

Selwyn District Plan

Resource Management Act 1991

Plan Change 18 - Protected Trees

Section 42A Report

Prepared for

Selwyn District Council

By

Boffa Miskell Limited



August 2010

PART 1: INTRODUCTION

- 1.1 This Report has been commissioned by the Selwyn District Council (SDC) as planning authority in accordance with Section 42A of the Resource Management Act (RMA) to consider Plan Change 18 – Protected Trees.
- 1.2 The purpose of Plan Change 18 is to provide for the protection of identified trees, from inappropriate use, development, or destruction. The key changes made by the Plan Change are:
1. Updates to the list of protected trees;
 2. Updates to the rules that apply to listed protected trees; and
 3. Insertion of a set of criteria for evaluating protected trees.
- 1.3 The Plan Change was publicly notified on 29 April 2010 with submissions closing on 27 May 2010. A total of 7 submissions were received. Of these submissions, 4 supported the Plan Change and 3 sought amendments to the Plan Change. Further submissions closed on 7 July 2010 and 11 further submissions were received.
- 1.4 This report:
- outlines the statutory provisions relevant to the Plan Change process;
 - discusses general issues;
 - discusses the submissions and further submissions received following the public notification of the Plan Change;
 - provides a statutory review; and
 - concludes with an overall recommendation based on the preceding discussion in the report.
- 1.5 The purpose of this report is to bring to the attention of the Commissioner the relevant information and issues regarding this Plan Change. It must be emphasised that the conclusions and recommendations made in this report are my own and are not binding upon the Commissioner. It should not therefore be assumed that the Commissioner will reach the same conclusion following consideration of all the evidence to be presented at the hearing.
- 1.6 This report is structured as follows:
- Part 1:** Introduction
- Part 2:** Statutory Considerations
- Part 3:** Background
- Part 4:** Outline of the Plan Change
- Part 5:** Issues Raised by Submissions
- Part 6:** Statutory Review

Part 7: Other Matters

Part 8: Conclusion

1.7 Appendices attached to this report include:

Appendix One: Statutory Considerations

Appendix Two: Summary of Submissions Received

Appendix Three: Information on Lincoln Oak Tree

Appendix Four: Arboriculture Report, Walter Fielding-Cotterell

Appendix Five: Recommended Amendments to the Plan Change

1.8 This report has been prepared by Stephanie Styles. I am a Senior Planner with the firm of Boffa Miskell Ltd, a planning, design and ecology consultancy, based in Christchurch. I hold a Bachelor of Planning Degree with Honours from Auckland University, and I have 14 years experience working for both local government and in private consultancy, primarily within the South Island. I am a full Member of the New Zealand Planning Institute.

PART 2: STATUTORY CONSIDERATIONS

2.1 The following is a brief summary of the key statutory considerations, which must be noted as part of considering this Plan Change. **Appendix One** contains the relevant text from the Resource Management Act 1991 (RMA).

2.2 Section 73 of the Act enables a territorial authority to change its District Plan. The process for this change is set out in Schedule 1 of the Act. Part 1 of the First Schedule sets out the requirements for a Council initiated Plan Change. Among other things, consideration of sections 31, 32, 75(2) and Part 2 of the Act are required in preparing a change to a District Plan. Section 31 of the Act sets out the functions of territorial authorities in giving effect to the purpose of the RMA and the provisions of Part 2 of the Act.

2.3 In accordance with Section 32 of the Act, the Council has a duty to consider alternatives, benefits and costs of the proposed change. The Section 32 assessment has been publicly available from the date of notification and will be available at the hearing.

2.4 In addition, Section 75(2) also requires the District Plan not to be inconsistent with the Regional Policy Statement or Regional Plan. For completeness, it is noted that in making a decision on the Plan Change, the Council is guided by Clause 10 of the First Schedule to the RMA.

PART 3: BACKGROUND

3.1 The District Plan (the Plan) currently contains a limited number of provisions within both the Rural and Townships Volumes which deal with the protection of identified heritage trees. The purpose of these tree provisions is to ensure the protection of the trees from inappropriate use, development or destruction. It is intended that the amended tree provisions will assist to ensure that protected

trees remain in good condition in the long term, by encouraging good tree management practices and preventing them being lost due to indiscriminate removal or damage.

- 3.2 The intent of this Plan Change is to address the areas needing improvement, with the particular intention of ensuring consistency between the tree protection provisions in the two volumes of the Plan. This process will assist in the interpretation of rules for the public and in the clear and consistent administration of the Plan by Council staff.
- 3.3 Prior to the Plan Change being notified, and as part of its development, an opportunity was provided to include additional trees with significant values by way of public nominations.
- 3.4 Firstly, the Council contacted the owners of the sites on which the currently listed trees are located. Council provided details of the trees as contained in Council records and asked for confirmation of those details and any additional information about the tree that the landowner may hold. The Council also mentioned that it would be calling for nominations for additional trees. Replies from 12 landowners were received which generally agreed with the details supplied, some with a few minor corrections. None of these replies included any additional trees for nomination.
- 3.5 Secondly, the Council carried out a process of calling for public nominations of additional trees to be added to the District Plan. This process included:
 - Notices in the Council pages of the local newspapers and on the Council's website
 - A letter was sent out to community/hall committees asking them for nominations.
 - Provision of forms for nominators to complete
 - Review of nominated trees against the draft evaluation criteria
 - Correspondence with nominators over the outcomes of the evaluation process.
- 3.6 All trees included in the Plan Change were visited and evaluated by Mr Fielding-Cotterell. Evaluation forms were completed, photographs taken and notes prepared where necessary.
- 3.7 Additional background to the process undertaken in preparing this Plan Change is contained in the Plan Change and section 32 documents as notified.
- 3.8 A Plan Change is required to make the necessary amendments to the protected tree provisions.

PART 4: OUTLINE OF THE PLAN CHANGE

- 4.1 As described in the Plan Change documents, the Plan Change proposes the amendments to the following sections of the District Plan:

Townships Volume:

- Part B, 3 People's Health, Safety and Values, B3.3 CULTURE AND HERITAGE (text changes)
- Part C, 3 Living Zone Rules – Heritage (text changes)
- Part C, 6 Living Zone Rules – Utilities (text changes)

- Part C, 12 Living Zone Rules – Subdivision (text changes)
- Part C, 15 Business Zone Rules – Heritage (text changes)
- Part C, 18 Business Zone Rules – Utilities (text changes)
- Part C, 24 Business Zone Rules – Subdivision (text changes)
- Part D Definitions (text changes)
- Part E, Appendix 4 – Schedule of Heritage Trees (replacement schedule and inclusion of evaluation criteria)

Rural Volume:

- Part B, 3 People's Health, Safety and Values, B3.3 CULTURE AND HERITAGE (text changes)
- Part C, 1 Rural Rules – Earthworks (text changes)
- Part C, 2 Rural Rules - Tree Planting and Removal of Heritage Trees (text changes)
- Part C, 5 Rural Rules – Utilities (text changes)
- Part C, 10 Rural Rules – Subdivision (text changes)
- Part D Definitions (text changes)
- Part E, Appendix 4 – Schedule of Heritage Trees (replacement schedule and inclusion of evaluation criteria)

Planning Maps

- Updated as appropriate

PART 5: ISSUES RAISED BY SUBMISSIONS

- 5.1 A range of submissions and further submissions were received on this Plan Change. A summary of the submissions is included as **Appendix Two**.

Submissions in support

- 5.2 The 4 submissions in support were received from Transpower, Vicki Black, Rolleston Square Ltd and Paul Comrie.

Transpower

- 5.3 Transpower's submission provides support for the Plan Change in general, noting that the Plan Change is generally consistent with the provisions and regulations under which Transpower generally operates. Transpower considers it necessary to appropriately manage trees that are close to transmission lines, and notes that no listed trees are located in close proximity to the existing transmission lines.

- 5.4 Transpower specifically supports the proposed policy framework and seeks that it is retained in the Plan Change. They particularly support proposed policy (B3.3.14) and a number of the related rules.
- 5.5 The submission lists a number of clauses that Transpower seeks be retained and not modified (Policy B3.3.14 and associated explanation, clause 3.2.2.2, clause 3.2.4.4, clause 15.1.2.2, clause 15.1.4.4, clause 2.3.2.2, and clause 2.3.4.4).
- 5.6 Transpower has requested one text change, being the insertion of the word “new” within the rule relating to overhead utility services (rule 3.2.1.4). This is requested to differentiate between existing utilities and proposed new utility services. I agree with this inclusion to provide clarity and can confirm that these rules are not intended to apply to existing situations but to new utility services.
- 5.7 Given that this submission is supportive of the Plan Change and that the one text amendment requested is reasonable, I recommend that the submission by Transpower be accepted. I note that the wording affected by this submission occurs three times in the proposed text and thus should be amended in all three locations (see **Appendix Five**).

Vicki Black

- 5.8 The submission from Vicki Black seeks that the Oak trees located at Tai Tapu School and Perymans Road riverbank be protected. These trees (identified as T33 and T80 respectively) were included in the Plan Change documentation as notified.
- 5.9 These trees have been evaluated by Mr Fielding-Cotterell and their evaluation scores (40 for the School trees and 42 for the riverbank trees) show them as having merit to be protected. The School trees are currently listed in the District Plan and the proposal is for this protection to be continued. The riverbank trees were nominated for inclusion in the District Plan by Ms Black.
- 5.10 Given that this submission is supportive of the inclusion of trees proposed to be listed in the District Plan, and those trees have merit to be included, I recommend that the submission from Vicki Black be accepted.

