

Lessons learned from one of New Zealand's most challenging civil engineering projects: rebuilding the earthquake damaged pipes, roads, bridges and retaining walls in the city of Christchurch 2011 - 2016.

Global Tree Consent

Story: Looking after the Environment: SCIRT Global Resource Consents

Theme: Programme Management

A consent granted by the Christchurch City Council, providing consent to carry out earthquake repair work that may affect protected vegetation.

This document has been provided as an example of a tool that might be useful for other organisations undertaking complex disaster recovery or infrastructure rebuild programmes.

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Report / Decision

on a Non-notified Resource Consent Application

(Sections 95A / 95B and 104, 104C)

Application Number:	RMA92019127
Applicant:	Christchurch City Council
Site address:	Various (Global Consent)
Legal Description:	N/A
City and District Plan Zoning:	Various
Activity Status:	Restricted Discretionary under the City Plan and Discretionary under the Banks Peninsula Proposed District Plan

Description of Application: Global Consent for Works Affecting Protected Vegetation

Introduction

Prior to the 2010 and 2011 Canterbury Earthquake events the Council had determined that works related to protected trees in Road Zones should be covered under a Global Consent. However, post the Canterbury Earthquakes the requirement for such a consent is more urgent and is now required to cover other protected vegetation within the City. The Council has therefore decided that this application for a global consent should be extended to cover all protected vegetation within the City, and is proposed to include works related to both the Canterbury Rebuild, horizontal infrastructure works, and general City Council maintenance, repair and upgrading of both roading, public utilities and structures.

Capital Programme Group, within Christchurch City Council (CCC) seeks resource consent for works affecting protected vegetation.

This application relates to protected trees and vegetation as described in the Christchurch City Plan (CCP) and the Banks Peninsula Proposed District Plan (BPPDP), and listed in Table 1:1 (on Page 6 of the Application Document), and which is referred to collectively in the application as “protected vegetation”.

Works affecting protected vegetation may include works within 10 metres of a protected tree, within the drip line of a scheduled tree, fixing of any structure or object to a notable tree, storing of machinery, equipment and materials on the root plate, pruning of protected vegetation, and removal of protected trees or vegetation. Section 2 of the application includes a description of the proposed activities covered by the consent. Section 4 of the application includes a “description of the site” which covers those locations and zones in which the consented works are likely to be carried out. These descriptions are accepted.

This application does not include works within 10 metres of heritage trees. The reason for this is that there are very few heritage trees and the importance of these trees for the community means that such works are non-complying activities and may require significant public consultation in regards to any potential works. Hence it is considered that such works be subject to a separate application.

This application does not include removal of protected vegetation within an Ecological Heritage Site under the CCP. It is considered that such applications should be considered on an individual basis.

Protected vegetation is usually located on public land; however this is not always the case. This application applies to both public and private land, however it does not provide for access to private land. Separate landowner approval is required for access prior to entering the site. Where trees are on private land, inclusion in the two District Plans does not imply any public ownership.

The applicant has consulted with Council’s City Arborist team in the drafting of the proposed conditions included in the application. These conditions have been slightly modified in further discussions with the applicant and Council’s arborist team.

Planning Framework

The Christchurch City Plan became operative in part on the 21st of November 2005. All rules applicable to this application are operative and therefore assessment is only required under the City Plan.

The proposal is to be assessed as a restricted discretionary activity.

