

THIS SECTION HAS RULES THAT HAVE LEGAL EFFECT. PLEASE CHECK THE EPLAN TO SEE WHAT THE LEGAL EFFECT IS OR SUBJECT TO APPEAL.

TREE - Rākau hirahira - Notable Trees

Introduction

Notable trees make a positive contribution to the quality of an environment, including through their size, age and species values. The presence of a notable tree or group of trees can also play an important role in linking current and future communities with historical events.

The loss or modification of a notable tree can have a significant impact on an environment, particularly if the tree or trees are highly valued due to their significance. The use of significance criteria provides a basis for assessing the values of trees for protection and their contribution to the maintenance of District character and identity.

The provisions in this chapter are consistent with the matters in Part 2 - District Wide Matters - Strategic Directions and give effect to matters in Part 2 - District Wide Matters - Urban Form and Development.

Other potentially relevant District Plan provisions

As well as the provisions in this chapter, other District Plan chapters that contain provisions that may also be relevant to notable trees include:

- Energy and Infrastructure: rules within the chapter are relevant regarding earthworks in the root protection area of notable trees, and the trimming or removal of trees and vegetation for the safe operation or maintenance of overhead lines or other infrastructure.
- Subdivision: contains provisions relevant for any notable tree, in particular SUB-R7 Subdivision of a site containing a historic heritage item or heritage setting, or notable tree.
- Earthworks: addresses earthworks in relation to any notable tree, in particular EW-R8 Earthworks for underground infrastructure.
- Any other District wide matter that may affect or relate to the site.
- Zones: the zone chapters contain provisions about what activities are anticipated to occur in the zones.

Objectives	
TREE-O1	<p>Contribution of notable trees</p> <p>The contribution notable trees make to the character and amenity values of the District is recognised and maintained.</p>
Policies	
TREE-P1	<p>Identification of notable trees</p> <p>Identify and assess potential notable trees, including any groups of notable trees, other than located in any road corridor or on public land administered by Council, and schedule based on significance and/or notable values, according to the following STEM criteria:</p> <ol style="list-style-type: none"> 1. Condition - form, occurrence, vigour and vitality, function, age; 2. Community - stature, visibility, proximity, role, climate;

	<ol style="list-style-type: none"> 3. Stature - feature, form; 4. Historic - association, commemoration, remnant, relict, age (100+ years); and 5. Scientific - source, rarity, endangered.
TREE-P2	<p>Scheduling of notable trees</p> <p>Schedule trees in TREE-SCHED1 where they are assessed as having significant and/or notable values and the tree or group of trees are structurally sound and healthy, unless:</p> <ol style="list-style-type: none"> 1. there is unacceptable risk, including likely future risk, serious threat to people, property or critical infrastructure taking into account potential mitigation measures and their costs; and 2. the location of the tree or trees unreasonably restricts development potential of the site or the surrounds of the site.
TREE-P3	<p>Retention and protection</p> <p>Retain any notable tree listed in TREE-SCHED1 and protect the tree or group of trees from the adverse effects of inappropriate subdivision, land use and development, by considering:</p> <ol style="list-style-type: none"> 1. the specific significance and/or notable values of the tree or group of trees; 2. the extent that the subdivision, land use or development provides for protection; 3. the extent that the health or structural integrity of the tree or group of trees is affected by the necessity of the subdivision, land use or development; 4. the likelihood of any serious threat to people or property from the tree or group of trees; 5. the necessity to provide for activities within the road corridor, or where required for the safe operation or maintenance of overhead lines; 6. the provision and implementation of a tree management plan in accordance with best arboriculture practice; 7. the extent that the specific significance and/or notable values that would be lost can be mitigated, including alternative methods; and 8. limited activities within the root protection area, gardening, and activities with the area of the trunk or crown.
TREE-P4	<p>Maintenance of notable trees</p> <p>Provide for the maintenance of any notable tree listed in TREE-SCHED1, for the purposes of:</p> <ol style="list-style-type: none"> 1. supporting the continuing health or structural integrity of the notable tree where undertaken in accordance with best arboricultural practice by a suitably qualified and experienced arborist; 2. enabling the reasonable use of the root protection area, trunk or crown area where the adverse effects of maintenance on the tree are avoided or, if avoidance is not practicable, are minimised; and 3. mitigating adverse effects of the tree on public safety, sunlight access, damage to property or critical infrastructure.
TREE-P5	<p>Removal of notable trees</p> <p>Discourage the removal of any notable tree listed in TREE-SCHED1, unless:</p> <ol style="list-style-type: none"> 1. it is demonstrated to be necessary to prevent a serious threat to people or property; 2. the notable tree is dead or certified to be in terminal decline by a suitably qualified and experienced arborist; 3. the use and enjoyment of the site of the notable tree or surrounds is significantly compromised or diminished; or 4. it is necessary to avoid adverse effects on the ongoing provision of infrastructure.
<u>TREE-P6</u>	<u>Siting of infrastructure and maintenance, repair, or upgrades</u>

