

Notable Trees (TREE)

Introduction

There are specific trees within Te Manahuna / the Mackenzie District which make an important contribution to its amenity, historical, cultural and biodiversity values. These trees have been listed in the Notable Trees schedule and are recognised as worthy of protection based on a STEM assessment of values associated with commemorative or historic values. The provisions within this chapter aim to protect and maintain these trees for the enjoyment of the District's residents and visitors. The focus is on the protection of trees from inappropriate removal or pruning, and to manage works within the root protection zone. However, it is recognised that there may be circumstances when substantial pruning or removal of the trees is unavoidable due to poor health, damage or safety reasons.

The provisions in this chapter apply in addition to the provisions of the other chapters in the District Plan.

Objectives and Policies

Objectives	
TREE-O1	Notable Trees
The contribution Notable Trees make to the heritage, character and amenity values of the District is recognised and provided for.	

Policies	
TREE-P1	Identification of Notable Trees
Identify Notable Trees to be protected and scheduled based on significance and/or notable values, according to the STEM criteria or historic and/or cultural significance.	
TREE-P2	Protection of Notable Trees
Protect any tree or group of trees listed in TREE-SCHED1 from the adverse effects of subdivision, land use and development, by considering: <ol style="list-style-type: none">1. whether the subdivision, use or development provides for the protection of the tree or trees;2. methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material; and3. the provision and implementation of a tree management plan in accordance with best arboricultural practice.	
TREE-P3	Works around Notable Trees
Provide for limited physical works around <u>in the root protection zone of</u> ¹ trees listed in TREE-SCHED1 for cultivation, maintenance and safety purposes, or for the provision or maintenance of infrastructure where works avoid, remedy or mitigate adverse effects on the trees.	
TREE-P4	Maintenance of Notable Trees
Enable the maintenance of Notable Trees listed in TREE-SCHED1 to: <ol style="list-style-type: none">1. support the continuing health of the Notable Tree or trees where undertaken in accordance with best arboriculture practice;2. mitigate adverse effects of the tree or trees:<ol style="list-style-type: none">a. on public safety;b. on sunlight access for public roads; and3. prevent damage to property or infrastructure.	

¹ The Telcos (35.15)

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TREE-P5	Destruction or Removal of Notable Trees
<p>Only allow the destruction or removal of Notable Trees listed in TREE-SCHED1, where:</p> <ol style="list-style-type: none"> 1. the tree is certified as being dead or in terminal decline by a qualified arborist; or 2. the destruction or removal of the tree is necessary to avoid adverse effects of the tree on public safety, or damage to property or infrastructure; or 3. the use and enjoyment of a property and surrounds is significantly compromised or diminished. 	

Rules

TREE-R1	Maintenance Pruning of a Notable Tree listed in TREE-SCHED1	
All Zones	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. Pruning is limited to: <ol style="list-style-type: none"> a. pruning branches and foliage that have a maximum diameter up to 50mm at the point of severance; or b. pruning branches between 50mm and 100mm in diameter at the point of severance, where the work is undertaken, or supervised by a qualified arborist; and c. the removal of a maximum of 10% of total foliage over any three year period, with the maximum amount of foliage removed in any 12 month period limited to 5% of total foliage, and where the work is undertaken, or supervised by a qualified arborist; and d. the natural shape, form and branch habit of the tree is retained; or 2. Pruning is to remove branches showing signs of potential failure including structural faults, decay, cavities or included unions; or 3. Pruning is to remove dead branches; or 4. Root pruning where: <ol style="list-style-type: none"> a. Pruning does not exceed five percent of the total live roots within any 12 month period; and b. Root pruning of live roots is limited to roots not exceeding 25mm in diameter. 	<p>Activity Status when compliance is not achieved with R1.1-R1.5: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. TREE-MD1

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	5. Except that 1-4 do not apply where the pruning is to remove branches physically touching existing buildings or able to touch vehicles using an access way, where such work is carried out by a qualified arborist.	
TREE-R2	Pruning of a Notable Tree listed in TREE-SCHED1 for the Purpose of Maintaining Overhead Lines and Road Corridor Safety	
All Zones	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The work is required to ensure the <u>safe²</u> operation of the overhead lines or roading corridor including works or maintenance required under, and carried out in accordance with, the Electricity (Hazards from Trees) Regulations 2003, or the Telecommunications Act 2001, <u>or the Government Roothing Powers Act 1989³</u>; and 2. The work is undertaken by a qualified arborist; and 3. Council is notified two weeks prior to the work being undertaken, <u>except where the works are necessary to prevent an imminent danger to people, property or infrastructure⁴</u>. 	<p>Activity status when compliance is not achieved with R2.1-R2.3: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. TREE-MD1
TREE-R3	Earthworks and Land Disturbance for the Installation and Maintenance of Underground Lines within the Root Protection Zone of a Notable Tree listed in TREE-SCHED1	
All Zones	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All earthworks and land disturbance within the root protection zone is undertaken or supervised by a qualified arborist; and 2. Excavation is undertaken by one or a combination of the following methods: <ol style="list-style-type: none"> a. trenchless methods at a depth of 1m or greater; or b. hand-digging, air excavation, or hydro excavation; and 	<p>Activity Status when compliance is not achieved with R3.1: DIS</p> <p>Activity Status when compliance is not achieved with R3.2-R3.8: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. TREE-MD2

