

**Proposed Plan Change 129 – Notable and Public Trees (PC129) to  
the Whangarei District Plan**

**Recommendations of the Hearing Panel**

**25<sup>th</sup> February 2019**

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### List of Abbreviations

Discretionary Activity	DA
Independent Hearings Panel	The Panel/Panel
Non-Complying Activity	NCA
Northland Regional Council	NRC
Notable and Public Trees	NPT
Operative Whangarei District Plan	WDP
Operative Northland Regional Policy Statement	RPS
Permitted Activity	PA
Proposed Plan Change 129	PC129
Resource Management Act 1991	RMA
Restricted Discretionary Activity	RDA
Whangarei District Council	WDC

# 1 Summary of the Recommendations

The Independent Hearings Panel (the Panel) recommends:

- a. That proposed Plan Change 129 to the Whangarei District Plan (WDP) is approved subject to the Amendments described below in Section 8 and contained in the Panel's recommendation version of the plan change document (Attachments 1 and 2)
- b. That the submissions and further submissions be accepted, accepted in part or rejected according to the reasons set out in this recommendation report.

In summary our recommendation is that Council confirms the Plan Change subject to the amendments set out in Attachments 1 and 2 and addressed below. We note that we have adopted many of the changes recommended by the reporting planner Mr Badham, who comprehensively addressed all submissions in his Section 42A and 32AA reports and in his Reply Statement (addressing the evidence heard at the hearing). Our recommendations are based on those in the Council's Section 32, Section 32AA, Section 42A reports, Mr Badham's detailed Reply Statement, the legal advice received by the Council, and the submissions and submitters evidence presented or tabled at the hearing.

We further recommend that, at some point in the future, the Council bring forward a further NPT Plan Change and:

- That the Section 32 report for this future plan change consider a wider range of options, including a comprehensive survey of the whole District or the urban areas of the District.
- That the assessment of trees as part of this future plan change should utilise all STEM criteria.
- That as part of this future plan change consideration be given to whether 100 points is the appropriate STEM threshold for the identification of Notable Trees or whether an alternative threshold is more appropriate.

# 2 Delegation

The Panel, Michael Lester (chair), Richard Knott and Councillor Sue Glen, were delegated the responsibility by the Whangarei District Council (WDC) to hear and make recommendations on PC129 pursuant to Section 34A of the RMA.

# 3 Who We Heard From

The following people appeared at the hearing:

Council Officers	David Badham, Consultant Planner
	Melissa McGrath, Manager District Plan
	Simon Miller, Consultant Arborist
Submitters	Mr Michael Day
	Mr Mark Crisp Planner on behalf of Ms Rye
	Mr Stuart Barton on behalf of DC Empires
	Mr Steve Westgate on behalf of Northland District Masonic Trust
	Mr Bryce Jones
	Mr Russell Mortimer, Whangarei Intermediate School
	Mr Botica, Deputy Principal Whangarei Intermediate School
	Mr Lyndon O'Hara
	Mr Frank Newman on behalf of Landowners Coalition and Kelbrook Holdings Ltd
	Ms Heather Osborne Planner on behalf of Whangarei District Council
	Mr Dave Wolland
	Ms Margaret Hicks

## 4 Process Matters Relevant to PC129

Date of public notification of PC129 for submissions	9 May 2018
Closing date for submissions	8 June 2018
Date of public notification for further submissions	29 August 2018
Closing date for further submissions	3 October 2018
Hearing date	3-5 December 2018
Council closing statement posted on WDC website	21 December 2018
Hearing closed	18 January 2019

Pursuant to Section 37 of the RMA, WDC resolved to extend the further submission period from 10 working days to 25 working days.

A total of 50 submissions and 11 further submissions were received. The original submissions were numbered from PC129-001 to PC129-050.

Submissions PC129-048, The Northland Masonic Trust, PC129-049, Marilyn and Owen Bray, and PC129-050 Alan Kirk, were received after the close of the submission period on 8 June 2018.

At the hearing the Panel resolved to accept these late submissions pursuant to sections 37 and 37A of the RMA having considered:

- a. The interests of any person who, in its opinion, may be directly affected by the extension or waiver; and
- b. The interests of the community in achieving adequate assessment of the effects of a proposal, policy statement, or plan.

Also in terms of Section 37A (c) - to avoid unreasonable delay - we note that there has been no delay due to these late submissions.

Submission PC129-004 was blank and has been considered invalid.

## 5 Overview of Plan Change 129

Under the provisions of Section 79 of the RMA, councils are required to review their DP provisions within a 10-year timeframe. Following a review of the provisions of their operative plan councils must then notify a plan change, whether the council considered that the operative plan requires alteration or not. To meet this requirement of the RMA, the WDC has undertaken a rolling review of their plan of which the provisions of PC129 form a part.

This plan change, and the revision of the provisions within it, have been considered in a Section 32 (and 32AA) evaluation undertaken by WDC to confirm the appropriateness of the revised provisions of PC129.

Summary of the Plan Change as notified. The Plan Change provides:

- A new Notable and Public Trees Chapter within the proposed plan
- An introduction explaining the reasons for the NPT provisions
- Outlines what activities are and what are not covered in the provisions of the NPT and states default activity statuses
- Provides Objectives and specific outcomes sought in relation to activities associated with Notable and Public Trees

- Provides specific courses of action to achieve the objectives of the NPT chapter
- Specifies what land use activities require resource consents as discretionary activities
- Specifies what subdivision activities require resource consents as discretionary activities
- Details the specific matters that assessments for discretionary applications pursuant to NPT 1.5 and NPT 1.6 shall include
- Details the criteria for Notable tree classification and describes how the Standard Tree Evaluation Method (STEM) has been used to classify the Notable Trees

Details what constitutes a Public Tree and that these are identified by description and not individually mapped.

## **6 Statutory Considerations**

### **6.1 Section 32 and Section 32AA**

PC129 was notified on 9 May 2018 and has been considered under the provisions of the RMA as amended by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. PC129 has also been prepared and evaluated in accordance with Section 32 of the RMA as amended by the RMA Amendment Act 2013. The key RMA provisions for consideration of a district plan change are Part 2 and sections 32, 72 to 76 and Part 1 of the First Schedule to the Act.

Before notifying a proposed plan change, the Council is required to prepare an evaluation report in accordance with Section 32 of the RMA. Such an evaluation report must, generally, examine whether the proposed objectives of the plan change are the most appropriate way to achieve the purpose of the RMA, and whether (in this case) the rules and other methods of the plan change are the most appropriate way to achieve the objectives.

In summary, Section 32 seeks to ensure that the costs and benefits of proposed plan provisions are considered and that the proposed controls are justified. Each objective proposed has to be examined with regard to the extent to which it is the most appropriate way to achieve the purpose of the RMA. This examination must take account of the benefits and costs of the proposed policies, rules or other methods and the risk of acting, or not acting, if there is uncertain or insufficient information about the subject matter of those policies, rules or other methods<sup>1</sup>. Any rules or other methods should be aimed at achieving the objectives and policies.

The Council completed an evaluation of PC129 in accordance with Sections 32 and 32AA of the RMA as part of this plan change.

We note that an evaluation in terms of Section 32 is ongoing, that the hearing itself forms part of the Section 32 process, and that a further evaluation (Section 32AA) must be undertaken prior to any decision to confirm the appropriateness of PC129.

In his S42A report Mr Badham specifically referenced and addressed the Section 32 evaluation report undertaken by the Council. Section 32 matters were also addressed in more general terms in response to submissions received to PC129.

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<sup>1</sup> Section 32(4)

### 6.1.1 Consideration of the Section 32 Report

As noted above, the Panel were delegated the responsibility by the Whangarei District Council (WDC) to hear and make recommendations on PC129 pursuant to Section 34A of the RMA. This carries a requirement that we fully consider the requirements of S32.

Our consideration of Section 32 matters led us to spend some time with questions to Mr Badham at the start of the hearing. We believe that this approach allowed ourselves and the submitters present to proceed with a clearer understanding of the rationale and evidential basis for the plan provisions than would otherwise have been the case.

Whilst we are in general satisfied with the Section 32 report, we do have some concerns.

The Section 32 report confirms that *'This review does not seek to undertake a re-classification of trees already listed as 'Heritage Trees' throughout the District. Nor has the review undertaken as assessment of any trees with the intention of adding these to the specified list.'*<sup>2</sup> This matter is discussed in 5.2.11 of the Section 32 report, where three potential options are considered in relation to the schedule of notified trees, including:

- Option 1 - Status Quo; retaining the existing Schedule of Trees as in Appendix 2 of the WDP.
- Option 2 - Proposed Provisions; retain the existing Schedule and update to reflect tree removals, clarifications around locations and revised STEM assessments undertaken by Council's arborist in response to feedback received in pre-notification consultation.
- Option 3 - Review all existing trees to see if they still warrant protection and consider new trees for addition to the schedule prior to notification.

Option 2 was chosen as the most appropriate option. Whilst we accept this decision on the basis of the three options considered, Section 32(1)(b) requires that the Section 32 report examine whether the proposed provisions are the most appropriate way to achieve the objectives. In this case Objective NPT.1.3.1 (as amended in Mr Badham's right of reply) states that:

*Notable trees and notable groups of trees with significant amenity, historical or ecological values are maintained, retained and protected from inappropriate subdivision, use and development.*

There is no specific definition given for Notable Tree in Section 4 (Meaning of the Words) of the District Plan nor in NPT.1. However, it is clear from NPT.1.1 Description and Expectations that Notable Trees are intended to be:

*Individual tree and groups of trees that are considered to be among the most significant trees in Whangarei*

The Section 32 report confirms that *'It is acknowledged that the schedule of heritage trees in the WDP is not exhaustive and there may be more specimens that meet the required threshold that have not been assessed'*.

Whilst the Panel recognises that the inclusion of the words *'are considered to be among'* can be interpreted to mean that not all of the most significant trees in Whangarei can be expected to be identified as Notable Trees in PC129, we remain concerned that none of Options 1, 2 or 3 provide a process which can be relied upon to identify those trees which are *'considered to be among the*

*most significant trees in Whangarei*'. If this is the case, it follows that the considered options may not represent the most appropriate way to achieve Objective NPT.1.3.1.

We believe that the Section 32 report was therefore incomplete and should have also considered (at least) two additional options:

- Option 4 - Surveying the whole district to identify additional trees which achieve the appropriate STEM score.
- Option 5 – Surveying the urban areas of the district (including land zoned for urban uses which might not yet be developed for such use) to identify additional trees which achieve the appropriate STEM score.

At the hearing Ms McGrath indicated that the financial cost and scale of 'Option 4' would have been too great to undertake. We assume that this comment would also apply to Option 5.

Whilst we agree with the conclusions of the Section 32 Analysis as it stands and recommend that it be accepted, we also recommend that the Council should at a future date consider a further NPT Plan Change and that the Section 32 report for this future plan change consider a wider range of options, including Option 4 and Option 5 above (or variations of these). A decision made regarding these additional options could have a knock effects for the STEM threshold for identifying trees as being notable and their inclusion on the schedule. This is discussed in 7.2.13 below.

### **6.1.2 Section 32AA**

The Panel is required to include in its recommendations a further evaluation of the proposed Plan Change in accordance with Section 32AA of the RMA. This evaluation is only for the changes that the Hearings Panel recommends be made and is undertaken at a level of detail that corresponds to the scale and significance of the changes. The entire hearings process and the Panel's deliberations have constituted its evaluation for the purposes of Section 32AA of the RMA.

Section 32AA - Requirements for undertaking and publishing further evaluations, requires:

*(1) A further evaluation required under this Act -*

Importantly it also states:

*(2) To avoid doubt, an evaluation report does not have to be prepared if a further evaluation is undertaken in accordance with subsection (1)(d)(ii).*

In terms of Section 32AA of the RMA we largely rely on Mr Badham's Section 32AA report and his Reply Statement as referenced above, as well as this report which addresses our reasons and recommendations in sufficient detail to demonstrate that a further evaluation has been undertaken, pursuant to subsection 2 of Section 32AA – i.e. noting that this report also constitutes our Section 32AA report. Subject to the amendments we have recommended to the plan change provisions, and for the reasons set out below, we consider that the plan change process satisfies the RMA Section 32 and Section 32AA requirements.

## **7 Consideration of Submissions**

We have set out our findings in relation to the submissions in a similar order to the S42A report.

### **7.1 Recommendations on Submissions**



The RMA does not require a Council to make individual decisions on each and every submission or relief sought. This is set out in Schedule 1 – Preparation, Change, and Review of policy statements and plans. Clause 10 states (in part):

***Decisions on provisions and matters raised in submissions***

1. *A local authority must give a decision on the provisions and matters raised in submissions, whether or not a hearing is held on the proposed policy statement or plan concerned.*
2. *The decision—*
  - (a) *must include the reasons for accepting or rejecting the submissions and, for that purpose, may address the submissions by grouping them according to—*
    - (i) *the provisions of the proposed statement or plan to which they relate; or*
    - (ii) *the matters to which they relate; and*
  - (b) *may include—*
    - (i) *matters relating to any consequential alterations necessary to the proposed statement or plan arising from the submissions; and*
    - (ii) *any other matter relevant to the proposed statement or plan arising from the submissions.*
3. ***To avoid doubt, the local authority is not required to give a decision that addresses each submission individually. (Emphasis added)***

The Hearings Panel has grouped all of the submissions as set out in the following sections of this report. While individual submissions and submission points may not have been expressly referred to, all submission points have nevertheless been taken into account when making our recommendations.

## **7.2 Findings Regarding the Submissions by Topic**

### **7.2.1 Chapter Title**

Submission 1 (Isabella McNab) supported the change of classification to Notable Trees and Public Trees and sought that it be retained. There were no other submissions on this issue.

***Planners recommendation***

That the chapter title be retained.

***Findings***

The panel supports the recommendation of the planner on this issue.

### **7.2.2 Cost of Resource Consents**

(Submissions 22, 27 and 33 with further submissions 69, 70, 80, 81, 88, 105, 106 and 113)

***Issues raised***

- That Notable Trees are protected for the public benefit and private landowners should not incur costs, risks or liability in relation to the trees.
- Council has not quantified the costs to landowners relating to the protection of Notable Trees.
- Notable Trees should be assessed on their combined value to the public and private persons and there should be no need for a resource consent.

Eight further submissions were received regarding costs of resource consents.

***Planners recommendations***

Mr Badham recommended that these submissions be rejected on the basis that the issues are outside the Scope of the plan change. He commented that the issue of costs for resource consents was a matter for council to decide when setting the annual plan and the long term plan budgets and was not a planning matter to be considered here.

***Findings***

The panel supports the recommendation of the planner on this issue.

### **7.2.3 Health and Safety**

(Submission point 18/a and further submissions 64, 69, 71 and 109)

***Issues Raised***

The submission relates to tree number 350 in the Notable Trees Schedule. The submitter expressed health and safety issues but was not precise in identifying the issues under the Health and Safety Act that were applicable. The tree was visited by the Council's Arborist Mr Miller on two occasions and in his assessment the STEM score exceeded 100 and though he noted that there was lifting of the footpath from the root system in his opinion the issues of safety and health needed to be more clearly defined.

***Planners Recommendations***

Mr Badham stated that the tree was correctly assessed as a Notable Tree and if there were any safety issues that needed addressing then the provisions of NPT 105 provide for trimming and a resource consent could be applied for should the submitter wish to remove the tree.

***Findings***

While the Panel are sympathetic to the concerns of the submitter for tree 350, we find that with no specific reference to any particular provision of the Health and Safety Act, we are not in a position to accept the matters in the submission. We would refer the submitter to our recommended amended provisions of PC129 relating to maintaining trees on private land.

We accordingly recommend that the relief sought in submission 18/a is rejected.

### **7.2.4 Liability**

(Submission points 22/g and 27/f and Further Submissions 81 and 106)

***Issues Raised***

The submitters asked that should any landowner with a Notable Tree on their property suffer any damage or loss attributed to the Notable Tree, then they should be indemnified by the Council for that damage or loss.

***Planners Recommendations***

Mr Badham stated that this matter was, in his opinion, out of scope and he was unaware of any other Council in New Zealand which had included such a provision in their plan. He recommended that we reject submission points 22/g and 27/f.

