

TREES & VEGETATION IN SELWYN DISTRICT MANAGEMENT POLICY MANUAL



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Foreword

Trees and vegetation are an important component of the landscape and living environment of Selwyn District, all the more so because trees provide a sense of vertical scale and protective enclosure for the majority of us who live in communities established mainly on the flat, highly exposed Canterbury plains.

The explosion of development activity in Selwyn District in recent times has also seen a corresponding rise in urban plantings with most new subdivisions displaying extensive new tree planting in streets and reserves. Rural township communities have also been active over the years by establishing new plantings to beautify their surroundings and moderate climatic extremes.

The effects of this relatively sudden rise in tree plantings can be compared to the demographics of the post war baby boom and the increasing demands this has made on society and public services. In the same way, we will need to make provision for managing and maintaining our trees to ensure their continuing good health and safe condition, from time of planting, through to maturity then finally senescence.

It is our increasing awareness of these facts that has driven the production of this policy, the implementation of which we believe will benefit not only members of our community, but the long term health of our highly valued amenity tree resource.

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1 REASONS FOR POLICY

The amenity and environmental benefits of trees to the human race is universally acknowledged. However, as large, long living and relatively dynamic structures often growing in close association with people, property, and all manner of public assets, we also need to be aware of the range of factors, negative as well as positive, that we need to consider in order to plan, develop and manage our tree resource in an publicly responsible, sustainable, and cost effective way.

Having said this, in compiling this policy and guidelines document, there has been no intention to stifle creativity in landscape and planting design or to discourage tree and vegetation planting even in areas where it is difficult to do so. It has to be appreciated however that in our increasingly high density living environment where sufficient space for human and arboreal requirements is at a premium, there is rarely such a combination as the perfect urban tree, problem free planting location or ideally positioned structure.

The cost factors involved in the management of our rapidly increasing tree resource are also a major consideration in these times when any increase in expenditure comes under increasing scrutiny. However, we hope that by providing the policies and guidelines contained in this document, we have provided an effective tool for the planning and management the Selwyn District's tree and vegetation resources.

1.1 Specific objectives

- To manage our increasing tree/vegetation resources on a proactive, systematic and cost effective basis, at the same time ensuring that the range of community values provided by trees are preserved and enhanced.
- To preserve, establish and manage the tree/vegetation assets of Selwyn District Council in accordance with the policies and guidelines set down in this document.
- To establish a clear consistent decision making process in dealing with public applications or requests for tree/vegetation work.
- To establish clear guidelines and provide relevant references for those planning or making decisions relating to trees/vegetation on public and private land.
- To avoid trees/vegetation being established in situations that will prove to be unsafe, unsuitable or unsustainable in the long term.
- To avoid planting trees that are known to be particularly problematic or undesirable in some way.
- To ensure that the Council's infrastructure assets are not placed at undue risk by inappropriate plantings of trees/vegetation on public or private property.
- To ensure that those volunteering their services for community tree work can carry out their operations in a manner that is safe to themselves, the general public and property public or privately owned.

- To ensure that any work carried out by voluntary workers is initially approved by the Council and is carried out and completed in accordance with the Council's wishes.
- That all tree/vegetation work is carried out in accordance with established industry standards and practices.
- That the use of trees and vegetation within townships also reflects the views of township committees and street residents.
- Protection of protected trees where identified in the District Plan.

Construction and operational standards and specifications have not been included in this policy although the documents dealing with these are mentioned for reference purposes.

NB:

For the purpose of this policy, the terms trees and vegetation refers to woody plants (i.e. trees and shrubs) only.

PART 1

2 TREES IN PARKS, RESERVES AND CEMETERIES

2.1 Acquisition of new reserve land containing trees and vegetation

When acquiring reserve land for any Council purpose or use, as part of the land subdivision or development process, the Council will endeavour to preserve, in a good condition, such existing trees and vegetation that it considers are of significant amenity or functional value to the general public for reasons of:

- Enhancing the landscape values of the site and surrounding land
- Providing shelter and the moderation of extreme climatic events
- Screening unsightly views
- Atmospheric purification effects and capture of airborne particles
- Soil/ground stabilization or moderating storm-water run off or treatment
- The historical, cultural, or scientific values of the trees and the site itself.
- The desirability of preserving areas of indigenous vegetation and to encourage bio-diversity
- Providing a habitat for wildlife
- Reducing noise
- Any need to compartmentalize reserves into areas relating to particular public use and purpose.

2.2 Credits towards the value of reserves or development contributions

The Selwyn Community Plan 2009 – 2019 Vol. 2 Section 6.9 states that:
“Credits, up to a maximum of 20% total, towards the value of reserves contributions may be gained by a subdivider/developer for the retention of valuable existing features on the land, or for improvements to the land, or a combination of both. Credits will be given on a case to case basis at the request of the subdivider / developer, in the following circumstances”.

2.3 Credits for the retention of existing trees and vegetation

The Selwyn Community Plan 2009-2019 Vol 2 states that:
“Before a developer takes out existing trees and shrubs and/or shelter belts it would be appropriate to approach the Council to see if the retention of vegetation would have value as a credit for the calculation of reserves contributions. The trees, together with the land they exist on, may have greater value than the cleared land particularly if they provide shade and shelter and have clear benefits for the community”. (Refer full statement in Section 48 Appendix 48.27) extract from SCP Section 6.9.

2.4 Condition of trees or vegetation to be retained

For the Council to agree to credits towards reserves/development contributions, the trees or vegetation needs to be in an attractive, well maintained condition, structurally safe, and have a minimum safe useful future life expectancy (SUFLE) of 20 years to be acceptable. The trees or vegetation need to be located in acceptable positions.

2.5 Improvements to the land – trees and vegetation

The Council may approve credits towards the value of reserves contributions for amenity tree plantings provided they are not unsuitable or undesirable species as defined – Sections 7.1 & 32 and in Section 48 Appendix 48.16. The species used must also have the potential to grow to a height of least 10 metres in the location concerned, and in most cases be a height of 3.0 metres when planted and staked.

In using trees of the above size it will be a requirement that they are container grown.

Smaller trees may be used in areas where trees are difficult to establish or in massed woodland plantings.

2.6 Responsibility for aftercare of new tree / vegetation plantings

Where the Council has agreed to reserves contribution credits for new plantings it will be the responsibility of the subdivider/developer to maintain the plantings in a healthy and sound condition until such time the Council accepts the responsibility for all future maintenance.

2.7 Street trees not included in reserves contribution credits

Street trees will not be included in reserves contribution credit agreements because of the losses that can occur when construction begins on adjoining house lots.

2.8 Noxious, surveillance and pest trees and vegetation

Where land is to be acquired by the Council for any reserve purpose, the Council may require all trees and plants listed by Ministry of Agriculture and Forestry (MAF) and/or Environment Canterbury as noxious or pest plants to be removed from the land before the date of possession.

2.9 Preservation of existing hedges, live fences and shelterbelts

The Council may require certain existing hedges, live fences and shelterbelts to be preserved as a condition of land subdivision consent by way of a covenant registered on the title of the land. In considering any such preservation the Council will have regard for the following:

- Whether any hedge etc, consist of a species classed as undesirable as stated in Section 32 of this policy

- Whether any hedge etc, and its location comply with the Rural Rules under Part 2 of the Selwyn District Plan.
- The access and feasibility of trimming and generally maintaining the hedge etc, satisfactorily once the site has been developed and by whom.
- The hedge etc, being trimmed at the same time and maintained at an even size giving the different properties and owners along its length.
- In the case of residential land, whether the hedge etc, would create an undue interference with the use or enjoyment of the property it is situated on or neighbouring land.
- Any sheltering effect of the hedge etc
- Any screening of unsightly views or noise amelioration
- The need to maintain safe distances from street structures as defined in Section 17 of this policy.

3 NEW AMENITY PLANTINGS ON PARKS, RESERVES & CEMETERIES

In any plans for the use, development or landscaping of reserve land the Council will have regard for all the desirable tree attributes stated in 2.1 of this policy.

In planting trees and vegetation in reserves the Council will also have regard for the following negative values which may also have legal implications:

- Whether the plantings would cause an actual or potential risk or undue interference with the use or enjoyment of the (residential) land in any of the situations described in the Property Law Act 2008, Part 6, Section 333 (refer Section 48 Appendix 48.4 of this policy).
- Whether the plantings could cause a future nuisance or damage that may result in legal action under the (common) Law of Nuisance (trees encroaching over neighbouring land). It should be noted that no person (or local authority) has any right to have the roots or branches of their trees encroaching on other land. Further information on this subject can be found in Section 48 Appendix 48.3, & 48.4.
- Notwithstanding the considerations given above, the primary purpose for the plantings will remain the enjoyment of the general public by providing reserves containing specimen trees that, because of their quantity and quality, will grow to a size in scale with that of the reserve and its use or purpose, as defined in the management plan.

Figure 1 *Reserves Plantings set-back distances from private property boundaries in relation to potential tree size*

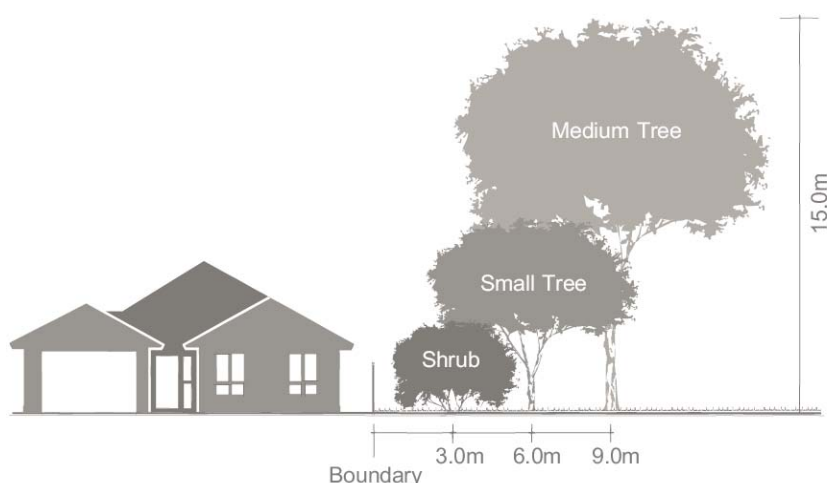


Figure 2 **Reserve Planting set-back distance from properties boundaries**



3.1 Basis of plant species selection

The selection of tree/vegetation species suitable for planting in parks, reserves and cemeteries will be based on the following botanical characteristics:

- Known ability to establish well and thrive in the long term in the existing soil conditions on the site.
- Ability to withstand the climatic conditions of the particular area.
- Absence of genetic structural weaknesses in trunk, crown and roots.
- Ability to grow to the required ultimate size in the existing conditions.
- Good resistance to common pests and diseases.
- Low littering effect (near adjacent properties).
- Low allergenic pollen effect (near adjacent properties).
- Produce any required summer or autumn foliage colour.
- The production of flowers and pollen suitable for the honey industry.
- Shelter trees will have well documented ability to withstand extreme weather conditions and crown characteristics that will provide effective shelter.
- Dense foliated, evergreen trees are not to be planted where heavy shade (or winter icing) may present a problem to adjacent properties, roads, footpaths or reserve use.(refer Section 48/Appendix 48.1 Selwyn District Plan Rules)

3.2 Cemetery plantings

In addition to 3.1 planting trees in cemeteries the plantings will also have regard for the following:

- Good access to the graveside for funeral vehicles including when the plantings are mature.
- Good low level wind shelter for those attending funeral/burial services.

- Large growing trees will not be planted within eight (8.0) metres of burial sites to avoid roots disrupting graves and damaging headstones etc. as well as the risk of damage from falling branches.
- Tree species planted in the vicinity of graves should be selected for their low litter deposits and resistance to insects that secrete sticky honey dew that will lead to headstones, plaques etc. being covered with unsightly black mould.
- All other vegetation should be sufficiently clear of the graves that it will not encroach low over them when mature.

3.3 Poisonous plants

Trees or vegetation identified by Landcare Research as being poisonous if eaten or touched, are not to be planted near play areas or where children are likely to congregate (refer Section 48 Appendix 48.16).

3.4 Noxious, surveillance, and weed species

Tree species and other plants officially categorized as being noxious, surveillance or weed species shall not be planted on parks or reserves.

Details of these species can be found in Section 48 Appendix 48.16 of this policy. Refer to Environment Canterbury rules for controlling plant pests and Ministry of Agriculture and Forestry plants list noxious or pest plants.

3.5 Banks Peninsula reserve plants

In conjunction with Christchurch City Council's policy on planting in Banks Peninsula, Selwyn District Council will have as its first option the planting of locally sourced indigenous trees and vegetation in its reserves.

In the case of reserves of historic/heritage interest that contain existing exotic trees/shrubs any new planting will consist of the same species in order to preserve the essential intrinsic values of the site.

