

Protected Trees Executive Summary

The District Plan protects 120 trees on private land across Waipa District. Most are in Cambridge and date back from early European settlement. Currently trees on private land are eligible for protection in the District Plan if they score 100 points under the Royal New Zealand Institute of Horticulture (RNZIH) scoring system.

Council currently undertakes inspections and pruning and maintenance of protected trees. The only permitted activities that can be undertaken by the landowner are:

- Emergency removal in the case of imminent hazard to life or property; or
- Maintenance of ground within the root protection zone which does not alter the soil levels, remove soil, or cause any damage to the tree or root system, for example, gardening and lawn mowing.

One of the key drivers for this review was the change in our environment. Trees are a significant part of our community's landscape, however, our towns have grown. In our community there are protected trees which were once on a farm or a large urban section which are now on a small urban section or commercial sites. The proximity of the tree to the development is both problematic for the health of the tree and the enjoyment of the property by the landowner. In order to adapt to our changing environment and manage potential risks posed by protected trees this review considers:

- How we deal with the negative impacts that can be caused by large protected trees on small sections and focus on protecting the best trees in the best locations; and
- The mechanics around how we can best protect trees in a way which enables the landowner to manage the tree effectively and deal with potential risks.
- The costs and benefits of replacing the current RNZIH method with an amended assessment method called STEM.

The objectives of this plan change are to:

- Address the negative impacts created by large protected trees on small urban sections;
- Create flexibility in the rules to allow landowners to undertake works which do not impact on the health and structural integrity of a protected tree without a resource consent;
- More effectively manage risks, including where a tree is dead or dying or there is a threat identified to part of the tree; and
- Ensure street tree planting occurs in new developments.

Waipa District Plan - Track Changes

Outlined below in ~~blue strikethrough~~ and blue underline text are the proposed additions and deletions for Plan Change 2:

Definitions

~~'Minor pruning'~~ means the removal of up to 10% of the foliage of a tree in any one calendar year, using recognised arboriculture practices.

'Protected Tree' means any tree listed in Appendix N4.

'Qualified Arborist' means an arborist qualified at least to level four in Arboriculture on the NZQA National Framework or equivalent Arboricultural qualification.

Section 15 – Infrastructure, Hazards, Development and Subdivision

Objective - Integrated development: environmental enhancement

Policy - Minimising adverse effects on the landscapes, protected trees, and natural areas identified in this Plan at time of development and subdivision

15.3.6.2 To maintain and enhance the landscape values stated in this Plan, for the identified landscapes on the Planning Maps, by avoiding development and subdivision patterns that would lead to the inappropriate siting of buildings, associated infrastructure, or driveways in identified landscape areas, viewshafts, significant natural areas, or other areas of biodiversity or ecological value.

(new) To protect trees which have been identified in this Plan as having high historic, botanic, or amenity value by avoiding development and subdivision patterns that would lead to the inappropriate siting of buildings and lot boundaries within the Root Protection Zone of a Protected Tree.

Rules - Lot design

15.4.2.5 Each new lot created shall be able to incorporate the lot shape factor in a position which does not encroach on any building setback or easement requirement.

15.4.2.6 Subdivision within the urban limits, and any Large Lot Residential Zone shall not create more than two rear lots, unless provided for by Rule 15.4.2.59.

15.4.2.7 New residential and large lot residential lots, other than corner lots, shall have frontage to only one road or street.

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15.4.2.8 In any zone where lots are to be prevented from obtaining direct access to an adjacent road an access denial or segregation strip shall be vested in Council. The performance standards for development and subdivision in the underlying zone do not apply to lots created for the purpose of access denial or segregation.

(new) Any new Lot created must be able to accommodate all buildings outside of the Root Protection Zone of a Protected Tree whether the Protected Tree is on the new lot or on an adjacent site.

(new) The Root Protection Zone of any protected tree must be contained entirely within any new allotment.

Activities that fail to comply with Rules 15.4.2.3 to 15.4.2.8 (new) will require a resource consent for a discretionary activity.

Part A: All development and subdivision

Infrastructure & Services

[To follow on after current rule 15.4.2.23 Rules – Stormwater]

Rules – Tree Planting on Roads – Residential and Large Lot Residential Zones

(new) Where any subdivision in the residential or large lot residential zone includes the creation of new roads; the design, layout, construction and formation of the new road, except for service lanes, must provide for the planting of street trees.

Planting of street trees must be at an equivalent rate of one tree per residential property road frontage using an appropriate species for the location. Council may approve groups of trees where the kerb line and location of services and the area available are sufficient to accommodate the group of trees in the long term.

Advice note: Council's Tree Policy as updated from time to time provides guidance on the appropriate species of tree to be planted, along with standards for tree planting, protection of underground services and tree maintenance.

Section 21 – Assessment Criteria and Information Requirements

21.1.15 Infrastructure, Hazards, Development and Subdivision

Infrastructure, Hazards, Development and Subdivision Assessment Criteria	
21.1.15.27	<p>Design and layout: general</p> <p>(a) The extent to which each new boundary is practically and appropriately located taking into account the following factors:</p> <ul style="list-style-type: none"> (i) The location of existing or proposed buildings, roads, fence lines, drains, shelter belts/hedges, Protected Trees, the topography of the landform, areas of vegetation, wetlands, streams, rivers, internal roading, footpaths and cycleways, heritage, the retention of cultural and/or archaeological sites within one title, cultural landscapes, and other physical features, as identified in the site and surrounding area analysis; and (ii) The operational characteristics of the existing planned activities on the site including the potential for reverse sensitivity effects on adjacent activities; land use activity within the subdivision, capacity to accommodate permitted activities without adversely affecting any Protected Trees, and the ability to mitigate those effects through the design, shape or development of the subdivision or subsequent development. <p>(b) In the Residential Zone, where any subdivision involves the division of an infill housing or compact housing residential development into separate lots for each household unit then the size, shape and arrangement of the unit site areas, shall be in accordance with any approved land use consent and site approved development plan and shall be such as to adequately accommodate:</p> <ul style="list-style-type: none"> (i) Outdoor living areas; and (ii) Access, manoeuvring and parking of vehicles; and (iii) Provision for ensuring the convenience and privacy of the occupants; and (iv) Provision of infrastructure services. <p>(c) In the Residential Zone, where any subdivision involves dividing an apartment building into separate allotments for each dwelling the configuration of the development shall be such that the individual dwellings can be held in separate ownerships and the size, shape and arrangement of such allotments and provision for access thereto shall be such as to:</p> <ul style="list-style-type: none"> (i) Adequately provide for the convenience, privacy and leisure needs of the occupants; and (ii) Make appropriate provision for vehicles including the allocation of car parks for each unit; and (iii) Provide and allocate ownership or responsibility

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Infrastructure, Hazards, Development and Subdivision Assessment Criteria	
	<p style="text-align: center;">for the part of the lot not built upon; and</p> <p>(iv) Provide and allocate ownership and responsibility for the provision of infrastructure services.</p> <p>(d) <u>The effects of any proposed impermeable surfaces on the health and viability of any Protected Tree, including soil aeration and hydrological balance.</u></p> <p>(e) <u>The mitigation methods proposed to ensure the values of any Protected Tree are not compromised, including its health and structural integrity, and its contribution to community amenity.</u></p> <p>(f) <u>The effect of the subdivision on the values for which any Protected Tree was protected.</u></p> <p>(g) <u>The potential for the location of the Protected Tree to cause significant damage or harm to buildings, services or property, whether public or privately owned, or people, now or in the future.</u></p> <p>(h) <u>The extent to which the Protected Tree has the potential now or in the future to cause significant hardship to nearby residents, including any significant loss of sunlight or extraordinary leaf and debris drop.</u></p>

21.1.23 Protected Trees

Protected Tree Assessment Criteria	
<u>Restricted Discretionary Activities</u>	
<u>21.1.23.1</u>	<p><u>Any pruning or maintenance of a protected tree that is not a permitted activity.</u></p> <p>(a) <u>The extent to which the work will affect the health of the tree or adversely affect any identified factor or value of the tree or any protected trees within the vicinity.</u></p> <p>(b) <u>The extent to which pruning will adversely affect the surrounding landscape character of the area in which the tree is located.</u></p> <p>(c) <u>The necessity for carrying out the works, including whether the works are required to prevent damage to buildings, services or property or to alleviate a significant hardship to nearby residents.</u></p> <p>(d) <u>The methods to be used and whether this is in accordance with accepted arboricultural practice.</u></p>
Discretionary Activities <i>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</i>	
<u>21.1.23.1</u>	<p><u>Works on a protected tree</u></p> <p>(a) <u>The extent to which the work will enhance or increase the health of the tree.</u></p> <p>(b) <u>The extent to which the work will reduce the value of the protected tree or other protected trees within the vicinity.</u></p> <p>(c) <u>The extent to which the condition of the tree constitutes a hazard unless the works are undertaken.</u></p> <p>(d) <u>The extent to which the work will result in the protected tree becoming a hazard, particularly in relation to any proposed structures.</u></p> <p>(e) <u>The extent to which there are alternative options,</u></p>

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Protected Tree Assessment Criteria		
		<p>avoiding the need for the work to be undertaken on the protected tree.</p> <p>(f) The extent to which measures have been put in place to mitigate potential damage to the values of the protected tree.</p>
21.1.23.12	<u>Removal of a Protected Tree</u>	<p>(a) <u>Whether the Protected Tree or trees are causing, or likely to cause significant damage or harm to buildings, services or property, whether public or privately owned, or people.</u></p> <p>(b) <u>The extent to which the Protected Tree has grown to the point of causing a significant hardship to nearby residents, including any significant loss of sunlight or extraordinary leaf and debris drop, and whether minor trimming or pruning will not or has not ameliorated the problem.</u></p> <p>(c) <u>Whether there are any alternatives that would avoid the need for the Protected Trees removal.</u></p> <p>(d) <u>The condition and STEM score of the Protected Tree.</u></p> <p>(e) <u>The impact of the loss of amenity values that the Protect Tree provides for the surrounding environment.</u></p> <p>(f) <u>Whether a replacement tree or trees can be established and maintained in an appropriate location.</u></p>
21.1.23.2	Activities within the root protection zone of a protected tree	<p>(a) The extent to which the activities within the root protection zone of a protected tree will:</p> <ul style="list-style-type: none"> (i) Alter the soils levels or water levels through excavation or compaction; and (ii) Discharge or disperse any agent toxic to the tree; and (iii) Result in impervious surfacing; and (iv) Result in any damage to the protected tree or detract from its appearance. <p>(b) <u>The necessity for carrying out the works, including whether the Protected Tree is causing damage to property or infrastructure and whether there are any alternative locations available to the applicant or alternative methods available to protect the tree.</u></p> <p>(c) <u>The extent of trimming and/or maintenance of the roots and the methods to be employed including whether this is in accordance with accepted arboricultural practice.</u></p>

21.2.23 Protected Trees

Protected Trees Information Requirements	
21.2.23.1	<p>Protected Trees</p> <p>(a) — A report prepared by an independent arborist shall be submitted with any application involving work on a protected tree. The report shall specifically consider the effects of the proposed works on the tree, having consideration to the assessment criteria listed, any possible alternative locations or methods for undertaking the activity which will affect the tree, and any recommendations on how to undertake the work(s) so the protected tree may be maintained.</p> <p>(a) <u>Where a report is required from a Qualified Arborist the report shall:</u></p> <ul style="list-style-type: none"> (i) <u>document the rationale for the required works, and</u> (ii) <u>Include photos of the tree before the works are undertaken, and</u> (iii) <u>where the tree is to be retained, assess the effects of the proposed works on the long term health and vitality of the tree, and</u> (iv) <u>document the replacement planting and any rehabilitation of the site required.</u> (v) <u>Where the development proposal seeks to alter the environment around a Protected Tree, the arborist report shall recommend specific measures to protect the tree.</u> <p>(b) <u>An arborist report will be required under Rule 21.2.23.1 (a) where the effects on the tree have the potential, in the opinion of Council, to alter the form or amenity value of the tree or have a detrimental impact on its health or longevity.</u></p>

Section 23 - Protected Trees

23.1 Introduction

23.1.1 Trees are a valued community feature as they provide visual amenity, soften the built landscape and contribute to a sense of heritage - a living symbol that connects past, present and future. Trees also provide food and important habitat for a range of different species. 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.

23.1.2 The Plan contains provisions which seek to protect trees which have been identified as having high historic, botanic and amenity value. The focus in this section is on the protection of listed specimen trees on private property, from inappropriate pruning, trimming, removal, or inappropriate development within their root protection zone. These trees are listed in Appendix N4. The protected

trees are primarily within the urban areas, with only a few located in the rural area.

- 23.1.3 This Plan contains other methods to protect vegetation, in particular indigenous vegetation. The provisions relating to the protection of significant natural areas and specified indigenous bush stands and habitats are contained in Section 24 - Indigenous Biodiversity.

~~23.1.4 Many other significant trees are located on Council property, either in the road berm or on Council reserves. These trees are managed through Council's Tree Policy, which contains direction relating to the care and removal of trees on Council land. Council also funds the pruning and maintenance of listed trees on private land and this is stated within Council's Tree Policy.~~

23.2 Resource Management Issues

- 23.2.1 The significant pruning of protected trees ~~by inexperienced people~~ can adversely affect the health and amenity of significant trees.
- 23.2.2 The removal and damage of protected trees (both exotic and native) can impact on the character and amenity of the District's urban and rural areas.
- 23.2.3 Works within the root protection zone of protected trees can adversely affect the health of a tree.

23.3 Objectives and Policies

Please also refer to the objectives and policies of Part C, Part D and Part E, as relevant.

Objective - Protected trees

- 23.3.1 To maintain the protected trees in the District's urban and rural areas (refer to Appendix N4).

Policy - Protected trees

- 23.3.1.1 Ensure protected trees within the District are retained to contribute to the character and amenity of the areas in which they are located.

