

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Plan Change 9 – Hertiage and Natural Environments –
Notable Trees

STATEMENT OF EVIDENCE OF LAURA JANE GALT

(Planning - Notable Trees)

14 April 2023

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INTRODUCTION

1. My full name is Laura Jane Galt.
2. I am an Intermediate Planner at Hamilton City Council (**HCC**). I have held this role for approximately six years. I have approximately 16 years' experience in policy planning, including work on the District Plan review, and the reporting officer for Plan Change 3 – Temple View.
3. My qualifications include a Master of Environmental Planning from the University of Waikato (2011), and a Bachelor of Social Science with Honours from the University of Waikato (Resource and Environmental planning, 2006). I am an intermediate member of the New Zealand Planning Institute.
4. I have been involved in the Notable Trees topic for Plan Change 9 (**PC9**) since November 2022. I have reviewed all the notified PC9 documents, submissions and expert evidence related to Notable Trees.
5. I have attended expert conferencing on the topics set out below and signed the joint witness statement (**JWS**) for the following:
 - a) Arboriculture and Planning - 15 March 2023.
 - b) Planning - 20 March 2023.

CODE OF CONDUCT

6. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDENCE

7. The purpose of this evidence, presented on behalf of HCC as proponent of PC9 – Notable Trees is to address:
 - a) The background of Notable Trees.
 - b) Use of STEM methodology for assessing Notable Trees.
 - c) Rules relating to pruning Notable Trees.
 - d) Rules relating to works within the Protected Root Zone (**PRZ**).
 - e) HCC submission points on notable trees and key issues arising from s42A report.
8. It is necessary for my evaluation to consider the technical analysis undertaken by the experts engaged by HCC to report on notable trees. For the purpose of preparing this evidence, my primary reference source has been the original technical reports and any updated technical reports prepared by Arborlab and the evidence prepared by Mr Jon Redfern of Arborlab which respond to issues raised in submissions.

EXECUTIVE SUMMARY

9. PC9 replaced the existing assessment criteria used for identification of significant trees with the STEM method to ensure best practice and commonly used criteria was employed.
10. In the preparation of PC9 the existing significant trees recorded in the Operative District Plan (**ODP**) were reassessed using the new STEM methodology, and in addition, a further survey of trees on public land (street and reserves) was undertaken. This resulted in approximately 1000

new trees being proposed to be added to the notable tree schedule (Schedule 9D) of the ODP.

11. In addition to the proposed expansion of the schedule of notable trees in the ODP, PC9 introduced a revised set of rules to address gaps in the ODP framework; specifically changes to pruning and maintenance of notable trees, works within the PRZ, and definitions.
12. I have reviewed the s 42A report, the additional technical report prepared by Arborlab in response to submissions, and the evidence on Mr Redfern for HCC. I agree with the recommendations made within the s 42A report, and also Mr Redfern's recommended drafting edits, which are reflected in the amended plan provisions set out at **Attachment 1** to my evidence.

ANALYSIS

Background of Notable Trees

13. Significant Trees are currently listed in Appendix 9D of the ODP and were for the most part 'rolled over' from the 2012 Operative District Plan during the review of the ODP between 2012 to 2016. There have been limited additions/removals to the Significant Tree list since the ODP became operative in 2017. The methodology for assessing the trees also remained the same. PC9 proposed to change reference to 'Significant Trees' to 'Notable Trees' to align with best practise and avoid confusion with regards to the significance of the trees in relation to ecological values.
14. Prior to PC9, the ODP used an assessment based on the Royal New Zealand Institute of Horticulture (**RNZIH**), which was bespoke and unique¹ to Hamilton. The premise was the same, in that the trees were scored on a number of criteria and those over 1000 points were recorded as Category

¹ Standard method had 8 categories, where as 13 categories were used in HCC DP.

1 and trees over 500 points were Category 2 trees, however while the Category 1 or 2 was recorded the rule framework didn't reflect any differences between the two categories (noting that the 2012 ODP did have different rules for category 1 trees).

15. Relevant District Plan sections which address Notable Trees and are affected by PC9 are:
 - a) Chapter 20 – Natural Environments which deals with Notable Trees also includes provisions for Significant Natural Areas (also subject to PC9), and Peat Lakes which no changes were made through PC9.
 - b) Appendix 9 – Natural Environments sets out the STEM methodology and 9D contains the list of Notable Trees.
 - c) Appendix 1.3 – Assessment Criteria D – Natural Character and Open Space, specifically D3, D11, D12, and D13.
 - d) Planning Maps: Introduction of additional Notable Trees and the indicative Protected Root Zone.