	<p><u>Ensure the siting of new infrastructure and the maintenance, repair, or upgrade to existing infrastructure, maintains the significance and / or notable values of the tree or group of trees listed in TREE-SCHED1, taking into account the functional or operational need of the infrastructure.</u>¹</p>
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Activity Rules

TREE-R1	Maintenance pruning of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R3²	
Notable Trees Overlay	<p>Activity status: PER Where:</p> <ol style="list-style-type: none"> 1. pruning is limited to: <ol style="list-style-type: none"> a. branches and foliage that have a maximum diameter up to 50mm at the point of severance; b. branches between 50mm and 100mm in diameter at the point of severance, where the work is undertaken, or supervised by a suitably qualified and experienced arborist; c. branches directly impacting or touching buildings or structures, where the maintenance is undertaken, or supervised by a suitably qualified and experienced arborist; d. subject to (1)(a), (1)(b) and (1)(c), removal of foliage of a maximum of 10% of total foliage over any three year period, with the maximum amount of foliage removed in any one year limited to 5% of total foliage, where the work is undertaken, or supervised by a suitably qualified and experienced arborist; and e. removal of any dead, broken or diseased branches or foliage. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: TREE-MD1 - Pruning, root protection area, trunk and crown, removal TREE-MD2 - Extent of benefit or need for the activity or works</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
TREE-R2	Gardening or earthworks within any root protection area of any Notable Tree	

¹ MainPower [249.185]. Notable Tree Reply Report.

² Consequential amendment to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

<p>Notable Trees Overlay</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. gardening or earthworks shall not involve: <ol style="list-style-type: none"> a. mechanical cultivation; b. planting of trees; c. planting of tree climbing vines; d. alteration or disturbance of the existing ground level of more than 75mm; or e. trenching for fence or wall foundations. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: TREE-MD1 - Pruning, root protection area, trunk and crown, removal</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
<p>TREE-R3</p>	<p>Overhead lines work or maintenance to any Notable Tree³</p>	
<p>Notable Trees Overlay</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. the works or maintenance is required under, and carried out in accordance with, the Electricity (Hazards from Trees) Regulations 2003 or the Telecommunications Act 2001; and 2. the works or maintenance is undertaken by, or supervised by, a suitably qualified and experienced arborist. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: TREE-MD1 - Pruning, root protection area, trunk and crown, removal</p>
<p>TREE-R4⁴</p>	<p>Activities within any root protection area of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R2 or TREE-R3⁵</p>	
<p>Notable Trees Overlay</p>	<p>Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. activities within any root protection area shall not involve: <ol style="list-style-type: none"> a. any impervious surface, sealing, soil compaction, storage of materials, plant or equipment or parking of vehicles greater than 20% of the area defined by the root protection area; b. alteration or disturbance of the existing ground level of more than 75mm; 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: TREE-MD1 - Pruning, root protection area, trunk and crown, removal TREE-MD2 - Extent of benefit or need for the activity or works</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>

³ Consequential amendment to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

⁴ Consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

⁵ Consequential amendment to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

