

APPENDIX 48.1

2 RURAL RULES — TREE PLANTING AND REMOVAL OF HERITAGE TREES

Notes

1. Any earthworks associated with tree planting or harvesting must comply with Rule 1 – Earthworks.
2. Plantations on the Plains must comply with Rule 9.13 – Vehicle Movements.
3. Removal of indigenous vegetation must comply with Rule 9.21 – Clearance of Indigenous Vegetation and Indigenous Plant Species.
4. The burning of vegetation is managed through regional rules. Therefore, Environment Canterbury should be contacted.
5. PERMITTED ACTIVITIES do not require a resource consent. OTHER ACTIVITIES do require a resource consent.

2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities — Shelterbelts & Amenity Planting

- 2.1.1 The planting of any trees for amenity planting, shelterbelts or visual screening shall be a permitted activity if all of the following conditions are met:
- 2.1.1.1 In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:
- Lodgepole pine (*Pinus contorta*)
 - Scots pine (*Pinus sylvestris*)
 - Corsican pine (*Pinus nigra*)
 - Douglas fir (*Pseudotsuga menziesii*)
 - Mountain pine (*Pinus mugo/unacolata*)
- 2.1.1.2 In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.
- 2.1.1.3 In the area shown on the Planning Maps as the High Country, any shelterbelt planted on land adjoining SH 73 or the Midland Railway is either:
- (a) A maximum of two rows in width and planted perpendicular to the road boundary; or
 - (b) Set back a minimum distance of 300m from the road boundary;
- 2.1.1.4 The tree(s) are planted at least:
- (a) 20m from the edge of any waterbody listed in Appendix 17; and
 - (b) 10m from the edge of any other waterbody (excluding aquifers).

Note: For the purposes of Rule 2.1.1.4, the edge of any lake or wetland is measured from:

The edge of the space of water which the lake or wetland covers at its annual highest level without exceeding its margin; or

If the lake level is controlled by artificial means, the space of land which the waters of the lake or wetland cover at its maximum permitted operating level.

The edge of any other waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as- "the space of land which the waters of the river cover at its fullest flow, without overtopping its banks."

2.1.1.5 No tree shades:

- (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
- (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year;

2.1.1.6 No tree is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11;

2.1.1.7 Any tree is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19;

2.1.1.8 In any area listed in Appendix 5 and shown on the Planning Map as a Silent File Area, any disturbance of soil or earth by the tree planting(s) is limited to disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;

2.1.1.9 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;

2.1.1.10 In the area shown on the Planning Maps as the Port Hills, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.^{PC6}

Restricted Discretionary Activities — Shelterbelts & Amenity Planting

2.1.2 Planting any tree species which does not comply with Rule 2.1.1.1 shall be a restricted discretionary activity.

2.1.3 Under Rule 2.1.2, the Council shall restrict its discretion to consideration of:

2.1.3.1 The potential for wilding spread from the species planted on that site;

2.1.3.2 The effectiveness of any proposed wilding management plan;

- 2.1.3.3 The design and siting of any amenity plantings, shelterbelts or visual screening in the High Country (outside the area of Outstanding Landscape) to:
- (a) Reflect and complement the landform patterns and shapes of the landscape; and
 - (b) Maintain a landscape where plantations are carefully negotiated with existing land uses, so as to avoid a continuously forested landscape; and
 - (c) Maintain panoramic views of the Upper Waimakariri Basin from SH 73, where these views exist by ensuring plantations are setback from the road, Midland Railway Line and plantation blocks are spaced to maintain views between them.

- 2.1.3.4 Whether the area contains any "Significant Ecological sites" worthy of protection under the criteria listed in Appendix 12, and if so,

- (a) Whether the plantation may affect the site; and
- (b) How the site may be protected.

- 2.1.3.5 Any potential adverse effects of planting the area on any rainfed wetland or tarn and how those effects may be mitigated.

- 2.1.3.6 Approval of a fire management plan.

- 2.1.3.7 Any positive effects which may offset any adverse effects.

- 2.1.3.8 Any monitoring or review conditions.