4 PESTS/DISEASES POTENTIALLY OF ESPECIAL IMPORTANCE TO SELWYN DISTRICT

Pests/diseases of national importance that could eventually threaten trees and have a large scale impact on the landscape of the County are the Gum Leaf Skeletoniser (moth) and Dutch Elm disease which the authorities have failed to contain in the Auckland area.

4.1 The gum leaf skeletoniser moth

Although still confined to the Auckland region and the Waikato at the time of writing, this moth is still spreading and has the ability to survive in the South Island climate except perhaps in the extremes of the colder, drier or wetter areas.

The caterpillars of the moth feed mainly on the foliage of gum trees but also on other Australian species. It can also damage northern hemisphere trees such as silver birch and oak. It may also occur on native plants although damage is not usually significant. Numbers of the moth could increase rapidly in Selwyn District where there are high numbers of gums and no natural predators of the insect. Successive seasonal attacks can kill trees. Refer Section 48 Appendix 48.19.

The moth caterpillars have protective poisonous spines containing venom that can be injected into human skin when touched. The reaction to the stings can vary from localized pain and welts to widespread rash, and shortness of breath.

In view of the above, in planting or managing trees in or around children's play areas, childcare facilities and high public use areas, the Council will consider the risks of a gum leaf skeletoniser moth outbreak in Selwyn District, the potentially harmful effects of the caterpillar to the public, also the landscape impact and costs of having to remove dead or dying trees.

4.2 Dutch Elm Disease

In the case of Dutch Elm disease (*Ophiostoma ulmi*) there is no cure, and it is expected to reach Canterbury within five (5) years. In the event of the Selwyn District's trees being infected, the Council's policy will be to remove all elm trees confirmed to be affected by the disease.

It is the Council's policy that no new plantings of elm trees will be carried out on Council land. Refer Section 48 Appendix 48.18.

5 INDIGENOUS REVEGETATION PLANTING

Council supports the principles and goals for the Biodiversity Strategy for the Canterbury Region. Refer to Appendix 48.25.

Indigenous plantings will be carried out in locations that are considered appropriate and of a sufficient size to function effectively as an ecosystem or as part of a corridor to other such areas.

As far as practicable, trees and vegetation to be used for re-vegetation and the establishment of new areas of native plantings, will consist of species sourced from seed obtained from native plants indigenous to the particular area of the Selwyn district being planted.



Indigenous revegetation planting

6 COMMUNITY CROPPING TREES ON PARKS AND RESERVES

In urban areas, particularly where built sections have limited space to grow fruit, nut or other tree crops, and where conditions are suitable, consideration will be given to the planting of crop trees that can be harvested by the local community. This will be subject to the provision that such plantings will not be the principal or dominant species on the park or reserve or occupy the greater area of the site.

Cropping trees that require high maintenance regimes, regular spraying or the application of pest/ disease control chemicals or any other forms of intensive pest/disease control will not be approved for planting on Council reserves.

7 SHELTERBELTS AND AMENITY PLANTINGS – DISTRICT PLAN RULES

The Selwyn District Plan Part C, 2 Rural rules, contains conditions and restrictions as to what tree species may be planted, where they may be planted, and their management.

7.1 Unsuitable tree species – high country

The planting of species such as the following is not permitted in areas defined as the “High Country”:

- Lodgepole pine (*Pinus contorta*)
- Scots pine (*Pinus sylvestris*)
- Corsican pine (*Pinus nigra*)
- Douglas fir (*Pseudotsuga menziesii*)
- Mountain pine (*Pinus mugo/unacata*)

These species have a high potential for the spread of wilding trees.

The District Plan rules relating to rural tree planting are in Section 48 Appendix 48.1 of this policy.

7.2 Shelterbelts and amenity plantings – Safe planting distances from street structures

In planning the establishment of shelter belts and amenity plantings Council and private owners will have regard for the safe planting distances from street structures as stated in Section 17 of this document.

The tree species should have none of the undesirable characteristics defined in Section 16 of this policy.

The establishment of agricultural/horticultural shelterbelts will not be permitted in road reserve.

8 AFFORESTATION OF RECREATION OR LOCAL PURPOSE PARKS & RESERVES

High density planting of timber crop trees in a manner that would develop a park or reserve essentially as a commercial plantation will only be carried out in the event that:

- The land or any part thereof is not for the time being required for the purpose it is classified for.
- The Council has decided that it is necessary or desirable to afforest the reserve as part of a development, improvement or management programme.
- The proposed afforestation has been publicly notified and submissions called for.
- The Minister of Conservation approves the afforestation.
- There are adequate safeguards to protect any natural, scenic, historic, cultural, archaeological biological, geological or other scientific features or indigenous flora and fauna.
- The proposed afforestation also complies fully with the provisions of Section 75 of the Reserves Act (1977) refer Section 48 Appendix 48.1.
- In the case of “High Country” parks and reserves the trees planted do not include the species listed under 7.2 Shelterbelts and Amenity Planting in this policy.
- In addition to its commercial value the land to be afforested will also be of amenity and recreation value to the general public.

In the case of reserves containing existing commercial forest plantation trees, the Council recognises that such reserves can also be of significant recreation and amenity value to the public. As long as these values are not unduly prejudiced the Council will continue to manage these reserves to cater for both purposes.

9 EXISTING COMMERCIAL FORESTRY PLANTATIONS

The Council owns areas of fee simple and reserve land currently planted and managed principally as commercial forest plantations.

Any commercial forestry plantations on land classified as recreation or local purpose reserve will be managed in accordance with the provisions of Section 42 and 75 of the Reserves Act (1977). Refer Appendix 48 Section 48.7.

In the case of fee simple or reserve land containing existing commercial forest plantation trees, they will continue to be managed in accordance with standard commercial planting, silvicultural and harvesting practice until such time the Council decides the land is required for other purposes.

Where appropriate, Council may allow limited public access to certain plantation land subject to:

- The need to exclude the public from the whole or parts of the plantation area when forestry operations are taking place.
- The necessity to prohibit public access to plantation areas at times of high fire risk.
- Any forestry contract or cutting rights agreement that Council, may have entered into with other parties that excludes public access.

10 LANDSCAPE PLANS - PARKS & RESERVES

Generally, planting on newly acquired parks and reserves will be carried out in accordance with a landscape plan prepared for the whole site.

Landscape planting plans may be carried out in accordance with a landscape plan prepared by a developer or contractors to the Council.

All planting plans are to be approved and signed off by the Council.

Where parks/reserves are already surrounded by existing neighbours landscape planting plans will be subject to a process of public consultation.

All landscape plans will have regard for the overall provisions of any approved management plan prepared for the park or reserve.

10.1 Replacement planting

As far as practicable, replacement planting will be in accordance with the planting design of the original landscape or management plan for the park or reserve; unless approved changes have been made to the plan or a particular species has been found to be unsuitable.

PART 2

11 NEW STREET TREE PLANTING AND LANDSCAPING

Selwyn District Council strongly supports the establishment of tree plantings and landscape features in streets in urban and township residential areas throughout the district, provided the street design, planting locations and proposed tree species are considered suitable. In planning or dealing with proposals for street tree planting, the Council will have regard for its Engineering Code of Practice, Part 5 - Street Design. Refer Section 48 Appendix 48.29 and Subdivision Design Guide **Error! Reference source not found..**

11.1 Street planting process - new streets

Generally, most street planting and landscape works in new streets take place as part of the construction or reconstruction of roads in areas undergoing land subdivision and development.

11.2 Street planting plans to be approved by Council

It is a Council requirement that any landscape planting plans are submitted with the subdivision/development application plans, the planting design, plant species, location and means of irrigation to be approved by the Council prior to subdivision/resource consent and the implementation of the work. The Council may also require that some form of root control barriers be installed. Plans will show all existing and proposed services, both above and below ground.

11.3 Planting spacing distances

In designing street tree planting, closely planted groups of trees will only be approved for suitable road reserve areas or where footpaths or landscape plots have been specifically designed to satisfactorily accommodate a closely spaced tree group effect.

In standard linear footpath designs, trees may be in straight lines, staggered or sinuous but will have sufficient space between them to develop full crown forms in maturity and be a sufficient distance apart to provide good pedestrian and vehicle sightlines between the stems. Trees will not be planted in numbers, planting distances or positions that will create an undue amount of shade for residents or result in high maintenance costs for the Council.

Distances from street structures are specified in Section 17.

11.4 Tree size and form in relation to footpath and berm width

The height a tree may grow to is not necessarily an indication of whether it is suitable for planting in footpath berms. For example, many low growing trees also

have low, wide spreading crowns that create significant maintenance problems in the repeated pruning required to clear road traffic and pedestrians. Usually the trees are reduced to something of an eyesore in the process.

Some low growing trees can also develop large diameter trunks and shallow aggressive root systems (e.g. certain flowering cherries grafted on vigorous rootstocks).



Aggressive rooting from tree planted in unsuitable position

In selecting trees species for street footpath planting, consideration will be given to the following size and growth characteristics:

- The diameter of the base of the trunk in maturity and whether it is likely to cause damage to footpaths, kerb channels or services.
- Whether the tree has the potential to grow to a height clear of pedestrians and tall road vehicles and the natural crown form and branch structure is such it can be satisfactorily pruned to clear them without the appearance of the tree being rendered unstable, unshapely or ugly.
- In footpath planting situations where the grass berm is very narrow and only suitable for smaller trees, trees with small diameter trunks and narrow, columnar or fastigate crown forms are to be planted.

- Narrow grass footpath berms less than 1.0 metre wide will not be planted with trees.

Figure 3 *Small street tree with wide crown form showing obstruction of footpath and road carriageway and unsightly clearance pruning required*



Figure 4 *Large trees progressively pruned to clear footpath and a carriageway but natural attractive crown form preserved*

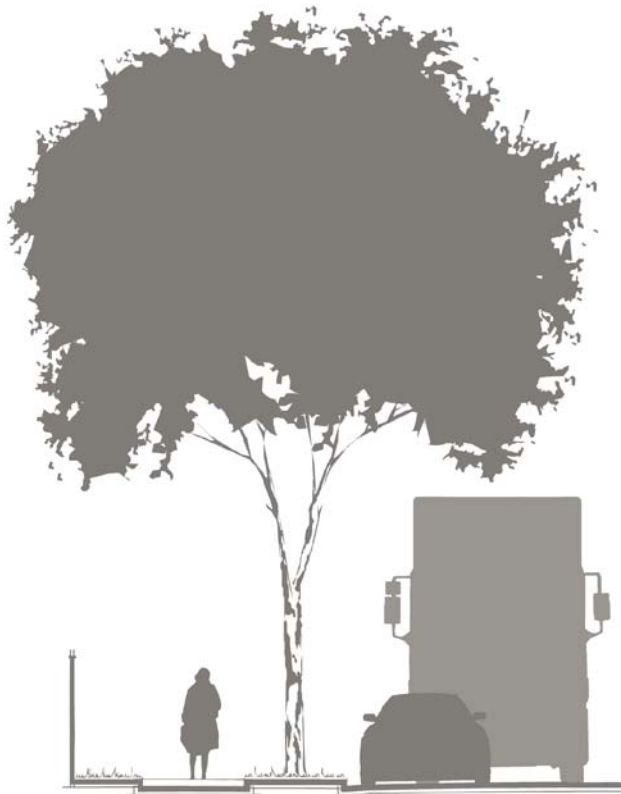


Figure 5 *Street tree with natural upright or fastigiated crown form growing in narrow footpath berm*



11.5 Other street planting locations

Trees may be planted in the following street locations provided they do not inhibit or obstruct pedestrian movement or vehicular traffic, block sightlines, or present a safety hazard in any way:

- Raised planter boxes and containers
- Road medians and islands
- Edges of drainage swales
- Grassed road carriageway shoulders (older streets)
- Wide sealed/paved areas and forecourts
- Road reserves
- Landscape plots
- Threshold treatment areas
- Kerb build-outs
- Ends of parking bays

11.6 Planting in sealed/paved carriageway shoulder

Generally, tree/vegetation planting in the sealed/paved shoulders of road carriageways will not be approved by Council because of the traffic hazard this would create.

Exceptions may be where streets have been specifically designed as a cul-de-sac, residents street or neighbourhood street as defined in the SDC Subdivision Design Guide (refer to Section 48 Appendix **Error! Reference source not found.**).

Streets on thoroughfares specifically designed as esplanades or boulevards with slow traffic speeds of 20-30kph may also be considered suitable for road shoulder planting.

11.7 Post planting maintenance period by subdivider/developer

When the planting/landscape work has been completed, there will be a minimum twelve month period of maintenance by the subdivider/developer of all the trees and other landscape features in the subdivision.

