

## D13. Notable Trees Overlay

### D13.1. Background

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The purpose of the Notable Trees Overlay is to protect notable trees and notable groups of trees from danger or destruction resulting from development.

Individual trees and groups of trees that have been scheduled as notable trees are considered to be among the most significant trees in Auckland. These trees have been specifically identified to ensure that the benefits they provide are retained for future generations.

The legal description of sites on which a notable tree or group of trees in Schedule 10 Notable Trees Schedule are located will be updated automatically (without a plan change under Schedule 1 of the RMA) where a subdivision occurs and where any part of a subdivided lot contains any part of the Notable Trees Overlay, including any lots which qualify as an urban environment allotment under s76(4C) of the Act.

Similarly, where there is evidence that a tree or group of trees has been physically removed as a result of consent processes or emergency works, the notable tree or group of trees will be automatically removed from Schedule 10 Notable Trees Schedule without a plan change under Schedule 1 of the RMA.

If a new tree or group of trees is proposed to be included in Schedule 10 Notable Trees Schedule, a plan change under Schedule 1 of the RMA will be required.

### D13.2. Objective

- (1) Notable trees and notable groups of trees are retained and protected from inappropriate subdivision, use and development.

### D13.3. Policies

- (1) Provide education and advice to encourage the protection of notable trees and notable groups of trees in rural and urban areas.
- (2) Require notable trees and notable groups of trees to be retained and protected from inappropriate subdivision, use and development, by considering:
  - (a) the specific attributes of the tree or trees including the values for which the tree or trees have been identified as notable;
  - (b) the likelihood of significant adverse effects to people and property from the tree or trees;
  - (c) the degree to which the subdivision, use or development can accommodate the protection of the tree or groups of trees;
  - (d) the extent to which any trimming, alteration or removal of a tree is necessary to accommodate efficient operation of the road network, network utilities or permitted development on the site;

- (e) alternative methods that could result in retaining the tree or trees on the site, road or reserve;
- (f) whether minor infringements of the standards that apply to the underlying zone would encourage the retention and enhancement of the tree or trees on the site;
- (g) whether the values that would be lost if the tree or trees are removed can be adequately mitigated;
- (h) whether the proposal is consistent with best arboricultural practice;
- (i) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material; and
- (j) the provision of a tree management or landscape plan.

#### **D13.4. Activity table**

Table D13.4.1 Activity table specifies the activity status for land use activities related to tree management in the Notable Trees Overlay pursuant to section 9(3) of the Resource Management Act 1991.

- The rules that apply to network utilities and electricity generation are located in Section [E26 Infrastructure](#).

Reference to 'trees' includes trees, groups of trees and the protected root zone.

The legal description associated with a notable tree or group of trees in Schedule 10 Notable Trees Schedule (including on lots which qualify as an urban allotment under s76(4C) of the RMA) will be corrected and updated to refer to the new legal description of a lot where the following has occurred:

- a) the lots contain any part of the Notable Trees Overlay; and
- b) a subdivision of the site has occurred; and
- c) any part of a subdivided lot contains any part of the Notable Trees Overlay.

The Notable Trees Schedule rules cease to have effect and Schedule 10 Notable Trees Schedule and the maps will be corrected and updated accordingly where:

- a) a tree or group of trees has been physically removed as a result of consent processes; or
- b) a tree or group of trees has been physically removed as a result of emergency works; and the following has occurred:
- c) the council has sighted the resource consent or other approval authorising the physical removal of the tree or group of trees; and
- d) the council has given written notice to the owners of the property from which the overlay will be removed.

In circumstances where a new tree or group of trees is proposed to be included in Schedule 10 Notable Trees Schedule, a plan change under Schedule 1 of the RMA will be required.

**Table D13.4.1 Activity Table**

<b>Activity</b>		<b>Activity status</b>
(A1)	Biosecurity tree works	P
(A2)	Dead wood removal undertaken by a qualified arborist	P
(A3)	Dead wood removal not undertaken by a qualified arborist	C
(A4)	Emergency tree works	P
(A5)	Tree trimming or alteration	P
(A6)	Tree trimming or alteration that does not comply with Standard D13.6.1	RD
(A7)	Tree removal	D
(A8)	Works within the protected root zone to enable trenchless methods at a depth greater than 1m below ground level	P
(A9)	Work within the protected root zone not otherwise provided for	RD

### **D13.5. Notification**

- (1) An application for resource consent for a controlled activity listed in Table D13.4.1 above will be considered without public or limited notification or the need to obtain written approval from affected parties unless the Council decides that special circumstances exist under section 95A(9) of the Resource Management Act 1991.
- (2) Any application for resource consent for an activity listed in Table D13.4.1 Activity table and which is not listed in D13.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule [C1.13\(4\)](#).

### **D13.6. Standards**

All permitted, controlled and restricted discretionary activities in Table D13.4.1 must comply with the following standards.

#### **D13.6.1. Tree trimming or alteration**

- (1) The maximum branch diameter must not exceed 50mm at severance.
- (2) No more than 10 per cent of live growth of the tree may be removed in any one calendar year.
- (3) The works must meet best arboricultural practice.

- (4) All trimming or alteration must retain the natural shape, form and branch habit of the tree.

**D13.6.2. Works within the protected root zone to enable trenchless methods at a depth greater than 1m below ground level**

- (1) Excavation must be undertaken by hand-digging, air spade, hydro vac or drilling machine, within the protected root zone at a depth of 1m or greater.
- (2) The surface area of a single excavation must not exceed 1m<sup>2</sup>.
- (3) Works involving root pruning must not be on roots greater than 35mm in diameter at severance.
- (4) Works must not disturb more than 10 per cent of the protected root zone.
- (5) Any machines used must operate on top of paved surfaces and/or ground protection measures.
- (6) Any machines used must be fitted with a straight blade bucket.
- (7) All works must be undertaken under the direction of a qualified arborist.

**D13.7. Assessment – controlled activities**

**D13.7.1. Matters of control**

The Council will reserve its control to all the following matters when assessing a controlled activity resource consent application:

- (1) for deadwood removal not undertaken by a qualified arborist:
  - (a) the extent of the alteration of the tree; and
  - (b) the method to be employed.

**D13.7.2. Assessment criteria**

The Council will consider the relevant assessment criteria for controlled activities from the list below:

- (1) for deadwood removal not undertaken by a qualified arborist:
  - (a) the extent of the alteration of the tree and the method to be employed:
    - (i) the tree will not be unduly damaged or its health endangered through removal of deadwood;
    - (ii) the timing of the deadwood removal;
    - (iii) the size of the wounds; and
    - (iv) the position of the wounds.

**D13.8. Assessment – restricted discretionary activities**

### **D13.8.1. Matters of discretion**

The Council will restrict its discretion to all the following matters when assessing a restricted discretionary resource consent application:

- (1) all restricted discretionary activities:
  - (a) consideration of alternatives available to avoid trimming or alteration of the tree;
  - (b) any effect on the values of the tree or trees for which they were scheduled;
  - (c) any tree works plan, reserve management plan, or landscape plan relevant to the tree or groups of trees;
  - (d) any loss or reduction of amenity values provided by the tree or trees;
  - (e) consistency with best arboricultural practice;
  - (f) methods to control plant pathogens;
  - (g) any mitigation proposed;
  - (h) the risk of damage to people or property;
  - (i) the functional and operational needs of infrastructure;
  - (j) the benefits derived from the infrastructure;
  - (k) for tree trimming or alteration not meeting Standard D13.6.1:
    - (i) the methods proposed to reduce any adverse effects; and
    - (ii) the extent of the alteration of the tree or trees.
  - (l) for work within the protected root zone not meeting Standard D13.6.2:
    - (i) the methods proposed to reduce any adverse effects of the works, including the depth of the works; and
    - (ii) the extent of area of the protected root zone or zones that is affected.

### **D13.8.2. Assessment criteria**

The Council will consider the relevant assessment criteria for restricted discretionary activities from the list below:

- (1) all restricted discretionary activities:
  - (a) the extent to which alternative methods that could result in avoiding alteration of the tree or trees have been considered;
  - (b) the specific values of the tree or trees including any ecological values with respect to water and soil conservation, ecosystem services, stability, ecology, habitat for birds and amelioration of natural hazards;

- (c) the extent to which effects on the values of the tree or trees including any effects on the natural shape, form and branch habit and the root network can be minimised;
- (d) the extent to which any impact on the immediate or long-term health and stability of the tree or trees is able to be minimised or avoided;
- (e) the loss of any amenity values that the tree or trees provided;
- (f) the risk of actual damage to people and property from the tree or trees including the extent to which adverse effects on the health and safety of people have been addressed;
- (g) the degree to which any proposed mitigation adequately responds to the effects on the tree or trees;
- (h) the degree to which the proposal is consistent with best arboricultural practice guidelines for tree management;
- (i) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material;
- (j) the provision of a tree works plan, to address:
  - (i) the effects on the tree or trees;
  - (ii) the proposed methods to be used;
  - (iii) the extent to which the proposed works are consistent with best arboricultural practice;
  - (iv) for tree alteration, the methods proposed to reduce any adverse effects and the extent of the alteration of the tree or trees; and
  - (v) for works within the protected root zone, the methods proposed to reduce any adverse effects on the tree or trees, including the depth of the works, and the extent of area of the protected root zone or zones that is affected.
- (k) the need for the direction and supervision of a qualified arborist while the works are being carried out;
- (l) the functional and operational requirements of infrastructure; and
- (m) the benefits derived from infrastructure.

### **D13.9. Special information requirements**

There are no special information requirements for the Notable Tree Overlay.