Rolleston Square Ltd

- 5.11 The submission from Rolleston Square Ltd simply requested that Plan Change 18 be accepted. No further explanation or reasoning was provided within the submission.
- 5.12 On the basis of the submission providing unconditional support for the Plan Change, I recommend that it be accepted in part (in so far as further modification to the Plan Change is recommended in relation to other submissions).

Paul Comrie

- 5.13 The submission received from Paul Comrie sought that “*the oak on the corner of Gerald St and West Belt (the tree near the Lincoln Community Centre) be put on the protected tree list (if it is not there already)*”. Mr Comrie considers that the tree has great heritage value and should be protected for future generations.
- 5.14 The tree is known as an English Oak (*Quercus robur*). It is located on the corner of Gerald Street and West Belt, a property known by some as the property formerly owned by Miss Bartle. The tree was included in the Plan Change schedule of protected trees as tree T79.

- 5.15 This submission attracted 11 further submissions in opposition. The main reason for this opposition is related to the potential library development on this site, which submitters consider could be affected by the retention of this tree on the site.
- 5.16 As is pointed out by the further submitters, there are a number of other Oak trees located adjacent to the Liffey Reserve and Leinster Terrace area. These trees all score more highly than tree T79 according to the evaluation system. For example, the Oak Trees in the Liffey Reserve all score 48 points.
- 5.17 Prior to the Plan Change being notified, the Council sought nominations from the public of trees that were thought to be worthy of protection (as outlined above). Foodstuffs South Island Ltd nominated this tree, together with providing an arboricultural report supporting the protection of the tree. **Appendix Three** contains a copy of this nomination and report.
- 5.18 As part of preparing for the Plan Change, Mr Fielding-Cotterell carried out an evaluation of the tree against the evaluation criteria proposed as part of the Plan Change. A copy of the evaluation form for this tree is also contained in **Appendix Three**. This evaluation showed that the tree scored a total of 32 points which is just sufficient to merit protection within the District Plan.
- 5.19 The Selwyn District Council has initiated a project to look at the redevelopment of this site as a community facility (library). I understand that this project is at an early stage of development with designs being drawn up and a working group having been established. However I understand that this has not yet progressed to any public consultation process. It would appear to me that with the project being at such an early stage, there should the tree be listed in the District Plan for protection, this could factor into the designs being developed.
- 5.20 In listing trees within the District Plan, the Council has generally pursued protection where it is agreed with the landowner. The Council has not wanted to cause undue pressure on landowners to retain trees that impact on the ability for the land to be utilised. In this case the pressure not to list a tree is coming from the community rather than the landowner, but has relevance due to the potential for the land to be used for a community facility. However, the further submissions in response to the listing of the tree seeking that the tree not be protected, do not necessarily reflect any potential community support for the retention of the tree on the site and its future protection (as is often the case when the community does not submit in support of a position put forward).
- 5.21 Mr Fielding-Cotterell has considered the submissions related to this tree and provided comments in relation to the health and quality of the tree (see **Appendix Four**). Overall, Mr Fielding-Cotterell considers that the Oak tree merits protection in the District Plan.
- 5.22 On one hand the tree has been nominated for inclusion in the District Plan, has been supported by one submission, and has been evaluated as meeting a threshold for protection. On the other hand, a group of local people oppose the protection of the tree.
- 5.23 On balance, I consider that while it would be a pity not to include the Oak Tree in the District Plan as it clearly passes the necessary threshold, there is some indication that the retention of the tree could impact on a project of benefit to the wider community. Should the further submitters provide sufficient information to justify this position at the hearing, I would recommend that the Oak tree not be listed within the District Plan. On that basis I would recommend that the submission be rejected (and associated further submissions be accepted).

Submissions seeking amendments

- 5.24 The 3 submissions seeking amendments were received from the NZ Transport Agency, Selwyn Council/M Coffey, and the Ministry of Education.

New Zealand Transport Agency

- 5.25 The submission from the NZ Transport Agency (NZTA) opposes the Plan Change in its current form due to the potential for the rules to affect the operation of the State Highway network. The NZTA submission notes approximately 14 trees within or adjoining the highway road reserve, with many of these well clear of the highway reserve such that they would not be affected by any highway improvements or maintenance. NZTA have identified 6 trees that adjoin or intrude into the road corridor, but in areas not subject to significant scheduled improvement. They indicate that work on these trees would only be required should a hazardous situation exist.
- 5.26 The NZTA submission has identified three key areas within the rules that they consider to be too restrictive (and note that these rules occur in a number of places in the various rule sections). These rules relate to works affecting the ground close to trees and the controlled activity process for works on hazardous trees.
- 5.27 The NZTA submission seeks
- That a working depth of 150mm is allowed rather than 75mm (Rules 3.2.1.4 (c), 15.1.1.4 (c), 2.3.1.4 (c)).
 - That a thrusting depth of 1.2m - 1.5m is allowed for (3.2.1.4 (e), 15.1.1.4 (e) and 2.3.1.4(e)).
 - An efficient consenting process for a controlled activity so that works can occur during an emergency (Rules 3.2.2.1, 15.1.2.1 and 2.3.2.1).
- 5.28 These amendments have been considered by Mr Fielding-Cotterell (see **Appendix Four**).
- 5.29 In relation to the working depth, Mr Fielding-Cotterell considers it appropriate to cater for the ongoing maintenance of swales (as specifically mentioned by NZTA) as well as stormwater retention/detention basins. However he does not consider it appropriate to increase the depth of permitted excavation generally, due to the potential impact this could have on tree health.
- 5.30 Mr Fielding-Cotterell has suggested an additional rule be added to cater for such maintenance activity. I agree with this approach and consider that it could be added to the existing rules for permitted activities. I consider the wording should be rearranged slightly from Mr Fielding-Cotterell's wording to better match the layout used in other rules, as follows:
- Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.*
- 5.31 In relation to the thrusting depth, Mr Fielding-Cotterell notes that “underground thrusting or drilling to install services under the root plates are the preferred methods of installing utilities under trees, as it can be carried out below the main root plate level where it will cause very little disturbance to roots

or soil conditions". In his opinion, an underground drilling or thrusting operation can be safely carried out in the specified root area of trees, especially if undertaken by experienced contractors.

- 5.32 Mr Fielding-Cotterell has suggested an additional rule be added to cater for such activity. I agree with this approach and again consider that it could be added to the existing rules for permitted activities. Again, I consider the wording should be rearranged slightly from Mr Fielding-Cotterell's wording to better match the layout used in other rules, and incorporated into rules 3.2.1.4, 15.1.1.4 and 2.3.1.4 as follows:

Underground drilling or thrusting operations within 10.0 metres distance of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, providing the installation depth is not less than 1.2 metres and the holes to accommodate the drilling/thrusting machines are outside the above distances.

- 5.33 In relation to emergency works, Mr Fielding-Cotterell notes that there is no rule in the protected tree provisions of District Plan to cater for emergency situations where immediate action is required to eliminate or abate a hazard threatening persons or property. Rule 2.3.2.1 (and similar rules) provides for situations where removal, remedial work or pruning can be carried out on a hazardous or dangerous tree without it being an emergency situation.
- 5.34 Mr Fielding-Cotterell considers that there is a need to distinguish between a potential or possible hazard (one that may occur in the future) as covered by the rule above, and an "actual" or "immediate" hazard (one that exists at the present time).
- 5.35 Mr Fielding-Cotterell has suggested an additional rule be added to cater for such situations. I agree with this approach and yet again consider that it could be added to the existing rules for permitted activities. Again, I consider the wording should be rearranged slightly from Mr Fielding-Cotterell's wording to better match the layout used in other rules, as follows:

*In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, and an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard, provided that within 5 working days of the action being taken, the Council is notified in writing of the action taken and provided with proof of the urgency.*

- 5.36 On the basis of the recommendations from Mr Fielding-Cotterell, as discussed above, I consider that the submission by NZTA should be accepted in part. I consider that the inclusion of rules as proposed by Mr Fielding-Cotterell will appropriately address the concerns raised by NZTA, whilst maintaining the protection sought for the identified trees.

Selwyn Council / M Coffey

- 5.37 The submission from Selwyn Council/M Coffey seeks the addition of two English Oak trees to the protected tree list in the District Plan. These two trees are located at 27 Cairnbrae Drive, Prebbleton and are within land subject to a current Plan Change process (Private Plan Change 2).
- 5.38 Mr Fielding-Cotterell has evaluated these trees (see **Appendix Four**) and has scored them 40 points on the evaluation system. He has also provided commentary on the reasoning behind his assessment and the value of the trees. Overall, Mr Fielding-Cotterell considers that both oak trees are most worthy of protection as Category B trees in the Selwyn District Plan.

- 5.39 Based on the evaluation undertaken, I consider the trees to merit protection in the District Plan, and on this basis I recommend that the submission by Selwyn Council/M Coffey be accepted. This would necessitate the inclusion of these trees on the list within the District Plan.

Ministry of Education

- 5.40 The submission from the Ministry of Education seeks that the trees on the Ladbrooks School site not be listed in the District Plan. The Plan Change as notified included two trees at Ladbrooks School. These are a Common Lime (T103) and an English Oak (T104). These two trees were included in the District Plan on the basis of a nomination from the “Nature Ninjas” environmental group based at Ladbrooks School.
- 5.41 The Ministry notes that they understand the School Board will take all reasonable steps to preserve the trees should any work near the trees be required, but they believe including the trees in the District Plan may unduly restrict the full use of the school site for educational purposes.
- 5.42 Both trees were evaluated by Mr Fielding-Cotterell who scored them against the evaluation system (see **Appendix Four**). Both trees gained a score of 40 points, which would indicate they would fit in Category B.
- 5.43 I consider that while these two trees gain a score which would merit their inclusion in the District Plan, there is some indication that the owner of the site is uncomfortable with such protection and that it could impact on the use of the site for its designated purpose. Should the submitter provide sufficient information to justify this position at the hearing, I would recommend that the trees not be listed within the District Plan. On that basis I would recommend that the submission be accepted.