Note: In using its discretion under Rule 2.1.3., the Council will consider the recommendations in N.J. Ledgard & E.R. Langer (1999) "Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced Conifers", where appropriate.

- 2.1.4 Planting any tree in a position which does not comply with Rule 2.1.1.4 shall be a restricted discretionary activity.

- 2.1.5 Under Rule 2.1.4 the Council shall restrict its discretion to consideration of the effects of the proposed planting as to shading.

- 2.1.6 Any tree planting which does not comply with Rule 2.1.1.5 shall be a restricted discretionary activity.

- 2.1.7 Under Rule 2.1.6 the Council shall restrict its discretion to consideration of:

- 2.1.7.1 The effects of the proposed shelterbelt on restricting views of the Upper Waimakariri Basin from SH 73 or the Midland Railway including (but not limited to);

- (a) Whether expansive views either side of the shelterbelt would remain;
- (b) Whether the shelterbelt will screen the view of any lake, Silent File area, Wāhi Taonga Site, Wāhi Taonga Management Area, Mahinga Kai Site, or any area of Outstanding Landscape.

- 2.1.7.2 The length of the shelterbelt;

- 2.1.7.3 The need to provide effective stock or crop shelter; and
- 2.1.7.4 Any positive effects which may offset any adverse effects.
- 2.1.8 Any activity which does not comply with Rule 2.1.1.8 or 2.1.1.9 shall be a restricted discretionary activity.
- 2.1.9 Under Rule 2.1.8 the Council shall restrict its discretion to all of the following matters:
 - 2.1.9.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
 - 2.1.9.2 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local runanga;
 - 2.1.9.3 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 2.1.9.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 2.1.9.5 Any positive effects which may offset any adverse effects; and
 - 2.1.9.6 Any monitoring or review conditions.

Discretionary Activities – Shelterbelts & Amenity Planting

- 2.1.10 Any shelterbelt or amenity planting that does not comply with Rule 2.1.1.2 shall be a discretionary activity if any one of the following standards and terms is met:
 - 2.1.10.1 The shelterbelt or amenity planting is planted for landscape enhancement or beautification, using indigenous species which are found in that area;
 - 2.1.10.2 The shelterbelt or amenity planting is planted for soil conservation purposes;
 - 2.1.10.3 The shelterbelt or amenity planting is planted to manage the spread of wilding trees or exotic plant pests and the applicant has demonstrated that there is no practical alternative management option for that site;
 - 2.1.10.4 The planting is a shelterbelt and is located within a Forestry Exclusion Area; or
 - 2.1.10.5 The planting is amenity planting and is located within an area of Outstanding Landscape in the High Country.
- 2.1.11 Any activity which does not comply with Rule 2.1.1.3 shall be a discretionary activity.

Non-Complying Activities – Shelterbelts & Amenity Planting

- 2.1.12 Any activity which does not comply with Rule 2.1.1.6, 2.1.1.7, 2.1.1.10 or 2.1.10 shall be a non-complying activity.^{PC6}

2.2 PLANTATIONS

Permitted Activities – Plantations

- 2.2.1 The planting or harvesting of any plantation shall be a permitted activity if all of the following conditions are met:
- 2.2.1.1 The plantation is not located in the areas shown on the Planning Maps as the Port Hills, Malvern Hills or the High Country;
 - 2.2.1.2 In any area listed in Appendix 5 and shown on the Planning Maps as a Silent File Area, any disturbance of soil or earth by the plantation is limited to the disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;
 - 2.2.1.3 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the plantation does not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;
 - 2.2.1.4 Any tree is planted at least:
 - (a) 20m from the edge of any waterbody listed in Appendix 17; and
 - (b) 10m from the edge of any other waterbody (excluding aquifers)]

Provided that Rules 2.2.1.4(a) and 2.2.1.4(b) do not apply to any trees planted for the purpose of bank stabilisation or prevention of soil erosion.
 - 2.2.1.5 No tree shades:
 - (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
 - (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year.
 - 2.2.1.6 No tree of the plantation is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11; and
 - 2.2.1.7 Any plantation is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19.