11.8 End of maintenance period - compliance certificate

At the end of the twelve month maintenance period, the Council will inspect the work together with the subdivider/developer to ensure the condition of the plants and all other aspects of the landscape design as originally approved, is entirely satisfactory for the (RMA Section 224) compliance certificate to be issued.

11.9 Council responsible for future maintenance

From the time the compliance certificate is issued, the ongoing maintenance of the plants and the other reserve assets will become the responsibility of the Council.

12 OLD STREETS – PLANTING & LANDSCAPING

Tree and landscape planting in older streets not previously planted will also be considered by Council although the street design and location of the services may be restricting or prohibiting factors.

Planting and landscaping opportunities will also be considered as part of road reconstruction works as this is the most opportune time to do so.

In considering new plantings in older streets the Council will have regard for:

- The amount of time remaining before the road needs to be reconstructed
- Any proposals to install overhead services underground
- Replacement of sewer/stormwater and water reticulation
- Any alterations to carriageway width
- Alterations to footpaths and kerb channels
- Changes to road levels in cross section
- Any changes to the function of the street

13 RURAL ROADS – TREES AND VEGETATION PLANTINGS

Tree and vegetation planting on normal 20 metre wide rural road reserve is generally not supported by Council for reasons of road safety and the maintenance costs involved. The Council may in certain circumstances approve rural road planting having regard to the following:

- Whether the roads and surroundings are lacking in trees and vegetation, particularly on the approaches to townships, and need to be visually improved.
- Whether the road is an important tourist route.
- The cost in relation to the amount of people likely to benefit from the plantings
- The safe planting distance from street structures and structures on other land (refer Section 17).
- Ongoing maintenance costs
- Whether the plantings will prevent or restrict machinery access for the maintenance of hedges, shelterbelts, drains, waterrace services etc.
- Will allow vehicles to pull off the carriageway
- Will not cause icy patches to form
- The provision of sufficient room for the droving of farm animals.

The establishment of new agricultural/horticultural shelterbelts on road reserve will not be permitted.

14 'PAPER' OR UNFORMED ROADS

Council may approve the planting of trees and vegetation on paper or unformed roads subject to the following provisions/considerations:

- “Paper roads” although unformed are still in every other respect a legal road and must still be able to function as such
- Reasonable access for vehicles and pedestrians must be maintained over the whole length of the road
- Adjacent landowners still have legal right of access over paper roads to their properties and to maintain boundary shelterbelts areas etc. Any planting must allow for this and machinery access to maintain boundary assets.
- At some time in the future a paper road may be required to be fully constructed as a normal public road, particularly those in the vicinity of townships.
- Any establishment and ongoing maintenance costs to be met by Council.
- Any opportunities to carry out indigenous/biodiversity plantings without jeopardizing the above functions.

15 REQUESTS FOR STREET TREE & VEGETATION PLANTINGS

The Council will consider any applications for tree or vegetation plantings in streets whether from individuals, community groups, or elected representatives.

As a rule the Council will only approve plantings that involve the whole or a major part of the street or areas that are specifically designed to accommodate planting as part of road reconstruction work or upgrade project.

When applications are made for planting a street, the Council will consult with the residents of that street for their views on the planting and the relevant township committee. The majority of residents are required to be in agreement with the planting proposals before the Council will proceed with the work.

In general, plantings outside individual applicant's properties on a "one off" basis will not be approved.

Replacement plantings in streets will be of the same species shown on the landscape plans for the street or, in the absence of a plan, consist of the same or similar species to the existing trees provided they have not proved to be unsuitable or problematic in any way.

16 UNDESIRABLE TREE CHARACTERISTICS FOR STREET PLANTING

Trees with the following characteristics will not be approved for planting in streets:

- Messy fruit, peeling bark or seeding habits
- Noxious or surveillance trees or plants as identified and listed by MAF
- Poisonous plants as listed in Poisonous Plants in NZ by Landcare Research
- Allergenic properties e.g. silver birch – *Betula pendula* (by resolution of Council) (refer Section 32.3)
- Particularly aggressive/destructive rooting habits
- Invasive root suckering habit or shoot trunk growth
- Genetic disposition to develop structural defects in branches and trunks
- Invasive plants and those that produce prolific unwanted seedlings.
- High susceptibility to common pests and diseases
- Poor root anchorage – susceptibility to wind-throw
- Low drought tolerance
- Low, pendulous crown form
- Short multi-stemmed trunks
- Dense, shrub - like trees or plants that will obscure traffic or pedestrian sightlines (except in safe locations specifically designed for these).
- Evergreen trees will not be planted in streets situations where the following will occur:
 - Excessive shading of residential properties, particularly during winter.
 - Roads and footpaths shaded during winter where moisture will condense on paved/tarsealed areas causing icy patches to form.
 - Where street lights will be badly obstructed, particularly during the winter months.
 - Where the form of the tree is such they cannot be pruned satisfactorily to maintain good sightlines for pedestrians, and road traffic.
- Trees with long tough leaves that will wrap round mower or street sweeping machinery e.g. cabbage trees are to be avoided in mown grass or swept paved areas.



Horse Chestnut trees – Messy fruit (nut) deposits

17 STREET TREE/VEGETATION – SAFE PLANTING DISTANCES FROM STREET & STRUCTURES ON OTHER LAND

- Trees or other tall growing vegetation shall not be planted closer to the structures listed than the following minimum distances.
- Power poles carrying 400/230 volt lines 6.0 metres (Fig. 6)
- Taller trees may be planted to the side of low voltage overhead lines (Fig. 7)
- Power poles carrying 11,000 volt plus lines 10.0 metres (Fig. 10)
- Overhead lines - for planting under 400/230 volt lines use low growing trees that will only grow to 4.5 metres in height. (Fig. 6)
- Under 11,000 volt lines – trees no more than 3.4 metres in height. (Fig. 10)
- Power pylons and 66,000 volt lines or greater– no planting of trees directly beneath lines, low vegetation only. Trees species planted to the side must not exceed a size in maturity that if falling towards the pylons or lines, will encroach no closer than 3.5 metres of them. (Fig. 11). Also refer to section 30.1 for additional details in and around transmission lines of 66kv or greater.
- Street light poles – tree planting distance - 6.0 metres (Fig. 9)
- Traffic signals and sign posts - tree planting distance – 6.0 metres (Fig. 12)
- Pedestrian crossings – tree planting distance 6.0 metres
- Bus stops - no planting (on the approach side) closer than 6.0 metres
- Sewer and stormwater mains and laterals - 3.0 metres
- Driveways - business, (right side when exiting) distance 6.0 metres
- Driveways – business (left side when exiting) distance 3.0 metres
- Driveways – residential, rightside when exiting distance 3.0
- Driveways – residential, left side when exiting distance 2.0
- Traffic sightlines distances at intersections (Fig. 13)
- Traffic sightlines at railway crossing (Fig 14)

17.1 Underground power lines /conductors

Section 13 of the Electricity (Hazards from Trees Regulations 2003 states that: “In order to permit the safe repair of operation of an underground conductor, a works owner may sever and remove any tree roots that are within 0.5 metres of the conductor”.

For the purpose of this policy, the recommended minimum planting and root barrier distances from underground lines/conductors are as follows:

Before planting within 4.0 metres of any underground conductor/cable, consultation will be necessary between Council, the developer or contractor and the Utility Owner.

As per Orion specifications the following is the Technical specification for planting around utilities.

1. All tree pits are to be lined with a root barrier that is to be sealed at joint. Longitudinal root barriers are to be placed 1.5 metre minimum each side of centre-line of the tree at agreed clearances to cables.

The root barrier is to have a minimum depth of 0.9 metres for both types of structures and for all cable types.

2. Minimum distance from cable to tree root barrier and trees.

- a) **66KV or over = 2 metres** from edge of cable to edge of tree root barrier as a minimum.
 - Tree's must be planted a minimum of **2.5 metres** from edge of cable.
- b) **11 KV = 0.3 metres** from edge of cable to edge of tree root barrier as a minimum.
 - Tree's must be planted a minimum of 1 metre from edge of cable
- c) **Low voltage – 0.3 meters** from edge of cable to edge of tree root barrier as a minimum.
 - Tree's must be planted a minimum of 1 metre from edge of cable.

N.B The distances given are the horizontal distances from the edge of the cable.

3. When are tree root barriers necessary?

- a) **11KV and Low Voltage** – When a street tree is planted within 2 metres of a 11kV or LV cable, root barriers as per item 3b or 3c as a minimum.
- b) **66KV** – When a street tree is planted within 5 metres of a 66kV, root barriers as per item 3a as a minimum.
- c) When a park tree is planted within 5 metres of a 66kV, 11kV or LV cable, root barriers as per item 3 as a minimum.

4. When cables need to be installed under existing trees

A 6 metre long by 100 millimetre duct (centred on tree, 150 millimetre diameter may be required in some circumstances) must be installed at no more than 1.2 metre cover.

“This option will only be accepted where the utility works owner has evaluated the cable loadings and determined that there will be no compromise to the network”.

5. No trees are to be planted directly over the cables regardless of perpendicular distance to cable.

Figure 6 *Low Voltage lines – Maximum potential tree height and minimum planting distance from power poles.*

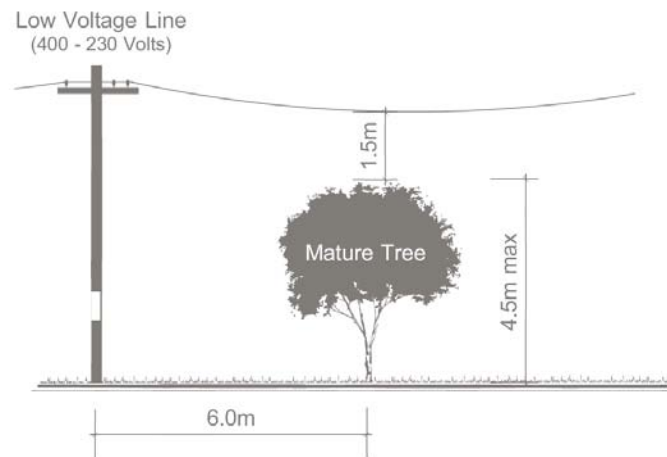


Figure 7 *Large growing tree in maturity planted to side of power lines, showing pruning method to clear lines*



Figure 8 *Large growing tree progressively pruned to clear street services and tall vehicles*



Figure 9 *Minimum planting distance from power poles and street lamp posts*

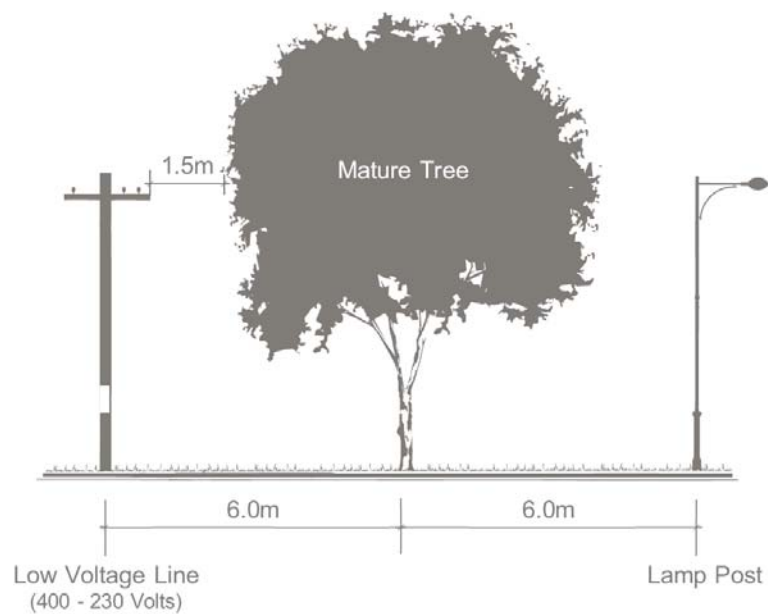


Figure 10 *High voltage lines maximum potential tree height and minimum planting distance from power poles*

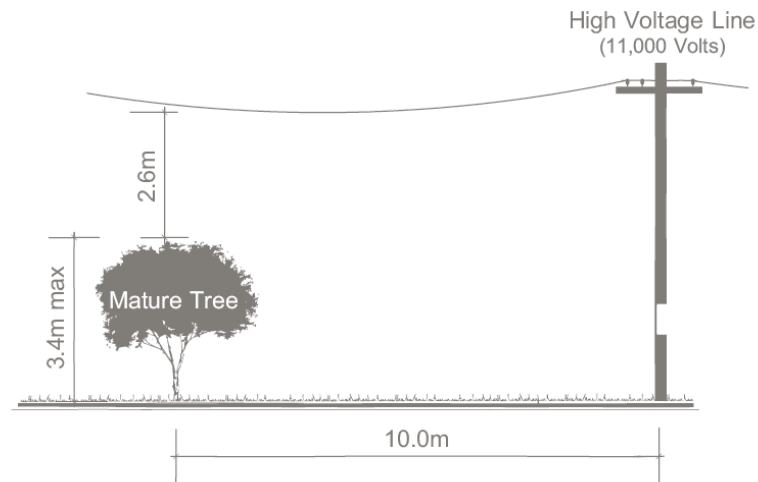


Figure 11 *High voltage lines/pylons – trees should not be planted within illustrated distance of powerlines and pylons*

