

**IN THE MATTER OF** section 71 of the Canterbury Earthquake Recovery Act 2011 and the Canterbury Earthquake (Christchurch Replacement District Plan) Order 2014

**AND**

**IN THE MATTER OF** proposals notified for incorporation into a Christchurch Replacement District Plan

Date of decision: 7 November 2016

Hearing Panel: Sir John Hansen (Chair), Environment Judge John Hassan (Deputy Chair), Ms Sarah Dawson and Ms Jane Huria and Dr Phil Mitchell

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**Minor corrections to Decision 44 and confirmation of Schedules of Significant Trees  
Stage 3 Natural and Cultural Heritage (part) Topic 9.4 Significant Trees**

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[1] We have received applications from the Christchurch City Council ('Council') and the Crown requesting minor corrections to our Stage 3 Natural and Cultural Heritage (part) Topic 9.4 Significant Trees decision ('Decision 44').<sup>1</sup> The Christchurch Civic Trust and Others ('the Trust') filed a memorandum in support of paragraphs 2 to 6 of the Crown's application.<sup>2</sup>

[2] In addition, Decision 44 directed the Council to confirm the list of significant trees in the private realm and to provide a list of the significant public realm trees scheduled in the Existing Plan. These have now been provided by the Council.<sup>3</sup> It is apparent from the Council's covering

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<sup>1</sup> Memorandum of counsel for Christchurch City Council requesting minor corrections to Decision 44, 7 October 2016 and memorandum of counsel for the Crown in respect of minor corrections to Decision 44, 7 October 2016.

<sup>2</sup> Christchurch Civic Trust and Others, Memorandum of Counsel regarding minor corrections to Decision 44, 11 October 2016.

<sup>3</sup> Memorandum of Counsel for Christchurch City Council in relation to Decision 44, 17 October 2016.

memorandum that it has done its best with the information available but it cannot guarantee complete certainty. A further memorandum was received from the Council<sup>4</sup> correcting minor errors in relation to the schedules, which we accept. We accept the schedules as the best available in the circumstances and incorporate them into Appendix 9.4.7 of the Plan.

## Corrections

[3] Clause 16 of Schedule 3 to the Canterbury Earthquake (Replacement District Plan) Order 2014 ('OIC'/'the Order') provides that:

- (1) The hearings panel may, at any time, issue an amendment to a decision to correct a minor mistake or defect in a decision of the panel.
- (2) This power includes the power to amend or correct a proposal, provided that the amendment or correction is made before the proposal becomes operative in accordance with clause 16 of this order.

## Reasons for the corrections

[4] The memoranda from the Council and the Crown set out the requested corrections and the reasons for them. We generally accept the requested corrections and minor changes sought by the Crown. In the case of the Council, we reject many of the specific changes sought for the reasons we outline below, in some cases inserting alternative wording to address the matters raised. The changes we have accepted and the reasons are given in Schedule 1.

[5] In the course of reviewing the changes requested by Council and the Crown, the Panel have identified some further minor amendments. These are also included in minor changes shown in Schedule 1. A clean version of the provisions, incorporating all changes shown in Schedule 1 is attached in schedule 2.

## *Definition of "dripline"*

[6] As requested by the Council, we confirm the definition of "dripline" as set out on page 98 of the decision and amend the definition contained in Decision 16: Chapter 1 Introduction (part) and Chapter 2 (part), accordingly. This is consistent with the Council's closing submission on Definitions.<sup>5</sup>

<sup>4</sup> Memorandum of Counsel for Christchurch City Council requesting further minor corrections to Decision 44, 26 October 2016.

<sup>5</sup> Supplementary Closing Legal Submissions for Chapter 2 – Definitions, Appendix A, pages 55 and 56, 2 September 2016

*Schedule of significant trees in the public realm (Appendix 9.4.7.2)*

[7] The Council, Crown and the Trust sought clarification of the Panel’s intent in relation to Appendix 9.4.7.2. The Panel confirms its intention to list the public realm trees scheduled in the Existing Plan in a new Appendix 9.4.7.2. As stated in our decision, this will serve to identify significant trees in the public realm until such time as a case by case assessment is completed.

[8] The Council sought specific amendments to the objectives, policies and rules to clarify the Panel’s intent. The trees listed in Appendix 9.4.7.2 are part of the set of trees in road corridors, parks, reserves and public open space and subject to the same plan provisions as other public realm trees. No new rules are introduced as a result of adding Appendix 9.4.7.2. The objectives and policies of 9.4.3 provide guidance for the Council and other agencies in relation to the management of these trees, including in those instances where the trees are not subject to rules within 9.4.4.

[9] We reject the changes sought and instead insert explanatory sentences within sections 9.4.1 “Introduction” and 9.4.3 “How to interpret and apply the rules” to provide clarification of the Panel’s intent in relation to this matter.

*Policy 9.4.2.2 – Exceptional Trees*

[10] The Council raised a matter of consistency between sub-clauses (ii) and (iii) of Policy 9.4.2.2(c). Sub-clause (ii) states that trees with exceptional values “need not meet the overall level to be considered as a significant tree”, while (iii) states trees “must be structurally sound and healthy for its species”. The Council has identified that sub-clause (ii) has been rendered “largely meaningless” by sub-clause (iii). They seek deletion of (iii).

The Panel confirms its decision that all listed trees, including exceptional trees, must be healthy and structurally sound<sup>6</sup>. In light of this, we reject the amendment sought by the Council.

*Rules 9.4.4.1 P9, P10 and P11*

[11] The Council seeks confirmation that Rules P9, P10 and P11 in 9.4.4.1 apply “only to trees in Appendix 9.4.7.1 (ie the private realm), not to all trees” and suggest amendments to these rules.

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<sup>6</sup> See [425] of Decision 44.

[12] The Council appears to misunderstand the effect of the rules in relation to public realm trees. The activities permitted under rules P9 and P11 are already able to be undertaken for all trees<sup>7</sup> other than those in Appendix 9.4.7.1. There is no need to amend this rule to enable these activities to be undertaken in relation to other trees. Adding the amendments sought by the Council would have the effect of adding restrictions rather than removing them.

[13] Rule P10 refers to “any significant tree” without reference to Appendix 9.4.7.1. To provide clarity in relation to this activity we make two minor amendments. First, reference to Appendix 9.4.7.1 is added to rule P10 to enable this activity for significant trees in the private realm. Second, an additional matter is added to the exceptions provided for under Activity Specific Standard (c) for Rule P6 to enable felling of public realm trees, where necessary, to comply with airport protection surface rules of Chapter 6. These changes are shown in Schedule 1.

[14] The Panel rejects the changes sought by Council and makes minor amendments outlined above to clarify our intent.

#### *Appendices of significant trees*

[15] The Council and the Crown identify errors in relation to references to Appendix 9.4.7.2. As noted above, Appendix 9.4.7.2 incorporates significant trees in the public realm from the Existing Plans. Significant trees on private property are all contained within Appendix 9.4.7.1. The required changes to the references within the decision are accepted and shown in Schedule 1.

[16] The Council also suggests merging the trees listed for the Central City with the schedule of individual trees for Christchurch and Banks Peninsula on the basis that the provisions do not distinguish between the trees within these schedules. We note the separate lists are consistent with Council’s closing submission but accept this change as improving clarity and simplicity. The list provided by the Council incorporates this amendment and we now include it.

#### *Policy 9.4.2.2(d)(i)*

[17] Council sought the addition of “or” as a minor change to this sub-clause. We accept the intent but prefer to replace “and” with “or”, as shown in Schedule 1.

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<sup>7</sup> For public realm trees this is subject to Rule P5.

#### *Policy 9.4.2.6*

[18] We reject the change sought by the Council as it would extend the policy from those listed in Appendix 9.4.7.1 to all trees. This is more than a minor change and does not reflect the Panel's intent.

#### *9.4.3 How to interpret the rules*

[19] Council proposed an amendment to 9.4.3(e) by adding "except as specified in Rule 9.4.3(c) and (d)". This amendment is rejected as it reverses the intent of the clause.