Restricted Discretionary Activities – Plantations

- 2.2.2 The planting or harvesting of plantations in areas shown on the Planning Maps as the Port Hills, Malvern Hills or High Country shall be a restricted discretionary activity if all of the following standards and terms are met:
- 2.2.2.1 The plantation is not located within any area shown on the Planning Maps as an Area of Outstanding Landscape, excluding the Port Hills^{PC6}, or a Forestry Exclusion Area in the High Country; and

2.2.2.2 In the area shown on the Planning Maps as the High Country, trees planted do not include any of the following species:

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

2.2.3 Under Rule 2.2.2 the Council shall restrict its discretion to consideration of:

2.2.3.1 The design and siting of any plantation on the Port Hills to:

- (a) Maintain the uninterrupted skyline of the summit of the Port Hills as viewed from the Summit Road or any road on the Plains;
- (b) Avoid screening views of existing landforms and natural features, including^{PC6} Gibraltar Rock and Cooper's Knob from the Summit Road or any road on the Plains;
- (c) Avoid screening views from the Summit Road;
- (d) Reflect and complement the landform patterns and shapes of the landscape and the avoidance of artificial or unnatural lines;^{PC6}
- (e) Maintain diversity in the vegetation cover on the Port Hills, by encouraging plantations to be interspersed with other land uses, where practical;
- (f) Avoid, remedy or mitigate the potential for scarring of the landscape from earthworks and harvesting activities;
- (g) Avoid or mitigate any potential effects on indigenous vegetation and waterways;
- (h) Provide for the re-vegetation of any earthworks;
- (i) Avoid, remedy or mitigate the scale and extent of the proposed plantation where there are effects on amenity values, including any cumulative effects taking into consideration existing or consented plantations on an adjoining site;
- (j) To avoid, remedy or mitigate the visibility of any tracks or roads required for the management or harvesting of the plantation, having regard to existing contours;^{PC6}

2.2.3.2 The design and siting of any plantation on the Malvern Hills to:

- (a) Maintain the distinctiveness of the skyline and ridges of the Malvern Hills;
- (b) Avoid screening the rocky outcrops at Glenroy or the volcanic ridge from Mt Misery to Windwhistle, as viewed from any road; and
- (c) Reflect and complement the landform patterns and shapes of the landscape;

2.2.3.3 The design and siting of any plantation in the High Country (outside the area of Outstanding Landscape) to:

- (a) Reflect and complement the landform patterns and shapes of the landscape;

- (b) Maintain a landscape where plantations are carefully integrated with existing land uses, so as to avoid any semblance of continuous afforestation; and
 - (c) Maintain panoramic views of the Upper Waimakariri Basin from SH 73, where these views exist, by ensuring plantations are setback from the road and plantation blocks are spaced to maintain views between them.
- 2.2.3.4 Whether the area contains any "Significant Ecological sites" worthy of protection under the criteria listed in Appendix 12; and if so,
 - (a) Whether the plantation may affect the site; and
 - (b) How the site may be protected;
- 2.2.3.5 Any potential adverse effects of planting the area on any rain fed wetland or tarn on the site and how those effects may be mitigated;
- 2.2.3.6 Any measures to mitigate potential soil erosion from earthworks associated with access tracks or harvesting;
- 2.2.3.7 Any effects of the proposed mode and route of transport, and any improvements required to the road network to allow access into and out of the site for planting or harvesting trees.
- 2.2.3.8 The timing and conditions for replanting or rehabilitating the site and surrounding area once the plantation is harvested, and any staging of the site rehabilitation for harvesting a large plantation;
- 2.2.3.9 Approval of a fire management plan;
- 2.2.3.10 Any positive effects which may offset any adverse effects; and
- 2.2.3.11 Any monitoring or review conditions.
- 2.2.4 Any plantation which does not comply with Rule 2.2.2.2 shall be a restricted discretionary activity.
- 2.2.5 Under Rule 2.2.4, the Council shall restrict its discretion to consideration of:
 - 2.2.5.1 All of the matters listed in 2.2.3.1 to 2.2.3.11;
 - 2.2.5.2 The potential for wilding spread from the particular species planted; and
 - 2.2.5.3 The effectiveness of any proposed wilding management plan.