² Transpower (31.12)

³ NZTA (45.05)

⁴ Transpower (31.12)

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	<ol style="list-style-type: none"> 3. The surface area of a single excavation must not exceed 1m²; and 4. Root pruning is not on roots greater than 35mm in diameter at severance; and 5. Works do not disturb more than 10% of the root protection zone; and 6. Any machines operate on top of paved surfaces and/or ground protection measures; and 7. Any machines used are fitted with a straight blade bucket; and 8. Council is advised at least 10 working days prior to the work commencing. 	
TREE-R4	Earthworks and Land Disturbance not Specified in TREE-R3 within the Root Protection Zone of a Notable Tree Listed in TREE-SCHED1	
All Zones	<p>Activity Status: RDIS</p> <p>Where:</p> <ol style="list-style-type: none"> 1. All earthworks and land disturbance within the root protection zone are supervised by a qualified arborist. <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. TREE-MD2 	Activity Status when compliance is not achieved with R4.1: DIS
TREE-R5	Paving, sealing, soil compaction, storage of materials, parking of vehicles or buildings within the root protection zone of a Notable Tree listed in TREE-SCHED1	
All Zones	<p>Activity Status: RDIS</p> <p>Matters of discretion are restricted to:</p> <ol style="list-style-type: none"> a. TREE-MD2 	
TREE-R6	Destruction or Removal of a Notable Tree listed in TREE-SCHED1	
All Zones	<p>Activity Status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. A qualified arborist certifies that: <ol style="list-style-type: none"> a. The tree is dead, in terminal decline, at risk of extreme failure or having a significant loss of structural integrity; or b. The tree is damaged and poses a significant risk to life, infrastructure, or property as 	Activity status when compliance is not achieved with R6.1: NC

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	a consequence of a natural hazard or other event; and c. The certification is provided to Council prior to the destruction or removal of the tree.	
TREE-R7	Attachment of a Sign, Object, Structure, or Material to a Notable Tree listed in TREE-SCHED1	
All Zones	Activity Status: RDIS Matters of discretion are restricted to: a. TREE-MD3	
TREE-R8	Planting of a Tree within the Dripline of a Notable Tree listed in TREE-SCHED1	
All Zones	Activity Status: DIS	

Matters of Discretion

TREE-MD1 Pruning

- a. The character and degree of modification, damage, or destruction of the values of the tree, including the historical values and cultural significance of taonga species.
- b. The extent to which the activity will or may adversely affect the health or structural integrity or visual appearance of the tree.
- c. The extent to which the activity will be undertaken in a manner consistent with accepted arboricultural standards, practices and procedures.
- d. The duration and frequency of the activity and the effect on the tree.
- e. The resilience of the tree, in relation to structural soundness and health and any irreversible effect on the tree.
- f. The scope for the tree to recover from, or compensate for, any effects from pruning, work in the root protection zone or modification of the trunk and crown.
- g. In relation to a listed group of trees, the extent to which the activity will or may adversely affect the health or structural integrity of the wider group or undermine its unity, setting or other collective significance.
- h. The extent to which any proposed compensation for the removal of the tree mitigates the loss of the tree and its values.

TREE-MD2 Activities in the Root Protection Zone of a Notable Tree

- a. The effect of the activity on the trees' values.
- b. The extent to which the works will or may adversely affect the health or structural integrity or visual appearance of the tree.
- c. Whether the works will be undertaken in a manner consistent with best arboricultural standards, practices, and procedures.
- d. The duration and frequency of the activity and the adverse effect on the tree.
- e. Whether the tree is resilient, including structural soundness and health and the irreversibility of effects on the tree.

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- f. In relation to a scheduled group of trees, the extent to which the works will adversely affect the health, structural integrity, or ecological values of the wider group.
- g. The extent to which the works would result in improved community amenity or other benefits for the community that cannot otherwise be achieved by arboricultural or property management means.
- h. Whether the works are necessary for the maintenance, and repair of existing infrastructure.