***Findings***

Having considered the evidence presented to us by Mr Crisp and Mr Badham we recommend that the above submissions be rejected.

In reaching that decision we would refer the submitters to our recommended changes to the provisions of NPT 1.5 relating to the care and maintenance of Notable Trees and to the recommended provisions for pruning to a bough size of up to 200mm.

## 7.2.5 Miscellaneous Matters

(Submission points 5/a, 5/b, 12/a and 42/c)

### *Issues Raised*

- That no Notable Trees be removed if they are healthy and not shading a neighbour.
- That deciduous trees be planted along Hatea Loop Walkway and Mill Road.
- That Council either sweeps Ross Street weekly or removes the trees on Ross Street.
- That Council implement a targeted rate on the Ruakaka area where protected trees have been vandalised.

### *Planners Recommendations*

Mr Badham stated that all but the first matter raised in these submissions are out of the scope of the Plan Change. In relation to the first item he noted that he considered the provisions to strike an appropriate balance between protecting Notable Trees and public trees and allowing appropriate works. He therefore recommended that the panel should reject the submissions.

### *Findings*

The panel agrees that all but the first matter are out of scope, and supports the recommendations of Mr Badham that the matters raised by the first item be rejected.

## 7.2.6 Notification

(Submission points 26/c and 27/c)

### 7.2.6.1 Issues Raised

The submitters requested that non-notified status be used for resource consents relating to the maintenance or removal of Notable Trees and a specific request for the same status to be applied to trees added to the register after 1976.

### *Planners Recommendations*

Mr Badham did not support the general request for a non-notification rule for any application for maintenance or removal of a Notable Tree. In his opinion Scheduled Notable Trees are protected for a number of reasons including their public benefit in terms of their significant amenity, historical, ecological or cultural values. In his opinion, any application requiring resource consent under the NPT provisions (including removal) should be considered under the normal notification tests in the RMA so that these values can be considered on a case by case basis in light of the potential values of these trees to the wider public. Mr Badham recommends that the points raised in the above submissions be rejected.

### *Findings*

The Panel agrees with the opinions of Mr Badham and recommends the rejection of the points raised.

## 7.2.7 Permitted Activity Rule

(Submission points 22/c, 36/d and 36/e and Further Submissions 54, 59, 61, and 124).

### *Issues Raised*

The basic premise of these submissions is that the discretionary activity rules for land use should be reframed as permitted activity rules.

Reasons for this relief include:

- The rules as drafted are confusing and hard to interpret.
- The framing of the provisions as permitted activity standards will create clarity and provide better consistency with the requested permitted activity standards for public trees.

### ***Planners Recommendations***

Mr Badham agreed that there was merit in the request for reframing the NPT 1.5 discretionary activity rules to permitted activity rules. He noted that in drafting the provisions of NPT 1.5 as discretionary activity rules he was seeking to achieve consistency with the general structure of the WDC District Plan under the rolling review. He stated that while this was the case for most of the plan there were instances in the plan where permitted activity status was applied as in Noise and Vibration, Papakainga, Network Utilities and Critical Electricity Lines and Substations.

He agreed that providing for permitted activity status in this instance would remove double negatives and provide greater clarity for the interpretation and implementation of the provisions of NPT 1.5.

In his Right of Reply Mr Badham acknowledged the questioning from the commissioners and highlighted that changes to the permitted activity rules could address the concerns of a number of submitters relating to the negative effects associated to particular Notable Trees.

Mr Badham recommended to the Panel that they accept in part the submission points 22/c, 36/d and 36/e insofar as they relate to changing the structure of the NPT 1.5 provisions to permitted activity rules rather than discretionary activity rules.

### ***Findings***

We support and agree with the conclusions reached by Mr Badham in the Section 42A report and his Right of Reply and recommend that the submission points raised in submissions 22/c, 36/d and 36/e which relate to changing the structure of the NPT 1.5 provisions to permitted activity rules be accepted in part.

## **7.2.8 Section 32**

(Submission point 27/r and four Further Submissions)

The submission requested that a peer review be made of the arborist's report included in the Section 32 report prepared by Council. This was addressed by Mr Newman at the hearing.

### ***Planners Recommendations***

In his Section 42A report Mr Badham noted that the Section 32 report include an evaluation by Mr Miller, an expert arborist. Following the completion of that report Mr Miller carried out further assessments of a number of trees which had been raised in submissions to the plan change. Mr Badham had relied upon this evidence from an acknowledged expert.

Referring to the request from Mr Newman that there was a need for a peer review, Mr Badham stated that there would be a substantial, and in his opinion, unnecessary cost to Council to carry this out as he had no reason to doubt the expertise of Mr Miller.

### ***Findings***

The Panel heard the evidence of Mr Newman and also the evidence of Mr Badham relating to the proposed peer review. In the absence of any other expert evidence from an arborist we accept the assessments and evidence of Mr Miller and recommend rejection of submission point 27/r.

## **7.2.9 Specific Notable Trees**

By way of introduction to this section of our recommendations, we acknowledge that following the hearing Mr Miller, as outlined in his Right of Reply, revisited some of the trees which he had previously assessed. As a result of this some of the STEM scores altered to be above or below the STEM score of 100. He also acknowledged that in reassessing the trees he has withdrawn intermediate scores in his STEM assessment. His reason for removing these intermediate scores was that the STEM manual does not provide a means to score a tree that sits between categories.

Note: In this section of our recommendations we have not referred to individual Further Submissions.

#### **7.2.9.1 Tree 515**

(Submission 1 - Ms McNab)

Ms McNab wished to have the right to remove two trees as she stated they were past their use by date, were a fire risk and threatened neighbouring properties. Mr Miller considered, in his assessment, that there was no threat in the next 12 months and with a STEM score of 126 they qualified as Notable Trees.

##### ***Finding***

We recommend that the two trees should remain in the schedule as Notable Trees.

#### **7.2.9.2 Tree 355**

(Submission 7 -Mr Smith)

Mr Smith requested that this tree be retained on the schedule.

##### ***Finding***

We recommend that this request be agreed.

#### **7.2.9.3 Trees 200 and 201**

(Submission 10 – Mr O’Hara)

Mr O’Hara attended the hearing and set out that he believes that these two Taraire trees, located on his neighbour’s property at 89 and 89A Crawford Crescent, are a safety hazard as they hang over his house.

Mr Miller had reassessed the trees at 89A Crawford as having a STEM score of 144. The other tree has a STEM score of 102. He noted that he was unsure why just these two trees were notified not the entire stand. Whilst he noted some die-back he was on the opinion that pruning the canopies could address the issues.

##### ***Finding***

We note Mr O’Hara’s concerns but with STEM scores of 102 and 144 we recommend that the trees be retained on the schedule. We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the trees.

#### **7.2.9.4 Tree 513**

(Submission 13 - Whangarei Intermediate School)

Mr Mortimer, on behalf of the School, requested that the Swamp Cypress be removed from the schedule. In his original assessment Mr Miller found the tree had a STEM score of 144. In a further assessment following the hearing and outlined in the Right of Reply, Mr Miller found that since his original assessment in 2017 the tree had fallen into significant decline with up to 75% of the canopy being dead. As this now meant that the tree could be classified as dead pursuant to NPT 1.5.3.a, he recommended that the tree be taken off the schedule of Notable Trees.

##### ***Finding***

We visited this tree during the hearing and noted the areas of dead canopy. We accept the conclusion of Mr Miller and recommend that tree 513 be removed from the schedule of Notable Trees.

#### **7.2.9.5 Tree 404**

(Submission 21 – Mr Rogers)

Mr Rogers wishes to have the Magnolia on his neighbour's property taken off the schedule due to perceived safety matters and due to the impact on adjoining buildings. Mr Miller's STEM assessment scores the tree as 114 and he supports the tree remaining on the schedule.

***Finding***

We support the finding of Mr Miller and recommend that the tree remain on the schedule.

**7.2.9.6 Tree 433**

(Submission 22 - Ms Rye)

Mr Crisp on behalf of the submitter sought that the Liquidambar be delisted from the schedule on account of risks to public and private safety and costs associated with compliance. Mr Miller has assessed the tree as having a STEM score of 144, although notes that the tree could be seen to dominate the site and adjacent streetscape, and that the bulk of the canopy is situated above the garden fence and property boundary with the trunk occupying a small portion of the garden.

***Finding***

The Panel visited the tree following the hearing and taking into account the opinion of Mr Miller, our own observations and the changes recommended for NPT 1.5 we recommend that tree 433 should stay on the schedule.

We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree.

We also recommend that the legal description of the location of the tree be amended on the schedule to Lot 1 DP 184341.

**7.2.9.7 Tree 323**

(Submission 25 - Ms Tomason)

Ms Tomason requests that the large Sapote tree be either removed or wider powers be made available for maintenance of the tree as it is unsafe due to its size, is causing damage to the house and a fence, is close to power poles and drops large fruit. Mr Miller has visited the tree and assessed it as having a STEM score of 102.

***Finding***

We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree. With a STEM score of 102 we recommend that the tree should be retained in the schedule.

**7.2.9.8 Tree 271**

(Submission 26 - Kelbrook Holdings Ltd)

Mr Newman appeared at the hearing in support of this submission. He provided comprehensive comment on the plan change including the use of STEM and the threshold level. He also set out the issues associated with tree 271, including leaf fall on the adjoining footpath, leaves spreading onto adjoining owners land and dampness and shading of the house.

Mr Miller assessed the tree as having a STEM score of 108, although noted that the tree was showing signs of stress and recommended that it be monitored. He recognised that should its condition decline further its inclusion as a notable tree should be reassessed.

***Finding***

We visited this site after the hearing.

Without any expert evidence to the contrary, we accept the assessment from Mr Miller regarding the STEM score and recommend that the tree be retained on the schedule.

We note that Mr Miller recommends that the tree be inspected at quarterly or six-monthly intervals as it is currently exhibiting signs of stress. While we accept that such inspections are outside the scope of the plan change, we hope that the Council will work with the owner to ensure safety of all and that the inspections are carried out at appropriate times.

We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree.

**7.2.9.9 Tree 342**

(Submission 29 - Mr Jones)

Mr Jones appeared at the hearing in support of his submission. Mr Jones owns the adjoining property.

Mr Jones submitted that the large Oak tree had over a long period of time received severe pruning which has had a detrimental effect on the shape and form of the tree. He also raised issues of the effect that the tree was having on his dwelling, the next-door property, arising from leaves and gum deposits.

Mr Miller's most recent STEM assessment of the tree included with the Council's closing gave a score of 138.

***Finding***

The panel visited the tree following the hearing. We agree with Mr Jones that the current form of the tree is not that of a conventional well-formed Oak Tree and there was evidence of rot on the limbs of the tree. We also noted that under the tree, earthworks had been undertaken.

While there is evidence of serious pruning of this tree in the past, we accept the assessment of Mr Miller as to the STEM score and note that he makes a recommendation that the tree be inspected at six monthly intervals or after any extreme weather event.

While we accept that such inspections are outside the scope of the plan change, we hope that the Council will work with the owner to ensure safety of all and that the inspections are carried out at appropriate times.

We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree and will assist with managing the effect the tree is having on his property.

On balance we recommend that the tree should remain on the Notable Trees schedule.

**7.2.9.10 Tree 378**

(Submission 30 - DC Empires Ltd)

Mr Barton, an arborist appointed by the submitter presented evidence. Mr Barton provided his own assessment of these two Rimu trees and gave them a STEM score of 114. Whilst he recognised that this was above the Council's threshold, he considers that the 100 score threshold is too low and a threshold of 130 to 150 would be more appropriate.

Mr Miller revisited the trees following the hearing and provided a revised STEM score of 114.

***Finding***

We viewed the trees after the hearing.

We discuss the STEM threshold in paragraph 7.2.13 of this decision. We have clear evidence from two arborists that the trees achieve a STEM score of 114 and we recommend they remain on the Schedule.

**7.2.9.11 Tree 389**

(Submission 32 - GEK Property Nominees)

The submitter believes that the trees in question do not have any significant amenity, ecological or cultural values. Mr Miller's evaluation is that the trees have a joint STEM score of 114.

***Finding***

We recommend the trees remain on the Schedule as they are assessed as being over the STEM threshold of 100.

**7.2.9.12 Tree 305**

(Submission 38 - Ms Storey)

The submitter asks that the tree be removed as it is not maintained by the Council and causes a rash and hay fever. They also believe that it has caused plumbing issues at a neighbour's house.

Mr Miller has revisited this tree and assessed it as having a STEM score of 114 (up from the previous assessment of 108).

***Finding***

With a STEM score of 114 we recommend that this tree be retained on the schedule.

We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree.

**7.2.9.13 Tree 431**

(Submission 40 – Mr Walker)

This submission and tree were not addressed in the Council S42A report.

Mr Walker supports the continued notification of this Jacaranda tree on his property as long as it does not become a nuisance or cause damage. He would like to be able to remove branches which encroach over the roof of his house.

The tree has a STEM score of 102.

***Findings***

With a STEM score of 102 we recommend that it be retained on the schedule. We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree.

**7.2.9.14 Tree 401**

(Submission 41- Ms Callaghan)

Ms Callaghan submitted that this 20 metre high tree with a STEM score of 162, a rise of 36 from previous assessment, needs serious pruning to alleviate shading and over hanging of the house. Ms Callaghan notes that the proposed NPT.1.5 (at the time of submission) allowed scope for her neighbour to carry out trimming and ongoing maintenance.

***Finding***



We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree.

#### **7.2.9.15 Tree 202**

(Submission 45 – Mr Turner)

The submitter opposes the continued protection of the trees and seeks that Council prune the trees as they currently create too much shade at the rear of the property. Mr Miller reassessed the trees as having a score of 150. He also notes that it may be appropriate for the stand to be assessed from a historical, ecological and/or significant landscape perspective.

##### ***Findings***

Our understanding from general discussion at the hearing is that the further assessment of these trees from a historical, ecological and/or significant landscape perspective (a part of the STEM assessment that the Council have not so far utilised) could further increase the STEM score of the trees.

We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree. We recommend that the tree remain on the Schedule.

#### **7.2.9.16 Tree 508**

(Submission 47 – Northland District Masonic Trust)

The removal of this Holm Oak is requested in this submission as it is considered a nuisance to the owners and neighbours. Mr Westgate, a resource management consultant, on behalf of the submitted, provided evidence at the hearing. He pointed out that the Northland District Masonic Trust has been seeking to remove the tree for 12 years to provide a safe living environment for their residents. Whilst the WDC parks department have made some financial contributions during that period the Northland District Masonic Trust has still incurred costs amounting to many thousands of dollars in maintenance and resource consent activities. They wish to see the tree removed.

Mr Miller's most recent assessment, included with the Council's closing, gave a STEM score of 120. This score was 6 points less than the previous score, which in turn was 6 points less than the assessment before that. Whilst the tree's score is declining, the tree still meets the threshold for protection.

In Mr Miller's judgement the pruning provisions in NPT 1.5 will provide the ability for pruning to alleviate the submitters concerns. At his visit he noted some shoot and branch dead wood and also that there is existing cable bracing in the canopy.

##### ***Finding***

We visited this tree and note that it is located close to dwellings in the retirement village. We recognise that the tree may cause a nuisance to these occupiers but have to balance this against the its current STEM score of 120.

We are of the opinion that the changes recommended to the pruning and maintenance of Notable Trees, NPT 1.5, will also assist with managing the effect the tree is having on the property.

On that basis we agree with Mr Miller's assessment and recommend that the tree be retained on the schedule. However, given that the STEM score has dropped since the previous assessment, we hope that the Council will work with the owner to ensure safety of all and that inspections are carried out at appropriate times.

### **7.2.9.17 Tree 400 (included in the S42A report as 97 George Street, Hikurangi)**

(Submission 35 - Ms Davies-Lawson)

The submitter wishes to see the tree pruned or removed due to adverse shading and amenity effects on their property. They are additionally concerned that roots are invading their property, the tree poses a safety risk should it come down in a storm and as it is located to the rear of the property the public do not benefit from it.

Mr Miller and Mr Badham were not able to identify the tree before preparing the S42A report. However, Mr Miller revisited and assessed the tree after the hearing. He has assessed it as having a STEM score of 120.

