

Part 3

Domains and topics

Topics

HCV – Historical and cultural values

TREE – Notable trees

Objectives

TREE-O1 Notable tree values [DP]

Notable trees are recognised for their heritage, amenity, landmark and arboricultural values to Whakatū Nelson.

TREE-O2 Protection of notable trees [DP]

Heritage trees are protected, and landscape trees and notable groups of trees are retained.

Policies

TREE-P1 Classification of notable trees [DP]

Notable trees are evaluated using the standard tree evaluation method (STEM) and classified into the following categories and listed in APP47 – Notable trees and APP49 – Notable groups of trees:

1. Heritage trees are classified as trees (either singly or as part of a notable group of trees) with:
 - a. a STEM score of 128 or greater; or
 - b. a STEM score of 100 or greater and are noted as regionally significant for any of the Notable Evaluation criteria;
2. Landscape trees are classified as trees (either singly or as part of a notable group of trees) with a STEM score of 100-127.

TREE-P2 Removal of notable trees [DP]

Discourage the removal or destruction of heritage trees, and restrict the removal or destruction of landscape trees, unless they are found by a professional technician arborist to be:

1. dead or dying; or
2. presenting an unacceptable risk to public safety or property and that risk cannot be mitigated.

TREE-P3 Management of notable trees [DP]

Enable management of notable trees and notable groups of trees which:

1. encourages health and longevity of the tree or trees;
2. reduces hazard risk from dead, dying or damaged material;
3. allows some increased light penetration;
4. maintains separation from buildings, power lines, aerials or traffic (pedestrian or vehicle); and
5. facilitates clean up following natural hazard events.

TREE-P4 Works in tree protection zone [DP]

Ensure that activities within the tree protection zone of a notable tree or tree in a notable group of trees do not affect the health, stability and amenity of the tree.

TREE-P5 Assessment of proposals to prune or remove a notable tree [DP]

Consider all of the following as part of the assessment of a proposal for pruning or removal of any notable tree or tree in a notable group of trees:

1. the category of protection afforded to the tree;
2. the significance of the tree;
3. adverse effects on amenity;
4. the extent to which the tree has particular value for historical or scientific reasons;
5. the extent to which the tree serves as a significant landmark;
6. the condition of the tree;
7. other options for retention or management of the tree;
8. the likelihood and potential consequences of any potential hazard that the tree represents and options for their mitigation; and
9. methodology for works, including consistency with Australian Standards AS 4970 – 2009 Protection of Trees on Development Sites and AS 4373 – 2007 Pruning of amenity trees.

Rules

Rule interpretation and application

TREE-R1 [DP]

The rules that apply to activities in relation to trees are contained in the activity status table and standards table as follows:

1. the pruning of a notable tree or tree in a group of notable trees is subject to TREE-R4; and
2. the removal or destruction of a notable tree or tree in a group of notable trees is subject to TREE-R5; and
3. the activities of the removal or destruction (TREE-R5) are not subject to TREE-R6; and
4. activities within the tree protection zones are subject to TREE-R6 and TREE-R7; and
5. standards TREE-S1, TREE-S2, TREE-S3, TREE-S4, TREE-S5, TREE-S6, TREE-S7 and TREE-S8, as listed in the Standards table.

TREE-R2 [DP]

The activity status tables and standards in the following chapters also **apply** to Notable trees activities:

1. SIGN-R4 applies with respect to signs on Notable trees.
2. Part 3 – Domains and topics – chapters:
 - a. AIR – Air; and
 - b. CMA – Coastal marine area; and
 - c. CMAR – Coastal margins; and
 - d. NCFLC – Natural character, features and landscapes in the coastal environment; and
 - e. LF – Land and freshwater; and
 - f. EIT – Energy, infrastructure and transport; and
 - g. CON – Contaminated land; and
 - h. HAZS – Hazardous substances; and
 - i. NH – Natural hazards; and
 - j. HH – Historic heritage; and
 - k. SASM – Site and areas of significance to Māori; and
 - l. ECO – Ecosystems and indigenous biodiversity; and
 - m. NATC – Natural character; and
 - n. NFL – Natural features and landscapes; and
 - o. PA – Public access; and
 - p. SUB – Subdivision; and

