

19 Notable Trees

19.1 Introduction

Trees can make a valuable contribution to the amenity of the Kaipara District. For example, they can provide visual relief in residential areas (the built environment) or add a sense of character or place to areas of open space. In some cases, the amenity values of areas can be related to the presence of individual specimen trees or small groups of trees. These trees can also have historic, scenic or scientific significance. Concerns have been expressed about the possible loss of such Notable Trees particularly from settlements, such as Dargaville, where people may not be aware of their significance to the wider community. One Notable Tree within the District is subject to a Heritage Order. It applies to the Morton Bay Fig tree at Pahi (See Appendix 19.1).

In considering the management of Notable Trees, Council has considered the value of such trees alongside the dominantly rural character of the District and the problems that can be created by unmanaged, overgrown or diseased individual trees. A balanced approach to tree protection has been taken. The District Plan does not provide general tree protection rules and the protection of Notable Trees is provided with the agreement of the landowners concerned. In addition, it is noted that the District Plan does contain vegetation clearance rules within each Zone Chapter, which offer protection to groups of trees / vegetation though this is largely for protection of ecological and landscape values.

This Chapter of the District Plan identifies trees which are Notable and worthy of protection. These trees are shown on the District Plan Maps and scheduled in Appendix 19.1. In determining whether trees are worthy of identification and protection as scheduled trees, they are evaluated against the criteria contained in Appendix 19.2. This criteria for assessing trees is based on "A Standard Tree Evaluation Method" (STEM), Ron Flook, 1996. This publication has been widely accepted as the preferred tree assessment method, and has been adopted by New Zealand Institute of Horticulture, and the NZ Arboricultural Association.

The District Plan seeks to permit activities that will have minor effects on Notable Trees, such as trimming or maintenance. Removal of or significant modification to protected Notable Trees can be allowed. However, an application for Resource Consent will be required. In recognition of the District value of tree protection, the Council may also waive Resource Consent fees.

In addition, the District Plan recognises that changes in land use or subdivision offer an opportunity to secure the permanent protection of Notable Trees. The Council will consider such protection when issuing Conditions on Consents. Following Council's philosophy to encourage environmental enhancements, the District Plan also provides an opportunity for development bonuses, and the protection of Notable Trees is one consideration where such a development bonus may be provided.



Kahikatea Trees, Dargaville

Some trees are valued by the community

Part A, Chapter 6 Ecological Areas

The District Plan seeks a balanced approach to tree protection

Appendix 19.2 provides a guide you can use to consider whether a tree might be 'Notable'

If you volunteer to protect a Notable Tree(s), the Council may give you additional development rights e.g. for subdivision

These trees are identified in the District Plan as 'Notable'. These trees are valued because of their visibility and age

19.2 Resource Management Act Requirements

Under Section 7 of the Resource Management Act 1991 the Council is required to have regard to "the maintenance and enhancement of amenity values" and "the quality of the environment" in preparing and administering its District Plan. It is considered that trees contribute to amenity values and the quality of the environment and in some instances, where their value is significant, they warrant protection.

19.3 How to Use This Chapter of the District Plan

This Chapter contains Rules, Performance Standards and Assessment Criteria relating specifically to Notable Trees. These only apply if you have a scheduled tree on your property, which will be shown on Map Series 2 – Part E of the District Plan Maps. In any instance where the Rules in this Chapter overlap (or duplicate) with a Rule in the Zone Chapters, the Rules in this Chapter will take precedence.

You may also want to use this Chapter if you are proposing to protect a tree (e.g. if you are preparing a Resource Consent or you are seeking a bonus lot for a subdivision). The Outcomes sought for Notable Trees will also be achieved through Land Use and Subdivision Rules and Performance Standards in the Zone Chapters.

Before you use this Chapter of the District Plan, check:

- That the property for development / subdivision has a 'Notable Tree' on it (Map Series 2).
- If it doesn't the rules of this Chapter don't apply – though you may want to look at this Chapter for voluntary tree protection, assessing the effects of a Resource Consent or if you are seeking a 'bonus lot' for subdivision.
- If it does, you need to look at the relevant Rules of this Chapter first and then the Rules for the Zone your property is in (Map Series 1).