Policy - Work on protected trees

- 23.3.1.2 To enable work, such as pruning, to be undertaken on protected trees where the work will:
- (a) Not adversely affect ~~assist in maintaining~~ the health ~~of the tree,~~ structural integrity, or amenity value of the tree, or
 - (b) Minimise the risk from the tree to public safety, property, buildings and infrastructure.

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Policy - Building and excavations affecting a protected tree

- 23.3.1.3 To ensure the health and existing values of any protected tree are maintained by considering alternative building locations, techniques or materials, and avoiding or minimising excavation within the root protection zone of a protected tree.

Policy - Removal of protected trees

- 23.3.1.4 ~~To ensure that the removal of a protected tree, or the removal of the protected tree status from a tree, only occurs when the values associated with the protected tree have significantly deteriorated and/or the tree is causing a significant hazard to life or property.~~

To ensure that a Protected Tree is only removed in an emergency situation, where the tree is dead or dying or is causing, or likely to cause significant damage or harm to buildings, services, property, or people, or has grown to the point of causing a significant hardship to nearby residents.

23.4 Rules

The rules that apply are contained in:

- (a) *The activity status table in this section; and*
 (b) *The activity status tables and the performance standards in Part D Zone Provisions, Part E District Wide Provisions, and Part F District wide Natural and Cultural Heritage provisions of the Plan.*

23.4.1 Activity Status Tables

23.4.1.1	Permitted activities
(a)	<p>Emergency works to, or the removal of, a protected tree where the tree is causing there is an imminent hazard threat to human life or property, provided that:</p> <p>(ii) The need for emergency works or the removal is confirmed by a Qualified Arborist, and</p> <p>(iii) Notification of the need for the removal or emergency works is required to be made to Council’s arborist prior to commencing the works where practicable, and</p> <p>(iv) With the exception of removal, any works are carried out by a Qualified Arborist, and</p> <p>(v) The works do not exceed what is necessary to alleviate the imminent threat to human life or property.</p> <p>Note: Following the emergency works to, or removal of, a protected tree, a report from a professionally recognised Qualified aArborist, outlining the reasons for the removal or emergency works is required to be submitted to Council’s arborist no later than 10 working days following the tree removal or emergency works.</p>
(b)	The removal of any protected tree that is dead, or Council’s arborist is satisfied that the tree is dying and will not recover. A report from a Qualified Arborist must be approved by Council prior to any works or removal of the tree commencing.
b-(c)	<p>Pruning or shaping of the protected tree, undertaken by Council under the direction of, and in accordance with, the recommendations of a professionally recognised arborist. Pruning limited to one or more of the following:</p> <p>(i) Pruning of roots less than 25 mm in diameter at the point of severance; or</p>

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23.4.1.1	Permitted activities
	<p>(ii) <u>Removal of broken branches, deadwood or diseased vegetation; or</u></p> <p>(iii) <u>Removal of branches physically interfering with existing buildings or pedestrian and vehicle access ways, where such work is carried out by, or in accordance with advice from, a Qualified Arborist. Or Minimum clearance distances under rule 23.4.11 (c) (iii) shall be 1 metre from any Building, 4.5 metres above a Road and 2.5 metres above a walking/cycling path.</u></p>
(d)	<p><u>Pruning in the bottom third of any Protected Tree, other than provided for in (23.4.1.1 (c)) limited to the following:</u></p> <p>(i) <u>Removal of any branches less than 50 mm in diameter at the point of severance, where the natural shape, form and branch habit of the tree is retained; or</u></p> <p>(ii) <u>Removal of any branches between 50 mm and 100 mm in diameter at the point of severance, where the natural shape, form and branch habit of the tree is retained and the work is carried out by, or in accordance with advice from, a Qualified Arborist.</u></p> <p><u>Advice note: Tree height is measured from Ground Level to the top of the canopy.</u></p>
(e)	<p><u>Pruning in the top two thirds of any Protected Tree, other than provided for in (23.4.1.1 (c)), limited to the removal of foliage of no more than 10% over any three-year period (including that foliage removed under Rule 23.4.1.1 (d), with the maximum amount of foliage removed in any one year limited to no more than 5%, where:</u></p> <p>(i) <u>The work is undertaken, or supervised, by a Qualified Arborist; and</u></p> <p>(ii) <u>The natural shape, form and branch habit of the tree is retained.</u></p> <p><u>Advice note: Tree height is measured from Ground Level to the top of the canopy.</u></p>
(f)	<p><u>Any work to any Protected Tree required under and carried out in accordance with, clause 14 of the Electricity (Hazards from Trees) Regulations 2003 provided that:</u></p> <p>(i) <u>The work shall be undertaken by, or under the supervision of a Qualified Arborist employed or contracted by a network utility operator, and</u></p> <p>(ii) <u>The network utility operator shall notify the Council within 5 working days that the work has been undertaken.</u></p>
(e g)	<p>Maintenance of the ground within the root protection zone of a protected tree, including lawn mowing and gardening, provided that the maintenance does not alter the soil levels, remove soil, or cause any damage to the tree root system.</p>

23.4.1.2	Controlled activities
(a)	There are no controlled activities.

23.4.1.3	Restricted discretionary activities
(a)	<p>There are no restricted discretionary activities. <u>Any pruning or maintenance of a Protected Tree that is not a permitted activity.</u></p> <p><u>Assessment will be restricted to the following:</u></p> <p>(vi) <u>Impact on the health and value of the tree; and</u></p> <p>(vii) <u>Impact on the amenity of the surrounding area; and</u></p> <p>(viii) <u>Necessity for carrying out the works; and</u></p> <p>(ix) <u>Methods to be used.</u></p>

23.4.1.4	Discretionary activities
(a)	Any building works including disturbance of the ground within the root protection

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23.4.1.4	Discretionary activities
	zone of a protected tree (other than maintenance permitted by this Plan in Rule 23.4.1.1(b-g) & (c))
(b)	Any pruning or shaping of a protected tree not undertaken by Council. <u>Any removal of a Protected Tree.</u>

23.4.1.5	Non-complying activities
(a)	Any removal of a protected tree except for as specified in Rule 23.4.1(a). <u>There are no non-complying activities.</u>

23.4.1.6	Prohibited activities
(a)	There are no prohibited activities.

23.4.2 Performance Standards

There are no performance standards relating to the trees protected in this section. The only rules in this section are contained within the activity status table.

23.5 Assessment Criteria

There are no controlled activities ~~and restricted discretionary activities.~~

23.5.1 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

23.5.2 Notification

Applications for the removal of a protected tree under Rule 23.4.1.4(b) where the tree has more than 138 STEM points will be publicly notified. Applications for removal of a protected tree under Rule 23.4.1.4 (b) where the tree has 138 STEM points or less shall be considered on a non-notified basis.

Appendix N4 – Protected Trees

(Maps will be updated to reflect amendments to Appendix N4 when the Plan Change is adopted.)

Additional wording below to be added before table in Appendix N4

The Standard Tree Evaluation Method (STEM) for the assessment of trees has been adopted. This method attributes a value (points score) to the tree based on an assessment of the following categories:

1. Condition Evaluation comprising Form, Occurrence, Vigor and Vitality, Function and Age;
2. Amenity Evaluation comprising Stature, Visibility, Proximity, Role and Climate; and
3. Notable Evaluation comprising Stature, Historic association and Scientific value.

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The threshold for determining if trees will be classed as protected trees in the District Plan is a minimum of 120 STEM points. There is a higher threshold for trees that will require notification when an application is received to remove a tree with more than 138 STEM points. These trees have some outstanding features that contribute to the amenity and/or heritage of the community and make a positive impact on the district. In addition to meeting the threshold the tree needs to appear healthy and structurally sound and not be of a weed species.

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Map Number	District Plan Number	Location	Legal Description	Description	STEM score
4	165	3/1215 Kaipaki Road, Cambridge	LOT 3 DPS 66088	1 <i>Juglans nigra</i> (Black Walnut)	150
24	7	2 Kelly Road, Cambridge	LOT 2 DP 410038	1 <i>Rhododendron species</i> (Rhododendron)	114
24	8	1 Vogel Street, Cambridge	LOT 1 DPS 42899	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	144
24	27	13 Grey Street, Cambridge	LOT 1 DP 353034	1 <i>Agathis australis</i> (Kauri)	132
24	9	16 Hamilton Road, Cambridge	LOT 11 DPS 2024	1 <i>Magnolia grandiflora</i> (Southern Magnolia)	102
24	11	16B Hall Street, Cambridge	LOT 2 DP 410197	1 <i>Liriodendron tulipifera</i> (Tulip Tree)	156
24	12	16A Hall Street, Cambridge	LOT 1 DP 410197	1 <i>Nothofagus menziesii</i> (Silver Beech)	132
24	149	197 Victoria Street, Cambridge	LOT 1 DPS 48833	1 <i>Dacrydium cupressinum</i> (Rimu)	150
24	151	197 Victoria Street, Cambridge	LOT 1 DPS 48833	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	126
24	152	197 Victoria Street, Cambridge	LOT 1 DPS 48833	1 <i>Picea smithiana</i> (Himalayan Spruce)	132
24	31	201 Victoria Street, Cambridge	LOT 2 DPS 48833	1 <i>Tilia x europaea</i> (Lime or Linden)	108
24	14	23 Hall Street, Cambridge	LOT 1 DPS 12097	1 <i>Acer palmatum</i> (Maple)	129
24	15	23B Hamilton Road, Cambridge	LOT 2 DPS 5520	1 <i>Juglans regia</i> (Walnut)	108
24	16	23B Hamilton Road, Cambridge	LOT 2 DPS 5520	1 <i>Quercus robur</i> (English Oak)	114
24	17	23B Hamilton Road, Cambridge	LOT 2 DPS 5520	1 <i>Cedrus deodara</i> (Indian Cedar)	126
24	43	24 Grosvenor Street, Cambridge	PT ALLT 318 TN OF Cambridge East	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	123
24	49	22B Grosvenor Street, Cambridge	LOT 3 DP 468835	1 <i>Tilia x europaea</i> (Lime or Linden)	126
24	18	27B Hamilton Road, Cambridge	LOT 1 DPS 88895	1 <i>Castanea sativa</i> (Spanish Chestnut)	132
24	19	27B Hamilton Road, Cambridge	LOT 1 DPS 88895	1 <i>Chamaecyparis lawsoniana</i> (Lawson Cypress)	138
24	20	27B Hamilton Road, Cambridge	LOT 1 DPS 88895	1 <i>Chamaecyparis lawsoniana</i> (Lawson Cypress)	126
24	23	28 Grey Street, Cambridge	LOT 5 DP 20137	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	114
24	147	30A Hamilton Road, Cambridge	LOT 1 DPS 3436	1 <i>Ulmus procera Louis van Houtte</i> (Golden Elm)	117
24	26	31 Queen Street, Cambridge	PART ALLT 79 TN OF Cambridge East	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	Removed
24	21	32A Hamilton Road, Cambridge	LOT 2 DPS 80308	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	108
24	46	34 Grosvenor Street, Cambridge	LOT 3 DPS 4403	1 <i>Cornus capitata</i> (Strawberry Tree)	108
24	28	34 Queen Street, Cambridge	PART ALLT 106 TN OF Cambridge East	1 <i>Dacrydium cupressinum</i> (Rimu)	114
24	22	36 Grey Street, Cambridge	LOT 2 DPS 72617	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	132

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Map Number	District Plan Number	Location	Legal Description	Description	STEM score
24	25	42 Hamilton Road <u>39 Grey Street</u> , Cambridge	LOT 2 DPS 7928	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	<u>120</u>
24	29	46B Hamilton Road, Cambridge	LOT 2 DP 331279	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	<u>132</u>
24	45	48 Grosvenor Street , Cambridge	LOT 2 DPS 6163	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)	102
24	88	57 Bowen Street , Cambridge	LOT 2 DPS 40440	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)	96
24	89	59 Bowen Street, Cambridge	LOT 1 DPS 40440	1 <i>Quercus coccinea</i> (Scarlet Oak)	<u>165</u>
24	91	59 Bowen Street, Cambridge	LOT 1 DPS 40440	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	<u>135</u>
24	84	62A Bowen Street , Cambridge	LOT 2 DPS 45831	1 <i>Liriodendron tulipifera</i> (Tulip Tree)	114
24	32	63 Hamilton Road , Cambridge	LOT 1 DPS 62968	1 <i>Ginkgo biloba</i> (Maidenhair Tree)	114
24	81	64 Bowen Street, Cambridge	LOT 1 DPS 45831	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	<u>138</u>
24	82	64 Bowen Street, Cambridge	LOT 1 DPS 45831	1 <i>Tilia x europea</i> (Lime or Linden)	<u>138</u>
24	163	9 Glenroy Place, Cambridge	LOT 68 DP 339408	1 <i>Platanus hispanica</i> (Plane Tree)	<u>138</u>
24	33	49 Bryce Street, Cambridge	LOT 2 DPS 41835	1 <i>Quercus robur</i> (English Oak)	<u>141</u>
25	110	12 Stafford Street , Cambridge	LOT 2 DP 33715	1 <i>Idesia polycarpa</i> (Wonder Tree)	114
25	113	147 Taylor Street, Cambridge	LOT 1 DPS 6188	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	<u>126</u>
25	122	164 Williams Street , Cambridge	LOT 1 DPS 34893	1 <i>Magnolia grandiflora</i> (Southern Magnolia)	Removed
25	164	63 Bowen Street, Cambridge	LOT 6 DPS 12166	1 <i>Ulmus procera</i> Louis van Houtte (Golden Elm)	<u>126</u>
26	60	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)	<u>123</u>
26	63	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Ulmus procera</i> (English Elm)	<u>150</u>
26	64	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Sequoia sempervirens</i> (California Redwood)	<u>156</u>
26	65	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Psuedotsuga menziesii</i> (Douglas Fir)	<u>144</u>
26	68	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Sequoia sempervirens</i> (California Redwood)	<u>150</u>
26	69	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Sequoia sempervirens</i> (California Redwood)	<u>156</u>
26	74	51 Moore Street , Leamington	LOT 1 DPS 57427	1 <i>Quercus robur</i> (English Oak)	102
26	75	285 Shakespeare Street, Leamington	LOT 3 DPS 89285	1 <i>Podocarpus totara</i> (Totara)	<u>132</u>
26	76	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Juglans nigra</i> (Black Walnut)	<u>156</u>
26	79	62 Arnold Street, Leamington	LOT 1 DPS 20346	1 <i>Taxus baccata fastigiata</i> (Irish Yew)	<u>126</u>
26	80	62 Arnold Street, Leamington	LOT 1 DPS 20346	1 <i>Taxus baccata fastigiata</i> (Irish Yew)	<u>126</u>
27	98	37 Byron Street, Leamington	LOT 20 DPS 5928	1 <i>Sequoia sempervirens</i> (California Redwood)	<u>126</u>