The table below lists how this proposal fails to comply with the provisions of the City Plan:

Standard	Rule	Explanation	Compliance with proposed activities
Part 10. Heritage and Amenities			
Development standards	2-2.3.1	Any work defined by clause 2.2.4 (b), (c) and (d) affecting a notable tree shall be a restricted discretionary activity	No
Community standards	2-2.3.2	Any work defined by clause 2.2.4 (a) affecting a notable tree shall be discretionary activity	No
Critical standards	2-2.3.3	Any work affecting a heritage tree shall be a non-complying activity	Yes
Part 8 Special Purpose Zones			
Development Standards	2.3	2.3.4 Visual amenity	
Development Standards	3.2	3.2.4 Visual amenity	
Development standards	4.5	4.5.4 Any works affecting trees within the road zones	
Critical standards	4.6	N/A	
Part 5 Conservation Zones			
Community Standards	2.3.	2.3.2 Vegetation removal in Conservation 1.1A.1B (East of Cuthberts Road), 2 and 3 Zones and ecological heritage site 5.01.	No
Part 4 Rural Zones			
Community Standards	2.4	2.4.4 Protection of native vegetation, natural features and existing landscape character –Rural Hills Zone. 2.4.5 Protection of native vegetation, natural features and existing landscape character –Rural 6 Zone and ecological heritage sites 3.13, 8.10,15.21 and 15.06	No
Part 6 Open Space Zones			
Community Standards	2.3	2.3.6 Protection of native vegetation, natural features and existing landscape character – Open Space 2 Zone.	No

Standard	Rule	Explanation	Compliance with proposed activities
Part 7 –Cultural Zones			
Development standards and Community Standards	2.2, 3.4, 4.3	2.2.4 Landscaping 3.4.1 Special landscape provisions for existing schools 4.3.6 Landscaping	
Part 9 General City Rules			
Development Standards	3.4	3.4.5 Visual amenity	
Part 2-Living zones			
Development standards	3.2, 4.2, 5.2	3.2.17 Landscaping-residential activities 4.2.13 Landscaping and tree planting-residential and other activities. 5.2.5 Landscaping	
Part 3 Business Zones			
Development Standards	2.2, 3.4, 4.2, 5.2	2.2.1 Street Scene and containment 2.2.7 Landscaped areas 3.4.3 Visual amenity and external appearance 4.2.5 landscaped areas 5.2.7 Landscaped areas	

The Proposed Banks Peninsula District Plan

The Proposed Banks Peninsula District Plan (Proposed District Plan) rules applicable to this application are beyond challenge and therefore Section 86F of the Resource Management Act 1991 applies and these rules must be treated as operative. No assessment of this application is therefore required under the Transitional District Plan.

This proposal fails to comply with the following provision of the Proposed District Plan and is to be considered as a restricted discretionary activity:

Rule 1 (Chapter 15 – Trees) which states that - No person shall without a resource consent:

- a) Cut, damage, alter, injure, destroy or partially destroy any scheduled tree listed in Appendix VII (including its roots); or
- b) Within the drip-line of any scheduled tree:
 - Alter the soil levels or water table by addition or excavation;
 - Store materials, vehicles or machinery;
 - Discharge or disperse any toxic substance or put in place any weed control membrane; or
 - Undertake any use, excavation, construction work or activity.

The existing environment

As this is a global consent application the existing environment varies widely, but in all instances the sites to which the consent is to be applied contain some form of vegetation protected by either the Christchurch City Plan or the Proposed Banks Peninsula District Plan, or by resource or subdivision consent conditions.

Has the applicant requested that the application be publicly notified? [Section 95A(2)(b)]

No

Pursuant to Sections 95A and 104(1), what are the adverse effects of the activity on the environment, and will they be minor? Pursuant to section 95B, who is adversely affected?

As a restricted discretionary activity in both relevant Plans the Council's assessment of the effects of this proposal is limited to matters relating to the effects on protected trees of the proposed activities.

The applicant has conducted a thorough assessment of the effects of the proposal against the assessment matters listed in the relevant Plans in terms of works on or within various proximities of the protected vegetation in Part 5 of the application. This assessment is generally adopted.

All works proposed within proximity of protected trees or other vegetation are necessary in relation to the repair and rebuild of horizontal infrastructure within the city that was damaged in the Canterbury Earthquake sequence. The renewal of infrastructure is of critical importance to the recovery of the city, and all care is to be taken during the proposed works to minimise and mitigate all impacts on protected vegetation and trees.