	<ul style="list-style-type: none"> c. the release, injection or placement of toxic chemicals or toxic substances; d. the cutting or pruning of roots more than 25mm in diameter except for purposes under (1)(a) and (1)(e); e. the construction, addition or replacement of any building or structure greater than 20% of the area defined by the root protection area, fixed or unfixd to the land; and f. the lighting of an open air fire. 	
TREE-R54⁶	Activities within the trunk or crown of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R1 and TREE-R3⁷	
Notable Trees Overlay	<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. activities within the trunk or crown shall not involve: <ul style="list-style-type: none"> a. the fixing of structures to the tree; b. the carving, cutting or stripping of bark; and c. the release, injection or placement of toxic chemicals or toxic substances. 	<p>Activity status when compliance not achieved: RDIS</p> <p>Matters of discretion are restricted to: TREE-MD1 - Pruning, root protection area, trunk and crown, removal TREE-MD2 - Extent of benefit or need for the activity or works</p> <p>Notification An application for a restricted discretionary activity under this rule is precluded from being publicly or limited notified.</p>
TREE-R65⁸	Removal of any Notable Tree listed in TREE-SCHED1 that is unsafe	
Notable Trees Overlay	<p>Activity status: PER Where:</p> <ul style="list-style-type: none"> 1. the tree is dead, in terminal decline, at risk of extreme failure or having a significant loss of structural integrity; or 2. the tree is damaged and poses a significant risk to life, critical 	<p>Activity status when compliance not achieved: DIS</p>

⁶ Consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

⁷ Consequential amendment to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

⁸ Consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

	<p>infrastructure, or a site as a consequence of an natural hazard or severe emergency⁹ event; and</p> <p>3. it is certified by a suitably qualified and experienced arborist that the tree is unsafe and that certification is supplied to the District Council.</p>	
TREE-R76 ¹⁰	Removal of any Notable Tree listed in TREE-SCHED1, other than provided for by TREE-R65 ¹¹	
Notable Trees Overlay	<p>Activity status: RDIS Where:</p> <ol style="list-style-type: none"> the structural integrity of the tree, certified by a suitably qualified and experienced arborist, cannot be improved by maintenance or other measures to mitigate safety to people or property or ongoing viability of the tree. <p>Matters of discretion are restricted to: TREE-MD1 - Pruning, root protection area, trunk and crown, removal</p>	Activity status when compliance not achieved: DIS

Advice Note

TREE-AN1	Only Notable Trees on private land are listed and subject to the rules in this Chapter. The management of all trees on District Council administered public land is subject to the policy guidance of the Street and Reserve Trees Policy. The removal of a notable tree on public land is also subject to the consideration of the relevant Community Board.
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Matters of Discretion

TREE-MD1	<p>Pruning, root protection area, trunk and crown, removal</p> <ol style="list-style-type: none"> The character and degree of modification, damage, or destruction of the values of the tree, including the cultural significance of taonga species. The extent to which the activity will or may adversely affect the health or structural integrity or visual appearance of the tree. The extent to which the activity will be undertaken in a manner consistent with accepted arboricultural standards, practices and procedures. The duration and frequency of the activity and the effect on the tree. The resilience of the tree, in relation to structural soundness and health and any irreversible effect on the tree.
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⁹ MainPower [249.188]. Notable Tree s42A report.

¹⁰ Consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

¹¹ Consequential renumbering to the submission by Chorus NZ, Spark NZ Trading Ltd and Vodafone NZ Ltd [62.6]. Notable Tree Reply Report.

	<p>6. The scope for the tree to recover from, or compensate for, any effects from pruning, work in the root protection area or modification of the trunk and crown.</p> <p>7. In relation to a listed group of trees, the extent to which the activity will or may adversely affect the health or structural integrity of the wider group or undermine its unity, setting or other collective significance.</p> <p>8. The extent to which any proposed compensation for the removal of the tree mitigates the loss of the tree and its values.</p>
TREE-MD2	<p>Extent of benefit or need for the activity or works</p> <p>1. The need for the activity to deal with an emergency situation, or to avoid significant risk of effects on human health and safety, or adverse effects on infrastructure, including critical infrastructure.</p> <p>2. The extent of benefits associated with the use and development of the site for activities anticipated by the zoning for the site.</p> <p>3. The extent of benefits associated with the infrastructure, whether there is a functional need or operational need for that location and whether there are any practical alternatives.</p> <p>4. The extent to which the activity will or will not enhance amenity values beyond that achievable by arboricultural or property management alternatives.</p> <p>5. The significance of the tree and extent of loss of notable tree values and amenity values within and beyond the site.</p> <p><u>6. The need for the activity to undertake any maintenance, repair, or upgrade of existing infrastructure.</u>¹²</p>