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WAIPA DISTRICT PLAN: PLAN CHANGE 2 – PROTECTED TREES

Map Number	District Plan Number	Location	Legal Description	Description	STEM score
27	105	60 Browning Street, Leamington	LOT 1 DPS 1150	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)	147
27	107	66 Thompson Street, Leamington	LOT 1 DPS 37990	1 <i>Quercus robur</i> (English Oak)	120
27	109	66A Thompson Street, Leamington	LOT 1 DPS 37990	1 <i>Quercus robur</i> (English Oak)	108
27	117	102 Tennyson Street, Leamington	LOT 10 DPS 86566	1 <i>Plantanus x acerifolia</i> (London Plane)	138
27	118	98 Tennyson Street, Leamington	LOT 1 DPS 81881	1 <i>Plantanus x acerifolia</i> (London Plane)	138
27	119	96 Tennyson Street, Leamington	LOT 6 DPS 86566	1 <i>Plantanus x acerifolia</i> (London Plane)	138
27	120	104 Tennyson Street, Leamington	LOT 11 DPS 86566	1 <i>Plantanus x acerifolia</i> (London Plane)	138
27	121	92 Tennyson Street, Leamington	LOT 5 DPS 86566	1 <i>Plantanus x acerifolia</i> (London Plane)	132
27	123	1 Frame Street, Leamington	LOT 29 DPS 9581	1 <i>Quercus robur</i> (English Oak)	132
27	124	3 Frame Street, Leamington	LOT 28 DPS 9581	1 <i>Quercus robur</i> (English Oak)	102
27	138	13 Frame Street, Leamington	LOT 14 DPS 9581	1 <i>Quercus robur</i> (English Oak)	108
27	132	113 Arnold Street, Leamington	LOT 29 DPS 86566	1 <i>Quercus robur</i> (English Oak)	114
27	133	95 Carlyle Street, Leamington	LOT 30 DPS 86566	1 <i>Quercus robur</i> (English Oak)	84
27	134	95 Carlyle Street, Leamington	LOT 30 DPS 86566	1 <i>Quercus robur</i> (English Oak)	108
27	135	93 Carlyle Street, Leamington	LOT 32 DPS 86566	1 <i>Quercus robur</i> (English Oak)	Removed
27	136	8 Hilliard Place, Leamington	LOT 4 DPS 66023	1 <i>Quercus robur</i> (English Oak)	Removed
27	141	14 Hemans Street, Leamington	PT ALLOT 68 DP 18004 Cambridge West	1 <i>Schinus molle</i> (Pepper Tree)	114
27	142	99 Wordsworth Street, Leamington	LOT 33 DPS 745	1 <i>Liquidambar styraciflua</i> (Liquidambar)	144
27	143	10 Glover Street, Leamington	LOT 13 DPS 745	1 <i>Fraxinus oxycarpa</i> 'Raywoodii' (Claret Ash)	120
27	144	93 Kingsley Street, Leamington	LOT 2 DPS 37061	1 <i>Juglans regia</i> (Walnut)	138
28	38	108 Victoria Street, Cambridge	LOT 1 DPS 36382	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)	96
28	36	129 Victoria Street, Cambridge	LOT 1 DPS 6547	1 <i>Fraxinus excelsior</i> 'Pendula' (Weeping Ash)	120
28	39	95 Victoria Street, Cambridge	LOT 2 DPS 38368	1 <i>Quercus robur</i> (English Oak)	90
28	34	115 Victoria Street, Cambridge	LOT 4 DPS 69391	1 <i>Cupressus sempervirens</i> (Italian Cypress)	132
28	35	115 Victoria Street, Cambridge	LOT 4 DPS 69391	1 <i>Cupressus sempervirens</i> (Italian Cypress)	126
28	37	115 Victoria Street, Cambridge	LOT 4 DPS 69391	1 <i>Camellia pilida</i>	114
28	40	36 34 Lake Street, Cambridge	LOT 1 DPS 80662	1 <i>Dacrydium cupressinum</i> (Rimu)	150
28	41	36 Lake Street, Cambridge	LOT 1 DPS 80662	1 <i>Ginkgo biloba</i> (Maidenhair Tree)	Removed

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WAIPA DISTRICT PLAN: PLAN CHANGE 2 – PROTECTED TREES

Map Number	District Plan Number	Location	Legal Description	Description	STEM score
28	44	5 17 Coleridge Street, Leamington	ALLT 157 TN OF Cambridge West <u>Lot 1 DP 451845</u>	1 <i>Liriodendron tulipifera</i> (Tulip Tree)	<u>120</u>
28	61	17 Coleridge Street, Leamington	ALLT 158 TN OF Cambridge West	1 <i>Ulmus Procera Louis 'Van Houtte'</i> (Golden Elm)	114
28	55	9 Coleridge Street, Leamington	ALLT 157 TN OF Cambridge West	1 <i>Ulmus procera Louis 'Van Houtte'</i> (Golden Elm)	114
28	48	25 Coleridge Street, Leamington	ALLT 159 TN OF Cambridge West	1 <i>Liquidambar styraciflua</i> (Liquidambar)	96
28	70	38 Princes Street, Cambridge	LOT 1 DPS 77632	1 <i>Dacrydium cupressinum</i> (Rimu)	<u>126</u>
28	52	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	<u>126</u>
28	54	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	114
28	57	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	114
28	58	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	<u>126</u>
28	59	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	<u>126</u>
28	62	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	<u>126</u>
28	66	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	114
28	67	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	<u>126</u>
28	71	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	<u>120</u>
28	72	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)	<u>126</u>
28	87	17 Victoria Street, Cambridge	LOT 1 DPS 58719	1 <i>Erythrina crista-galli</i> (Coral Tree)	<u>120</u>
28	77	18 Le Quesnoy Place, Cambridge	LOT 10 DP 365123	1 <i>Juglans nigra</i> (Black Walnut)	<u>144</u>
28	90	5 Le Quesnoy Place, Cambridge	LOT 14 DP 365123	1 <i>Picea smithiana</i> (Himalayan Spruce)	<u>132</u>
28	83	7 Le Quesnoy Place, Cambridge	LOT 13 DP 365123	1 <i>Fagus sylvatica 'Purpurea'</i> (Copper Beech)	<u>144</u>
28	85	7 Le Quesnoy Place, Cambridge	LOT 13 DP 365123	1 <i>Fagus sylvatica 'Purpurea'</i> (Copper Beech)	<u>120</u>
28	78	68-70 Duke Street, Cambridge	LOT 2 DPS 26842	1 <i>Acer negundo</i> (Box Elder)	<u>141</u>
28	93	21 & 23 Anzac Street, Cambridge	ALLT 402 TN OF Cambridge East	1 <i>Phyllocladus trichomanoides</i> (Tānekaha)	<u>126</u>
28	94	21 & 23 Anzac Street, Cambridge	ALLT 402 TN OF Cambridge East	1 <i>Phyllocladus trichomanoides</i> (Tānekaha)	<u>132</u>
28	95	21 & 23 Anzac Street, Cambridge	ALLT 402 TN OF	1 <i>Phyllocladus trichomanoides</i> (Tānekaha)	<u>132</u>

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WAIPA DISTRICT PLAN: PLAN CHANGE 2 – PROTECTED TREES

Map Number	District Plan Number	Location	Legal Description	Description	STEM score
			Cambridge East		
28	97	46 Thornton Road, Cambridge	LOT 3 DP 31550	1 <i>Acer palmatum</i> (Japanese Maple)	Removed
28	96	7 Bowen Street, Cambridge	PT SEC 328 TN OF Cambridge East	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)	96
28	100	26 Wordsworth Street, Leamington	ALLT 141 TN OF Cambridge West	1 <i>Rhododendron</i> (Rhododendron) 'Sir Robert Peel'	114
28	101	52 Thornton Road, Cambridge	PART ALLT 354 TN OF Cambridge East	1 <i>Acer palmatum</i> (Japanese Maple)	108
28	103	63 Princes Street, Cambridge	PART ALLT 355 TN OF Cambridge East	1 <i>Magnolia cambellii</i> (Tulip Magnolia)	120
28	104	63 Princes Street, Cambridge	PART ALLT 355 TN OF Cambridge East	1 <i>Nothofagus menziesii</i> (Silver Beech)	114
28	106	63 Princes Street, Cambridge	PART ALLT 355 TN OF Cambridge East	1 <i>Sophora tetraptera</i> (Kowhai)	90
28	111	60 Thornton Road, Cambridge	LOT 4 DP 15686	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	114
28	114	94 Princes Street, Cambridge	LOT 2 DPS 27226	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	132
28	125	57 Shakespeare Street, Leamington	LOT 2 DPS 69965	1 <i>Cedrus deodara</i> (Indian Cedar)	156
35	3	101 Great South Road, Ohaupo	LOT 1 DPS 90659	1 <i>Araucaria araucana</i> (Monkey Puzzle)	126
36	1	661 Franklin Street, Pirongia	SECT 25 TN OF Pirongia East	1 <i>Liriodendron tulipifera</i> (Tulip Tree)	Removed
36	2	567 Beechey Street, Pirongia	LOT 1 DP 347402	1 <i>Quercus robur</i> (English Oak)	147
36	170	21 McClintock Street, Pirongia	LOT 1 DPS 69869	1 <i>Quercus palustris</i> (Pin Oak)	102
38	6	655 Teasdale Street, Te Awamutu	LOT 1 DPS 12925	1 <i>Podocarpus totara</i> (Totara)	138
42	166	213 Rewi Street, Te Awamutu	LOT 3 DPS 26819	1 <i>Quercus robur</i> (English Oak)	120
42	167	213 Rewi Street, Te Awamutu	LOT 3 DPS 26819	1 <i>Quercus robur</i> (English Oak)	114
42	168	213 Rewi Street, Te Awamutu	LOT 3 DPS 26819	1 <i>Quercus robur</i> (English Oak)	126
42	169	213 Rewi Street, Te Awamutu	LOT 3 DPS 26819	1 <i>Quercus robur</i> (English Oak)	120

WAIPA DISTRICT PLAN: PLAN CHANGE 2 – PROTECTED TREES



PROTECTED TREES

SECTION 32 EVALUATION REPORT

September 2018

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Part A – Background and Context

1. Introduction

This report presents an evaluation undertaken by the Waipa District Council (Council) in accordance with Section 32 of the Resource Management Act 1991 (Act) in relation to Protected Trees in the Waipa District Plan. Undertaking a section 32 evaluation assists in determining why changes to existing plan provisions may be needed and formalises a process for working out how best to deal with resource management issues.

This report examines the extent to which the objectives of the plan change are the most appropriate way to achieve the purpose of the Act and assesses whether the proposed provisions are the most appropriate way of achieving those objectives. In assessing the proposed provisions, Council must consider other reasonable practicable options and assess the efficiency and effectiveness of the provisions in achieving the plan change objectives. Assessing effectiveness involves examining how well the provisions will work. Determining efficiency involves an examination of benefits and costs.

This report has been prepared to fulfil the obligations of the Council under section 32 of the Act, with respect to undertaking a Plan Change to the Waipa District Plan.

2. Background

The District Plan protects 120 trees on private land across Waipa. Most are in Cambridge and date back from early European settlement.

Currently trees on private land are eligible for protection in the District Plan if they score 100 points under the Royal New Zealand Institute of Horticulture (RNZIH) scoring system. This evaluation system considers eight factors, including size of the tree, importance of position, occurrence of the species and the tree's role in its location or setting. The RNZIH system is used nationally but how it's applied is different throughout New Zealand.

One of the key drivers for this review was the change in our environment. Trees are a significant part of our community's landscape, however, our towns have grown. In our community there are protected trees which were once on a farm or a large urban section which are now on a small urban section or commercial site. The proximity of the tree to the development can be both problematic for the health of the tree and the enjoyment of the property by the landowner.

How we apply the RNZIH evaluation system currently only considers the positive impacts of a tree when it is assessed. Given the change in our environment and the negative impacts trees can have when they are not well situated, this approach needed to be reconsidered. The RNZIH evaluation method was assessed to see if it was still appropriate for the needs of the Waipa District and the STEM evaluation

method assessed to see it offered a better alternative. With the negative impacts that can be caused by protected trees in our urban environment there is a need to consider whether we should just be protecting the best trees in the best locations.

Currently there is no reference to protected trees in the subdivision chapter of the District Plan. The subdivision of land into small lots in the vicinity of a large protected tree can have significant negative impacts on the health of a tree as well as people living in the direct vicinity. Driveways and fences too close to the tree can have an impact on the tree's root system and cause the tree to go into decline. Once the tree is in decline, there will be more debris; fruit, acorns, sap and dead branches, all of which make the tree increasingly difficult to live next to.

Our current District Plan rules permit Council to undertake pruning or shaping of a protected tree without a resource consent. However, the only permitted activities that can be undertaken by the landowner are:

- Emergency removal in the case of imminent hazard to life or property, or
- Maintenance of ground within the root protection zone which does not alter the soil levels, remove soil, or cause any damage to the tree or root system, for example, gardening and lawn mowing.

Currently a landowner is not even able to trim a small or dead branch without a resource consent. A review of how these rules compared to other Councils in the area concluded we were out of alignment with other Councils. The majority of the Councils we reviewed also made specific provision for the removal of a tree where it has a fatal disease and allowed for the removal of a tree as a discretionary activity.