- q. UFD – Urban form and development; and
 - r. ASW – Activities on the surface of water; and
 - s. EW – Earthworks; and
 - t. LIGHT – Light; and
 - u. NOISE – Noise; and
 - v. SIGN – Signs; and
 - w. TEMP – Temporary activities; and
3. Part 4 – Area specific matters – all chapters:
- a. GRZ – General residential zone; and
 - b. MRZ – Medium density residential zone; and
 - c. GRUZ – General rural zone; and
 - d. RLZ – Rural lifestyle zone; and
 - e. NCZ – Neighbourhood centre zone; and
 - f. LCZ – Local centre zone; and
 - g. MUZ – Mixed use zone; and
 - h. CCZ – City centre zone; and
 - i. LIZ – Light industrial zone; and
 - j. GIZ – General industrial zone; and
 - k. NOSZ – Natural open space zone; and
 - l. OSZ – Open space zone; and
 - m. SARZ – Sport and active recreation zone; and
 - n. HOSZ – Hospital zone; and
 - o. PORTZ – Port zone; and
 - p. PREC19 – Marina precinct; and
 - q. DEV2 – Saxton development area.

HH-R3 [DP]

1. The activity status tables and standards in the rest of SIGN – Signs **do not apply** to notable trees or a tree in a group of notable trees.

Activity status

Rule	Use/Activity
TREE-R4	Pruning of a notable tree

TREE-R5	Removal or destruction of a notable tree
TREE-R6	Activities within the tree protection zone of a notable tree: Not within or on a formed road reserve
TREE-R7	Activities within the tree protection zone of a notable tree: Within or on a formed road reserve

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
TREE-R4 Pruning of a notable tree [DP] Legal effect on notification: No	1. Pruning of a notable tree is a permitted activity , provided that: <ul style="list-style-type: none"> a. it is for the: <ul style="list-style-type: none"> i. removal of water sprouts or basal suckers; or ii. removal of palm fronds which are dead, dying, damaged or broken; or iii. removal of any branches less than 50mm in diameter at the point of severance; and iv. it complies with TREE-S1; or b. it involves one or more of the following activities: 	2. Not applicable.	3. Pruning of a notable landscape tree that contravenes TREE-R4.1.b. or TREE-R4.1.d. is a restricted discretionary activity . For the standard(s) not met, discretion is restricted to the matters in: <ul style="list-style-type: none"> a. TREE-S1 Shape; and b. TREE-S2 Australian Standards for tree maintenance; and c. TREE-S3 Storage of materials; and d. TREE-S4 Parking or operation of vehicles; and e. TREE-S5 Land disturbance; and f. TREE-S6 Damage to other parts of the tree; and

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<ul style="list-style-type: none"> i. the removal from a tree crown of branches which are dead, dying, damaged or broken; or ii. crown or end-weight reduction pruning to reduce risk or improve the longevity or long-term health of the tree; or iii. the removal (canopy lifting) or reduction in length of lower tree branches extending over the road reserve to maintain clearance and sightlines for pedestrians and traffic (including cyclists); or iv. in the case of trees damaged by natural events (such as storms or 		<ul style="list-style-type: none"> g. TREE-S7 Canopy reduction; and h. TREE-S8 Lion-tailing. <p>4. Pruning of a notable landscape tree that contravenes TREE-R4.1.a. or TREE-R4.1.c. is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> a. effects on long term health and structural integrity of the tree; and b. effects on the amenity of the tree and the surrounding environment; and c. remedial measures; and d. the condition and health of the tree (before and after works); and e. the STEM score of the tree (before and after pruning). <p>5. Pruning of a notable heritage tree that contravenes TREE-R4.1. is a</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>earthquakes), crown restoration pruning carried out to ensure health and safety and remedial work to correct damage; or</p> <p>v. the selective removal of branches to increase light penetration through the crown where:</p> <p>A. after pruning at least half of the foliage is on the branches in the lower two-thirds of the tree; and</p> <p>B. half of the foliage on laterals on the inner two-thirds of a branch is retained, provided that such removal shall not be used successivel</p>		<p>discretionary activity.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>y to incremental ly reduce the size of the tree, or to remove the tree; and</p> <p>C. larger, older trees are not thinned or lion-tailed to the point it threatens the health or structural integrity of the tree or limb; or</p> <p>vi. the canopy reduction or shortening of limbs to comply with the current Electricity (Hazards from Trees) Regulations 2003; or</p> <p>vii. pruning subject to an order under section 333 of the Property Law Act 2007; and</p> <p>it complies with</p>		

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>A. TREE-S1 Shape; and</p> <p>B. TREE-S2 Australian Standards for tree maintenanc e; and</p> <p>C. TREE-S3 Storage of materials; and</p> <p>D. TREE-S4 Parking or operation of vehicles; and</p> <p>E. TREE-S5 Land disturbance ; and</p> <p>F. TREE-S6 Damage to other parts of the tree; and</p> <p>G. TREE-S7 Canopy reduction; and</p> <p>H. TREE-S8 Lion-tailing; and</p> <p>c. it is preceded at least five working days in advance by the supply to Nelson City Council of a</p>		

