

 <p>CHRISTCHURCH CITY COUNCIL · YOUR PEOPLE · YOUR CITY</p>	<p align="center">CHRISTCHURCH CITY COUNCIL</p> <p align="center">Environmental Policy and Approvals Unit</p> <p align="center">SUBDIVISION BULLETIN NO 20 (July 2009)</p>	<p align="center">SB20</p>
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<p>REMOVAL OF TREES PROTECTED AS A CONDITION OF SUBDIVISION CONSENT</p>
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1.0 BACKGROUND

- 1.1 The City Plan in Volume 3, Part 14, Clause 17 provides Council with the discretion to impose conditions on subdivision consents for the protection of vegetation (usually mature trees) and landscape features. The protection is by way of an on-going condition imposed on the subdivision resource consent and results in the registration of a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 on the affected Computer Register(s) (Certificate of Title).
- 1.2 From time to time applications are made to Council to remove the tree protection so that the tree can be removed.

2.0 AUTHORISATIONS

- 2.1 Before a tree protected as a condition of subdivision consent can be removed the Consent Notice requiring the protection of the tree needs to be varied or cancelled. The Resource Management Act 1991 provides a procedure for this by way of an application for resource consent under Section 221(3) of the Act.

3.0 PROCESSES

- 3.1 The applicant makes a written application to Council for the variation or cancellation of the Consent Notice together with the current application fee (\$450 as at 1 July 2009). The request is to include:
 - reasons why the tree needs to be removed,
 - current photographs of the tree,
 - a supporting report from a recognised Arborist, particularly if the tree is thought to be diseased or dying,
 - where the tree is in conflict with a proposed building site a copy of the proposed building site plan showing the proposed landscaping,
 - the mitigation measures that are proposed to compensate for the loss of the tree from the landscape.
- 3.2 The application is required to be dealt with in the same way as any application for resource consent.
- 3.3 Upon receipt of the application a report will be sought from Council's Arborist. This report will have due regard for the information supplied by the applicant and any other information gained from a site visit.
- 3.4 A resource consent report is written up by a Subdivision Planner/Officer and after weighing up all the information available from both the application and the Council's Arborist conclude the resource consent report with a recommendation together with any reasonable conditions. The resource consent report is then presented to the Resource Management Officer Committee who have the delegated authority from Council to approve or refuse the application.

It is important to note that the Officer Panel reach an independent decision and are not bound to accept the recommendation of the reporting officer.

- 3.5 Following the decision of the Resource Management Officer Committee the applicant will be advised in writing of Council's decision on the application including the conditions that will apply.

By way of example, where approval is granted to remove a tree a likely condition will require mitigation measures by the planting of other trees in more suitable locations on the property.

- 3.6 In those cases where approval is granted, Council will prepare a variation or cancellation of the Consent Notice document and forward it to the applicant for registration at Land Information New Zealand (LINZ). The registration cost of this document is the responsibility of the applicant. If the document is not registered at LINZ the tree protection will legally remain registered on the Computer Register for the property. Council will also ensure that the protected tree is removed from its electronic database. Note that if there are conditions attached to the consent then this step will not occur until we have been provided with documentary evidence (photographs) that the conditions have been satisfied.
- 3.7 In a few cases the tree protection is not recorded in a Consent Notice. In those cases the same procedure will apply except that there is no need for the variation or cancellation of the Consent Notice and its registration at LINZ

4.0 HERITAGE TREES, NOTABLE TREES

- 4.1 The above procedure does not apply to applications to remove Heritage trees and Notable trees listed in Volume 3, Part 10, Appendix 4 of the City Plan. Any application affecting these categories of trees will require land use consent. Some of the trees in this category may also be protected by the registration of a Consent Notice imposed at the time of subdivision. If that is the case the land use consent will be deemed to include a concurrent application to vary/cancel the Consent Notice.

5.0 TREES ON LEGAL ROAD AND RESERVES

- 5.1 The above procedure does not apply to applications to remove trees within the legal road (Street trees) or within Reserves. There is a special process for considering the removal of trees in roads and reserves which involves reporting to and gaining the approval of the Community Board for the locality.