

Section 37 – Significant Trees

37.1 Background

There are some trees in the District that significantly contribute to values wider than those of the property on which they grow because of their history, or contribution to amenity or the quality of the environment. The trees listed in the Significant Tree Schedule in Appendix 3 identify trees that have these values. The schedule provides the regulatory basis for the rules in this section so the significant trees can be safeguarded from activities that would harm or destroy them.

37.2 Activity Table and User Information

The Activity Table in this section identifies activities and provides a rule and section number to go to as a starting point. In the table the following abbreviations are used:

R =	Rule
S =	Section

The overlay rules are part of a hierarchy of rules. There may be zone rules, district wide rules, other overlay rules or special purpose provisions that also apply to the activity and site. Where there is conflict between rules the rule hierarchy applies to the extent of the conflict (see Section 1 Background and How to Use the Plan for more information).

Activity Table	
Activity	PER (S 37.3)
Activities within the vicinity of a significant tree	R 1
Maintenance or enhancement of a significant tree	R 2
Felling or damaging a significant tree	R 3

Note:

1. Works in close proximity to any electricity line can be dangerous. Compliance with the [New Zealand Electrical Code of Practice 34:2001](#) is mandatory for all buildings and mobile plant within close proximity to all electricity lines.
2. Vegetation to be planted near electricity lines should be selected and/or managed to ensure that it will not result in the vegetation breaching the [Electricity \(Hazards from Trees\) Regulations 2003](#).

37.3 Permitted Activities

Rule 1: Activities within the vicinity of a significant tree

1. An activity within the vicinity of a significant tree, extending from the tree trunk to 2 m beyond the tree's drip line, that is a permitted activity in the underlying zone and district-wide rules, retains its activity status provided:
 - a) Parking or storage of materials, vehicles or machinery is on an existing sealed, formed surface; and
 - b) It does not involve compaction, sealing, removal or addition of soil; and
 - c) There is no discharge of a substance that may harm a significant tree; and
 - d) There is no excavation or construction of structures; except
 - e) For a significant tree located in the Road Zone:
 - i) Excavation is no deeper than 200 mm and at least 2 m away from the trunk of the tree; and
 - ii) Any sealing is within an existing formed carriageway or footpath.
2. An activity within the vicinity of a significant tree that is not permitted under Rule 1.1. e) is a controlled activity.
3. The Council reserves its control over matters in Table 1 at the end of Section 37.
4. An activity within the vicinity of a significant tree that is not permitted under Rule 1.1. a)-d) is a restricted discretionary activity.
5. The Council restricts its discretion to matters 2, 3 and 4 in Table 2 at the end of Section 37.
6. A resource consent application under Rule 1.2 or 1.4 shall be assessed without public or limited notification under sections 95, 95A and 95B of the RMA.

Rule 2: Maintenance or enhancement of a significant tree

1. The maintenance or enhancement of a significant tree which may include pruning, trimming, dead wooding, crown reduction, cutting, thinning or topping is a permitted activity provided:
 - a) Prior to any work being undertaken a Council approved contractor provides written notice to the Council confirming that the work is necessary to:
 - i) Maintain or enhance the health and/or appearance of the tree; or
 - ii) Safeguard life or property; or
 - iii) Maintain or restore electricity, telecommunications, wastewater or water networks; and
 - b) The Council-approved contractor carries out the work; and
 - c) Where any work is to be undertaken within 4 metres of electricity lines, the Council approved contractor is also authorised by the network utility operator.
2. Maintenance or enhancement of a significant tree that is not permitted under Rule 2.1 is a restricted discretionary activity.
3. The Council restricts its discretion to matter 1 in Table 2 at the end of Section 37.
4. A resource consent application under Rule 2.2 shall be assessed without public or limited notification under sections 95, 95A and 95B of the RMA.

Rule 3: Felling or damaging a significant tree

1. Felling or damaging a significant tree is a permitted activity provided:
 - a) Prior to any work being undertaken a Council approved contractor provides written notice to the Council confirming that:
 - i) The tree is dead, dying, or carries an incurable disease contagious to other trees, and
 - ii) The tree needs to be felled or damaged; and
 - iii) The Council-approved contractor will be carrying out the work; or
 - b) Prior to any work being undertaken a Council approved contractor provides written notice to the Council confirming that:
 - i) The work is necessary to safeguard life or property from imminent danger, and
 - ii) The tree needs to be felled or damaged; and
 - iii) The Council-approved contractor will be carrying out the work; or
 - c) The work is carried out by a Council-approved contractor; and
 - i) The work is necessary to maintain or restore electricity, telecommunications, wastewater or water supply networks operated by a statutory authority, network utility operator, the Council, the Department of Conservation, Waikato Regional Council or Civil Defence; and
 - ii) Within seven days of the work commencing the Council approved contractor provides written notice to the Council confirming the reason for the work; and
 - d) Where any work is to be undertaken within 4 metres of electricity lines, the Council approved contractor is also authorised by the network utility operator.
2. Felling or damaging a significant tree that is not permitted under Rule 3.1 is a non-complying activity.

37.4 Assessment Matters and Criteria

Table 1 – Controlled Activity Matters

1. Maintaining the health of the tree

- a) Timing and manner in which the activity is carried out.
- b) Remedial measures

Table 2 – Restricted Discretionary Activity Matters

1. Condition and safety of the tree

- a) The degree to which the work is necessary to enable reasonable use and enjoyment of the site and the tree.
- b) The extent to which the work will affect the longevity, health, vigour and stability of the tree.
- c) The extent to which any proposed substitute or compensation tree planting or landscaping will mitigate any loss of public values.
- d) Whether the work is likely, in the opinion of the Council, to damage the tree or endanger its health.

2. Duration of the activity

- a) The extent to which the activity is temporary or of a period of time that avoids long-term harm or damage to the tree.

3. Effects on the tree's root system

- a) The extent to which the activity will affect the root system of the tree through amputation, cutting or crushing.
- b) The extent to which the activity will reduce the permeability of the ground surface surrounding the tree.
- c) The extent to which the activity may alter soil levels or the water table surrounding the tree through filling, excavation or compaction of soils.
- d) Whether the tree's roots may be poisoned through the release of toxic substances, either into the tree, or into the soil within the vicinity of the tree.

4. Measures taken to avoid adverse effects on the tree

- a) Whether the measures proposed to avoid the adverse effects of the activity on the tree, are sufficient to protect it.
- b) Whether the activity can occur in an alternative location that will reduce any actual or potential effects on the tree.