

RULE 3

DESTRUCTION, TRIMMING, FELLING & MODIFICATION OF HERITAGE TREES

RULES

3.0 General

The following rules shall apply to *Any Activity* involving a *heritage vegetation* appearing in the Heritage Appendix.

3.1 Permitted Activities

Activities meeting the following Performance Standard are *Permitted Activities*:

- *pruning* of any *heritage vegetation* appearing in the Heritage Appendix, if done in accordance with accepted modern arboricultural practice, and no more than 20% of the foliage of a plant is removed in one calendar year.

NOTES

1. If an activity is not controlled or restricted in any way by any part of the *Plan* it is permitted, but may require consents under other legislation/ plans.
2. Activities must comply with all other relevant rules of the *Plan* or be the subject of a *resource consent*. Check all *Human Environment Rules*, *Natural Areas Rules* and *City-Wide Rules*.
3. Words in *italics* are defined - see the Definitions part of the *City-Wide Rules*.
4. Words in **bold** are explained - see the Explanations part of the Introduction to the Rules.
5. The Council may have a guideline to interpret this rule - check at the Council Offices.
6. For *resource consents* see the Information Requirements in the *City-Wide Rules*.
7. For *resource consents*, where appropriate, the advice of the following bodies should be sought:
 - New Zealand Institute of Landscape Architects
 - The Royal New Zealand Institute of Horticulture
 - Department of Conservation
 - *Tangata whenua*
 - any other organisations and individuals considered by the Council to have specialist knowledge or interest in the relevant proposal.

ASSESSMENT CRITERIA

3(a)

A Conservation Plan may be required for any work or activity affecting *heritage vegetation*. The Conservation Plan will be assessed in accordance with the extent to which it makes provision for the following:

- a statement of the significance of the *heritage vegetation*
- the condition of the *heritage vegetation*
- the *effects* on the significance of the tree of the work or activity to be carried out
- measures proposed for retaining the health and significance of the *heritage vegetation*
- the expert advice that has been received regarding the proposal.

3(b)

The extent to which activities within the dripline of any *heritage vegetation*:

- alter the soil levels or watertable by addition or excavation or compaction
- may discharge or disperse any toxic substance
- place any weed membrane or any other impervious surfacing
- carry out any use, excavation or construction work or any other activity which will damage, destroy or detract from the appearance and survival of the tree.

3(c)

The extent to which more than minor adverse *effects* can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the *site* and/or through payment or provision of a *financial contribution*.

3(d)

The extent to which the proposal contributes to the achievement of the relevant future character and amenity statement of Section 5B.3 of the Policy Section of the Waitakere District Plan. PPCA35

See also Policies 8.4, 9.14, 10.27, 11.2, 12.1, 12.5, 12.6, 12.7, 12.8, 5B.1, 5B.3

(Policy Section of the Waitakere District Plan)

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OF HERITAGE VEGETATION

3.2 Limited Discretionary Activities

Activities meeting the following Performance Standards are *Limited Discretionary Activities*:

- *pruning of heritage vegetation* appearing in the Heritage Appendix, not meeting the standards of Rule 3.1;
- *Any Activity* and any *Temporary Activity* proposed within the *dripline* of *heritage vegetation* excluding *clearance* of the *heritage vegetation*.

Assessment of *Limited Discretionary Activity* applications will be limited to the matters of location, scale and method and will be considered in accordance with Assessment Criteria 3(a)-3(c).

3.3 Non-Complying Activities

Any Activity and any *Temporary Activity* which is not a *Permitted Activity* or a *Discretionary Activity* under the above rules shall be deemed to contravene a rule in this *Plan* and shall be a *Non-Complying Activity*.

RESOURCE CONSENT CONDITIONS

In granting a *resource consent* the *Council* may impose conditions. Conditions may include any one or more of the following matters:

- requiring maintenance of the tree in accordance with the Conservation Plan
- requiring a *landscape treatment* plan and implementation of that plan within a given time
- requiring limitations on uses which may create adverse *effects* on the *heritage vegetation*
- imposition of a *bond* to ensure satisfaction of conditions of consent
- requiring *financial contributions* in accordance with the *Plan*
- requiring *on-site* or *off-site* works and services to avoid, remedy, mitigate or offset adverse *effects*
- such other matters provided for in section 108 of the *Act*.

Provided that, in the case of *Limited Discretionary Activities*, conditions may only be imposed in respect of the matters specified above to which the Council has restricted the exercise of its discretion.