

## 20 Natural Environments

### 20.1 Purpose

This chapter is subject to the following plan changes:

Plan Change 9 with proposed new text are underlined with green highlighting

Plan Change 9 with proposed deleted text have ~~strikethrough with red highlighting~~

Plan Change 9 section 42A recommendations with new text being underlined and deleted text with ~~strikethrough~~

- a. This chapter of the District Plan relates to Significant Natural Areas, ~~significant trees or groups of trees~~ Notable Trees, peat lakes, wetlands and peat lake catchments.

#### Significant Natural Areas

- b. The Act identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. This chapter of the District Plan identifies areas of significant indigenous vegetation, biodiversity and habitats of indigenous fauna which qualify as Significant Natural Areas – these areas can be held in public and private ownership or ownership may be split.
- c. The sites are identified on the Planning Maps and are listed in Schedule 9C: Significant Natural Areas in Volume 2, Appendix 9. The significance of a site is based on the ecological significance of its indigenous vegetation. The sites were assessed using the criteria for determining significant indigenous biodiversity contained in section 11A of the Waikato Regional Policy Statement (May, 2016). Two classifications of SNAs have been identified:
- i. Floristic SNA' (fSNA): Distinct areas of wetland or terrestrial vegetation communities dominated by naturally occurring indigenous plant communities or where naturally occurring indigenous vegetation define the primary aspects of the natural area.
  - ii. 'Corridor/indigenous fauna habitat SNA' (cSNA): Areas that are able to be delineated by topographical or vegetation features (such as gully systems) which provide significant fauna habitats, including At Risk or Threatened indigenous fauna species, or provide connectivity and ecological buffering to a regionally or nationally important Significant Natural Area.
- d. As restoration efforts continue in the City, additional Significant Natural Areas may be created. These will be added to Schedule 9C through changes to the plan through the First Schedule process under the Act.
- e. Significant Natural Areas include
- i. The Waikato River corridor and gully systems.
  - ii. Peat lakes and wetlands.
  - iii. Remnant indigenous vegetation or trees.
  - iv. Other areas that contribute to indigenous biodiversity.
- f. Threats to Significant Natural Areas include the reduction or loss of habitats due to contamination, disturbance, destruction, invasive weeds, vertebrate pests and surrounding land uses. Maintaining the City's indigenous biodiversity is challenging because:
- i. Areas and habitats of indigenous species often occur on both private and public land. There can be tensions between the aspirations of landowners for land use and development and the need to protect those areas and habitats.

- ii. Ecosystems are not always confined to definable sites; maintaining indigenous biodiversity requires more than the protection of sites of especially high biodiversity value. It also involves the growth, creation and restoration of new or past sites and the protection of areas that provide an ecological buffering or connectivity function.
  - iii. The costs of protecting areas and habitats are local and often specific to an individual, yet the benefits may be local, regional and national.
- b. The Act identifies the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna as a matter of national importance. This chapter of the District Plan identifies areas of significant indigenous vegetation, biodiversity and habitats of indigenous fauna which qualify as Significant Natural Areas—these areas can be held in public and private ownership or ownership may be split.
  - c. The sites are identified on the Planning Maps and are listed in Schedule 9C: Significant Natural Areas in Volume 2, Appendix 9. The significance of a site is based on the ecological significance of its indigenous vegetation. The sites were assessed using the criteria for determining significant indigenous vegetation and significant habitats of indigenous fauna contained in the Regional Policy Statement (2000).
  - d. As restoration efforts continue in the City, additional Significant Natural Areas may be created. These will be added to Schedule 9C through changes to the plan through the First Schedule process under the Act.
  - e. Significant Natural Areas include:
    - i. Identified areas of the Waikato River corridor and gully systems.
    - ii. Peat lakes and wetlands.
    - iii. Remnant indigenous vegetation or trees.
    - iv. Other areas that contribute to indigenous biodiversity.
  - f. Threats to significant natural areas include the reduction or loss of habitats due to contamination, disturbance, destruction, invasive weeds, vertebrate pests and surrounding land uses. Maintaining the City's biodiversity is challenging because:
    - i. Areas and habitats of indigenous species often occur on both private and public land. There can be tensions between the aspirations of landowners for land use and development and the need to protect those areas and habitats.
    - ii. Ecosystems are not always confined to definable sites; maintaining indigenous biodiversity requires more than the protection of sites of especially high biodiversity value. It also involves the growth, creation and restoration of new or past sites.
    - iii. The costs of protecting areas and habitats are local and often specific to an individual, yet the benefits may be local, regional and national.

## Significant trees or groups of trees Notable Trees

- g. Volume 2, Appendix 9, Schedule 9D identifies individual trees or groups of trees on both public and private land. These are trees that have special value to the community or are outstanding specimen examples and individually or collectively are worthy of protection.
- h. Trees make an important contribution to the health and wellbeing of the residents of the City and to the quality of the City's landscape. Trees contribute significantly to urban amenity values, and perform a range of environmental functions such as releasing oxygen; absorbing carbon dioxide and water; moderating micro-climates; giving shade and shelter from winds; providing land stability, particularly on gully and river banks; and providing habitat for wildlife – birds and insects, both native and exotic species.
- i. Development can have significant adverse effects on the extent and condition of trees, particularly in terms of removal of larger trees and works within the Protected root protection zone. Retention of trees, particularly on private land, is a significant challenge.
- j. Once mature trees are lost, it takes time to establish a replacement. There are cumulative effects of the loss of individual trees and stands of trees, including loss of habitat, adverse effects on the urban ecosystem, loss of urban amenity and the green character of the City.