Note: Under Rule 2.2.4 the Council retains its discretion to identify affected parties or require notification of the resource consent application, pursuant to sections 93, 94, 94A, 94B, 94C and 94D of the Act. In using its discretion the Council shall consider the recommendations in N.J. Ledgard and E.R. Langer (1999) "Wilding Prevention – Guidelines for Minimising the Risk of Unwanted Wilding Spread from New Plantings of Introduced conifers", where appropriate.
- 2.2.6 Any activity which does not comply with Rules 2.2.1.2 or 2.2.1.3 shall be a restricted discretionary activity.
- 2.2.7 Under Rule 2.2.6, the Council shall restrict its discretion to the consideration of:

- 2.2.7.1 Any inappropriate disturbance or other potential adverse effects on any site of significance within a Silent File area, as advised by local runanga;
 - 2.2.7.2 Any damage to, destruction or removal of, any object, remnant or artefact contained within a Wāhi Taonga Site or Wāhi Taonga Management Area, as advised by local runanga;
 - 2.2.7.3 Any potential costs to the landholder of not being able to undertake the proposed activity on that site;
 - 2.2.7.4 Any alternative options available to undertake the activity in another form or on another site and the costs and practicality of these options;
 - 2.2.7.5 Any positive effects which may offset any adverse effects; and
 - 2.2.7.6 Any monitoring or review conditions.
- 2.2.8 Any plantation which does not comply with Rule 2.2.1.5 shall be a restricted discretionary activity.
- 2.2.9 Under Rule 2.2.8 the Council shall restricts its discretion to consideration of effects of the proposed planting as to shading.

Discretionary Activities — Plantations

- 2.2.10 Any plantation which does not comply with Rule 2.2.2.1 shall be a discretionary activity if any one of the following standards and terms is met:
- 2.2.10.1 The plantation is planted for landscape enhancement or beautification, using indigenous species which are found in that area, and will not be harvested;
 - 2.2.10.2 The plantation is planted for soil conservation purposes and will not be harvested; or
 - 2.2.10.3 The plantation is planted to manage the spread of wilding trees or exotic plant pests and the applicant has demonstrated that there is no practical alternative management option for that site.
- 2.2.11 Any plantation which does not comply with Rule 2.2.1.4 shall be a discretionary activity.

Non-Complying Activities — Plantations

- 2.2.12 Any plantation which does not comply with Rule 2.2.1.6 shall be a non-complying activity.
- 2.2.13 Any plantation which does not comply with Rule 2.2.1.7 shall be a non-complying activity.
- 2.2.14 Any plantation located within an area of Outstanding Landscape, excluding the Port Hills^{PC6}, or a Forestry Exclusion Area in the High Country which does not comply with Rule 2.2.10 shall be a non-complying activity.
- 2.2.15 Any plantation located within the Summit Road Protection Areas defined in Appendix 24 shall be a Non-Complying Activity^{PC6}

3 LIVING ZONE RULES – HERITAGE

3.1 HERITAGE STRUCTURES, TREES AND SITES

Permitted Activities – Heritage Structures, Trees and Sites

3.1.1 The following activities shall be permitted activities:

Maintenance of Heritage Structures and Sites

3.1.1.1 The maintenance of any building, structure or site listed in Appendix 3 for the purposes of this rule maintenance means:

- (a) Replacement of any materials which do not form part of the original heritage features of the building, structure, or site;
- (b) The replacement of any materials which form part of the original heritage values of the building, structure, or site, provided that these materials are of the same or similar appearance and character as the original materials;
- (c) Any repainting of existing painted surfaces;
- (d) Any cleaning or washing of external heritage features provided this does not involve the use of abrasive materials or techniques, such as sandblasting.

Maintenance of Heritage Trees

3.1.1.2 Any disturbance of any tree listed in Appendix 4 shall be a permitted activity if the following conditions are met:

- (a) The activity is seasonal pruning of the tree(s), or removal or treatment of any diseased portion of such a tree(s); or
- (b) Any earthworks are not within 5 metres of the drip line of the tree(s). Refer also to Rule 2.