Schedules

TREE-SCHED1 - Notable Trees



Tree ID	Address	Legal Description	Common name (Botanical name)	Number of Trees (Single / Group)
TREE001	110 Parsonage Road, Woodend	LOT 1 DP 3598	Ghost Gum (<i>Eucalyptus sp.</i>)	1
TREE002	110 Parsonage Road, Woodend	LOT 1 DP 3598	Weeping Wych Elm (<i>Ulmus glabra Pendula</i>)	1
TREE003	110 Parsonage Road, Woodend	LOT 1 DP 3598	Copper Beech (<i>Fagus sylvatica Purpurea</i>)	1
TREE004	1 Gatehouse Lane, Woodend	LOT 1 DP 329116	Giant Redwood	1

¹² MainPower [249.190]. Notable Tree Reply Report.

			(<i>Sequoiadendron giganteum</i>)	
TREE005	6 Queens Avenue, Waikuku Beach	LOT 2 DP 367425	Lawson's Cypress (<i>Chanaecyparis lawsoniana</i>)	1
TREE006	1461 Main North Road, Waikuku	LOT 4 DP 55678	English Walnut (<i>Juglans regia</i>)	1
TREE007	1461 Main North Road, Waikuku	LOT 4 DP 55678	English Walnut (<i>Juglans regia</i>)	1
TREE008	177 Heywards Road, Clarkville	LOT 1 DP 57139	English Oak (<i>Quercus robur</i>)	1
TREE009	177 Heywards Road, Clarkville	LOT 1 DP 57139	English Oak (<i>Quercus robur</i>)	1
TREE010	177 Heywards Road, Clarkville	LOT 1 DP 57139	English Oak (<i>Quercus robur</i>)	1
TREE011	157 Waikuku Beach Road, Waikuku	Pt RS 5485	English Oak (<i>Quercus robur</i>)	1
TREE012	431 Tuahiwi Road, Tuahiwi	LOT 1 DP 20189	Black Poplar (<i>Populus nigra</i>)	1
TREE013	431 Tuahiwi Road, Tuahiwi	LOT 1 DP 20189	Black Poplar (<i>Populus nigra</i>)	1
TREE014	431 Tuahiwi Road, Tuahiwi	LOT 1 DP 20189	Black Poplar (<i>Populus nigra</i>)	1
TREE015	2 Poyntzs Road, Eyrewell Forest	LOT 12 DP 327552	Gum (<i>Eucalyptus sp.</i>)	1
TREE016	2 Poyntzs Road, Eyrewell Forest	LOT 12 DP 327552	Gum (<i>Eucalyptus sp.</i>)	1
TREE017	359 Oxford Road, Rangiora	LOT 2 DP 48800	Coast Redwood (<i>Sequoia sempervirens</i>)	Group (2 +)
TREE018	359 Oxford Road, Rangiora	LOT 2 DP 48800	Coast Redwood (<i>Sequoia sempervirens</i>)	Group (2 +)
TREE019	1320 Poyntzs Road, West Eyreton	LOT 5 DP 349021	English Oak (<i>Quercus robur</i>)	Group (8 - 10)
TREE020	1945 North Eyre Road, West Eyreton	Pt LOT 1 DP 56025	English Oak English Ash Turkey Oak (<i>Quercus robur</i>)	Group (Approx. 50 Oaks, 2 Ash)

			<i>Fraxinus excelsior</i> <i>Quercus</i>)	
TREE021	21 Jacksons Road, Ohoka	LOT 1 DP 81869	English Oak (<i>Quercus robur</i>)	Group (Approx. 8)
TREE022	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Blue Atlantic Cedar (<i>Cedrus atlantica Glauca</i>)	1
TREE023	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Californian Black Oak (<i>Quercus kelloggii</i>)	1
TREE024	21 Jacksons Road, Ohoka	LOT 1 DP 81869	English Elm (<i>Ulmus procera</i>)	Group (Approx. 10)
TREE025	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Fluttering Elm (<i>Ulmus laevis</i>)	1
TREE026	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Weeping Elm (<i>Ulmus glabra Horizontalis</i>)	1
TREE027	21 Jacksons Road, Ohoka	LOT 1 DP 81869	English Oak (<i>Quercus robur</i>)	Group (Approx. 30)
TREE028	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Coast Redwood (<i>Sequoia sempervirens</i>)	1
TREE029	21 Jacksons Road, Ohoka	LOT 1 DP 81869	Coast Redwood (<i>Sequoia sempervirens</i>)	1
TREE030	1368 Poyntz Road, West Eyreton	LOT 2 DP 349021	Monterey Pine (<i>Pinus radiata</i>)	1
TREE031	815 Ashley Gorge Road, Glentui	RS 36945	Matai (<i>Prumnopitys taxifolia</i>)	1
TREE032	598 South Eyre Road, Swannanoa	RES 4995	English Oak (<i>Quercus robur</i>)	1
TREE033	598 South Eyre Road, Swannanoa	RES 4995	English Oak (<i>Quercus robur</i>)	1
TREE034	598 South Eyre Road, Swannanoa	RES 4995	English Oak (<i>Quercus robur</i>)	1
TREE035	1 Hilton Street, Kaiapoi	Pt RS 321	London Plane (<i>Platanus x acerifolia</i>)	1

