

## **SUMMARY STATEMENT**

1. My full name is **Brittany Olivia Ratka**. I am a Policy Planner in the City Planning Team of the Christchurch City Council (the **Council**).
2. Today I will address the Significant and Other Trees Qualifying Matter (**QM**). The Council documents relevant to this topic are:
  - (a) The Part 2 Qualifying Matters s32 report, especially sections 6.7 and 6.25;
  - (b) Appendices 24 to 28 to the Part 2 Qualifying Matters s32 report, comprising a Council technical report, the full trees assessment schedule, and individual trees and group trees Christchurch Tree Evaluation Method (**CTEM**) assessments;
  - (c) My s42A report, especially section 8;
  - (d) The evidence of Toby Chapman (arboricultural), Andrew Benson (Riccarton Bush setback), Hilary Riordan (landscape), and John Scallan (housing capacity);
  - (e) The rebuttal evidence of John Thornton (arboricultural);
  - (f) Paragraphs 9 – 13, 39 – 43, and 45 – 49 of my rebuttal evidence; and
  - (g) Appendices 1 – 3 attached to this summary statement, comprising a flow chart, a s32AA assessment and updated provisions.
3. My summary will give you an overview of this QM and will outline minor changes to my s42A recommendations and the reasoning for these changes.

### **Operative controls**

4. Existing chapter 9.4 of the District Plan (the **Plan**) manages works to and around private property trees contained in the Schedule in Appendix 9.4.7.1. It includes rules relating to pruning, felling, gardening and works within the tree's dripline. Dripline refers to the outer extent of the branch spread or half the height of the tree, whichever is the greater. The activity status ranges from permitted through to discretionary. Where the discretionary status applies this is for non-permitted works to scheduled trees with exceptional values.

5. Through the District Plan Review trees were included for protection in the schedule if they passed CTEM, as well as those over 100 years old given their heritage value. Note the review also resulted in some trees being scheduled that did not pass CTEM.

### **QM overview**

#### ***Section 32 analysis***

6. The Part 2 Qualifying Matters s32 report, in sections 6.7 and 6.25, recommended specific scheduled trees in Appendix 9.4.7.1 be put forward as QMs. Scheduled trees over 100 years old were included under s77I(a) and s77O(a) given their s6 heritage value. Scheduled trees that were able to be reassessed by Council arborists and passed CTEM were included under s77I(j) and s77O(j) as other matters. Scheduled trees not put forward as QMs were trees that either were outside of relevant MDRS and Policy 3 zones such as within rural zones, or were unable to be re-assessed by Council arborists, or did not pass CTEM. Trees that did not meet the QM criteria were proposed to be retained in the schedule but not afforded qualifying matter status.
7. The QM would prevent loss or damage to QM trees from increased development enablement under MDRS and Policy 3 by retaining the existing objective, policies, and rules in Chapter 9.4. Updated Appendix 9.4.7.1 sets out which trees are QM trees.
8. Works to and around a scheduled tree that has not been identified as a qualifying matter tree (referred to as non-QM trees), and which are in relation to a permitted development or controlled subdivision activity in the medium or high-density residential zones were proposed to be permitted. Essentially, non-QM trees would retain the level of protection they have now, just not in the face of permitted MDRS and Policy 3 development. **Appendix 1** to my summary statement contains a flow chart outlining the distinguishing factors between QM and non-QM trees and recommended controls (including the minor changes noted further below in my summary).
9. In addition, the s32 assessment replaces the 'dripline' measurement with a 'tree protection zone radius' (**TPZR**). TPZR defined as the protection area around a scheduled tree, which is equivalent to 15 times the trunk diameter at 1.4m above ground level, where activities and development are managed

to prevent damage to a scheduled tree. The maximum extent of a tree protection zone radius is restricted to 15m.

10. The new TPZR measurement is proposed to apply to all Scheduled trees in Appendix 7.9.4.1 (not only QM trees). Should the Panel have any concerns or reservations about the new measurement applying to all scheduled trees, this would require a rule drafting response to retain the dripline methodology for non-QM trees.

### ***Section 42A analysis***

11. Five submissions were made in support of the QM without changes, five sought fewer/lesser controls, five sought more controls, and nine sought site specific changes.
12. In my s42A report, I sought a minor addition to the definition of tree protection zone radius, I expanded on a matter of discretion, and provided a section 32AA analysis to support these changes.<sup>1</sup> In addition, I recommended retaining the existing 10m setback for Riccarton Bush rather than applying the new TPZR (as notified). I also recommended including T13 at 32 Armagh Street which was confirmed to pass CTEM<sup>2</sup>. My s42A report also set out why I did not support other changes<sup>3</sup>.

