

Protected Trees - Frequently Asked Questions

Please refer to the Upper Hutt [District Plan](#) for the full list of planning rules.

FREQUENTLY ASKED QUESTIONS	
<p>What is a protected tree?</p> <p>A protected tree is one that is listed in the Upper Hutt District Plan as an identified tree within an Urban Tree Group (“UTG”) or a Notable Tree (“NT”). These trees are a prominent and important feature of the Upper Hutt urban landscape. Individually and collectively, they are important for ecological, visual, environmental, or cultural reasons.</p> <p>Resource consent is required for certain activities in relation to protected trees, which cover three areas: significant trimming, removal, and works in proximity to the tree.</p>	
<p>How do I know if a tree on a property is protected?</p> <p>The District Plan maps identify both NT’s and UTG’s, which are viewable on the GIS Map of District Plan. There is a list of NT’s in Tree-Schedule 1 and protected trees within an UTG are identified in UTG-SCHED1 of the District Plan.</p> <p>You should also check your Record of Title to see if there are any instruments (such as a consent notice or covenant) which might include protection of trees or vegetation on your property.</p>	
<p>How does a tree become protected in the District Plan?</p> <p>Trees listed in the District Plan have either been nominated by the public (such as the owner of the site) or have been assessed through a survey undertaken by ecologists/landscape as part of previous assessments/surveys. Trees are assessed for significance by a suitably qualified person, and then are included in the District Plan by way of a plan change. A plan change involves engagement with the owner and others potentially affected, public notification to enable submissions and a subsequent hearing.</p> <p>The initiation of a plan change regarding adding or removing protected trees is not scheduled for the next 1-2 years, however any proposed trees can be submitted to Council for consideration of a future plan change.</p>	
<p>Can I trim branches or roots of my protected tree?</p> <p>The level of trimming allowed depends on the reasons for the work, and if the tree is within the UTG or is a NT. Minor trimming in accordance with accepted arboricultural practice can occur as set out below but more significant trimming works require resource consent.</p> <p><u>Permitted Trimming for Notable Trees:</u></p> <ul style="list-style-type: none"> Only trimming or maintenance that is undertaken in accordance with arboricultural best practice to maintain the tree in a healthy state may be 	<p>Rule</p> <p>UTG-R1</p> <p>UTG-R2</p> <p>UTG-R3</p> <p>UTG-R4</p> <p>UTG-R5</p> <p>UTG-R6</p> <p>UTG-R7</p> <p>Tree-R1</p>