In summary, if your proposal has a Notable Tree on it you start by checking whether it meets the Performance Standards for a Permitted Activity (set out in Section 19.10). If it does, you don't need a Resource Consent. If your proposal doesn't meet these Standards, you will need Resource Consent to allow you to do it. The matters that will be considered in a Resource Consent are set out in Sections 19.10 of this Chapter.

After you have considered this Chapter, you need to consider whether the proposal meets the Performance Standards and Rules of the relevant Zone for your property.

Issues, Objectives and Policies within each Chapter of the Plan are presented in no particular order of importance.

If you need to prepare a Resource Consent application for your proposed development or subdivision Council has prepared a guide that sets out the process and information they want to assist them in processing your application. This guide can be obtained from Council's offices or their website: www.kaipara.govt.nz

19.4 Notable Tree Issues

19.4.1 The heritage, cultural, amenity and natural values of an area can be adversely affected by Notable Trees being cut down, damaged or improperly maintained.

The Notable Trees are scheduled based on criteria which define these trees as deserving of protection. The majority of these trees are located on private land. An important factor in maintaining the character of the District is the continued and healthy existence of Notable Trees.

19.5 Notable Tree Objectives

19.5.1 To identify and protect the Notable Trees of the District, where landowners agree. Issue 19.4.1

19.5.2 To provide information on what makes a tree worthy of identification and protection as a Notable Tree. Issue 19.4.1

19.5.3 To support landowners who protect Notable Trees by providing increased development opportunities. Issue 19.4.1

19.6 Notable Tree Policies

19.6.1 By identifying and where landowners agree, protecting Notable Trees in the District Plan. Objective 19.5.1

The removal of Notable Trees is not considered to be desirable for the amenity and quality of the environment. This policy reflects the need to identify and protect Notable Trees within the District, where this does not conflict with landowners expectations. Identification by listing Notable Trees in an Appendix and identifying them on the Planning Maps, will result in greater public awareness of the importance of these trees. Identification will also provide increased opportunities for management and protection. It will allow for voluntary management by landowners and enforceable rules regulating activities.

You can check if your property has a Notable Tree. Look on Map Series 2 of the District Plan Maps.

Section 19.10

Section Part B of the Plan

- 19.6.2 By recognising that Notable Trees can cause unreasonable hazard to people or buildings or can create unreasonable restriction on landowners' opportunities to provide for their social and economic well-being.** Objective 19.5.1

This Policy reflects the need to balance protection of Notable Trees within the District with the need to allow emergency works to be carried out without delay or to enable the removal or modification of such trees, with appropriate consideration and issue of a Resource Consent.

- 19.6.3 By encouraging landowners to protect Notable Trees on their land through the provision of information and by offering development incentives.** Objectives 19.5.2 and 19.5.3

Development and other activities need to avoid adversely affecting Notable Trees and the values associated with them. The provision of information raises community awareness of the reasons for seeking to retain or protect Notable Trees and is an effective means of promoting voluntary protection.

19.7 Notable Tree Methods

The above Policies will be implemented through the following Methods:

19.7.1 District Plan Methods

- 19.7.1.1 The Plan includes a schedule of Notable Trees and the items listed in this schedule are shown on Map Series Two.**

- 19.7.1.2 The District Plan provides guidance and information on the criteria that make a tree worthy of protection as a Notable Tree (contained in Appendix 19.2).**

- 19.7.1.3 Rules are provided in the District Plan to manage the effects of activities which have the potential to adversely affect Notable Trees or their values.**

- 19.7.1.4 Rules provide opportunities for increased development rights (sites for Preservation of Natural and Cultural Heritage), where permanent protection of a Notable Tree is offered by an applicant as part of a subdivision process.**

- 19.7.1.5 Require, where appropriate, Notable Trees to be protected by covenant or other similar instruments as conditions of Subdivision Consent.**

19.7.2 Other Methods

- 19.7.2.1 Providing development incentives to landowners who adopt voluntary measures to protect Notable Trees.**

- 19.7.2.2 Educational material/guidelines that demonstrate methods for avoiding, remedying or mitigating potential adverse effects of subdivision and development.**

- 19.7.2.3 Where any person wishes to permanently protect a Notable Tree, and in doing so is required to make application to the Council, consideration will be given to the waiving of application fees (pursuant to Section 36 of the Resource Management Act).**

19.7.3 Alterations to the Schedule

The Council may add to the schedule of Notable Trees, when it is advised of new items, provided that:

- There is proof of consultation with the owner of the land on which the proposed Notable Tree is located and the landowner(s) has(have) confirmed they do not oppose scheduling;
- An evaluation undertaken by a suitably qualified arborist is provided (Based on the Standard Tree Evaluation Method (STEM) criteria in Appendix 19.2 and the Standard Tree Evaluation Method Evaluation Form in Appendix 19.3);
- Adequate mapping is carried out; and
- An evaluation is undertaken, including consideration of Factors 3 and 4 of the Standard Tree Evaluation Method criteria, and it is confirmed that the tree does not pose a potential nuisance to the public or neighbouring properties (e.g. that it does not unduly interfere with any neighbour's enjoyment and use of their land or the public's health, safety, or welfare).

Notable Trees may be added to the District Plan through Plan Changes. Plan Changes to update schedules will be undertaken at a minimum of every two years to update records from information received by Council within that two year period.

Chapter 23

19.8 Notable Tree Outcomes

- 19.8.1 The identification and protection of Notable Trees within the District.** Issue 19.4.1

- 19.8.2 Avoidance of the unnecessary loss or damage of identified Notable Trees.** Issue 19.4.1

- 19.8.3 Increased public awareness of the values and the existence of Notable Trees within the District.** Issue 19.4.1

19.9 Notable Tree Rules

Activities affected by this Chapter of the District Plan must comply both with the rules in this Chapter, and with the relevant Standards applying to the Zone in which the activity is located (see Part B – Land Use).

Note 1: Within the Subdivision Rules in the Zone Chapters, there is provision of increased development rights where protection of a Notable Tree is offered by an applicant as part of a subdivision process.

19.9.1 Permitted Activities

The following activities shall be Permitted Activities under this Chapter:

- Any activity complying with the Performance Standards set out in Section 19.10 of this Chapter.

19.9.2 Controlled Activities

There are no Controlled Activities in this Chapter.

19.9.3 Restricted Discretionary Activities

The following shall be Restricted Discretionary Activities under this Chapter:

- Any activity which does not comply with Performance Standards listed in Rule 19.10 of this Chapter and is listed as a Restricted Discretionary Activity.

19.9.4 Discretionary Activities

The following shall be Discretionary Activities under this Chapter:

- Any activity which does not comply with Performance Standards listed in Rule 19.10 and is listed as a Discretionary Activity.

The Council may impose Conditions of Consent on a Discretionary Activity or it may refuse consent to the application. Applications for Discretionary Activities will be assessed against, but not restricted to, the assessment criteria listed in Sections 19.10 of this Chapter.

A Discretionary Activity application provides an opportunity that is less cumbersome than a Plan change to destroy an item which has protected status. However, the evaluation of applications must take into account both the tests of Section 104 of the Resource Management Act 1991 and the considerations that led to the initial listing.

Remember, you also need to consider whether a proposal complies with the Rules under the Zone