## Peat Lakes, Wetlands and Peat Lake Catchments

- k. Peat lakes and wetlands have been degraded or lost because of a lack of information. A lack of knowledge about the location or significance of lakes and wetlands has led to their modification or destruction. Significant areas of the city's original wetlands have been drained and subsequently developed for urban purposes and this is likely to continue without adequate assessment and identification.
- l. Land use activities undertaken around peat lake and wetland margins, and within wider peat lake catchments can affect the ecological viability of these natural features. The protection of peat lakes and wetlands is dependent upon managing the effects of activities within the surrounding catchment as well as around the lake margins. Activities within this wider catchment can adversely affect the drainage (e.g. lowering of the water table) and water quality of the lakes.
- m. Recreation and amenity values can be lost through urban development and subsequent use. Destruction of lakes or wetlands precludes their use as recreation assets, while degradation of lakes and wetlands affects their visual values and limits their potential as attractive amenity features.
- n. Peat Lakes, Wetlands and Peat Lake Catchments are identified in the Features Maps of Volume 2, Appendix 17

## 20.2 Objectives and Policies: Natural Environments

### Significant Natural Areas

Objective	Policies
<b>20.2.1</b> Significant Natural Areas are protected, maintained, restored and enhanced.	<b>20.2.1a</b> The Identify the values and characteristics that define the City's Significant Natural Areas shall be identified as a schedule in

	<p><u>Appendix 9C.</u></p> <p><b>20.2.1b</b>  <del>Map areas of significant indigenous vegetation and, biodiversity and significant habitats of indigenous fauna shall be scheduled on the planning maps as Significant Natural Areas.</del></p> <p><b>20.2.1c</b>  <del>The particular values and characteristics that make an area a Significant Natural Area shall be protected from adverse effects by having regard to:</del></p> <ol style="list-style-type: none"> <li><del>i. The character and degree of modification, damage, loss or destruction that will result from the activity.</del></li> <li><del>ii. The duration and frequency of effect (e.g. long-term or recurring effects).</del></li> <li><del>iii. The magnitude or scale of effect, including effects on ecological processes supporting or provided by the Significant Natural Area.</del></li> <li><del>iv. The irreversibility of effect.</del></li> <li><del>v. The resilience of the area to assimilate change.</del></li> <li><del>vi. The opportunities to minimise pre-existing or potential adverse effects (e.g. restoration or enhancement), where avoidance is not practicable.</del></li> <li><del>vii. The probability of effect.</del></li> <li><del>viii. Cumulative effects.</del></li> <li><del>ix. Need for, or purpose of, the works.</del></li> </ol>
	<p><b>20.2.1d.1c</b>  <del>Adverse</del>  <del>Avoid the following adverse effects of development on the City's Significant Natural Areas shall be avoided:</del></p> <ol style="list-style-type: none"> <li><del>i. Loss of ecosystem function, representation and extent; and</del></li> <li><del>ii. Fragmentation; and</del></li> <li><del>iii. Loss of connectivity or buffer function; and</del></li> <li><del>iv. A reduction in the habitat of any Threatened or At-Risk species to the extent it may result in a reduction in the occupancy and presence of those species.</del></li> </ol>
	<p><b>20.2.1e.1d</b>  <del>The reduction, fragmentation</del>Where it is not possible for <del>infrastructure and isolation</del>public walkways and cycleways to avoid the adverse effects on Significant Natural Areas listed in Policy 20.2.1c, manage adverse effects on Significant Natural Areas in accordance with the following effects management hierarchy:</p> <ol style="list-style-type: none"> <li><del>i. Adverse effects are avoided where practicable; and</del></li> </ol>

	<ul style="list-style-type: none"> <li>ii. <u>Where adverse effects cannot be demonstrably avoided, they are minimised where practicable; and</u></li> <li>iii. <u>Where adverse effects cannot be demonstrably minimised, they are remedied where practicable; and</u></li> <li>iv. <u>Where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and</u></li> <li>v. <u>Where biodiversity offsetting of indigenous ecosystems more than minor residual adverse effects is not demonstrably possible, biodiversity compensation is provided; and</u></li> <li>vi. <u>If habitats shall be biodiversity compensation is not appropriate, the activity itself is avoided.</u></li> </ul>
	<p><b>20.2.1f</b>  <u>The loss or disruption of corridors or connections linking indigenous ecosystems and habitat fragments shall be avoided.</u></p>
	<p><b>20.2.1g.1e</b>  <u>Recognise that biodiversity offsetting and biodiversity compensation will not be appropriate when:</u></p> <ul style="list-style-type: none"> <li>i. <u>The loss indigenous biodiversity affected is irreplaceable or disruption vulnerable; or</u></li> <li>ii. <u>The adverse effects on indigenous biodiversity are uncertain or unknown, but those adverse effects are significantly adverse; or</u></li> <li>iii. <u>There are no technically feasible options to migratory pathways in water, land or air shall be avoided secure the proposed indigenous biodiversity gains.</u></li> </ul>
	<p><b>20.2.1h</b>  <u>Adverse effects on ecosystems resulting from changes to hydrological flows, water levels and water quality shall be avoided.</u></p>
	<p><b>20.2.1i.1f</b>  <u>When assessing adverse effects on Significant Natural Areas, recognise the value and ecological function of mapped Significant Natural Areas in Appendix 9C by considering:</u></p> <ul style="list-style-type: none"> <li>i. <u>The loss ecological significance criteria that have been identified for each Significant Natural Area in Appendix 9C; and</u></li> <li>ii. <u>The classification of the Significant Natural Area as follows:</u> <ul style="list-style-type: none"> <li>a. <u>Floristic SNA (fSNA) as areas of significant naturally [456] indigenous vegetation, including wetland and terrestrial vegetation, that is under-represented in the Hamilton Ecological District, is regionally or</u></li> </ul> </li> </ul>

