59   Heritage Trees

59.1 Introduction

This Chapter contains rules relating to land uses that affect Heritage Trees. These trees are shown on the Planning Maps by symbols on the Resource Area Maps. These rules apply in addition to any other rules in this Plan applicable to the same areas or sites. See Appendix 2 for a list of Heritage Trees and their classification.

59.2   Heritage Trees Rule Table

59.2.1   Trimming of Trees

Trimming carried out on Heritage Tree is **permitted** if: a) It is the removal of dead, dying or diseased wood from the crown of the tree; or b) It involves trimming by use of secateurs or loppers, (i.e. no handsaws or chainsaws) of branches less than 50.0mm in diameter, and c) No more than one third of the foliage of the tree is removed in any 12 month period; and d) Any work is undertaken by, or under the supervision of, a contractor approved by the New Zealand Arboricultural Association, who has advised the Parks Department of the Whangarei District Council in advance of the work to be carried out; or e) The trimming is undertaken by the Whangarei District Council as an emergency work to safeguard life or property, or to restore power or communications' links. f) The trimming is undertaken by a network utility operator in consultation with a contractor approved by the New Zealand Arboricultural Association, where branches are interfering with overhead wires or utility networks and trimming is required in order to maintain the security of an existing supply.	Trimming of any listed Heritage Tree that does not comply with a condition for a permitted activity is a **discretionary** activity. Any activity that does not comply with a standard for a discretionary activity is a **non-complying** activity.

59.2.2   Removal of Trees

Destruction or removal of a tree is a **permitted** activity, in terms of this rule, if it is not the destruction or removal of a Heritage Tree listed in Appendix 2 of this Plan.	Destruction or removal of a Heritage Tree is a **discretionary** activity .

59.2.3   Activities Near a Heritage Tree

Construction or alteration of any structure, excavation of land, or formation of new impervious surfaces is **permitted** if It does not occur within the dripline of a Heritage Tree.	Any activity that does not comply with the condition for a permitted activity is a **restricted discretionary** activity.
	
	Discretion is restricted to:
	
	  i. The public benefit or degree of necessity concerned;
	
	  ii. Any alternative methods which may be available to achieve the objectives of the application;
	
	  iii. The extent to which the tree or trees contribute to the neighbourhood;
	
	  iv. Whether the activity is likely, in the opinion of Council, to damage the tree or endanger its health.

Note: Heritage Trees are listed in Appendix 2.

59.3   Reasons for Rules / Explanations

Trimming

Trees of significant heritage value are considered worthy of protection. The number of Heritage Trees listed in the Plan is a small proportion of the total number of trees within the District, and includes those that are of outstanding rarity or quality, in terms of the criteria stated in Chapter 14.

Removal

The removal of Heritage Trees is a discretionary activity.

Nearby Development

Nearby development can have significant impacts on the values of Heritage Trees. The visual values associated with the trees can be interrupted by allowing development on-site or on adjacent sites. The creation of extensive impervious surfaces near these trees is likely to have significant effects on the health of the tree Sites of Significance to Maori.

Revision and Sign-off Sheet

Date Approved	Paragraph	Change Reference	Decision Date
21 Sept. 2010	Reference to Chapter 2.3.3	Plan Change 106 consequential changes, this provision no longer exist.	Record 10/96471
21 August 2012	All	Header in chapter corrected - reformat of entire chapter - LB	Memo: 21 August 2012 TRIM: 12/66910

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