Under our current rules the removal of a tree is a non-complying activity (unless it is causing an imminent hazard to life or property) even if it has a fatal disease and it is known that the tree will cause significant problems in the future.

Waipa District Council Development Manual is being replaced with a regional document called the Regional Infrastructure Technical Specification (RITS). The street tree planting requirements for new developments, that is currently incorporated into the Development Manual, is not included in the RITS. Without adequate rules, it is not possible to require street tree planting on new roads.

3. Current District Plan Provisions

This plan change proposes amendments to the definitions, Section 15 – Infrastructure, Hazards, Development and Subdivision, Section 21 – Assessment Criteria and Information Requirements, Section 23 - Protected Trees and Appendix N4 – Protected Trees.

The existing provisions are included in Appendix A of this report and the proposed amendments are provided in conjunction with this report.

Summary of current provisions

There are currently no references in Section 15 – Infrastructure, Hazards, Development and Subdivision to protected trees.

Section 21 - Assessment Criteria and Information Requirements - includes assessment criteria for the discretionary activities of; works on a protected tree and activities within the root protection zone of a protected tree.

Section 23 – Protected Trees - sets out the objectives, issues, policies and rules for protected trees.

Appendix N4 lists all the protected trees. These are trees which achieve 100 points on the Royal New Zealand Institute of Horticulture (RNZIH) evaluation system.

4. Statutory Considerations

4.1. The Resource Management Act 1991 (the Act)

The Resource Management Act 1991 (the Act) seeks to promote the sustainable management of natural and physical resources:

Managing the use, development and protection of natural and physical resources in a way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety while –

- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- (b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and*
- (c) avoiding, remedying or mitigating any adverse effects of activities on the environment.*

The purpose of the Act is only achieved when the matters in (a) to (c) have also been adequately provided for within a District Plan.

In achieving the purpose of the Act, all persons exercising functions and powers under it, in relation to the use, development and protection of natural and physical resources, are required to recognise and provide for the matters of national importance identified in Section 6. In the broadest sense, Section 6 of the Act provides the basis for ensuring that decisions do not adversely impact heritage values, natural character, significant landscapes, vegetation and habitats and manage significant risks from natural hazards. The protection of significant trees is considered consistent with the matters set out in Section 6 of the Act.

Section 7 of the Act identifies other matters that particular regard is to be given to, including, the maintenance and enhancement of amenity values (c) and maintenance and enhancement of the quality of the environment, Section 7(f). The protection of trees provides for the protection and maintenance of amenity values and enhancement of the quality of the environment.

Therefore, in respect of Sections 5, 6, and 7 of the Act, this Plan Change provides for the protection of significant trees in a sustainable manner which enables communities to provide for their social and economic wellbeing as well as their health and safety.

Section 8 of the Act requires that the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) are taken into account. It is considered that the proposed Plan Change does not contravene the principles of the Treaty in any way.

4.2. Waikato Regional Policy Statement (WRPS)

A regional policy statement is required to achieve the purpose of the Act by providing an overview of the resource management issues of the region, and policies and methods to achieve integrated management of the natural and physical resources. The relevant objectives in the Waikato Regional Policy Statement, to this Plan Change, are set out below.

Objective 3.18 Historic and cultural heritage

Sites, structures, landscapes, areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region's and New Zealand's history and culture.

Objective 3.20 Outstanding natural features and landscapes

The values of outstanding natural features and landscapes are identified and protected from inappropriate subdivision, use and development.

Objective 3.21 Amenity

The qualities and characteristics of area and features, valued for their contribution to amenity, are maintained or enhanced.

It is considered that the WRPS is given effect to through this Plan Change as protecting trees in the District Plan contributes towards ensuring the protection of outstanding natural landscapes, historic trees and the qualities and characteristics of areas that are valued for their contribution to amenity.

No inconsistencies with the WRPS and this Plan Change have been identified.

4.3. Operative Waikato Regional Plan (WRP)

The WRP provides further policy direction, including rules, to give effect to the WRPS relating to matters within the scope of the Waikato Regional Council's functions under the RMA.

No inconsistencies with the WRP and this Plan Change have been identified.

4.4. National Policy Statements

A number of National Policy Statements (NPS) have been prepared to identify matters of national significance. These NPS must then be incorporated into District Plans in accordance with Section 55 of the RMA. These NPS do not impact on this Plan Change.

4.5. Iwi environmental management plans

Waikato-Tainui Environmental Management Plan

The Waikato-Tainui Environmental Management Plan has been developed to, amongst other things, act as a tool to provide high-level guidance on Waikato-Tainui objectives and policies with respect to the environment.

The relevant policies relating to this Plan Change are:

Policy – restore, protect and enhance customary activities and resource uses

14.3.2.4 To restore, protect and enhance customary activities and resource uses.

Policy – Indigenous biodiversity

15.3.1.1 To ensure that the full range of Waikato ecosystem types found throughout the Waikato-Tainui rohe are robust and support representative native flora and fauna.

Policy – landscape planning and natural heritage

15.3.2.1 To ensure that there is greater protection and enhancement of cultural, spiritual and ecological features of significance to Waikato-Tainui.

Raukawa Environmental Management Plan

The Raukawa Environmental Management Plan provides a statement of values, experiences and aspirations pertaining to the management of, and relationship with the environment. It assists in engagement in policy and planning processes and resource management decisions.

The relevant objectives relating to this Plan Change are:

2.5.3 Cultural Landscapes and Taonga Objectives

Our cultural landscapes embody the whakapapa and tikanga of Raukawa and are recognised, protected, and enhanced.

2.6.3 Indigenous Plants and Animals

Raukawa traditional and customary associations with indigenous plants, animals, and habitats are provided for and enhanced.

2.8.3 Sustainable Living

Raukawa demonstrate and lead sustainable and ethical living practices through our actions.

2.11.3 Infrastructure

The Raukawa cultural landscape and Raukawa cultural values and associations are protected and provided for in infrastructure planning and developments.

Maniapoto Environmental Management Plan

The Maniapoto Environmental Management Plan is a high-level direction-setting document and describes issues, objectives, policies and actions to protect, restore and enhance the relationship of Maniapoto with the environment including their economic, social, cultural and spiritual relationships.

The relevant policies relating to this Plan Change are:

8.3.2 Objective community development

Maniapoto culture, history and identity associated with specific places are reflected in residential and commercial developments.

9.3.2. Customary activities and resources

Maniapoto identify, assess, protect and enhance areas or sites of significance for customary activities and use of resources.

10.3.1 Recognition of the role of Maniapoto as rangatira and kaitiaki

To ensure Maniapoto participate at the highest level of decisionmaking on matters that affect cultural heritage within Maniapoto rohe.

19.3.1.2 Biodiversity

Indigenous biodiversity is maintained, restored, enhanced and protected throughout Maniapoto rohe.

Conclusion

The proposed Plan Change is not considered to be inconsistent with the Waikato-Tainui, Maniapoto or Raukawa Environmental Management Plans. However, what was identified as part of the review of these plans was that Council's current processes need to improve in relation to the recognition and protection of trees which are identified as culturally significant, in order to meet Council's obligations.

Please see sections 4.6 (Vision and Strategy for the Waikato River) and section 5 under the heading “Early engagement with Maori” of this report for commentary on discussions to date and Council’s current proposed course of action to address this issue.

4.6. Vision and Strategy for the Waikato River

The vision for the Waikato River is *“for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come.”*

The Vision and Strategy also includes objectives and strategies to achieve the vision. The following objective has been identified as being significant for this Plan Change.

Objectives for the Waikato River

- (i) The protection and enhancement of significant sites, fisheries, flora and fauna.*

It has been identified as part of early engagement that there needs to be a process for Council to record and consult where works are undertaken on trees identified by Maori as culturally significant. Discussions to date have indicated that the most appropriate place to record this process to protect culturally significant trees is Council’s Tree Policy rather than the District Plan. Concern was expressed that if culturally significant trees were protected in the District Plan they would be subject to Council’s resource consenting process which would reduce flexibility in managing these trees going forward by introducing into the process set rules and a regulatory decision making process.

5. Development of Plan Change

Review of other approaches

A review was undertaken of the District Plan rules to see how these compared with other Councils in the area. This review concluded that our rules around how protected trees were managed were out of alignment with the approach taken by other Councils in the region. Of those Councils reviewed, all allowed protected tree owners to undertake some minor pruning and maintenance as a permitted activity.

The majority of the Councils we reviewed also made specific provision for the removal of a tree where it has a fatal disease and allowed for the removal of a tree as a discretionary activity. Under our current rules the removal of a tree is a non-complying activity (unless it is causing an imminent hazard to life or property) even if it has a fatal disease and it is known that the tree will cause significant problems in the future.

Early engagement

A number of workshops were held with Councillors to formulate an initial proposal for amendments to the District Plan. Prior to making any decision to proceed with changes, Councillors gave direction to staff to undertake early engagement.

Early engagement with key stakeholders consisted of:

- A number of meetings with the Cambridge Tree Trust,
- Letters to all protected tree owners,
- Two information sessions for protected tree owners on 16 and 17 August 2017, and
- Attendance at Cambridge and Te Awamutu Community Board meetings.
- Attendance at Nga Iwi Toopu o Waipa (NITOW) meetings in May and July)

Letters to landowners with protected trees on their property were sent out on 4 August 2017. The letter invited landowners to attend a presentation and included a FAQ sheet outlining both what currently happens and the proposed changes for protected trees, and a feedback form. This letter also advised landowners whether under an initial proposal to take into account negative factors in the RNZIH evaluation and raise the threshold for protection in the District Plan to 150 RNZIH points, the tree on their property would remain protected. The feedback form attached to the letter included the following 3 key questions:

- Do you support raising the RNZIH threshold from 100 to 150?
- Do you support taking into account the positive and negative impact of trees?
- Do you support giving landowners more flexibility to maintain their protected trees?

The following is a summary of the types of issues identified as part of the early engagement with the landowners and the Cambridge Tree Trust:

Raising threshold

- Majority of respondents supported increasing the RNZIH threshold from 100 to 150 points.
- Needs to be a clear benefit for the community to protect a tree with minimal risks.
- Threshold should not be the only factor considered, large trees should not be in areas close to houses.
- Trees are a valued community feature, provide amenity, soften the landscape
- Cambridge's reputation for its lovely trees.

Negative factors

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- Overwhelming support from respondents for taking into account negative impacts when assessing trees. Respondents identified many negative impacts, such as acorns, large amounts of sap, falling branches, safety of people in vicinity of tree, leaf fall, toxic black walnut tree, broken tiles, damage to sewerage system etc.
- Trees with negative impacts should be removed by Council.
- Several large trees in a small residential area is bound to cause issues, trees need to suit their environment.
- Negative impact of trees is underestimated and overlooked.
- Sometimes a very desirable tree can have huge negative impacts.

Greater flexibility for landowners to maintain their protected trees

- Majority of respondents supported landowners having greater flexibility to maintain their protected trees.
- Be good to be able to trim dead limbs or branches too close to our house.
- Owners should be able to maintain their trees at Council cost.
- Prefer trained arborists to assess trees and undertake pruning.
- Already deal with broken branches.
- Owners should only prune while standing on the ground and remove branches no larger than 35cm in circumference.

Council funding

- If a tree's protection is lifted and the owner doesn't want the tree, Council should remove it.
- Tree was protected by Council and should be looked after by Council. Responsibility should not be the owners.
- Low branches should be dealt with by landowners but damage from large branches, root systems and general maintenance should be Council's responsibility.
- Concerns over ongoing costs for maintenance / pruning of protected trees as opposed to one off cost to remove a protected tree that is past its use by date/impact on the site.

General

- Recommendation that Council use the STEM (Standard Tree Evaluation Method) evaluation system rather than the RNZIH evaluation system.
- Size of tree and its root system should be considered at original resource consent time for building.
- In order to protect the reputation of Cambridge as the Town of Trees, Council should adopt policies covering all future subdivisions that provide for more widespread inclusion of large trees on public land.

- Landowners should have more say on whether protected trees remain on site or are removed because of the impact on the landowners.

Early engagement with Maori to date has consisted of:

- Presentations to NITOW and attendance at Iwi Consultative Committees
- Letters to the 5 RMA Iwi Authorities in the Waipa district:
 - Maniapoto
 - Ngāti Hauā
 - Ngāti Korokī Kahukura
 - Raukawa, and
 - Waikato Tainui

Initial discussions have identified a need to incorporate a section on culturally significant trees in our documentation. Both the Council's Tree Policy and the District Plan are currently silent on this issue. Discussions to date have been in favour of including provision for culturally significant trees in our Tree Policy, rather than the District Plan. The Tree Policy has more flexibility than the District Plan, deals with trees on public land and will avoid culturally significant trees being caught up in Council's consenting process. Concern was expressed that protection in the District Plan would reduce flexibility in managing these trees going forward by introducing into the process set rules and a regulatory decision making process.

Issues raised to date in relation to culturally significant trees include:

- Consultation when a culturally significant tree needs to be removed or work undertaken within a certain radius;
- Trimmings of these trees; and
- Replacement planting.

As a result of additional consultation with Nga Iwi Toopu O Waipa (NITOW) in May and August 2018, concern was expressed that the provision for culturally significant trees in Councils' Tree Policy did not make allowance for heritage vegetation to be protected.

It was initially suggested by NITOW that heritage vegetation be incorporated through addition to the Tree Policy. However, there is an existing framework that would better hold this data: the biodiversity mapping and cultural policy overlay areas. The benefits of using this framework are:

- No additional work is required to Plan Change 2 – Protected Trees;
- No specific plan change is required as cultural policy overlay areas (CPOA) are already defined in the District Plan*;
- Heritage vegetation areas can be identified within the CPOA as subset data, with as much or as little free text data surrounding the notation;

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- Data held in CPOA is more visible to Council staff and potentially the community; and
- Data can be ‘trickle fed’ to Council and improved over time. This continuous, qualitative review does not place a resource burden on mana whenua, Iwi or Council.

As a result of engagement to date, it is proposed to include the following section in the Tree Policy when it is revised:

CULTURALLY SIGNIFICANT TREES

Culturally significant trees identified by tangata whenua are included in the Heritage Tree list.