#### *"Existing Plan"*

[20] The Council seeks to amend the text of the decision in various places from "Existing Plan" to "Existing Plans". This matter is addressed in footnote five of Decision 44 and the changes sought are rejected.

#### *Other minor changes*

[21] The Council and the Crown seek a number of other minor changes. These are accepted for the reasons given in their memoranda and shown in Schedule 1.

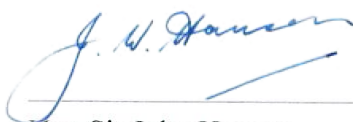
### **Decision**

[22] Having considered the request for corrections, we direct the changes to be made as set out in Schedule 1. We consider those changes to be errors or defects of minor effect in terms of the OIC, Schedule 3, Clause 16(1), and correcting them will ensure clarity and consistency across the plan.

[23] We direct the changes and Decision 44 is hereby amended in accordance with Schedule 1 of this decision.

[24] We direct the lists of significant trees are added to Appendix 9.4.7 in accordance with the schedules provided by the Council in its Memorandum of Counsel dated 26 October 2016.

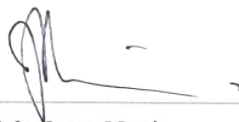
For the Hearings Panel:



Hon Sir John Hansen  
Chair



Environment Judge John Hassan  
Deputy Chair



Ms Jane Huria  
Panel Member



Ms Sarah Dawson  
Panel Member



Dr Phil Mitchell  
Panel Member

## SCHEDULE 1

### Corrections to Decision 44

Correction to provisions	Reason
<p>Amend the Introduction to read:</p> <p>This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.</p> <p>This sub-chapter relates to the management of the District’s significant trees and trees in road corridors, parks, reserves and public open space. These trees provide a valuable contribution to the community amenity of the District. Significant trees <u>on private land</u> are listed in <u>Appendixes 9.4.7.1 and public realm trees listed in the previous Christchurch City and Banks Peninsula District Plans are listed in Appendix 9.4.7.2</u> of this sub-chapter. <u>Trees listed in Appendix 9.4.7.2 form part of the wider set of trees referred to as trees in road corridors, parks, public open spaces and reserves.</u></p> <p>The objectives, policies, rules, standards, <u>matters of control</u> and matters of discretion in this sub-chapter are intended to provide for the maintenance and enhancement of significant trees and trees in road corridors, parks, reserves and public open space. However, the provisions also seek to provide for the reasonable use and enjoyment of properties by landowners.</p> <p>The provisions in this chapter give effect to the Chapter 3 Strategic Directions Objectives.</p>	<p>Provides clarification regarding the trees listed in Appendix 9.4.7.2.</p> <p>The “matters of control” is added for completeness.</p>
<p>Amend 9.4.2 to read:</p> <p><b>9.4.2 Objectives and policies</b></p>	<p>Amended to reflect there being only one objective.</p>
<p>Amend 9.4.2.2 d. to read:</p> <p>d. Schedule trees, or groups of trees, that are significant, and trees with exceptional values, in Appendix 9.4.7.1, except where:</p> <ul style="list-style-type: none"> <li>i. the tree poses any unacceptable risk, including likely future risk, to health and safety, property, buildings, strategic infrastructure <u>or and</u> electricity lines, taking into account potential mitigation measures and their costs;</li> <li>ii. scheduling the tree may unreasonably restrict the reinstatement of buildings and/or property required to remedy damage incurred as a result of the Canterbury earthquakes of 2010 and 2011; or</li> <li>iii. the location and characteristics of the tree (e.g. density of foliage, actual and potential size) are such that it does or will: <ul style="list-style-type: none"> <li>A. compromise either the reasonable use and/or amenity of a property and surrounds; or</li> <li>B. unreasonably restrict <u>the</u> development potential of the site.</li> </ul> </li> </ul>	<p>Change in formatting to add clarity. Change in text as discussed in [17].</p>

Correction to provisions	Reason
<p>Amend Policy 9.4.2.5 to read:</p> <p><b>9.4.2.5 Policy – Tree maintenance</b></p> <p>a. To enable the maintenance and management of trees that are listed in Appendix 9.4.7.1 and trees in <del>the</del> road corridors, parks, public open space and reserves in recognition that such works may be necessary to:</p> <ul style="list-style-type: none"> <li>i. ensure the continuing health, structural integrity and amenity value of the trees;</li> <li>ii. enable the reasonable use and enjoyment of <del>residential amenity of the</del> property and surrounds; and</li> <li>iii. minimise the risk from the trees to public safety, property, buildings, strategic infrastructure and electricity lines.</li> </ul>	<p>Amendments to “road corridors” to provide consistency within other provisions.</p> <p>Removal of “residential amenity” provides consistency with wording used in 9.4.2.2, as per [427] of Decision 44.</p>
<p>Amend 9.4.2.8 as follows:</p> <p><b>9.4.3 Policy – Felling of Trees</b></p> <p>a. For trees listed in Appendix 9.4.7.1:</p> <ul style="list-style-type: none"> <li>i. limit the felling of significant trees, except where there are no reasonable alternatives <u>enabling retention of</u> <del>to retaining</del> the tree due to its condition, or where the use and enjoyment of a property and surrounds is significantly compromised or diminished; and</li> <li>ii. avoid the felling of significant trees that are identified as having exceptional values, except where there are no reasonable alternatives, or where the use and enjoyment of a property and surrounds is significantly compromised or diminished.</li> </ul> <p>b. Limit the felling of trees in <del>the</del> road corridors, parks, public open space and reserves having regard to size, location and species, except where there are no reasonable alternatives.</p>	<p>Amended to correctly reflect the intent of the policy.</p>
<p>Amend 9.4.3 to read:</p> <p><b>9.4.3 How to interpret and apply the rules</b></p> <p>a. To understand whether a site has a significant tree(s), including groups of trees, <del>scheduled in the District Plan through its listing</del> <u>listed</u> in the Schedule of Significant Trees, and the nature of this listing, refer to Appendix 9.4.7.1 and the planning maps.</p> <p>b. The rules that apply to significant trees and trees in parks, roads <del>corridors</del>, reserves and public open space are contained in the activity status tables (including activity specific standards) in Rules 9.4.4.1 - 9.4.4.4. <u>Trees listed in Appendix 9.4.7.2 form part of the wider set of trees referred to as trees in road corridors, parks, public open spaces and reserves.</u></p>	<p>Provides clarification with respect to the rules that apply to trees listed in appendix 9.4.7.2.</p> <p>Further amendments sought by the Crown to made to simplify and enhance clarity.</p>



Correction to provisions	Reason
<p>c. The rules in this sub-chapter that apply to either trees in roads <u>corridors</u>, reserves and public open space or significant trees listed in Appendix 9.4.7.1 do not apply within Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1. <u>Within these sites, significant trees are identified on the planning maps and in Appendices 9.4.7.1 and 9.4.7.2 for information purposes only.</u> The rules in sub-Chapter 9.1 Indigenous biodiversity and ecosystems apply to Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1. <del>Significant trees within the Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1 are identified on the planning maps and in Appendix 9.4.7.1 for information purposes only.</del></p> <p><del>e.-d.</del> Activities covered by the rules in this sub-chapter are also subject to:</p> <ul style="list-style-type: none"> <li>i. the rules in the other sub-chapters of Chapter 9 Natural and Cultural Heritage;</li> <li>ii. the relevant zone chapters; and</li> <li>iii. the activity status tables, rules and standards in the following chapters: <ul style="list-style-type: none"> <li>5 Natural Hazards;</li> <li>6 General Rules and Procedures;</li> <li>7 Transport;</li> <li>8 Subdivision, Development and Earthworks;</li> <li>11 Utilities and Energy; and</li> <li>12 Hazardous Substances and Contaminated Land.</li> </ul> </li> </ul> <p>Advice Notes:</p> <ul style="list-style-type: none"> <li>1. Activities in reserves must comply with the Reserves Act 1977 and any associated management plan.</li> <li>2. Riccarton Bush is included as a park for the purposes of Rule 9.4.4.1.</li> <li>3. Activities in the vicinity of electricity lines are also required to comply with the Electricity (Hazards from Trees) Regulations 2003.</li> <li>4. There are rules for utility works in this sub-chapter. However, refer to Chapter 11 Utilities and Energy for utility works within the dripline of significant trees.</li> </ul>	
<p>Amend the Activity for Rule P5 to read:</p> <p>Any pruning, maintenance or remedial work / treatment to any tree in:</p>	<p>Wording amended as text incorrectly referred to the felling of trees, which is not</p>