#### ***Finding***

With a STEM score of 120 we recommend that tree 400 be retained on the schedule. We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree.

### **7.2.9.18 Tree 393**

(Submission 28 – Ms Percy)

This submission appears to relate to the tree located at 28 Norfolk Street (although there appears to be some confusion over this in the S42A report). Reference to the submission/tree appears in two parts of the agenda:

- Specific Notable Trees under the heading 41 Puriri Park Road, Manu
- Locational Issues, under the heading #393

The submitter indicates that the tree is damaging their footpath, driveways and house foundations.

Mr Miller has reassessed the tree and scored it STEM score of 138. He noted that a footpath was lifted and cracked. Whilst he did not see any cracking on the house, he noted that this assessment would need to be carried out by a suitably qualified person.

#### ***Finding***

Given the STEM score of 138 for this tree we recommend that it is appropriate for it to remain recognised as a Notable Tree. We believe the recommended amendments in NPT 1.5, including a new permitted activity status and an increase in the scope to prune and maintain a Notable Tree will assist with the future maintenance of the tree and will also assist with managing the effect the tree is having on the property.

## **7.2.10 Trees - Locational Issues**

### **7.2.10.1 Trees which no longer exist**

A number of submissions requested that trees be removed from the Schedule as they no longer exist. These trees were numbered 349, 209, 293 and 507. Mr Miller visited each of the localities of these trees and confirmed that the trees no longer exist.

#### ***Finding***

We recommend that the trees be deleted from the Schedule as they no longer exist.

### **7.2.10.2 Trees not carried over from the Operative District Plan**

Submissions 8 and 14 both relate to trees 363 and 233 which exist on the operative district plan schedule but are not included on the PC129 schedule. These trees no longer exist and are not included on the proposed schedule.

***Finding***

We accept that this is correct and recommend that they remain not included on the schedule.

**7.2.10.3 Incorrect Details**

Submission 48 relates to an incorrect legal description of tree 280. Submission 6 relates to an incorrect address for trees 202.

***Finding***

We accept that it is appropriate to update this information and recommend that this be done.

**7.2.11 Trees in Public Spaces**

As outlined in the S42A report, four submissions were made in relation to trees in public spaces.

**7.2.11.1 23 Ross Street**

(Submission 12 – Ms R Te Whata)

The submitter asked that trees in Ross Street be further managed by the Council and that the tree outside of 23 Ross Street be removed and a more suitable replacement planted (or no replacement be planted).

Mr Badham indicated that the provisions of NPT 1.5 will provide for the pruning and maintenance of protected public trees. He indicated that a Customer Relationship Management request had been raised for this matter for the Park's Department to follow through.

***Finding***

We accept Mr Badham's advice that the recommended proposed provisions provide for the pruning and maintenance of these trees. We support that a Customer Relationship Management request has been raised for this matter.

As these are Protected Public Trees rather than scheduled Notable Trees, we do not consider that it is necessary to specifically remove the protection from these trees.

**7.2.11.2 6 Scotia Place, Kamo**

(Submission 23 -Mr Worthington)

The submitter indicates that trees on the Council reserve at overhang their property at 6 Scotia Place, Kamo as well as promoting excessive weed growth around their bases.

Mr Badham indicated that the provisions of NPT 1.5 will provide for the pruning and maintenance of protected public trees. He indicated that a Customer Relationship Management request had been raised for this matter for the Park's Department to follow through.

***Finding***

We accept Mr Badham's advice that the recommended proposed provisions provide for the pruning and maintenance of these trees. We support that a Customer Relationship Management request has been raised for this matter.

As these are Protected Public Trees rather than scheduled Notable Trees, we do not consider that it is necessary to specifically remove the protection from these trees.

**7.2.11.3 23 Rurumoki Street, Regent**

(Submission 31- Mr Griffiths)

The submitter noted that two trees at 23 Rurumoki Street, Regent overhang their property and cause them to have to keep clearing debris. They felt that the trees pose a risk to their house. Mr Miller visited the site and noted that the submission relates to trees on the adjacent reserve. He recommends that the canopies be cut back.

Mr Badham indicated that the provisions of NPT 1.5 will provide for the pruning and maintenance of protected public trees. He indicated that a Customer Relationship Management request had been raised for this matter for the Park's Department to follow through.

***Finding***

We accept Mr Badham's advice that the recommended proposed provisions provide for the pruning and maintenance of these trees. We support that a Customer Relationship Management request has been raised for this matter.

As these are Protected Public Trees rather than scheduled Notable Trees, we do not consider that it is necessary to specifically remove the protection from these trees.

**7.2.11.4 West Bank of Ruakaka Estuary**

(Submission 42- Ms Hicks)

This submission referred to a number of non-scheduled Pohutukawa trees on the east bank of the Tuakaka Estuary. The submitter requested that these trees be added to the schedule of Notable Trees.

Mr Miller has visited the site and assessed the trees. He found that four of the six trees assessed have STEM scores of over 100 points and therefore meet the threshold to be recognised as Notable Trees. On the basis of Mr Miller's assessment, Mr Badham recommended that these four trees be added to the Notable Tree Schedule in NPT.1.9.

***Finding***

Based on the assessment of Mr Miller, we accept Mr Badham's advice and recommend that the trees standing opposite numbers 6, 12, 20 and 24 Princes Road, Ruakaka be added to the Schedule of Notable Trees.

**7.2.12 Non-Scheduled Trees**

Two submissions were made regarding non-scheduled trees on private land.

**7.2.12.1 Whangarei Hospital Car Park**

(Submission 20- Ms McDonald)

The submission asked that a Morton Bay Fig tree within the hospital car park be protected. Mr Miller visited the site and was not able to locate the tree.

***Finding***

Given the limited and non-specific information provided we are not able to make any recommendations. We believe that there would have been merit in Council making direct contact with the submitter in order to gain clarity regarding which trees their submission related to.

**7.2.12.2 5 Conifer Grove, Kamo**

(Submission 11- Mary Wheeler)

The submitter refers to two trees at 5 Conifer Grove, requesting that the trees be removed or cut low as they present a safety risk. Mr Badham reported that there were no scheduled trees at 5 Conifer Grove. He therefore assumed that the submitter was referring to Notable Tree 436 (consisting of 3 x Totara at 9 Te Puia Street, 3 Conifer Grove and 13 Conifer Grove). He confirmed in the S42A that Mr Miller visited 5 Conifer Grove but could not gain access. Mr Miller recommended that if the trees are scheduled the submitter should submit an evidence-based assessment of the condition of the trees and set out why they consider them to be unsafe.

***Finding***

Given the limited and non-specific information provided we are not able to make any recommendations. We believe that there would have been merit in Council making direct contact with the submitter in order to gain clarity regarding which trees their submission related to.

### 7.2.13 STEM Criteria

Eight submission points were made regarding the STEM Criteria with eleven further submissions. Matters raised in these include the appropriateness of the criteria, potential modifications, assessing trees biannually, owner consent to add trees to the register, deleting the STEM score threshold for inclusion on the register and the ability to contest the STEM score.

At the hearing, Mr Barton, an arborist<sup>3</sup>, indicated that he considers a threshold score of 100 to be too low as *'it captures trees that although could be good specimen are not necessarily above average'*. Mr Westgate<sup>4</sup> also discussed the 100 point threshold relative to the thresholds used by other Council's which utilise STEM and also brought to our attention that the original author of STEM suggested a benchmark of 160 for notable status.

#### 7.2.13.1 Use of STEM in General

Our understanding is that a full STEM assessment includes<sup>5</sup>:

1. Condition (Health) noted as 'Arboricultural Condition Evaluation' on Mr Miller's STEM score sheets
  - Form
  - Occurrence of Species
  - Vitality
  - Function
  - Age
2. Amenity (Community Benefit) noted as 'Amenity Criteria' on Mr Miller's STEM score sheets
  - Stature
  - Visibility of Tree
  - Proximity of other trees
  - Role in location
  - Climatic influence
3. Notability (Distinction) noted as 'Outstanding Criteria' on Mr Miller's STEM score sheets
  - Stature (including Feature and Form)
  - Historic (including Age, Association, Commemoration and Remnant)
  - Scientific (including Rarity and Source)

We note that the updated version of NPT.1, as included with Mr Badham's closing<sup>6</sup>, states that *'Trees provide a significant contribution to the amenity, historical and ecological values of the District'*.

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<sup>3</sup> Submission 30 - DC Empires Ltd

<sup>4</sup> Submission 47 – Northland District Masonic Trust

<sup>5</sup> From 1.2.4 of the SECTION 32 Analysis

<sup>6</sup> NPT.1.1 Description and Expectations

It was confirmed at the hearing that the STEM assessments carried out by Mr Miller only included an assessment of (1) and (2), with no assessment of the (3) Notability/Distinction/Outstanding Criteria. We believe that as a result of this shortened assessment:

- The plan change does not fully recognise the historical value of the trees.
- Each tree assessed has the potential to achieve a higher STEM score were a full a STEM full assessment carried out for each tree.

We believe that the manner in which the Council have undertaken STEM potentially undermines the value of STEM as the true STEM value of each tree is not assessed. We note that on a number of Mr Miller's record sheets he has identified that the trees in question may have other values not identified in his own assessment. These matters would have been assessed were the complete STEM method used.

We note that there are a significant number of other trees on the schedule which have been rolled over from the operative district plan without challenge. It is likely that some of these trees could also have other values which have not been assessed. However, given the lack of challenge of the STEM scores of these trees we recommend that further evaluation of these is not needed, although the schedule should be updated to ensure that it is clear that their score is the result of only a partial assessment.

We are also satisfied that the Council has proven the value of those trees which were contested by way of submissions, as set out in our recommendations above.

#### ***Findings***

Overall, in relation to PC129, we are satisfied with the manner in which STEM has been used for this plan change and recommend that it be accepted as an appropriate method.

We recommend that any future new NPT plan change, as discussed in 6.1 above, should utilise the full STEM assessment criteria.

#### **7.2.13.2 Consideration of Cultural Values**

We note that STEM only considers the amenity, historical and ecological values of a tree and does not consider cultural values. We questioned Mr Badham about this and asked why reference was made to cultural values throughout the plan change. Mr Badham provided comment on this in his Right of Reply. He confirmed that during consultation Māori were asked to develop a culturally appropriate criteria to be included in this section of the plan. There had been no pre-notification feedback and no submissions had been received from iwi or hapu seeking separate culturally focused criteria for the protection of any trees. Mr Badham also noted that Council is currently preparing Plan Change 100 - Sites of Significance to Māori. In conclusion Mr Badham recommends that the word 'cultural' be deleted from the NPT provisions.

#### ***Findings***

We recommend that this change be accepted, and that the word 'cultural' be removed from the NPT provisions.

#### **7.2.13.3 The 100 Point Threshold**

A particular focus of submissions and evidence at the hearing was whether 100 points was an appropriate STEM score threshold for trees to be included on the schedule of Notable Trees.

As part of their closing the Council set out the implications of raising this threshold and confirmed that with the threshold remaining at 100 there would be 186 trees above the threshold and included on the schedule. Lifting the threshold to 120 would reduce this to 56 trees and altering this to 150 would reduce this to 3 trees.

We believe that the 100 point threshold must be considered in the light of:

- That the plan change is based upon a rollover of the existing list of scheduled trees (see 6.1 above).
- The limited number of trees currently included on the schedule relative to the total number of trees across the District.
- The manner in which the STEM scores have been calculated with no assessment of the Outstanding Criteria (stature, historic and scientific merit) with the potential for a higher STEM score for each tree were a complete STEM assessment carried out for each tree.

Whilst we were pointed towards the approach taken by other Councils, we are not clear as to whether we are comparing like with like, and in particular whether each Council has a similar approach to the issues mentioned above.

We believe that had the Council carried out a comprehensive survey of the trees in the District (recommended as an option to be considered for any future new NPT plan change in 6.1 above), and if a full STEM assessment had been carried out for each tree there would be many more trees passing the current 100 point threshold.

Were this the case we consider that it would then be reasonable to lift the threshold to ensure that only those trees with the most significant amenity, historical and ecological values be identified and scheduled as Notable Trees. However, we are not in this position and despite the verdant and sylvan character of Whangarei there are only currently 186 trees confirmed above the 100 point threshold.

#### ***Findings***

We recommend that the 100 point STEM threshold is appropriate for PC129 as it currently stands.

### **7.2.14 Whole Plan Change**

(Submissions 28 – Ms Percy, 33 – Mr Wolland , 43- Mr Jelavich and 48 – Mr and Mrs Bray)

Three submissions (28, 33 and 43) indicated that land owners should have a greater ability to undertake work to Notable Trees. One submitter (48) suggested that the benefits associated with enabling work to trees on road reserves or parks should extend to trees on private land as private landowners generally have less resources.

Mr Wolland attended the hearing. He confirmed that he considers that Notable Trees are being 'over protected' and that valuable trees that are of public benefit should be maintained by the Council at Council's expense, including trees on private property. He suggested trees on private property should be reassessed to confirm whether they are being protected for public benefit or private benefit.

Mr Badham recommended that the submission points be rejected, as the submissions were not specific in the changes they require.

#### ***Findings***

We accept the submissions in so much as we recognise the submitters concerns. We believe that the amended provisions of NPT 1.5 will assist owners by allowing greater maintenance as a permitted activity than has previously been the case.

### **7.2.15 Definitions**

#### **7.2.15.1 Emergency Tree Works**

Mr Badham recommended in his Right of Reply that an additional definition be included in Chapter 4 Meaning of Words, to define 'Emergency Tree Works'. In making this recommendation Mr Badham referred to the Auckland Unitary Plan and the wording included in that plan being:

*'Means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure'*

In his view to include such a definition would make it clear for plan users what constitutes 'emergency Tree works'.

**Finding**

We support Mr Badham's recommendation as it clearly defines emergency tree works and that action can be taken immediately in emergency situations without having to apply for a consent.

**7.2.15.2 Root Zone and Trimming**

Northpower in their submission requested a definition for the word 'dripline' and the word 'trimming' in the definition section of the plan.

Mr Miller in his evidence considered the request and stated that from an arboricultural perspective the term 'root zone' was a more meaningful description of the extent of a tree's zone of influence in terms of root spread. He recommended that the term 'root zone' be used in place of the term dripline throughout the plan.

Referring to the request from Northpower for the use of the word 'trimming', Mr Miller indicated that he is of the opinion that 'trimming' would be better replaced by 'pruning and maintenance'. Because of the plain meaning of 'pruning and maintenance' he opined that there need not be a definition included in the plan.

Based on Mr Miller's expert evidence, Mr Badham recommends that the word 'trimming' in the plan be replaced with 'pruning and maintenance'

**Finding**

We recommend that there should be a definition of 'Root Zone' added to the definition section of the plan with wording as provided by Mr Badham and that the term 'root zone' should replace the word 'dripline' throughout PC129.

We also agree with Mr Miller and Mr Badham that the word 'trimming' be replaced with the words 'pruning and maintenance' and that no definition is required. We accept in part the Northpower submission.

**7.2.16 NPT 1.1 Description and Expectations**

One submitter, Northland Transport Alliance (36), submitted that they were concerned with the impact of newly planted trees and the effect that they may have on critical infrastructure. They requested that careful consideration be given to where significant trees are planted. They requested that an additional sentence be included in the descriptions and expectations section of the plan to read:

*'This may require careful consideration of where significant trees are planted in relation to existing and planned infrastructure and network utilities'.*

Mr Badham supported this in his S42A report although recommended that the word 'significant' should be removed as in his opinion all new trees should be carefully considered, as when new trees are planted in a subdivision or other development, they are not considered significant immediately.



### ***Finding***

We agree with Mr Badham that it is a matter of time before a tree will become significant and all trees planted should be carefully considered prior to planting in the development.

We support the recommendation of Mr Badham and accept in part the submission of Northland Transport Alliance, submission 36/a, for the inclusion of the sentence set out above excluding the word 'significant'.