Ngā Iwi Tōpū o Waipā (NITOW), will be consulted with when work is required to be undertaken on, or within the root protection zone of, or removal of, a culturally significant tree.

The scope of works NITOW will be consulted on includes:

- *pruning and maintenance,*
- *disposal of branches,*
- *any construction or alteration of soil levels in the root protection zone and*
- *tree removal and any replacement planting.*

Root Protection Zone will be defined as¹:

means for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at ground level from the surface of the trunk, with a radius to the outer most extent of the spread of the tree’s branches, and for a columnar tree, means the area beneath the canopy extending to a radius half the height of the tree.

It is intended that the Tree Policy will be revised to reflect the outcome of this Plan Change. Until such time as the Tree Policy is revised it is proposed to adopt the above consultation process as an internal operating procedure.

It is also proposed to incorporate heritage vegetation into the CPOA as it is identified by local iwi.

¹ Same definition as District Plan

Part B – Section 32 Analysis

6. Issue

The following issues have been identified:

Issue	Summary of Issue
<p>Change in our environment and the consequential potential for large trees to have negative impacts</p>	<p>Trees are a significant part of our community's landscape, however, our towns have grown. In our community there are protected trees which were once on a farm or a large urban section which are now on a small urban section or commercial site. The proximity of the tree to the development is both problematic for the health of the tree and the enjoyment of the property by the landowner. There are currently no provisions in our current District Plan to address these negative impacts.</p>
<p>Landowner only able to undertake very limited works on a protected tree without a resource consent</p>	<p>Currently the Council undertakes all the pruning and maintenance on a protected tree and a landowner can only undertake work without a resource consent in the following very limited circumstances:</p> <ul style="list-style-type: none"> ▪ Emergency removal in the case of imminent hazard to life or property; or ▪ Maintenance of ground within the root protection zone which does not alter the soil levels, remove soil, or cause any damage to the tree or root system, for example, gardening and lawn mowing. <p>Even the trimming of a small branch of a protected tree by a landowner requires a resource consent. Although Council undertakes all the pruning and maintenance on a protected tree, the Council has no automatic right of access to the property to do this work, which has become problematic. A review of how these rules compared to other Councils in the region concluded we were out of alignment with other Councils when it came to the work allowed on a protected tree by a landowner.</p>
<p>Need to wait till a tree is an imminent hazard before it can be removed without a resource consent</p>	<p>The removal of a tree is a non-complying activity (unless it is emergency removal due to an imminent hazard to life or property) even if it has a fatal disease and it is known that the tree will cause significant problems in the future. This approach is problematic as it relies on regular monitoring to determine when a dead or dying tree gets to the point of being an imminent hazard to life or property. The current provisions also only provide for complete removal of the tree, not just the ability to remove a dangerous limb when that may be the most appropriate cause of action.</p>

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Issue	Summary of Issue
Replacement of Waipa’s Development Manual – street tree planting	Waipa District Council Development Manual is being replaced with a Regional document called the Regional Infrastructure Technical Specification (RITS). The street tree planting requirements for new developments is included in the Development Manual is not included in the RITS. Without adequate rules, it is not possible to require street tree planting on new roads.

7. Objective

7.1. Objective of this Plan Change

The objectives of this Plan Change are:

- To address the negative impacts created by large protected trees on small urban sections;
- Create flexibility in the rules to allow landowners to undertake works which do not impact on the health and structural integrity of a protected tree without a resource consent;
- More effectively manage risks, including where a tree is dead or dying or there is a threat identified to part of the tree; and
- Ensure street tree planting occurs in new developments.

7.2. Relevance of Existing Objectives

There is only currently one objective included in Section 23 (Protected Trees) of the District Plan, which is set out below.

Objective - Protected trees

23.3.1 To maintain the protected trees in the District’s urban and rural areas (refer to Appendix N4).

The above objective remains relevant to the objective of this Plan Change. It is still important that we protect trees in our District. This plan change simply considers:

- How we address the negative impacts that can be caused by large protected trees on small sections and focus on protecting the best trees in the best locations; and
- The mechanics around how we can best protect trees in a way which enables the landowner to manage the tree effectively and deal with potential risks.

7.3. Appropriateness of Plan Change Objectives

The following table examines the appropriateness of the listed objectives in achieving the purpose of the Act.

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Objectives of this Plan Change:	Assessment of Appropriateness
<ul style="list-style-type: none"> ▪ To address the negative impacts created by large protected trees on small urban sections; ▪ Create flexibility in the rules to allow landowners to undertake works which do not impact on the health and structural integrity of a protected tree without a resource consent; ▪ More effectively manage risks, including where a tree is dead or dying or there is a threat identified to part of the tree; and ▪ Ensure street tree planting occurs in new developments. 	<p>Relevant because these objectives provide a more effective way of managing our natural resources in a way which reflects the current environment and allows better management of risks, including people’s health and safety.</p>
	<p>Useful as it makes provision for the change in our environment which has occurred as a result of development of our towns. It also allows for better management of protected trees by the landowner and provides clear rules as to what works can and cannot be undertaken on a protected tree without a resource consent.</p>
	<p>Achievable through amendments proposed to the District Plan.</p>
	<p>Reasonable as it is able to be implemented in such a way as to be consistent with the objectives in the District Plan while more efficiently and effectively managing the negative impacts and risks posed by protected trees.</p>
<p>For the above reasons this Plan Change objective is the most appropriate way to achieve the purpose of the Act.</p>	

7.4. Options to deliver the Plan Change Objective

7.4.1. Option 1 – Preferred option / Plan Change

The proposed provisions are:

Section of District Plan	Summary of provisions
Definitions	Removal of definition of minor pruning and addition of definitions for qualified arborist.
Section 15 - Infrastructure, Hazards, Development and Subdivision	<p>New policies and rules to safeguard protected trees when subdividing:</p> <ul style="list-style-type: none"> ▪ New lots must be able to accommodate all buildings outside the Root Protection Zone; and ▪ Root Protection Zone must be entirely within any new allotment. ▪ New rules for street planting of new roads requiring the design, layout, construction and formation of the new road to provide for the planting of street trees. Planting must be at a rate of one tree per residential property road frontage using an appropriate species for the location. Council may approve groups of trees in suitable locations.
Section 21 - Assessment Criteria New subdivision provisions	Amendments to the design and layout assessment criteria for new lots to include new assessment criteria for when a subdivision does not meet the new rules above in relation to accommodating all buildings and boundaries outside the root protection zone of a protected tree. This includes assessment criteria in relation to the

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Section of District Plan	Summary of provisions
	health of the tree and the potential for the tree now or in the future to cause significant damage or hardship to residents.
Section 21 - Assessment Criteria Restricted Discretionary Activity	In the current rules there are no restricted discretionary activities. The changes proposed include a new restricted discretionary activity for any pruning or maintenance of a protected tree that is not a permitted activity. The criteria developed for this new activity focus on the health and value of the tree, impact on surrounding landscape, necessity and method of the work to be undertaken.
Section 21 - Assessment Criteria Works on a protected tree	This section has been deleted as it is no longer required. This is due to the change to the activities for: <ul style="list-style-type: none"> ▪ pruning or maintenance that is not a permitted activity; and ▪ tree removal. Pruning or maintenance that is not a permitted activity is currently a discretionary activity, but it is proposed to change this to a restricted discretionary activity (assessment criteria above). It is proposed that tree removal is a discretionary activity but this has been given its own new stand-alone assessment criteria.
Section 21 - Assessment Criteria Removal of a Protected Tree	It is proposed under these changes that the removal of a protected tree becomes a discretionary activity. It is currently a non-complying activity. New assessment criteria for the removal of a protected tree are proposed which cover matters such as, the potential for damage or hardship, tree condition, impact of loss of amenity values and any alternatives.
Section 21 - Assessment Criteria Activities within the root protection zone of a protected tree	New assessment criteria have been added covering the necessity for undertaking the works and the extent of trimming and or maintenance of any roots.
Section 21 - Information Requirements	The information requirements have been updated. This section now also applies to the new permitted activity of removal of a protected tree that is dead or dying as well as the expansion of the emergency works provisions. This section also requires an arborist report to be provided when the proposed works have the potential to alter the form or amenity value of the tree or have a detrimental impact on the tree. The arborist report also must recommend specific measures to protect the tree when the environment around the tree is proposed to change.
Section 23 - Protected Trees Introduction and Resource Management Issues	There have been updates to this section to reflect changes elsewhere in the protected tree provisions as well as the removal of wording which overlaps with the Tree Policy. Amendments to Issue 23.2.1 have also been added to clarify that significant pruning can have an adverse effect on the health and amenity of a protected tree.
Section 23 - Protected Trees Policies	There have been updates to the policies for work on protected trees and the removal of protected trees to allow greater flexibility for landowners to maintain protected trees. In relation to tree removal, a replacement policy 23.3.1.4 addresses the negative

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Section of District Plan	Summary of provisions
	impacts of trees and provides new provisions for removing a dead or dying tree.
Section 23 - Protected Trees Permitted Activities Emergency Works	<p>The emergency works provisions have been expanded so that the permitted activity applies to not only tree removal but also to any works required to a tree to make it safe.</p> <p>The wording has been clarified to make it clear that it is threat to “human life”, not just “life”, which triggers the permitted activity entitlement.</p> <p>It must be a qualified arborist that determines that the emergency works or removal is required and notification must be made to Councils arborist prior to the works commencing where practicable. The works should not exceed what is necessary to alleviate the risk and with the exception of removal, must be carried out by a qualified arborist.</p>
Section 23 - Protected Trees Permitted Activities Dead or dying tree	<p>A new permitted activity has been included so that it is not necessary to wait until a dead or dying tree is an imminent threat to life or property before it can be removed without a resource consent.</p> <p>It requires a report from a qualified arborist to be approved by Council prior to removal so that only trees which have deteriorated to the extent they will not recover are removed under this provision.</p>
Section 23 - Protected Trees Permitted Activities Pruning or Maintenance by Council	The permitted activity where Council undertakes pruning and maintenance has been removed in response to the inclusion of new permitted activities for pruning and maintenance by landowners.
Section 23 - Protected Trees Permitted Activities Pruning or Maintenance by landowner	<p>Three new separate pruning and maintenance permitted activities are proposed.</p> <p>The first permitted activity covers pruning of roots less than 25mm, removal of broken, dead or diseased vegetation and the removal of branches interfering with existing buildings or pedestrian and vehicle ways.</p> <p>The remaining two activities make provision for works to be carried out either in the bottom third or the top two thirds of the tree. Certain work in the bottom third of the tree requires advice from a qualified arborist and work in the top two thirds of the tree must be undertaken or supervised by a qualified arborist.</p> <p>These new permitted activities allow the landowner flexibility to undertake work to their tree, while still maintaining the health and structure of the tree.</p>
Section 23 - Protected Trees Permitted Activities Pruning or Maintenance carried out under Electricity (Hazards from Trees) Regulations 2003	Specific provision has been included for the pruning of protected trees in accordance with clause 14 of the Electricity (Hazards from Trees) Regulations 2003 as a permitted activity.
Section 23 - Protected Trees Restricted Discretionary Activities	It is proposed to include a new restricted discretionary activity for any pruning or maintenance which is not a permitted activity.

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Section of District Plan	Summary of provisions
Section 23 - Protected Trees Discretionary Activities	<p>It is proposed to change the removal of a protected tree from a non-complying activity to a discretionary activity.</p> <p>The discretionary activity of any pruning or shaping of a protected tree not undertaken by Council has been removed as a discretionary activity. This is due to the new pruning and maintenance permitted activities for landowners and new restricted discretionary activity for any pruning or maintenance that is not a permitted activity.</p>
Section 23 - Protected Trees Non-complying Activities	<p>It is proposed that there are no non-complying activities.</p> <p>Removal of a protected tree except in the case of an emergency was a non-complying activity but it is now proposed that this is a discretionary activity.</p>
Section 23 – Protected Trees Notification	<p>It is proposed that applications to remove a protected tree where the tree has more than 138 STEM points will be processed as a publicly notified application. Any application to remove a protected tree where the tree has 138 STEM points or less will be processed as a non-notified application. 138 STEM points was selected as the threshold for public notification as this number of points is above the most frequent range of STEM score which generally sit between 120 and 132 points. This means that any application for the removal of the most significant trees will be subject to public notification in the event of an application for removal.</p>
Appendix N4	<p>It is proposed to add wording prior to the table setting out the list of protected trees, to explain the STEM evaluation system and set out the threshold for determining trees to be protected in the District Plan.</p> <p>The schedule of protected trees in Appendix N4 has been reviewed. The review was to take account of trees on the list that have been removed due to death, disease or danger to local residents since the last review of Appendix N4.</p> <p><u>STEM evaluation system:</u></p> <p>The Standard Tree Evaluation Method (STEM) has been adopted to replace the former RNZIH evaluation method. This method attributes a value (point score) to a tree based on an assessment of its condition, amenity and notable factors. The STEM evaluation method will be applied to all future tree assessments carried out both for inclusion on the protected tree list and in relation to applications for removal. The reason for replacing the RNZIH evaluation system with the STEM evaluation system is that the STEM system is more modern and is used by the majority of Councils in New Zealand. Currently only 4 Councils in New Zealand utilise the RNZIH system whereas 36 Councils use the STEM system.</p> <p>It is proposed to adopt a threshold of 120 STEM points for determining if a tree can be classed as a protected tree in the District Plan. The advice of the Consultant Arborist is that the adoption of 120 STEM points is justified as the threshold for inclusion on the protected tree register as this score neatly divides trees that are of significant quality from those that are of ordinary quality. Given that the protected tree register is for trees of significant quality, this threshold is appropriate to mark the lower threshold score for trees considered worthy of protection. The</p>

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Section of District Plan	Summary of provisions
	<p>details of the STEM evaluation system are explained further in Appendix N4 – Protected Trees.</p> <p>Council’s role in establishing and maintain the community’s urban forest would predominately be delivered via non-regulatory measures such as Council’s Tree Policy and rules in the District Plan for street tree planting on new roads. This includes planting and maintaining trees in public spaces where it is easier to accommodate a more significant and diverse range of trees.</p>

7.4.2. Option 2 – Status Quo

There are currently no provisions in Section 15 – Infrastructure, Hazards, Development and Subdivision for protected trees.