Correction to provisions	Reason
<p>a. parks or public open space and road corridors in Christchurch City; or</p> <p>b. parks, public open space, and road corridors in Akaroa as shown in Appendix 9.4.7.4.</p> <p><del>This rule does not apply to pruning, maintenance or remedial work / treatment to the felling of trees within the road corridor in the Central City road corridors or the state highway road corridors, as this is provided for in Rule 9.4.4.1 P7.</del></p> <p>Note: For the purposes of this rule, Christchurch City means the area shown at Appendix 2.2 of Chapter 2 Definitions.</p> <p><del>This rule does not apply to the felling of trees within the road corridor in the Central City or the state highway road corridors, as this is provided for in Rule 9.4.4.1 P7.</del></p>	<p>the relevant activity in P5.</p> <p>The location of the text is amended to clarify that it is part of the rule, not a note to the rule.</p> <p>Amendments to road corridors for the reason outlined above in relation to Policy 9.4.2.5.</p>
<p>Amend the Activity for Rule P6 to read:</p> <p>Felling of any tree in:</p> <p>a. parks, public open space or road corridors in Christchurch City; or</p> <p>b. Parks, public open space or road corridors in Akaroa as shown in Appendix 9.4.7.4.</p> <p><del>This rule does not apply to the felling of trees within the road corridor in the Central City road corridors or the state highway road corridors, as this is provided for in Rule 9.4.4.1 P7</del></p> <p>Note: For the purposes of this rule, Christchurch City means the area shown at Appendix 2.2 of Chapter 2 Definitions.</p> <p><del>This rule does not apply to the felling of trees within the road corridor in the Central City or the state highway road corridors, as this is provided for in Rule 9.4.4.1 P7</del></p>	<p>The location of the text is amended to clarify that it is part of the rule, not a note to the rule.</p> <p>Amendments to road corridors for the reason outlined above in relation to Policy 9.4.2.5.</p>
<p>Add the following to the Activity specific standard for Rule P6 following a.iv.F:</p> <p><u>G. felling of the tree is required to comply with Rule 6.7.4.1 for Christchurch International Airport's protection surfaces or Rule 6.7.5.1 for Defence Wigram protection surfaces.</u></p> <p><u>[Rule numbers to be confirmed following the Panel's decision for Chapter 6 General Rules]</u></p>	<p>Clarifies that this activity is enabled for public realm trees, subsequent to minor amendment to rule P10.</p>
<p>Amend the Activity for Rule P7 to read:</p> <p>Any pruning, maintenance or remedial work / treatment to, or felling of, any tree within <del>the</del> state highway road corridors, or <del>the road corridor in the</del> Central City <u>road corridors</u>.</p>	<p>Amendments to road corridors for the reason outlined above in relation to Policy 9.4.2.5.</p>
<p>Amend the Activity for Rule P8 to read:</p> <p>Any work to any <u>significant</u> tree <u>listed in Appendix 9.4.7.1</u> required under, and carried out in accordance with, clause 14 of the Electricity (Hazards from Trees) Regulations 2003.</p> <p>Amend the Activity specific standard for Rule P8 to read:</p>	<p>Change to clarify that this rule only applies to trees listed in Appendix 9.4.7.1. (Note: This activity is enabled for trees within the public realm</p>

Correction to provisions	Reason
<p>a. The work shall be undertaken by, or under the supervision of, a works arborist employed or contracted by a network utility operator.</p> <p>b. <del>Where the work is carried out on a tree or trees listed in Appendix 9.7.4.1, the</del>The network utility operator shall notify the Council within 5 working days that the work has been undertaken.</p>	by rules P5, P6 and P7. There are no restrictions on this activity for non-scheduled trees on private land.)
<p>Amend the Activity for Rule P10 to read:</p> <p>Felling of any significant tree <u>listed in Appendix 9.4.7.1</u> within the area applicable to either:</p> <p>a. Rule 6.7.4.1 for Christchurch International Airport's protection surfaces; or</p> <p>b. Rule 6.7.5.1 for Defence Wigram protection surfaces.</p> <p><i>[Rule numbers to be confirmed following the Panel's decision for Chapter 6 General Rules]</i></p>	Clarifies the application of this rule is confined to trees listed in Appendix 9.4.7.1, in conjunction with the related minor amendment to Rule P6 which enables this activity for trees in the public realm.
<p>Amend the formatting of matters of discretion in Rule RD1 as below:</p> <p>Rule 9.4.6 <del>(a.) – (o.)</del>.</p>	Correction of formatting to be consistent with remainder of the rule.
<p>Amend the Activity for RD6 as follows:</p> <p>Any of the following within 10 metres of the base of any tree in the Significant Trees area at Riccarton Bush:</p> <p>a. works (including earthworks);</p> <p>b. vehicular traffic;</p> <p>c. sealing or paving (excluding earthworks);</p> <p>d. storage of materials, vehicles, plant or equipment; or</p> <p>e. the release, injection or placement of chemicals or toxic substances.</p> <p><del>Note:</del> In the case of the property at 48 Rata Street (legally described as Lot 375 DP 11261) the 10 metre restriction shall only <u>apply</u> to the northern boundary of that property.</p> <p>For the purposes of this rule, the outer boundary defining the Significant Trees Area (which follows the predator-proof fence surrounding the forest remnant) shall be deemed to be the base of the tree.</p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	Amendment to correct minor error.
<p>Amend matters of discretion in 9.4.6 as follows:</p> <p><i>...Extent of benefit or need for activity/works</i></p> <p>m. For utilities the extent of benefits associated with that utility, whether there is a functional or operational requirement for that location and whether there are any practical alternatives;</p>	Amended to provide consistency with [427] of Decision 44.

Correction to provisions	Reason																		
<p>n. The extent to which the works would result in improved <del>residential</del> <b>community</b> amenity that cannot otherwise be achieved by arboricultural or property management means; and</p> <p>o. The need for the works directly arising from damage<del>d</del> incurred as a result of the Canterbury earthquakes, which if not otherwise undertaken would unreasonably restrict repair or rebuilding of the damaged buildings on the site.</p>																			
<p>Amend 9.4.7 as below:</p> <p><b>9.4.7 Appendices</b></p> <p><b>9.4.7.1 Appendix - Schedules of significant trees</b></p> <p><del>9.4.7.1.1 Schedules of significant trees (Christchurch City and Banks Peninsula)</del></p> <p><del>9.4.7.1.1.1</del> <b>9.4.7.1.1 Schedule of individual trees</b> <i>[To be inserted following confirmation by CCC]</i></p> <p><del>9.4.7.1.1.2</del> <b>9.4.7.1.2 Schedule of groups of trees</b> <i>[To be inserted following confirmation by CCC]</i></p> <p><del>9.4.7.1.2 Schedule of significant trees (Central City) [To be inserted following confirmation by CCC]</del></p> <p><b>9.4.7.2 Appendix - Schedule of significant trees in road corridors, parks, reserves, and public open space</b> <i>[To be inserted following provision by CCC]</i></p>	<p>Schedules combined for reasons discussed at [16], with consequential changes to numbering.</p>																		
<p>Amend the Tree Removal Certificate as below:</p> <p><b>Tree Removal Certificate</b></p> <table border="1" data-bbox="183 1518 1150 2022"> <tr> <td colspan="2">Botanical Name:</td> </tr> <tr> <td colspan="2">Cultivar:</td> </tr> <tr> <td colspan="2">Common Name:</td> </tr> <tr> <td>District Plan Tree ID Number:</td> <td>Council Asset ID GIS: (Obtain from CCC)</td> </tr> <tr> <td colspan="2">Address :</td> </tr> <tr> <td colspan="2">Date of Inspection:</td> </tr> <tr> <td><del>Tree Owner Name:</del></td> <td><del>Phone Number:</del></td> </tr> <tr> <td>Name of Assessor:</td> <td>Company:</td> </tr> <tr> <td>Qualifications:</td> <td>Phone Number:</td> </tr> </table>	Botanical Name:		Cultivar:		Common Name:		District Plan Tree ID Number:	Council Asset ID GIS: (Obtain from CCC)	Address :		Date of Inspection:		<del>Tree Owner Name:</del>	<del>Phone Number:</del>	Name of Assessor:	Company:	Qualifications:	Phone Number:	<p>These changes are sought by the Council and include corrections to the references to the relevant Plan provisions.</p>
Botanical Name:																			
Cultivar:																			
Common Name:																			
District Plan Tree ID Number:	Council Asset ID GIS: (Obtain from CCC)																		
Address :																			
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<del>Tree Owner Name:</del>	<del>Phone Number:</del>																		
Name of Assessor:	Company:																		
Qualifications:	Phone Number:																		