	<p>disruption nationally uncommon or forms part of protective buffering an exceptional or uncommon ecological sequence.</p> <p>b. Corridor SNA (cSNA) as areas of indigenous ecosystems shall be avoided and exotic vegetation that provide significant indigenous fauna habitats, including Threatened or At-Risk indigenous species, and connectivity and ecological buffering between regionally and nationally important Significant Natural Areas.</p>
	<p><b>20.2.1j.1g</b>  Enable Provide for [425] infrastructure and public walkways and cycleways to be located near or within Significant Natural Areas where they:</p> <p>The loss</p> <ol style="list-style-type: none"> <li>i. Have an operational and functional need for that location;</li> <li>ii. Provide public benefits; and</li> <li>iii. Contribute to the economic, social, cultural and environmental well-being of ecosystem services shall be avoided people and communities.</li> </ol>
	<p><b>20.2.1k</b>  The loss, damage or disruption to ecological processes, functions and ecological integrity shall be avoided.</p>
	<p><b>20.2.1l.1h</b>  The loss or reduction of Recognise the cultural need for essential pruning, maintenance and spiritual association with tree removal in Significant Natural Areas where these have minor adverse effects on indigenous biodiversity [425], which are held by tangata whenua shall be avoided including customary activities and actions necessary to address a high risk to public health and safety, and property; that which is associated with restoration activities; and to enable the operation, maintenance or upgrading of existing infrastructure [425] .</p>
	<p><b>20.2.1m</b>  .1i Non-native pest species within  Promote increasing the extent of Significant Natural Areas shall be controlled and indigenous biodiversity to meet the target of 10% indigenous vegetation cover in the City.</p>
	<p><b>20.2.1n.1j</b>  The loss Recognise the role of habitat that supports mana whenua as kaitiaki and landowners as stewards in protecting and restoring Significant Natural Areas and indigenous species classified as at risk or threatened shall be avoided biodiversity.</p>
	<p><b>20.2.1o.1k</b>  Enable activities that improve public connection to, and appreciation of, Significant Natural Areas shall be restored and indigenous biodiversity provided that:</p> <ol style="list-style-type: none"> <li>i. Significant Natural Areas are protected; and</li> </ol>



	ii. Indigenous biodiversity is maintained or enhanced to meet at least the 10% threshold for habitat sustainability. [329]
	<b>20.2.1p.1l</b> Develop a local indigenous biodiversity strategy. Enable activities that seek to identify opportunities to restore, implement the vision, goals and enhance biodiversity outcomes in Hamilton the Nature in the City Strategy 2020-2050.
<b>Explanation</b>	
<p>Protection of indigenous biodiversity will be promoted through the identification and protection of Significant Natural Areas. These exist throughout the City/city on both public and private land. Recognition of these areas within the District Plan will result in protection through a restriction on activities that can occur within, and adjacent to, such areas.</p> <p>New Significant Natural Areas may be identified in the future. Where new areas meet the criteria, they will be added to the Schedule through the First Schedule process under the Act and protected.</p> <p>Managing any further loss to areas of biodiversity value and restoring and enhancing sites is critically important. At least 10% of remnant habitat cover is needed across a landscape in order to protect biodiversity and the functions of ecosystems. Only 1.5% of Hamilton City is covered by ecologically significant land. Hamilton City will need to keep maintaining and restoring sites as well as enhance significant natural areas Significant Natural Areas to cover a variety of landforms and vegetation types within Hamilton City.</p> <p>The protection of significant habitats of indigenous fauna, particularly those that are at risk or under threat, is an important role of Significant Natural Areas. Retaining these significant habitats is important for the protection of those species that are supported within Hamilton City.</p> <p>Key methods available include controlling pests, removal and modifications to areas of indigenous species or habitats. Protecting biodiversity is challenging, as many areas and habitats occur on private land and there can be tensions between the aspirations of private landowners for land use and development and the need to protect those areas.</p> <p>Indigenous biodiversity within the City/city is valued by Tangata Mana Whenua. As people of the land, Maori/Maori have a connection with the indigenous flora and fauna of New Zealand and their ecological processes. This relationship must be preserved through the maintenance and enhancement of indigenous biodiversity.</p> <p>In order Hamilton City Council's Nature in the City Strategy 2020-2050 has an overall vision of 'Nature thrives in Kirikiriroa/Hamilton'. The strategy seeks to provide/achieve this vision through four outcome areas with an overall goal to achieve 10% native vegetation cover in Kirikiriroa/ Hamilton by 2050'. The District Plan provides an important role in achieving the most appropriate combination of regulatory vision, goal and non-regulatory tools to help outcomes in the Nature in the City Strategy 2020-2050 by providing an enabling framework for activities which restore and enhance biodiversity Significant Natural Areas and increase indigenous vegetation in Hamilton City, an Indigenous Biodiversity Strategy will be developed and adopted in accordance with the Waikato Regional Policy Statement. This will occur in partnership with the Waikato Regional Council, tangata whenua, landowners, and other key stakeholders, with development of the policy to commence no later than 2016 Kirikiriroa/Hamilton.</p>	
<b>Objective</b>	<b>Policies</b>
<b>20.2.2</b> Significant habitat for long-tailed bats is protected and enhanced. [423, 425]	<b>20.2.2a</b> Manage adverse effects on long-tailed bat habitat within Significant Natural Areas in accordance with the effects management hierarchy in Policy 20.2.1d. [423, 425]
	<b>20.2.2b</b> Restore and enhance Significant Natural Areas to improve habitat for long-tailed bats. [423, 425]
	<b>20.2.2c</b>