TREE-MD3 Fixing to Notable Trees

- a. The effect of the activity on the tree's values.
- b. The extent to which the works will or may adversely affect the health or structural integrity of the tree.
- c. The extent to which the works will or may adversely affect the visual appearance of the tree and the amenity values of the tree.
- d. Whether the works will be undertaken in a manner consistent with best arboricultural standards, practices, and procedures.
- e. Whether the tree is resilient, including structural soundness and health and the irreversibility of effect on the tree.
- f. The extent to which the works would result in improved community amenity or other benefits for the community that cannot otherwise be achieved by arboricultural or property management means.

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TREE-SCHED1 – Notable Trees

Unique Identifier	Species Botanical Name (Common Name)	Number of Trees	Legal Description and Location	Reason for Protection
TREE01	Peace Avenue Trees Ulmus procera (English Elm), Quercus robur (Common Oak), Fraxinus excelsior (Common Ash), Quercus cerris (Turkey Oak), Populus Alba (Silver Poplar), Tilia sp. (Linden or Lime), Carpinus (Hornbeam), Juglans regia (English Walnut), Acer pseudoplatanus (Norway Maple), Platanus X acerifolia (London Plane), Castanea sativa (Sweet Chestnut), Quercus palustris (Pin Oak), Fraxinus sp. (Ash), Alnus sp. (Alder), Aesculus hippocastanum (Horse chestnut), Betula pendula (Silver Birch), Acer sp. (Maple), Quercus robur Fastigiata, Fraxinus ornus (Manna Ash), Fraxinus aurea (Golden Ash)	Various	Road reserves and private land along State Highway 8, extending from the north of Kimbell to the south of Winscombe, and including Lot 2 DP 337335, RS 22124, Lot 20 DP 186, Lot 19 DP 186, Section 1 SO 11653, Lot 16 DP 186, and Section 2 SO 11653.	Scheduled previously (71)
TREE02	Pinus coulteri (Big Cone Pine)	1	Lot 1 DP 410784 777 Monument Road, Ashwick Flat	Scheduled previously (42) STEM values
TREE03	Fraxinus excelsior (English Ash); Ulmus procera (English Elm); Malus spp (Ornamental Apple); Ulmus pumila (Elm)	4	Parcel ID: 3576927 Albury War Memorial, Waka Kotahi Parcel Intent: Road Reserve	Scheduled previously (17)
TREE04	Quercus coccinea (Scarlet Oak)	1	SO 1524 RES 5087 Parcel: 479004 453 Monavle Road	Tree planted to commemorate the coronation of Queen Elizabeth II
TREE05	Quercus petraea (durmast oak)	1	RES 4014 DP 2690	Scheduled previously (33) STEM values

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			McLean Park – Albury-Fairlie Road	
TREE06	<i>Picea likiangensis</i> (Likiang Spruce)	1	RS 40930 SO 14804 Fairlie Village Green, Mackenzie District Council (opposite Council Offices)	Scheduled previously (35) Centennial tree STEM values
TREE07	<i>Quercus robur</i> (Oak)	1	Parcel ID: 3586736 Corner of Frayne Street and Kirke Street, Fairlie. Site of old parish hall.	Scheduled previously (36) STEM values
TREE08	<i>Quercus robur</i> (Oak)	1 and group	Part RS 22444 TP 31475 School Road Athletic Park 39 School Road	Scheduled previously (37) STEM values
TREE09	<i>Fagus sylvatica</i> 'Purpurea' (Copper Beech)	1	RS 40930 SO 14804 Fairlie Village Green, Mackenzie District Council (opposite Council Offices)	Scheduled previously (47) Planted for the centennial of Charles Bright and Mary Ann Jones settling at Willowbark and Ashwick Flat. Planted by Charles Bright's eldest living grandson.
TREE10	<i>Quercus palustris</i> (Pin Oak)	1	SO 14804 RS 40929 Fairlie Village Green, Mackenzie District Council (opposite Council Offices)	Scheduled previously (70) Historic values
TREE11	<i>Quercus robur</i> (Oak)	1	Parcel 3563488 adjacent to SO 2598 RES 1845 Fairlie-Tekapo Road	Scheduled previously (66)
TREE12	<i>Cedrus deodara</i> (Dedoar Cedar)	1	SO 1296 RES 5190 Ashwick Flat Road	Scheduled Previously (41) Historic and commemorative values – located on the site of the original Ashwick School, and planted for the Silver Jubilee of King George V

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TREE13	Pinus coulterii (Big Cone Pine)	Several	Section 2 SO 331257 Moutariki Island, Lake Tekapo	Scheduled previously (59)
TREE14	Sequoiadendron giganteum (giant sequoia)	4	SO 2598 RES 1845 Fairlie-Tekapo Road	STEM values
TREE15	6 Sequoiadendron giganteum (giant sequoia) and 1 Abies pinsapo (Spanish fir)	7	Sealy Street Road Reserve, Lake Tekapo Parcel ID 3574321	Scheduled previously (68)