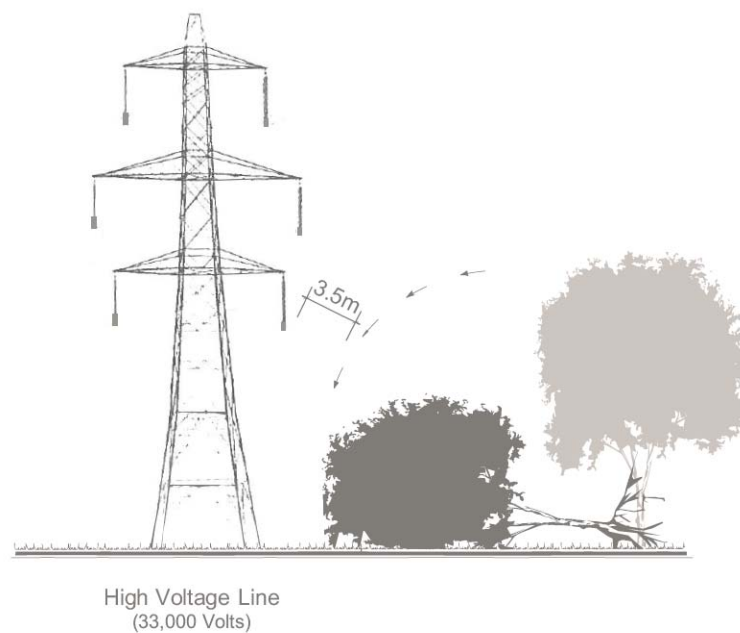


Figure 12 Minimum planting distance from street signs and signals showing drivers sightlines. Low branches pruned on tree to achieve required height

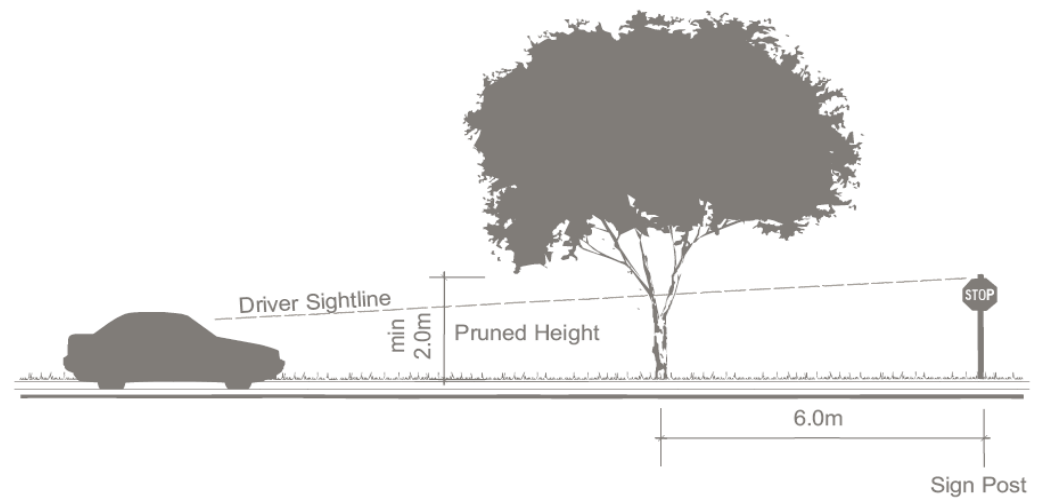
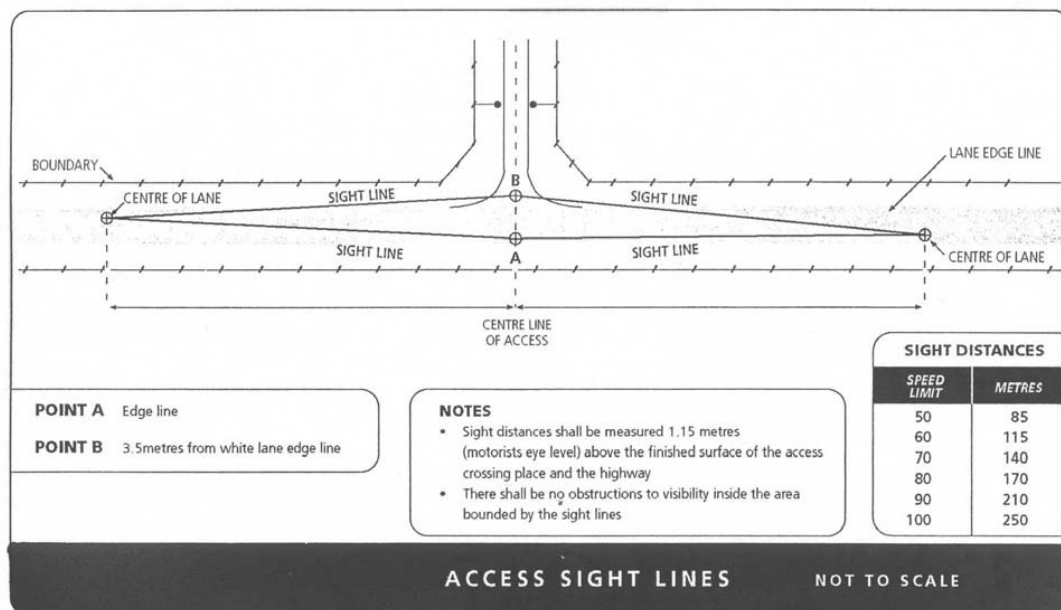


Figure 13 Safe Intersection Sight Distances (SISD)



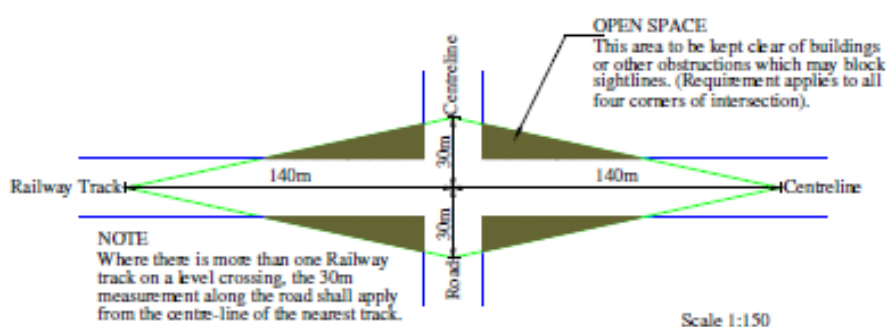
Only shrubs that will grow to no more than 60 centimetres in height or single trees that can satisfactorily pruned to clear driver sightlines (see above) are to be planted within the sight distances shown.

18 TRAFFIC SIGHTLINES AT RAILWAY CROSSINGS – TREE AND VEGETATION PLANTING

The Selwyn District Planning Scheme states that:

Any use of land (including structures or vegetation) on a site abutting a railway shall comply with traffic sight lines at railway crossings in accordance with the requirements of the Plan rules 17.5.1.1 and 17.5.1.2. (Figure 14).

Figure 14 *Any use of land (including structures or vegetation) on a site abutting a railway shall comply with traffic sight lines at railway crossings in accordance with requirements in the diagram below*



19 PLANTING AND LANDSCAPING ON STATE HIGHWAYS

All planting and landscape work on state highways shall be designed and implemented in accordance with the NZ Transport Agencies (NZTA) document, "Guidelines for Highway Landscaping", Section 4 "Highway Landscaping Design" (effective from 1 December 2006). Refer Section 48 Appendix 48.23.

NB:

Any landscape planting or maintenance work on State Highways will require NZTA approval

PART 3

20 MEMORIAL PLANTING AND LOCATIONS

The Council may consent to appropriate memorial trees or vegetation plantings on its land in locations considered to be suitable.

20.1 Memorial tree or plantings

Prior approval of Council is required for commemorative planting in parks, reserves and road reserves which will be subject to the following.

20.2 Commemoration of important person or significant events

Where any person(s), organization or event being commemorated is considered to be of considerable local, regional, national or social historical significance, the Council may approve memorial tree/vegetation plantings, and the installation of suitable memorial plaques structures or objects. The commemorative trees and related objects will be recorded on the Councils asset register.

20.3 Commemoration of persons or events of personal/private interest

Plantings to commemorate family members, friends, or events purely of personal interest to those concerned, may be approved, but not in high profile locations, nor with the installation of any plaques, other structures or objects.

20.4 Dedicated areas for commemorative plantings

The Council may in the future set aside reserve areas specifically for commemorative planting.

20.5 Commemorative plantings – Landscape/Management plans.

Any Commemorative plantings will need to be in accordance with any landscape or management plan adopted for the reserve and be of approved species.

20.6 Plantings near roads

The plantings shall not be established in locations that will create a hazard for road users, including pedestrians or cyclists.

21 SPONSORED & DONATED TREE/VEGETATION PLANTINGS

The Council may approve sponsored and donated planting on Council land subject to the following:

Any tree species approved for the site will be suitable for the existing conditions and be of a species that is compatible visually, ecologically and functionally with the existing tree and vegetation species as well as landscape design and use of the site.

The plantings will not be established in locations that will create a hazard for road users, cyclists or pedestrians.



Unauthorised unsuitable planting on Council road reserve creating a hazard for road users

22 STRUCTURES, SIGNS AND PLAQUES

The prior approval of Council will be required for the installation of any structures, signs and plaques accompanying any planting on Council land.

Structures, signs and plaques proposed to be erected near the plantings will only be approved where the person, organization or event is of the significance described in Section 20.1 or where an interpretive sign is desirable for public information.

In general, structures, signs and plaques will not be permitted for plantings purely of personal interest to members of the public.

Structures plaques etc. will need to be approved by the Council and be of a design suitable for the character of the site, and made of durable and vandal resistant materials that will require little or no maintenance by the Council.

23 TREE /VEGETATION PLANTING ON COUNCIL LAND BY THE PUBLIC

Individual members of the public or community groups are not permitted to plant trees or vegetation any Council land without first obtaining Council approval.

The Council will support members of the public and Community groups who wish to be actively involved in tree and vegetation plantings on Council streets and reserve land, provided this is carried out in accordance with the following process:

- Applicants are to submit a brief application statement together with a (simple) drawing or plan indicating where the trees are proposed to be planted (use standard application form).
- In street planting situations, the planting will only be considered if the application is to plant the whole or a major part of the street. The majority of residents will have to be in support of the planting and the Council will need to receive some confirmation of this with the application
- The Council will carry out an inspection of the site noting the location of services, structures, width of footpath berms and any other site features that may present an impediment to planting.
- If found to be suitable for planting, the Council will prepare a planting landscape plan showing the planting positions and tree/vegetation species in relation to the adjacent properties, street structures and services.
- The landscape/planting plan will be forwarded to affected residents and the local Township/Community committee for approval.
- If agreed to proceed and funding is available, the Council will schedule the operation and either provide advice on or arrange for the supply of suitable plants and planting materials.
- Immediately prior to the planting taking place the Council will mark the planting positions in readiness for the residents' planting operation.

The Council has safety procedures in place for voluntary work on Council land see Section 28.

23.1 Funding for planting

Council cannot guarantee that funding will be available for planting in the financial year an application is made and it may therefore have to be postponed pending Council approval processes (e.g. LTCCP). In such situations preference may be given to plantings that are wholly or partially funded from other sources other than the Council.

24 PLANTING & MAINTENANCE - OPERATIONAL STANDARD SPECIFICATIONS

Unless otherwise specified in contracts, all procedures, operations and materials relating to the implementation, establishment and acceptance standards of street tree and vegetation planting shall be in accordance with the Christchurch City Council Civil Engineering Construction Standard Specification Part 7 – Landscapes (CSS Part 7 2007) as may be amended from time to time. Refer Section 48 Appendix 48.20 or Council’s Engineering Code of Practice as may be amended from time to time – Refer Appendix 48.29.