	<a href="#">Establish a City-wide Bat and Habitat Enhancement Panel to advise on matters relating to the creation, restoration and enhancement of habitat for long-tailed bats, and the monitoring of long-tailed bat activity. [423, 425]</a>
<i>Explanation</i>	
<b>Objective</b>	<b>Policies</b>
<b>20.2.23</b> Public awareness and appreciation of Significant Natural Areas <u>and their values</u> is increased.	<p><b>20.2.3a</b> <a href="#">Enable activities that improve public connection to, and appreciation of, Significant Natural Areas and indigenous biodiversity provided that:</a></p> <p>i. <a href="#">Significant Natural Areas are protected; and</a></p> <p>ii. <a href="#">Indigenous biodiversity is maintained or enhanced.[329]</a></p> <p><b>20.2.2a3b</b> <del>Communication</del> <a href="#">Encourage communication</a> between <del>affected</del> landowners, Department of Conservation, iwi, <a href="#">Council [282, 287]</a> and other organisations that can assist in the management, <a href="#">protection</a> and <a href="#">conservation</a> <del>restoration</del> of <del>these areas shall be encouraged</del> <a href="#">Significant Natural Areas</a>.</p> <p><b>20.2.2b3c</b> <del>Information</del> <a href="#">Provide information to the public and landowners on the management, protection and restoration of Significant Natural Areas</a> and other legislative means of protection <del>shall be readily available to the public</del>.</p>
<i>Explanation</i>	
<i>Education and information assists landowners and residents in understanding the values and dynamics of Hamilton's biodiversity, as well as methods for managing areas of indigenous habitats. In addition, Council, in conjunction with Waikato Regional Council, will support landowners' voluntary protection initiatives, including promoting QEII National Trust Covenants, as well as directing landowners to sources of funding support, such as for fencing or pest control.</i>	

### ~~Significant~~ [Notable](#) Trees

<b>Objective</b>	<b>Policies</b>
<b>20.2.3</b> The values of <del>significant trees</del> <a href="#">Notable Trees</a> are protected and maintained.	<p><b>20.2.3a</b> The particular factors, values and features of trees listed in Schedule 9D shall be protected from inappropriate subdivision, use and development, by assessing:</p> <p><del>The need for emergency removal.</del></p> <p>The extent that any proposed maintenance will adversely affect the health of the tree.</p> <p>The character of the area in which the tree is located, including streetscape and public realm areas.</p> <p>The potential adverse effects on the health of the tree.</p>



	<p>The nature and extent of any proposed activities to be undertaken within the <del>root protection</del> <b>Protected Root</b> zone of the tree.</p> <p><del>The extent to which the removal, re-location, or trimming can be mitigated by replacement planting. Where the removal of significant trees cannot be avoided, any loss of value must be appropriately remedied or mitigated.</del></p>
	<p><b>20.2.3b</b>  <del>Scheduled trees within established urban areas shall be removed or transplanted only under exceptional circumstances, and where alternative options for the retention of the tree have been exhausted.</del></p>
	<p><b>20.2.3c</b>          Within areas of greenfield development the values of significant trees shall be maintained and taken into account in the layout and design of new development.</p>
	<p><b>20.2.3d.3b</b>  <del>Any work on a scheduled tree, Removal or work transplantation of Notable Trees within the root protection zone of any scheduled tree established urban areas shall not adversely affect be avoided except where:</del></p> <ul style="list-style-type: none"> <li>i. <del>Alternative options for the values retention of the tree, having regard have been exhausted.</del></li> <li>ii. <del>The extent to the reasons for which the tree's scheduling removal, re-location, or trimming can be mitigated by replacement planting.</del></li> </ul>
	<p><b>20.2.3e.3d</b>  <del>Before undertaking Any work on a notable tree, or work within the protected root zone of any activity that notable tree shall not adversely affects affect the values of the tree, identified in Schedule 9D:</del></p> <p><del>having regard to the reasons for the tree's scheduling.</del></p> <ul style="list-style-type: none"> <li>i. <del>Alternatives shall be considered and evaluated.</del></li> <li>ii. <del>Recommendations from a suitably qualified practitioner (e.g. arborist) should be sought.</del></li> </ul>
	<p><b>20.2.3f</b>  <b>3e</b>          Ongoing care and maintenance of <del>scheduled trees shall be undertaken</del> <b>Notable Trees</b> to ensure the ongoing health, wellbeing and longevity of the notable tree is protected.</p>

**Explanation**

Much of Hamilton's distinctive character is derived from its trees, which are an integral part of the City's amenity and identity. ~~Significant~~ **Notable** trees can be individual specimens or groups of trees ~~on such~~ **public or private properties**, as ~~Jubilee Bush~~ **well as significant street trees**.  
 Trees also have an important role in terms of maintaining life-supporting processes and assisting the functioning

of the urban ecosystem. The protection of identified ~~significant~~ notable trees is important. The policies identify that both works to ~~significant~~ Notable trees and works within the protected ~~root~~ protection zone of ~~significant~~ Notable trees need to be managed.

It is acknowledged that ~~within greenfield~~ through the development ~~areas there are~~ of sites, opportunities to design development to minimise the impact on ~~significant~~ Notable trees should be explored. A specific assessment of the values of trees within the development area is required, with the greatest protection given to those trees with the highest values. There may however be times when full retention is not practicable and trees have to be removed. In this case the Council expects the loss of these trees to be mitigated through replacement planting.

## Peat Lakes, Wetlands and Peat Lake Catchments

Objective	Policies
<p><b>20.2.4</b> The natural character and ecological viability of peat lakes, wetlands and their margins as visual, cultural, wildlife, and recreational assets are protected and enhanced.</p>	<p><b>20.2.4a</b> Identify and protect the remaining peat lake and wetland areas within the city from the adverse effects of urban development.</p>
	<p><b>20.2.4b</b> Avoid, remedy or mitigate the adverse effects of urban stormwater to maintain and enhance the water quality of the city's peat lakes and wetlands as habitats for fish, other aquatic species, and plants.</p>
	<p><b>20.2.4c</b> Control development within identified peatland catchments surrounding lakes and wetlands to maintain and enhance the quantity and quality of groundwater and ecological viability of peat lakes and wetlands.</p>
	<p><b>20.2.4d</b> Ensure public access around peat lake and wetland margins and recreational activities on the surface of water are compatible with maintaining ecological values.</p>
	<p><b>20.2.4e</b> Maintain those aspects of the environment that are of significance to Waikato iwi, in particular the spiritual dimension and mauri (life force) of water.</p>

### Explanation

Several wetland areas remain in the city, although significant areas of the city's original wetlands have been drained. It is because of this rarity that these areas are of such significance. They are also identified as matters of national importance under Sections 6 and 7 of the RMA.