### **7.2.17 NPT 1.2 Eligibility**

Two submissions were received in support of NPT 1.2 (submissions 15 and 37). While the submitters generally supported the provision of an explicit permitted activity rule the approach of PC129 of providing a default permitted rule is accepted. As a result of the matters discussed in 8.2.7 relating to the Permitted Activity rule in NPT 1.5 Mr Badham recommends that NPT.1.2.2 be deleted. In his judgement this deletion will not change the intent or outcomes of the provisions.

### ***Finding***

We support the recommendation of Mr Badham as we agree that deleting NPT 1.2.2 will not change the intent or outcome of the plan provisions. We therefore reject the submission points 15/b and 37/b

### **7.2.18 NPT 1.3 Objectives**

Five submissions were received regarding the objectives (Submissions 15, 32, 34, 36 and 37).

Two submissions 15 and 37 sought that the objective be retained as notified.

Three submissions 32,36 and 37 sought specific amendments to NPT 1.3 for the following reasons:

- Maintenance, trimming and alteration of Notable Trees is important to support their ongoing viability and to limit interference with critical network utilities, especially following a storm event.
- The objectives and policies relating to Notable Trees do not provide an appropriate balance between tree protection, and the use and development of natural and physical resources.
- To address the significant adverse effects that inappropriately located or sized trees can have on road safety and the efficient operation of network utilities.

In his s42A report Mr Badham agreed that Notable Trees should be 'maintained' as well as 'retained' and 'protected.' and that the word 'maintained' should be included in NPT 1.3.1. He also recommended that the word 'use' be included to clarify that the 'use' of the roading network and network utility are also covered.

Referring to NPT 1.3.3 Mr Badham recommended the addition of the word 'appropriately' in reference to providing for existing and new trees in future subdivisions and developments which contribute to the amenity, historical or ecological values.

Mr Badham supported the further requested change to NPT.1.3.3. and agreed that it is important that the provision of new trees in future subdivision, use and development should be balanced against ensuring that the trees avoid future conflicts with the roading network and network utility infrastructure. This intent is consistent with the provisions that follow. He recommended that NPT 1.3.3 should have the following wording added after the word 'values':

*'ensuring that any design can accommodate such trees, whilst recognising the need to avoid future conflicts with the roading and network utility infrastructure'*

### **Finding**

We have considered the matters contained in the s42A report, the Right of Reply and the submitters referred to above and agree with the final recommendations of Mr Badham which have addressed a number of the issues raised by the submitters. We therefore recommend that:

- Accept submission point 32/a, 36/b and 37/c
- Reject submission points 15/c and 37/c as they relate to NPT.1.3.2
- Reject submission point 34/a
- Amend NPT.1.3 as follows:

#### *NPT.1.3 Objectives*

- 1. Notable Trees and notable groups of trees with significant amenity, historical or ecological are maintained, retained and protected from inappropriate subdivision, use and development.*
- 2. Public trees in road reserves, parks and reserves are protected and maintained where they positively contribute to amenity, historical or ecological, while enabling the safe and efficient use, development, maintenance, operation and upgrading of the roading network and network utilities.*
- 3. Future subdivision, use and development appropriately provides for existing and new trees that contribute to amenity, historical, ecological or cultural values, ensuring that any design can accommodate such trees, whilst recognising the need to avoid future conflicts with roading and network utility infrastructure.*

### **7.2.19 NPT 1.4 Policies**

A total of eight submissions were received relating to the policy section (Submissions 15d, 32b, 32c, 34b, 36c, 37e and 39a).

Six of the submissions generally supported the proposed policies as notified but requested amendments to specific policies for the following reasons.

- The objectives and policies relating to Notable Trees and notable groups of trees do not provide an appropriate balance between tree protection and the use and development of natural and physical resources.
- The proposed activity status for trimming or altering Notable Trees is not commensurate with the level of assessment required to determine whether the Council should grant consent or not.
- Enabling the safe use of the road network and the operation of network utilities is paramount and at present is not appropriately recognised by the policies. The Policies as worded are not consistent with the Rules in the Proposed Plan Change 129 and therefore cannot provide adequate support for the provisions.
- To recognise that maintenance of Notable Trees is important to support their ongoing viability and to limit interference with critical network utilities.
- The policies are not consistent with the purpose of sustainable management of the RMA 1991.

Two submissions, 34b and 39a opposed the policies and requested a new policy to cover the spread of plant pathogens and to exclude trees within road reserves from the policies. The concern of the submitters related to Kauri die back and to the inability to provide maintenance of infrastructure for trees within the road reserve.

Addressing the issues in the s42A report Mr Banham highlighted that the submissions stated that there was a lack of direction as to when notable and public trees would be appropriate, and he agreed that there was some validity to the submissions. In his opinion the most significant gap, based on a review of submissions, was the lack of policy direction regarding the removal of a scheduled Notable Tree or Protected Public Tree(s). He submits that removal of trees should be a discretionary activity but, in his opinion, there is a disconnect between the rule and the policies which does not provide clear indication for the applicant or decision maker.

To clarify the situation, he proposes the following additional clause 'f':

f. Recognising that the removal of an identified notable tree or notable groups of trees may be appropriate if:

*i. It is demonstrated that there is a significant risk to human health and / or property, or the safe and efficient operation of the roading network or network utility infrastructure, based on a risk assessment undertaken by a qualified arborist.*

These elements are all elements that submitters have highlighted for the justification of removal of specific scheduled Notable Trees. Based on a case by case assessment, these may represent appropriate grounds to justify the removal of a tree, but in his opinion, this should be based on a risk assessment by a qualified arborist to ensure that they are founded on an evidence-based risk assessment rather than an unsubstantiated perception of risk.

*ii. It is demonstrated that there is no practicable alternative to the removal.*

Given the significant value of trees that have been scheduled in NPT.1.9, he considers that thorough consideration of alternatives to removal need to be considered before removal can be considered appropriate. If it can be demonstrated there are no practicable alternatives (e.g. pruning, relocation, redesign) to removal, then it may be appropriate to allow the removal.

*iii. Details are provided of suitable mitigation or offset for the removal.*

If there are no practicable alternatives to the removal, then consideration should be given to whether and how the removal should be mitigated or offset. This could include for instance, replanting of replacement species on the same site or within the same locality.

In the Right of Reply Mr Badham recommended that the words '*Where necessary*' be added at the start of iii above

Mr Badham also recommended that subclause g be added relating to plant pathogens:

*g. Managing identified Notable Trees to avoid, or where avoidance is not possible, contain or control the spread of plant pathogens.*

He states that avoidance may not be possible as it may already be present. But this would allow containment and control.

Having considered NPT 1.4 in relation to Notable Trees Mr Badham recommended that an additional clause NPT 1.4.2.e be added to the plan relating to Public Trees. His reasoning was that while Notable Trees have undertaken a STEM score assessment before being included in the Register, Public Trees had not. Under the recommended provisions of NPT 1.4.2.e, if the public tree does not meet the threshold STEM score of 100 in NPT 1.8 then it may be appropriate to consider removal of the tree as it would otherwise not meet the criteria for protection for a Notable Tree.

While not including the wording suggested by submitters, Mr Badham feels his suggested words go some way to addressing the submissions. In NPT 1.4.1 he has included the word 'maintained', in NPT 1.4.1.b the inclusion of the word 'inappropriate' and in NPT 1.4.1.c the deletion of the word 'alteration' and replacing it with the word 'maintenance'

In summing up his recommendations, Mr Badham acknowledged that the submissions had identified gaps in the policy direction in NPT 1.4 and he submitted that with the alterations and additions he had made he had addressed the gaps in the policy.

### **Finding**

We have considered the submissions relating to NPT 1.4 and the recommendations made by Mr Badham, we concur with him that with alterations and additions he has filled the policy gaps that were identified by the submitters. We therefore recommend:

- Reject submission points 15/d, 32/c, 37/f and 39/a;
- Accept in part submission points 32/b, 34/b, 36/c and 37/e;
- The following amendments to NPT.1.4.
- Amend NPT.1.4 as follows:

1. *To require that Notable Trees and notable groups of trees are maintained, retained and protected from inappropriate subdivision, use and development by:*

- a. *Identifying and scheduling Notable Trees and notable groups of trees by applying the STEM criteria in NPT.1.8.*
- b. *Ensuring that subdivision, use or development does not result in the inappropriate removal of Notable Trees or notable groups of trees, or have adverse effects on the life of the tree or identified significant amenity, historical, ecological or cultural values.*
- c. *Enabling trimming and maintenance of Notable Trees and notable groups of trees in accordance with arboricultural best practice where works are required to safeguard life or property or where the works are necessary to provide for the safe and efficient use and operation of the roading network or network utilities.*
- d. *Providing education and advice to encourage the protection of Notable Trees and notable groups of trees.*
- e. *Requiring future subdivision, use or development to respond to, accommodate and protect Notable Trees and notable groups of trees.*
- f. *Recognising that the removal of an identified notable tree or notable groups of trees may be appropriate if:*
  - i. *It is demonstrated that there is a significant adverse risk to human health and / or property, or the safe and efficient operation of the roading network or network utility infrastructure, based on a risk assessment undertaken by a qualified arborist.*
  - ii. *It is demonstrated that there is no practicable alternative to the removal.*
  - iii. *Details are provided of suitable mitigation or offset for the removal.*
- g. *Managing identified Notable Trees to avoid, or where avoidance is not possible, contain or control, the spread of plant pathogens.*

2. To require the protection of public trees in road reserves, parks and reserves while providing for the safe and efficient development, operation, use, maintenance and upgrading of infrastructure, network utilities and the road network by:
  - a. Providing protection to public trees over a certain size in road reserves, parks and reserves.
  - b. Enabling the ongoing maintenance of public trees in road reserves, parks and reserves, while ensuring that tree selection and location recognises existing uses and adjoining landowners.
  - c. Encouraging the use of indigenous trees and vegetation, where appropriate, for planting within road reserves, parks and reserves, to recognise amenity, cultural and ecological values.
  - d. Enabling appropriate works to public trees to provide for the safe and efficient operation, use, maintenance and upgrading of network utilities.
  - e. Recognising that the removal of any protected public trees may be appropriate if:
    - i. It is demonstrated that the tree or trees would not meet the threshold for protection pursuant to the STEMTM criteria in NPT.1.8.
    - ii. It is demonstrated that there is a significant risk to human health and / or property, or the safe and efficient operation of the roading network or network utility infrastructure, based on a risk assessment undertaken by a qualified arborist.
    - iii. It is demonstrated that there is no practicable alternative to the removal.
    - iv. Details are provided of suitable mitigation or offset for the removal.
  - f. Managing protected public trees to avoid, or where avoidance is not possible, contain or control, the spread of plant pathogens.
3. To recognise and provide for existing and new trees when designing future subdivision and development by:
  - a. Identifying existing trees on sites or in new road reserves, parks and reserves which meet the NPT.1.8 criteria and requiring the design of subdivision and development to respond to, and where appropriate schedule, these identified trees.
  - b. Assessing the need for new trees to contribute to the amenity, historical, ecological or cultural values of the neighbourhood.
  - c. Encouraging the use of indigenous trees and vegetation for planting, where appropriate, to recognise amenity, cultural and ecological values.
  - d. Recognising the need to avoid future conflicts with roading and network utility infrastructure.

### **7.2.20 NPT 1.5 Discretionary Activities (Land Use)**

A total of 24 submission points were made regarding NPT 1.5 (Submission 9/a, 15/e, 15/f, 16/a, 22/c, 22/d, 24/a, 27/i, 27/j, 27/k, 27/l, 27/m, 32/d, 34/c, 36/f, 37/g, 37/h, 37/i, 37/j, 37/k, 37/l, 39/b, 41/a)

A number of these submissions were concerned that trees were restricting sunlight onto houses, that PC129 was unclear about the Permitted Activity status which could cause confusion and unintentional non-compliance and that private owners were not afforded the same rights as network utility operators to undertake works on their trees.

The balance of the submissions sought relief and changes to a number of matters including:

- Changes / additions to specific terms within the NPT.1.5 rules.
- Increase thresholds for maximum branch diameter and crown removal.
- Changing the activity status to permitted, controlled or restricted discretionary.
- Amendments to enable compliance with the Electricity (Hazards from Trees) Regulations 2003.
- Addition of new rules for works undertaken within the radius of the canopy dripline of Kauri trees.
- Specific changes to allow greater works on trees for network utility operators, infrastructure providers and Council.
- Notable tree works should only be carried out by a registered arborist.
- To enable network utility operators more ability to trim or remove any vegetation that could affect the safe operation, maintenance or upgrades of their lines.

The reasons given for the relief sought were:

- To avoid unintentional non-compliance with the rules.
- To provide a clearer and more easily enforceable rule framework within the NPT provisions.
- To allow for proper consideration for the management and containment of Kauri dieback disease.
- The rules are onerous and unnecessary.

Mr Badham referred to his recommendation that NPT 1.5 rules be restructured as Permitted Activity rules rather than Discretionary Activity rules. This matter is dealt with earlier in this decision.

Mr Badham then sets out wording changes that he has recommended both in his s42A report, and following the hearing, in his Right of Reply. His s42A recommendations were:

- Replacement of the words 'trimming' and 'alteration' with the words 'pruning' and 'maintenance' as these terms are clearer for interpretation.
- As outlined earlier, the replacement of 'dripline' with 'root zone'
- The word 'broken' be added to NPT 1.5.1a and NPT 1.5.4a as if a branch is broken it should be removed.
- The word 'damage' be removed from NPT 1.5.3 and NPT 1.5.6 .
- The addition of the phrase '*a dead tree based on an assessment from a qualified arborist*' as a permitted activity in NPT 1.5.3a and 1.5.6a, as he agrees that if a tree is judged by an arborist to be dead it should be removed.
- The inclusion of 'Network utility operator' in NPT1.5.1 c and 1.5.3c as he agreed that a network operator should be permitted to undertake emergency work.
- He then refers to the specific discretionary activity rule requirement for activities that do not fit the criteria for permitted activities set out in NPT 1.5. These rules are set out in a recommended NPT 1.X.
- For Notable Trees:
  - The inclusion of 'with the exception of tree works in c and d above' in NPT 1.5.1e as it is not practical for the council or utility operator to advise itself in this situation.

- The inclusion in NPT 1.5.2.a ‘the works are thrusting to a depth of greater than 650mm for the installation of network utilities supervised by a qualified arborist’ the inclusion of these words brings it in line with the requirements for a Public Tree.
- In relation to Public Trees Mr Badham has recommended the inclusion of the words:
 

*‘based on a risk assessment by a qualified arborist, is required as a result of emergency works undertaken by Whangarei District Council, network utility operator or their authorised representative in order to safeguard life or property, or to restore power or telecommunication infrastructure’*

In his Right of Reply Mr Badham, stated that as a result of the questioning from the panel and the evidence submitted by the submitters, he wished to make further amendments to NPT 1.5. These are set out below:

- The addition of the word ‘or’ in both 1.5.1 and 1.5.4 as the interpretation of the rule could be that all the matters contained had to be complied with at the same time when the intent was for then to be read as individual permitted activity allowances for pruning and maintenance and the addition of ‘or’ would provide greater clarity.
- At the hearing Mr Batchelor, on behalf of the Infrastructure Department, produced visual evidence of the difference between 100mm branches and 200mm branches and Mr Badham supported increasing the diameter at severance to 200mm after the compelling evidence that had been produced and supported by Mr Miller.
- NPT 1.5.1.c should have added to it *‘based on the risk assessment from a qualified arborist, is required as emergency tree works’* and the removal of the restriction that the work had to be undertaken by the Council, network utility operator or their authorised agent as private landowners may also have to undertake emergency works.
- The addition of NPT1.5.3.b. with the wording *‘Based on a risk assessment from a qualified arborist, is required as emergency tree works’*. Mr Badham stated he has recommended this extra clause to cover the situation of assessing the actual and imminent threat rather than an unsubstantiated perception of threat.
- In response to Mr Day’s evidence, the addition of *‘Northland Regional Council’* into NPT 1.5.4.c and NPT1.5.6.b as it is accepted that there may be situations where the Northland Regional Council may be required to undertake emergency work.
- Responding to the submission from the Council Infrastructure Department Mr Badham largely adopted the Departments wording.
- He has recommended that NPT 1.5.5 (works within the root zone) should include an additional permitted activity allowances for works with the inclusion of NPT 1.5.5.b to read:

*‘Undertaken, or authorised by a network utility operator, or road controlling authority, where it is required for maintenance, minor upgrading or renewal of existing infrastructure and utilities including:*

*i. Repairs to existing footpaths;*

*ii. Repairs to existing kerbs and channels;*

*iii. Fixing potholes or patches; or*

*iv. Resurfacing of existing roads.’*

### **Findings**

Having considered the evidence contained in the Section 42A report, the Right of Reply and the evidence presented by the submitters we are satisfied that many of the matters raised by the



submitters have been dealt with by Mr Badham in his amended wording. In our opinion the changes made in response to the submissions received provide a greater clarity and workability for both the Council and the landowners.