Restricted Discretionary Activities – Heritage Structures, Trees and Sites

3.1.2 Any activity which does not comply with Rule 3.1.1 shall be a restricted discretionary activity.

3.1.3 Under Rule 3.1.2 the Council shall restrict its discretion to consideration of:

Heritage Values

3.1.3.1 The heritage value(s) of the listed item including the extent to which it may already have been modified by previous additions or alterations.

3.1.3.2 Any adverse effects of the proposed activity on the heritage values of the listed item.

2.3 HERITAGE TREES

Permitted Activities — Heritage Trees

- 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; 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.

Restricted Discretionary Activities — Heritage Trees

- 2.3.2 The removal any heritage tree which does not comply with Rule 2.3.1 shall be a restricted discretionary activity.
- 2.3.3 Under Rule 2.3.2, the Council shall restrict its discretion to consideration of:
- 2.3.3.1 The reason why the tree has heritage value, the uniqueness of those values and whether those values can be retained if the tree is replaced;
 - 2.3.3.2 The condition of the tree;
 - 2.3.3.3 Whether the tree poses any danger to people or property or is causing shading of a dwelling or road;
 - 2.3.3.4 Any alternative options to removing the tree and the cost and practicality of any alternatives; and
 - 2.3.3.5 Any positive effects which may offset any adverse effects.

2.4 MAHINGA KAI

Permitted Activities — Mahinga Kai

- 2.4.1 In any area listed in Appendix 5 and shown on the Planning Maps as a Mahinga Kai Site, any damage to, or removal of, indigenous vegetation shall be a permitted activity, provided that it is limited to that undertaken by tāngata whenua for mahinga kai purposes.

Restricted Discretionary Activities — Mahinga Kai

- 2.4.2 Any activity which does not comply with Rule 2.4.1 shall be a restricted discretionary activity.
- 2.4.3 Under Rule 2.4.2, the Council shall restrict its discretion to consideration of:
- 2.4.3.1 Any adverse effects of the proposed activity on any Mahinga Kai Site, as advised by local runanga.

Cross-References

The table below cross-references the rules in this section with objectives and policies in the Plan. The cross-referencing is to assist plan users by indicating the objectives and policies which are likely to relate to each rule. There may be other objectives or policies in the Plan (which are not listed in the cross-reference table) which will apply in some cases. The cross-reference table does not limit the application of any objective and policy in the Plan to the rules with which it is cross-referenced; and it does not preclude the consent authority from considering any other relevant objective or policy in the Plan, when making a decision on a resource consent application. Any person making a resource consent application is advised to read all the objectives and policies in Part B of the Plan.

Rule Numbers	Topic	Part B, Section	Objectives	Policies
2.2	Plantations	1.1, 1.2, 1.4, 1.5, 2.1, 4.2	1.1.2, 1.2.1 and 1.2.2, 1.4.1, 4.2.1,	1.1.4, 1.2.2 and 1.2.3 1.4.1 to 1.4.3, 1.4.6, 1.4.10, 1.4.13, 1.4.15, 1.4.18, 1.4.19, 1.4.21, 1.4.22, 1.4.25 to 1.4.28, 1.4.30 to 1.4.32, 4.2.1
2.3	Heritage Trees	3.3	3.3.2	3.3.8 and 3.3.9
2.4	Mahinga Kai	3.3	3.3.1	3.3.2, 3.3.3(b) and 3.3.5

Reasons for Rules

Rule 2 manages potential effects from amenity tree planting, shelterbelts, plantations and removal of heritage trees. The District Plan has rules to manage these effects because they have effects which occur on other property or on other parts of the environment. They are not usually direct costs to the person planting the trees.

The rules allow amenity tree planting, shelterbelts and visual screening as permitted activities (no resource consent needed) in most parts of the Rural Zone, subject to conditions. The conditions relate to: shading on roads and adjoining properties; ensuring that planting positions protect the natural character of the edge of waterbodies protecting Wāhi Tapu and Mahinga Kai Sites, and Wāhi Tapu Management and Silent File Areas; avoiding wilding tree spread, and protecting landscape values in the High Country. Council will waive the resource consent processing fees for applications for amenity planting or shelterbelts under rules 2.1.10 or 2.1.11. The waiver includes the deposit and all additional costs up until the release of the Council's decision.