It is noted that suggested conditions of consent are provided to mitigate as far as is practicable any effects arising from the proposed works. The conditions suggested also require that no healthy or structurally sound protected trees or vegetation may be removed under this consent without written approval being received from the CCC City Arborist. Further, the conditions specify that this consent does not extend to work in relation to heritage trees.

These suggested conditions have been reviewed by the City Arborist team and by other Council Staff members associated with the capital programme delivery group. All parties have accepted the conditions.

The applicant considers the proposed works to have (when carried out in compliance with the suggested conditions of consent) some effect, but state that this effect will be minimised and or mitigated as far as is practicable. I accept this assertion and consider that the effects overall will be less than minor. I note further that in terms of works with 10 metres of notable trees and also any fixing of objects or structures to notable trees and /or pruning at a height greater than one third the total height of the tree, and also including any branch greater than 50mm in diameter below this level, is exempt by rule 2.2.7 from notification and/or the written consent of other parties.

I do not consider any persons to be adversely affected by this proposal, nor will there be any adverse effects on the wider environment.

Despite the above, do any special circumstances exist in relation to this application which would lead you to conclude that the application should be publicly notified? If the answer is yes, why? [Section 95A(4)]

No

Who is considered to be adversely affected by the granting of this application?

Clause 2.2.7 of Part 10 Volume 3 of the City Plan states that applications for non-compliance with Rule 10-2.3.1 will not require the written approval of other persons and shall be non-notified. The Proposed Banks Peninsula District Plan does not contain such a clause.

As discussed above no party is considered adversely affected by other works proposed by this consent.

How do any relevant objectives, policies, rules or other provisions of the City/District Plan relate to the proposal?

I consider the proposal is consistent with the relevant objectives and policies in both the City and Banks Peninsula Plans as it will not compromise amenity or natural heritage values.

Volume 2, Section 4 of the **Christchurch City Plan** contains the Objectives and Policies that relate to City natural environment and identity, which are relevant to this consent application.

“2.4 Objective : Natural features and habitats

The protection and enhancement of key elements and processes comprising the City's natural environment. “

I accept, as posited by the applicant, that the proposed activities are not contrary to the above objective. Key elements will be protected by ensuring that adverse effects from the proposed works will be mitigated as far as is possible. In addition heritage trees and Ecological Heritage Sites have been excluded from the application

“2.4.4 Policy : Ecosystems and habitats

To maintain and enhance the integrity and diversity of natural ecosystems and habitats within the City.”

I accept, as posited by the applicant, that the proposed activities will not reduce the integrity and diversity of natural ecosystems. All significant works will be managed by City Arborist or a plant ecologist for assessment. Wherever possible lost vegetation will be replaced with the same or similar species.

“2.4.6 Policy : Biodiversity

To conserve biological diversity by protecting, enhancing and restoring the variety of species which make up this diversity, recognising particular responsibility for indigenous species within that diversity.”

I accept, as posited by the applicant, that the proposed activities will not reduce the integrity and diversity of natural ecosystems. All significant works will be managed by the City Arborist or a plant ecologist for assessment. Wherever possible lost vegetation will be replaced with the same or similar species.

“4.2 Objective : Amenity

A pleasant and attractive City.”

“4.2.1 Policy : Tree cover

To promote amenity values in the urban area by maintaining and enhancing the tree cover present in the City.”

I accept, as posited by the applicant, that the proposed activity will not reduce the amenity values with regard to tree cover within the City. Mitigation of adverse impacts and the involvement of the City Arborists in works will promote retention of any protected trees.

“4.2.2 Policy : Garden City

To recognise and promote the "Garden City" identity, heritage and character of Christchurch.”

I accept, as posited by the applicant, that the proposed activity will not reduce the “Garden City” image in regard to tree cover within the City.

“4.3 Objective : Heritage protection

The conservation and restoration of heritage items and values.”

The aim of the proposed activities is to ensure the protection and maintainance of heritage trees and vegetation in all cases where possible. Mitigation and assessments of proposed activities will ensure that works are managed carefully.