Correction to provisions	Reason
<div> <div>Tree Dimensions:</div> <div> <div>Height (m)</div> <div>Spread N/S (m)</div> <div>Spread E/W (m)</div> <div>Diameter (cm)</div> </div> <div> <div>Damage:</div> <div>Cause:</div> </div> <div>Digital photograph: (place here)</div> <div>Assessor Observations and Recommendation:</div> </div> <p><b>We-I</b> confirm that the ..... (Botanical name) located at ..... (address of where the tree is located) scheduled in the Christchurch District Plan as ..... (District Plan Tree ID Number) has been assessed and meets the criteria for removal as described in <b>9.4.3.2.1 P6 (i)/9.4.3.2.1 P6 (ii) 9.4.4.1 P4 a.(i) or 9.4.4.1 P4 a.(ii)</b> (delete non applicable Activity Standard) Permitted Activities – Trees.</p> <p>Or</p> <p><b>We-I</b> confirm that the ..... (Botanical name) located at ..... (address of where the tree is located) scheduled in the Christchurch District Plan as being part of the Group of Trees ..... (District Plan Tree ID Number) has been assessed and meets the criteria for removal as described in <b>9.4.4.1 P4 a.(i) or 9.4.4.1 P4 a.(ii) 9.4.3.2.1 P6 (i)/9.4.3.2.1 P6 (ii)</b> (delete non applicable Activity Standard) Permitted Activities - Trees....</p> <div> <div>.....</div> <div>Signature of Assessor</div> </div> <div> <div>.....</div> <div>Signature of Assessor</div> </div> <div> <div>Date:</div> <div>Date:</div> </div>	
<p>Amend heading for the map in 9.4.7.4 to read:</p> <p>Appendix 9.4.7.4 – Parks, public open space and road corridors with Akaroa subject to Rules 9.4.4.1 P5 and P6 and Rules 9.4.4.3 RD3 and RD4. <b>Rule 9.4.3.1 and Rule 9.4.2.3</b></p>	Amended to correct references to rules.

Correction to Decision Text	Reason
Replace all references to Appendix 9.4.6.3 with Appendix <b>9.4.7.2</b> .	This corrects an error in the numbering.
<p>Amend paragraph [83] to read:</p> <p>At Schedule 2 we have included an amended version of Appendix 9.4.7.1 <b>and Appendix 9.4.7.2</b>. In that list we show the final status of individual submitters' trees.</p>	This corrects references for significant trees in the private realm which are all contained

Correction to Decision Text	Reason
<p>Amend paragraph 84 to read:</p> <p>We have determined in all cases to not include in Appendix 9.4.7.1 <del>or Appendix 9.4.7.2</del>, the schedules of significant trees, those trees.....</p> <p>Amend paragraph 425 to read:</p> <p>We have amended Policy 9.4.2.2 (b) and (c) <del>(e) and (d)</del> to clarify that trees must be structurally sound and healthy for them to be considered for listing in <del>Appendix 9.4.7.1 Schedule Appendix 9.4.7.1 or 9.4.7.2</del>.</p> <p>Amend paragraph 428 to read:</p> <p>With respect to the rules, we have amended Rule 9.4.4.1 P4 so that only one technician arborist is required to certify that a significant tree listed in <del>Appendix 9.4.7.1 Schedule Appendix 9.4.7.1 or 9.4.7.2</del> is either dead or has lost structural integrity...</p>	<p>within Appendix 9.4.7.1.</p> <p>The additional amendment in paragraph [425] corrects an error in the references to Policy 9.4.5.5.</p>
<p>Amend paragraph [195] to read:</p> <p>... Both trees were reassessed and the <del>Alectron excelus Phoenix canariensis</del> has been included in the schedule and the <del>Phoenix canariensis Alectron excelus</del> has been removed. ...</p>	<p>Correction for T1101 in Appendix 9.4.7.2. (See memorandum from Council, 26 October 2016.)</p>
<p>Amend paragraph [427] to read:</p> <p>The final amendment of note to the policies relates to <u>Policy 9.4.2.5 and</u> Policy 9.4.2.8(a) (i) and (ii).</p>	<p>The amendment referred to in paragraph [427] of Decision 44 applies to Policy 9.4.2.5 as well as 9.4.2.8.</p>
<p>Add a schedule of Counsel Appearances at page 2 as follows:</p> <p><b>COUNSEL APPEARANCES</b></p> <p>Mr M G Conway                      Christchurch City Council Mr J M van der Wal                  Christchurch Civic Trust</p>	<p>The schedule of counsel appearances was omitted from the decision.</p>

## **SCHEDULE 2**

### **Amended Provisions**

## Chapter 9 Natural and Cultural Heritage

### 9.4 Significant and Other Trees

#### 9.4.3 Introduction

This introduction is to assist the lay reader to understand how this chapter works and what it applies to. It is not an aid to interpretation in a legal sense.

This sub-chapter relates to the management of the District's significant trees and trees in road corridors, parks, reserves and public open space. These trees provide a valuable contribution to the community amenity of the District. Significant trees on private land are listed in Appendix 9.4.7.1 and public realm trees listed in the previous Christchurch and Banks Peninsula District Plans are listed in Appendix 9.4.7.2 of this sub-chapter. Trees listed in Appendix 9.4.7.2 form part of the wider set of trees referred to as trees in road corridors, parks, public open spaces and reserves.

The objectives, policies, rules, standards, matters of control and matters of discretion in this sub-chapter are intended to provide for the maintenance and enhancement of significant trees and trees in road corridors, parks, reserves and public open space. However, the provisions also seek to provide for the reasonable use and enjoyment of properties by landowners.

The provisions in this chapter give effect to the Chapter 3 Strategic Directions Objectives.

#### 9.4.3 Objective and policies

##### 9.4.1 Objective — Trees

- a. Maintain and enhance the contribution of the District's significant trees listed in Appendix 9.4.7.1, and trees in road corridors, parks, reserves and public open space, to community amenity through:
  - i. landscape character and amenity;
  - ii. heritage and cultural values;
  - iii. purification of air and rainwater;
  - iv. releasing oxygen and storing carbon;
  - v. cooling of the built environment and waterways;
  - vi. stormwater and erosion management; and
  - vii. biodiversity protection and enhancement;

while providing for the reasonable use and enjoyment of property and landowner responsibilities.