The rules allow plantations as a permitted activity (no resource consent needed) on the Plains, subject to similar conditions as those for shelterbelts, amenity planting and visual screening. On hill and high country (including the Port Hills) plantations require a resource consent. The consent is non-notified and does not need the written approval of affected parties, provided the plantation complies with standards and terms, designed to avoid effects on other people's property such as shading and wilding spread. In those cases, there is no need for the resource consent to be notified because there are no effects on other people. The effects which are permissible on other parts of the environment (such as landscape values and waterbodies) are already specified in the Plan policies, which have been through a public process. The Council and the resource consent applicant work together to address the effects which are listed as matters of discretion in Rule 2.2.3. These matters are specific to the individual sites, so are managed through a resource consent process, rather than as conditions by which activities are permitted.

With respect to the Summit Road Protection Area of the Port Hills, the rules do not encourage any tree planting, for amenity, shelter-belt or plantation purposes. This Protection Area is recognised for its high scenic values and views which may be lost through the planting of trees.^{PC6}

Resource consent is also required for plantations on Wāhi Tapu and Mahinga Kai sites, and in Wāhi Taonga Management and Silent File areas. The local runanga will be considered an affected party to allow for their input on how the runanga may be affected.

Where a plantation does not comply with the standards and terms for a restricted discretionary activity, it is either a discretionary activity or a non-complying activity. In these cases, the Council may notify the resource consent application or seek written approval from affected parties, because the plantation may affect other people's property or be contrary to the policies in the Plan.

The one area in the District where plantations are not encouraged is in the area of Outstanding Landscape in the High Country. This area is valued as a tussock landscape with limited pasture improvement. The Plan policies are to manage this area as a pastoral landscape. The rules do provide for plantations in this area as a discretionary activity if they comprise indigenous species planted for landscape enhancement; or are plantations planted for soil conservation or to manage the spread of wilding trees or other exotic plant pests.

Rule 2.3 manages the removal of trees which are listed in Appendix 4 as having special heritage values. The rule allows these trees to be pruned or removed if they are dead or diseased as a permitted activity (no resource consent needed). Removing the tree for any other reason requires a resource consent for a restricted discretionary activity. In this instance, the Plan policies recognise that trees may need to be removed in some cases, for example where they pose a danger to people or property, or cause excessive shading.

An explanation of the tāngata whenua sites and areas is given in the reasons for the Earthworks Rules.

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RESIDENTIAL DENSITY AND SUBDIVISION IN THE RURAL AREA – ANTICIPATED ENVIRONMENTAL RESULTS

The following results should occur from implementing Section B4.1:

- Residential development remains lower in rural areas than in townships.
- ~~Most residential development on smaller allotments occurs within 1km of Leeston, Lincoln, Prebbleton and Rolleston and 0.5km of other remaining townships, except for those in the High Country, West Melton and Kirwee.~~
- Dwellings built on small allotments in the rural area, are surrounded by land without buildings.
- Papakainga housing occurs at Taumutu.
- There is variety in the size and shape of allotments subdivided in the District.
- Residential density varies across the rural area.
- Other activities have allotments which are of an appropriate size and shape with the utility connections the activity requires.

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2.1 SHELTERBELTS AND AMENITY PLANTING

Permitted Activities – Shelterbelts & Amenity Planting

2.1.1 The planting of any trees for amenity planting, or shelterbelts or visual screening shall be a permitted activity if all of the following conditions are met:

2.1.1.1 In the areas shown on the Planning Maps as the High Country, the following tree species are not planted:

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

2.1.1.2 In the area shown on the Planning Maps as the High Country, the tree(s) are not located within any area also shown on the Planning Maps as an Area of Outstanding Landscape or a Forestry Exclusion Area.