We recommend that the Council:

- Accept submission points 15/f, 22/c and 27/j;
- Accept in part submission points 15/e, 27/g, 34/c, 36/f, 37/g, 37/h and 37/j;
- Reject submission points 9/a, 16/a, 22/d, 22/e, 24/a, 27/i, 27/k, 27/l, 27/m, 32/d, 37/i, 37/k, 37/l, 39/a and 41/a;
- Make the amendments to the notified plan for NPT.1.5 and NPT.1.X as shown in Attachment One Tracked Changes which form part of this decision.

### **7.2.21 NPT 1.6 Discretionary Activities (Subdivision)**

Two submissions were received (Submissions 27 and 34).

- One submitter requested that the minimum area for a building platform should be 200m<sup>2</sup> instead of 100m<sup>2</sup>.
- The second submitter referred to the word drip line being replaced by root zone for trees with a root zone located on more than one site.

Mr Badham in considering the submissions stated that the 100m<sup>2</sup> area is provided throughout the plan and to change to 200m<sup>2</sup> in this instance would lead to inconsistency. He also states that there was no solid evidence to justify the increase.

Referring to the dripline, as stated earlier in this decision Mr Miller has advised that the most meaningful word to use is 'root zone' and this should be applied throughout.

Mr Badham does recommend the addition of the word '*minimum*' to make it clear that the 100m<sup>2</sup> is a minimum area and does not constrain larger platforms.

#### ***Finding***

We support the conclusions reached by Mr Badham and recommend to Council that they:

- Reject submission point 27/n;
- Accept submission point 34/d;

### **7.2.22 NPT 1.7 Assessment Criteria for Discretionary Activities**

Six submissions points were made regarding the assessment criteria for discretionary activities (Submission points 15/h, 27/o, 27/p, 32/e, 34/e, 37/m).

Four submitters supported the criteria with amendment and two submitters opposed but requested specific amendments. The amendments requested included that:

- It is illogical that tangata whenua be considered an affected party for exotic tree species and that the provisions be amended to limit all reference to 'cultural values' in PC129 to indigenous trees (Submission 27/o)
- The discretionary activity status will result in unreasonably high costs to the applicant and that rule NPT.1.7 be amended so that the so that the assessment criteria set out in rule NPT.1.7.1(a)-(j) apply to the relief sought in submission point 32/d (that being that the activities in NPT.1.5 be amended to be restricted discretionary activities). (Submission 32/e).
- Clause (h) should acknowledge 'network utilities' as well as infrastructure for consistency (Submissions 15/h and 37/m)



As noted above, in his closing Mr Badham recommended that all references to cultural values be removed from the plan change.

### **Findings**

As noted above, we support the recommendations from Mr Badham and recommend to Council that the word 'Cultural' be deleted from the plan change as a whole.

We also support his recommendation that

- That Submission point 27/o be rejected (noting the we recommend that the word 'cultural' be removed throughout the plan change).
- That Submission point 27/o and 32/e be rejected (although note that the alteration of the activities in NPT.1.5 to permitted activities and the widening of work which can be carried out under this rule has in part addressed the concerns raised here).
- Submission points 15/h, 27/p, 34/e and 37/m be accepted in part.
- That NPT.1.7 be amended as below:

*1. When assessing discretionary applications pursuant to NPT.1.5 and NOT.1.6, the assessment shall include (but is not limited to):*

*a. The extent to which alternative methods to avoid the pruning or removal of the tree or trees have been considered.*

*b. ...*

*h. The functional and operational needs of infrastructure and network utilities.*

### **7.2.23 NPT 1.9 Notable Tree Schedule**

One submission number 42a requested that all Notable Trees as identified in the schedule should be retained unless they have been reassessed.

In response Mr Badham stated that the current schedule largely replicates that in the current plan. Where trees have been found to no longer exist, they have been removed from the schedule. In addition, the STEM scores have been updated where Mr Miller has reassessed trees following the prenotification consultation and following submissions. Mr Badham also notes that none of the trees reassessed by Mr Miller have dropped below the STEM threshold of 100. He recommends that we reject the submission.

### **Findings**

We accept Mr Badham's recommendation to reject the submission, although note our recommendation above that a number of new trees be added to the schedule and Resource Area Maps.

### **7.2.24 NPT 1.10 Protected Public Trees**

Three submission points were made regarding NPT.1.10 Protected Public Trees (Submissions 15/a, 37/a, 39/a). Points raised included:

- That NPT.1.0 should be retained as notified (Submissions 15/a and 37/a)
- That bamboo (Bambuseae) be added to the list of species that are not subject to protection in the road reserve as bamboo is a species that poses a risk to Northpower's networks (Submissions 37/a).
- Opposes NPT.1.10 (Submission 39/c) and requests that NZTA/State Highway network road reserves be excluded from rule. They request an additional criteria be added to NPT.1.0 (or any other relief to address this issue):

*‘e. areas of road reserve adjoining the State Highway network’*

Mr Badham agreed that Bamboo should be added to the list of species not subject to protection.

He notes that NPT.1.10 states that any public tree must be located within a ‘road reserve, park or reserve administered by WDC.’ He believes that it is clear that if a tree or trees are located within a designated State Highway corridor administered by NZTA the provision would not apply. He does not therefore support the requested change to add an additional clause e.

Whilst Northpower did not attend the hearing, a statement from Ms Heteraka was pre-circulated. Whilst this confirmed that Northpower are satisfied with the recommendations within the S42A report, it highlighted two matters where they would still like further relief.

- Northpower have concerns regarding the use of the word ‘within’ when referring to public trees on a road reserve, park or reserve administered by the Council. They ask whether this also included trees ‘on’ private land. Ms Heteraka submitted that a note should be included to specify that this only applied to public trees as under the provisions of section 76(4A)-(4D) of the RMA a blanket protection is no longer valid.
- The second request relates to Mr Badham’s recommended inclusion of a new policy NPT.1.4.2(e) for the removal of protected public trees. Ms Heteraka outlined wording for clause iv. on the basis that Northpower consider that mitigation or offsetting for the removal of public trees may not always be appropriate.

In relation to the first matter raised by Northpower, Ms Shaw provided a legal opinion for the Council. She states that section 76(4A) restricts councils from making rules about trees on private land and replacing the word ‘within’ with the word ‘on’ would align the language with section 76(4A). Mr Badham agrees with this recommendation, although notes that it would not be not practical or logical, in his opinion, to constrain the definition of ‘root zone’ for public trees to only applying to land within the road reserve, park or reserve as requested by Northpower (ie roots may extend onto private land).

In relation to the second matter, Mr Badham confirmed in his reply that it was not the intention to require details of mitigation or offset in every instance. He recommends the inclusion of ‘*where necessary*’ at the start of the clause to confirm that a case by case assessment of the proposed removal is required to determine whether any mitigation or offset is necessary. For the same reasons he also recommends that the addition of ‘*where necessary*’ be added to the equivalent provision for Notable Trees.

***Findings***

We agree with Mr Badham and recommend that

- Submission points 15/a and 37/a be accepted.
- Submission point 39/c be rejected.
- That NPT.1.10 be amended as follows:

*NPT.1.10 Protected Public Trees*

*e. The following additional tree species are not subject to protection within a road reserve, park or reserve administered by Whangarei District Council:*

*i. Acacia species – all except Acacia melanoxylon.*

*ii. ...*

*xvi. Bamboo (Bambuseae)*

- That NPT.1.10.1 be amended by replacing the word ‘*within*’ with the word ‘*on*’.

- That '*where necessary*' be added at the start of clauses NPT.1.4.1.f.iii and NPT.1.4.2.e.iv to confirm that a case by case assessment of the proposed removal is required to determine whether any mitigation or offset is necessary.

## 8 Recommendations

Our overall recommendations are that:

- a. Proposed Plan Change 129 to the WDP be approved subject to the amendments described above and as contained in the amended plan change documents [refer Attachments 1,2 and 3]. Our reasons are set out above.
- b. That the submissions/further submissions be accepted, accepted in part or rejected according to the reasons set out in our recommendation report.
- c. At some point in the future the Council bring forward a further NPT Plan Change and:
  - i. That the Section 32 report for this future plan change consider a wider range of options, including a comprehensive survey of the whole District or the urban areas of the District.
  - ii. That the assessment of trees as part of this future plan change should utilise all STEM criteria.
  - iii. That as part of this future plan change consideration be given to whether 100 points is the appropriate STEM threshold for the identification of Notable Trees or whether an alternative threshold is more appropriate.

Signed on behalf of the Panel.



Michael Lester  
Chairperson

## **Attachment 2 – District Plan Text Clean**

# NPT.1

## Notable and Public Trees

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### NPT.1.1 Description and Expectations

Trees provide a significant contribution to the amenity, historical, **and** ecological **and cultural** values of the District. This is particularly so in urban areas where the ongoing demand for land development can threaten the existence of established trees.

Trees, whether individually or collectively, can have a number of positive effects on the environment. These include:

- A heritage and natural environmental legacy for current and future generations.
- Providing a habitat and food source for birds, insects and other wildlife.
- Providing shelter from the elements by providing shade, reducing glare and reducing the heat island effect.
- Improving the quality of waterways by filtering polluting particulates.
- Avoidance or mitigation of the effects of natural hazards, such as landslips and erosion by intercepting and reducing runoff and soil erosion.
- Absorbing carbon dioxide, releasing oxygen, and capturing and removing particulate matter and dust from the air.
- Providing a sense of place that contributes to character and local identity.
- Calming traffic, slowing speeds and providing a buffer between pedestrians and cars.
- Contributing to public health and well-being.

Individual trees and groups of trees that are considered to be among the most significant trees in Whangarei are scheduled in this chapter in order to protect the benefits they provide for current and future generations. These trees have been specifically identified as “Notable Trees” using the Standard Tree Evaluation Method (STEM™)<sup>1</sup>. This takes into account a number of factors, with each factor scored in accordance with the STEM™ methodology and an overall score provided determining the status of the tree or trees as Notable Trees. Notable Trees are identified on the planning maps. The majority of scheduled Notable Trees are located on private land. A number of Notable Trees are also located in road reserves, parks and reserves.

Trees over a certain size in road reserves, parks and reserves are referred to throughout this chapter as “public trees”. Public trees make the streetscape more appealing while improving pedestrian amenity and public health. These trees also provide an important environmental function in terms of storing carbon, providing habitat and food for wildlife, improving air quality and providing ecological and amenity

<sup>1</sup> Flook, R. 1996: A Standard Tree Evaluation Method, published by Ron Flook, Lower Hutt, New Zealand.

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## Notable and Public Trees

values. However, road reserves, parks and reserves facilitate a wide range of uses which can conflict with the presence of trees. For instance, road reserves contain critical underground and network utility infrastructure and sometimes, conflict can occur between trees and these assets. As such the protection of public trees in road reserves, parks and reserves need to be balanced with these competing uses.

Future subdivision and development needs to consider how to accommodate existing and new trees and vegetation that contribute to ecological, ~~cultural~~ and amenity values, especially in new road reserves, parks and reserves. This may require careful consideration of where trees are planted, in relation to existing and planned infrastructure and network utilities. Council encourages the use of indigenous trees and vegetation in road reserves, parks and reserves and private land.

### NPT.1.2 Eligibility

1. The following provisions shall apply district wide in addition to any other provisions in the District Plan applicable to the same area or site.
- ~~2. Any land use activity not requiring resource consent as a discretionary activity pursuant to NPT.1.5 is a permitted activity.~~
- ~~3.2.~~ Any subdivision not requiring resource consent as a discretionary activity pursuant to NPT.1.6 is a controlled activity.
- ~~4.3.~~ Where a tree or group of trees has been identified as a Notable Tree in NPT.1.9.1 and is located in a road reserve, park or reserve, the rules relating to Notable Trees shall take precedence.

### NPT.1.3 Objectives

1. Notable trees and notable groups of trees with significant amenity, historical, ~~or~~ ecological ~~or~~ ~~cultural~~ values are maintained, retained and protected from inappropriate subdivision, use and development.
2. Public trees in road reserves, parks and reserves are protected and maintained where they positively contribute to amenity, historical, ~~or~~ ecological ~~or~~ ~~cultural~~ values, while enabling the safe and efficient use, development, maintenance, operation and upgrading of the roading network and network utilities.
3. Future subdivision, use and development appropriately provides for existing and new trees that contribute to amenity, historical, ~~or~~ ecological ~~or~~ ~~cultural~~ values, ensuring that any design can accommodate such trees, whilst recognising the need to avoid future conflicts with roading and network utility infrastructure.

### NPT.1.4 Policies

1. To require that notable trees and notable groups of trees are maintained, retained and protected from inappropriate subdivision, use and development by:
  - a. Identifying and scheduling notable trees and notable groups of trees by applying the STEM™ criteria in NPT.1.8.
  - b. Ensuring that subdivision, use or development does not result in the inappropriate removal of notable trees or notable groups of trees, or have adverse effects on the life of the tree or identified significant amenity, historical, ~~or~~ ecological ~~or~~ ~~cultural~~ values.
  - c. Enabling ~~trimming~~ ~~pruning~~ and ~~alteration~~ maintenance of notable trees and notable groups of trees in accordance with arboricultural best practice where works are required to safeguard life

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## Notable and Public Trees

- or property or where the works are necessary to provide for ~~accommodate~~ the safe and efficient use and operation of the roading network or network utilities.
- d. Providing education and advice to encourage the protection of notable trees and notable groups of trees.
  - e. Requiring future subdivision, use or development to respond to, accommodate and protect notable trees and notable groups of trees.
  - f. Recognising that the removal of an identified notable tree or notable groups of trees may be appropriate if:
    - i. It is demonstrated that there is a significant risk to human health and / or property, or the safe and efficient operation of the roading network or network utility infrastructure, based on a risk assessment undertaken by a qualified arborist.
    - ii. It is demonstrated that there is no practicable alternative to the removal.
    - iii. Where necessary, details are provided of suitable mitigation or offset for the removal.
  - e.g. Managing identified notable trees to avoid, or where avoidance is not possible, contain or control, the spread of plant pathogens.
2. To require the protection of public trees in road reserves, parks and reserves while providing for the safe and efficient development, operation, use, maintenance and upgrading of infrastructure, network utilities and the road network by:
- a. Providing protection to public trees over a certain size in road reserves, parks and reserves.
  - b. Enabling the ongoing maintenance of public trees in road reserves, parks and reserves, while ensuring that tree selection and location recognises existing uses and adjoining landowners.
  - c. Encouraging the use of indigenous trees and vegetation, where appropriate, for planting within road reserves, parks and reserves, to recognise amenity, cultural and ecological values.
  - d. Enabling appropriate works to public trees to provide for the safe and efficient operation, use, maintenance and upgrading of network utilities.
  - e. Recognising that the removal of any protected public trees may be appropriate if:
    - i. It is demonstrated that the tree or trees would not meet the threshold for protection pursuant to the STEM™ criteria in NPT.1.8.
    - ii. It is demonstrated that there is a significant risk to human health and / or property, or the safe and efficient operation of the roading network or network utility infrastructure, based on a risk assessment undertaken by a qualified arborist.
    - iii. It is demonstrated that there is no practicable alternative to the removal.
    - iv. Where necessary, details are provided of suitable mitigation or offset for the removal.
  - f. Managing protected public trees to avoid, or where avoidance is not possible, contain or control, the spread of plant pathogens.
3. To recognise and provide for existing and new trees when designing future subdivision and development by:

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- a. Identifying existing trees on sites or in new road reserves, parks and reserves which meet the NPT.1.8 criteria and requiring the design of subdivision and development to respond to, and where appropriate schedule, these identified trees.
- b. Assessing the need for new trees to contribute to the amenity, historical, ~~or~~ ecological ~~or~~ cultural values of the neighbourhood.
- c. Encouraging the use of indigenous trees and vegetation for planting, where appropriate, to recognise amenity, cultural and ecological values.
- ~~e.~~d. Recognising the need to avoid future conflicts with roading and network utility infrastructure.