PART 6: STATUTORY REVIEW

- 6.1 The Plan Change as notified provides a brief evaluation of the proposed change against some objectives and policies of the District Plan and the Canterbury Regional Policy Statement / Regional Plans. The following is an analysis against those documents as well as Part II and Section 32 of the Resource Management Act.

Evaluation against the Regional Policy Statement and Regional Plans

- 6.2 The Canterbury Regional Policy Statement 1998 (RPS) provides an overview of the resource management issues of the region and sets out how natural and physical resources are to be managed in an integrated way to promote sustainable management. A District Plan must give effect to any Regional Policy Statement.
- 6.3 The RPS does not specifically discuss the identification and protection of trees that are of significance to the District. However the section on Landscape, Ecology and Heritage (Section 8) discusses the need to avoid adverse effects on aspects of the environment including natural character, natural features, vegetation, historical and cultural heritage.

Objective 4

Protection or enhancement of the historical and cultural heritage sites, buildings, places and areas, including their cultural, recreational and amenity values, that contribute to Canterbury's distinctive character and sense of identity.¹

- 6.4 Significant trees contribute to both Canterbury generally and particularly within each district. The identification and protection of such significant trees is consistent with the general intent of the RPS to provide for such natural resources and recognize the role they play in the regional sense of identity.
- 6.5 The Canterbury Natural Resources Regional Plans (NRRP) deal with issues related to protection of air and water. Generally there is nothing about this Plan Change that would conflict with the intent of the Regional Plan.
- 6.6 The Transitional Canterbury Regional Plan (TRP) contains no objectives or policies relevant to this proposal.

Evaluation against the District Plan Objectives and Policies

- 6.7 The District Plan sets out the means by which the use, development and protection of the District's natural and physical resources will be managed.
- 6.8 The current District Plan does not contain any objective relating specifically to the identification or protection of significant trees, and only one policy is included in the Rural volume that is relevant:

Policy B3.3.8

Discourage the demolition or destruction of heritage sites or buildings listed in Appendix 3, or the removal of heritage trees as listed in Appendix 4, except where necessary to:

- Avoid danger to people or property; or
- Allow reasonable use of the site; and
- There are no appropriate options to retain the site, building, or tree.

- 6.9 Despite the lack of a policy framework, the approach of identification and protection is not new to the Plan and is generally covered within the heritage provisions. Whilst there is some connection, this is not explicit and does not well support the intention of the Council to provide for these trees.
- 6.10 Overall however, it is considered that the identification and protection of significant trees is consistent with the intent of the Plan to protect ecosystems and vegetation, protect items of heritage and cultural value, and protect the quality of the environment and amenity values. The addition of explicit objectives and policies for the protection of significant trees will better provide for their identification and protection.

¹ RPS, Landscape, Ecology and Heritage, Objective 4.

Conclusions in relation to the RPS and District Plan

- 6.11 Based on the analysis above, I conclude that the proposed Plan Change does generally conform to the intent of the RPS. I consider that the proposed Plan Change does meet the intent of the objectives and policies in the District Plan.
- 6.12 Accordingly, I am of the opinion that the Plan Change does not obstruct Council in fulfilling its duty under Section 31 of the Resource Management Act to establish and implement objectives, policies, and methods to achieve integrated management of the effects of use and development in Selwyn District.

Part 2

- 6.13 I have considered the Plan Change in the context of Part 2 of the Act.
- 6.14 In my opinion, there are no matters of National Importance (Section 6) that are directly applicable to this Plan Change, but clauses 6(c) and 6(f) have some relevance. These clauses state:

6(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna

6(f) The protection of historic heritage from inappropriate subdivision, use and development.

- 6.15 These clauses are relevant as significant trees may contribute to areas of indigenous vegetation or habitats e.g. arboretums, or may form part of a site having historic heritage significance. This connection does not apply in all cases for the identified trees but may have some relevance in some situations.

- 6.16 The following Other Matters from Section 7, of the Act are relevant to the Plan Change. Particular regard must be given to these matters:

(c) The maintenance and enhancement of amenity values

(f) Maintenance and enhancement of the quality of the environment

- 6.17 Section 7(c) seeks maintenance and enhancement of amenity values. Amenity values are described in the Resource Management Act as:

“those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes.”

- 6.18 I consider that the protection of trees of significance contributes to the maintenance and enhancement of amenity values within local communities. I note that the definition of amenity values refers to matters such as pleasantness, and aesthetic coherence. These are subjective terms and would be understood differently by different people. I consider that these significant trees have the potential to contribute to the pleasantness of neighbourhoods.

- 6.19 As with amenity values, the concept of maintaining and enhancing the quality of the environment is subjective. Again, I consider that the protection of significant trees provides for the maintenance and enhancement of the quality of the environment overall.

- 6.20 Part II, Section 5 of the Act is concerned with:

“managing the use, development and protection of natural and physical resources in a way, or 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.”*

6.21 The protection of significant trees provides the potential to assist the community in terms of its social and cultural wellbeing through the protection of trees that provide a link to the past. As natural resources, these trees contribute to the environment in which people live, as well as benefiting the overall environment through their connection to ecosystems. Overall I consider the protection of these trees to be generally supportive of the sustainable management purpose of the Act.

6.22 In my opinion, there are no Treaty of Waitangi matters (Section 8) that are directly applicable to this Plan Change.

Section 32

6.23 The evaluation required by Section 32 of the Act is ongoing through the process of considering a Plan Change, including at the time of development and notification and then again at the time of making a decision. The Plan Change documents provide a Section 32 analysis.

6.24 Section 32 (3) requires an evaluation of:

- (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
- (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*

Section 32 (4) requires also that the following be taken into account:

- (a) the benefits and costs of policies, rules, or other methods; and*
- (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.*

6.25 I believe that the proposed objectives are the most appropriate way to achieve the purpose of the Act as it relates to the protection of significant trees. I consider the policy and rule package to be appropriate in achieving the objectives of the Plan, along with being effective and efficient. I consider the inclusion of evaluation criteria and amended schedules as methods, to be an effective way of providing information to the users of the District Plan.

6.26 I am of the opinion that overall benefits of the Plan Change outweigh costs, and I consider that there is sufficient information about the trees proposed to be included in the District Plan to avoid undue risk. Overall I consider that the Plan Change meets the requirements of Section 32 of the Act.

PART 7: OTHER MATTERS

7.1 In reviewing the Plan Change, a couple of errors have been picked up which should be corrected. These include:

- The tree listed as T08 (previously tree T9) when evaluated was found to have die back and was noted as “protection not valid” on the evaluation form. However, the tree was inadvertently included in the Plan Change documentation. This tree should not be included in the protection list and should have been shown in the list of “Trees recommended for removal from the District Plan”.
- The spelling of Perymans Road (one r not two) is incorrect within the Plan Change. In particular this should be amended for the tree listed as T80.

PART 8: CONCLUSION

- 8.1 Following the consideration of submissions and further submissions, and subsequent evaluation outlined above, I conclude that in general the proposed Plan Change meets the intent of the objectives and policies of the RPS and Selwyn District Plan.
- 8.2 Subject to the matters outlined above, and the recommended changes contained in Appendix Five, I recommend that the Plan Change be approved.

APPENDIX ONE: STATUTORY CONSIDERATIONS

Section 74 states:

- (1) A territorial authority shall prepare and change its district plan in accordance with its functions under section 31, the provisions of Part 2, its duty under section 32, and any regulations.
- (2) In addition to the requirements of section 75(2), when preparing or changing a district plan, a territorial authority shall have regard to—
 - (a) Any—
 - (i) Proposed regional policy statement; or
 - (ii) Proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and]
 - (b) Any –
 - (i) Management plans and strategies prepared under other Acts; and
 - (ii) Repealed
 - (iii) Relevant entry in the Historic Places Register; and
 - (iv) Regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing), to the extent that their content has a bearing on resource management issues of the district; and
 - (c) The extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.
- (2A) A territorial authority, when preparing or changing a district plan, must –
 - (a) take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on resource management issues of the district; and
 - (b) recognise and provide for the management plan for a foreshore and seabed reserve adjoining its district, once the management plan has been lodged with the territorial authority, to the extent that its contents have a bearing on the resource management issues of the district.
- (3) In preparing or changing any district plan, a territorial authority must not have regard to trade competition.

Section 31 states:

- (1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:
 - (a) The establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:
 - (b) the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—
 - i) the avoidance or mitigation of natural hazards; and
 - ii) the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and
 - iii) the maintenance of indigenous biological diversity:
 - (c) Repealed
 - (d) The control of the emission of noise and the mitigation of the effects of noise:
 - (e) The control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:
 - (f) Any other functions specified in this Act
- (2) The methods used to carry out any functions under subsection (1) may include the control of subdivision.

Section 5(1) states that the purpose of the Act is to promote the sustainable management of natural and physical resources.

“Natural and physical resources” are defined in Section 2 of the Act as including “land, water, air, soil, minerals, and energy, all forms of plants and animals (whether native to New Zealand or introduced), and all structures.”

Under Section 5(2) “sustainable management” is interpreted to mean:

... managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well being 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.

Section 6 Matters of National Importance identifies the following matters of national importance in achieving the purpose of the Act:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
- b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
- c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
- d) The maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
- e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
- f) the protection of historic heritage from inappropriate subdivision, use, and development.
- g) the protection of recognised customary activities.