### **9.4..2 Policy – Identification and assessment of significant trees for scheduling in the District Plan**

- a. Identify trees, including groups of trees, and assess them for significance and/or exceptional values according to the following:
  - i. botanical value;
  - ii. heritage value;
  - iii. amenity value;
  - iv. landscape value;
  - v. cultural value; and
  - vi. ecological and/or environmental value.
- b. For a tree, or group of trees, to have potential to be listed in Appendix 9.4.7.1 as a significant tree or group of trees, it:
  - i. must be significant in terms of one or more of the values under Policy 9.4.2.2 (a)(i) – (vi); and
  - ii. must be structurally sound and healthy for its species.
- c. For a tree to have potential to be listed in Appendix 9.4.7.1 as having exceptional values, it:
  - i. must be exceptional in terms of one or more of the values under Policy 9.4.2.2 (a)(i) – (vi); and
  - ii. need not meet the overall level to be considered as a significant tree; and
  - iii. must be structurally sound and healthy for its species.
- d. Schedule trees, or groups of trees, that are significant, and trees with exceptional values, in Appendix 9.4.7.1, except where:
  - i. the tree poses any unacceptable risk, including likely future risk, to health and safety, property, buildings, strategic infrastructure or electricity lines, taking into account potential mitigation measures and their costs;
  - ii. scheduling the tree may unreasonably restrict the reinstatement of buildings and/or property required to remedy damage incurred as a result of the Canterbury earthquakes of 2010 and 2011; or
  - iii. the location and characteristics of the tree (e.g. density of foliage, actual and potential size) are such that it does or will:
    - A. compromise either the reasonable use and/or amenity of a property and surrounds; or
    - B. unreasonably restrict development potential of the site.

### **9.4..3 Policy – Future work**

- a. During the life of this District Plan, continue to identify and assess trees or groups of trees in accordance with the values and matters set out in Policy 9.4.2.2, and introduce, from time to time, a plan change to list significant trees, and groups of trees, and trees with exceptional values in Appendix 9.4.7.1.
- b. The identification and assessment of trees or groups of trees by the Council will be undertaken in consultation with landowners in order to understand the relationship between the maintenance of significant trees and the reasonable use and enjoyment of property by landowners.

### **9.4..4 Policy – Tree protection**

- a. Protect from inappropriate physical works:
  - i. trees that are listed in Appendix 9.4.7.1, particularly those trees identified as having exceptional values; and
  - ii. trees in road corridors, parks, reserves and public open space where they provide amenity value and/or collectively contribute to the character and environmental quality of the district, to the extent consistent with maintaining the multiple functions of road corridors, parks, reserves and public open space.

### **9.4..5 Policy – Tree maintenance**

- a. To enable the maintenance and management of trees that are listed in Appendix 9.4.7.1 and trees in road corridors, parks, public open space and reserves in recognition that such works may be necessary to:
  - i. ensure the continuing health, structural integrity and amenity value of the trees;
  - ii. enable the reasonable use and enjoyment of the property and surrounds; and
  - iii. minimise the risk from the trees to public safety, property, buildings, strategic infrastructure and electricity lines.

### **9.4..6 Policy – Trees and utilities**

- a. Where it would not be reasonable to locate outside of the dripline of a significant tree listed in Appendix 9.4.7.1 due to locational, technical or operational requirements, ensure that the utility is appropriately designed, located and installed to maintain as far as practicable the specific values of the tree.

### **9.4..7 Policy – Trees in road corridors, parks, reserves and public open space**

- a. Road corridors, parks, reserves, and public open space are planted with trees to enhance environmental, landscape, cultural, social and economic values.

- b. Identify significant trees, including groups of trees, in road corridors, parks, reserves, and public open space and list them in Appendix 9.4.7.2.

#### **9.4.8 Policy - Felling of trees**

- a. For trees listed in Appendix 9.4.7.1:
  - i. limit the felling of significant trees, except where there are no reasonable alternatives enabling retention of the tree due to its condition, or where the use and enjoyment of a property and surrounds is significantly compromised or diminished; and
  - ii. avoid the felling of significant trees that are identified as having exceptional values, except where there are no reasonable alternatives, or where the use and enjoyment of a property and surrounds is significantly compromised or diminished.
- b. Limit the felling of trees in road corridors, parks, public open space and reserves having regard to size, location and species, except where there are no reasonable alternatives.

#### **9.4.9 Policy – Incentives and assistance to landowners with significant trees**

- a. Work with landowners to develop regulatory and non-regulatory methods, such as incentives and technical advice, to assist in enabling the care and maintenance of scheduled trees over the longer term and in a comprehensive and co-ordinated manner, particularly where there is a group or multiple individual trees on a site.

### **9.4.3 How to interpret and apply the rules**

- a. To understand whether a site has a significant tree(s), including groups of trees, listed in the Schedule of Significant Trees, and the nature of this listing, refer to Appendix 9.4.7.1 and the planning maps.
- b. The rules that apply to significant trees and trees in parks, road corridors, reserves and public open space are contained in the activity status tables (including activity specific standards) in Rules 9.4.4.1 - 9.4.4.4. Trees listed in Appendix 9.4.7.2 form part of the wider set of trees referred to as trees in road corridors, parks, public open spaces and reserves.
- c. The rules in this sub-chapter that apply to either trees in road corridors, reserves and public open space or significant trees listed in Appendix 9.4.7.1 do not apply within Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1. Within these sites, significant trees are identified on the planning maps and in Appendices 9.4.7.1 and 9.4.7.2 for information purposes only. The rules in sub-Chapter 9.1 Indigenous biodiversity and ecosystems apply to Sites of Ecological Significance listed in Schedule A of Appendix 9.1.6.1.
- d. Activities covered by the rules in this sub-chapter are also subject to:
  - i. the rules in the other sub-chapters of Chapter 9 Natural and Cultural Heritage;
  - ii. the relevant zone chapters;
  - iii. and the activity status tables, rules and standards in the following chapters:

- 5 Natural Hazards;
- 6 General Rules and Procedures;
- 7 Transport;
- 8 Subdivision, Development and Earthworks;
- 11 Utilities and Energy; and
- 12 Hazardous Substances and Contaminated Land.

#### Advice Notes:

- 5. Activities in reserves must comply with the Reserves Act 1977 and any associated management plan.
- 6. Riccarton Bush is included as a park for the purposes of Rule 9.4.4.1.
- 7. Activities in the vicinity of electricity lines are also required to comply with the Electricity (Hazards from Trees) Regulations 2003.
- 8. There are rules for utility works in this sub-chapter. However, refer to Chapter 11 Utilities and Energy for utility works within the dripline of significant trees.

## 9.4.3 Rules – Activity status tables

### 9.4.1 Permitted activities

The activities listed below are permitted activities if they meet the activity specific standards set out in this table.

Activities may also be controlled, restricted discretionary or discretionary as specified in Rules 9.4.4.2 to 9.4.4.4.

Activity		Activity specific standard
<b>P1</b>	Pruning of any significant tree listed in Appendix 9.4.7.1, other than provided for by Rule 9.4.4.1 P8 or P9.	f. Pruning shall be limited to one or more of the following: <ul style="list-style-type: none"> <li>i. Pruning of roots less than 25 mm in diameter at the point of severance; or</li> <li>ii. Removal of broken branches, deadwood or diseased vegetation; or</li> <li>iii. Removal of branches physically interfering with existing buildings or pedestrian and vehicle access ways, where such work is carried out by, or in accordance with advice from, a works arborist; or</li> <li>iv. Removal of any branch that has one or more of the following structural faults:</li> </ul>