### **NPT.1.5 ~~Discretionary~~ Permitted Activities (Land Use)**

#### Notable Trees

1. ~~Pruning or maintenance~~ ~~Trimming or alteration~~ of any Notable Trees listed in NPT.1.9.1 which ~~does not comply with the following is:~~
  - a. ~~The trimming or alteration is r~~Required for the removal of broken, dead, dying or diseased wood ~~or~~;
  - b. ~~Tree works u~~Undertaken in accordance with arboricultural best practice where:
    - i. The maximum branch diameter must not exceed ~~100mm~~ 200mm at severance;
    - ii. No more than 20% of live growth of the tree is removed in any 12 month period and;
    - iii. ~~Any works must retain t~~The natural shape, form and branch habit of the tree ~~is retained~~ ~~or~~;
  - c. Based on a risk assessment from a qualified arborist, is required as Emergency tree works undertaken by the Whangarei District Council, network utility operator or their authorised representative in order to safeguard life or property, or to restore power or telecommunications infrastructure ~~or~~;
  - d. ~~Tree works u~~Undertaken by a qualified arborist on behalf of a network utility operator or landowner where branches are interfering with overhead wires or network utilities and the ~~trimming~~ pruning or maintenance is required in order to maintain the security of an existing supply, ~~or~~ to restore power or telecommunication infrastructure or to comply with the Electricity (Hazards from Trees) Regulations 2003 and;
  - e. ~~Council are n~~Notified in writing to Whangarei District Council at least five working days prior to the tree works being undertaken, with the exception of tree works in clause c and d above.
2. Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within the ~~dripline~~ root zone of a Notable Tree listed NPT.1.9.1 where:
  - a. The works are thrusting to a depth of greater than 650mm for the installation of network utilities supervised by a qualified arborist ~~or~~;
3. ~~Damage to or r~~Removal of a Notable Tree listed in NPT.1.9.1 which is:
  - a. A dead tree based on an assessment from a qualified arborist.
  - ~~e.~~b. Based on a risk assessment from a qualified arborist, is required as emergency tree works.



# NPT.1

## Notable and Public Trees

### Public Trees

~~2.4. Trimming~~ Pruning or maintenance ~~or alteration~~ of any public tree defined in NPT.1.10.1 which ~~does not comply with the following~~ is:

- a. ~~The trimming or alteration is~~ Required for the removal of broken, dead, dying or diseased wood ~~or~~;
- b. ~~Tree works are~~ Undertaken in accordance with arboricultural best practice where:
  - i. The maximum branch diameter does not exceed ~~100mm~~ 200mm at severance;
  - ii. No more than one third of the foliage of the tree is removed in any 12 month period and;
  - iii. ~~Works must retain~~ The natural shape, form and branch habit of the tree ~~is retained~~ or;
- c. Emergency tree works undertaken by the Whangarei District Council, Northland Regional Council, network utility operator or their authorised representative ~~or~~;
- d. ~~Tree works~~ Undertaken, or authorised, by a qualified arborist on behalf of a network utility operator, where branches are compromising the safe and efficient operation, maintenance and upgrade of overhead wires or network utilities and the ~~trimming pruning or maintenance~~ is required ~~in order~~ to maintain the security of an existing supply ~~or~~ to restore power or telecommunication infrastructure or to comply with the Electricity (Hazards from Trees) Regulations 2003 ~~or~~;
- e. ~~Tree works~~ Undertaken, or authorised, by Whangarei District Council, a road controlling authority ~~or their designated agent~~ where it is required to maintain the visibility of road safety signage, maintain road lighting, maintain vehicle sight lines for traffic safety or to maintain legal clearance height and width above the road carriageway.

~~3.5.~~ Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within the ~~dripline~~ root zone of any public tree identified in NPT.1.10.1 ~~except~~ where the works are:

- a. ~~The works are~~ Thrusting to a depth of greater than 650mm for the installation of network utilities supervised by a qualified arborist or;
- b. Undertaken, or authorised by a network utility operator, or road controlling authority, where it is required for maintenance or renewal of existing infrastructure and utilities including:
  - i. Repairs to existing footpaths;
  - ii. Repairs to existing kerbs and channels;
  - iii. Fixing potholes or patches; or
  - iv. Resurfacing of existing roads.

~~6.~~ ~~Damage to or~~ Removal of any public tree defined in NPT.1.10.1 which is:

- a. A dead tree based on an assessment from a qualified arborist ~~or~~;
- b. Based on a risk assessment by a qualified arborist, is required as a result of ~~e~~Emergency tree works undertaken by Whangarei District Council, Northland Regional Council network utility operator or their authorised representative ~~or~~ in order to safeguard life or property, or to restore power or telecommunication infrastructure.

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## Notable and Public Trees

- c. Located within a road reserve with a road speed environment greater than 50 km/ph and is undertaken, or authorised, by a road controlling authority, or network utility operator where:
  - i. It is required to provide for the safe use and operation of the road network; or
  - ii. It is required for the safe and efficient operation, maintenance or upgrade of overhead or underground network utilities; or
- d. Located within a road reserve with a road speed environment less than 50 km/ph and is undertaken, or authorised, by a road controlling authority, or network utility operator where:
  - i. It is required for the safe and efficient operation, maintenance or upgrade of overhead or underground network utilities.

### **NPT.1.X6 Discretionary Activities (Land Use)**

#### **Notable Trees**

1. Pruning or maintenance of any Notable Tree listed in NPT.1.9.1 which does not comply with the permitted activity rules within NPT.1.5.1.
2. Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within:
  - a. The root zone of a Notable Tree listed NPT.1.9.1 which does not comply with permitted activity rules within NPT.1.5.2.
  - b. Three times the radius of the canopy root zone of a New Zealand Kauri tree (*agathis australis*) listed in NPT.1.9.1.
3. Removal of a Notable Tree listed in NPT.1.9.1 which does not comply with the permitted activity rules within NPT.1.5.3.

#### **Public Trees**

4. Pruning or maintenance of any public tree defined in NPT.1.10.1 which does not comply with the permitted activity rules within NPT.1.5.4.
5. Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within:
  - a. The root zone of any public tree identified in NPT.1.10.1 which does not comply with permitted activity rules within NPT.1.5.5.
  - b. Three times the radius of the canopy root zone of a New Zealand Kauri tree (*agathis australis*) listed in NPT.1.10.1.
6. Removal of any public tree defined in NPT.1.10.1 which does not comply with the permitted activity rules within NPT.1.5.6.

### **NPT.1.6-7 Discretionary Activities (Subdivision)**

1. Subdivision of land that contains a Notable Tree listed in NPT.1.9.1 which is not able to locate a minimum 100m<sup>2</sup> building platform, accessway(s) and associated services outside of the root zone ~~dripline~~ of the identified tree or group of trees.
2. Subdivision of land that contains a public tree identified in NPT.1.10.1, which is not able to locate a minimum 100m<sup>2</sup> building platform, accessway(s) and associated services outside of the root zone ~~dripline~~ of the identified tree or group of trees.

# NPT.1

## Notable and Public Trees

3. Subdivision of land that results in the root zone ~~or dripline~~ of a Notable tree listed in NPT.1.9.1 being located on more than one site.

### **NPT.1.7-8 Assessment Criteria for Discretionary Activities**

1. When assessing discretionary applications pursuant to NPT.1.5 and NPT.1.6, the assessment shall include (but is not limited to):
  - a. The extent to which alternative methods to avoid the ~~trimming, pruning, alteration, or~~ removal of the tree or trees have been considered.
  - b. Consideration of the specific historical, ecological, **cultural** or amenity values of the tree or trees and whether effects on these values can be minimised or avoided.
  - c. The degree to which any proposed mitigation adequately compensates for the values that the tree or trees provide.
  - d. Whether any impact on the immediate or long term health and stability of the tree or trees is able to be minimised or avoided.
  - e. The actual and potential risk of actual damage to people and property from the tree or trees.
  - f. Methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material.
  - g. The provision of a tree works plan to address the effects of the works on the tree or trees and outlining the proposed methods to be used.
  - h. The functional and operational needs of infrastructure and network utilities.
  - i. Consistency with best arboricultural practices including consideration of the need for the direction and supervision by an on-site monitoring arborist while the works are being carried out.
  - j. When subdividing land containing a Notable Tree or protected public tree, the ability for reasonably anticipated future development to occur in a manner which does not adversely affect the health and retention of the tree or group of trees.

### **NPT.1.8-9 Criteria for Notable Tree Classification**

1. To provide a basis for regulatory measures to protect trees of significant amenity, historical, **or** ecological **or cultural** values, selection and listing of Notable Trees in table NPT.1.9.1, have been assessed against the Standard Tree Evaluation Method (STEM™)<sup>2</sup>. A total score is calculated for each tree in accordance with the STEM™ criteria with trees scoring 100 points or greater being listed as Notable Trees in table NPT.1.9.1.
2. Consideration of any additional tree or group of trees for classification as Notable Trees shall also be assessed against the STEM™ criteria. Any tree which scores 100 points or greater can be considered for listing as a Notable Tree in table NPT.1.9.1.

### **NPT.1.9-10 Schedule of Notable Trees**

1. This section contains details of Notable Trees identified on the Planning Maps. Trees within Table NPT.1.9.1 below have been identified in accordance with the criteria in NPT.1.8. Rules relating to these trees are provided in NPT.1.5 and NPT.1.6.

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<sup>2</sup> Flook, R. 1996: A Standard Tree Evaluation Method, published by Ron Flook, Lower Hutt, New Zealand.

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
200	Taraire	Beilschmiedia tarairi	102	89 Crawford Cres	Lot 1 DP 65923	35
201	Taraire	Beilschmiedia tarairi	144	89A Crawford Cres	Lot 2 DP 65925	35
202	Taraire (2)	Beilschmiedia tarairi	147150	47 <u>Three Mile Bush</u> Road	Lot 78 DP 51732	35
203	Puriri	Vitex lucens	123	14 Barclay Place	Lot 14 DP 62193	33
205	Puriri	Vitex lucens	126	34 Puriri Street	Lot 1 DP 131477	33
206	Illawarra Flame Tree	Brachychiton acerifolium	105	17 Puriri Street	Pt Lot 9 Deeds W72	33
207	English Oak (8)	Quercus robur	126	20 Grant Street	Pt Section 126, Town of Kamo	33
208	Southern Magnolia	Magnolia grandiflora	114	421 Kamo Road	Lot 1 DP 57301	35
<del>209</del>	<del>Hawaiian Kowhai</del>	<del>Sophora chrysophylla</del>	<del>108</del>	<del>117 Whau Valley Road</del>	<del>Lot 4 DP 39410</del>	<del>35</del>
210	Taraire	Beilschmiedia tarairi	120	58 Fisher Terrace	Lot 66 DP 58330	35
211	Puriri	Vitex lucens	108	77 Fisher Terrace	Lot 80 DP 58330	35
212	Puriri	Vitex lucens	114	57A Fisher Terrace	Lot 2 DP 160104	35
214	Sentry Palm	Howea forsteriana	108	351 Kamo Road	Lot 5 DP 32993 (tree not found)	35
217	Maidenhair Tree	Ginkgo biloba	126	20 Whau Valley Road	Lot 1 DP 28355	35
220	Illawarra Flame Tree	Brachychiton acerifolium	102	59 Whau Valley Road	Lot 2 DP 77269	35
223	Tulip Tree	Liriodendron tulipifera	102	34 Bedlington Street	Lot 4 DP 35518	35
224	Pohutukawa,	Metrosideros excelsa;	129126	162 Kamo Road	Lot 1 DP 58120	35
	Titoki	Alectryon excelsus	102			

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
226	Camphor Laurel,	Cinnamomum camphora;	114	17 Moody Avenue	Lot 2 DP 61116	36
	Jacaranda	Jacaranda mimosaeifolia	108			
228	Rimu (7),	Dacrydium cupressinum;	126	19 and 21 Moody Avenue	Lot 1 DP 61116 and Lot 28 DP 17834	36
	Kauri (2)	Agathis australis	102			
	Japanese Maple,	Acer palmatum;	111			
	Jacaranda,	Jacaranda mimosaeifolia	108			
229	Camphor Laurel	Cinnamomum camphora	120	27 Moody Avenue	Lot 1 DP 75180	36
230	Camphor Laurel	Cinnamomum camphora	108	31 Moody Avenue	Pt Lot 4 DP 45519	36
236	Totara (2), Karaka, Puriri, Kohekohe, Nikau, Puriri	Podocarpus totara, Corynocarpus laevigatus, Vitex lucens Rhopalostylis sapida; Vitex lucens	114 score for stand	1A Gillingham Road	Pt Lot 12 DP 1583 & Pt Lot 13 DP 1583	34
244	Puriri	Vitex lucens	114	33 Kiripaka Road	Lot 1 DP 43988	36
245	Totara (2)	Podocarpus totara	114	40 Tapper Crescent	Lot 39 DP 72561	36
246	Pohutukawa, Red Oak, Puriri	Metrosideros excelsa; Quercus rubra; Vitex lucens	111 111 102	194 Corks Road	Pt Lot 108, 109 PSH OF Whangarei	36
247	Totara	Podocarpus totara	120	17 Meadow Park Cres	Lot 115 DP 58121	36
248	Totara	Podocarpus totara	105	54 Boundary Road	Lot 5 DP 61344	36
250	Totara (2)	Podocarpus totara	114	5 Kea Place	Lot 2 DP 70523	42
251	Totara	Podocarpus totara	120	3 Kea Place	Lot 10 DP 62276	42
252	Totara	Podocarpus totara	114	8 Kea Place	Lot 16 DP 62276	42

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
253	Kauri	Agathis australis	114	120 Maunu Road	Lot 2 DP 347018	42
255	English Oak	Quercus robur	444 <u>120</u>	85 Fourth Avenue	Pt Lot 2 3 DP 14650	37
257	English Oak	Quercus robur	105	83 Fourth Avenue	Lot 1 DP 172504	37
258	English Oak	Quercus robur	114	14 Kirikiri Road	Lot 10 DP 203278	37
262	Pohutukawa	Metrosideros excelsa	102	41A Kauika Rd	Lot 1 DP 202399	37
265	English Oak,	Quercus robur;	120	9 - 11 Kauika Rd	Lot 2 DP 178081	43
266	English Oak	Quercus robur	114	82 Maunu Road	Lot 3 DP 341875	43
268	Totara	Podocarpus totara	108	36 Third Avenue	Lot 1 DP 8555	37
269	Totara	Podocarpus totara	114	48 Maunu Road	Lot 2 DP 123891	37
271	English Oak	Quercus robur	444 <u>108</u>	18 Central Avenue	Lot 1 DP 17446	37
272	Michelia	Michelia doltsopa	105	35 Russell Road	Lot 2 DP 35158	37
273	Kauri (2), Southern Magnolia	Agathis australis; Magnolia grandiflora	114 114	1 Russell Road	Pt 19 DP 12468	37
277	Rimu	Dacrydium cupressinum	108	7 Powhiri Avenue	Lot 1 DP 149824	37
278	Kauri	Agathis australis	102	23 Lupton Avenue	Pt 2 Deeds W58	37
280	Pohutukawa	Metrosideros excelsa	120	127 Kamo Road	Lot 2 DP 11413	37
284	Pohutukawa, Rimu (2)	Metrosideros excelsa; Dacrydium cupressinum	126	8 Kensington Ave	Lot 4 DP 54577	37
285	Kawaka (2)	Libocedrus plumosa	102	70 Kamo Road	Lot 1 Deeds 307	37
289	Totara (8)	Podocarpus totara	150	28 Mains Avenue	Lot 4 DP 31693	36
290	Pohutukawa	Metrosideros excelsa	144	25 Elizabeth Street	Lot 53 Deeds Plan W20	36