Section 7 Other Matters identifies the following items that shall be had particular regard to in achieving the purpose of the Act:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga;
- (aa) The ethic of stewardship
- (b) The efficient use and development of natural and physical resources
- (ba) the efficiency of the end use of energy
- (c) The maintenance and enhancement of amenity values
- (d) Intrinsic values of ecosystems
- (e) Repealed
- (f) Maintenance and enhancement of the quality of the environment
- (g) Any finite characteristics of natural and physical resources:
- (h) The protection of the habitat of trout and salmon
- (i) the effects of climate change
- (j) the benefits to be derived from the use and development of renewable energy.

Section 8 Treaty of Waitangi states:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Section 32 states:

- (1) In achieving the purpose of this Act, before a proposed plan, proposed policy statement, change, or variation is publicly notified, a national policy statement or New Zealand coastal policy statement is notified under section 48, or a regulation is made, an evaluation must be carried out by—
 - (a) the Minister, for a national policy statement or regulations made under section 43; or
 - (b) the Minister of Conservation, for the New Zealand coastal policy statement; or
 - (c) the local authority, for a policy statement or a plan (except for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of Schedule 1); or
 - (d) the person who made the request, for plan changes that have been requested and the request accepted under clause 25(2)(b) of Part 2 of the Schedule 1.
- (2) A further evaluation must also be made by—
 - (a) a local authority before making a decision under clause 10 or clause 29(4) of the Schedule 1; and
 - (b) the relevant Minister before issuing a national policy statement or New Zealand coastal policy statement.
- (3) An evaluation must examine—
 - (a) the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and
 - (b) whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.
- (4) For the purposes of this examination, an evaluation must take into account –
 - (a) the benefits and costs of policies, rules, or other methods; and
 - (b) the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules, or other methods.
- (5) The person required to carry out an evaluation under subsection (1) must prepare a report summarising the evaluation and giving reasons for that evaluation.
- (6) The report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made.

Clause 10 of the First Schedule to the RMA, states:

10. Decision of local authority

- (1) Subject to clause 9, whether or not a hearing is held on a proposed policy statement or plan, the local authority shall give its decisions, which shall include the reasons for accepting or rejecting any submissions (grouped by subject-matter or individually).
- (2) The decisions of the local authority may include any consequential alterations arising out of submissions and any other relevant matters it considered relating to matters raised in submissions.
- (3) If a local authority publicly notifies a proposed policy statement or plan under clause 5, it must, not later than 2 years after giving that notice, make its decisions under subclause (1) and publicly notify that fact.
- (4) On and from the date of the public notice given under subclause (3), the proposed plan is amended in accordance with the decisions of the local authority given under subclause (1).

APPENDIX TWO: SUMMARY OF SUBMISSIONS RECEIVED

Submitter	Further Submitter	Request	Decisions Sought	Recommendation
NZ Transport Agency		Amend	That a working depth of 150mm is allowed rather than 75mm. (Rules 3.2.1.4 (c), 15.1.1.4 (c), 2.3.1.4 (c)).	Accept in part
		Amend	That a thrusting depth of 1.2m - 1.5m is allowed for (3,2.1.4(e), 15.1.1.4 (e) and 2.3.1.4).	Accept in part
		Amend	An efficient consenting process for a controlled activity so that works can occur during an emergency. (Rules 3.2.2.1, 15.1.2.1 and 2.3.2.1).	Accept in part
Helen Victoria (Vicki) Black		Support	Protect the Oak trees at Tai Tapu School and Perymans Road riverbank.	Accept
Transpower		Support	Retain without modification Policy B3.3.14.	Accept
		Support	Retain without further modification the following explanation: <i>Policy B3.3.13 establishes a system to protect those trees that have been identified as having and activities close to the trees do not affect their health or the values for which they have significance. These trees would be subject to rules within the Plan to ensure that development been identified. Associated Policy B3.3.14 provides for some situations where urgent works may be necessary for public safety or essential services (including roading networks, power and telecommunications networks and infrastructure services such as water supply and wastewater disposal). This too will be incorporated into the rules.</i>	Accept

Submitter	Further Submitter	Request	Decisions Sought	Recommendation
		Amend	<p>Retain without further modification Rule 3.2.1.4 except for the following modification (underlined) in order to ensure that the provision does not inadvertently constrain maintenance and upgrading activities:</p> <p><i>3.2.1.4 The use of the land immediately around the protected tree, within the distances defined below is permitted, provided that the health of the tree is not adversely affected and that:</i></p> <p><i>Above ground level</i></p> <p><i>a) there is no installation of any <u>new</u> overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.</i></p>	Accept
		Support	<p>Retain without further modification the following controlled activity in Section 3.2 Protected Trees:</p> <p><i>3.2.2.2 Pruning of any tree listed as a Category B tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i></p>	Accept
		Support	<p>Retain without further modification the following restricted discretionary activity in Section 3.2 Protected Trees:</p> <p><i>3.2.4.4 Pruning of any tree listed as a Category A tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i></p>	Accept

Submitter	Further Submitter	Request	Decisions Sought	Recommendation
		Support	Retain without further modification the following controlled activity in Section 15.1: <i>15.1.2.2 Pruning of any tree listed as a Category B tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i>	Accept
		Support	Retain without further modification the following restricted discretionary activity in Section 15.1: <i>15.1.4.4 Pruning of any tree listed as a Category A tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i>	Accept
		Support	Retain without further modification the following controlled activity in Section 2.3 Protected Trees: <i>2.3.2.2 Pruning of any tree listed as a Category B tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i>	Accept

Submitter	Further Submitter	Request	Decisions Sought	Recommendation
		Support	Retain without further modification the following restricted discretionary activity in Section 2.3 Protected Trees: <i>2.3.4.4 Pruning of any tree listed as a Category A tree in Appendix 4, by a Network Utility Operator where the tree or parts of the tree encroach within the regulatory line clearance distances defined in the Electricity (Hazards from Trees) Regulations 2003 or are subject to the Telecommunications Act 2001; provided that the work is carried out by qualified/competent arborists to approved arboricultural industry standards.</i>	Accept
Selwyn Council & M Coffey		Amend	That the English Oak / Quercus robur trees established in the grounds of the homestead at 27 Cairnbrae Drive, Prebbleton and identified in the attachments to the submission be considered for inclusion in the Protected Tree list of the Selwyn District Plan.	Accept
Rolleston Square Ltd		Support	That Plan Change 18 be accepted.	Accept in part
Paul James Comrie		Support	That the oak on the corner of Gerald St and West Belt (the tree near the Lincoln Community Centre) be put on the protected tree list (if it is not there already).	Reject (depending on evidence provided at the hearing)
	Clinton Murie Allan and Margaret Laura Allan	Oppose		Accept (depending on evidence provided at the hearing)
	Neil John Kells Brailsford	Oppose		Accept (depending on evidence provided at the hearing)

Submitter	Further Submitter	Request	Decisions Sought	Recommendation
				hearing)
	<i>Thomas Seymour Cholmondeley</i>	<i>Oppose</i>		Accept (depending on evidence provided at the hearing)
	<i>Frances Winifred Conolly</i>	<i>Oppose</i>		Accept (depending on evidence provided at the hearing)
	<i>Clara Faith Fleming</i>	<i>Oppose</i>		Accept (depending on evidence provided at the hearing)
	<i>Lincoln Business Association</i>	<i>Oppose</i>		Accept (depending on evidence provided at the hearing)
	<i>Lincoln Community Committee</i>	<i>Oppose</i>		Accept (depending on evidence provided at the hearing)
	<i>Lincoln Envirotown Trust</i>	<i>Oppose</i>		Accept (depending on evidence provided at the

Submitter	Further Submitter	Request	Decisions Sought	Recommendation
				hearing)
	<i>Ralph Ernest Scott</i>	<i>Oppose</i>		Accept (depending on evidence provided at the hearing)
	<i>Laurence Charles Wright</i>	<i>Oppose</i>		Accept (depending on evidence provided at the hearing)
	<i>Frederic James Conolly</i>	<i>Oppose</i>		Accept (depending on evidence provided at the hearing)
Ministry of Education		Amend	To remove T103 and T104 as heritage trees on the Ladbrooks School site.	Accept (depending on evidence provided at the hearing)

APPENDIX THREE: INFORMATION ON LINCOLN OAK TREE



Selwyn District Council - District Plan

Heritage Tree Criteria/Evaluation System

T79

Tree No. 747

Location: Community Centre Site,
Lincoln

Legal Description:

P4 RS 2724

Species: *Quercus robur* –
English Oak

Area/Zone: B1

Map No.: 14, 113

Factors	Points: 0	2	4	8	16	32
Heritage/historic				Local area/community significance or planted by well known local identities or organisations	Early settler plantings or trees intrinsically associated with historic/heritage buildings or places or important historical events.	Trees commemorating important regional or national historic events or planted by historic identities.
Scientific/ botanical	No special scientific or botanical value or classified as noxious or surveillance plant or unwanted wilding exotic tree species.	Few good specimens of particular species in particular township or local community	Rare throughout Selwyn District.	Rare in Canterbury region or significant tree group or ecological association or important seed or propagating material source..	Rare throughout New Zealand OR arboretum OR tree collection.	Only known specimen in New Zealand or last remnant of native trees or bush.
Importance of position in landscape	Totally obscured by trees, structures or not seen from a public place.	Small tree or tree more than 50% obscured by other trees, objects or landscape.	Roadside or park tree or tree/s in well frequented public place or private property.	Fine avenue or street plantings or tree/s growing in areas where other large trees are scarce.	Principal feature of important public place or landscape design. Well known district landmark or provides "gateway" effect to township or local community.	Landmark of national importance OR Tree/s are a vital component of a definitive landscape design.
Cultural, ethnical, social, or spiritual values or to commemorate a great personal sacrifice by an individual for mankind.	No special cultural, social, ethnical or spiritual values.	Planted by unknown cultural etc. person/s to commemorate minor cultural etc. event.	Planted by well known cultural etc. person/organisation or event of local importance.	Tree well known throughout district to be of cultural etc significance. Tree represented as emblem or symbol.	Tree well known throughout Canterbury region to be of cultural etc significance.	Tree well known nationally to be of cultural etc significance.