2.1.1.3 In the area shown on the Planning Maps as the High Country, any shelterbelt planted on land adjoining SH 73 or the Midland Railway is either:

- (a) A maximum of two rows in width and planted perpendicular to the road boundary; or
- (b) Set back a minimum distance of 300m from the road boundary;

2.1.1.4 The tree(s) are planted at least:

- (a) 20m from the edge of any waterbody listed in Appendix 17; and
- (b) 10m from the edge of any other waterbody (excluding aquifers).

Note: For the purposes of Rule 2.1.1.4, the edge of any lake or wetland is measured from:

The edge of the space of water which the lake or wetland covers at its annual highest level without exceeding its margin; or

If the lake level is controlled by artificial means, the space of land which the waters of the lake or wetland cover at its maximum permitted operating level.

The edge of any other waterbody is measured from the edge of the bed of the river. The bed is defined in section 2 of the Act as- "the space of land which the waters of the river cover at its fullest flow, without overtopping its banks."

2.1.1.5 No tree shades:

- (a) Any part of the carriageway of any road between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year; and
- (b) Any property under different ownership between 1000 and 1400 hours (inclusive) on the shortest day of any calendar year;

2.1.1.6 No tree is planted so that on maturity it encroaches within the line of sight for any railway crossing or road intersection, as shown in Appendix 11;

2.1.1.7 Any tree is planted and maintained so that it does not encroach within the height restrictions for West Melton Airfield or Hororata Domain, as shown in Appendix 19;

2.1.1.8 In any area listed in Appendix 5 and shown on the Planning Map as a Silent File Area, any disturbance of soil or earth by the tree planting(s) is limited to disturbance of soil over areas and to depths where that soil has been previously disturbed by cultivation, planting (trees, pasture or crops), building or earthworks;

2.1.1.9 In any area listed in Appendix 5 and shown on the Planning Maps as a Wāhi Taonga Site or a Wāhi Taonga Management Area, the tree planting(s) do not involve the disturbance, damage to, removal or destruction of any object, artefact or other symbol of pre-European settlement, occupation or use of that site;

2.1.1.10 In the area shown on the Planning Maps as the Port Hills, the tree(s) are not located within the Summit Road Protection Area as defined in Appendix 24.^{PC6}

6. BEHAVIOUR IN RESERVES

6.1 No person may, in a park or reserve:

- (a) Damage, bury, disturb or remove anything in a reserve; or
- (b) Walk on any grass plot or other place within the reserve where walking is prohibited by a notice to that effect; or
- (c) Within any reserve, plant any tree, shrub or plant, or sow or scatter the seed of any tree, shrub or plant of any kind, or introduce any substance that may be injurious to animal or plant life on the reserve; or
- (d) Fix or place any placard, sign, or noticeboard, in, on, or about any reserve,

Unless:

- (e) Prior approval in writing has been granted by the Council; or
- (f) The person or persons is required to carry out the activity for authorised reserve maintenance purposes.

7. VEHICLE CONTROLS WITHIN RESERVES

- 7.1 No person may drive or ride any vehicle within any reserve in a manner which, having regard to all the circumstances is or might be dangerous to any person.
- 7.2 No person may drive or ride any vehicle within any reserve in a manner which, having regard to all the circumstances causes or might cause damage to structures, facilities, flora or fauna.
- 7.3 No person may drive any vehicle in any reserve at a speed in excess of 20 km/h or at a speed contrary to the intent of clause 7.1 or such other speed limit as the Council from time to time indicates by a sign or signs. This limit does not apply to cycles and wheeled recreational devices.
- 7.4 No person may stop or park any vehicle within any reserve in such a manner that it causes or is likely to cause an obstruction to any entrance, thoroughfare, path or walkway.
- 7.5 Where, in the opinion of any authorised officer of the Council, a vehicle (whether complete or not) has been abandoned in any reserve, the officer may take possession of the vehicle and dispose of it in the same manner as provided by Section 356 of the Local Government Act 1974.
- 7.6 No person may operate a vehicle in a natural water body or on its banks and margins and its associated waters.
- 7.7 No person may cause a vehicle to enter or exit a natural water body or its associated waters.