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>certificate prepared in accordance with APP48 – Notable tree pruning or removal certificate by a professional technician arborist; and</p> <p>d. the work is carried out or supervised by a professional works arborist.</p>		
<p>TREE-R5</p> <p>Removal or destruction of a notable tree</p> <p>[DP]</p> <p>Legal effect on notification: No</p>	<p>1. Removal or destruction of a notable tree is a permitted activity provided that:</p> <p>a. it is carried out or supervised by a professional works arborist; and</p> <p>b. it is preceded at least five working days in advance by the supply to Nelson City Council of a certificate prepared by a professional technician arborist in accordance with APP48 – Notable tree pruning or removal</p>	<p>2. Not applicable.</p>	<p>3. Removal or destruction of a notable landscape tree or tree in a notable group of trees that contravenes TREE-R5.1. is a discretionary activity.</p> <p>4. Removal or destruction of a notable heritage tree that contravenes TREE-R5.1. is a non-complying activity.</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>certificate, confirming that the tree:</p> <ul style="list-style-type: none"> i. is dead; or ii. has been so significantly damaged by a natural event that it presents a risk to life or property; or iii. is so diseased or structurally unsound that there is no effective remedial solution; or <p>c. where urgent remedial works are undertaken pursuant to section 330 of the RMA:</p> <ul style="list-style-type: none"> i. a certificate prepared by a professional technician arborist in accordance with APP48 – Notable tree pruning or removal certificate is supplied to Nelson City Council no later than five 		

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>working days after the removal; and</p> <p>ii. that report includes the reasons why the tree could not be made safe in the first instance.</p>		
<p>TREE-R6</p> <p>Activities within the tree protection zone of a notable tree:</p> <p>Not within or on a formed road reserve</p> <p>[DP]</p> <p>Legal effect on notification: No</p>	<p>1. Any activity occurring above or below the ground, and is within the tree protection zone of a notable tree is a permitted activity provided that:</p> <p>a. it does not involve excavation or construction or placement of structures; and</p> <p>b. it does not involve the lighting of fires; and</p> <p>c. it complies with:</p> <p>i. TREE-S1 Shape; and</p> <p>ii. TREE-S2 Australian Standards for tree maintenance; and</p>	<p>2. Not applicable.</p>	<p>3. Any activity occurring above or below the ground, and is within the tree protection zone of a notable tree that contravenes TREE-R6.1. is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>a. For the standard(s) not met, discretion is restricted to the matters in:</p> <p>i. TREE-S1 Shape; and</p> <p>ii. TREE-S2 Australian Standards for tree maintenance; and</p> <p>iii. TREE-S3 Storage of materials; and</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<ul style="list-style-type: none"> iii. TREE-S3 Storage of materials; and iv. TREE-S4 Parking of operation of vehicles; and v. TREE-S5 Land disturbance; and vi. TREE-S6 damage to other parts of the tree; and vii. TREE-S7 Canopy reduction; and viii. TREE-S8 Lion-tailing; and ix. TREE-S9 Discharge of toxic substances. 		<ul style="list-style-type: none"> iv. TREE-S4 Parking to operation of vehicles; and v. TREE-S5 Land disturbance; and vi. TREE-S6 damage to other parts of the tree; and vii. TREE-S7 Canopy reduction; and viii. TREE-S8 Lion-tailing and ix. TREE-S9 Discharge of toxic substances. b. effects on long term health and structural integrity of the tree; and c. location, proximity to tree trunk, timing and manner in which the activity is carried out; and d. remedial measures; and e. the condition and health of the tree

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
			(before and after works); and f. the degree of compliance with Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites.
<p>TREE-R7</p> <p>Activities within the tree protection zone of a notable tree:</p> <p>Within or on a formed road reserve</p> <p>[DP]</p> <p>Legal effect on notification: No</p>	<p>1. Any activity occurring above or below the ground, in or on a formed road reserve, within the tree protection zone of a notable tree is a permitted activity provided that:</p> <p>a. it does not involve construction or placement of structures; and</p> <p>b. it does not involve the lighting of fires; and</p> <p>c. the carriageway or footpath where the activity is proposed is already sealed; and</p> <p>d. excavation methodology is non-injurious to roots (e.g. air-</p>	<p>2. Not applicable.</p>	<p>3. Any activity occurring above or below the ground, in or on a formed road reserve, within the tree protection zone of a notable which contravenes TREE-R7.1. is a restricted discretionary activity.</p> <p>Discretion is restricted to:</p> <p>a. for the standard(s) not met, to the matters in:</p> <p>i. TREE-S3 Storage of materials; and</p> <p>ii. TREE-S4; Parking or operation of vehicles; and</p> <p>iii. TREE-S5 Land disturbance; and</p>

