

Appendix One

COUNCIL GUIDE TO PROTECTED TREES

WDC Website information

(Proposed)

A guide to protected trees

The Waipā District, particularly Cambridge, contains a number of significant specimen trees of historic, botanic and amenity value, many of which date from early European settlement.

Why have protected trees?

Trees are a valued community feature as they provide visual amenity, soften the built landscape and contribute to a sense of heritage – trees are a living symbol that connects past, present and future. Trees also contribute to a healthy environment; they improve our climate, act as carbon sinks and provide food and important habitat for a range of different species.

Cambridge, in particular, is fortunate in having many mature trees on private property. Most of these trees are introduced species which were planted in the late 19th Century. There were very few trees in the vicinity of Cambridge at the time of European settlement in 1864.

The Waipa District Plan (DP) contains provisions in Section 23 which seek to protect trees which have been identified as having high historic, botanic and amenity value.

The focus in this section of the District Plan is on the protection of listed specimen trees on private property from inappropriate pruning, trimming, removal, or incompatible development within their root protection zone, to ensure that they continue to be enjoyed by future generations

What are the consequences if someone breaks the rules of the district plan regarding protected trees?

If you remove, prune or work near a protected tree on your property without first applying for resource consent, you may incur a fine under the Resource Management Act.

How are the trees chosen?

Each tree is inspected, evaluated and scored by a Qualified arborist using the Standard Tree Evaluation Method (STEM). STEM is commonly used in New Zealand for the evaluation of trees. Features included in the STEM inspection cover the following:

- **Condition evaluation;** comprising Form, Occurrence, Vigor and Vitality, Function and Age;
- **Amenity evaluation;** comprising Stature, Visibility, Proximity, Role and Climate; and
- **Notable evaluation;** comprising Stature, Historic Association and Scientific Value

How are trees added to the list?

If the owner of a tree; Council staff, or anyone else believes that a particular tree is worthy of protection, an assessment can be made to establish whether it meets the requirements for protection. Under the District Plan, a tree has to achieve a minimum STEM score of 120 points to be considered for inclusion on the protected tree list. Should the tree be confirmed as having significant value and meet the Council criteria for protection, it will need to be the subject of an application for a Plan Change to be included in Section 23 of the Waipa District Plan.

This Plan Change process is publicly notified so that any interested person may comment on the proposal. Trees are also removed from the list by Plan Change process.

Where are the protected trees located?

Most of the trees are located in Cambridge with a few in Te Awamutu, Pirongia and Ohaupo. The most reliable means of identification is by checking Appendix N4 of the Waipa District Plan. It is advisable to acquire a Land Information Memorandum (LIM) prior to purchasing a property. The LIM will include details of any protected trees on the property.

What are the rights and responsibilities of the owner?

The tree/s (and the space around it) may be used and enjoyed as usual (including lawn mowing and gardening), provided that the tree, including the root system, is not damaged in any way.

The tree owner is responsible for keeping their protected tree safe; this may require regular inspection of the tree by a Qualified arborist as well as pruning and other maintenance identified as necessary and permitted by the District Plan.

Should the tree lose the qualities for which it was protected or if it becomes structurally unsound, contact a Qualified arborist for advice.

What if I want to prune the tree?

Limited pruning can be carried out by the tree owner. Some remedial pruning and tree maintenance is a Permitted Activity under the District Plan when carried out under the direction of and in accordance with the recommendations of a Qualified arborist. Section 23.4.1.1 of the District Plan provides guidance on what constitutes permitted pruning. Contact a Qualified arborist, who will assess whether the tree requires any work.

A Resource Consent is required for the pruning or shaping of a protected tree where the works would fall outside of the permitted pruning set out in Section 23.4.1.1. The Resource Consent must be obtained before any work can begin.

Under what circumstances might a tree be removed?

Emergency works to or the removal of a protected tree may be permitted where the tree is causing an imminent threat to human life or property. However; the need for the emergency works must be confirmed by a Qualified Arborist, Council must also be notified prior to the works commencing and the works must be no greater than that required to alleviate the imminent threat to life or property.

Otherwise, Resource Consent is required for the removal of a protected tree. The matters that are assessed in an application for resource consent to remove a protected tree include the following:

- Whether the protected tree is causing harm to property, services, buildings or people;

- The extent to which the protected tree is causing hardship;
- Whether there are any alternatives that would avoid the need for the removal of the protected tree;
- The impact of the loss of the tree on amenity values in the area; and
- Whether a replacement tree can be established in an appropriate location.

Who is liable for costs?

All costs associated with pruning and maintaining a protected tree are met by the owner or in the case of a resource consent application, by the applicant. All costs associated with removing a protected tree from a property under either the emergency provisions or under a resource consent application are met by the owner.

What if I don't want the tree to be protected?

If an owner, another person, or Council staff believe that a tree should not be on the register, a change to the Waipa District Plan is required.

Usually, if the owner of the tree wishes to have the tree removed from the list, he or she must lodge the Plan Change application and pay all costs. However, if advice from a qualified arborist is provided that the tree no longer meets the requirements for protection or is a danger to people or property, Council may meet the costs incurred in the Plan Change process.

What about the debris from protected trees?

The owners of a protected tree are responsible for ensuring that debris from that tree are appropriately collected and disposed of.

What if the tree causes damage to private property?

The New Zealand Insurance Council have advised Waipa District Council that private house insurance should cover damage caused by trees on your property, this includes protected trees. If a tree close to the house has a history of branches dropping that could damage the house, you should disclose this to your insurance company.

If not, there is a possibility that a claim could be declined, however the insurance company has to prove this. If in doubt or if you require further information, contact your insurer.

Need to know more?

For more detailed information about protected trees please contact Waipa District Council on 0800 924 723. The Planning Team can give you more information about the details in the District Plan regarding tree protection.

Protected Tree Maintenance Fund

(Proposed)

Subject to Council funding approval, Council may have an annual contestable protected tree maintenance fund to assist with the costs associated with pruning and maintaining protected trees. If this is adopted, the details could be as proposed below.

What can the protected tree maintenance fund be used for?

The fund is not available to assist with the costs associated with removing a protected tree. However, if approved, the fund could be used for protected tree inspections, pruning and other maintenance identified as necessary and permitted by the District Plan. For example, removing deadwood from a tree, installing a cobra or cable system in a tree etc. Depending on the merits of the application, payments from the fund may be used to cover all or part of the approved works.

How can I make an Application to the protected tree maintenance fund?

To apply for the fund, at least two quotes must be provided to Council outlining the details of the proposed work and the expected costs. Funding applications must be made on the prescribed Council form, available online via Council's website (www.waipadc.govt.nz) or from council offices. Acknowledgement of an application will be made within 10 working days of receipt, outlining the timeframe in which the application will be determined. Applications will be checked to ensure sufficient detail has been provided. Where required, further information or clarification will be sought.

When are Grants Paid from the Fund?

Grants will be paid when the work has been completed to the required standard, in accordance with the award application.