information on the late submission by Brad Cadwallader only recorded part of the information – Mr Cadwallader felt that the pre-assessment process was not appropriate. Categorisation of trees was a departure from the STEM process. Mr Partridge has no problems with the pre-assessment procedure. He asked whether someone from GTAG should be present for the right of reply.

Commissioner: GTAG should be invited but will not have the right to speak.

Shane Atkinson

(see presentation #8 notes attached)

Commissioner: Does this submission reflect the church's position?

Shane Atkinson: No.

Commissioner: Is the proposal to remove from the schedule or give the onus of care to the community?

Shane Atkinson: No. The proposal is to remove it from the schedule. This would then lead to the ability to give the onus of care to the community.

Commissioner: Should it be the responsibility of the community or of SWDC?

Shane Atkinson: It is unreasonable for the owner to fund the work.

Commissioner: What is your suggestion?

Shane Atkinson: That the owner would be happier for the tree to be removed than to have to project manage it.

Alison Paterson

When 16 Main Street Greytown was purchased the landowner was aware it had 2 listed trees on it. However the trees had not been maintained for years, only pruned where a branch had fallen off.

Three or four arborists had been consulted. The elm tree had badly deteriorated (Richie Hill noted that it had been topped in the past). The oak tree canopy extends half way over the road and has huge branches that the landowner is not permitted to cut off.

Quotes of up to \$20,000 had been received to maintain the trees. Landowner can either get the work done or do nothing at all.

Landowner fears stormy days. Believes that they have all care and no responsibility. If the landowner is not allowed to do anything then why doesn't SWDC do it?

Commissioner: Is the landowner asking for funding or for the tree to come off the list?

Alison Paterson: Would like the tree unlisted so that they can do the maintenance. Does not want the trees to come down (although the neighbours do). If the council wants to have the tree listed they should fund the maintenance.

Commissioner: Is a resource consent application fee involved?

Alison Paterson: No.

Commissioner: What level of activity is required?

Louis Brown: Health trimming.

Commissioner: Could Richie Hill's report on 16 Main Street be appended to the hearing notes? There is no technical evidence for this tree yet.

Alison Paterson: Used to live at 58 Kuratawhiti Street, adjacent to a listed oak tree on 58B Kuratawhiti Street. Another tree that had been let go. They suffered from broken windows etc on their property when branches came off the oak tree.

Commissioner: Need a peer review of arborist work.

Richard Harvey

(see presentation #10 notes attached)

Commissioner to view the tree at the end of the hearing, and see where the living areas are, in relation to the tree.

Commissioner will reserve questions until after Yvonne Legarth's evidence.

Yvonne Legarth

(see presentation #11 notes attached)

Commissioner: In the latest STEM assessment why does the tree score 15 for age and 9 for association?

Yvonne Legarth: Because it was possibly grown from a heritage acorn.

Richie Hill: Obtained the tree measurements and compared them with trees known to have been planted in 1880. This suggested a likely age. However a full heritage assessment was not undertaken.

Commissioner: On balance the tree is likely to be from that era.

Richard Harvey: The tree is growing rapidly. Jez Partridge assessed it to be less than 100 years old. It is located near a water race.

Yvonne Legarth: What is the association listing based on?

Commissioner: Yvonne Legarth has included Regional Policy Statement (RPS). The District Plan is an interpretation of the RPS, so something in the District Plan should also be in the RPS.

Yvonne Legarth: No. There is an evidential gap between the criteria in the RPS and the evidence of the historical value of this tree.

Commissioner: Need to look at the District Plan – was put together to reflect the RPS. But if we amend part of the District Plan we need to look back at the RPS. The tree is scoring high on amenity but the District Plan is talking about heritage, not amenity.

Yvonne Legarth: There are 20 pages of explanatory notes behind STEM assessments.

Richard Harvey: The amenity score has increased.

Commissioner: Different people are doing the STEM assessments, resulting in different thresholds. Need to determine what the threshold is, and what happens if the landowner doesn't want the tree to be listed as notable – this can occur for 'new' trees, but what about existing ones?

Yvonne Legarth: Need to look at the reasons why it was listed in the first place.

Commissioner: Richie Hill did the assessment and applied additional reasoning which is good but may have impacted the threshold.

Richard Harvey: Don't get tied up with the arithmetic – the issues are:

- health and safety
- noise and leaves.

Commissioner: Where in s32 do you research nuisance, anxiety and safety?

Yvonne Legarth: Under costs and benefits. Will send this evidence 22/11/19.

Commissioner: There will be no verbal reply by the council today – a written reply is requested by 29 November.

Will do site visits at conclusion of hearing.

Richard Harvey: Once the decision has been made, how long is there to appeal to the Environment Court?

Russell O'Leary: 15 days.

Commissioner summation

Russell O'Leary: How much information is required from the council?

Commissioner: Need to look at the combined District Plan and ensure it's aligned with the RPS 2013.

Louis Brown: Many more people now want trees listed. The system is based on methods developed 13 years ago. We need to update table 3.

Commissioner: Need to think about Lucy Cooper's statement – to stick with the approach taken (introducing new thresholds/labels) but consider whether only the historic trees fit under s6 and the others under s7 – or should they all be under s6 or s7? SWDC has introduced another layer of change with the thresholds. The refining of the methodology and the introduction of a new person carrying out the assessments has led to different thresholds. Dividing into 4 categories has led to issues.

Louis Brown: Could return to status quo but only talking about 30-40 trees. Richie Hill has not had sufficient direction from SWDC in carrying out the

task. Noted that Nelson City Council is now looking at removing all general amenity trees from STEM.

Commissioner: Have to get through the next 18 months then look at putting in the new thresholds. Need to review latest (Richie Hill) thresholds against the original (Carol White) thresholds to see if there is any consistency between the two. Are they all 10 or 20 points different or are there big variations? If Richard Harvey chose to change his tree's heritage listing he is able to apply for a resource consent.

Louis Brown: Of the current 360 records, 170 are historic heritage.

Commissioner: What is the best way forward now? Work done is of a better quality than most other councils, so keep the work. However the different thresholds for different categories had led to difficulties.

Louis Brown: Would like to acknowledge the work done by Richie Hill who went above and beyond the call of duty, and has produced wonderful work.

Russell O'Leary: SWDC needs to have discussions with Carterton and Masterton District Councils.

Hearing adjourned at 4:00pm.