

RMA Planning/Resource Consents

PROTECTED TREES

Frequently Asked Questions

FAQ Refer to the Nelson Resource Management Plan (NRMP) for rules in full	Rule
<p>What is a protected tree?</p> <p>A protected tree is one that is listed in the Nelson Resource Management Plan (NRMP) as a 'Heritage' or 'Landscape' Tree. Heritage Trees are the most significant trees in the district, and Landscape Trees are important, but of a lesser priority. Resource consent is required for certain activities in relation to protected trees, which cover three broad areas: significant pruning, removal, and works in proximity to the tree. A third category, Local Trees, is also included in the NRMP for recognition but does not receive any protection.</p>	n/a
<p>How does a tree become protected?</p> <p>Trees are typically nominated for protection by members of the public, often the owner of the property. The tree is assessed for significance using the Standard Tree Evaluation Method (STEM), and then needs to be included in the NRMP by way of a plan change. A plan change involves engagement with the owner and others potentially affected, formal submissions and hearings. Decisions on plan changes can be appealed to the Environment Court.</p>	n/a
<p>Can I prune my protected tree?</p> <p>The level of pruning allowed depends on the category of the protected tree (pruning of heritage trees is more restricted).</p> <p>Providing the work is done in accordance with accepted arboricultural practice, the following pruning is permitted (more significant works require resource consent).</p> <p><u>Permitted for Heritage Trees</u></p> <p><i>Crown cleaning</i>: the removal of dead, dying, diseased, crowded, weakly attached, low vigour branches and water sprouts from a tree crown</p> <p><i>Canopy lifting</i>: the balanced removal of lower branches of a tree on road reserve.</p> <p><u>Permitted for Landscape trees</u></p> <p><i>Crown cleaning</i>: the selective removal of branches to increase light penetration and air movement through the crown where:</p> <ol style="list-style-type: none"> a) no more than one-third of live foliage is to be removed, and b) after pruning at least half of the foliage is on the branches in the lower two-thirds of the tree, and c) half of the foliage on laterals on the inner two-thirds of a branch is retained, <p>provided that such removal shall not be used successively to incrementally reduce the size of the tree, or to remove the tree.</p>	REr.93 ICr.66 SCr.63 INr.65 OSr.68 RUr.68

FAQ Refer to the Nelson Resource Management Plan (NRMP) for rules in full	Rule
<p>Can I remove my protected tree?</p> <p>To remove a protected tree requires a resource consent. Consent may be granted in some circumstances, for example if the tree presents a serious risk to human life or property, renders a site incapable of reasonable use or places an unfair and unreasonable burden on the owner.</p>	REr.96 ICr.69 SCr.66 INr.68 OSr.71 RUr.71
<p>What can I do in close proximity to a protected tree?</p> <p>Certain activities require resource consent if carried out within an area immediately around a protected tree called a Root Protection Zone (RPZ). The exact RPZ varies from tree to tree, but is calculated by multiplying the tree's trunk diameter by a specific variable that depends on the tree's age and vigour (a value ranging from 6 to 15). Council's Arboricultural Supervisor can advise on a particular tree's RPZ radius. The following activities need resource consent within the RPZ:</p> <ul style="list-style-type: none"> • Parking/storage of materials/vehicles/machinery on unsealed surfaces • compaction, sealing, removal or addition of soil • discharge of a toxic substance • excavation or construction of structures <p>Some exceptions exist for activities on existing sealed roads.</p>	REr.95 ICr.68 SCr.65 INr.67 OSr.70 RUr.70
<p>Does council offer any assistance for owners of protected trees?</p> <p>Yes. Council provides assistance to owners of protected trees by offering a free inspection and minor maintenance service e.g. removal of dead wood or minor pruning. Any work that can't be carried out as a permitted activity under the NRMP rules is the responsibility of the owner.</p> <p>In addition, reduced fee resource consents are available for trimming of protected trees and there is no resource consent fee for applications to remove a protected tree that is confirmed in writing by a qualified arborist (Level 5 NZQA or equivalent) as diseased or a threat to public safety.</p>	n/a
<p>Who is responsible for a protected tree?</p> <p>Listing in the NRMP has no bearing on the ownership of a tree and ultimate responsibility rests with the owner.</p> <p>Under common law, if your tree overhangs a boundary then the neighbour may trim it back to that boundary (bearing in mind this may require resource consent if the tree is protected). The owner of the property the branches overhang is responsible for costs associated with trimming on their side.</p> <p>Regardless of protection, or whom a tree belongs to, if a tree falls and causes damage it is generally the responsibility of the owner of the damaged property (or their insurer) that takes responsibility for the repairs.</p> <p>More information on rights and responsibilities in relation to trees in general is available from various websites including Consumer NZ, the Citizen's Advice Bureau, Community Law and a range of insurance companies.</p>	n/a

This FAQ only mentions some rules. Other rules and exceptions may also be relevant. Do not rely on this FAQ to make decisions about your property. Plan changes occur from time to time and this FAQ will be updated to reflect the relevant changes as soon as is practicable. In addition to standards and consents required under the Resource Management Act, the proposed activity may also need building consent, licences and permits under other legislation such as the Building and Health Acts.

Please see the Plan for full details or seek further information from the Council by one of the methods listed below:

To download relevant parts of the Plan, check zoning maps on the GIS system and download application forms in the Building and Planning section of our website: www.nelson.govt.nz

Phone for an appointment with the duty planner: 546 0200

Duty Planner email: dutyplanner@ncc.govt.nz