Activity	Activity specific standard
	<ul style="list-style-type: none"> <li>A. cracks/splits;</li> <li>B. decay;</li> <li>C. cavities;</li> <li>D. torsion;</li> <li>E. co-dominance;</li> <li>F. included unions;</li> <li>G. bleeding/sap flow;</li> <li>H. loose/cracked bark; or</li> <li>I. poor taper.</li> </ul>
<b>P2</b> Pruning in the bottom third of any significant tree listed in Appendix 9.4.7.1, other than provided for by Rule 9.4.4.1 P1, P8 or P9.  Note: Tree height is measured from ground level to the top of the canopy.	g. Pruning shall be limited to the following: <ul style="list-style-type: none"> <li>i. Removal of any branches less than 50 mm in diameter at the point of severance, where the natural shape, form and branch habit of the tree is retained; or</li> <li>ii. Removal of any branches between 50 mm and 100 mm in diameter at the point of severance, where the natural shape, form and branch habit of the tree is retained and the work is carried out by, or in accordance with advice from, a works arborist.</li> </ul>
<b>P3</b> Pruning in the top two thirds of any significant tree listed in Appendix 9.4.7.1, other than provided for by Rule 9.4.4.1 P1, P8 or P9.  Note: Tree height is measured from ground level to the top of the canopy.	h. Pruning shall be limited to the removal of foliage of no more than 10% over any three-year period, with the maximum amount of foliage removed in any one year limited to no more than 5%, where: <ul style="list-style-type: none"> <li>i. The work is undertaken, or supervised, by a works arborist; and</li> <li>ii. The natural shape, form and branch habit of the tree is retained.</li> </ul>
<b>P4</b> Felling of any significant tree listed in Appendix 9.4.7.1, other than provided for by Rule 9.4.4.1 P8 or P10.	i. The tree shall be certified by a technician arborist as: <ul style="list-style-type: none"> <li>i. dead; or</li> <li>ii. having a loss of structural integrity where the defects cannot be rectified and maintenance practices cannot improve the framework of the tree or mitigate threats to the safety of persons or property.</li> </ul> j. Prior to felling the tree, a tree removal certificate shall be submitted to the Council with the information supplied to be in accordance with Appendix 9.4.7.3 Tree Removal Certificate.
<b>P5</b> Any pruning, maintenance or remedial work / treatment to any tree in:	m. Activities shall be undertaken by, or under the supervision of, a works arborist employed or contracted by the Council or a network utility operator.

Activity	Activity specific standard
<p>k. parks or public open space and road corridors in Christchurch City; or</p> <p>l. parks, public open space, and road corridors in Akaroa as shown in Appendix 9.4.7.4.</p> <p>This rule does not apply to pruning, maintenance or remedial work / treatment to trees within the Central City road corridors or the state highway road corridors, as this is provided for in Rule 9.4.4.1 P7.</p> <p>Note: For the purposes of this rule, Christchurch City means the area shown at Appendix 2.2 of Chapter 2 Definitions.</p>	<p>n. Activities within the area at Riccarton Bush identified as a ‘Significant Trees Area’ shall be undertaken by the Riccarton Bush Trust or its contractors.</p>
<p><b>P6</b> Felling of any tree in:</p> <p>o. parks, public open space or road corridors in Christchurch City; or</p> <p>p. Parks, public open space or road corridors in Akaroa as shown in Appendix 9.4.7.4.</p> <p>This rule does not apply to the felling of trees within Central City road corridors or the state highway road corridors, as this is provided for in Rule 9.4.4.1 P7.</p> <p>Note: For the purposes of this rule, Christchurch City means the area shown at Appendix 2.2 of Chapter 2 Definitions.</p>	<p>q. The felling shall be undertaken by, or under the supervision of, a works arborist employed or contracted by the Council or a network utility operator.</p> <p>r. Felling within the area at Riccarton Bush identified as a ‘Significant Trees Area’ shall be undertaken by the Riccarton Bush Trust or its contractors.</p> <p>s. The tree shall not be:</p> <ul style="list-style-type: none"> <li>i. greater than 6 metres in height in a road corridor or 10 metres in height in a park or public open space;</li> <li>ii. within a Character Area Overlay;</li> <li>iii. within a waterway setback as described in sub-chapter 6.6 Water Body Setbacks in General Rules; or</li> <li>iv. of the following species: <ul style="list-style-type: none"> <li>A. <i>Podocarpus cunninghamii</i> - Hall’s totara;</li> <li>B. <i>Prumnopitys taxifolia</i> – matai / black pine;</li> <li>C. <i>Prumnopitys ferruginea</i> – miro;</li> <li>D. <i>Dacrydium cupressinum</i> – rimu;</li> <li>E. <i>Libocedrus bidwillii</i> – kaikawaka / New Zealand cedar;</li> <li>F. <i>Eleocarpus dentatus</i> – hinau;</li> <li>G. <i>Eleocarpus hookerianus</i> – pokaka;</li> <li>H. <i>Griselinia lucida</i> – puka / akapuka / shining broadleaf;</li> <li>I. <i>Hedycarya arborea</i> – pigeonwood;</li> <li>J. <i>Alectryon excelsus</i> – titoki;</li> </ul> </li> </ul>

Activity		Activity specific standard
		<p>K. <i>Rhopalostylis sapida</i> - nikau palm;</p> <p>L. <i>Cordyline indivisa</i> - mountain cabbage tree;</p> <p>M. <i>Ulmus horizontalis</i> - horizontal elm;</p> <p>N. <i>Ulmus glabra</i> 'Camperdownii' - camperdown elm;</p> <p>v. unless:</p> <p>A. the tree is dead; or</p> <p>B. the tree is within tolerance zones for overhead electrical conductors and continued pruning is detrimental to the ongoing health or structural integrity or landscape value of the tree; or</p> <p>C. the tree is damaging buildings, utilities or property and further damage cannot be reasonably avoided except by removing the tree; or</p> <p>D. the tree is a threat to vehicle and pedestrian safety and pruning cannot mitigate the threat without causing the tree to become severely disfigured or affect its long term health or structural integrity; or</p> <p>E. an operative Reserves Act Management Plan specifically permits the removal of trees; or</p> <p>F. if the tree is located in the Christchurch Botanic Gardens and felling is required in order to protect or enhance botanical collections or reduce species duplication in accordance with the provisions of the Christchurch Botanic Gardens Management Plan.</p> <p>G. felling of the tree is required to comply with Rule 6.7.4.1 for Christchurch International Airport's protection surfaces or Rule 6.7.5.1 for Defence Wigram protection surfaces.</p> <p><i>[Rule numbers to be confirmed following the Panel's decision for Chapter 6 General Rules]</i></p>
<b>P7</b>	Any pruning, maintenance or remedial work / treatment to, or felling of, any tree within state highway road corridors, or Central City road corridors.	Nil.
<b>P8</b>	Any work to any significant tree listed in Appendix 9.4.7.1 required under, and carried out in accordance with, clause 14 of the Electricity (Hazards from Trees) Regulations 2003.	<p>t. The work shall be undertaken by, or under the supervision of, a works arborist employed or contracted by a network utility operator.</p> <p>u. The network utility operator shall notify the Council within 5 working days that the work has been undertaken.</p>

Activity	Activity specific standard
<p><b>P9</b> Work required to any significant tree listed in Appendix 9.4.7.1 to bring its height to a level that provides for 5 years growth before non-compliance with:</p> <ul style="list-style-type: none"> <li>v. Rule 6.7.4.1 for Christchurch International Airport's protection surfaces; or</li> <li>w. Rule 6.7.5.1 for Defence Wigram protection surfaces.</li> </ul> <p><i>[Rule numbers to be confirmed following the Panel's decision for Chapter 6 General Rules]</i></p>	<p>x. The work shall be undertaken by, or under the supervision of, a works arborist.</p>
<p><b>P10</b> Felling of any significant tree listed in Appendix 9.4.7.1 within the area applicable to either:</p> <ul style="list-style-type: none"> <li>y. Rule 6.7.4.1 for Christchurch International Airport's protection surfaces; or</li> <li>z. Rule 6.7.5.1 for Defence Wigram protection surfaces.</li> </ul> <p><i>[Rule numbers to be confirmed following the Panel's decision for Chapter 6 General Rules]</i></p>	<p>aa. A technician arborist has provided certification to the Council that the work enabled under Rule 9.4.4.1 P9 would result in either:</p> <ul style="list-style-type: none"> <li>i. the structure of the tree being compromised to an extent that the tree is unstable or unsafe; and/or</li> <li>ii. the shape of the tree being no longer representative of its species.</li> </ul>
<p><b>P11</b> Gardening (including planting of shrubs, flowers, ground cover and other small plants; covering ground in lawn or bark) within the dripline of a significant tree listed in Appendix 9.4.7.1.</p> <p>Note: Where the gardening involves disturbance of land beyond what is provided for in this rule, it will be a restricted discretionary under Rule 9.4.4.3 RD5.</p>	<p>bb. The gardening shall not involve:</p> <ul style="list-style-type: none"> <li>i. mechanical cultivation;</li> <li>ii. planting of trees; or</li> <li>iii. altering of existing ground levels or the disturbance of land other than to the extent necessary to undertake the gardening.</li> </ul>

## 9.4.2 Controlled activities

The activities listed below are controlled activities.