Knowledge about existing sites (particularly wetlands) is limited. Identification and assessment of these sites will be the first step towards their protection.

The fragility of existing peat lake and wetland habitats within the city is exacerbated by a lack of adequate buffer protection. If land use activities on the surrounding peatland catchment are controlled (particularly in terms of maintaining the water table) this will help to maintain their natural functioning i.e. the ecological services they provide (such as acting as a stormwater sponge). Subsequent effects on infrastructure will also be minimised due to a slowing of differential shrinkage.

The provision of open space and extension of green areas around peat lakes and wetlands where practicable will enhance their protection and enable public access. This will affect the proximity of structures and impermeable surfaces to peat lakes and wetlands. It will provide for potential disposal of stormwater to ground in appropriate areas, reducing stormwater discharges, improving surface water quality and maintaining the watertable.

## 20.3 Rules – Activity Status Table

Vegetation pruning, maintenance, planting, and removal in a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9)	cSNA	fSNA
<b>Activities within a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9)</b>		
a. Pruning, maintenance or removal of indigenous and exotic vegetation or trees (excluding as provided for by h) Notable Trees in Volume 2, Appendix 9, Schedule 9D: Notable Trees), and excluding as provided for by Rule 20.3(b) [356], where: <ul style="list-style-type: none"> <li>i. <del>Necessitated by disease or age</del> Necessary to prevent the spread of disease [425, 171, 172, 328, 326]; or</li> <li>ii. The tree has failed and/or <del>there is an unacceptable</del> imminent [201] risk to public health, safety or property, or a network utility [133], and Standard 20.5.4 is complied with [201]; or</li> <li>iii. The pruning or maintenance work is necessary to <del>construct a structure associated with restoration or safety, or</del> [68, 154, 256, 326, 371] maintain or upgrade existing private tracks and fencing where Standard 20.5.1 is complied with; or</li> <li>iv. The pruning, maintenance or removal is for customary activities; or</li> <li>v. The pruning or maintenance work is within 1m of an existing lawfully established building [428]</li> </ul>	P	P
b. Removal or management of flora and fauna [356] pest species associated with, including pest control where Standard 20.5.6(c) is complied with. [456, 371, 356, 100]	P	P
c. Planting and management of indigenous vegetation or trees for the purposes of restoration, [329] including relocation of indigenous vegetation or trees within the same Significant Natural Area [425]	P	P
d. Planting of exotic vegetation or trees in a Significant Natural Area for erosion control and stability or restoration purposes where Standard 20.5.5 is complied with [201, 425, 456]	P-RD [201, 425, 456]	P-RD [201, 425, 456]
e. Pruning, maintenance or removal of indigenous or exotic vegetation or trees associated with restoration where: <ul style="list-style-type: none"> <li>i. This is not provided for by either 20.3(a) or 20.3(b); and</li> <li>ii. Standard <del>Link</del> [317] 20.5.6 is complied with in a cSNA</li> </ul>	P	RD
ea. Pruning, maintenance or removal of exotic vegetation or trees associated with restoration where this is not provided for by 20.3(e). [456, 371, 356, 100]	RD	RD
eb. Pruning and maintenance of the canopy of a tree overhanging the boundary of a Significant Natural Area	Activity status and rules contained in Chapter 25.2: Earthworks and Vegetation	

	Removal [201]	
f. <u>All other planting of exotic vegetation or trees in a Significant Natural Area where Standard 20.5.5 is not complied with</u> [201, 425, 456]	RDNC	NC
<b>Earthworks for specified activities in a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9)</b>	cSNA	fSNA
g. <u>Earthworks associated with maintaining or upgrading existing private tracks and/or fencing or maintaining, or upgrading existing walking access tracks used for restoration projects.</u>	NGP	P
h. <u>Earthworks associated with permitted vegetation removal; and/or with permitted structures where Standard 20.5.1(b) is complied with</u> [329]	P	P
<u>ha. Earthworks within the dripline of a tree where the trunk is located within a Significant Natural Area</u>	Activity status and rules contained in Chapter 25.2: Earthworks and Vegetation Removal [201]	
<b>Buildings and structures, infrastructure, public walkways and cycleways in a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9)</b>	cSNA	fSNA
i. <u>Alterations to, or the replacement of, any existing building or structure that does not exceed the existing envelope or footprint in a Significant Natural Area</u>	P	P
j. <u>Structures associated with erosion protection and sediment control in a Significant Natural Area where Hamilton City Council is provided with confirmation that these are required under a regional plan rule or regional consent from Waikato Regional Council prior to undertaking the works.</u>	P	P
<u>ja. The placement and/or construction of buildings and structures associated with restoration activities or safety, where Standard 20.5.8 is complied with.</u> [68, 154, 256, 326, 371]	P	RD
<u>jb. Park furniture (excluding lighting).</u> [201, 423]	P	P
<u>jc. Artificial lighting</u>	Standards contained in Chapter 25.6: Lighting and Glare [425, 333, 326]	
k. <u>The operation, maintenance, renewal or upgrading of, or access to, existing infrastructure and public walkways and cycleways, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks where:</u>  i. <u>This is not provided for by either 20.3(a) or 20.3(b) and</u> ii. <u>Standard 20.5.7 is complied with.</u>	P	P
l. <u>Construction of new public walkways and cycleways through a Significant Natural Area, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks</u>	RD	RD[425]
m. <u>Alterations to, or the replacement of, any existing building or structure that is proposed to exceed the existing envelope or footprint in a Significant Natural Area.</u>	D	D