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
<del>293</del>	<del>Maidenhair Tree</del>	<del>Ginkgo biloba</del>	<del>117</del>	<del>46 Kamo Road</del>	<del>Lot, 4 DP 53575</del>	<del>38</del>
294	Kowhai	Sophora microphylla	114	34 Kamo Road	Lot 1 DP 24064	37
296	Spanish Chestnut	Castanea sativa	114	11 Mill Road	Lot 2 DP 43654	37
297	Camphor Laurel, NSW Christmas Bush, Totara, Moreton Bay Chestnut	Cinnamomum camphora; Ceratopetalum gummiferum; Podocarpus totara; Castanospermum australe	102 105 108 111	17 Mill Road	Pt Lot 12 Deeds 55 & Pt Lot 12 DP 24064	37
299	Pohutukawa,  Totara	Metrosideros excelsa; Podocarpus totara	108 108	19 Mill Road	Lot 14 DP 24066	38
300	Camphor Laurel	Cinnamomum camphora	114	29 Mill Road	Lot 8 DP 24064	38
301	Pohutukawa, (2)  Kauri	Metrosideros excelsa; Agathis australis	<del>138</del> 138	19 Nixon Street	Lot 5 DP 28817	38
302	Kauri	Agathis australis	114	15 Nixon Street	Allotment 2 PSH of Whangarei	37/38
304	Puriri	Vitex lucens	114	36 Mill Road	Lot 6 Deeds 54B	38
305	NSW Christmas Bush	Ceratopetalum gummiferum	<del>108</del> 114	52 Mill Road	Lot 22 Deeds 47	38
306	Kauri	Agathis australis	120	54 Mill Road	Lot 2 DP 32065	38
309	English Oak	Quercus robur	126	5 Waiatawa Road	Lot 3 DP 52738	36
310	English Oak	Quercus robur	126	2 Cairnfield Road	Lot 2 DP 43765 (tree not found)	36
313	Miro,  Pohutukawa,	Podocarpus ferruginea; Metrosideros excelsa;	105 107	5 Haronui Street	Lot 1 DP 198101	38

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
314	Totara (4)	Podocarpus totara	120	8 Parahaki Street	Lot 1 DP 30499	38
315	Japanese Cedar	Cryptomeria japonica	120	7 Drummond Street	Lot 1 DP 61911	38
316	Pohutukawa, Puriri	Metrosideros excelsa; Vitex lucens	102 102	13 Deveron Street	Part 5 DP 43729, 201, 202 Whg Parish	38
317	Pohutukawa (2), Camphor Laurel	Metrosideros excelsa; Cinnamomum Camphora	108 117	52 Hatea Drive	Lot 1 DP470739	38
319	Magnolia	Magnolia grandiflora	111	64 Hatea Drive	Pt Lot 7 DP 20669	38
322	Totara	Podocarpus totara	444138	23 Mair Street	Lot 1 DP 134340	38
323	Sapote	Bumelia lycioides	102	109 Hatea Drive	Lot 20 DP 23799	38
324	Turpentine Tree	Syncarpia glomulifera	120	119 Hatea Drive	Lot 3 DP 163785	38
327	English Oak	Quercus robur	102	445 Maunu Road	Lot 2 DP 76853	42
328	Totara, Taraire	Podocarpus totara; Beilschmiedia tarairi	105 108	10 Le Ruez Place	Lot 4 DP 81042	42
329	Camphor Laurel	Cinnamomum camphora	480114	432 Maunu Road	Lot 1 DP 163236	42
330	Puriri	Vitex lucens	459150	7 Puriri Park Road	Lot 1 DP 127363	42
331	Karaka (2), Puriri (2), Taraire(14), Totara	Corynocarpus laevigatus; Vitex lucens; Beilschmiedia tarairi; Podocarpus totara	111 447132 117 117	415 Maunu Road	Lots 9 & 10 DP 36424	42
332	Puriri, Taraire (2)	Vitex lucens; Beilschmiedia tarairi	108 126	409 Maunu Road	Lot 1 DP 171202	42
333	Puriri, Taraire (3)	Vitex lucens; Beilschmiedia tarairi	120 126	407 Maunu Road	Lot 1 DP 168512	42



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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
334	Totara, Tanekaha	Podocarpus totara; Phyllocladus trichomanoides	438 132  114	64 Silverstream Road	Lot 23 DP 55371	42
335	Totara (2)	Podocarpus totara	126	44 Silverstream Road	Lot 33 DP 55371	42
336	Totara (2)	Podocarpus totara	114	48 Silverstream Road	Lot 31 DP 55371	42
337	Rimu (2), Totara (3)	Dacrydium cupressinum; Podocarpus totara	108  114	33 Silverstream Road	Lot 17 DP 54205	42
338	English Oak	Quercus robur	405 108	264 Maunu Road	Lot 5 DP 174384	42
339	Pohutukawa, Puriri, English Oak (7), Totara (3)	Metrosideros excelsa;  Vitex lucens; Quercus robur;  Podocarpus totara	105  102 108  108	Hospital 53 Hospital Road	Lots 1 & 6 DP 2380 Sections 2 & 16 Blk XII Purua SD	42
340	Totara (2)	Podocarpus totara	126 111	202 Maunu Road	Lots 1 & 3, DP 59270	42
342	English Oak	Quercus robur	444 138	2 Kirikiri Stream Lane	Lot 12 DP 409108	42
343	English Oak	Quercus robur	114	166 Maunu Road	Lot 1 DP 155164	42
349	Sentry Palm	Howea forsteriana	402	42 Hilltop Avenue	Lot 7 DP 48255	43
350	Kauri	Agathis australis	408 114	217 Morningside Road	Lot 2 DP 102274	43
351	Indian Cedar	Cedrus deodara	114	211 Morningside Road	Lots 3 - 4 DP 40075	43
353	Totara	Podocarpus totara	108	49 Morningside Road	Lot 22 DP 44841	43
355	Totara	Podocarpus totara	108	84A Morningside Road	Lot 2 DP 83173	43
358	Kauri	Agathis australis	111	17 Weir Crescent	Lot 2 DP 30773	46
359	Puriri	Vitex lucens	108	198 Beach Road	Lot 3 DP 19792	46

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
362	Kauri (2)	Agathis australis	108	180 Beach Road	Pt Allotment 125 TN OF Grahamtown	46
368	Kahikatea (3)	Dacrycarpus dacrydoides	108	33-35 Whangarei Heads Rd	Lots 5, 6, DP 44469	46
378	Rimu (2)	Dacrydium cupressinum	<del>102</del> 114	1 Apirana Avenue	Lot 1 DP 77897	37
379	Kauri	Agathis australis	120	31 Norfolk Street	Lot 8 DP 23815	37
385	Puriri, Liquidambar, English Holly (3), Maiden Hair Tree, Pohutukawa (9), Puriri, Titoki,  Kermadec Pohutukawa (2)	Vitex lucens; Liquidambar styraciflua; Ilex aquifolium; Gingko biloba; Metrosideros excelsa; Vitex lucens Alectryon excelsus; Metrosideros kermadecensis	114 108 114 114 126 114 120	Christ Church, Kamo Road	Pt Lot 2 Deeds W20	37
387	Liquidambar (2), Scarlet Oak, Camphor Laurel	Liquidambar styraciflua; Quercus coccinea; Cinnamomum camphora	108 108 121	1 Cross Street	Pts Allot 1 Psh Whangarei	37
389	Jacaranda (2),	Jacaranda mimosaeifolia;	<del>108</del> 108	174 Bank Street	Lot 1 DP 37723 Deeds 555	37
390	Puriri	Vitex lucens	108	153A Bank Street	Pt Lot 1 Psh Whangarei	37
392	Southern Magnolia (3)	Magnolia grandiflora	114	145 Bank Street	Road Reserve - Lot 5 DP 23509	37
393	Pohutukawa	Metrosideros excelsa	<del>135</del> 138	28 Norfolk Street	Lot 2 DP 125737	37

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
394	Pohutukawa	Metrosideros excelsa	108	2 Pentland Road	Lot 1 DP 125737	38
397	Puriri	Vitex lucens	114	12 Aubrey Street	Lot 2 DP 101542	38
398 and 399	Stand of Kahikatea, Totara	Dacrycarpus dacrydioides; Podocarpus totara	117 and 126	103, 105 and 107 George Street	Lots 10,11 and 12 DP 23178	28
400	Kahikatea	Dacrycarpus dacrydioides	414120	95 George Street	Lot 6 DP 13614	28
401	Liquidamber	Liquidambar styraciflua	462156	73 George Street	Lot 2 DP 85894	28
403	Stand of Kahikatea	Dacrycarpus dacrydioides; Podocarpus totara	111	Jordan Valley Rd	Allot 229 Parish of Hikurangi	28
404	Magnolia	Magnolia grandiflora	422144 108	48B George Street	Lot 3 DP 50900	28
407	Stand of Totara	Podocarpus totara	114	State Highway 1 Hikurangi	Pt Allot 68 Parish of Hikurangi	28
408	Stand of Kahikatea, Totara	Dacrycarpus dacrydioides; Podocarpus totara	102	Union Street – end	Pt Lot 1 DEEDS 485	28
409	Oak	Quercus robur	114	16 King Street	Lot 20 DP 17558	28
410	Oak, Tulip Tree,  Oak, Liquidamber,  Japanese Cedar	Quercus robur ; Liriodendron tulipifera ;  Quercus robur ; Liquidambar styraciflua ; Cryptomeria japonica	102 102  105  120  114	8 Valley Road	Lot 42 Psh Hikurangi	28
411	Oaks	Quercus robur	108	Valley Road- beside railway line	Lot 1 DP 431260, Lot 1 DP417056 –Pt Allot 42 and Pt Allot NW42 Hikurangi Parish	28

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
416	Rimu (2)	Dacrydium cupressinum	132	33 Mains Avenue	Lot 1 DP 162893	36
417	Kauri	Agathis australis	102	63 Anzac Road	Lot 5 DP 34469	43
418	Totara (stand)	Podocarpus totara	108	16 Bedlington Street	Lot 1 DP 46028	35
426	Magnolia	Magnolia grandiflora	120	85 George Street	Lot 3 DP 156426	28
429	Pohutukawa	Metrosideros excelsa	126	6 Boswell Street	Lot 2 DP 21592	33
431	Jacaranda	Jacaranda mimosaeifolia	102	76 Hatea Drive	Lot 2 DP 410	
433	Liquidamber	Liquidambar styraciflua	450144	76 Mains Avenue	Lot <del>24</del> DP <del>116181</del> DP 184341	36
435	Pohutukawa	Metrosideros excelsa	192	81 Ridgeway Road, Headland Farm Park	Lots 1-4 DP 10055	48
436	Totara (3)	Podocarpus totara	138	9 Te Puia Street Kamo (2) and 13 Conifer Grove, Kamo (1)	lot 8 DP52362 Lot 2 DP 365884	35
438	Kauri	Agathis australis	402126	11 Wallace Street	Lot 1 DP 20158	37
500	Norfolk Island Pine	Araucaria hetrophylla	132	421 Kamo Road	Lot 1 DP 57301	35
501	Liquidamber	Liquidambar styraciflua	438132	23 Whau Valley Road	Lot 1 DP 23601	35
503	London Plane Tree	Platanus acerifolia	129	56 Weaver Street	Lot 2 DP 179429	36
504	Tulip Tree	Liriodendron tulipifera	150	151 Kiripaka Road	Lot 7 DP 40467	36
505	Grove of native trees Pohutukawa	Metrosideros excelsa	444135	27 Kauika Rd	Lot 51 DP 2605	37
506	Norfolk Island Pine	Araucaria hetrophylla	132	25 Kauika Rd	Pt Lot 7 DP 1827	37
507	Jacaranda	Jacaranda mimosaeifolia	429	46 Kamo Road	Lot 4 DP 53575	37
508	Holm Oak (Holly Oak)	Quercus ilex	432126 120	5 Waiaatawa Road	Lot 3 DP 52738	36

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
509	Californian Redwoods	Sequoia sempervirens	444.174	264 Maunu Road	Lot 5 DP 174384	42
510	<del>Camphor Laurel</del> Pine Oak	Quercus palustris <del>Cinnamomum camphora</del>	444.168	53 Hospital Road	Lot 5 DP 4692	42
511	London Plane Tree	Platanus acerifolia	144	154 Maunu Road	Lot 1 DP 48922	42
512	Puriri	Vitex lucens	132	34 Weir Crecent	Lot 2 DP 49501	46
513	Swamp Cypress	Taxodium distichum	444	32 Rust Avenue	Lot 1 DP 34026	37/39
514	Senegal Date Palm	Phoenix reclinata	132	12 Aubrey Street	Lot 1 DP 101542	38
515	Italian Cypress (2)	Cupressus sempervirens stricta	126	7 Pentland Road	Lot 5 DP 23637	38
516	Pohutukawa	Metrosideros excelsa	120	401 Western Hills Drive	Pt Lot 8 DP 1827	43
517	Senegal Date Palm	Phoenix reclinata	132	12A Aubrey Street	Lot 2 DP 101542	38
518	Totara (2)	Podocarpus totara	114	21A Mair Street	Lot 2 DP 210369 (Trees not found)	38
519	Pohutukawa	Metrosideros excelsa	144	21B Mair Street	Lot 1 DP 207207	38
520	Totara	Podocarpus totara,	114 score for stand	7 Kaiaua Road	Lot 65 DP 186937	33
521	Totara	Podocarpus totara,	114 score for stand	Gillingham Road	Lot 19 DP 182617	33
522	Pohutukawa (4)	Metrosideros excelsa	480.174	Headland Farm Park, Esplanade Reserve, adjacent to Lot 47 DP 100551	Lot 94 DP 100551	48
523	Pohutukawa (43)	Metrosideros excelsa	114 102 102	Princes Road, Road Reserve, Ruakaka Opposite 24, 20, 12 and 6 Princes Road	Road Reserve	57

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## Notable and Public Trees

### ~~NPT.1.10~~ 11 Protected Public Trees

1. Public tree means, any tree or trees located within on a road reserve, park or reserve administered by Whangarei District Council (excluding any tree or trees within any designated State Highway) greater than 6.0m in height or with a girth (measured 1.4m above the ground) greater than 600mm except:
  - a. Pest species identified in the Northland Regional Council Pest Management Strategy and Surveillance list are not subject to general protection.
  - b. Any tree listed as an Environmental weed or National pest plant under an approved document prepared in accordance with the Biosecurity Act 1993.
  - c. Any tree subject to an order made under Section 129 of the Property Law Act 1952.
  - d. Any tree species grown for its edible fruit (except Walnut (*Juglans* spp.), Chestnut (*Castanea sativa*), Pecan nut (*Carya illinoensis*) and Carob (*Ceratonia siliqua*) which are protected).
  - e. The following additional tree species are not subject to protection within a road reserve, park or reserve administered by Whangarei District Council:
    - i. Acacia species – all except *Acacia melanoxylon*.
    - ii. *Eucalyptus cinera* (silver dollar gum).
    - iii. *Acmena smithii* (acmena or lillypilly).
    - iv. *Casuarina* spp.
    - v. *Phoenix canariensis* (Phoenix palm).
    - vi. *Ligustrum* spp (Privet).
    - vii. *Salix* species (willow).
    - viii. *Hakea salicifolia*.
    - ix. *Archontophoenix cunninghamiana* (Bangalow palm).
    - x. *Erythrina x sykesii* (Coral Tree – also referred to as Flame Tree).
    - xi. *Trachycarpus Fortunei* (Windmill palm).
    - xii. *Populus yunnanensis* (Chinese Poplar).
    - xiii. *Cupressus macrocarpa* (Macrocarpa).
    - xiv. *Pinus* spp.
    - xv. Prunus campanulata (Taiwan cherry)
    - ~~xv~~-xvi. Bamboo (Bambuseae)

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## Notable and Public Trees

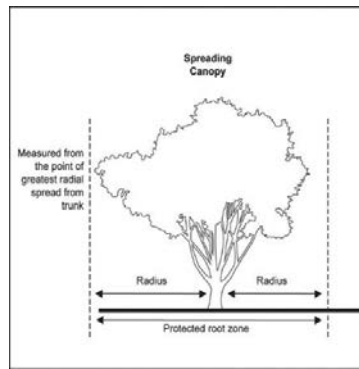
### New Definitions in Chapter 4 Meaning of Words:

#### Emergency Tree Works

means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure

#### Root Zone

means 'The area of ground around a tree trunk created by taking a radius equal to the greatest radial spread of the canopy/foilage of the tree, measured from the trunk and rotating that radius in a full circle around the trunk.