TREE036	1 Rich Street, Kaiapoi	LOT 1 DP 16755	Kowhai (<i>Sophora tetraptera</i>)	1
TREE037	23 Fuller Street, Kaiapoi	LOT 3 DP 26905	Giant Redwood (<i>Sequoiadendron giganteum</i>)	1
¹³ TREE038	77 Hilton Street, Kaiapoi	FLAT Unit 1 DP 423305	Black Beech (<i>Nothofagus solandri</i>)	4
TREE039	23 Cass Street, Kaiapoi	LOT 3 DP 26905	English Oak (<i>Quercus robur</i>)	1
TREE040	100 Oxford Road, Rangiora	LOT 1 DP 504565	English Elm (<i>Ulmus procera</i>)	1
TREE041	4 Boundary Road, Sefton	Pt RS 2859	English Oak (<i>Quercus robur</i>)	1
TREE042	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE043	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE044	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE045	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE046	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE047	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE048	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum	Group (Approx. 10)

¹³ Waimakariri District Council [367.48]. Notable Tree s42A report.

			(<i>Eucalyptus globulus</i>)	
TREE049	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE050	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE051	175 Harleston Road, Sefton	Pt RS 5545	Tasmanian Blue Gum (<i>Eucalyptus globulus</i>)	Group (Approx. 10)
TREE052	229 Tuahiwi Road, Tuahiwi	Maori Reserve 873 151 Kaiapoi	English Oak (<i>Quercus robur</i>)	1
TREE053	76 Hodgsons Road, Loburn	LOT 1 DP 16405	English Oak (<i>Quercus robur</i>)	1
TREE054	73 Hodgsons Road, Loburn	LOT 1 DP 16405	Weeping Elm (<i>Ulmus glabra Horizontalis</i>)	1
TREE055	73 Hodgsons Road, Loburn	LOT 1 DP 16405	English Oak (<i>Quercus robur</i>)	1
TREE056	73 Hodgsons Road, Loburn	LOT 1 DP 16405	Weeping Elm (<i>Ulmus glabra Horizontalis</i>)	1
TREE057	76 Gatehouse Lane, Woodend	LOT 5 DP 396889	English Oak Monterey Cypress London Plane (<i>Quercus robur</i> , <i>Cupressus macrocarpa</i> , <i>Latanus x acerifolia</i>)	Group (Approx. 43 Oaks, 1 x Cypress, 1 x Plane)
TREE058	16 Champions Road, Cust	RS 7746	English Oak (<i>Quercus robur</i>)	1
TREE059	16 Champions Road, Cust	RS 7746	English Oak (<i>Quercus robur</i>)	1
¹⁴ TREE060	<u>100 Parsonage Road, Woodend</u>	<u>LOT 600 DP 545059</u>	<u>English Oak (<i>Quercus robur</i>)</u>	<u>1</u>

¹⁴ Rainer and Ursula Hack [201.10]. Notable Tree s42A report.

¹⁵ <u>TREE061</u>	<u>431 Tuahiwi Road, Tuahiwi</u>	<u>LOT DP 20189</u>	<u>Lombardy Polar</u> <u>(<i>Populus nigra</i></u> <u>'<i>Italica</i>'</u>	<u>Group</u> <u>2X shelterbelts</u>
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¹⁵ Julia and Anthony Holcroft [356.1]. Notable Tree s42A report.