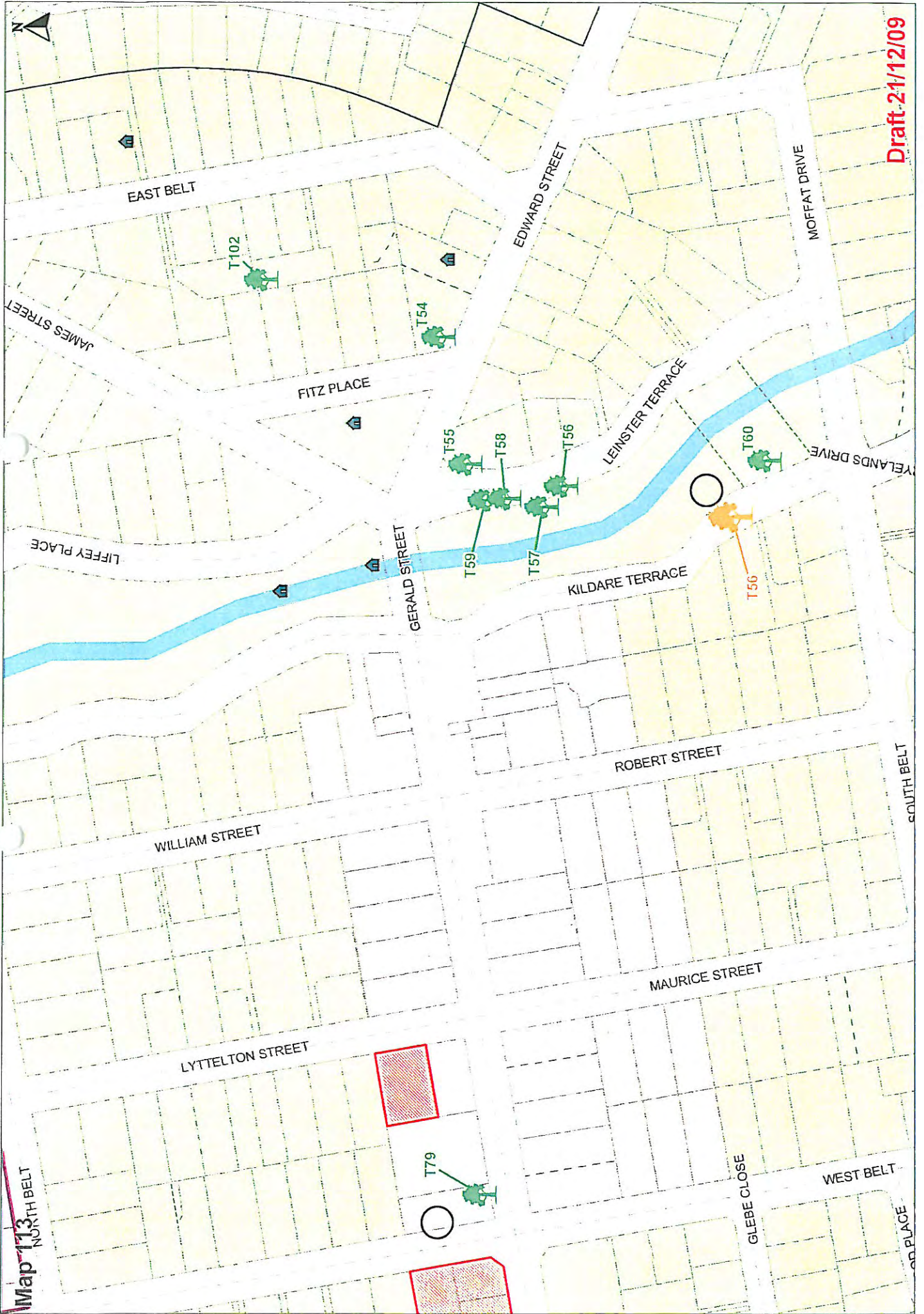
Size (Crown diameter x total height) or exceptional trunk diameter.	Very small – less than 10m ² .	Small – 10m ² to 50m ² .	Medium - 50m ² to 150m ² .	Large – 150m ² to 250m ² or largest tree in locality.	Very large 250m ² or more. Very large specimen or trunk diameter exceptionally large for particular species or grove of trees.	Largest or one of largest of particular species in New Zealand.
Age	Recent planting.	5 – 50 years.	50 – 100 years.	100 – 150 years.	150 years plus.	Oldest on record in New Zealand.
Form and condition	Dying, dead, diseased, unbalanced, bad structural defects or dangerous and cannot be rectified – protection not valid.	Poor condition or form, stable condition, no bad defects. Any hazardous and other conditions can be rectified.	Fair – reasonable form, stable condition, no bad defects.	Good form, healthy condition, making good growth or interesting character.	Exceptionally good, outstanding specimen for district and region.	One of best examples of species in New Zealand.
Suitability in relation to setting or site conditions	Totally obscures or is causing significant damage to heritage objects, buildings or any essential structure or utility. Protection not valid except for any tree that qualifies for protection under the 16 and 32 point columns.	Partially obscures a heritage object or is causing slight damage to: important structures, dwellings or commercial premises that can be rectified.	Tree not obscuring or injuriously affecting any buildings, objects, structures, services or utilities. No significant negative values.	Good juxtaposition and harmony with important buildings, objects, structures and essential services or utilities.	Tree species and position specifically chosen and designed to enhance whole site or neighbourhood.	Classic and nationally recognised example of excellent landscape design with trees.
Functional value e.g. soil stabilization, noise amelioration, shelter, screening, pollution control shade tree etc.	No functional value.	25% effective, state function:	50 % effective, state function:	75% effective, state function:	100% effective, state function:	Of vital public interest that function be maintained. State function:

Tree Measurements

Height (m):	Mean Crown Diameter (m):	Diameter breast height (mm):	Total Tree Score:
13.0	17.0	640	32

Inspected by: Walter Fielding-Cotterell

Date inspected: 12/06/2009



✓ ⑦

090211009

T79



SCANNED

10 February 2009

Ms Emma Bishop
Selwyn District Council
PO Box 90
ROLLESTON



Dear Emma,

NOMINATION FOR TWO POTENTIAL PROTECTED HERITAGE TREES

Please find attached arboricultural reports for two trees located within the Selwyn District Council service centre and community centre grounds, Gerald Street, Lincoln.

We believe these trees are worthy of protection within the District Plan and therefore seek their inclusion in the forthcoming rounds of plan changes.

Yours faithfully

Rebecca Parish
PROPERTY DEVELOPMENT MANAGER



Rebecca Parish
Property Development
Manager

167 Main North Road
Private Bag 4705
Christchurch
D: 03 353 8915, P: 03 353 8700
F: 03 353 8190, M: 021 713 273
E: rebecca.parish@foodstuffs-si.co.nz
www.foodstuffs.co.nz

167 Main North Road
Private Bag 4705, Christchurch
Ph: 353 8700, F: 353 8190
www.foodstuffs.co.nz

Community Centre Site,
Gerald Street, Lincoln.
Tree Assessment.



For: Foodstuffs South Island Ltd
Date: June 2008

Client Address:	Foodstuffs South Island Ltd 167 Main North Road Private Bag 4705 Christchurch New Zealand
Site Address:	Community Centre Site Gerald Street, Lincoln
Attention:	Rebecca Parish, Property Development Manager
Dated:	June 2008
Prepared by:	Arboricultural Consultancy NZ Ltd PO Box 35 308 Christchurch
Arborist:	I. MacKinnon. Dip Arb: Dip For
Cell phone:	021 223 4403
Status	First Draft
Our Ref:	mackinnon/ARCONZ/180608/0608

Contents

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3.0	Observations	6
4.0	Conclusion	6
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6.0	Appendix.....	7

1.0 Introduction

This report has been commissioned by Rebecca Parish, Property Development Manager, Foodstuffs South Island Ltd.

The purpose of this report is to provide an assessment of the amenity value of one Oak *Quercus robur* on the Community Centre Site, Gerald Street, Lincoln.

The inspection and photographs were taken on the 18th June 2008. The weather was sunny and mild with a light breeze.

1.1 The Site Situation

The tree is located on the north side of Gerald Street on the junction of Gerald Street and Westbelt. It is in an open grassy area next to the Community Centre building and opposite the Challenge Garage. This is a single mature tree on an empty section.

2.0 Scope of Work

Assess the Oak within the Community Centre site:

- Undertake brief preliminary visual tree assessment
- Undertake STEM assessment
- Assess the tree using the Christchurch City Council methodology "Evaluation system for significant trees on subdivisions"
- Comment on the trees suitability for retention on site

2.1 Inspection Method

A visual tree assessment (VTA) is undertaken from ground level. No samples were taken or tests undertaken. A VTA is undertaken by observing the tree as a whole from a distance and then making a detailed assessment of various parts of the tree. This involves a 360-degree inspection of the tree noting any significant defects on a check sheet and making a photographic record as required. A brief check of the immediate area surrounding the tree is also made, taking into account non-tree details e.g. soil, drainage, buildings. A report on each individual tree or group of trees (as agreed prior to inspection) is produced as a result of the inspection.