19.10 Permitted Activity Performance Standards

Rule	Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
19.10.1	Removal of a Notable Tree	<p>Removal of a Notable Tree is a Permitted Activity if;</p> <p>a) Council has confirmed the tree is dead; or</p> <p>b) It is required for emergency work to:</p> <ul style="list-style-type: none"> - Safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist); or - To maintain or restore utilities, including networks for energy, telecommunications and transport (as confirmed by the relevant Network Utility Operator or other suitably qualified engineer). 	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The Objective and Policies of the District Plan relating to Notable Trees;</p> <p>ii) The extent to which the tree has grown to the point of causing nuisance including any significant loss of sunlight or daylight to nearby residences and the extent to which minor alteration / pruning will not or has not ameliorated the problem;</p> <p>iii) The extent to which the tree causes significant inconvenience to residents in the vicinity due to seasonal leaf loss;</p> <p>iv) The likely threat to nearby residents, including potential for falling branches, the possibility of high winds destabilising the tree, or actual or potential damage to residential buildings due to root growth;</p> <p>v) The financial consequences to the owner and/or occupier of the site of not authorising the work to be carried out and the nature of any associated relief which may be available;</p> <p>vi) The value of the tree(s) including its / their cultural or historic significance and the interest shown by an organisation to contribute towards its/their future maintenance; and</p> <p>vii) The need for the works and the practicality of alternatives to its removal or damage including possible relocation.</p>
19.10.2	Activities Near a Notable Tree	<p>Construction or alteration of a structure, excavation, filling or formation of new impermeable surfaces near a Notable Tree is a Permitted Activity if:</p> <p>a) It does not occur within the area covered by the drip line of any Notable Tree listed in Appendix 19.1 and shown on Map Series 2 (irrespective of any legal boundary, fence or structure).</p>	Discretionary Activity	<p>Where an activity is not permitted by this Rule, Council will have regard to the following matters when considering an application for Resource Consent:</p> <p>i) The Objective and Policies of the District Plan relating to Notable Trees;</p> <p>ii) The nature, extent and timing of the work and its effect on the values of the tree;</p> <p>iii) The financial consequences to the owner and/or occupier of the site of not authorising the work to be carried out and the nature of any associated relief which may be available;</p> <p>iv) The need to impose conditions controlling the extent, and timing of any works and associated protective measures including a bond to ensure satisfactory completion;</p> <p>v) The value of the tree(s) including its/their cultural or historic significance and the interest shown by an organisation to contribute towards its/their future maintenance; and</p> <p>vi) The need for the works and the practicality of alternatives.</p>
19.10.3	Trimming and Maintenance of a Notable Tree (including emergency works)	<p>The trimming and maintenance of a Notable Tree listed in Appendix 19.1 and shown on Map Series 2, is a Permitted Activity if:</p> <p>a) The work is minimal and carried out by, or under the supervision of, a member of the New Zealand Arboricultural Association who has advised the Council in advance of the work to be carried out (maintenance and trimming of limbs of up to 75mm in diameter);</p> <p>b) The work is for the removal of dead wood or parts of the tree that are dying or suffering from an untreatable disease (as confirmed by a qualified arborist); or</p> <p>c) It is required for emergency work to:</p> <ul style="list-style-type: none"> - Safeguard life or habitable buildings from immediate danger (as confirmed by a qualified arborist); or - To maintain or restore utilities, including networks for energy, telecommunications and transport (as confirmed by the relevant Network Utility Operator or other suitably qualified engineer). 	<p>Restricted Discretionary</p> <p>(assessed on a non-notified basis)</p>	<p>Where an activity is not permitted by this Rule, Council has restricted its discretion over the following matters when considering and determining an application for Resource Consent:</p> <p>i) The necessity for carrying out the works;</p> <p>ii) The nature, extent and timing of the work and its effect on the values of the tree;</p> <p>iii) The extent to which the tree has grown to the point of causing nuisance including any significant loss of sunlight or daylight to nearby residences and the extent to which minor alteration / pruning will not or has not ameliorated the problem;</p> <p>iv) The extent to which the tree causes significant inconvenience to residents in the vicinity due to seasonal leaf loss;</p> <p>v) The likely threat to nearby residents, including potential for falling branches, the possibility of high winds destabilising the tree, or actual or potential damage to residential buildings due to root growth;</p> <p>vi) The financial consequences to the owner and/or occupier of the site of not authorising the work to be carried out and the nature of any associated relief which may be available;</p> <p>vii) The need to impose conditions controlling the extent, and timing of any works and associated protective measures including a bond to ensure satisfactory completion;</p>

Rule	Parameter	Permitted Activity Performance Standard	Activity Status if the Activity does not meet the Performance Standard	Assessment Criteria
				<ul style="list-style-type: none"> viii) The value of the tree(s) including its / their cultural or historic significance and the interest shown by an organisation to contribute towards its / their future <i>maintenance</i>; ix) The effect on the integrity of the tree's form, its health and its intrinsic and heritage values; x) The degree to which the proposed works will detract from any qualities for which the tree has been scheduled; xi) The extent of work and the method to be employed; and xii) The Objective and Policies of the District Plan relating to <i>Notable Trees</i>.