Section 21 - Assessment Criteria and Information Requirements - includes assessment criteria for the discretionary activities of; works on a protected tree and activities within the root protection zone of a protected tree.

Section 23 – Protected Trees - sets out the objectives, issues, policies and rules for protected trees. The only permitted activities provided for are:

- Emergency removal of a protected tree where it is causing an imminent hazard to life or property;
- Pruning or shaping of a protected tree by Council; and
- Maintenance of the ground within the root protection zone of a protected tree, provided that the maintenance does not alter soil levels or damage the tree root system etc.

Discretionary activities are:

- Any building works including disturbance of the ground within the root protection zone of a protected tree; and
- Any pruning or shaping of a protected tree not undertaken by Council.

The removal of a protected tree is a non-complying activity.

Appendix N4 lists all the trees protected in the District Plan.

Currently in the District Plan trees on private land are eligible for protection if they score 100 points under the RNZIH scoring system. The score is derived by multiplying eight factors together, which includes size of the tree, importance of position, occurrence of the species and the tree’s role in its location or setting. The size category means younger and slower growing tree specimens will score less. A 100 RNZIH point threshold assists with protecting the next generation of significant trees as it captures younger trees that do not score highly because of their size but which will increase in score as they age.

The scores for the list of protected trees has not been reviewed since the list was first produced. This means that some of the trees have not had a review of their score since the 90's. Changes in circumstances can lead to alterations to scores in the various RNZIH categories over time. For example, Category F "Useful life expectancy from now (vigour)" of the tree was adjusted as part of this review for trees that have had a change in condition and the protected trees in Victoria Street now score more under the category 'Importance of Position' as Victoria Street is now an important arterial road. No negative impacts of these trees are factored into the current point scoring.

7.4.3. Option 3 – Same proposal as Option 1 but higher or lower RNZIH threshold

See option 1 for details of proposed provisions, with the exception of threshold.

While the current RNZIH 100 point threshold protects the next generation of significant trees it does not address the negative impacts that can be caused by large protected trees in our community's urban landscape which has changed significantly over time.

Trees which were once on a farm or a large urban section are now on a small urban section or commercial sites. The proximity of the tree to the development is both problematic for the health of the tree and the enjoyment of the property by the landowner. The incorporation of negative factors into our evaluation methodology has enabled negative impacts of trees to be accommodated in the scoring of these trees. However, in order to address negative impacts of certain trees not only does this need to be reflected in how the score is calculated, but in the threshold for tree protection. If the threshold for protection is raised this will remove the protection status from trees in the District Plan that have reduced in score due to the significant negative impacts on residents and property.

This option considers whether the threshold for tree protection should be set higher or lower than the preferred option of 150 RNZIH points for rare and native trees and 250 RNZIH points for all other tree species.

A lower RNZIH point threshold, such as 150 RNZIH points for all tree species, would remove protection status in the District Plan for 25 trees, 10 Oaks and 15 other exotic species. 98 trees would remain protected in the District Plan. Many of these 25 trees are either large trees on small sites or trees reaching the end of their life (i.e. trees in decline). With a threshold of 150 RNZIH points a number of trees which cause significant negative impacts for residents, such as the protected trees on Tennyson Street, would remain protected in the District Plan.

A higher threshold, such as 250 RNZIH points for all species, would remove 56 protected trees from the District Plan. Trees losing protected tree status would include 6 native trees (for example the rimu at Queen Street) and two rare species, the Picea Smithiana at 5 Le Quesnoy Place and the Erythrina Crista-Galli at 17 Victoria Street. Both of these trees are part of a historic planting in Cambridge.

This approach is not supported. The current list of protected trees in Appendix N4 contains the most significant trees in the Waipa District. Adding new trees to the protected tree list is difficult and raising the threshold to 150 points will automatically remove up to 40% of the protected trees on the list. This may have the effect of adversely impacting the image of Cambridge (where most of the protected trees are located) as the “Town of Trees.”

The amendments to the rules to enable minor tree pruning by land owners and to make an application to remove a protected tree as a Discretionary activity are more appropriate and will ensure that each application is assessed on its merits in a robust and considered manner.

7.4.4. Option 4 – No tree protection

Trees no longer protected under the District Plan. Council’s role in establishing and maintaining the community’s urban forest would be limited to non-regulatory measures and rules in the District Plan for street tree planting on new roads.

8. Proposed Provision Assessment

The following is an assessment of the efficiency and effectiveness of the proposed provisions in achieving the plan change objective(s):

	Option 1: Plan Change	Option 2: Status Quo	Option 3: Higher or lower RNZIH threshold	Option 4: No tree protection
Costs	<p><u>Environmental:</u> May result in an increased number of applications for the removal of protected trees with a subsequent increase in trees removed due to the change from non-complying to discretionary consent status. Option 1 will result in the removal of 6 protected trees from the list as these are the trees that have been removed since the protected tree register was last reviewed due to disease or resource consent decisions.</p> <p><u>Economic Cost:</u> Potentially restricts development as:</p> <ul style="list-style-type: none"> ▪ A similar number of trees remain protected in District Plan. ▪ New restrictions on buildings and lot boundaries in root protection zone. ▪ New requirement for subdivisions to provide for the planting of street trees as part of the development. 	<p><u>Environmental:</u> Makes no provision for the change in our environment and the negative impacts where there are large protected trees on small urban sites. There will be no provisions to require street tree planting in new developments.</p> <p><u>Economic Cost:</u> Trees situated too close to development adversely impact on the health of the tree and therefore create greater debris and clean-up costs. Roots and falling limbs can also cause damage to property. One of the implications of climate change is the potential for more storms and therefore greater potential for damage to property in these situations. Cost to Council of undertaking pruning and maintenance of protected trees on private land</p>	<p><u>Environmental:</u> A higher RNZIH threshold would result in less protected trees in the District which could impact on the character and amenity of areas if trees no longer protected are removed. A lower RNZIH threshold would result in more protected trees in the district, however, depending on the threshold selected, this option potentially does not make adequate provision for the change in our environment where there are large protected trees on small urban sites.</p> <p><u>Economic Cost:</u> A higher RNZIH threshold creates the potential for a costly and lengthy plan change process as submitters potentially challenge the higher threshold figure. A lower RNZIH threshold creates the potential for trees situated too close to development to remain</p>	<p><u>Environmental:</u> Loss of Council control over all trees currently protected on private land and as a result these trees may be removed by the landowner. Potential impact on character and amenity of areas if trees no longer protected are removed. Risk to Council’s delivery of its statutory obligations under RMA. Council’s role in establishing and maintaining the community’s urban forest would be limited to non-regulatory measures and rules in the District Plan for street tree planting.</p> <p><u>Economic Cost:</u> Costly and lengthy plan change process.</p> <p><u>Social Cost:</u> Lack of protected trees could lead to an adverse impact on people’s sense of place, particularly in Cambridge which prides itself on</p>

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Option 1: Plan Change	Option 2: Status Quo	Option 3: Higher or lower RNZIH threshold	Option 4: No tree protection	
	<p>Cost to Council of plan change process and education process for new rules.</p> <p>Cost to landowner of undertaking work to a tree.</p> <p>Cost to each landowner of preparing and lodging an application for resource consent to remove a protected tree including the need to involve technical experts such as a qualified arborist.</p> <p><u>Social Cost:</u></p> <p>Restrictions on the ability to undertake a development within close proximity to a tree could result in social costs through loss of economic benefits.</p> <p><u>Cultural effect:</u></p> <p>Nil, as it is proposed that culturally significant trees are addressed under Council’s Tree Policy rather than District Plan and no native trees are proposed to be removed from the protection of the District Plan under this option.</p>	<p>when it does not have an automatic right of access to the tree. Can be time consuming and problematic arranging access.</p> <p>If a landowner wants to undertake any pruning or maintenance in addition to what Council has undertaken, a costly resource consent is required unless the work involves emergency tree removal or ground maintenance.</p> <p><u>Social Cost:</u></p> <p>Trees in close proximity to development are having a negative impact on the lives of residents living in the vicinity, for example: clean-up efforts of debris or fixing property damage, fear of falling limbs or shading.</p> <p>Landowner has a very limited role in tree’s maintenance. Cannot even trim a small broken branch. Lack of a sense of ownership by owners of a protected tree as they have such a limited role.</p> <p><u>Cultural effect:</u></p> <p>Nil, as it is proposed that culturally significant trees are addressed under Council’s Tree Policy rather than District Plan and no native trees are proposed</p>	<p>protected and result in greater debris and therefore clean- up costs for the owners as well as the potential for damage from roots and falling limbs. One of the implications of climate change is the potential for more storms and therefore greater potential for damage to property in these situations.</p> <p>A lower RNZIH threshold will potentially restrict development further than Option 1.</p> <p><u>Social Cost:</u></p> <p>A higher RNZIH threshold would result in less protected trees and an adverse impact on people’s sense of place, particularly in Cambridge which prides itself on its trees, and is known as the ‘town of trees’.</p> <p>A lower RNZIH threshold may not address the problem of trees in close proximity to development having a negative impact on the lives of residents living in the vicinity.</p> <p><u>Cultural effect:</u></p> <p>Depending on the threshold selected this option could have a cultural effect if a higher threshold was selected which removed any</p>	<p>its trees, and is known as the ‘town of trees’.</p> <p><u>Cultural effect:</u></p> <p>This option removes native trees from the protection of the District Plan which could have an adverse cultural effect given the importance placed by Maori on native/indigenous planting.</p>

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	Option 1: Plan Change	Option 2: Status Quo	Option 3: Higher or lower RNZIH threshold	Option 4: No tree protection
		to be removed from the protection of the District Plan under this option.	native trees from the protection of the District Plan.	
Benefits	<p><u>Environmental:</u> Focuses on protecting best trees in the best locations. Council can focus more on non-regulatory measures to maintain the community’s urban forest, including planting and maintaining trees in public spaces where it is easier to accommodate a more significant and diverse range of trees. New subdivision rules to ensure that protected trees are appropriately safeguarded when the surrounding area is subdivided. New permitted activities which allow the landowner flexibility to undertake work to their tree, while still maintaining the health and structure of the tree. Ensures street trees are planted in new developments. Recognises changes in the urban environment and provides a more robust and balanced statutory assessment framework for applications to remove protected trees. Ensures that protected trees are</p>	<p><u>Environmental:</u> Protects significant trees on private land. Protects the next generation of protected trees. <u>Economic benefits:</u> No plan change costs required for changes to rules and policies. Reduces cost to landowner of having a protected tree. <u>Social benefits:</u> Protecting trees that make a contribution to the amenity of our communities provides for a sense of social and cultural wellbeing. <u>Cultural effect:</u> Nil, as it is proposed that culturally significant trees are addressed under Council’s Tree Policy rather than District Plan</p>	<p><u>Environmental:</u> A higher RNZIH threshold would allow Council to focus more on non-regulatory measures to maintain the community’s urban forest, including planting and maintaining trees in public spaces where it is easier to accommodate a more significant and diverse range of trees. A lower RNZIH threshold would protect more trees on private land in the District Plan as well as potentially protecting the next generation of significant protected trees. <u>Economic benefits:</u> A higher RNZIH threshold would allow Council to reallocate more of its current spending on trees on private land to trees on public spaces which will benefit the wider community. There are no economic benefits of a lower RNZIH threshold. <u>Social benefits:</u> A higher RNZIH threshold will allow Council to focus more on public</p>	<p><u>Environmental:</u> Non-regulatory measures can be used to maintain the community’s urban forest, including planting and maintaining trees in public spaces where it is easier to accommodate a more significant and diverse range of trees. <u>Economic benefits:</u> Able to allocate current Council funding for protected trees to trees on public spaces which will benefit the wider community. Landowners able to undertake works on their trees which are no longer protected without going through a costly resource consent process. No restriction on development because of protected trees. <u>Social benefits:</u> Greater focus by Council on public spaces will enable more people to benefit from funds spent on trees. <u>Cultural effect:</u></p>

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Option 1: Plan Change	Option 2: Status Quo	Option 3: Higher or lower RNZIH threshold	Option 4: No tree protection
<p>taken into consideration in the layout, design and construction processes associated with new subdivisions.</p> <p>Provides additional clarity around the management of activities within the root protection zone of a protected tree and how these can be avoided, or mitigated.</p> <p><u>Economic benefits:</u></p> <p>Allows landowners to undertake minor pruning and maintenance on their protected tree without a costly resource consent process.</p> <p>Better able to manage the risk of potential damage of a protected tree by making provision for the landowner to address problems such as a dead or dying trees, structural faults and emergency works to a tree as a permitted activity.</p> <p>Introduction of STEM evaluation system provides a more robust and widely used method. This will ensure that decisions made under STEM will be more robust and consistent with the surrounding Councils.</p> <p><u>Social benefits :</u></p> <p>Makes provision to address the negative impacts caused by protected trees which are in close</p>		<p>spaces which will enable more people to benefit from funds spent on trees.</p> <p>A lower RNZIH threshold (depending on the threshold selected) will go some way to addressing the negative impacts on residents living in the vicinity of large protected trees which are in close proximity to development, but not as far as Option 1.</p> <p><u>Cultural effect:</u></p> <p>Nil, as it is proposed that culturally significant trees are addressed under Council’s Tree Policy rather than District Plan</p>	<p>Nil, as it is proposed that culturally significant trees are addressed under Council’s Tree Policy rather than District Plan</p>