### ***Rebuttal evidence***

13. My rebuttal evidence<sup>4</sup> recommended that if the Panel is minded to allow for greater intensification adjoining Riccarton Bush I agree with Professor Norton's and Mr Benson's recommendation for a 15m setback for buildings and earthworks from the predator proof fence. Where the Riccarton Bush QM and/or the extended Airport Noise Contours are retained I recommended that the current District Plan controls for Rule 9.4.4.1.3 RD6 remain (i.e. 10m setback from predator proof fence).
14. In my rebuttal evidence<sup>5</sup> I also considered T1118 on the Foodstuffs site on Stanmore Road should remain in the significant tree schedule as a proposed

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<sup>1</sup> Refer to paragraphs 8.4.8, and 8.4.14 of my section 42A report.

<sup>2</sup> Refer to paragraphs 8.4.45, 8.4.46 and 8.4.51 of my section 42A report.

<sup>3</sup> Including, but not limited to, the Carter Group Limited seeking the definition of the TPZR is deleted and the dripline is retained, and associated deletion of QM provisions 9.4.1(c), 9.4.3(a) and (f), and 9.4.4 (refer to paragraphs 8.4.5 – 8.4.14 of my s42A report), as well as deletion of scheduled trees T12 and T13 at 32 Armagh Street (refer to paragraphs 8.4.45 – 8.4.46 of my s42A report).

<sup>4</sup> Refer to paragraphs 42 and 43 of my rebuttal evidence.

<sup>5</sup> Refer to paragraphs 9 to 13 of my rebuttal evidence.

QM tree given the assessment on the tree's health and structure by Council Arborist John Thornton.

***Impacted capacity***

15. The assessed Plan enabled potential impact on development capacity for the Significant and Other Trees QM is 1670 units and the assessed feasible potential impact is 232 units.

**Minor changes to recommendations**

16. Following my s42A recommendation, I now propose minor changes to this QM. These changes are outlined below. In **Appendix 2** to my summary, I include a s32AA assessment. In **Appendix 3** to my summary, I set out the changes to the provisions.

***Consolidation of provisions for non-QM trees***

17. The notified and s42A versions of the Tree QM rules provided exemptions for permitted residential development within medium and high density zones for works associated with non-QM trees. However, the wording meant it would only apply correctly within the permitted and controlled activity statuses. For the restricted discretionary and discretionary activities the exemption would also apply to QM trees which was not the intention. In addition, it did not allow for Policy 3 commercial intensification enablement exemptions to non-QM trees.
18. I now recommend an updated version that would have less costs to commercial intensification where a non-QM tree is present. The changes to the rules allows for all exemptions to non-QM trees to be captured in a single location, see proposed 9.4.4.1.1 P13.
19. P13 applies for pruning, felling of, gardening and works within the TPZR of, significant trees in Appendix 9.4.7.1 where the tree is a non-QM<sup>6</sup> tree and these activities are associated with:
  - (a) Residential development within the Medium Density Residential Zone and High Density Residential Zone which complies with the respective Built Form Standards.

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<sup>6</sup>Non-QM trees include scheduled trees that are outside medium and high density residential zones and commercial centres, were not able to be re-assessed under PC14, and scheduled trees that were re-assessed and no longer meet the CTEM assessment criteria. These trees remain in the schedule however are not afforded protection from MDRS and Policy 3 intensification as they cannot be justified as qualifying matters.

- (b) Commercial development within the Central City Zone, Central City Mixed Use Zone, Central City Mixed Use (South Frame) Zone, Mixed Use Zone, Town Centre Zone, Local Centre Zone, Neighbourhood Centre Zone which complies with the building height rules.
- 20. Where the residential built form standards and commercial building height are not compliant the chapter 9.4 rules for pruning, felling, gardening and works within TPZR apply.
- 21. For all development not associated with MDRS or Policy 3, the operative chapter 9.4 rules apply and new TPZR applies.

***Panel request 74***

- 22. The Panel requested (on 22 November 2023) that Council consider potential options for a greater setback to the Riccarton Bush Significant Trees Area where development goes beyond the permitted enablement in terms of density and building heights. It also requested Council consider potential for limited notification to Riccarton Bush Trust (Request 74). My understanding is that this request is on hold, however I have outlined my position below.
- 23. My s32AA (attached as **Appendix 2**) recommends a requirement for a greater setback of 15m from the Riccarton Bush Significant Trees Area predator proof fence where either development goes beyond the permitted number of units (i.e. four or more units are proposed) or building height. Where this setback is not achieved a restricted discretionary activity would apply and would rely on the existing assessment matters in Rule 9.4.6 a. - o. I do not recommend any changes to the notification requirements for Riccarton Bush Significant Trees Area.

**Date: 11 April 2024**

**Brittany Ratka**