Appendix 19.1: Schedule of Notable Trees

This schedule is subject to landowner consent to inclusion of any trees on their property

Reference	Map	Item	Location	STEM Ranking
T1	9,10,35	Stand of Plane Trees	Selwyn Park, Dargaville	150
T2	9,36	Several Native Trees	84 Normanby St, Dargaville	150
T3	9,36,37	1 Rimu, 1 Karaka	Hokianga Rd, Dargaville	165
T4	9,36,37	1 Norfolk Pine	68-72 Normanby St, Dargaville	174
T5	13,40	1 Norfolk Pine	Norton St, Te Kopuru	177
T6	23,26,59	Stand of Norfolk Pines	Foreshore, Tinopai	180
T7	19,46	Norfolk Pines	Pahi Domain	198
T8	9,37,38	Stand of Kahikatea	Memorial Park, Dargaville	201
T9	19,46	Morton Bay Fig	Pahi Domain	228
T10	9,37	Group of Phoenix Palms	Victoria Street (Band Rotunda site)	189

Appendix 19.2: Criteria for Assessing Trees

Council has based the criteria for assessing trees on A Standard Tree Evaluation Method (STEM), Ron Flook, 1996. Selection and listing of Notable Trees in this District Plan has taken into account the following factors:

a) Form

The tree should have good form, be reliable in structure and a good example of the species.

b) Occurrence of the Species

How common or rare the tree is within the District, Regional and National context.

c) Vitality

The assessment of the health of the tree.

d) Function

The physical and ecological functioning and contribution of the tree. This factor also includes recognition of the local adverse effects of the tree.

e) Age

The loss of a mature tree leaves a time lapse before another tree will fulfil similar functions and achieve the same values. This factor also recognises the tree's natural life expectancy.

f) Stature

The height and canopy spread of a tree can have a significant influence on its visual impact.

g) Visibility

The amenity value of the tree and its accessibility to the public.

h) Proximity of Other Trees

The singularity of a tree can be more important than a group of trees.

i) Role in Setting

The visual and spatial qualities surrounding the tree in its setting. Many trees are significant landmarks in the District.

j) Climatic Influence

The influence of a tree on the microclimate, e.g. shade, shelter and temperature control.

k) Feature

Trees of exceptional proportions, or tree forms of special interest.

l) Historic

The association of the tree with historic events, people and significant periods in the development of the District.

m) Scientific and Botanical

The significance of the tree in a scientific or botanical context, having particular regard to rarity, representativeness and endemism. This factor also recognises trees of unusual genetic or morphological form.

Each of the 13 factors is scored out of a possible 27 points. For example, a tree which is assessed as having excellent vitality would be given 27 points and a tree assessed as having poor vitality would be given 3 points. A total score is then calculated for each tree, in accordance with the Council's Standard Tree Evaluation Method.

Trees scoring 150 points or greater are listed considered suitable to be included as a Notable Trees in Appendix 19.1 of this Plan (subject to landowner consent to their inclusion and other matters identified in Section 19.7.3 of this Chapter).

Appendix 19.3: Tree Evaluation Score Sheet

This score sheet is an example of what to submit to Council when you apply to have a tree or trees added to the schedule of Notable Trees in Appendix 19.1.

This Score Sheet can be used in conjunction with Appendix 19.2 which provides a guide you can use to consider whether a tree might be 'Notable'. Appendix 19.2 includes a brief description of each of the factors used for assessing a tree and provides the total score that a tree must score to be considered suitable to be included as a Notable Trees in Appendix 19.1 of this Plan (subject to landowner consent to their inclusion and other matters identified in Section 19.7.3 of this Chapter).

Condition Evaluation

	Points	3	9	15	21	27	Score
Factor	Form	Poor	Moderate	Good	Very Good	Specimen	
	Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	
	Vigour/Vitality	Poor	Some	Good	Very Good	Excellent	
	Function	Minor	Useful	Important	Significant	Major	
	Age (yrs)	10yrs. +	20yrs. +	40yrs. +	80yrs. +	100yrs. +	

Subtotal Points:

Amenity Evaluation

	Points	3	9	15	21	27	Score
Factor	Stature (m)	3 to 8	9 to 14	15 to 20	21 to 26	27+	
	Visibility (km)	0.5	1	2	4	8	
	Proximity	Forest	Parkland	Group 10+	Group 3+	Solitary	
	Role	Minor	Useful	Important	Significant	Major	
	Climate	Minor	Useful	Important	Significant	Major	

Subtotal Points:

Notable Evaluation

	Recognition	Local	District	Regional	National	International	Score
	Points	3	9	15	21	27	
Factor	Stature	Feature					
		Form					
	Historic	Age 100+					
		Association					
		Commemoration					
		Remnant					
	Scientific	Relict					
		Source					
		Rarity					
		Endangered					

Subtotal Points:

TOTAL POINTS: