

## Tree Protection Laws

With constant changes and updates to the regulations it can be difficult to determine what is protected and what is not.

It depends mainly upon which residential zone your property is in such as Residential 2A, 4B, 6 etc. These zones are scattered throughout Auckland in what seems to be no particular order and the only way to know for sure is to contact the Council (We will take care of this). Other factors include the presence of individually listed protected trees, any trees planted as a condition of a resource consent and whether or not the property falls under the Council's definition of an "Urban Environment".

To really be sure you are not breaking the law EVERY property must be individually checked. At Tree King we do all of this for you often before we even visit the site. Because we check so many we can do so very efficiently. We have a good working relationship with Council staff, know what questions to ask, what is relevant to the site and what information needs to be recorded to ensure the job will run smoothly. If the trees are protected we can often organise a resource consent free of charge.

- **Didn't all this get abolished in the 2012 law change?**  
Not exactly. Although there were radical changes and blanket protection was removed there are still many zones and properties that remain protected.
- **What happens if we just ignore these regulations?**  
If caught, you, the property and the contractor carrying out the work will receive a hefty fine. In some cases these are tens of thousands of dollars.
- **If you check my property with the Council am I more likely to get caught if I then remove the tree anyway?**  
No. The properties are checked by staff at the planners help desk who are not part of the same part of the Council that goes around catching offenders. There is no formal record kept of whether or not someone has called to check a particular property. Despite this we STRONGLY recommend you obey the law. Resource Consents are not necessarily difficult to obtain and the consequences of being caught doing otherwise can be severe.
- **How much is a resource consent if I need one?**  
Usually free.
- **My property is Zone 4A. Are my trees protected?**  
This depends on whether the property fits the definition of an urban environment, whether any of the trees are listed as well as other factors. We will need to check the property with the Council.

- **What is the Council's definition of an "Urban Environment" and how does it affect me and my property?**

"Urban environment" means: "an allotment no greater than 4000m<sup>2</sup>

(a) that is connected to a reticulated water supply and a reticulated sewerage system;  
and

(b) on which is a building used for industrial or commercial purposes, or a dwellinghouse". The main area we have found where this causes problems is with individual subdivisions. Often the property will fall under the "Urban Environment" definition until it is divided. The newly created section has no house on it which means any large trees on the section become protected and now need resource consent to be removed. These trees could have simply been removed without the complications of a resource consent before the property was subdivided.