25 REMOVAL OF COUNCIL TREES AND VEGETATION

The Council may remove trees and vegetation in accordance with good tree management principles or where the following has been established:

- The tree/s or vegetation is dead, dying, severely diseased or immediately dangerous because of a serious structural defect.
- The tree/s or vegetation is causing serious damage to public or private property that cannot reasonably be remedied except by removal.
- The tree/s or vegetation is causing an **Undue** interference with the use or loss of enjoyment of neighbouring land in a manner described in the Property Law Act 2008 Section 335 (see Section 48 Appendix 48.3) of the policy).
- Where trees/s or vegetation is proven to be seriously affecting the health of a particular person. Refer Section 32.5.
- To benefit adjacent trees that are better specimens or more desirable in some way.
- As part of the implementation of landscape or reserve management plans adopted following community consultation.
- As part of the normal management of commercial forestry plantations.
- As part of the normal management of shelter belt plantings.
- The trees or vegetation are listed as noxious, surveillance or, poisonous plants as defined in Section 32, or in the areas defined in the District Plan as the Port Hills, Malvern Hills or the High Country, any of the problem wilding tree species listed in 2.2.2.2 of the Plan (see Section 48.1 of this policy).
- The trees or vegetation are creating a road hazard or safety concern to road users including cyclists and pedestrians.
- Where a township committee or community board may request it, subject to Council approval

26 TREES/VEGETATION ON COUNCIL LEASED OR RENTED LAND

Where Council land is proposed to be leased or rented, the Council will include in the lease or rental agreement conditions that prevent trees or vegetation being removed or pruned to the extent that their values are destroyed, unless the work has first been approved in writing by the Council.

26.1 Protected trees on Council land

Any trees on Council land are protected and listed as protected under Appendix 4 of the Selwyn District Plan are subject to the rules that relate to protected trees in Part C of the plan (refer to Section 48 Appendix 48.24) and the provisions of the Resource Management Act.

Under the Plan rules resource consent is required for any works that affect protected trees.

In drawing up rental and lease agreements for Council properties containing protected trees, conditions will be included to ensure the preservation and health of the trees and the process to be followed with regard to any resource consents to be applied for.

In the event of any tenant or lessee wishing to apply for resource consent for work on a protected tree this should first be referred to the Council's Asset Property Unit to determine whether any lease or rental conditions apply to the protected tree and whether the Council is likely to support the application.

If it is decided to proceed with the application it is to be lodged with the Council's Planning Department who are authorised under the Resource Management Act to decide the matter.

Where the proposed work is solely for the benefit of the lessee, tenant or licensee(s) rather than the appearance, health, or safety of the tree(s), they may be required to pay the costs of the application as well as the costs of any approved work.

Where Council properties contain protected trees this fact will be entered on the LIM (Land Information Memorandum for the property).

NB

The Council proposes to notify a District Plan Change that will bring in a new list of protected trees and amendments to the rules.

26.2 Control of tree and plant pest species

In entering into lease and rental agreements involving Council land, Council may impose conditions as to the control of any of the undesirable tree and plant pest species mentioned in Section 32 of this policy.

27 PUBLIC NOT PERMITTED TO CARRY OUT (UNAUTHORIZED) TREE WORK ON COUNCIL LAND

The public is not permitted to carry out any cutting, trimming or work on any trees or vegetation on any Council land unless this is minor work as defined under Section 29 of this policy or, the work is part of a voluntary worker operation specifically approved and organized by the Council.

The public is not permitted to carry out tree or vegetation planting on any Council land without the prior approval of Council. Section 23 covers the processes for planting trees and Section 28 the requirement for voluntary workers.

Whether or not any plantings carried out by the public are authorised, all tree and vegetation on Council land are Council property and will be retained and/or maintained entirely at the Council's discretion.



Unauthorised rimming of Council trees

28 PUBLIC HEALTH AND SAFETY REQUIREMENTS FOR VOLUNTARY WORKERS

The Council is required to comply with the Health and Safety in Employment Act 1992 when engaging volunteers to carry out tree and vegetation operations on any Council land.

All voluntary workers carrying out tree and vegetation work on Council land shall read and complete the Council's Volunteer Health and Safety Induction Forms (refer Section 48 Appendix 48.2) and agree to comply with any safety precautions or conditions the Council deems to be necessary.

The Council person engaging volunteer worker(s) will take all practicable steps to ensure the health and safety of the worker(s) also any member of the public who may be exposed to the hazard

The Council supports, and recognises the important work that volunteers do to maintain, improve and develop areas of Council land and encourage the conservation of native species.

29 PUBLIC MAY CARRY OUT CERTAIN TREE/VEGETATION WORK

The public is encouraged to assist with the maintenance of trees and vegetation by watering plants near them in times of drought.

The public may also assist by hand cultivating and maintaining weed free the ground around the base of trees.

The planting of low growing (less than 600 millimetres high) herbaceous plants around the base of trees in streets is permitted provided the plants are not of an invasive nature. However, if the Council needs to remove the plants for any reason, it may do so without compensating for the loss of the plants.

30 TREES AFFECTING PUBLIC SERVICES/UTILITIES/STRUCTURES

The Council will plan and maintain the trees and vegetation on its land in a manner that gives effect to the following:

30.1 Trees near power lines

The Council has a legal obligation to comply with the Electricity (Hazards from Trees) Regulations 2003 and accordingly will, when planning and undertaking new plantings in and around electricity lines, ensure that the location and species selection for trees and vegetation will ensure that the vegetation at mature height will comply with relevant growth limit zones as specified in those regulations (including recognition of both vertical and horizontal separation distances for electrical line spans over 150 meters) and therefore avoid the need for trimming. For existing vegetation Council will manage trees and vegetation to give effect to the regulations. (Refer Section 48 Appendix 48.15) for regulation document.

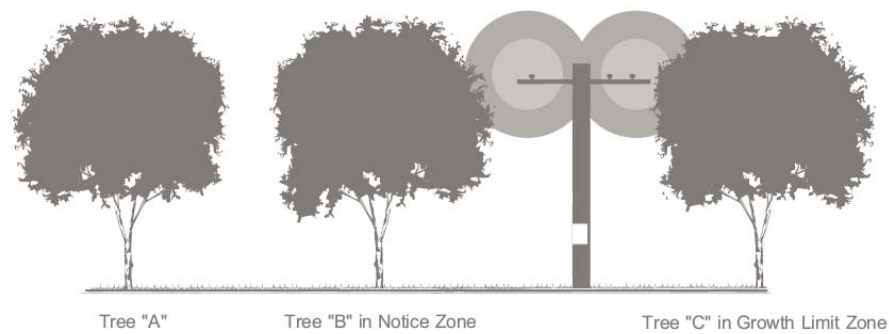
The regulations define the safe distances between the trees and the overhead lines and specify who is responsible for ensuring these distances are maintained. Where any tree on Council land encroaches within the specified safe distances, the Council as the owner is responsible for ensuring the necessary lines clearance work is carried out. In failing to do so the Council may be considered liable if any damage or accident occurs.

The Council will ensure that wherever possible good specimen trees are retained and pruned as attractively as possible given the safety considerations and requirements of the line clearance work.

In situations where a Council specimen tree encroaches within the regulatory “notice zone” (but not the “growth limit zone”) from the power lines and to prune it clear of the “notice zone” would result in its destruction or disfigurement; the Council may apply to the owner of the lines for a dispensation to allow the tree to encroach into the “notice zone”.

If a dispensation is granted, it will be the Council's responsibility to ensure that the tree does not encroach into the "growth limit zone" (beyond the "notice zone") – refer to Figure 15.

Figure 15 Notice Zone and Growth Limit Zone



For spans less than or equal to 150 meters

Overhead Line (High Voltage)	Notice Zone	Growth Limit Zone	Note: 1) These distances are from the power line, not the power pole 2) These distances are a minimum and apply in all conditions including high wind or snow 3) In most instances the power lines that go to a house or building are low voltage power lines. Power lines that go down a street may be low or high voltage
66kv or greater (High Voltage)	5.0 metres	4.0 metres	
33kv (High voltage)	3.5 metres	2.5 metres	
11kv (High voltage)	2.6 metres	1.6 metres	
400V/230V (Low voltage)	1.5 metres	0.5 metres	

For spans greater than 150 meters

Overhead Line (High voltage Span lengths)	Vertical Distance	Horizontal Distance	Note: 1) Add an extra metre to identify the notice zone distance 2) D1 = distance for the first 15% of each span at either end of span 3) D2 = distance from the centre 70% of each Span
150 to 300	4.0 metres	D1 = 4metres D2 = 8 metres	
310 to 500	4.0 metres	D1 = 7.5 metres D2 = 15 metres	
501 to 700	4.0 metres	D1 = 15 metres D2 = 30 metres	
Greater than or equal to 701	4.0 metres	D1 = 25 metres D2 = 50 metres	



Small trees planted under low and high voltage power lines



Large trees planted too close to high voltage power lines

30.2 Trees endangering telecommunication lines

The Council recognizes the importance of protecting telecommunication lines from damage and service breakdown.

In planting and managing trees on Council land, the Council will endeavour to plant trees a safe distance from underground and overhead lines.

Existing trees will be pruned at timely intervals to ensure they are kept at a safe separation distance from the lines.

In pruning trees, the work will be carried out in a manner that preserves as much of the natural attractive form of the tree as possible.

30.3 Trees and drainage systems

Sewer and stormwater systems are prone to damage and intrusion by tree roots particularly older ceramic pipe structures and pipelines with damaged/defective jointing seals.

In dealing with damage to pipes by trees, the Council will explore all reasonable solutions to abate the problem avoiding removing good quality specimen trees wherever practicable.

In planting trees in the vicinity of drainage systems, sewer, stormwater and other utilities publicly or privately owned, the Council will have regard to the location of pipes as shown on service plans and plant a safe distance from them (refer to Section 17).

30.4 Trees and street lights

Having adequately lit streets is important for traffic and pedestrian safety also for providing a sense of security for residents.

Trees will be pruned at timely intervals to minimize light obstruction. All pruning will be carried out in a manner that preserves as much of the natural attractive form of the tree as possible.

In planting new trees in streets, the Council will ensure they will not cause serious obstruction of the street lights in the future by planting the trees not less than 6.0 metres from the light poles (refer Section 17 and Figure 9).

30.5 Obstruction of traffic and street signs

It is of high safety importance that traffic and pedestrian sightlines to traffic signs and signals are not obstructed and that the signs can be clearly seen from a safe reaction and stopping distance away.

Trees/vegetation will be inspected for sightline obstruction at regular intervals with priority given to removing any obstructing foliage.

In planting new trees, the Council will ensure that they are planted at a distance and in a position that obstruction of traffic signs/signals does not become a problem.

Trees planted in the vicinity of traffic and street signs will be of a species, form and structure that can easily be pruned to clear traffic signage without spoiling the appearance of the tree.

30.6 Tree damage to structures and street furniture

Trees are relatively dynamic structures that have the potential to cause damage to any fixed object near them by way of root and branch growth and the continuing expansion of the trunk and root crown. Tree parts also move under wind loading exacerbating any damaging effects on adjacent objects.

In planting trees near fixed structures, the Council will allow sufficient space for the tree to grow to a mature size without causing damage to a structure or object (or the structure or object causing damage to the tree).

Before proceeding to remove any tree, whether causing damage to public or private property, the Council will firstly assess whether there is a cost effective arboricultural or engineering solution to the problem. Failure in this respect may mean that the tree has to be removed.

31 CONSTRUCTION OPERATIONS NEAR COUNCIL TREES & LANDSCAPE FEATURES

Contractors intending to carry out any construction or excavation work in the vicinity of trees, vegetation or landscape features on any Council owned land are required to comply with the following:

31.1 Protected trees on Council land - Selwyn District Plan rules

Any earthworks within an area measured from 5.0 outside the dripline (periphery) of trees protected as heritage trees under the Selwyn District Plan, **including protected trees on Council land**, will require an application to be made for resource consent.

Resource consent will also be required for the removal or certain pruning work on any protected trees that may be affected by the construction work.

These works are described in rules Parts 2 & 3 of the District Plan Council consent for any works will be subject to whatever conditions the Council may see fit to make to mitigate any detrimental effects of the works on the tree.

A current list of the protected trees and the rules that apply to them can be found in Section 42 of this policy.

NB:

The Council proposes to notify a plan change that will bring in a new list of protected trees and amendments to the rules.

31.2 Protection from damage of other Council trees, vegetation and landscape features

The protection of other Council trees, vegetation and landscape features from any damage that may result from construction operations, shall be in accordance with the Christchurch City Council Civil Engineering Construction Standard Specification Part 1 Section 16 to 16.7 except where specifically prescribed in 31.3 and 31.4 below. Refer to Section 48 Appendix 48.20.

31.3 Removal of trees, vegetation and landscape features

No trees shall be removed or relocated unless they have been identified and shown on the construction plans or, have been identified and marked for removal during a joint inspection by the Engineer and the Contractor.

Trees found to be conflicting with the works when an operation is in progress shall not be removed without the consent of the Engineer.

The procedures to enable removal or relocation shall be determined by the Engineer and the contractor.

31.4 Pruning of trees and vegetation

Any tree or vegetation pruning required during the construction operation will require the prior approval of the Engineer and be carried out by qualified/competent arborists or horticulturists to established industry standards.