The maintenance figure of \$32.50 per year is generally accepted within the industry.

The figure of \$150.00 for site preparation, transport and planting is an industry accepted figure.

2.2 *STEM Working Method.*

After a visual inspection, a score sheet is completed and the values calculated based on these observations.

The STEM system is based on 3 main criteria:

1. Condition (health)
2. Amenity (community benefit)
3. Notability (distinction)

Points are awarded for each section and then this score is applied to a replacement tree value to produce the final tree value. All costs applied in this situation are based on standard Local Authority discount rates plus GST.

Within the STEM system there is a section which allows the addition of a normal retail margin of 100%. This margin has not been included in this instance as it is not considered appropriate.

2.3 *Evaluation system for significant trees on subdivisions*

After a visual inspection, a score sheet is completed and the values calculated based on these observations. Each category can score 0, 2, 4, 8, 16, or 32 points. A minimum score of 18 is required for protection.

1. This system is based on nine categories:
2. Historic
3. Scientific, Botanical
4. Importance of position in the landscape
5. Cultural Social Spiritual
6. Size or exceptional trunk diameter
7. Age
8. Form, condition
9. Suitability in relation to setting

10. Functional value

3.0 Observations

As can be seen from the photograph on the STEM evaluation sheet this is a large well formed Oak on a bare site.

The tree shows good form and vigour with no significant defects apparent at the time of inspection. However, there are two broken branches and a small quantity of dead wood in the crown and the crown is slightly low hanging. These are minor defects which could be remedied very simply.

I believe that this Oak has historical and special significance to the township, as it was planted at the same time as one of the tree plantings in the Liffey Reserve, therefore providing a connection between the stream, Liffey Reserve and the heart of the township. To recognise this connection I have awarded the tree three points in the Notable category on the STEM check sheet and eight points for local area significance on the Christchurch “significant trees” check sheet.

4.0 Conclusion

4.1 Points value

The value for this tree has been calculated and is presented below:

Oak 1:

STEM	\$19,985.63
------	-------------

Evaluation system for significant trees on subdivisions	54 points.
---	------------

4.2 Additional justification for retention

I believe that that this tree is worth protecting for the following reasons:

- Its size and overall condition plus its suitability for the site
- It has a safe useful life expectancy of greater than 50 years
- It is visually prominent within the town and is close to the main street through the town
- There is an identifiable historic connection with the town

5.0 Recommendations

- The tree should be retained and awarded some protection under the District Plan
- Crown clean and crown lift the tree

6.0 Appendix

STEM check sheet	Page 8
Evaluation system for significant trees on subdivision check sheet	Page 9

PLEASE NOTE: Arbicultural Consultancy NZ Ltd has taken every effort to ensure that all statements in this report are accurate and correct at the time of inspection. However, trees are a natural, dynamic living entity and as such, it is not possible to fully guarantee tree stability, growth characteristics etc. This report is supplied as guide to the management of the tree detailed only. All inspections have taken place from ground level and no samples have been taken. This is a report only and not a specification of work. All dimensions have been estimated.

STEM Assessment - Community Centre Site, Gerald Street, Lincoln.

Date: 18 June 2008

Tree Ref Number: 1

Common Name:

English Oak

Species:

Quercus robur

Location:

Gerald Street Community Centre site

Additional Comments:

Tree number 1 is located in the south east corner of the site close to the Community Centre and Gerald Street.



Condition

Comment

Points

Form

Good

15

Occurrence

Common

9

Vigour vitality

Good

15

Function

Minor

3

Age

40+

15

Condition total

57

Amenity

Stature

18 m crown

15

Visibility

0.5 Kms

3

Proximity

Solitary

27

Role

Important

15

Climate

Minor

3

Amenity total

63

Notability

Stature feature

Stature form

Historic

Age

Association

local

3

Commemoration

Remnant

Relict

Scientific source

Scientific rarity

Scientific endangered

Notability total

3

Total points

123

Original tree age

55

New tree age

5

Age difference

50

Tree cost

\$130.00

Points

123

Unit tree cost

\$15,990.00

Site prep

0

Transport

0

Planting

150

Planting unit cost

\$150.00

Maintenance per yr

32.5

Age difference

50

Maintenance cost

\$1,625.00

Sub total

\$17,765.00

gst

\$2,220.63

Total

\$19,985.63

Oak, Gerald Road Lincoln

mackinnon/ARCONZ/180608/0608

Address: Community Centre Site – Gerald Street, Lincoln.

Legal Description: N/A

Botanical Name: Quercus robur

Common Name: English Oak

Current Owner Selwyn DC

Tree Evaluation:

<u>Factors:</u>	<u>Points</u>	<u>Factors:</u>	<u>Points</u>
Historic value	<u>8</u>	(Crown diameter x height) Size	<u>16</u>
Scientific/ Botanical	<u>0</u>	Age	<u>4</u>
		Form/condition	<u>8</u>
Position in landscape	<u>8</u>	Suitability in setting	<u>8</u>
Cultural/Social/ Spiritual/recreational	<u>2</u>	Functional value (Soil stabilization, screening etc)	<u>0</u>
Class of protection:	<u>N/A</u>	Total:	<u>54</u>

Tree detail and position on site:

Ward Tree is number 1 on site

 Actual size of tree

Height 16 metres D.B.H. at 1.4 metres 63

Diameter of crown spread 18 metres

Measured distance metres from boundary

Measured distance metres from boundary

Date of original inspection: 18 June 2008

Date re-inspected:

APPENDIX FOUR: ARBORICULTURE REPORT, WALTER FIELDING-COTTERELL

PLAN CHANGE 18 – PROTECTED TREES

Report by Walter Fielding-Cotterell

INTRODUCTION

1. My name is Walter Fielding-Cotterell. Until my (semi) retirement in January 2006 I was employed as City Arborist for Christchurch City Council, a position I held for 31 years. Since then, I have been engaged as an arborist on a casual basis for Selwyn District Council, together with working in a private consultant capacity for commercial businesses, landscape architects and private members of the public. I have spent my whole working career (55 years) engaged in forestry, urban forestry, and tree surgery/arboriculture.
2. My qualifications are: Royal Forestry Society, Woodmans Certificate (U.K.) and City and Guilds London, Foremans Certificate in Tree Surgery (U.K.). I maintain currency with my profession through my membership with the International Society of Arboriculture and the New Zealand Arboricultural Association. I received the New Zealand Arboricultural Association's Ronald Flook award in 2002 for my contribution to the field of arboriculture, and have also been granted a life membership of the Association.
3. From the beginning of my employment with Christchurch City Council in 1974, through to my current employment with Selwyn District Council, part of my duties have involved the implementation and provision of professional arboricultural advice on tree protection under the Christchurch City Council City Plan and more recently the Selwyn District Plan. These duties have also included the surveying and evaluation of trees listed as protected trees in the District Plan.
4. The Heritage Criteria/Evaluation (matrix) System which I modified for inclusion in Change 18 of the SDC District Plan, I originally devised for inclusion in the Christchurch City Plan as notified in 1995.
5. This Report has been commissioned by the Selwyn District Council (SDC) in accordance with Section 42A of the Resource Management Act (RMA), to consider Plan Change 18 – Protected Trees. The purpose of this report is to consider those parts of the submissions received that relate to arboriculture matters. In this report I provide comments on the submissions and further submissions received, assess the trees that have been requested for inclusion or deletion, and provide general information on protection of trees.

SUBMISSIONS RECEIVED

6. A total of 7 submissions were received on this Plan Change, and 11 further submissions were also received. Within these submissions the issues I have provided comment on relate to:
 - The proposed listing of the English Oak at Gerald Street, Lincoln
 - The proposed listing of two English Oak trees established in the grounds of the homestead at 27 Cairnbrae Drive, Prebbleton

- The proposed listing of English Oak trees at Tai Tapu School and Perymans Road riverbank
- The request to remove T103 and T104 as heritage trees on the Ladbrooks School site
- The concerns raised in the submission by NZTA

ANALYSIS OF SUBMISSIONS

English Oak: Gerald Street, Lincoln

7. The English Oak tree located on the corner of Gerald Street and West Belt in Lincoln is included in the protected tree list as tree T79. This tree was included in the plan change as notified, based on a nomination by Foodstuffs.
8. Prior to the plan change being notified, I carried out an evaluation of this tree using the Heritage Tree Criteria/Evaluation System included in Appendix 1 of the District Plan. The results of that evaluation were:

Evaluation System Factor Assessment	Points Scored
Heritage/historic	0
Scientific/botanical	0
Importance of position in landscape:	8
Cultural, ethnical, social, spiritual, or commemorative etc. value	0
Size (Crown diameter x height) or exceptional trunk diameter)	8
Age	4
Form and condition	8
Suitability in relation to setting or site conditions	4
Functional value	0
Heritage Tree Status: Category: B	Total 32 points

Note: Trees that score points ranging between 30 and 59 points are classified as Category B Heritage trees. Trees that score points of 60 or more are classified as category “A” trees and could potentially be worthy of a Heritage Protection Order under the Section 189 of the Resource Management Act.

9. In relation to the criteria “Importance of position in landscape”, the tree scored as a “tree/s growing in areas where other trees are scarce” – as the photograph of the tree and its surroundings shows, there are no trees of the stature of the oak in the locality, the landscape is largely dominated by commercial premises, public buildings and overhead utility lines.
10. In relation to the criteria “Size”, the size of the tree, assessed in this case by measuring its height (13.0 metres) and multiplying this by the mean diameter of the crown (17.0 metres) giving an overall (area related) size of 221 square metres. This places the tree in the “large” – 150 to 250 square metre category.