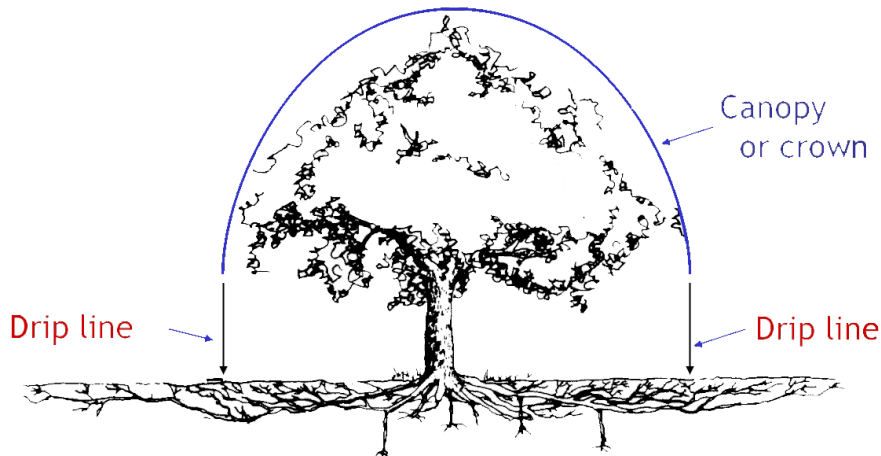


<p>undertaken. Trimming to emergency work (protection of people, property, essential services) is also permitted.</p> <p><u>Permitted Trimming for Identified Trees in Urban Tree Groups:</u></p> <ul style="list-style-type: none"> • The trimming or removal of any non-indigenous tree (including roots) from an UTG listed in UTG-SCHED1 where the identified individual tree species has a diameter of 0.2m or less, when measured in any direction at 1.5m above ground level is permitted. • Trimming of roots within the dripline, provided the diameter of the root does not exceed 50mm in diameter (note: these works must be undertaken by a Council approved arborist) is permitted. • Trimming shall be undertaken in accordance with arboricultural best practice, and not detrimentally alter the form of the tree is permitted. • Removal of deadwood is permitted. • Trimming or maintenance to maintain tree health that is undertaken in accordance with arboricultural best practice is permitted. • Emergency works (trimming) to maintain or restore essential services or to safeguard life or property, or removal of a dead tree is permitted. <p>Note: Council shall be notified of works proposed to PT's and identified trees within UTG ,in particular if it is proposed to remove a tree for the reasons provided above.</p>	
<p>What if a protected tree is unhealthy or dangerous?</p> <p>The trimming or removal of a NT or a listed tree in an UTG that is dead or has an incurable disease, causing significant decline in health is permitted.</p> <p>Council requires the health assessment and determination of the tree to be undertaken by a Council approved arborist and Council needs to be notified of the proposed work at least 7 days prior to the removal.</p>	<p>UTG-R1 UTG-R2 UTG-R3 UTG-R4 UTG-R5 UTG-R6 UTG-R7 TREE-R1 TREE-S1 TREE-S2</p>
<p>Can I trim or remove a tree in an emergency situation?</p> <p>The trimming or removal of a tree as emergency works – where the tree represents an immediate threat to persons, habitable buildings or essential services - can be undertaken without a resource consent, provided this is supervised by a Council approved arborist. <u>Council need to be notified of the work.</u></p>	<p>TREE-S2 UTG-R5</p>
<p>Otherwise, can I remove my protected tree?</p> <p>To remove a protected tree (which is not part of emergency works or an unhealthy/dangerous tree) requires a resource consent. Council will assess the reasons for requesting removal along with the health of the tree and make a determination under the provisions of the RMA as to whether resource consent approval will be granted to remove the tree.</p>	<p>UTG-R1 UTG-R4 UTG-R5 UTG-R7 Tree-R3</p>
<p>What can I do in close proximity to a protected tree?</p>	<p>UTG-R1</p>



If the activity will not damage the tree or its root structure, then it generally will be permitted. However certain activities require resource consent if carried out within the dripline of a protected tree.

The Dripline is Identified below:



Installation of underground essential services or disturbance of ground or root systems under the dripline of a tree requires the supervision of a Council approved arborist.

The following types of activities require resource consent within the dripline:

- discharge of a toxic substance
- excavation or construction of structures
- laying of non-permeable surfaces
- storage of hazardous materials

If you are unsure whether your proposed works to or within the dripline of a protected tree is permitted or not, please get in touch with us at resourceconsents@uhcc.govt.nz

UTG-R2
UTG-R3
UTG-R4
UTG-R5
UTG-R6
UTG-R7
Tree-R1

Who is responsible for a protected tree?

A tree being listed in the District Plan has no bearing on the ownership of a tree and responsibility rests with the owner.

Under [property law](#) if your tree overhangs a boundary then the neighbour may wish to trim the encroaching branches or roots back to the boundary. If the tree is protected, then resource consent may be required for the trimming so it's best to talk to us to make sure that the trimming is undertaken in a manner that meets arboriculture best practice.

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, or Community Law.

Does Council offer any assistance for owners of protected trees?

Council do not offer financial assistance with the maintenance of trees. However we can provide advice to help you when you need to undertake work on a protected tree, and we offer a list of arborists that are able to undertake trimming in accordance with Council's requirements. This list can be provided on request.

Where resource consent is required for tree works, we also provide a reduced resource consent fee (non-notified consents only). Please refer to our website for our [resource management fees and charges](#).

Notes:

- 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.
- Please see the District Plan for more information or get in touch with Council by one of the methods listed below. To download relevant sections of the District Plan or to check whether there are protected trees on a property, please take a look at the planning maps and rules here: [e-Plan](#)
- You can get in touch with a Council planner by email at resource.consents@uhcc.govt.nz or by phone on (04) 527 2169.