

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. [DR2]~~

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. [DR2]
- 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.
[DR2]

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. [DR2]

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, <u>provided that:</u></p> <ul style="list-style-type: none">(i) <u>The need for emergency works or the removal is confirmed by a Qualified Arborist; and</u>(ii) Notification of the <u>need for the removal or emergency works</u> is required to be made to Council's arborist prior to commencing the works <u>where practicable; and</u>(iii) <u>With the exception of removal, any works are carried out by a Qualified Arborist; and</u>(iv) <u>The works do not exceed what is necessary to alleviate the imminent threat to human life or property.</u> <p>Note: Following the emergency <u>works to, or</u> removal of, a protected tree, a report from a professionally recognised Qualified a Arborist, outlining the reasons for the removal <u>or emergency works</u> is required to be submitted to Council's arborist no later than 10 working days following the tree removal <u>or emergency works</u>.</p>

23.4.1.1	Permitted activities
(b)	<u>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.</u>
b (c)	<u>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:</u> <ul style="list-style-type: none"> (i) <u>Pruning of roots less than 25 mm in diameter at the point of severance; or</u> (ii) <u>Removal of broken branches, deadwood or diseased vegetation; or</u> (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 23.4.1.1(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>
(d)	<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> <ul style="list-style-type: none"> (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> (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> <u>Advice note: Tree height is measured from Ground Level to the top of the canopy.</u>
(e)	<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> <ul style="list-style-type: none"> (i) <u>The work is undertaken, or supervised, by a Qualified Arborist; and</u> (ii) <u>The natural shape, form and branch habit of the tree is retained.</u> <u>Advice note: Tree height is measured from Ground Level to the top of the canopy.</u>
(f)	<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> <ul style="list-style-type: none"> (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> (ii) <u>The network utility operator shall notify the Council within 5 working days that the work has been undertaken. [DR2]</u>
€ (g)	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. <u>Any pruning or maintenance of a Protected Tree that is not a permitted activity. Assessment will be restricted to the following:</u> <ul style="list-style-type: none"> (i) <u>Impact on the health and value of the tree; and</u> (ii) <u>Impact on the amenity of the surrounding area; and</u> (iii) <u>Necessity for carrying out the works; and</u> (iv) <u>Methods to be used. [DR2]</u>

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(g) (b) & (c) [DR2]
(b)	Any pruning or shaping of a protected tree not undertaken by Council. Any removal of a Protected Tree. [DR2]

23.4.1.5	Non-complying activities
(a)	Any removal of a protected tree except for as specified in Rule 23.4.1(a). There are no non-complying activities. [DR2]

23.4.1.3	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. [DR2]