n. <u>Construction of, or access to, new infrastructure in a Significant Natural Area, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks</u>	<u>D</u>	<u>NC</u>
<u>Activities not otherwise provided for in this rule table in a Significant Natural Area, Schedule 9C (Volume 2, Appendix 9)</u>	<u>cSNA</u>	<u>fSNA</u>
o. <u>All other earthworks in a Significant Natural Area not provided for by another rule in this table</u>	<u>D</u>	<u>NC</u>
p. <u>All other pruning, maintenance, <del>planting</del> [201, 425, 456] or removal of indigenous or exotic vegetation in a Significant Natural Area not provided for by another rule in this table</u>	<u>NC</u>	<u>NC</u>
q. <u>The placement and/or construction of any new building or structures in a Significant Natural Area not provided for by another rule in this table</u>	<u>NC</u>	<u>NC</u>
r. <u>The storage of hazardous substances in a Significant Natural Area</u>	<u>NC</u>	<u>NC</u>
<u>Volume Notable Trees, Schedule 9D (Volume 2, Appendix 9), <del>Schedule 9D: Significant Trees</del></u>		
s. <u>Emergency</u> <u>Emergency</u> works to, or removal of, a <u>scheduled</u> <u>Notable</u> tree where: <ul style="list-style-type: none"> <li>i. <u>The tree has failed and/ or is an imminent threat</u> <u>risk to life, public health or safety and property,</u> or a network utility, <u>and Standard 20.5.4 is complied with [201]</u></li> <li>ii. The <u>scheduled tree</u> <u>Notable Tree</u> carries a fatal disease</li> </ul>	P	
t. Minor pruning <u>and and</u> maintenance of a <u>scheduled</u> <u>Notable</u> tree <ul style="list-style-type: none"> <li>i. <u>All pruning ensures the ongoing health, wellbeing, and longevity of the tree</u></li> <li>ii. <u>Pruning of branches and/or roots that does not exceed the standards outlined in 20.5.2</u></li> <li>iii. <u>Removal of broken branches, deadwood or diseased vegetation</u></li> <li>iv. <u>Retention of the natural shape, form and branch habit of the notable tree</u></li> <li>v. <u>Removal of branches that physically are interfering with buildings, infrastructure, pedestrian or vehicle accessway when the work is carried out by or under the guidance of a qualified Works Arborist</u></li> </ul>	P	
u. <u>Pruning and maintenance of a notable tree not in accordance with Rule 20.3 t)</u>	<u>RD</u>	
v. <u>The following activities located <u>no closer than 3m from the base of any notable tree in the within the Protected Root zone of any notable tree, which do not exceed the standards outlined in 20.5.3: [381, 383, 384, 394]</u></u> <ul style="list-style-type: none"> <li>i. <u>Earthworks using non-mechanical practices (hand digging, hydro and/or airspade), for the purpose of installing, replacing, repairing and maintaining underground network utilities, which do not exceed the standards outlined in 20.5.3</u></li> <li>ii. <u>Gardening or non-mechanical cultivation</u></li> <li>iii. <u>Digging of holes for fence posts using non-mechanical practices.</u></li> <li>iv. <u>Directional drilling or boring for trenchless pipe/duct installation deeper than 800mm below the ground surface</u></li> </ul>	P	

<ul style="list-style-type: none"> <li>v. <a href="#">Additions to, or the replacement of, any existing building or structure that is proposed that do not exceed the envelope or footprint of the existing building(s) or structure(s) [43, 138, 139, 437, 439, 266, 301, 353, 408, 410]</a></li> <li>vi. <a href="#">The placement and/or construction of any building or structure that do not exceed the envelope or footprint of the existing building(s) or structure(s) [43, 138, 139, 437, 439]</a></li> <li>vii. <a href="#">The temporary storage or placement of materials, vehicles, plant or equipment on existing or temporary load bearing surface during construction activities or temporary event. [43, 138, 139, 437, 216, 439, 381, 383, 384, 394]</a></li> </ul>	
<ul style="list-style-type: none"> <li>w. The following activities located within the <del>root protection</del> <b>Protected Root</b> zone of any <del>scheduled</del> <b>notable</b> tree: <ul style="list-style-type: none"> <li>i. Earthworks <u>(excluding as provided for by v. i., ii. or iii).</u></li> <li>ii. The laying, <u>sealing, paving</u> or forming of any impervious surface <a href="#">that exceed the area of impervious surfaces that already exists at (insert decision date) [216, 383, 384, 394, 43, 138, 139, 437, 439]</a></li> <li>iii. <u>The alteration of the ground level by either permeable or impervious materials</u></li> <li>iv. Additions to, or the replacement of, any existing building or structure that is proposed to exceed the envelope or footprint of the existing building(s) or structure(s)</li> <li>v. The placement and/or construction of any building or structure</li> <li>vi. Directional drilling or boring <u>for trenchless pipe/duct installation less than 800mm below the ground surface</u></li> <li>vii. The storage, <u>release, injection or placement</u> of chemicals or other toxic <del>substances</del> <b>substance</b></li> <li>viii. <u>The storage of new permanent</u> materials, vehicles, plant or equipment.</li> <li>ix. <u>Planting of trees</u> <a href="#">except planting of shrubs and plants that do not grow greater than 3m. [201, 168]</a></li> </ul> </li> </ul>	RD
<ul style="list-style-type: none"> <li>x. Non-emergency works to, removal of, or transplanting of a <del>scheduled</del> <b>notable</b> tree</li> </ul>	D

**Note**

1. For any activity not identified above, see Section 1.1.8.1.
2. For activities and buildings in the Electricity National Grid Corridor see Chapter 25.7: City-wide – Network Utilities and the Electricity National Grid Corridor.
3. Any works to a notable tree located close to power lines are required to be undertaken in accordance with clause 14 of the Electricity (Hazards from Trees) Regulations 2003, or clause 128 of the Telecommunications Act 2001, and works are undertaken by or under the supervision of a qualified arborist employed by a network utility operator.
4. The extent of the individual Protected Root Zone for each Notable Tree, as shown on the planning maps is indicative. The radius measurement in Appendix 9D is to be measured from the centre of the trunk of the Notable Tree to confirm the physical location of the Protected Root Zone.
5. [Rules 20.3\(ga\), \(gb\) and \(gc\) apply in the Peacocke Precinct instead of Rules 20.3\(jb\), \(l\) and \(n\). \[423\]](#)
6. [Activities in SNAs affecting protected wildlife must also comply with the Wildlife Act 1953. \[425\]](#)

## 20.4 Rules – General Standards



## 20.4.1 Activities within or affecting the Peat Lakes, Wetlands and Peat Lake Catchments

### a. Building Setback

The minimum building setback from the margin of any Peat Lake or Wetland shall be 50m plus the relevant setback requirement for the relevant zone.