Construction operation near Council trees

32 UNDESIRABLE TREES AND VEGETATION (GENERAL)

32.1 Poisonous plants (external by contact)

The Council will not plant trees, or other vegetation on its land that consist of the species listed in the Landcare Research document “Poisonous Plants in New Zealand - External Poisons (skin irritants) and that are identified as being a serious problem in this respect (Refer Section 48 Appendix 48.16 of this policy).

32.2 Poisonous plants (if eaten)

In planting and managing trees and vegetation on its land, the Council will be guided by the Landcare Research document, “Poisonous Plants in New Zealand – Poisonous if Eaten”. In the case of certain species that are otherwise ornamentally or environmentally desirable, care will be taken to locate them clear of play-grounds or other areas where children are likely to congregate. (Refer Section 48 Appendixes 48.16.

32.3 Allergenic trees and vegetation (current Council policy)

Research into birch pollen in recent years, has discovered that it has properties that are highly allergenic to susceptible members of the population. The publicising of the research has led to complaints being received from the public concerned about the effects of birch pollen on themselves or their family and requesting that all birch trees be removed from Council land. To deal with the situation the Council has adopted the following policy (Refer to SDC Policy Manual T202).

32.4 Allergy Friendly Plant Selection for Council Administered Land

- a) There will generally be no active removal of highly allergenic* tree and shrub species but rather natural attrition of such species through non-replacement. Requests for specific tree removal may be considered using the criteria listed in Policy, “Tree removal from SDC administered land.”
- b) Council tree and shrub plantings will be selected from species known to be low risk* in generating allergic effects as well as female individuals of dioecious plants.
- c) Plantings of highly* allergenic species may be considered but only where there is minimal exposure of residents to pollen i.e. outside of residential areas.
- d) The public will be encouraged to plant low risk allergenic plant species
- e) Raise public awareness of the allergic effects of various plant pollens and those tree species that are highly allergenic.
- f) Endorse landscape plans submitted with resource consents for land development which utilize low risk allergenic species.

** Numerous plant species produce allergenic pollen. For the purposes of this policy, highly allergenic species are those defined by American researcher, Tom Ogren, as plants with an Ogren Plant Allergy Index Scale (OPALS) scores of 7 and above and low risk species scoring 1 - 5.*

32.5 Removal of Allergenic Plant Specimens from Council Administered Land

1. Tree removal on SDC reserves and streets will primarily be for reasons of poor tree health, major public works, significant impact on neighbours or possibly damage to SDC or privately owned property (See Appendix – 3: Policy T201, Specimen Trees on Council Land.)
2. If tree removal is requested due to a resident's poor health, these will be assessed on a case by case basis with due consideration to the following matters:
 - Proof of allergic reaction to specific tree species e.g. Doctor's certificate.
 - Likely effects of tree removal on resident's health.
 - Distance from property that trees have been requested to be removed.
 - Other possible sources of allergenic pollen in vicinity of resident's property.
 - Were the trees in question planted prior to the resident purchasing their property.
 - Protected/Heritage tree exemption.
 - Neighbour to contribute 50% of costs of removal and replacement.

32.6 Noxious or Pest plants

In planting and managing trees and vegetation on its land, the Council will not plant and will endeavour to eradicate all noxious or pest plants documented or listed as such by the Ministry of Agriculture and Forestry and Environment Canterbury (Section 48, Appendix 48.16).

32.7 Invasive Trees

In addition to any trees that are listed by MAF as noxious or pest plants, the following trees have prolific, viable seeding or suckering habits that are known to be invasive or too prolific in woodland areas or other naturalistic sites. If planted at all, they should not be planted in areas where normal scheduled maintenance would not be sufficient to control their spread.

- *Acacia dealbata* - silver wattle: bad suckering habit.
- *Ailanthus altissima* – Tree of heaven: bad suckering habit.
- *Acer negundo* - box elder: problem seedling production (females).
- *Acer pseudoplatanus* – Sycamore: problem seedling production.
- *Albizia lophantha* – Cape wattle: problem seedling production.
- *Robinia pseudoacacia* – False acacia bad suckering habit.

- *Ilex aquifolia* – Holly: problem seedling production.
- *Crataegus monogyna* - Hawthorn: problem seedling production and fireblight disease.
- *Euonymus europaeus* – Spindle tree: problem seedling production.
- *Fraxinus ornus* – Manna ash: problem seedling production.
- *Ginkgo biloba* – Maidenhair tree: smelly fruit (females).
- *Populus alba* (& *Pyramidalis*) - White poplar: bad suckering habit.
- *Sambucus nigra* – Elderberry: problem invasive seedling production.
- *Sorbus aucuparia* – Rowan: problem seedling production.
- *Maytenus boaria* – Mayten: bad suckering habit.
- *Prunus cerasifera* - Cherry plum: bad suckering habit and fruit deposits.
- *Prunus padus* – Bird cherry: (also used for rootstocks): bad suckering habit.
- *Alnus glutinosa* – Alder: problem seedling production.
- *Ulmus glabra* – & *U. procera* – Wych & English elms: bad suckering habit.
- *Hoheria populnea* & *lanceolata*: problem seedling production

32.8 Gum leaf skeletoniser moth

The gum leaf skeletoniser moth caterpillar (which feeds on gum leaves) has the potential to cause severe pain and discomfort also an allergic response to people that touch its poisonous spines. In view of this, the Council may not plant *Eucalyptus* species near childrens play areas, childcare centres or areas where people frequently congregate. (Refer also Section 4.1)

33 OVERSIZED LOADS – TREES/VEGETATION

The prior approval of Council is required before oversized loads (e.g. relocatable buildings) are transported on Council administered roads.

Where trees/vegetation are likely to cause an obstruction to the transport of oversized loads, it will be the Council's discretion as to whether removal of trimming can be carried out to clear the load.

Any tree/vegetation work required to clear loads or provide access to properties shall be carried out by Council approved contractors.

The cost of any trimming or falling work or restoration of landscape features will be at the applicant's expense unless the Council decides otherwise.

34 UNAUTHORISED REMOVAL, TRIMMING AND WILFUL DAMAGE OF COUNCIL TREES/VEGETATION

The public is not permitted to remove or trim trees or vegetation on any Council land unless first obtaining Council consent for the work. Any unauthorized work may be considered to constitute wilful damage.

In proven cases where acts of wilful damage or negligence has caused destruction or damage to Council trees or vegetation, the Council will seek to recover the amount of the damage, the costs of any remedial or restitution work also any Council administration costs involved, from anyone found liable.

The power for local authorities to recover for damage by wilful or negligent behaviour is provided under Section 175 of the Local Government Act 2002. (refer Section 48 Appendix 48.13).



Unauthorised removal of Council tree

35 COUNCIL TREE & VEGETATION - REMOVAL AND PRUNING-APPLICATIONS AND REQUESTS

The Council will consider applications or requests from the public for the removal of trees or vegetation on its land having regard to the following:

35.1 Considerations relating to tree and vegetation removal/trimming

In dealing with applications from the public for trees to be removed or trimmed, the Council will assess and discuss the situation with the applicant/complainant on site and give full consideration to the following in making a decision:

- Any statutory/regulatory requirements of service authorities and safety issues involved.
- Whether the tree(s) or vegetation is dead, dying, severely diseased or immediately dangerous because of a serious structural defect.
- The trees(s) or vegetation is currently causing, or has the potential to grow to a size likely to cause serious damage to private property that cannot be remedied by works other than removal.
- Whether the tree/vegetation is creating a “nuisance” under common law. See Section 48 Appendix 48.4.
- Whether in the Council’s opinion, the tree(s) or vegetation are causing an **undue** interference with the use or loss of enjoyment of neighbouring land.
- The impact of pruning on the health, stability and appearance of the tree(s) and vegetation.
- Whether the trees/vegetation has been **proven** to be seriously affecting the health of any person(s). (Refer Section 32 also).
- The Biodiversity Strategy for the Canterbury Region.
- Whether the tree(s) fail to comply with the rules for shelterbelts and amenity planting or plantations rules under Part C (2) Rural Rules of the Selwyn District Plan.
- Any other related policies and guidelines set down in the document.
- Whether the trees/vegetation are creating a road hazard or safety concern to road users including cyclists and pedestrians.
- Whether the tree(s) or vegetation is listed by the relevant authorities as being any of the following plants:
 - Poisonous
 - Pest
 - Noxious
 - Surveillance
 - Invasive

- Highly allergenic

35.2 Benefits of trees to be considered

In dealing with any application to remove any trees or vegetation the Council will also have regard to the following benefits provided by the trees/vegetation:

- The approved management plan for the reserve in question and the purpose for which it is classified
- The value of the tree(s)/vegetation to the street landscape
- The importance of trees/ vegetation for wildlife conservation
- The interests of the public in the maintenance of an aesthetically pleasing environment
- The desirability of protecting public reserves containing trees or vegetation
- The value of the trees or vegetation as a public amenity
- Any historical, cultural, or scientific significance of the trees or vegetation
- Any likely effect of the removal or trimming of the trees or vegetation on ground stability, the water table, or storm water run off
- Whether the tree(s) are protected under the Selwyn District Plan or listed in the Schedule of Regionally Significant Plants on the Canterbury Plains refer Section 48 Appendix 48.25.
- The Biodiversity Strategy for the Canterbury Region

35.3 Legal considerations

In dealing with applications from the general public to remove trees and vegetation on Council land the Council will also have regard to and be guided by the provisions of the following:

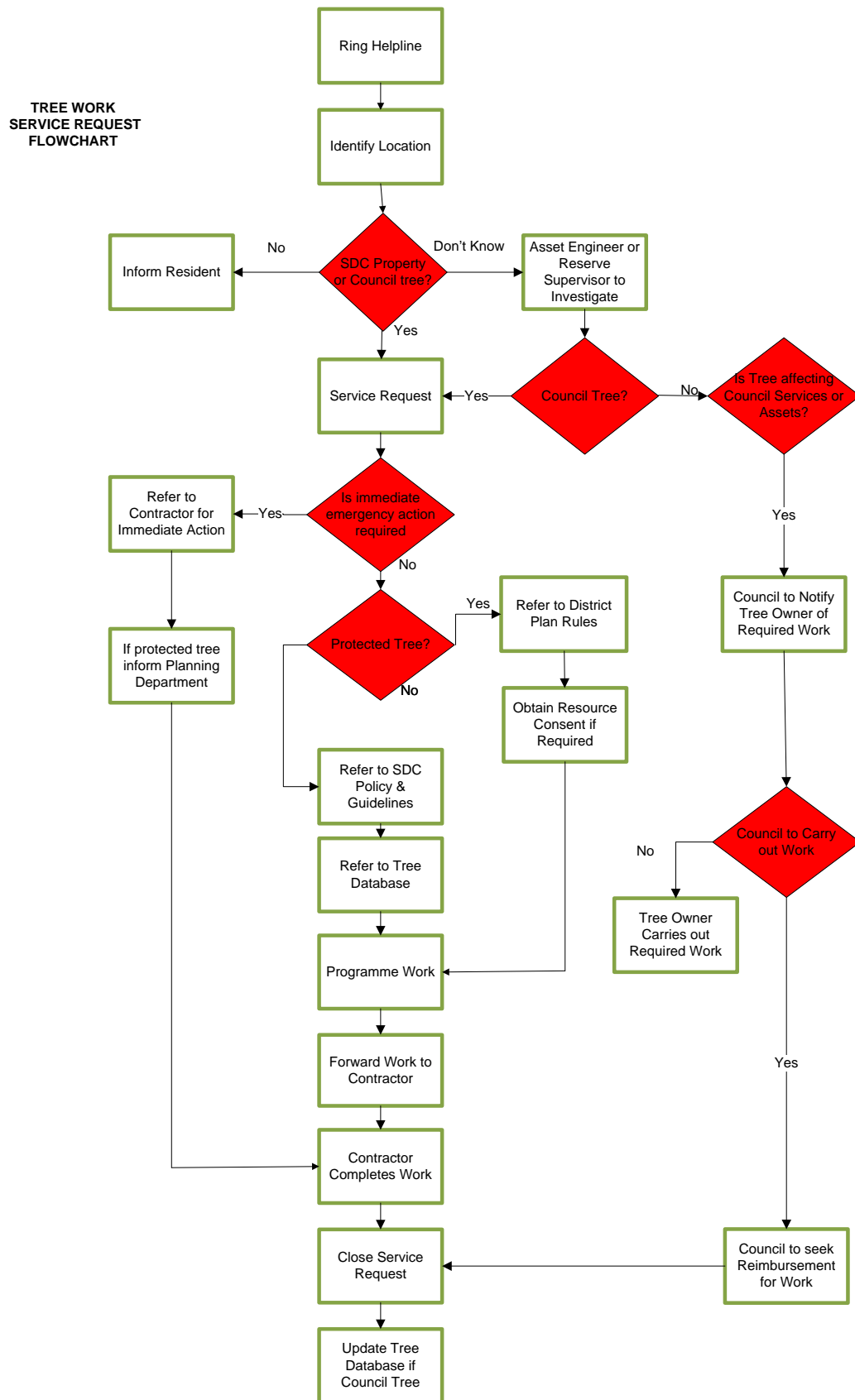
- The Reserves Act 1977 (Section 42)
- The Property Law Act 2008 (Section 335)
- The common law relating to “nuisance”.
- The Selwyn District Plan Part C Rural Rules
- The Electricity (Hazards from Trees) Regulations 2003
- Common law relating to “duty of care”
- Local Government Act 1974 and 2002
- Resource Management Act 1991 and Selwyn District Plan (protected trees & shelterbelts & amenity plantings)
- Refer Section 48 Appendices

35.4 Applicants may bear costs of work

Where the Council has decided to agree to applications for trimming or removing trees or vegetation on Council land, the Council may, having regard to the circumstances, require the applicant to pay the whole or any specified share of the

costs of the work. The amount to be paid shall be agreed between the applicant and the Council before work commences.

Figure 16 Tree Work Service Request Flowchart



36 AUTHORISATION TO MAKE DECISIONS ON COUNCIL TREES & VEGETATION

36.1 Council authorisation to make decisions on trees & vegetation (excluding protected trees)

The Council's Asset Manager (or his nominee) has Council delegated authority to make decisions relating to the management of trees and vegetation, including applications and requests from the public, except for trees listed as protected trees under the Selwyn District Plan.

Any decisions on Council trees will have regard for all the considerations contained in 35.1, 35.2 and 35.3 above.

Before arriving at any decision, the Council's Asset Manager (or his nominee) will consult with the local Ward Councillor (from T201 Delegations Manual).

Having considered all the factors and issues pertaining to an application to remove tree(s) or vegetation on any Council land, the Council's Assets Delivery Manager or his nominee has Council delegated authority to decide any action to be taken on the matter. Refer Section 48 Appendix 48.21.

The Council's Asset Manager may, upon prior receipt of a written application, nominate Community Boards and Committees to carry out certain tree and vegetation work as a voluntary community venture subject to the provisions of the health and safety policies set down in the manual. Refer also to Section 23 Tree and Vegetation Planting on Council Land by the Public.

36.2 Authority for protected trees

Where trees are listed as protected trees under Appendix 4 of the Selwyn District Plan, resource consents is required for specified works that affect the trees. Certain named Council planning officers are delegated the powers of Council to make resource consent decisions on behalf of Council.

37 PRIVATE OWNERSHIP TREES AND VEGETATION – POWERS OF COUNCIL

37.1 Tree disputes between neighbours

The Council has no authority or responsibility in law to become involved in disputes between neighbours about trees or vegetation on private land. This is entirely a matter for the respective property owners to resolve in accordance with the legal remedies available to them. (See Property Law Act and common law of nuisance Section 48 Appendix 48.3 & 48.4.

The powers of Council to deal with issues related to trees on private land are limited to those defined below:

37.2 Protected trees listed in the Selwyn District Plan

Certain work to protected trees on private land as described in the District Plan rules requires an application to be made to Council for resource consent regardless of any other laws or regulations that may also be relevant. (Refer rules in Section 48 Appendix 48.1).

37.3 Private trees/vegetation encroaching over legal road boundaries

It is the responsibility of the owners of private trees or vegetation growing over legal road boundaries to carry out trimming or removal where the following occurs:

- Any road safety hazard such as obscuring sightlines at intersections or immediate hazard from falling trees or branches
- Obstruction of road vehicles (trees/vegetation growing lower than 4.25 metres over road carriageway). See Figure 17
- Where a road or street may be part of a defined over dimension vehicle route where larger clearances may be stipulated by Council.
- Obstruction of pedestrians using public footpaths (trees/vegetation growing lower than 2.0 metres over a formed sealed/paved footpath. See Figure 18
- Obscuring road traffic and pedestrian signs, signals and directional information.
- Obscuring streetlights
- Damaging Council street furniture/structures
- Damaging Council services or assets above or below ground
- The roots from trees growing on private land abutting any Council road are causing or likely to cause damage to any part of the structure of the road.

Figure 17 *Private tree owner is required to maintain tree clearance over footpaths and road carriageways*

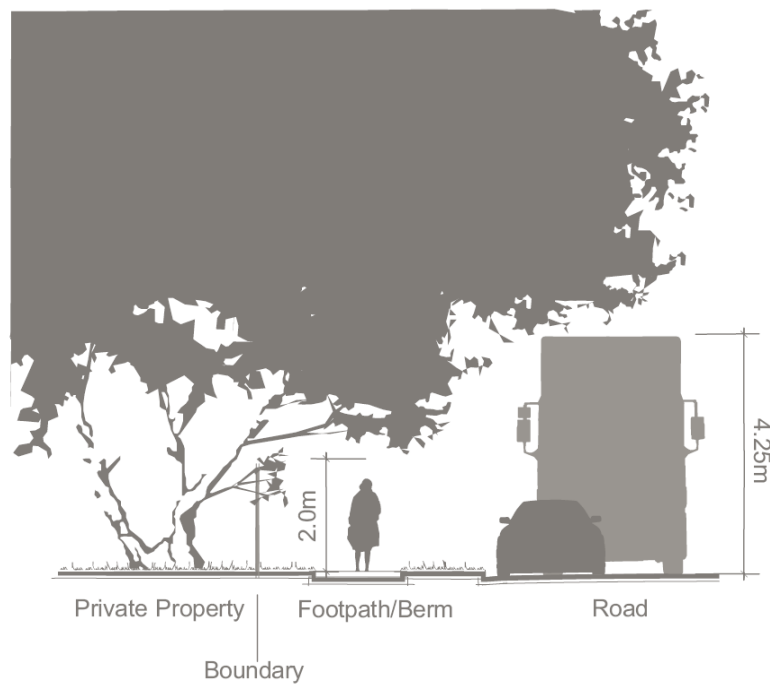
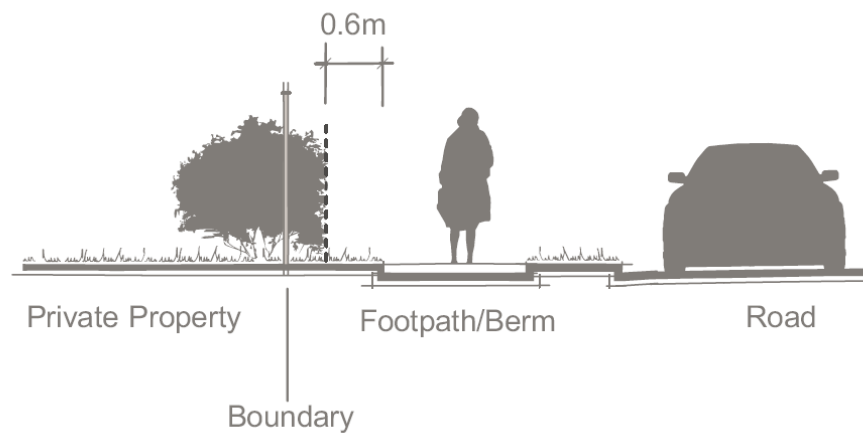


Figure 18 *Low growing private vegetation is to be kept clear of the footpath (paved or sealed) by the distance shown*



37.4 Trees and vegetation on private land obstructing drains or watercourses

Where trees/vegetation on private land are obstructing drains, drainage channels, or watercourses, on private land, the Council may, by notice in writing require the tree owner to remove the obstruction. (Local Government Act, Sections 468 and 511), Refer Section 48 Appendix 48.11.

37.5 Obstructions or damage caused by private trees – Encroaching over road reserve

To remedy any of the situations described in Sections 37.2, 37.3, 37.4 the Council will firstly notify owners in writing of the obstructions their trees are causing requiring them to carry out whatever remedial work is deemed necessary.

In the event of the remedial work not being carried out to the Councils satisfaction, the Council may, after giving oral notice, carry out the work itself.

Where a tree owner fails to carry out remedial tree work for any reason and the Council decides to carry out the work itself, the Council may, having regard to the circumstances, charge the tree owner for the costs of any preventative, remedial or damage repair work required.

The Council will not enter upon private land or property to carry out **non urgent** tree work unless a notice in writing has been served or this has been previously agreed with the tree/vegetation owner.

The Council is authorised to deal with situations involving – encroaching private trees by the provisions of Sections 173, 355 and 511 of the Local Government Act 2002 in Section 48 Appendix 48.9, 48.10, 48.11 of this policy.



Private trees obstructing and damaging footpath

37.6 Emergency situations – Council's power to enter private property

In the case of **sudden emergency situations** that involves private trees, in accordance with Section 173 Local Government Act 2002, the Council may enter occupied land or buildings to carry out any necessary safety related work to prevent:

- loss of life or injury to a person
- damage to property , or
- damage to the environment; or
- a danger to any works or adjoining property.

Where such emergency action has to be taken and the owner has been unable to be contacted beforehand, as soon as practicable afterwards, the Council must inform the owner of the works and the reason for them. Refer Section 48.12.

37.7 Council authorized persons – trees on private land

Where the removal or trimming of overhanging trees is required to clear footpaths and road carriageway, certain named persons whilst they are the employees of the Selwyn District Council are delegated the powers and authority vested in the principal administration officer by Section 335 of the Local Government Act 1974 to deal with and prescribe action to be taken with such problems.

37.8 Authority for protected trees

Where trees are protected as heritage trees as listed in Appendix 4 of the District Plan, resource consent is required for specified works that affect the trees. Certain named Council planning officers are delegated the powers of Council to make resource consent decisions on behalf of Council.

37.9 Authority for rural plantations, amenity plantings and shelterbelts

Compliance with any activity involving the planting, management or felling of trees or vegetation as may be the subject of the rural provisions and rules in the Selwyn District Plan; (which also includes the shading of roads and footpaths by trees), is under the authority of Council delegated planning officers.



Trimmed trees growing over legal road boundary

38 TREES AND VEGETATION NEAR WATERBODIES & WATERCOURSE (GENERAL)

In planning to plant trees or vegetation near waterways the Council will take into account the following:

- Whether the plantings are also required to perform any engineering, erosion or flood control function.
- The general amenity and environmental values of the waterbody/watercourse.
- Whether some shading of the waterway is desirable to control water weed growth and moderate high water temperature levels.
- Whether the trees and vegetation planting is to be based on ecological and bio diversity principles and therefore should consist purely of (locally sourced) native plants.
- Whether the site has any strong links or character intrinsically associated with historic buildings or events, or early settler plantings of exotic trees that needs to be preserved or enhanced.
- The potential for the trees or vegetation to cause an obstruction to the waterbody/watercourse.
- Access required for maintenance personnel and machinery.
- The rural rules in Part C 2 of the District Plan relating to tree planting near waterbodies/watercourses.



Trees and vegetation obstructing waterbody/watercourse

38.1 Plant species selection for waterways

The above considerations notwithstanding, any plants to be used around watercourses will not consist of any of the plants with the characteristics listed in **Section 32** of this policy.

38.2 Maintenance considerations

The lower branches of trees and shrubs will be progressively pruned to a height above the high water mark of any waterways to avoid waterborne debris collecting in them and obstructing the flow.

38.3 Pruning

Watercourse trees will be pruned in a manner that will leave them in an attractive, healthy and safe condition also taking into account the need to create and maintain vistas and sightlines for the public across waterways.

38.4 Tree roots

Tree roots growing along vertical waterway banks will not be cut off or removed unless they are causing a significant obstruction to the waterway. Major root loss will detrimentally affect the health and stability of the trees which could leave the banks more prone to erosion and slumping.

38.5 Waterraces

In planting or managing trees/vegetation along water races the Council will have regard for:

- Water Race Management Plan
- SDC Water Race Bylaw 2008
- SDC Publication "A guide to the management of water races in Selwyn district"

NB:

Rivers and Streams are controlled by Environment Canterbury

39 OPERATIONAL GUIDELINES & STANDARDS FOR TREE AND VEGETATION WORK

Tree planting, aftercare, maintenance of mature trees and tree felling operations on Council land will be carried out, or supervised on site by competent/qualified operators in accordance with established arboricultural/horticultural work practices and industry standards.

39.1 Contract specifications

In drawing up contract specifications for Council tree work, the Council may require that the work is generally to be carried out in accordance with the relevant sections of the Christchurch City Council “Construction Standard Specifications” subject to any amendments or alterations the Council may wish to make.

39.2 Health and Safety

All contractors and Council staff shall comply with the provisions of the Health and Safety in Employment Act 1992 and any approved codes of practice or regulations relating to the particular operation concerned.