11. In relation to the criteria "Age", the age of the oak is estimated as being about eighty years which places it in the fifty to one hundred years category. This scores 4 points in the tree evaluation system.
12. In relation to the criteria "Form and condition", the methodology used to evaluate the health and condition of the oak is the Visual Tree Assessment (V.T.A.) method which is carried out from ground level examining the tree for crown form, signs of disease and insect pathogens, structural defects in the crown, trunk and roots, mechanical and/or animal damage and declining vigour generally.
13. The assessment of the health and condition of the tree was carried out in summer when it was in full leaf. The assessment found the oak to be of "good form, healthy condition, and making good growth", a category that scores 8 points.
14. In relation to the criteria "Suitability in relation to setting or site conditions", the evaluation of the oak found that the "tree is not obscuring or injuriously affecting any buildings, objects, structures, services or utilities". It also has "no significant negative values". In this category the tree scored 4 points.
15. Overall, when assessed against the heritage tree criteria evaluation system, the oak with a score of 32 points exceeds the minimum score of 30 points required for inclusion in the District Plan protected tree list.
16. A submission was received from Paul Comrie supporting the inclusion of the Oak tree within the protected tree list. 11 further submissions were received² opposing Mr Comrie's submission.
17. Many of the further submitters are concerned about the potential that the Oak may affect development of the site. I understand that development proposals for the site are still at an initial concept stage and may be subject to design changes that could satisfactorily accommodate the oak yet still provide an adequate public green-space area, with public seating.
18. As long as the area around the tree remains in grass or some form of soft landscaping such as a shrub garden, any debris deposited by the tree will not cause problems to pedestrians. As the oak is still relatively young with no large dead branches or limbs with high stress loadings and poor fork attachments, the hazard rating of the tree is considered to be low.
19. There are no other trees of the stature and quality of this oak in the immediate area. The other oaks in Liffey domain are over three hundred metres away. There are also no other trees of the scale of the oak in the area where the landscape is otherwise dominated by commercial and public buildings and overhead services. The oak is situated close to Gerald Street, it is in a position where it can easily be seen and appreciated by passers by. The landscape of Gerald Street is otherwise dominated by public and commercial buildings and overhead utility lines.
20. In my opinion, the oak is a fine, healthy specimen and makes a significant contribution to the amenity values of the site and the surroundings. It is still a

² Further submissions were received from Clinton Murie Allan and Margaret Laura Allan, Neil John Kells Brailsford, Thomas Seymour Cholmondeley, Frances Winifred Conolly, Clara Faith Fleming, Lincoln Business Association, Lincoln Community Committee, Lincoln Envirotown Trust, Ralph Ernest Scott, Laurence Charles Wright, and Frederic James Conolly.

relatively young tree compared with the usual useful life expectancy of the species of 150 to 250 years. Provided conditions on the site do not change significantly, it will continue to provide an attractive arboreal feature for many more years to come.

21. The oak was evaluated by assessing its attributes against the District Plan's Heritage Tree Criteria/Evaluation System. As can be seen from the scores given above, the oak has sufficient attributes for it to qualify for protection in the District Plan. I consider the Oak tree merits protection in the District Plan.

English Oaks: Cairnbrae Drive, Prebbleton

22. Selwyn District Council and M Coffey have lodged a submission that seeks that the two English oak (*Quercus robur*) trees established in the grounds of the homestead at 27 Cairnbrae Drive, Prebbleton be considered for inclusion in the protected tree list of the Selwyn District Plan.
23. I evaluated the two oak trees at 10.00 a.m. on 23 July 2010. Mr Coffey, the owner of the trees, was present at the time of my visit
24. I have carried out an evaluation of these two trees using the Heritage Tree Criteria/Evaluation System included in Appendix 1 of the District Plan. The results of that evaluation are:

Evaluation System Factor Assessment	Points Scored
Heritage/historic	0
Scientific/botanical	0
Importance of position in landscape:	4
Cultural, ethnical, social, spiritual, or commemorative etc. value	0
Size (Crown diameter x height) or exceptional trunk diameter)	16
Age	8
Form and condition	8
Suitability in relation to setting or site conditions	4
Functional value	0
Heritage Tree Status: Category B	Total 40 points

Note: Trees that score points ranging between 30 and 59 points are classified as Category B Heritage trees. Trees that score points of 60 or more are classified as category "A" trees and could potentially be worthy of a Heritage Protection Order under the Section 189 of the Resource Management Act.

25. In relation to the criteria "Importance of position in landscape", the trees have been defined as a "roadside or park tree" against this factor which gives the oaks a score of 4 points. This is because a road is proposed to be constructed near the tree as part of a subdivision development. However, they could also have been given a score of 8 points against this factor as a "tree growing in areas where other large trees are scarce".

26. In relation to the criteria "Size", both of the Oak trees are placed in the "very large" – 250 square metres or more category. One of the trees has an overall (area related) size of 352 square metres, while the other has an overall (area related) size of 448.5 square metres
27. In relation to the criteria "Age", the age of the oaks is estimated as being about one hundred and forty years which places it in the one hundred to one hundred and fifty years category. This scores 8 points in the tree evaluation system.
28. In relation to the criteria "Form and condition", the methodology used to evaluate the health and condition of the oaks is the Visual Tree Assessment (V.T.A.) method which is carried out from ground level examining the trees for crown form, signs of disease and insect pathogens, structural defects in the crown, trunk and roots, mechanical and/or animal damage and declining vigour generally.
29. The assessment of the health and condition of the trees was carried out in winter when they were not in leaf. The assessment found the oaks to be of "good form, healthy condition, and making good growth", a category that scores 8 points.
30. In relation to the criteria "Suitability in relation to setting or site conditions", the evaluation of the oaks found that the "trees were not obscuring or injuriously affecting any buildings, objects, structures, services or utilities". They also have "no significant negative values". In this category the trees scored 4 points.
31. Overall, when assessed against the heritage tree criteria evaluation system, the oaks score 40 points exceeds the minimum score of 30 points required for inclusion in the District Plan protected tree list. Due to the sheer stature of both trees, they make a major contribution not only to the landscape and general amenity values of the site where they situated, but the enjoyment of the residents of the area as a whole.
32. I consider that both oak trees are most worthy of protection as Category B trees in the Selwyn District Plan.

Oak trees: Tai Tapu School and Perymans Road riverbank

33. The plan change as notified included the English Oak trees located at Tai Tapu School (T33) and on the river bank adjacent to Perymans Road (T80). The trees at Tai Tapu School were previously listed in the District Plan. The trees on the river bank adjacent to Perymans Road were included on the basis of a nomination from Vicki Black. A submission was received from Ms Black supporting the inclusion of these trees in the District Plan.
34. I carried out an evaluation of these trees on 16 April 2009. These trees, which numbered twenty-one in all, were evaluated as a complete grove. They scored a total of 42 points placing them in the "B" heritage category.
35. The grove of oaks are said to have been planted by well known Canterbury identity, Sir Heaton Rhodes who obtained the seed from oaks in Sherwood Forest, England. In addition to their general amenity values to the community, the trees are also of historical interest and therefore merit being protected under the District Plan.

Common Lime and English Oak: Ladbrooks School

36. The plan change as notified included two trees at Ladbrooks School. These are a Common Lime (T103) and an English Oak (T104). These two trees were included in the District Plan on the basis of a nomination from the “Nature Ninjas” environmental group based at Ladbrooks School.
37. A submission was received from the Ministry of Education opposing the inclusion of these trees in the District Plan. The reasons for opposing the protection of the trees were given as:
- The trees’ location in relation to the school’s (utility) services.
 - The trees may unduly restrict the full use of the school site for educational purposes.
38. I carried out an evaluation on these trees on 16 September 2009. Both the English oak and the common lime scored a total of 40 points placing them in “B” heritage tree category.
39. These are old trees that must have co-existed reasonably well with the school’s utility services for many years for them to have been retained. The lime is situated near the Barnes Road boundary of the school and the oak near the eastern boundary with private property, well clear of the school buildings. In my opinion, the positions of both trees on the site are not such that which would “unduly restrict the full use of the site for educational purposes”.
40. Both the oak and the lime are fine specimens and in my opinion merit protection as heritage trees in the District Plan.

New Zealand Transport Agency

41. The submission from NZTA seeks changes to three specific clauses:
- That a working depth of 150 mm is allowed rather than 75 mm (Rules 3.2.1.4(c), 15.1.1.4(c), and 2.3.1.4(c)).
 - That a thrusting depth of 1.2 m - 1.5m is allowed for (3.2.1.4 (e), 15.1.1.4(e), and 2.3.1.4(e)).
 - An efficient consenting process for a controlled activity so that works can occur during an emergency (Rules 3.2.2.1, 15.1.2.1 and 2.3.2.1).
42. With regard to the District Plan rules concerning working depths of 75 millimetres, most of the absorbing (feeding) roots of trees are found in the top 300 millimetres of soil. Therefore excavation work in ground that has previously been undisturbed can have a major impact on a tree’s health, particularly in the case of mature trees that have long been accustomed to their site conditions.
43. In the case of the swale drain clearance operation cited in the submission as being of concern to the submitter, any tree roots that existed at the time the swale was constructed would have been severed in the operation. Trees that have survived the work and are still in a good condition some years later, are likely to

have adapted successfully to the changed conditions and could remain in this state provided no further root disturbance occurs.

44. The construction of swale drains, detention and retention basins, is now mandatory for most of the larger subdivision and development sites and may be formed near protected trees. Ongoing maintenance work is required to clear silt build up from swales and water detention/retention basins. However, provided clearing work is confined to the area originally formed for these structures, affected trees should suffer no further detrimental effects.
45. I believe the situation can be catered for by dealing specifically with the maintenance requirements of these structures in the Plan rules by including a proposed new rule as follows:

That within 10 metres of a listed protected tree or within the crown periphery whichever is the greater, normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, shall be a permitted activity, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth they were originally formed or is not extended horizontally more than 75 millimetres from their original circumference.