Standard Tree Evaluation Method (STEM) methodology

16. As mentioned above, prior to PC9 a bespoke RNZIH method was used, this was the original standardised method for assessing significant trees. Across this sector, the STEM methodology replaced the RNZIH evaluation method in the mid to late 1990's, however the ODP was not updated to reflect that change until now. In PC9 the existing assessment criteria used for identification of significant trees is being replaced with the STEM method.
17. In Mr Redfern's evidence he sets out the STEM assessment methodology for existing listed trees. It was determined that a threshold for 'notable' of 130 points was appropriate based on the re-assessment scores of existing listed trees in the ODP as it would reflect a strong correlation with the

previous threshold and result in retention of many of the existing scheduled trees.

18. The existing Significant Trees (T1 to T80) in Appendix 9D of the ODP were updated with the new STEM score, and approximately 74 existing trees were recommended for removal as they either no longer met the threshold, or they no longer existed.
19. The survey of new trees also identified a number of trees on public property (street and reserve) that should be added to Schedule 9D. Nomination of potential new trees for scheduling started with work undertaken by HCC's Parks team that identified significant street and avenue trees and the initial list was created from Council's City Tree canopy analysis to identify trees over 18 meters in height as a first identifier. From this Arborlab applied the criteria (set out in Mr Redfern's evidence) to identify and assess potential trees.
20. I note that while the arborists utilised the 130 STEM score for both existing listed trees and as criteria for identifying new trees within the public realm, a lower STEM score of 120 was assessed as acceptable where the tree formed a grouping of trees where one or more of the grouping scored 130 or more.
21. As a result of the tree assessments from the survey over 1000 trees on public land were identified and included in Schedule 9D of the ODP (**Notable Tree**).

Rules related to Pruning Notable Trees

22. While the ODP already provided for emergency works or removal of a Notable Tree as a Permitted Activity (**PA**), PC9 amended the wording of 20.3s. i. to provide for instances where the tree has failed and is not just a threat of failing.

23. Minor pruning and maintenance was also a PA in the ODP, with PC9 introducing additional subclauses for further clarity, including cross-reference to the PA standards (e.g. maximum branch width).
24. A new Restricted Discretionary Activity (**RDA**) was introduced to provide for pruning and maintenance where the PA standards were not met.
25. The existing Discretionary Activity (**DA**) Rule 20.3x. was retained which stated *“Non-emergency works to, removal of, or transplanting of a notable tree”*.

Rules related to works/activities within Protected Root Zone

26. The ODP included a Root Protection Zone. In PC9 this was renamed to Protected Root Zone. Existing Policies 20.2.3a bullet point 4 and 20.2.3c were amended insofar as they changed the terminology used. An RDA activity for works within the PRZ also existed in the ODP.
27. As stated in Appendix 11 of the notified plan change documentation, *“the PRZ is widely adopted in the New Zealand arboricultural industry.”* This has been reflected with the restricted discretionary activities within the PRZ in Rule 20.3w recognising activities within this zone can impact on the health of a Notable Tree.
28. However, while changes and activities within the PRZ can adversely affect a tree, it was recognised that there are several activities that would not adversely affect the roots of a tree and should not require resource consent. Consequently, PC9 introduced permitted activities within three meters from the base of a Notable Tree for certain activities (earthworks, non-mechanical gardening etc).

29. The existing RDA rule 20.3w. was amended to align with the new permitted activities (20.3v.) and now also includes additional activities (eg planting of trees).
30. A new rule 20.5.3 was introduced to set the standards of the activities in the PRZ of a Notable Tree. The standard relates to the extent of works to the roots of a tree within the PRZ as well as coverage of roots within the zone.

HCC Submission Points on Notable Trees

31. I have reviewed the s 42A report with regards to the HCC submission and I accept the recommendations made with regards to Notable Trees, in particular:
 - a) HCC's submission sought the inclusion of the STEM score sheet criteria in Appendix 9, as it would provide additional clarity/explanation within the ODP and be of benefit to processing resource consents. I support the s 42A report recommendation to accept this submission point.
 - b) The scope of PC9 was to only include new Notable Trees on public land and not on private property. In error trees T138, T139 and T140 were included but are located on private property and should therefore be deleted from Schedule 9D and the Planning Maps. I support the s 42A report recommendation to delete these trees from the schedule and planning maps.
 - c) HCC sought the alignment of the terminology in relation to risk in Rules 20.3a. and 20.3s. I support the s 42A report recommendation in relation to SNA and Notable Trees to revise Rule 20.3a. to align with Rule 20.3s.