“4.3.3 Policy : Protected trees

To identify and provide for the protection of trees having special value to the community.

This policy reflects the need to identify and protect individual trees or groups of trees within the City which have special value to the community. Although there may be some impacts on protected trees in the City, Heritage tree are exempt from this resource application. Wherever possible protected trees will be protected or effects on them mitigated and managed as far as is possible.

Chapter 15 of the **Banks Peninsula Proposed District Plan** contains the Objectives and Policies that relate to Trees.

“Objective 1 To protect identified notable trees which contribute to the character and environment of the District.

Policy 1A Notable trees identified in the Plan shall be protected from damage or destruction unless it can be demonstrated that alteration or removal is justified in terms of the criteria of Rule 1.1.”

Tree cover may be affected by the proposed activities but conditions to this consent relating to the pruning or removal of any tree will ensure that loss of amenity and character values will be minimised and the health of the trees will not be unnecessarily compromised.

I note further that all works proposed within proximity of protected trees or other vegetation are necessary in relation to the repair and rebuild of horizontal infrastructure within the city that was damaged in the Canterbury Earthquake sequence. The renewal of infrastructure is of critical importance, and all care is to be taken during the proposed works to minimise and mitigate all impacts on protected vegetation and trees.

Is the application consistent with Part II of the Act, and are there any other matters which are relevant and reasonably necessary to determine the application? [Section 104]

I consider the proposal to be consistent with Part II matters in that the proposal will maintain the amenity of the surrounding environment, in accordance with Section 7(c) and 7(f) of the Resource Management Act 1991.

Are there any matters that have arisen in the assessment of this application that would indicate the application should have been publicly notified [Section 104(3)(d)]

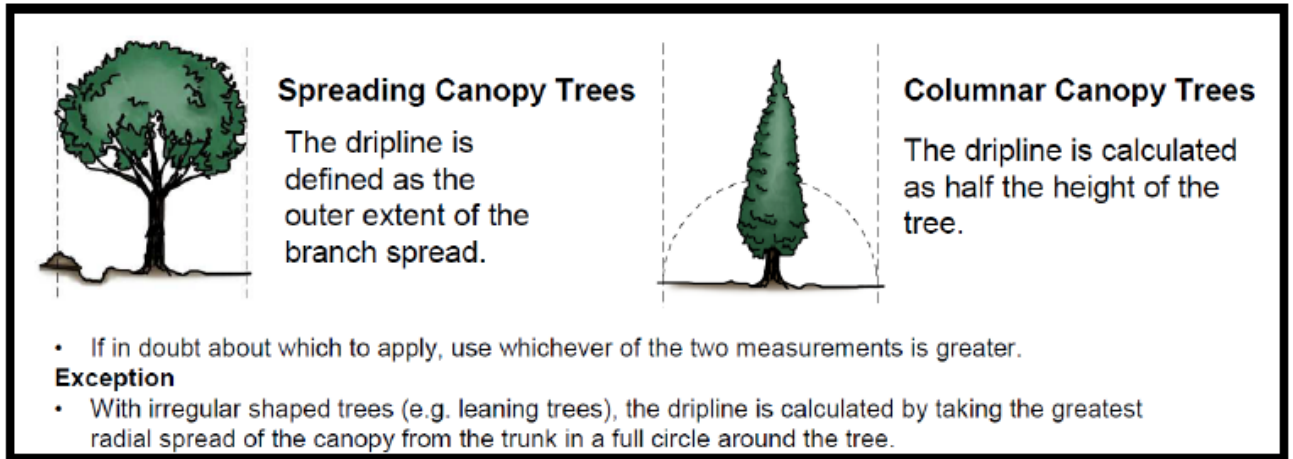
No

Recommendation:

- A. That the application be processed on a **non-notified** basis in accordance with Sections 95A - 95F of the Resource Management Act 1991.
- B. That for the above reasons the application **be granted** pursuant to Sections 104, 104C, and 108 of the Resource Management Act 1991, subject to the following condition:
1. The development shall proceed in accordance with the information submitted with the application. The Approved Consent Documentation has been entered into Council records as RMA92019127 (119 pages).
 2. All approved Christchurch City Council contractors shall be aware of these resource consent conditions and copies of the resource consent and these conditions shall be available for reference on each work site.
 3. This consent is for works affecting protected vegetation within the CCC boundary, where protected vegetation is defined as
 - a. notable trees identified within the Christchurch City Plan, Appendix 4 to Part 10 Volume 3,
 - b. Scheduled trees within the Proposed Banks Peninsula Plan APPENDIX VII, and
 - c. Protected trees SP (Road) Zone are listed under Vol.3: Part 8 Special Purpose zones. Christchurch City Plan, or pursuant to a resource or subdivision consent.
 - d. Protected native vegetation. Volume 3. Christchurch City Plan
 4. This consent **does not** include the pruning, disturbance or removal of any heritage trees as listed in the Schedule 4 of the Christchurch City Plan, or the removal of healthy or structurally sound protected trees and vegetation protected by either the Christchurch City Plan or the Banks Peninsula Proposed District Plan.
 5. Healthy or structurally sound protected trees and vegetation (as identified in consent condition 4) may only be removed where written approval has been provided by the CCC City Arborist.

6. This consent does not include works affecting protected vegetation within Ecological Heritage Sites identified within the Christchurch City Plan.
7. Any works within 10 metres of a notable or scheduled tree on private land will require that landowners are notified at least 5 working days before works are to be undertaken.
8. All roots larger than 25mm diameter shall be retained in an undamaged state and protected, unless the City Arborist gives permission in advance for them to be cut. No roots shall be cut if this will have a significant adverse effect on the health and stability of the tree. Where consent is given to cut roots they shall be severed cleanly with a saw or pruning shears by a suitably qualified arborist. The name and qualifications of the arborist shall be submitted to Council through the Contract Quality Plan.
9. In regard to works affecting roots and root plates
 - a. No ripping or tearing of roots (including the root plate itself) is to occur.
 - b. Any exposed roots shall immediately be covered in moist sacking or scrim, polythene or similar material immediately after being exposed.
 - c. Root covers shall be kept in place and moist at all times,
 - d. Backfill shall be placed as soon as possible and comprise of high quality topsoil (70% first grade topsoil and 30% coir¹), or similar product approved by the Council. The backfill shall be mixed thoroughly before being placed.
10. Disposing of water used for washing down machinery within 10.0 metres of the base of any protected tree is prohibited unless the run off is on existing sealed surfaces, and runoff is not released directly into or onto the root plate.
11. All underground services within 10 metres of the trunk of a notable tree or within 5 metres of the trunk of any other protected tree shall be installed by trenchless methods wherever practical.
12. All excavations include street and infrastructure excavation and within the dripline distances indicated in the diagram below shall be carried out by hand wherever practical. Care shall be exercised while excavations are carried out to ensure root damage is minimised.

¹ As specified in the CCC Civil Engineering Construction Standard Specifications.



13. All underground services depths shall be in accordance with the provisions of the Infrastructure Design Standard.

Notable Trees and Scheduled Trees

14. Any works within 10.0 metres of a **notable** tree (identified with the CCP), or within the drip-line of a scheduled **notable** tree (identified in BPPDP) shall be communicated to Council City Arborist at least 5 working days before such works are to be carried out. The City Arborist shall determine whether or not a supervising Arborist is to be in attendance for the duration of the works.

15. To protect the root systems of any notable tree:

- any heavy machinery used during any works should avoid wherever possible coming within 10.0 metres of the base of the tree unless on existing sealed surfaces,
- materials including but not limited to chemicals and fuels, shall not be stored within 10.0 metres of the base of the tree unless on existing sealed surfaces, and
- machinery/vehicles shall not parked under the crown of the tree during the proposed work unless on existing sealed surfaces.