46. I do not consider it appropriate to generally increase the depth of excavation that may be permitted within the immediate vicinity of the protected trees as this has the potential to adversely affect their health. I would not support the general loosening up of the rules to enable excavation for any reason to a depth of 150 mm, as proposed by the submitter.
47. Underground thrusting or drilling to install services under the root plates are the preferred methods of installing utilities under trees, as it can be carried out below the main root plate level where it will cause very little disturbance to roots or soil conditions. Because of this, the method is usually a condition of resource consent for protected trees affected by such works.
48. In my opinion, an underground drilling or thrusting operation can be safely carried out in the specified root area of trees without obtaining resource consent, especially if undertaken by experienced contractors. I consider that provision could be made for a permitted activity rule along the following lines:

That within 10.0 metres distance of a listed protected tree or within the crown periphery whichever is the greater, and providing the installation depth is not less than 1.2 metres and the holes to accommodate the drilling/thrusting machines are outside the above distances, underground drilling or thrusting operations shall be a permitted activity.

49. There is no rule in the protected tree provisions of District Plan to cater for emergency situations, such as severe climatic events, accidents or other occasions where immediate action is required to eliminate or abate a hazard threatening persons or property. Rule 2.3.2.1 (and similar rules) provides for "Removal, remedial work or pruning of a hazardous or dangerous tree provided that a hazard assessment of the tree has been done by an approved Council arborist and the tree is deemed potentially hazardous or dangerous".
50. I believe there is a need to distinguish between a potential or possible hazard (one that may occur in the future) as covered by the rule above, and an "actual" or "immediate" hazard (one that exists at the present time). In my opinion, the

current rule does not cater sufficiently for emergency situations where immediate action is required and where “an approved Council arborist” may not be at the scene or readily available. To cater for such situations, the following new rule is proposed:

In emergency situations, where a protected listed tree or any part thereof, presents an immediate hazard to persons or property, and an approved Council arborist is not available, immediate action can be taken to eliminate or abate the hazard, provided that within 5 working days of the action being taken, the Council is notified in writing of the action taken and provided with proof of the urgency.

51. In my opinion, the proposed amendments to the protected tree rules will facilitate the normal maintenance and installation operations of essential utilities, and provide for emergency situations involving protected trees, without jeopardizing the purpose or objectives of the District Plan heritage tree provisions or the trees themselves.

Walter Fielding-Cotterell

August 2010

APPENDIX FIVE: RECOMMENDED AMENDMENTS TO THE PLAN CHANGE

1. Amend the following rules as specified:

Townships Volume, Part C, 3 Living Zone Rules – Heritage, 3.2 Protected Trees, Permitted Activities — Protected Trees, 3.2.1.4 a)

a) there is no installation of any new overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

Townships Volume, Part C, 15 Business Zone Rules – Heritage, 15.1 Protected Trees, Permitted Activities — Protected Trees, 15.1.1.4 a)

a) there is no installation of any new overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

Rural Volume, Part E, 2 Rural Rules - Tree Planting and Removal of Heritage Trees, 2 Rural Rules — Tree Planting and Removal of Protected Trees, 2.3 Protected Trees, Permitted Activities — Protected Trees, 2.3.1.4 a)

a) there is no installation of any new overhead utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

2. Remove from the District Plan, the listing for the Oak Tree in Lincoln, as shown below:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
179	English Oak / Quercus robur	Gerald Street, Lincoln. Old Bartle property.	PT RS 2724	Bus 1	14, 113	32	B

3. Insert the following new rules:

Townships Volume, Part C, 3 Living Zone Rules – Heritage, 3.2 Protected Trees, Permitted Activities — Protected Trees

3.2.1.5 *Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.*

Townships Volume, Part C, 15 Business Zone Rules – Heritage, 15.1 Protected Trees, Permitted Activities — Protected Trees

15.1.1.5 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.

Rural Volume, Part C, 1 Rural Rules – Earthworks, 1.5 Earthworks and Protected Trees, Permitted Activities — Earthworks and Protected Trees

1.5.1.4 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.

Rural Volume, Part E, 2 Rural Rules - Tree Planting and Removal of Heritage Trees, 2 Rural Rules — Tree Planting and Removal of Protected Trees, 2.3 Protected Trees, Permitted Activities —Protected Trees

2.3.1.5 Normal maintenance works to clear silt deposits and maintain the effective operating function of swale drains or water detention or retention basins, within 10 metres of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, provided the ongoing clearing work does not result in excavating below 75 millimetres of the depth to which the excavations were originally formed or is not extended horizontally more than 75 millimetres from their original circumference/location.

4. Amend the following rules as specified:

Townships Volume, Part C, 3 Living Zone Rules – Heritage, 3.2 Protected Trees, Permitted Activities — Protected Trees

3.2.1.4 The use of the land ...

Below ground level

e) there is no laying/installation of any underground utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.

f) Underground drilling or thrusting operations within 10.0 metres distance of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, providing the installation depth is not less than 1.2 metres and the holes to accommodate the drilling/thrusting machines are outside the above distances.

Townships Volume, Part C, 15 Business Zone Rules – Heritage, 15.1 Protected Trees, Permitted Activities — Protected Trees

15.1.1.4 The use of the land ...

Below ground level

- e) *there is no laying/installation of any underground utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.*
- f) *Underground drilling or thrusting operations within 10.0 metres distance of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, providing the installation depth is not less than 1.2 metres and the holes to accommodate the drilling/thrusting machines are outside the above distances.*

Rural Volume, Part E, 2 Rural Rules - Tree Planting and Removal of Heritage Trees, 2 Rural Rules — Tree Planting and Removal of Protected Trees, 2.3 Protected Trees, Permitted Activities —Protected Trees

2.3.1.4 The use of the land ...

Below ground level

- e) *there is no laying/installation of any underground utility service within 10 metres of the base of the tree or within the crown periphery (drip-line), whichever is the greater.*
- f) *Underground drilling or thrusting operations within 10.0 metres distance of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, providing the installation depth is not less than 1.2 metres and the holes to accommodate the drilling/thrusting machines are outside the above distances.*

5. Insert the following new rule:

Rural Volume, Part C, 1 Rural Rules – Earthworks, 1.5 Earthworks and Protected Trees, Permitted Activities — Earthworks and Protected Trees

- 1.5.1.5 *Underground drilling or thrusting operations within 10.0 metres distance of a listed protected tree or within the crown periphery (drip-line) whichever is the greater, providing the installation depth is not less than 1.2 metres and the holes to accommodate the drilling/thrusting machines are outside the above distances.*

6. Insert the following new rules:

Townships Volume, Part C, 3 Living Zone Rules – Heritage, 3.2 Protected Trees, Permitted Activities — Protected Trees

- 3.2.1.6 *In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, and an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard, provided that within 5 working days of the action being taken, the Council is notified in writing of the action taken and provided with proof of the urgency.*

Townships Volume, Part C, 15 Business Zone Rules – Heritage, 15.1 Protected Trees, Permitted Activities — Protected Trees

*15.1.1.6 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, and an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard, provided that within 5 working days of the action being taken, the Council is notified in writing of the action taken and provided with proof of the urgency.*

Rural Volume, Part C, 1 Rural Rules – Earthworks, 1.5 Earthworks and Protected Trees, Permitted Activities — Earthworks and Protected Trees

*1.5.1.6 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, and an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard, provided that within 5 working days of the action being taken, the Council is notified in writing of the action taken and provided with proof of the urgency.*

Rural Volume, Part E, 2 Rural Rules - Tree Planting and Removal of Heritage Trees, 2 Rural Rules — Tree Planting and Removal of Protected Trees, 2.3 Protected Trees, Permitted Activities —Protected Trees

*2.3.1.6 In emergency situations, where a protected listed tree or any part thereof, presents an **immediate** hazard to persons or property, and an approved Council arborist is not available without delay, immediate action can be taken to eliminate or abate the hazard, provided that within 5 working days of the action being taken, the Council is notified in writing of the action taken and provided with proof of the urgency.*

7. Include in the District Plan, the listing for the Oak trees at Prebbleton, as shown below:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T107	English Oak /Quercus robur (2 trees)	27 Cairnbrae Drive, Prebbleton.	Lot 105 DP 331951	? ³	14, 121	40	B

³ The land is subject to a private plan change process (Plan Change 2) with a recommendation that the zoning become Living 1A6 (Deferred). This column should be updated once the final decision is made on the zoning of the land.

8. Update and include the relevant maps (14 and 121) to show the additional Oak trees at Prebbleton noted above.

9. Remove from the District Plan, the listings for the trees at Ladbrooks School, as shown below:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T103	Common Lime / Tilia x vulgaris	Ladbrooks School, Barnes Road	Pt RS 2491	Inner Plains	14	40	B
T104	English Oak / Quercus robur	Ladbrooks School, Barnes Road	Pt RS 2491	Inner Plains	14	40	B

10. Remove from the District Plan, the listing for tree T08, as shown below:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T08	Wellingtonia / Sequoiadendron giganteum	50 High Street, Southbridge	Pt LOT 2 DP 7551	Liv 1	4, 131	60	A

11. Correct the listing for tree T80, as shown below:

Tree No.	Name / Species	Location	Legal Description	Zone	Map No.	Evaluation Score	Tree Category
T80	English Oak / Quercus robur (21 trees)	River bank, Perryman's <u>Perymans</u> Rd, Tai Tapu	Road Reserve	Inner Plains	9, 125	42	B