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	Option 1: Plan Change	Option 2: Status Quo	Option 3: Higher or lower RNZIH threshold	Option 4: No tree protection
	<p>proximity to development and having a negative impact on the lives of residents living in the vicinity, for example: clean-up efforts of debris or fixing property damage, fear of falling limbs or shading.</p> <p>Greater flexibility in the rules to allow landowners to undertake works which do not impact on the health and structural integrity of a protected tree without a resource consent will create a greater sense of ownership of the tree by the landowner.</p> <p><u>Cultural effect:</u></p> <p>Nil, as it is proposed that culturally significant trees are addressed under Council’s Tree Policy rather than District Plan.</p>			
Opportunities for economic growth and employment to be provided or reduced	Nil	Nil	Nil	Nil
Efficiency and Effectiveness of achieving objectives	<p>The provisions create efficiencies by providing the ability for a landowner to undertake the following works without going through a resource consent process:</p> <ul style="list-style-type: none"> ▪ Pruning and maintenance which does not impact on the health or 	<p>These provisions do not efficiently and effectively achieve the objectives of this plan change as there are no provisions to:</p> <ul style="list-style-type: none"> ▪ Address negative impacts created by large protected 	<p>This option is not effective or efficient in achieving the plan change objectives. If the selected RNZIH threshold is too low it will not address the negative impacts created by large protected trees on small sections and if the threshold</p>	<p>In the long term this option would be the most financially cost-efficient option for the Council and protected tree owners, however, it does not meet the Council’s obligations under the RMA.</p>

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Option 1: Plan Change	Option 2: Status Quo	Option 3: Higher or lower RNZIH threshold	Option 4: No tree protection
<p>structure of the tree;</p> <ul style="list-style-type: none"> ▪ Removal of a dead or dying tree once the Council Arborist has confirmed it will not recover; ▪ Emergency works to a tree where there is an imminent hazard (previously this was limited to only complete tree removal). <p>The provisions are effective at addressing negative impacts created by urban trees on small sections by:</p> <ul style="list-style-type: none"> ▪ Allowing for the removal of a protected tree as a discretionary activity and including assessment criteria linked with the negative impacts caused by the tree to make it easier to go through a resource consent process when a tree is causing significant negative impacts. ▪ These provisions are effective in assisting to manage risks associated with dead or dying trees by allowing for their removal as a permitted activity prior to it becoming an imminent threat to life or property. <p>These provisions are effective and efficient to ensure that street tree planting occurs in new developments by including clear rules to be</p>	<p>trees on small sections;</p> <ul style="list-style-type: none"> ▪ Manage appropriately the risks around a tree that is dead or dying or where there is threat to part of the tree; ▪ Ensure street tree planting occurs in new developments; or ▪ Create flexibility in the rules for landowners to undertake any works to a tree other than in very limited circumstances. 	<p>selected is too high it will pose a risk to Council’s ability to meet its obligations under the RMA.</p>	<p>While this option does address the plan change objectives of addressing negative impacts created by large protected trees on small urban sections and effectively managing potential risks associated with protected trees, it goes much further than is necessary to achieve these objectives.</p>

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	Option 1: Plan Change	Option 2: Status Quo	Option 3: Higher or lower RNZIH threshold	Option 4: No tree protection
	<p>complied with as part of the subdivision process.</p> <p>The rules are also effective and efficient at ensuring that advice is given with respect to standards for street tree planting, protection of underground services and tree maintenance by directing plan users to Council’s Tree Policy.</p>			
Risk of acting or not acting if there is insufficient or uncertain information about the subject matter of the provisions	Sufficient and certain information about the subject matter of these provision exists.	Sufficient and certain information about the subject matter of these provision exists.	Sufficient and certain information about the subject matter of these provision exists.	Sufficient and certain information about the subject matter of these provision exists.
Overall appropriateness for achieving objectives	<p>Preferred Option</p> <p>This option achieves the objectives for the reasons above.</p> <p>This plan change effectively addresses:</p> <ul style="list-style-type: none"> ▪ How we deal with the negative impacts that can be caused by large protected trees on small sections and focus on protecting the best trees in the best locations; and ▪ The mechanics around how we 	This is the current approach which does not achieve any of the plan change objectives.	This option is not appropriate in achieving the plan change objectives. If the selected RNZIH threshold is too low it will not address the negative impacts created by large protected trees on small sections and if the threshold selected is too high it will pose a risk to Council’s ability to meet its obligations under the RMA.	This option is not appropriate for achieving the plan change objectives as it goes much further than is necessary to achieve the objectives and does not meet Council’s obligations under the RMA.

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	Option 1: Plan Change	Option 2: Status Quo	Option 3: Higher or lower RNZIH threshold	Option 4: No tree protection
	can best protect trees in a way which enables the landowner to manage the tree effectively and deal with potential risks.			

9. Conclusion

It is proposed to amend the District Plan as outlined in Option 1 in order to meet the Plan Change objectives to:

- Adopt STEM as the preferred evaluation method for including new trees for the protected tree list and applications for the removal of protected trees.
- Address the negative impacts created by large protected trees on small urban sections;
- Create flexibility in the rules to allow landowners to undertake works which do not impact on the health and structural integrity of a protected tree without a resource consent;
- More effectively manage risks, including where a tree is dead or dying or there is a threat identified to part of the tree; and
- Ensure street tree planting occurs in new developments.

Option 1 is the most appropriate way of achieving the Plan Change objectives as it proposes methods which are proportionate without eroding tree protection further than necessary. In order to adapt to our changing environment and manage risk Option 1 focuses on addressing:

- How we deal with the negative impacts that can be caused by large protected trees on small sections and focus on protecting the best trees in the best locations; and
- The mechanics around how we can best protect trees in a way which enables the landowner to manage the tree effectively and deal with potential risks.

Trees in our public spaces are an important part of protecting and maintaining our urban environment. New rules for street tree planting in new developments and utilising non-regulatory measures such as planting and maintaining trees in public spaces where it is easier to accommodate a more significant and diverse range of trees will enable Council to maintain the community's urban forest.

This Plan Change achieves the purpose of the RMA as it provides for the protection of significant trees in a sustainable manner which enables communities to provide for their social and economic wellbeing as well as their health and safety.

This report has considered the framework and legislation behind making a change to a district plan and applied the provisions of section 32 in the preceding analysis. It is considered that this Plan Change has met the requirements set out in section 32 and in doing so also achieves the purpose of the Act and therefore can be adopted.

Appendix A – Current Protected Tree District Plan Provisions

Definitions

‘Minor pruning’ means the removal of up to 10% of the foliage of a tree in any one calendar year, using recognised arboriculture practices.

Section 21 – Assessment Criteria and Information Requirements

21.1.23 Protected Trees

		Protected Trees Assessment Criteria
		<p>Discretionary Activities <i>Refer also to 21.1.1 Assessment Criteria for ALL discretionary activities</i></p>
21.1.23.1	Works on a protected tree	<ul style="list-style-type: none"> (a) The extent to which the work will enhance or increase the health of the tree. (b) The extent to which the work will reduce the value of the protected tree or other protected trees within the vicinity. (c) The extent to which the condition of the tree constitutes a hazard unless the works are undertaken. (d) The extent to which the work will result in the protected tree becoming a hazard, particularly in relation to any proposed structures. (e) The extent to which there are alternative options, avoiding the need for the work to be undertaken on the protected tree. (f) The extent to which measures have been put in place to mitigate potential damage to the values of the protected tree.
21.1.23.2	Activities within the root protection zone of a protected tree	<ul style="list-style-type: none"> (a) The extent to which the activities within the root protection zone of a protected tree will: <ul style="list-style-type: none"> (i) Alter the soils levels or water levels through excavation or compaction; and (ii) Discharge or disperse any agent toxic to the tree; and (iii) Result in impervious surfacing; and (iv) Result in any damage to the protected tree or detract from its appearance.

21.2.23 Protected Trees

		Protected Trees Information Requirements
21.2.23.1	Protected Trees	A report prepared by an independent arborist shall be submitted with any application involving work on a protected tree. The report shall specifically consider the effects of the proposed works on the tree, having

Protected Trees Information Requirements	
	consideration to the assessment criteria listed, any possible alternative locations or methods for undertaking the activity which will affect the tree, and any recommendations on how to undertake the work(s) so the protected tree may be maintained.

Section 24 - Protected Trees

23.1 Introduction

23.1.1 Trees are a valued community feature as they provide visual amenity, soften the built landscape and contribute to a sense of heritage - a living symbol that connects past, present and future. Trees also provide food and important habitat for a range of different species. 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.

23.1.2 The Plan contains provisions which seek to protect trees which have been identified as having high historic, botanic and amenity value. The focus in this section is on the protection of listed specimen trees on private property, from inappropriate pruning, trimming, removal, or inappropriate development within their root protection zone. These trees are listed in Appendix N4. The protected trees are primarily within the urban areas, with only a few located in the rural area.

23.1.3 This Plan contains other methods to protect vegetation, in particular indigenous vegetation. The provisions relating to the protection of significant natural areas and specified indigenous bush stands and habitats are contained in Section 24 - Indigenous Biodiversity.

23.1.4 Many other significant trees are located on Council property, either in the road berm or on Council reserves. These trees are managed through Council’s Tree Policy, which contains direction relating to the care and removal of trees on Council land. Council also funds the pruning and maintenance of listed trees on private land and this is stated within Council’s Tree Policy.

23.2 Resource Management Issues

23.2.1 The pruning of protected trees by inexperienced people can adversely affect the health and amenity of significant trees.

23.2.2 The removal and damage of protected trees (both exotic and native) can impact on the character and amenity of the District’s urban and rural areas.

23.2.3 Works within the root protection zone of protected trees can adversely affect the health of a tree.

23.3 Objectives and Policies

Please also refer to the objectives and policies of Part C, Part D and Part E, as relevant.

Objective - Protected trees

23.3.1 To maintain the protected trees in the District’s urban and rural areas (refer to Appendix N4).

Policy - Protected trees

23.3.1.1 Ensure protected trees within the District are retained to contribute to the character and amenity of the areas in which they are located.

Policy - Work on protected trees

23.3.1.2 To enable work, such as pruning, to be undertaken on protected trees where the work will assist in maintaining the health of the tree.

Policy - Building and excavations affecting a protected tree

23.3.1.3 To ensure the health and existing values of any protected tree are maintained by considering alternative building locations, techniques or materials, and avoiding or minimising excavation within the root protection zone of a protected tree.

Policy - Removal of protected trees

23.3.1.4 To ensure that the removal of a protected tree, or the removal of the protected tree status from a tree, only occurs when the values associated with the protected tree have significantly deteriorated and/or the tree is causing a significant hazard to life or property.

23.4 Rules

The rules that apply are contained in:

- (a) The activity status table in this section; and*
- (b) The activity status tables and the performance standards in Part D Zone Provisions, Part E District Wide Provisions, and Part F District wide Natural and Cultural Heritage provisions of the Plan.*

23.4.1 Activity Status Tables

23.4.1.1	Permitted activities
(a)	Emergency removal of a protected tree, where the tree is causing an imminent hazard to life or property. Notification of the removal is required to be made to Council’s arborist prior to commencing the works. Note: Following the emergency removal of a protected tree, a report from a professionally recognised arborist, outlining the reasons for the removal is required to be submitted to Council’s arborist no later than 10 working days following the tree removal.
(b)	Pruning or shaping of the protected tree, undertaken by Council under the direction of, and in accordance with, the recommendations of a professionally recognised arborist.

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23.4.1.1	Permitted activities
(c)	Maintenance of the ground within the root protection zone of a protected tree, including lawn mowing and gardening, provided that the maintenance does not alter the soil levels, remove soil, or cause any damage to the tree root system.

23.4.1.2	Controlled activities
(a)	There are no controlled activities.

23.4.1.3	Restricted discretionary activities
(a)	There are no restricted discretionary activities.

23.4.1.4	Discretionary activities
(a)	Any building works including disturbance of the ground within the root protection zone of a protected tree (other than maintenance permitted by this Plan in Rule 23.4.1.1(b) & (c)).
(b)	Any pruning or shaping of a protected tree not undertaken by Council.

23.4.1.5	Non-complying activities
(a)	Any removal of a protected tree except for as specified in Rule 23.4.1.1(a).

23.4.1.6	Prohibited activities
(a)	There are no prohibited activities.

23.4.2 Performance Standards

There are no performance standards relating to the trees protected in this section. The only rules in this section are contained within the activity status table.

23.5 Assessment Criteria

There are no controlled activities and restricted discretionary activities.

23.5.1 Discretionary activities

For discretionary activities Council shall have regard to the assessment criteria in Section 21. The criteria in Section 21 are only a guide to the matters that Council will consider and shall not restrict Council's discretionary powers.