- d) HCC sought the amendment of Rule 20.3t. to clarify that all works need to be carried out by a qualified works arborist not just for Rule 20.3t.v. Advice from experts has resulted in a different change to what HCC requested, however I support the s 42A reports recommended changes to Rule 20.3t.
- e) Rule 20.3w. ix. - Planting of trees – the HCC submission sought further clarification of what is considered a tree, and where it can be planted in relation to Notable Trees. I support the s 42A report recommendation to include additional wording to address the parameters of what constitutes a tree, in relation to planting withing the PRZ of Notable Trees.

Other key points addressed in the s 42A Report

- 32. I confirmed in the expert conferencing that the inclusion of PRZ measurements in Appendix 9D fixes the measurement and would require a future plan change to amend measurements.
- 33. The addition/removal of Notable Trees requested by submitters have been reviewed by Arborlab and I accept Mr Redfern's recommendations for removals of trees from the Notable Tree schedule 9D which are set out in the table of removals appended to the s 42A report.
- 34. In expert conferencing my agreement is noted that Rule 20.3v. should be clarified in relation to where the 'three metre' measurement starts from.
- 35. Further review of PA Rule 20.3v. and the corresponding RDA Rule 20.3w highlights a misalignment between the two rules. The PA applies from the base of the tree trunk out to three meters. The RDA activity then applies to the entire PRZ. Which means that activities permitted from the trunk up to three meters have no activity status from three meters to the extent of the

PRZ (e.g. 3 to 20m), which under the ODP would default to a non-complying activity.

36. This was clearly not the intention, particularly given the permitted activities have less impact than those which do fall to an RDA if they go above the PA thresholds.
37. Therefore, I support the s 42A recommendation to delete reference to the three meters in Rule 20.3v and insert it into the appropriate standards of 20.5.3 as advised by Mr Redfern.
38. Kaianga Ora is seeking that the PRZ definition is replaced with a drip line definition. I rely on and support the explanation provided by Mr Redfern during expert conferencing that the PRZ is more accurate and scientifically proven. Furthermore, I support the s 42A report recommendation to retain the PRZ definition but with amendments to provide clarity relating to the measurement protocols.
39. HCC does not provide any direct financial assistance to landowners including any consent fees waivers for work on or within the PRZ. However, it is my opinion that the amendments proposed by Ms Soe in the s 42A report and the additional recommendations (see below) provides an appropriate balance of permitted activities within the PRZ.

Additional technical recommendations

40. Mr Redfern also provided a number of technical suggestions in relation to the Notable Tree provisions in Chapter 20. Most have been addressed and adopted by Ms Soe in the s 42A report.
41. However, there are several technical suggestions not included by Ms Soe which I consider should be included in the amended provisions to address submissions seeking clarity, and less restrictive consenting, in the protected root zone. In summary these changes are:

- a) Rule 20.3 s. ii. is amended by deleting reference to fatal disease and instead being subject to a biosecurity risk.
 - b) A new permitted activity standard to provide for repair, maintenance, and replacement of existing footpaths, tracks, lawns, gardens, and fences.
 - c) References to 'non-mechanical' are deleted from activity status and related standards.
 - d) References to 'qualified works arborist' should be amended to 'qualified arborist'.
42. **Attachment 1** to my evidence shows the amendments, additional to those recommended by the s 42A report, that I recommend to Chapter 20 – Natural Environments.

CONCLUSION

43. I support and accept the s42A report recommendations in relation to the HCC submission and other key submission points addressed in my evidence.
44. I recommend that additional technical amendments, as proposed by Mr Redfern, and as set out in **Attachment 1** of this evidence be adopted.
45. I support the s 42A author(s) and Mr Redfern's recommendations in relation to removal of trees from the Notable Tree list.

Laura Jane Galt

14 April 2023

ATTACHMENT 1

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~~
Proponent recommendations new text underlined and deleted text with ~~strikethrough~~

20 Natural Environments

20.1 Purpose

~~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~~ 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~~ 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.