40 CONSERVATION COVENANTS

The Council may enter into an agreement with a private landowner to create a conservation covenant to preserve an area of land containing trees or vegetation considered to be of exceptional landscape amenity, historical, botanical or ecological value to the general public (See Reserve Act 1977 Section 77 – Conservation Covenants. Section 48 Appendix 48.7)

41 QE11 NATIONAL TRUST ACT 1977

To aid conservation on private land the Council may enter into a covenant under the Act, to secure the long term protection, preservation and enhancement of open space (including areas containing trees and vegetation) and the preservation of natural and cultural features. See QEII National Trust Document Section 48 Appendix 48.8.

42 PROTECTED TREES

Certain trees on Council land have been listed as protected under Appendix 4 - Schedule of Heritage Trees, in the Selwyn District Plan these are:

42.1 List of trees protected on Council land

42.2 Rural Volume listings

- T34 Sheffield Domain, Sheffield – Ponderosa pines (*Pinus ponderosa*)
- T36 Perymans Road, Tai Tapu – Walnut (*Juglans regia*)
- T39 Beethams and Leeston Roads – Commemorative oak (*Quercus robur*)
- T73 Waihora Park Reserve – English oak (*Quercus robur*)
- T74 Waihora Park Reserve – English oak (*Quercus robur*)
- T75 Waihora Park Reserve - English oak (*Quercus robur*)
- T75 Waihora Park Reserve – English oak (*Quercus robur*)
- T77 Waihora Park Reserve – English oak (*Quercus robur*)

42.3 Township Volume listings

- T13 Children’s playground, High Street, Southbridge – Walnut (*Juglans regia*)
- T15 Leeston Park, Leeston – Oak *Quercus* sp. (*palustris*) Memorial trees spp.
- T32 Kirwee Monument, Kirwee – Oak (*Quercus robur*)
- T38 Darfield War Memorial, Darfield – English oak (*Quercus robur*) not Turkey oak as stated.
- T40 Corner Goulds and Lowes Roads, Rolleston – Eucalyptus (*globulus*)
- T56 Bank of L1 Stream, Liffey Domain, Leinster Terrace side, Lincoln – Willow (*Salix fragilis*) 4 Oaks (*Quercus robur*)
- T57 Bank of L1, Liffey Domain, Kildare Terrace side Lincoln – Eucalyptus (*globulus*)

NB:

The above list with some corrections to tree species names and clarification as to location, is as stated in the current operative Selwyn District Plan as notified in December 2000. A new list of trees will be included in the Plan as part of a Plan Change 18.

42.4 Resource Consent required for work on protected trees

For any works proposed to be carried out on or near protected trees, the **Selwyn District Plan rules Part C (3) Living Zone Rules - Heritage– Maintenance of Heritage Trees 3.1.1.2 states that:**

“Any disturbance of any tree listed in Appendix 4 shall be a permitted activity if the following conditions are met” this is defined as

- (a) The activity is seasonal pruning of the trees(s), or removal or treatment of any diseased portion of such a tree(s); (therefore resource consent is not required) or,

- (b) “Any earthworks are not within 5 metres of the drip-line of the tree(s), (in which case resource consent is not required).

NB:

The above rules are likely to be changed if the proposed District Plan Change 18 is adopted.

Part C 2 Rural Zone rules under 2.3 Heritage Trees states that:

- 2.3.1 The removal of any part of any heritage tree listed in Appendix 4 shall be a permitted activity if one of the following conditions is met
 - 2.3.1.1 The activity is annual pruning; (resource consent is not required) or,
 - 2.3.1.2 The activity is removal of a dead, diseased or damaged tree or part of a tree that is dead, diseased or damaged (resource consent is not required).
- 2.3.2 The removal of any **heritage** tree which does not comply with Rule 2.3.1 shall be a restricted discretionary activity (see Section 16 Appendix 16 3)

NB:

Where it has been necessary to remove a protected heritage tree that is dead, dying, diseased or damaged or where the tree has posed an **immediate** danger to persons or property; it is recommended that the Council planning team be advised in writing of the situation as soon as possible after the event.

NB:

The above rules on tree work are likely to be changed if proposed District Plan Change 18 is adopted.

PART 4

43 LAWS AND REGULATIONS THAT RELATE TO TREE MANAGEMENT (Refer Section 48 - Appendices 48.1 to 48.30)

In making decisions relating to the management of trees and vegetation on Council land, or on land that may be subject to any rules in the Selwyn District Plan, the Council will have regard for and be guided in its decisions by the relevant statutory and common laws or regulations relating to each situation. These are principally:

43.1 Reserves Act 1977

- Preservation of Trees and Bush - Section 42
- Afforestation – Section 75
- Conservation Covenants – Section 77

43.2 Property Law Act 2007

- Court may order removal or trimming of trees – Sections 332 to 338

43.3 Local Government Act 1974

- Council may require the removal of overhanging trees (on roads) Section 355
- Tree roots obstructing public drains- Section 468
- Removal of obstructions from drainage channel or watercourse - Section 511

43.4 Local Government Act 2002

- Power of entry in cases of emergency – Section 173
- Power to recover costs for damage by wilful or negligent behaviour
- Local authority not authorized to create nuisance – Section 191 (refers to Common Law of nuisance relating to trees encroaching over adjoining land).
- Removal/trimming of trees overhanging and obstructing public roads - Section 355
- Tree roots obstructing public drains - Section 468
- Removal of obstructions from drainage channel or watercourse- Section 511

43.5 Resource Management Act 2008

Protection of trees and natural resources etc under District Plan. – Sections 5, 6, & 7

43.6 Selwyn District Plan

Protected trees and plantations shelterbelts and amenity plantings in rural areas. Part C 2 Rural and Part C 2 Living Zone rules.

43.7 Queen Elizabeth the Second National Trust Act 1977

The provision, protection, preservation and enhancement of open space.

43.8 Electricity (Hazards from Trees) Regulations 2003

Trimming and removal of trees near power lines.

43.9 Ministry of Transport - Land Transport rule

Dimensions of heavy vehicles (for tree clearance over roads).

43.10 Common Law (tort) of nuisance

Common law that relates to trees or parts of trees that encroach across adjacent land and cause a nuisance or damage to the property that may result in a claim for damages. There is nothing in the Local Government Act that authorizes a local authority to create a nuisance. Refer Section 48 Appendix 48.14.

43.11 Common law relating to Duty of Care and Negligence

The Council and its officers must conduct their activities in a manner that complies with their legal responsibilities and obligations under these laws particularly in relation to public safety.

44 USE OF AGRICULTURAL CHEMICALS / PESTICIDES

The application of chemical herbicides is often required to control weeds and noxious plants. Undesirable trees and vegetation may harm desirable plants and vegetation and detract from the enjoyment, aesthetics and function of a particular area. Insect and animal pests also need to be controlled from time to time.

The Council has a mandatory responsibility to ensure that noxious or undesirable plants or animals are controlled on its land and do not spread to neighbouring properties.

In the application of agricultural chemicals or pesticides on its land, the Council and its contractors will ensure that the selection and use of any products shall be based on the principle of minimizing any risk or hazard within and beyond the contact areas to people, property, livestock and the environment in general.

Wherever practicable, non chemical means of controlling unwanted trees / vegetation or pests will be used.

The use and application of all chemicals shall be in accordance with all relevant Acts, Regulations and By-laws including NZS 8409:2004 Code of Practice for the Management of Agrichemicals.

Agricultural chemicals/pesticides shall only be applied by a Growsafe certified registered chemical applicator.

45 COUNCIL TREE DATABASE

The Council will compile and maintain a current database of the trees on its land that will provide sufficient asset information to enable the effective management of the Councils tree resource. The asset data will include the following:

- Tree location (Township street and position)
- Species
- Age classification
- Size
- Arboricultural work history
- Health classification
- Impact (of tree) on assets
- Safe useful future life expectancy (SUFLE)
- International Society of Arboriculture (ISA) Hazard rating
- Work programmes

The database information will be used to determine maintenance schedules and for advanced planning, projected work programming and budgeting purposes.

46 BIO SECURITY MEASURES

In managing its tree assets, the Council will be vigilant in looking out for **new** introduced problem plants and tree pests and diseases particularly any that are noted as spreading rapidly. The Council will take timely action if any are discovered. These organisms can be formed into three main groups:

- Plants that are pests in themselves
- Pests (such as insects) that can damage or destroy trees or vegetation etc.
- Diseases (such as pathogenic fungi, bacteria etc.) that may debilitate or destroy trees or vegetation.

Samples of suspect organisms will be sent to MAFBNZ's Plant Health and Environment Laboratory for diagnosis or Biosecurity New Zealand will be contacted on their hotline on 0800 80 99 66.

The implementation of any required control of pests and diseases will be carried out in accordance with the provisions of the Biosecurity Act. 1993 which is administered the Ministry of Agriculture and Forestry. .Compliance may also be required with any regional pest management strategy that may be administered by the territorial authority, Environment Canterbury, or by complying with any National Pest Management Strategy (NPMS) that may have been notified by an 'affected' or responsible Minister (MP). Refer Section 48 [Appendix 48.17](#).

47 RESTORATION OF COUNCIL DESTROYED OR DAMAGED SHELTERBELTS/PLANTATION TREES

Where shelterbelts or plantation blocks have been destroyed or substantially damaged by fire, severe climatic events, or biological factors, consideration will be given to the following:

- Any revenue value to be gained from the salvage of the damaged trees
- Whether it is desirable to reinstate trees on the land to provide same sort of sheltering or commercial plantation function.
- Having regard for the climatic, soil conditions and risk potential factors of the site, whether replanting with tree species with the same or similar characteristics is likely to be financially viable or sustainable.
- Whether it would be of greater benefit to the community that the land be planted with trees of amenity or landscape value, given any current or potential changes to land use in the vicinity.
- Any other public recreational use opportunities, environmental or biodiversity benefits afforded by changing the tree/vegetation cover on the site.
- Whether the shelterbelt or plantation trees also had the functions of controlling stormwater run-off or soil stabilization.
- Whether the shelterbelt or plantation tree use of the land also provided some significant recreational value to the public.
- Whether the land would be better used for purposes other than growing trees or wood production.

48 APPENDICES/REFERENCE DOCUMENTS - LAWS & REGULATIONS & GUIDELINES THAT APPLY TO THE MANAGEMENT OF TREES

- 48.1 Selwyn District Plan rules “Shelterbelts and Amenity Planting” and protected heritage trees. Part C 2 Rural Rules & Part C 3 Living Zone Rules**
- 48.2 Health and Safety in Employment Act – Safety and protection of volunteer workers**
- 48.3 Property Law Act 2007 Subpart 4 Trees on neighbouring land Section 332 to 338**
- 48.4 Tree Nuisance - Common law**
- 48.5 Reserves Act 1977 Section 42 Preservation of trees and bush**
- 48.6 Reserves Act 1977 Section 75 Afforestation by administering body**
- 48.7 Reserves Act 1977 Section 77 Conservation covenants**
- 48.8 QEII National Trust Independent statutory organization preservation/protection of open space features including forest remnants, arboretums, areas of vegetation etc**
- 48.9 Local Government Act 1974 Section 355 Council may require the removal of overhanging trees etc**
- 48.10 Local Government Act 1974 Section 468 Tree roots obstructing public drains**
- 48.11 Local Government Act 1974 Section 511 Removal of obstructions from drainage channel or watercourse**
- 48.12 Local Government Act 2002 Section 173 Power of entry for Council in cases of emergency**
- 48.13 Local Government Act 2002 Section 175 Power to recover for damage by wilful or negligent behaviour**
- 48.14 Duty of Care (tort law) Information on legal obligation for individuals to adhere to a reasonable standard of care (case law and tests for imposing a duty of care)**
- 48.15 Electricity (Hazards from Trees) Regulations 2003**
- 48.16 Undesirable trees and vegetation**

- 48.17 Biosecurity Act 1993 (administered by MAF)
- 48.18 Dutch Elm Disease
- 48.19 Gumleaf Skeletoniser Moth
- 48.20 Christchurch City Council Civil Engineering Construction Standard Specifications Part 1 Section 16 and
- 48.21 Christchurch City Council Civil Engineering Construction Standard Specifications Part 7 Landscapes
- 48.22 Selwyn District Council Policy Manual
- 48.23 Local Government Section 175 Power to recover for damage by wilful or negligent behaviour
- 48.24 Transit Guidelines for Highway Landscaping - Highway Landscaping Design
- 48.25 Selwyn District Plan – Tree Planting and Removal of Heritage Trees
- 48.26 Schedule of Regionally Significant Plants on the Canterbury Plains
- 48.27 Selwyn District Council Design Guide for residential subdivision in urban living zones
- 48.28 Development credits for improvements and tree plantings
- 48.29 Selwyn District Council Water Race Bylaw 2008
- 48.30 Selwyn District Council Engineering Code of Practice

<p>NB: Due to the volume of the appendices, these are in a separate document.</p>
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