### b. Impermeable Surfaces

The maximum area of impermeable surfaces of that part of the site within the Peat Lakes, Wetlands and Peat Lake Catchments, shall not exceed 40%.

### c. Vegetation Removal

Any area of vegetation removed in or within 5m of the margin of any Peat Lake or Wetland shall be replanted with an equivalent area of appropriate wetland species within one calendar month.

#### **Note**

*Any replanting of vegetation shall have regard to the Regional Pest Management Strategy, and should not include plant pest species as identified within the strategy.*

### d. Earthworks (Including Clean Fill)

i. The maximum volume of earthworks within the Peat Lake Catchment shall not exceed 40m<sup>3</sup> per site per calendar year

ii. Earthworks shall not take place in or within 5m of the margin of any Peat lake or Wetland.

### e. Stormwater Disposal

i. Stormwater run-off from any new building on any site that is wholly or partly covered by any Peat Lake, Wetland and Peat Lake Catchment shall be disposed of directly to the ground.

#### **Note**

*The Hamilton City Infrastructure Technical Specifications contains acceptable means of compliance for the design and implementation of any stormwater disposal system.*

## 20.5 Rules – Specific Standards

### 20.5.1 Pruning and Maintenance in a Significant Natural Area

a. Maximum amount of foliage to be removed per <u>tree per</u> calendar year	15%
b. Maximum thickness (cross-section) of any branch or root that may be cut	50mm
<p><b>OR</b>            For Significant Trees identified in Schedule 9D only:</p> <p>c. <u>Confirmation of the necessity for the works shall be provided to Council:</u></p> <p>i. <u>Before any works are undertaken, and</u></p>	

- ii. The works shall be carried out by an appropriately qualified person (e.g. an arborist)

### 20.5.2 Pruning and Maintenance of Notable Trees

a. Maximum amount of foliage to be removed per any 12-month period	5% of foliage
b. The maximum pruning of living canopy and only lower branches [412, 353] over any three-year period.	10% of living canopy
c. Maximum thickness (cross-section at point of severance) of any branch that may be cut to retain the natural shape, form and branch habitat of the tree is retained [412, 353]	50mm
d. Maximum thickness (cross-section at point of severance) of any branch that may be cut to retain the natural shape, form and branch habitat of the tree is retained and when [412, 353] the work is undertaken, or supervised by a qualified Works Arborist.	100mm
e. Maximum thickness (cross-section at point of severance) of any root that may be cut.	35mm
f. Maximum thickness (cross-section at point of severance) of any root that may be cut when the work is undertaken, or supervised by a qualified Works Arborist. [412, 353]	80mm

### 20.5.3 Activities in the Protected Root Zone of a Notable Tree

a. Maximum thickness (cross-section at point of severance) of any root that may be cut when the work is not undertaken, or is not supervised by a qualified Works Arborist [412, 93, 138, 139, 216, 437, 439, 43]	35mm
b. The maximum soil level depth increases over existing levels [412, 93, 138, 139, 216, 437, 439, 43]	50mm
c. Maximum mulch layer depth	100mm
d. Maximum area of earthworks using non-mechanical practices, for the purpose of installing, replacing, repairing and maintaining underground network utilities, when within 3m of the tree's trunk and where the work is undertaken, or supervised by a qualified Works Arborist [412, 93, 138, 139, 216, 437, 439, 43] with the exception of the use of an airvac.	1sqm
e. Maximum amount of ground disturbance when gardening using hand tools or non-mechanical cultivation within existing garden beds per an 12-month period	10%
f. Roots over 35mm in diameter shall be protected using methods that ensure no bark or cambium tissue is damaged	
g. Maximum thickness (cross-section at point of severance) of any root that may be cut when the work is undertaken, or supervised by a qualified Works Arborist. [412, 93, 138, 139, 216, 437, 439, 43]	80mm
h. Maximum area of earthworks for the purpose of installing, replacing, repairing and maintaining underground network utilities, with an airvac or hand digging, when outside 3m of the tree's trunk and when the work is not undertaken, or is not supervised by a qualified Works Arborist [412, 93, 138, 139, 216, 437, 439, 43]	1sqm

i. <u>Maximum area of earthworks, when outside 3m of the tree's trunk and when the work is undertaken, or supervised by a qualified Works Arborist using modern best practice.</u> [412, 93, 138, 139, 216, 437, 439, 43]	10%
---	-----

## 20.5.2.4 Emergency Works to, or Removal of, an ~~Indigenous~~[201]Tree in a Significant Natural Area or a ~~Scheduled~~Notable Tree

- a. Confirmation of the necessity for the works or removal shall be provided to Council:
  - i. Before any works are undertaken, and
  - ii. The works shall be carried out by an appropriately qualified person (e.g. an arborist).

