

OVERVIEW

Several issues can be identified in relation to trees in the District: the visual effects of large scale tree planting; the protection of indigenous trees; the protection of notable trees; and the adverse effects caused by trees of inappropriate size or location. The first two issues are not dealt with in this chapter because they are more closely associated with other provisions in the Plan. The visual effects of large scale tree planting are addressed in the Rural Zone chapter and in the Forestry Guidelines (Appendix IX). The protection of indigenous trees and indigenous vegetation is provided for in many ways in the Plan, and Chapter 9 gives an overview of these provisions. The present chapter specifically addresses two issues, the first; trees judged to be notable, and the second; adverse effects of shading associated with the size and location of the trees.

Trees which shade roadways can contribute to icing of roads in winter. This can create a hazard for motorists to the extent that shading prevents the sun from heating the road and disbursing the ice.

- The District contains a number of individual trees and stand of trees which make a particular contribution to its character and amenity. The Plan recognises these trees as valuable community assets and has adopted a system of identifying and protecting notable individual specimens and stands of trees. These trees are listed in the ‘Schedule of Notable Trees’ in Appendix VII and are identified on the Planning maps.

It should be noted that many of these trees are on private land. Where this is so, their inclusion in the schedule does not imply any public ownership or automatic opportunity for public access.

While trees are capable of having a variety of adverse effects, such as obstructing views, and shading, the only effect of consequence which has not already been addressed through other means, and which warrants some provision in the District Plan is the effect of trees which shade roadways and consequently contribute to icing of roads in winter. This can create a hazard for motorists to the extent that shading prevents the sun from heating the road and disbursing the ice.

Review periods for updating the schedules are set out in the ‘Monitoring and Review’ chapter.

ISSUE 1	Notable trees make an important contribution to the character and environmental qualities of the district and must be protected from unnecessary damage or destruction.
OBJECTIVE 1	To protect identified notable trees which contribute to the character and environment of the District.

POLICY

- 1A** Notable trees identified in the Plan shall be protected from damage or destruction unless it can be demonstrated that alteration or removal is justified in terms of the criteria of Rule 1.1.

EXPLANATION AND REASONS

Notable trees are considered worthy of recognition on a number of criteria which may include: historic significance to the community; scientific or botanical value; cultural or spiritual significance; recreational significance; landscape significance; functional value; size or age. A tree may be listed for a combination of these factors, or because it is outstanding in one respect.

ISSUE 2	Trees which shade the road carriageway during the winter months can create a hazard to motorists by preventing the melting of ice.
OBJECTIVE 2	To avoid the adverse effects of shading of the road carriageway caused by trees in winter.

POLICY

- 2A** Trees should not be allowed to grow in such a way that shading of the road occurs which contributes to icing of that carriageway.

EXPLANATION AND REASONS

The shading of the road carriageway by trees can cause ice to remain on roads in winter. To the extent that this creates a natural hazard it is desirable to avoid that hazard.

METHODS TO ACHIEVE OBJECTIVES AND POLICIES

(Updated October 2006)

- District Plan rules to protect the schedule Notable Trees.
- District Plan rules to prevent planted trees from shading the State Highway and Section 55 of the Government Roding Powers Act 1989 enables the Council to require any land owner or occupier to remove any tree or vegetation which affects or may affect road safety or damages the road.

RULES

1. Protection of Scheduled Trees

No person shall without a resource consent:

- a) Cut, damage, alter, injure, destroy or partially destroy any scheduled tree listed in Appendix VII (including its roots); or
- b) Within the drip-line of any scheduled tree:
 - Alter the soil levels or water table by addition or excavation;
 - Store materials, vehicles or machinery;
 - Discharge or disperse any toxic substance or put in place any weed control membrane; or
 - Undertake any use, excavation, construction work or activity.

Except that this shall not preclude:

- The regular minor trimming or maintenance of any tree undertaken by hand operated secateurs or pruning shears in accordance with accepted arboricultural practice.
- The felling or destruction of any tree by the Council or a statutory authority, when this is required as an emergency work to maintain or restore power and communication links or to safeguard life or property. In such circumstances the authority concerned shall notify the Council, in writing, within two weeks of the felling or destruction.

1.1 Exemption to Rule 1

The scheduled pohutukawa hedge at 84 Rue Lavaud (War Memorial grounds) is exempt from the restriction as regards mechanical trimming.

ASSESSMENT OF APPLICATIONS

2. Notable Trees

An application to destroy or substantially trim any scheduled tree listed in Appendix VII, or any substantial part thereof, is a discretionary activity and will be assessed against the objective and policy above and the criteria below:

- The necessity for carrying out the works.
- Any proposal for the removal or destruction of a tree must satisfy the Council that circumstances exist which may include dangerous, diseased or damaged condition; the need to comply with any statutory or legal obligation; or significant or unusual hardship.
- Any alternative methods and locations available to the applicant for carrying out the work or activities.
- The extent to which the tree or trees contribute to the amenity of the neighbourhood.
- Whether any proposed activities within the drip-line are likely, in the opinion of the Council, to damage the tree or endanger its health.

Conditions may be imposed as part of any consent to an application and may include:

- The requirement to pay a bond to ensure that a scheduled tree is not damaged or destroyed while carrying out pruning and maintenance or works or activities in the drip-line area.
- The requirement to provide a replacement tree where a scheduled tree is removed or destroyed, where it is appropriate having regard to the amenity of the area.

ANTICIPATED ENVIRONMENTAL RESULTS

The following environmental results are anticipated from the implementation of the objectives and policies relating to trees:

- The conservation of the scheduled Notable trees.
- Trees located and managed so that in winter ice on roads is not prevented from melting.