Protected trees within a Special Purpose Road Zone

16. Where a tree identified within the Special Purpose Road Zone is also a scheduled notable tree the conditions set for notable trees shall apply.

17. Where any protected tree is **not**:

- dead, dying or diseased
- presenting an immediate hazard due to structural weakness or root instability, or
- causing serious damage to essential public or private services or property

- a) Pruning of the tree below a height which is two thirds of the total height of the tree measured from ground level, and where the width of pruned branches is greater than 50mm in diameter, or
- b) Removal of the tree

shall require communication to the City Arborist at least 5 working days prior to the works being undertaken, who will determine whether or not a supervising Arborist is to be in attendance for the duration of the works.

- 18. Where a tree has been removed, wherever possible they shall be replaced in an appropriate location and be of the same or a complementary species.
- 19. To protect the root systems of any notable tree:
 - a. any heavy machinery used during any works should avoid wherever possible coming within 10.0 metres of the base of the tree unless on existing sealed surfaces,
 - b. materials including but not limited to chemicals and fuels, shall not be stored within 10.0 metres of the base of the tree unless on existing sealed surfaces, and
 - c. Machinery/vehicles shall not parked under the crown of the tree during the proposed work unless on existing sealed surfaces.

Protected trees within zones and scheduled activities; other than the SP Road Zones, native vegetation within Conservation Zones, notable and heritage trees, and Ecological Heritage Sites (EHS).

- 20. Trees removed during works in these zones will be either
 - a. replaced with the trees as identified within the appropriate zones rules, or
 - b. where replanting is not possible, alternative amenity and screening solutions must be undertaken.

Protected trees pursuant to a resource or subdivision consent

- 21. Any works affecting a tree protected pursuant to a resource or subdivision consent shall be communicated to Council City Arborist at least 5 working days before such works are to be carried out. Council or Council approved Arborists (as identified in the attached advice note), may attend the site of the proposed works should it be considered necessary.

Protected native vegetation within Conservation Zones

Where removal of any vegetation indigenous to the site is for activities other than reasons identified in Part 5:2.3.2 Vegetation removal, the following conditions (22 – 25) are triggered.

- 22. All works including but not limited to pruning and removal of native vegetation for the repair of infrastructure shall be communicated to Council City Arborist at least 5 working days before such

works are to be carried out. Council or Council approved Arborists or plant ecologists may attend the site of the proposed works should it be considered necessary.

23. All works which require the removal of vegetation for reasons other than for those works identified under condition 17 (under protected trees within a Special Purpose Road Zone), will require the assessment by the Council City Arborist, or an approved Arborist, or plant ecologist, which ever is the most appropriate.
24. With respect to the Conservation 1 and 1A Zones, any works covered by an assessment under condition 23, will be required to consider the assessment matters under Part 4, 4.2.7 (a) and (b). of the Christchurch City Plan which apply to these sites. Assessment will include how best to mitigate any adverse effects on both the vegetation and habitat values.
25. All native vegetation removed from the site shall be replanted after activities have been completed, wherever practicable or possible. Where replanting of transplanted vegetation is not possible, planting of the same species or an alternative species appropriate to the site, shall be undertaken.

Reporting/Monitoring

26. All assessments and a list of works undertaken with regard to this consent shall be provided to the City Arborist at six month intervals from the date of this consent.

Advice Note:

For the purposes of this consent a **suitably qualified arborist** is a person who is in possession of a recognised arboriculture degree, diploma or certificate, and on the job experience, is familiar with the equipment and hazards involved in arboriculture operations, has demonstrated proficiency in inspecting, analysing and treating hazardous trees, and has demonstrated the ability to perform the tasks involved. A Certificate shall consist of a minimum of 240 credits of learning (i.e. Level 4). Acceptance of an arborist as being suitably qualified rests with the City Arborist.

Decision

That the above recommendation be adopted for the reasons outlined in the report.

Commissioner:

Name: _____

Signature: _____