Activity	Permitted	Controlled	Discretionary/ Non-complying/ Prohibited
	<p>spade, thrusting, directional drilling); and</p> <p>e. the activity is done in accordance with Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites; and</p> <p>f. it complies with:</p> <ul style="list-style-type: none"> i. TREE-S3 Storage of materials; and ii. TREE-S4 Parking or operation of vehicles; and iii. TREE-S5 Land disturbance; and iv. TREE-S9 Discharge of toxic substances. 		<p>iv. TREE-S9 Discharge of toxic substances</p> <p>b. timing of works; and</p> <p>c. works methodology, including tree protection measures, protective fencing, specification of tools and signage; and</p> <p>d. the qualifications and experience of the person or company undertaking or overseeing the work; and</p> <p>e. post-construction monitoring.</p>

Standards

Standard	Use/Activity
TREE-S1	Shape
TREE-S2	Australian Standards for tree maintenance

TREE-S3	Storage of materials
TREE-S4	Parking or operation of vehicles
TREE-S5	Land disturbance
TREE-S6	Damage to other parts of the tree
TREE-S7	Canopy reduction
TREE-S8	Lion-tailing
TREE-S9	Discharge of toxic substances

Activity	Standard	Matters that discretion is restricted to where the activity does not comply with this standard
TREE-S1 Shape [DP] Legal effect on notification: No	1. The natural shape, form and branch habit of the tree is retained.	2. Effects on amenity of the tree and the surrounding environment. 3. Effects on the STEM score of the tree. 4. Effects on the health and longevity of the tree.
TREE-S2 Australian Standards for tree maintenance [DP] Legal effect on notification: No	1. All arboricultural work above ground is done in accordance with Australian Standard AS 4373 – 2007 Pruning of amenity trees and any work done below ground complies with Australian Standard AS 4970 – 2009 Protection of Trees on Development Sites.	2. Effects on amenity of the tree and the surrounding environment. 3. Effects on the STEM score of the tree. 4. Remedial measures. 5. Effects on the health and longevity of the tree.
TREE-S3 Storage of materials [DP] Legal effect on notification: No	1. Any storage of materials within the tree protection zone of the notable tree is on an existing sealed, formed surface.	2. Effects on the health and longevity of the tree.

Activity	Standard	Matters that discretion is restricted to where the activity does not comply with this standard
TREE-S4 Parking or operation of vehicles [DP] Legal effect on notification: No	1. Any parking or operation of vehicles or machinery within the tree protection zone of the notable tree is on an existing sealed, formed surface.	2. Remedial measures. 3. Effects on the health and longevity of the tree. 4. Operational requirements. 5. Methods to avoid the risk of root damage to the tree.
TREE-S5 Land disturbance [DP] Legal effect on notification: No	1. The activity does not involve compaction, sealing, removal or addition of soil or spoil material from within the tree protection zone of the notable tree.	2. Remedial measures. 3. Effects on the health and longevity of the tree. 4. Operational requirements. 5. Methods to avoid the risk of root damage to the tree.
TREE-S6 Damage to other parts of the tree [DP] Legal effect on notification: No	1. There is no damage to the trunk, limbs, surface roots or canopy of the notable tree.	2. Effects on the health and longevity of the tree. 3. Effects on amenity of the tree and the surrounding environment. 4. Effects on the STEM score of the tree. 5. Operational requirements.
TREE-S7 Canopy reduction [DP] Legal effect on notification: No	1. Any work, not including limbs needing to be removed due to storm damage, removes not more than 5% of the foliage of the tree and not more than 10% over any three-year period.	2. Effects on the health and longevity of the tree. 3. Effects on amenity of the tree and the surrounding environment. 4. Effects on the STEM score of the tree.

Activity	Standard	Matters that discretion is restricted to where the activity does not comply with this standard
TREE-S8 Lion-tailing [DP] Legal effect on notification: No	1. Tree pruning does not result in the lion-tailing of limbs.	2. Effects on the health and longevity of the tree. 3. Effects on amenity of the tree and the surrounding environment. 4. Effects on the STEM score of the tree.
TREE-S9 Discharge of toxic substances [DP] Legal effect on notification: No	1. There is no discharge of a toxic substance, including herbicides.	2. Effects on the health and longevity of the tree.