20.2 Objectives and Policies: Natural Environments

~~Significant~~ Notable Trees

| Objective | Policies |
|---|--|
| 20.2.34 The values of significant trees <u>Notable Trees</u> are protected and maintained. | 20.2.34a The particular factors, values and features of trees listed in Schedule 9D shall be protected from inappropriate subdivision, use and development, by assessing: The need for emergency removal. The extent that any proposed maintenance will adversely affect the health of the tree. The character of the area in which the tree is located, including streetscape and public realm areas. The potential adverse effects on the health of the tree. The nature and extent of any proposed activities to be undertaken within the root protection <u>Protected Root</u> zone of the tree. 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. |
| | 20.2.3b 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. |
| | 20.2.34c 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. |
| | 20.2.3d. 34b 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: i. Alternative options for the values retention of the tree, having regard have been exhausted. ii. The extent to the reasons for which the tree's scheduling removal, re-location, or trimming can be mitigated by replacement planting. |
| | 20.2.3e. 34d 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: having regard to the reasons for the tree's scheduling. i. Alternatives shall be considered and evaluated. ii. Recommendations from a suitably qualified practitioner (e.g. arborist) should be sought. |
| | 20.2.3f. 34e Ongoing care and maintenance of scheduled trees shall be undertaken Notable Trees to ensure the ongoing health, wellbeing and longevity of the notable tree is protected. |

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.

20.3 Rules – Activity Status Table

| Volume Notable Trees, Schedule 9D (Volume 2, Appendix 9, Schedule 9D: Significant Trees) | |
|---|----|
| s. Emergency <u>Emergency</u> works to, or removal of, a scheduled <u>Notable</u> tree where: | P |
| <ul style="list-style-type: none"> i. There <u>The tree has failed and/or is an imminent threat to life, public health or safety and property, or a network utility, and Standard 20.5.4 is complied with [201]</u> ii. The scheduled tree <u>Notable Tree</u> carries a fatal disease <u>biosecurity risk that is confirmed by a qualified arborist.</u> | |
| t. Minor pruning and maintenance of a scheduled <u>Notable</u> tree | P |
| <ul style="list-style-type: none"> i. <u>All pruning ensures the ongoing health, wellbeing, and longevity of the tree</u> ii. <u>Pruning of branches and/or roots that does not exceed the standards outlined in 20.5.2</u> iii. <u>Removal of broken branches, deadwood or diseased vegetation</u> iv. <u>Retention of the natural shape, form and branch habit of the notable tree</u> 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 that does not exceed the standards in 20.5.2.</u> | |
| u. <u>Pruning and maintenance of a notable tree not in accordance with Rule 20.3 t)</u> | RD |
| v. <u>The following activities located 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> | P |
| <ul style="list-style-type: none"> 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> ii. <u>Gardening or hand-held non-mechanical cultivation</u> iii. <u>Digging of holes for fence posts using non-mechanical practices.</u> iv. <u>Directional drilling or boring for trenchless pipe/duct installation deeper than 800mm below the ground surface</u> v. Routine maintenance and repair and replacement of existing tracks, footpaths, lawns and gardens and fences. vi. <u>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]</u> vii. <u>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]</u> | |

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

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 |
| OR For Significant Trees identified in Schedule 9D only: | |

- c. Confirmation of the necessity for the works shall be provided to Council:
- Before any works are undertaken, and
 - 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. 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 |
| c. The maximum soil level depth increases over existing levels [412, 93, 138, 139, 216, 437, 439, 43] | 50mm |
| d. Maximum mulch layer depth | 100mm |
| e. 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 |
| f. Maximum amount of ground disturbance when gardening and cultivation using hand-held tools or non-mechanical cultivation within existing garden beds per an 12-month period | 10% |
| g. Roots over 35mm in diameter shall be protected using methods that ensure no bark or cambium tissue is damaged | |

| | |
|--|-------------|
| h. <u>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]</u> | <u>1sqm</u> |
| 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. [412, 93, 138, 139, 216, 437, 439, 43]</u> | <u>10%</u> |

20.5.2.4 Emergency Works to, or Removal of, an Indigenous 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).

20.6 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. <u>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</u> | <ul style="list-style-type: none"> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u> |
| 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"> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u> |
| 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"> • <u>D – Natural Character and Open Space</u> • <u>F – Hazards and Safety</u> |

| | |
|---|--|
| ii.a Planting of exotic vegetation or trees in a Significant Natural Area for erosion and stability or restoration purposes [201, 425, 456] | • D – Natural Character and Open Space |
| iii. 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] | • D – Natural Character and Open Space |
| iii. Pruning and maintenance of a notable tree not in accordance with Rule 20.3 t. | • D – Natural Character and Open Space |
| iv. The activities located within the Protected Root zone of any notable tree as provided in Rule 20.3.w. | <ul style="list-style-type: none"> • D – Natural Character and Open Space • F – Hazards and Safety |

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