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Appendix N4 - Protected Trees

Map Number	District Plan Number	Location	Legal Description	Description
4	165	3/1215 Kaipaki Road, Cambridge	LOT 3 DPS 66088	1 <i>Juglans nigra</i> (Black Walnut)
24	7	2 Kelly Road, Cambridge	LOT 2 DP 410038	1 <i>Rhododendron species</i> (Rhododendron)
24	8	1 Vogel Street, Cambridge	LOT 1 DPS 42899	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	27	13 Grey Street, Cambridge	LOT 1 DP 353034	1 <i>Agathis australis</i> (Kauri)
24	9	16 Hamilton Road, Cambridge	LOT 11 DPS 2024	1 <i>Magnolia grandiflora</i> (Southern Magnolia)
24	11	16B Hall Street, Cambridge	LOT 2 DP 410197	1 <i>Liriodendron tulipifera</i> (Tulip Tree)
24	12	16A Hall Street, Cambridge	LOT 1 DP 410197	1 <i>Nothofagus menziesii</i> (Silver Beech)
24	149	197 Victoria Street, Cambridge	LOT 1 DPS 48833	1 <i>Dacrydium cupressinum</i> (Rimu)
24	151	197 Victoria Street, Cambridge	LOT 1 DPS 48833	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	152	197 Victoria Street, Cambridge	LOT 1 DPS 48833	1 <i>Picea smithiana</i> (Himalayan Spruce)
24	31	201 Victoria Street, Cambridge	LOT 2 DPS 48833	1 <i>Tilia x europaea</i> (Lime or Linden)
24	14	23 Hall Street, Cambridge	LOT 1 DPS 12097	1 <i>Acer palmatum</i> (Maple)
24	15	23B Hamilton Road, Cambridge	LOT 2 DPS 5520	1 <i>Juglans regia</i> (Walnut)
24	16	23B Hamilton Road, Cambridge	LOT 2 DPS 5520	1 <i>Quercus robur</i> (English Oak)
24	17	23B Hamilton Road, Cambridge	LOT 2 DPS 5520	1 <i>Cedrus deodara</i> (Indian Cedar)
24	43	24 Grosvenor Street, Cambridge	PT ALLT 318 TN OF Cambridge East	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	49	22B Grosvenor Street, Cambridge	LOT 3 DP 468835	1 <i>Tilia x europaea</i> (Lime or Linden)
24	18	27B Hamilton Road, Cambridge	LOT 1 DPS 88895	1 <i>Castanea sativa</i> (Spanish Chestnut)
24	19	27B Hamilton Road, Cambridge	LOT 1 DPS 88895	1 <i>Chamaecyparis lawsoniana</i> (Lawson Cypress)
24	20	27B Hamilton Road, Cambridge	LOT 1 DPS 88895	1 <i>Chamaecyparis lawsoniana</i> (Lawson Cypress)
24	23	28 Grey Street, Cambridge	LOT 5 DP 20137	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	147	30A Hamilton Road, Cambridge	LOT 1 DPS 3436	1 <i>Ulmus procera Louis van Houtte</i> (Golden Elm)
24	26	31 Queen Street, Cambridge	PART ALLT 79 TN OF Cambridge East	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	21	32A Hamilton Road, Cambridge	LOT 2 DPS 80308	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	46	34 Grosvenor Street, Cambridge	LOT 3 DPS 4403	1 <i>Cornus capitata</i> (Strawberry Tree)
24	28	34 Queen Street, Cambridge	PART ALLT 106 TN OF Cambridge East	1 <i>Dacrydium cupressinum</i> (Rimu)
24	22	36 Grey Street, Cambridge	LOT 2 DPS 72617	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	25	42 Hamilton Road, Cambridge	LOT 2 DPS 7928	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	29	46B Hamilton Road, Cambridge	LOT 2 DP 331279	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	45	48 Grosvenor Street, Cambridge	LOT 2 DPS 6163	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)

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Map Number	District Plan Number	Location	Legal Description	Description
24	88	57 Bowen Street, Cambridge	LOT 2 DPS 40440	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)
24	89	59 Bowen Street, Cambridge	LOT 1 DPS 40440	1 <i>Quercus coccinea</i> (Scarlet Oak)
24	91	59 Bowen Street, Cambridge	LOT 1 DPS 40440	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	84	62A Bowen Street, Cambridge	LOT 2 DPS 45831	1 <i>Liriodendron tulipifera</i> (Tulip Tree)
24	32	63 Hamilton Road, Cambridge	LOT 1 DPS 62968	1 <i>Ginkgo biloba</i> (Maidenhair Tree)
24	81	64 Bowen Street, Cambridge	LOT 1 DPS 45831	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
24	82	64 Bowen Street, Cambridge	LOT 1 DPS 45831	1 <i>Tilia x europaea</i> (Lime or Linden)
24	163	9 Glenroy Place, Cambridge	LOT 68 DP 339408	1 <i>Platanus hispanica</i> (Plane Tree)
24	33	49 Bryce Street, Cambridge	LOT 2 DPS 41835	1 <i>Quercus robur</i> (English Oak)
25	110	12 Stafford Street, Cambridge	LOT 2 DP 33715	1 <i>Idesia polycarpa</i> (Wonder Tree)
25	113	147 Taylor Street, Cambridge	LOT 1 DPS 6188	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
25	122	164 Williams Street, Cambridge	LOT 1 DPS 34893	1 <i>Magnolia grandiflora</i> (Southern Magnolia)
25	164	63 Bowen Street, Cambridge	LOT 6 DPS 12166	1 <i>Ulmus procera</i> Louis van Houtte (Golden Elm)
26	60	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)
26	63	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Ulmus procera</i> (English Elm)
26	64	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Sequoia sempervirens</i> (California Redwood)
26	65	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Psuedotsuga menziesii</i> (Douglas Fir)
26	68	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Sequoia sempervirens</i> (California Redwood)
26	69	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Sequoia sempervirens</i> (California Redwood)
26	74	51 Moore Street, Leamington	LOT 1 DPS 57427	1 <i>Quercus robur</i> (English Oak)
26	75	285 Shakespeare Street, Leamington	LOT 3 DPS 89285	1 <i>Podocarpus totara</i> (Totara)
26	76	91 Coleridge Street, Leamington	LOT 1 DPS 22634	1 <i>Juglans nigra</i> (Black Walnut)
26	79	62 Arnold Street, Leamington	LOT 1 DPS 20346	1 <i>Taxus baccata fastigiata</i> (Irish Yew)
26	80	62 Arnold Street, Leamington	LOT 1 DPS 20346	1 <i>Taxus baccata fastigiata</i> (Irish Yew)
27	98	37 Byron Street, Leamington	LOT 20 DPS 5928	1 <i>Sequoia sempervirens</i> (California Redwood)
27	105	60 Browning Street, Leamington	LOT 1 DPS 1150	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)
27	107	66 Thompson Street, Leamington	LOT 1 DPS 37990	1 <i>Quercus robur</i> (English Oak)
27	109	66A Thompson Street, Leamington	LOT 1 DPS 37990	1 <i>Quercus robur</i> (English Oak)
27	117	102 Tennyson Street, Leamington	LOT 10 DPS 86566	1 <i>Plantanus x acerifolia</i> (London Plane)
27	118	98 Tennyson Street, Leamington	LOT 1 DPS 81881	1 <i>Plantanus x acerifolia</i> (London Plane)
27	119	96 Tennyson Street, Leamington	LOT 6 DPS 86566	1 <i>Plantanus x acerifolia</i> (London Plane)
27	120	104 Tennyson Street, Leamington	LOT 11 DPS 86566	1 <i>Plantanus x acerifolia</i> (London Plane)
27	121	92 Tennyson Street, Leamington	LOT 5 DPS 86566	1 <i>Plantanus x acerifolia</i> (London Plane)

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WAIPA DISTRICT PLAN: SECTION 32 – PROTECTED TREES

Map Number	District Plan Number	Location	Legal Description	Description
27	123	1 Frame Street, Leamington	LOT 29 DPS 9581	1 <i>Quercus robur</i> (English Oak)
27	124	3 Frame Street, Leamington	LOT 28 DPS 9581	1 <i>Quercus robur</i> (English Oak)
27	138	13 Frame Street, Leamington	LOT 14 DPS 9581	1 <i>Quercus robur</i> (English Oak)
27	132	113 Arnold Street, Leamington	LOT 29 DPS 86566	1 <i>Quercus robur</i> (English Oak)
27	133	95 Carlyle Street, Leamington	LOT 30 DPS 86566	1 <i>Quercus robur</i> (English Oak)
27	134	95 Carlyle Street, Leamington	LOT 30 DPS 86566	1 <i>Quercus robur</i> (English Oak)
27	135	93 Carlyle Street, Leamington	LOT 32 DPS 86566	1 <i>Quercus robur</i> (English Oak)
27	136	8 Hilliard Place, Leamington	LOT 4 DPS 66023	1 <i>Quercus robur</i> (English Oak)
27	141	14 Hemans Street, Leamington	PT ALLOT 68 DP 18004 Cambridge West	1 <i>Schinus molle</i> (Pepper Tree)
27	142	99 Wordsworth Street, Leamington	LOT 33 DPS 745	1 <i>Liquidambar styraciflua</i> (Liquidambar)
27	143	10 Glover Street, Leamington	LOT 13 DPS 745	1 <i>Fraxinus oxycarpa</i> 'Raywoodii' (Claret Ash)
27	144	93 Kingsley Street, Leamington	LOT 2 DPS 37061	1 <i>Juglans regia</i> (Walnut)
28	38	108 Victoria Street, Cambridge	LOT 1 DPS 36382	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)
28	36	129 Victoria Street, Cambridge	LOT 1 DPS 6547	1 <i>Fraxinus excelsior</i> 'Pendula' (Weeping Ash)
28	39	95 Victoria Street, Cambridge	LOT 2 DPS 38368	1 <i>Quercus robur</i> (English Oak)
28	34	115 Victoria Street, Cambridge	LOT 4 DPS 69391	1 <i>Cupressus sempervirens</i> (Italian Cypress)
28	35	115 Victoria Street, Cambridge	LOT 4 DPS 69391	1 <i>Cupressus sempervirens</i> (Italian Cypress)
28	37	115 Victoria Street, Cambridge	LOT 4 DPS 69391	1 <i>Camellia pilida</i>
28	40	36 Lake Street, Cambridge	LOT 1 DPS 80662	1 <i>Dacrydium cupressinum</i> (Rimu)
28	41	36 Lake Street, Cambridge	LOT 1 DPS 80662	1 <i>Ginkgo biloba</i> (Maidenhair Tree)
28	44	17 Coleridge Street, Leamington	ALLT 157 TN OF Cambridge West	1 <i>Liriodendron tulipifera</i> (Tulip Tree)
28	61	17 Coleridge Street, Leamington	ALLT 158 TN OF Cambridge West	1 <i>Ulmus Procera Louis</i> 'Van Houtte' (Golden Elm)
28	55	9 Coleridge Street, Leamington	ALLT 157 TN OF Cambridge West	1 <i>Ulmus procera Louis</i> 'Van Houtte' (Golden Elm)
28	48	25 Coleridge Street, Leamington	ALLT 159 TN OF Cambridge West	1 <i>Liquidambar styraciflua</i> (Liquidambar)
28	70	38 Princes Street, Cambridge	LOT 1 DPS 77632	1 <i>Dacrydium cupressinum</i> (Rimu)
28	52	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	54	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	57	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	58	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	59	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	62	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	66	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	67	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)

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WAIPA DISTRICT PLAN: SECTION 32 – PROTECTED TREES

Map Number	District Plan Number	Location	Legal Description	Description
28	71	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	72	51 Empire Street, Cambridge	LOT 1 DP 317811	1 <i>Quercus robur</i> (English Oak)
28	87	17 Victoria Street, Cambridge	LOT 1 DPS 58719	1 <i>Erythrina crista-galli</i> (Coral Tree)
28	77	18 Le Quesnoy Place, Cambridge	LOT 10 DP 365123	1 <i>Juglans nigra</i> (Black Walnut)
28	90	5 Le Quesnoy Place, Cambridge	LOT 14 DP 365123	1 <i>Picea smithiana</i> (Himalayan Spruce)
28	83	7 Le Quesnoy Place, Cambridge	LOT 13 DP 365123	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
28	85	7 Le Quesnoy Place, Cambridge	LOT 13 DP 365123	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
28	78	68-70 Duke Street, Cambridge	LOT 2 DPS 26842	1 <i>Acer negundo</i> (Box Elder)
28	93	21 & 23 Anzac Street, Cambridge	ALLT 402 TN OF Cambridge East	1 <i>Phyllocladus trichomanoides</i> (Tānekaha)
28	94	21 & 23 Anzac Street, Cambridge	ALLT 402 TN OF Cambridge East	1 <i>Phyllocladus trichomanoides</i> (Tānekaha)
28	95	21 & 23 Anzac Street, Cambridge	ALLT 402 TN OF Cambridge East	1 <i>Phyllocladus trichomanoides</i> (Tānekaha)
28	97	46 Thornton Road, Cambridge	LOT 3 DP 31550	1 <i>Acer palmatum</i> (Japanese Maple)
28	96	7 Bowen Street, Cambridge	PT SEC 328 TN OF Cambridge East	1 <i>Ulmus glabra</i> 'Pendula' (Weeping Elm)
28	100	26 Wordsworth Street, Leamington	ALLT 141 TN OF Cambridge West	1 <i>Rhododendron</i> (Rhododendron) 'Sir Robert Peel'
28	101	52 Thornton Road, Cambridge	PART ALLT 354 TN OF Cambridge East	1 <i>Acer palmatum</i> (Japanese Maple)
28	103	63 Princes Street, Cambridge	PART ALLT 355 TN OF Cambridge East	1 <i>Magnolia cambellii</i> (Tulip Magnolia)
28	104	63 Princes Street, Cambridge	PART ALLT 355 TN OF Cambridge East	1 <i>Nothofagus menziesii</i> (Silver Beech)
28	106	63 Princes Street, Cambridge	PART ALLT 355 TN OF Cambridge East	1 <i>Sophora tetraptera</i> (Kowhai)
28	111	60 Thornton Road, Cambridge	LOT 4 DP 15686	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
28	114	94 Princes Street, Cambridge	LOT 2 DPS 27226	1 <i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)
28	125	57 Shakespeare Street, Leamington	LOT 2 DPS 69965	1 <i>Cedrus deodara</i> (Indian Cedar)
35	3	101 Great South Road, Ohaupo	LOT 1 DPS 90659	1 <i>Araucaria araucana</i> (Monkey Puzzle)
36	1	661 Franklin Street, Pirongia	SECT 25 TN OF Pirongia East	1 <i>Liriodendron tulipifera</i> (Tulip Tree)
36	2	567 Beechey Street, Pirongia	LOT 1 DP 347402	1 <i>Quercus robur</i> (English Oak)
36	170	21 McClinton Street, Pirongia	LOT 1 DPS 69869	1 <i>Quercus palustris</i> (Pin Oak)
38	6	655 Teasdale Street, Te Awamutu	LOT 1 DPS 12925	1 <i>Podocarpus totara</i> (Totara)
42	166	213 Rewi Street, Te Awamutu	LOT 3 DPS 26819	1 <i>Quercus robur</i> (English Oak)
42	167	213 Rewi Street, Te Awamutu	LOT 3 DPS 26819	1 <i>Quercus robur</i> (English Oak)
42	168	213 Rewi Street, Te Awamutu	LOT 3 DPS 26819	1 <i>Quercus robur</i> (English Oak)
42	169	213 Rewi Street, Te Awamutu	LOT 3 DPS 26819	1 <i>Quercus robur</i> (English Oak)

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