Discretion to impose conditions is restricted to the matters over which control is reserved in Rule 9.4.5, as set out in the following table.

Activity	Activity specific standards	The Council's control shall be limited to the following matters:
<p><b>C1</b> Comprehensive ongoing maintenance and management (which can include felling) of a</p>	<p>cc. All significant and exceptional trees (both</p>	<p>dd. Rule 9.4.5 a. – h.</p>



Activity	Activity specific standards	The Council's control shall be limited to the following matters:
<p>significant tree or group of trees listed in Appendix 9.4.7.1, in accordance with a Tree Maintenance and Management Plan (other than provided for as a permitted activity).</p> <p>Any application for this activity shall not be limited or publicly notified.</p>	<p>groups and individual) on the site(s) covered by the Tree Maintenance and Management Plan are included within the Plan.</p>	

### 9.4.3 Restricted discretionary activities

The activities listed below are restricted discretionary activities.

Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion in Rule 9.4.6, as set out in the following table.

Activity	The Council's discretion shall be limited to the following matters:
<p><b>RD1</b> Any pruning of any significant tree listed in Appendix 9.4.7.1 (other than those identified as having exceptional values) that is not provided for under Rule 9.4.4.1 P1, P2, P3, P8 or P9 or Rule 9.4.4.2 C1.</p> <p>Any application for this activity shall not be limited or publicly notified.</p>	<p>ee. Rule 9.4.6 a – o.</p>
<p><b>RD2</b> Felling of any significant tree listed in Appendix 9.4.7.1 (other than those identified as having exceptional values) that is not provided for by Rule 9.4.4.1 P4, P8 or P10 or Rule 9.4.4.2 C1.</p>	<p>ff. Rule 9.4.6 a. – o.</p>
<p><b>RD3</b> Activities listed in Rule 9.4.4.1 P5, which do not meet one or more of the activity specific standards.</p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	<p>gg. Rule 9.4.6 a. – o.</p>
<p><b>RD4</b> Felling of any tree listed in Rule 9.4.4.1 P6, which does not meet one or more of the activity specific standards.</p>	<p>hh. Rule 9.4.6 a. – o.</p>
<p><b>RD5</b> Any works within the dripline of a significant tree listed in Appendix 9.4.7.1 (other than gardening provided for by Rule 9.4.4.1 P11, activities provided for by Rule 9.4.4.2 C1, and activities listed in Rule 9.4.4.3 RD6) that involves:</p> <ul style="list-style-type: none"> <li>ii. the disturbance of land (including earthworks);</li> <li>jj. vehicular traffic;</li> <li>kk. sealing or paving (excluding earthworks);</li> <li>ll. storage of materials, vehicles, plant or equipment; or</li> <li>mm. the release, injection or placement of chemicals or toxic substances.</li> </ul> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	<p>nn. Rule 9.4.6 a. – o.</p>

Activity	The Council's discretion shall be limited to the following matters:
<p><b>RD6</b> Any of the following within 10 metres of the base of any tree in the Significant Trees area at Riccarton Bush:</p> <ul style="list-style-type: none"> <li>oo. works (including earthworks);</li> <li>pp. vehicular traffic;</li> <li>qq. sealing or paving (excluding earthworks);</li> <li>rr. storage of materials, vehicles, plant or equipment; or</li> <li>ss. the release, injection or placement of chemicals or toxic substances.</li> </ul> <p>In the case of the property at 48 Rata Street (legally described as Lot 375 DP 11261) the 10 metre restriction shall only apply to the northern boundary of that property.</p> <p>For the purposes of this rule, the outer boundary defining the Significant Trees Area (which follows the predator-proof fence surrounding the forest remnant) shall be deemed to be the base of the tree.</p> <p>Any application arising from this rule shall not be limited or publicly notified.</p>	<p>tt. Rule 9.4.6 a. – o.</p>
<p><b>RD7</b> Any pruning or felling of a significant tree listed in Appendix 9.4.7.1 associated with the maintenance, operation or development of a transmission line existing on 14 January 2010, including as required by the Electricity (Hazards from Trees) Regulations 2003, and which is not provided for by Rule 9.4.4.1 P1, P2, P3, P4, P8, P9 or P10.</p>	<p>uu. Rule 9.4.6 a. – o.</p>

### 9.4.4 Discretionary activities

The activities listed below are discretionary activities.

Activity
<p><b>D1</b> Pruning of any significant tree listed in Appendix 9.4.7.1 identified as having exceptional values, where not provided for by Rule 9.4.4.1 P1, P2, P3, P8 or P9, or Rule 9.4.4.2 C1.</p>
<p><b>D2</b> Felling of any significant tree listed in Appendix 9.4.7.1 identified as having exceptional values, where not provided for under Rule 9.4.4.1 P4, P8 or P10, or Rule 9.4.4.2 C1.</p>

### 9.4.3 Rules — Matters of control

- a. The adequacy of the Tree Maintenance and Management Plan in protecting the health, structural integrity, amenity values and visual appearance of the trees as an integrated whole;
- b. The timing, duration, frequency, extent and staging of any works;
- c. Mitigation measures to protect other parts of the tree(s) or other trees not undergoing works;
- d. The necessity and appropriateness of works, including felling of any trees, to promote or protect the shape, health or structure of other significant trees in the same group including consideration of the relative significance of those trees;

- e. Whether any proposed mitigation for the loss of a significant tree restores the landscape and environmental values within a reasonable time period;
- f. The qualifications and/or competency of the parties undertaking any works;
- g. Measures to prevent or reduce risk to people, buildings, property and infrastructure; and
- h. Monitoring of the effects of any works on the tree undergoing those works and any other trees in the same group.

### 9.4.3 Rules — Matters of discretion

#### *Effects of activity/works on the tree(s)*

- a. The character and degree of modification, damage, or destruction of the values that make the tree/s significant;
- b. The extent to which the works will or may adversely affect the health or structural integrity or visual appearance of the tree;
- c. Whether the works will be undertaken in a manner consistent with internationally accepted arboricultural standards, practices and procedures;
- d. The duration and frequency of the activity and the effect on the tree;
- e. Whether the tree is resilient, including structural soundness and health and the irreversibility of effect on the tree;
- f. The degree of impact on landscape character, and ecological, cultural, heritage and neighbourhood amenity values;
- g. In relation to a scheduled group of trees, the extent to which the works will or may adversely affect the health, structural integrity or amenity values of the wider group;
- h. Whether any proposed compensation for the loss of the significant tree/s fully mitigates the loss of landscape and environmental benefits within 15 – 20 years;

#### *Extent of benefit or need for activity/works*

- i. The need for the work to deal with an emergency situation, or to avoid significant risk of effects on human health and safety, or significant impacts on infrastructure, including the strategic transport network;
- j. The extent of benefits associated with the use and development of the site for activities anticipated by the zoning for the site, including the use of the site for residential development, taking into account the cumulative effect of multiple protection provisions (eg. setbacks from water bodies, heritage items);
- k. For proposed activities in connection with a recovery activity in the Flat Land Recovery Zone, the extent to which the proposal would maintain the contribution of any significant trees, and trees in road corridors, parks, reserves and public open space;

#### *Riccarton Bush*

- l. For the lowland kahikatea forest remnant at 16 Kahu Road, which forms part of the greater Riccarton Bush and House Reserve, and is defined by a 'Protected Trees Area' symbol identified as a 'Significant Trees Area' on planning map 38B, the Council shall additionally have regard to the following matters:
  - i. The effects of any building, including the type of foundation used, and/or shading by the building on the existing trees and the supporting ecosystem of the forest remnant, including the juvenile regenerating trees;
  - ii. The effects of any works on the extensive surface and sub-surface root systems of the kahikatea trees;
  - iii. The effects of any impervious surfaces on the health and viability of the trees and the supporting ecosystem including soil aeration and hydrological balance; and
  - iv. Whether constructing a building in close proximity to the forest remnant is likely to give rise to reverse sensitivity regarding shading, branch overhang, encroaching tree roots or windthrow;

*Extent of benefit or need for activity/works*

- m. For utilities the extent of benefits associated with that utility, whether there is a functional or operational requirement for that location and whether there are any practical alternatives;
- n. The extent to which the works would result in improved community amenity that cannot otherwise be achieved by arboricultural or property management means; and
- o. The need for the works directly arising from damage incurred as a result of the Canterbury earthquakes, which if not otherwise undertaken would unreasonably restrict repair or rebuilding of the damaged buildings on the site.