## 20.5.5 Planting of Exotic Vegetation or Trees in a Significant Natural Area

Either:

- a. The planting is for the purpose of erosion stability and:
  - i. Written confirmation is provided to Hamilton City Council that the planting is in accordance with a willow management strategy that has been approved by Hamilton City Council or Waikato Regional Council prior to the planting taking place; and
  - ii. The exotic vegetation or tree(s) is removed no longer than 10 years after it was planted, or as otherwise advised by a suitably qualified person; or
- b. It is for the purpose of restoration and written confirmation is provided to Hamilton City Council that the planting is in accordance with a restoration plan that has been approved by Hamilton City Council prior to the planting taking place.— [201, 425, 456]

## 20.5.6 Pruning, maintenance or removal of indigenous or exotic vegetation or trees associated with restoration in a cSNA [456]

- a. Either:
    - i. The works are required to maintain an existing walking access track used for restoration activities; or
    - ii. No more than 50m<sup>2</sup> of vegetation or trees are removed per site per calendar year; and b. ~~The~~ the area cleared is planted with indigenous vegetation or trees within 12 months;
- and
- c. Either:
    - i. Any tree removed must have a diameter of no more than 150mm measured at 1.4m in height above ground level; or
    - ii. The tree has a diameter greater than 150mm, measured at 1.4m in height above ground level and:

1. A suitably qualified person has confirmed that there is a low potential for the tree (alive or dead) [425] to be used as habitat for either bats or any other Threatened or At-Risk indigenous fauna (refer to NZTCS.org.nz) [425]; and
2. The report from the suitably qualified person is provided to Hamilton City Council prior to the removal of the tree(s).

### 20.5.7

#### The operation, maintenance, renewal or upgrading of, or access to, existing infrastructure and public walkways and cycleways

##### A. Pruning, maintenance or removal of indigenous or exotic vegetation or trees

- a. The works are required to maintain an existing walking access track to access existing infrastructure or contribute to restoring or enhancing SNAs [171, 172]; and or [201]
- b. Either:
  - i. The works do not result in the removal of more than 100m<sup>2</sup> of indigenous vegetation per site-existing asset [425], per calendar year; or
  - ii. The works are limited to areas within two metres of the existing asset; and
- c. Either:
  - i. Any tree removed must have a diameter of no more than 150mm measured at 1.4m in height above ground level; or
  - ii. The tree has a diameter greater than 150mm, measured at 1.4m in height above ground level; and:
    1. A suitably qualified person has confirmed that there is a low potential for the tree to be used as habitat for either bats or any other Threatened or At-Risk indigenous fauna; and
    2. The report from the suitably qualified person is provided to Hamilton City Council prior to the removal of the tree(s).
- d. Any area of vegetation cleared that is not required for ongoing access or operation of infrastructure is planted with indigenous vegetation or trees within 12 months. [201]

##### B. Earthworks

- a. The disturbance is limited to areas within 2m of the asset being operated, maintained, renewed or upgraded; or
- b. No more than 100m<sup>2</sup> of land is disturbed per site-existing asset [425], per calendar year; and
- c. The area disturbed is reinstated as soon as practicable following the completion of the works.

##### C. Renewal or upgrading of infrastructure

The asset being renewed or upgraded is increasing in footprint by a maximum of 5% or 30m<sup>2</sup>,

whichever is the greater.

## 20.5.8 Structures associated with restoration or safety

### a. Either:

- i. The structure is a track and/or steps required to facilitate access to the SNA to carry out restoration activities; or
- ii. The structure is required to protect land stability and is no more than 1.5m high; or
- iii. The structure is a fence; or
- iv. The structure is less than 1m<sup>2</sup> in area and is for restoration purposes (e.g. plant training structures, bird feeders); and

### b. No lighting is to be installed in association with the structure.

[68, 154, 256, 326, 371, 425]

## 20.6 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a. In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully Hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. <del>Earthworks; laying of impervious surfaces; additions to existing structures; placement/construction of a new structure; directional drilling or boring; or storage of chemicals within the root protection zone of any scheduled tree</del>	<ul style="list-style-type: none"> <li>• <del>D – Natural Character and Open Space</del></li> <li>• <del>F – Hazards and Safety</del></li> </ul>
i. <u>Removal, Pruning, maintenance or removal of indigenous or exotic vegetation or trees associated with restoration where this is not provided for by either 20.3(a) or 20.3(b) in a fSNA</u>	<ul style="list-style-type: none"> <li>• D – Natural Character and Open Space</li> <li>• F – Hazards and Safety</li> </ul>
ii. <u>Construction of new public walkways and cycleways through a Significant Natural Area, including associated pruning, maintenance or removal of indigenous or exotic vegetation or trees and associated earthworks</u>	<ul style="list-style-type: none"> <li>• <u>D – Natural Character and Open Space</u></li> </ul>

	<ul style="list-style-type: none"> <li>• <u>F – Hazards and Safety</u></li> </ul>
<a href="#">ii.a Planting of exotic vegetation or trees in a Significant Natural Area for erosion and stability or restoration purposes [201, 425, 456]</a>	<ul style="list-style-type: none"> <li>• <u>D – Natural Character and Open Space</u></li> </ul>
<a href="#">ii.b The placement and/or construction of buildings and structures associated with restoration activities or safety in a fSNA [68, 154, 256, 326, 371]</a>	<ul style="list-style-type: none"> <li>• <u>D – Natural Character and Open Space</u></li> </ul>
iii. <u>Pruning and maintenance of a notable tree not in accordance with Rule 20.3 t.</u>	<ul style="list-style-type: none"> <li>• <u>D – Natural Character and Open Space</u></li> </ul>
iv. <u>The activities located within the Protected Root zone of any notable tree as provided in Rule 20.3.w.</u>	<ul style="list-style-type: none"> <li>• <u>D – Natural Character and Open Space</u></li> <li>• <u>F – Hazards and Safety</u></li> </ul>

## 20.7 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

How to Use this District Plan  
 Explanation of Activity Status  
 Activity Status Defaults  
 Notification / Non-notification Rules  
 Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

Definitions and Terms Used in the District Plan  
 Information Requirements  
 Controlled Activities – Matters of Control  
 Restricted Discretionary, Discretionary and Non-Complying Activities and Assessment Criteria  
 Design Guides  
 Other Methods of Implementation