### 9.4.3 Appendices

#### 9.4.1 Appendix - Schedules of significant trees

9.4.7.1.1 Schedule of individual trees [To be inserted following confirmation by CCC]

9.4.7.1.2 Schedule of groups of trees [To be inserted following confirmation by CCC]

9.4.2 Appendix - Schedule of significant trees in road corridors, parks, reserves, and public open space *[To be inserted following provision by CCC]*

### 9.4..3 Tree removal certificate

#### Tree Removal Certificate

<b>Botanical Name</b>			
<b>Cultivar</b>			
<b>Common Names</b>			
<b>District Plan Tree ID Number</b>	<b>Council Asset ID GIS: (Obtain from CCC)</b>		
<b>Address:</b>			
<b>Date of Inspection:</b>			
<b>Tree Owner Name:</b>		<b>Phone Number:</b>	
<b>Name of Assessor:</b>		<b>Company:</b>	
<b>Qualifications:</b>		<b>Phone number:</b>	
<b>Name of Peer Review:</b>		<b>Company:</b>	
<b>Qualifications:</b>		<b>Phone number:</b>	
<b>Tree Dimensions:</b>			
<b>Height (m)</b>	<b>Spread N/S (m)</b>	<b>Spread E/W (m)</b>	<b>Diameter (cm)</b>
<b>Damage:</b>		<b>Cause:</b>	
<b>Digital photograph: (place here)</b>			
<b>Assessor Observations and Recommendation:</b>			

I confirm that the ..... (Botanical name) located at ..... (address of where the tree is located) scheduled in the Christchurch District Plan as ..... (District Plan Tree ID Number) has been assessed and meets the criteria for removal as described in 9.4.4.1 P4 a.(i) or 9.4.4.1 P4 a.(ii) (delete non applicable Activity Standard) Permitted Activities — Trees.

Or

I confirm that the ..... (Botanical name) located at ..... (address of where the tree is located) scheduled in the Christchurch District Plan as being part of the Group of Trees ..... (District Plan Tree ID Number) has been assessed and meets the criteria for removal as described in 9.4.4.1 P4 a.(i) or 9.4.4.1 P4 a.(ii) (delete non applicable Activity Standard) Permitted Activities — Trees.

.....  
Signature of Assessor

.....  
Signature of Assessor

Date:

Date:

### Allocation of Damage & Cause

Damage and Cause must only be attributed to trees that have failed in some way. Either a physical or physiological defect must be involved.

### Damage Selection and Use

Damage is used to broadly categorise the failure which has occurred with the tree. The failures identified should always be further categorised by the use of an associated Cause.

- a. Damage Death Plants – This will only be applied to tree when it has died or is degraded to such an extent that removal is required. It relates to the physiological condition (Health) of the tree only.
- b. Damage Structure Issue – This will only be applied to the physical structural failure of either the tree or group of trees. It is not to be used for health issues where no structural issues are prevalent.

Title / Header	Explanation & Use
Death	Tree has died or is degraded to such an extent that removal is required
Structure Issue	Failure of the whole of the tree or group of trees

### Cause Selection and Use

Cause is utilised in conjunction with Damage to define the failure to a greater extent. Cause **MUST** be utilised in conjunction with a Damage. Cause is detailed in the table below.

Title / Header	Explanation & Use
Vandalism	Unlawful physical damage to a tree
Storm	A severe wind event and / or abnormally high rainfall event
Environmental Factors	Any environmental condition which has led to the failure of an asset (NOT A STORM Event)
Settlement	Soil settling vertically (e.g. slumpage on grave site, sinking where a tree was located )
Dumping	Disposal or dumping waste materials either organic or inorganic
3rd Party Damage	All accidental damage by a third party but not caused by deliberate action
Structural failure Main Stem	Failure of the main stem / trunk of a tree

<b>Title / Header</b>	<b>Explanation &amp; Use</b>
Structural failure Branches	Failure of the branches of a tree
Structural failure Roots	Failure of the roots of a tree to support its upper structure
Poisoning	Including accidental killing of a living entity caused by a chemical agent
Pollution	Damage to the asset and / or environment by a chemical substance or waste product
Pest	Animal or Insect causing damage to the asset
Disease	Disease infestation causing damage to the asset
Fire	Damage by a fire started either by natural causes or arson
Fungus	Infestation by fungus that has caused degradation of the asset

### Associations between Damage and Cause Codes

The table below indicates the most likely combinations of Damage and Cause with trees.

<b>Damage Code Selection</b>	<b>Cause Code Selection</b>
Structure Issue	Structural failure Main Stem
	Structural failure Branches
	Structural failure Roots
	Storm
	Vandalism
	3rd Party Damage
	Disease
	Fire
Other	Environmental Factors
	Poisoning
	Dumping
	Pollution
	Pest
	Disease
	Fungus
	3rd Party Damage
	Storm



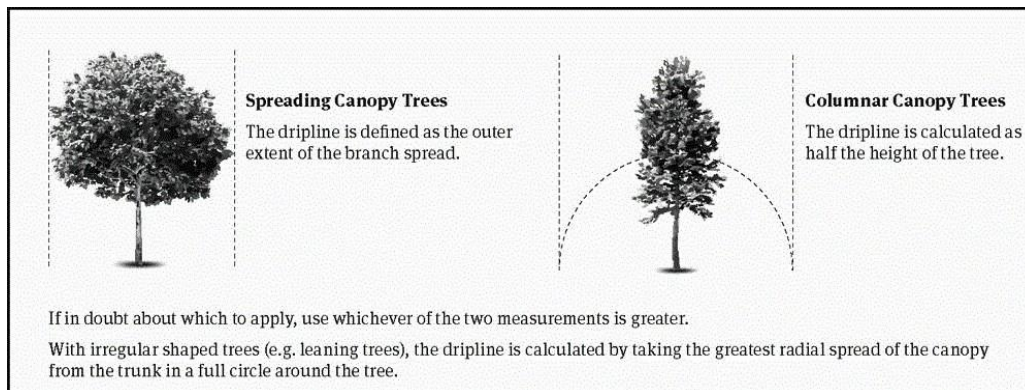
#### 9.4..4 Parks, public open space and road corridors within Akaroa



## Chapter 2 Definitions

### Dripline

means the dripline of a tree, being a circular area, where the radius is equivalent to either the outer extent of the branch spread or half the height of the tree, whichever is the greater. This is illustrated in the diagram below.



### Technician arborist

for the purposes of sub-chapter 9.4, means a person who:

- vv. by possession of a recognised arboricultural degree or diploma and on the job experience is familiar with the tasks, equipment and hazards involved in arboricultural operations; and
- ww. has demonstrated proficiency in tree inspection and evaluating and treating hazardous trees; and
- xx. has demonstrated competency to Level 6 NZQA Diploma in Arboriculture standard (or be of an equivalent arboricultural standard).

### Works arborist

for the purpose of sub-chapter 9.4, means a person who:

- yy. by possession of a recognised arboricultural degree, diploma or certificate and on the job experience is familiar with the tasks, equipment and hazards involved in arboricultural operations; and
- zz. has demonstrated competency to level 4 NZQA Certificate in Horticulture (Arboriculture) standard (or be of an equivalent arboricultural standard)