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### Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By

Editor **xxx**

Author Position Team Administrator Policy Division

Approved By **xxx**

Approver Position District Plan Team Leader



## **Attachment 2 – District Plan Text Clean**

# NPT.1

## Notable and Public Trees

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### ***NPT.1.1 Description and Expectations***

Trees provide a significant contribution to the amenity, historical and ecological values of the District. This is particularly so in urban areas where the ongoing demand for land development can threaten the existence of established trees.

Trees, whether individually or collectively, can have a number of positive effects on the environment. These include:

- A heritage and natural environmental legacy for current and future generations.
- Providing a habitat and food source for birds, insects and other wildlife.
- Providing shelter from the elements by providing shade, reducing glare and reducing the heat island effect.
- Improving the quality of waterways by filtering polluting particulates.
- Avoidance or mitigation of the effects of natural hazards, such as landslips and erosion by intercepting and reducing runoff and soil erosion.
- Absorbing carbon dioxide, releasing oxygen, and capturing and removing particulate matter and dust from the air.
- Providing a sense of place that contributes to character and local identity.
- Calming traffic, slowing speeds and providing a buffer between pedestrians and cars.
- Contributing to public health and well-being.

Individual trees and groups of trees that are considered to be among the most significant trees in Whangarei are scheduled in this chapter in order to protect the benefits they provide for current and future generations. These trees have been specifically identified as “Notable Trees” using the Standard Tree Evaluation Method (STEM™)<sup>1</sup>. This takes into account a number of factors, with each factor scored in accordance with the STEM™ methodology and an overall score provided determining the status of the tree or trees as Notable Trees. Notable Trees are identified on the planning maps. The majority of scheduled Notable Trees are located on private land. A number of Notable Trees are also located in road reserves, parks and reserves.

Trees over a certain size in road reserves, parks and reserves are referred to throughout this chapter as “public trees”. Public trees make the streetscape more appealing while improving pedestrian amenity and public health. These trees also provide an important environmental function in terms of storing carbon, providing habitat and food for wildlife, improving air quality and providing ecological and amenity

<sup>1</sup> Flook, R. 1996: A Standard Tree Evaluation Method, published by Ron Flook, Lower Hutt, New Zealand.

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## Notable and Public Trees

values. However, road reserves, parks and reserves facilitate a wide range of uses which can conflict with the presence of trees. For instance, road reserves contain critical underground and network utility infrastructure and sometimes, conflict can occur between trees and these assets. As such the protection of public trees in road reserves, parks and reserves need to be balanced with these competing uses.

Future subdivision and development needs to consider how to accommodate existing and new trees and vegetation that contribute to ecological and amenity values, especially in new road reserves, parks and reserves. This may require careful consideration of where trees are planted, in relation to existing and planned infrastructure and network utilities. Council encourages the use of indigenous trees and vegetation in road reserves, parks and reserves and private land.

### ***NPT.1.2 Eligibility***

1. The following provisions shall apply district wide in addition to any other provisions in the District Plan applicable to the same area or site.
2. Any subdivision not requiring resource consent as a discretionary activity pursuant to NPT.1.6 is a controlled activity.
3. Where a tree or group of trees has been identified as a Notable Tree in NPT.1.9.1 and is located in a road reserve, park or reserve, the rules relating to Notable Trees shall take precedence.

### ***NPT.1.3 Objectives***

1. Notable trees and notable groups of trees with significant amenity, historical or ecological values are maintained, retained and protected from inappropriate subdivision, use and development.
2. Public trees in road reserves, parks and reserves are protected and maintained where they positively contribute to amenity, historical or ecological values, while enabling the safe and efficient use, development, maintenance, operation and upgrading of the roading network and network utilities.
3. Future subdivision, use and development appropriately provides for existing and new trees that contribute to amenity, historical or ecological values, ensuring that any design can accommodate such trees, whilst recognising the need to avoid future conflicts with roading and network utility infrastructure.

### ***NPT.1.4 Policies***

1. To require that notable trees and notable groups of trees are maintained, retained and protected from inappropriate subdivision, use and development by:
  - a. Identifying and scheduling notable trees and notable groups of trees by applying the STEM™ criteria in NPT.1.8.
  - b. Ensuring that subdivision, use or development does not result in the inappropriate removal of notable trees or notable groups of trees, or have adverse effects on the life of the tree or identified significant amenity, historical or ecological.
  - c. Enabling pruning and maintenance of notable trees and notable groups of trees in accordance with arboricultural best practice where works are required to safeguard life or property or where the works are necessary to provide for the safe and efficient use and operation of the roading network or network utilities.
  - d. Providing education and advice to encourage the protection of notable trees and notable groups of trees.

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## Notable and Public Trees

- e. Requiring future subdivision, use or development to respond to, accommodate and protect notable trees and notable groups of trees.
  - f. Recognising that the removal of an identified notable tree or notable groups of trees may be appropriate if:
    - i. It is demonstrated that there is a significant risk to human health and / or property, or the safe and efficient operation of the roading network or network utility infrastructure, based on a risk assessment undertaken by a qualified arborist.
    - ii. It is demonstrated that there is no practicable alternative to the removal.
    - iii. Where necessary, details are provided of suitable mitigation or offset for the removal.
  - g. Managing identified notable trees to avoid, or where avoidance is not possible, contain or control, the spread of plant pathogens.
2. To require the protection of public trees in road reserves, parks and reserves while providing for the safe and efficient development, operation, use, maintenance and upgrading of infrastructure, network utilities and the road network by:
- a. Providing protection to public trees over a certain size in road reserves, parks and reserves.
  - b. Enabling the ongoing maintenance of public trees in road reserves, parks and reserves, while ensuring that tree selection and location recognises existing uses and adjoining landowners.
  - c. Encouraging the use of indigenous trees and vegetation, where appropriate, for planting within road reserves, parks and reserves, to recognise amenity and ecological values.
  - d. Enabling appropriate works to public trees to provide for the safe and efficient operation, use, maintenance and upgrading of network utilities.
  - e. Recognising that the removal of any protected public trees may be appropriate if:
    - i. It is demonstrated that the tree or trees would not meet the threshold for protection pursuant to the STEM™ criteria in NPT.1.8.
    - ii. It is demonstrated that there is a significant risk to human health and / or property, or the safe and efficient operation of the roading network or network utility infrastructure, based on a risk assessment undertaken by a qualified arborist.
    - iii. It is demonstrated that there is no practicable alternative to the removal.
    - iv. Where necessary, details are provided of suitable mitigation or offset for the removal.
  - f. Managing protected public trees to avoid, or where avoidance is not possible, contain or control, the spread of plant pathogens.
3. To recognise and provide for existing and new trees when designing future subdivision and development by:
- a. Identifying existing trees on sites or in new road reserves, parks and reserves which meet the NPT.1.8 criteria and requiring the design of subdivision and development to respond to, and where appropriate schedule, these identified trees.
  - b. Assessing the need for new trees to contribute to the amenity, historical or ecological values of the neighbourhood.

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- c. Encouraging the use of indigenous trees and vegetation for planting, where appropriate, to recognise amenity, cultural and ecological values.
- d. Recognising the need to avoid future conflicts with roading and network utility infrastructure.

### ***NPT.1.5 Permitted Activities (Land Use)***

#### **Notable Trees**

1. Pruning or maintenance of any Notable Tree listed in NPT.1.9.1 which is:
  - a. Required for the removal of broken, dead, dying or diseased wood or;
  - b. Undertaken in accordance with arboricultural best practice where:
    - i. The maximum branch diameter must not exceed 200mm at severance;
    - ii. No more than 20% of live growth of the tree is removed in any 12 month period and;
    - iii. The natural shape, form and branch habit of the tree is retained or;
  - c. Based on a risk assessment from a qualified arborist, is required as emergency tree works or;
  - d. Undertaken by a qualified arborist on behalf of a network utility operator or landowner where branches are interfering with overhead wires or network utilities and the pruning or maintenance is required in order to maintain the security of an existing supply, to restore power or telecommunication infrastructure or to comply with the Electricity (Hazards from Trees) Regulations 2003 and;
  - e. Notified in writing to Whangarei District Council at least five working days prior to the tree works being undertaken, with the exception of tree works in clause c and d above.
2. Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within the root zone of a Notable Tree listed NPT.1.9.1 where:
  - a. The works are thrusting to a depth of greater than 650mm for the installation of network utilities supervised by a qualified arborist or;
3. Removal of a Notable Tree listed in NPT.1.9.1 which is:
  - a. A dead tree based on an assessment from a qualified arborist.
  - b. Based on a risk assessment from a qualified arborist, is required as emergency tree works.

#### **Public Trees**

4. Pruning or maintenance of any public tree defined in NPT.1.10.1 which is:
  - a. Required for the removal of broken, dead, dying or diseased wood or;
  - b. Undertaken in accordance with arboricultural best practice where:
    - i. The maximum branch diameter does not exceed 200mm at severance;
    - ii. No more than one third of the foliage of the tree is removed in any 12 month period and;
    - iii. The natural shape, form and branch habit of the tree is retained or;
  - c. Emergency tree works undertaken by the Whangarei District Council, Northland Regional Council, network utility operator or their authorised representative or;

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- d. Undertaken, or authorised, by a network utility operator, where branches are compromising the safe and efficient operation, maintenance and upgrade of overhead wires or network utilities and the pruning or maintenance is required to maintain the security of an existing supply, to restore power or telecommunication infrastructure or to comply with the Electricity (Hazards from Trees) Regulations 2003 or;
  - e. Undertaken, or authorised, by a road controlling authority where it is required to maintain the visibility of road safety signage, maintain road lighting, maintain vehicle sight lines for traffic safety or to maintain legal clearance height and width above the road carriageway.
5. Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within the root zone of any public tree identified in NPT.1.10.1 where the works are:
- a. Thrusting to a depth of greater than 650mm for the installation of network utilities supervised by a qualified arborist or;
  - b. Undertaken, or authorised by a network utility operator, or road controlling authority, where it is required for maintenance or renewal of existing infrastructure and utilities including:
    - i. Repairs to existing footpaths;
    - ii. Repairs to existing kerbs and channels;
    - iii. Fixing potholes or patches; or
    - iv. Resurfacing of existing roads.
6. Removal of any public tree defined in NPT.1.10.1 which is:
- a. A dead tree based on an assessment from a qualified arborist; or
  - b. Emergency tree works undertaken by Whangarei District Council, Northland Regional Council network utility operator or their authorised representative; or
  - c. Located within a road reserve with a road speed environment greater than 50 km/ph and is undertaken, or authorised, by a road controlling authority, or network utility operator where:
    - i. It is required to provide for the safe use and operation of the road network; or
    - ii. It is required for the safe and efficient operation, maintenance or upgrade of overhead or underground network utilities; or
  - d. Located within a road reserve with a road speed environment less than 50 km/ph and is undertaken, or authorised, by a road controlling authority, or network utility operator where:
    - i. It is required for the safe and efficient operation, maintenance or upgrade of overhead or underground network utilities.

### ***NPT.1.6 Discretionary Activities (Land Use)***

#### **Notable Trees**

1. Pruning or maintenance of any Notable Tree listed in NPT.1.9.1 which does not comply with the permitted activity rules within NPT.1.5.1.
2. Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within:

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## Notable and Public Trees

- a. The root zone of a Notable Tree listed NPT.1.9.1 which does not comply with permitted activity rules within NPT.1.5.2.
- b. Three times the radius of the canopy root zone of a New Zealand Kauri tree (*agathis australis*) listed in NPT.1.9.1.
3. Removal of a Notable Tree listed in NPT.1.9.1 which does not comply with the permitted activity rules within NPT.1.5.3.

### Public Trees

4. Pruning or maintenance of any public tree defined in NPT.1.10.1 which does not comply with the permitted activity rules within NPT.1.5.4.
5. Construction or alteration of any structure, excavation of land, compaction of soil or formation of any new impervious surfaces within:
  - a. The root zone of any public tree identified in NPT.1.10.1 which does not comply with permitted activity rules within NPT.1.5.5.
  - b. Three times the radius of the canopy root zone of a New Zealand Kauri tree (*agathis australis*) listed in NPT.1.10.1.
6. Removal of any public tree defined in NPT.1.10.1 which does not comply with the permitted activity rules within NPT.1.5.6.

### NPT.1.7 Discretionary Activities (Subdivision)

1. Subdivision of land that contains a Notable Tree listed in NPT.1.9.1 which is not able to locate a minimum 100m<sup>2</sup> building platform, accessway(s) and associated services outside of the root zone of the identified tree or group of trees.
2. Subdivision of land that contains a public tree identified in NPT.1.10.1, which is not able to locate a minimum 100m<sup>2</sup> building platform, accessway(s) and associated services outside of the root zone of the identified tree or group of trees.
3. Subdivision of land that results in the root zone of a Notable tree listed in NPT.1.9.1 being located on more than one site.

### NPT.1.8 Assessment Criteria for Discretionary Activities

1. When assessing discretionary applications pursuant to NPT.1.5 and NPT.1.6, the assessment shall include (but is not limited to):
  - a. The extent to which alternative methods to avoid the pruning or removal of the tree or trees have been considered.
  - b. Consideration of the specific historical, ecological or amenity values of the tree or trees and whether effects on these values can be minimised or avoided.
  - c. The degree to which any proposed mitigation adequately compensates for the values that the tree or trees provide.
  - d. Whether any impact on the immediate or long term-health and stability of the tree or trees is able to be minimised or avoided.
  - e. The actual and potential risk of actual damage to people and property from the tree or trees.
  - f. Methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material.

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- g. The provision of a tree works plan to address the effects of the works on the tree or trees and outlining the proposed methods to be used.
- h. The functional and operational needs of infrastructure and network utilities.
- i. Consistency with best arboricultural practices including consideration of the need for the direction and supervision by an on-site monitoring arborist while the works are being carried out.
- j. When subdividing land containing a Notable Tree or protected public tree, the ability for reasonably anticipated future development to occur in a manner which does not adversely affect the health and retention of the tree or group of trees.

### NPT.1.9 Criteria for Notable Tree Classification

1. To provide a basis for regulatory measures to protect trees of significant amenity, historical or ecological values, selection and listing of Notable Trees in table NPT.1.9.1, have been assessed against the Standard Tree Evaluation Method (STEM™)<sup>2</sup>. A total score is calculated for each tree in accordance with the STEM™ criteria with trees scoring 100 points or greater being listed as Notable Trees in table NPT.1.9.1.
2. Consideration of any additional tree or group of trees for classification as Notable Trees shall also be assessed against the STEM™ criteria. Any tree which scores 100 points or greater can be considered for listing as a Notable Tree in table NPT.1.9.1.

### NPT.1.10 Schedule of Notable Trees

1. This section contains details of Notable Trees identified on the Planning Maps. Trees within Table NPT.1.9.1 below have been identified in accordance with the criteria in NPT.1.8. Rules relating to these trees are provided in NPT.1.5 and NPT.1.6.

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
200	Taraire	Beilschmiedia tarairi	102	89 Crawford Cres	Lot 1 DP 65923	35
201	Taraire	Beilschmiedia tarairi	144	89A Crawford Cres	Lot 2 DP 65925	35
202	Taraire (2)	Beilschmiedia tarairi	150	47 Three Mile Bush Road	Lot 78 DP 51732	35
203	Puriri	Vitex lucens	123	14 Barclay Place	Lot 14 DP 62193	33
205	Puriri	Vitex lucens	126	34 Puriri Street	Lot 1 DP 131477	33
206	Illawarra Flame Tree	Brachychiton acerifolium	105	17 Puriri Street	Pt Lot 9 Deeds W72	33
207	English Oak (8)	Quercus robur	126	20 Grant Street	Pt Section 126, Town of Kamo	33
208	Southern Magnolia	Magnolia grandiflora	114	421 Kamo Road	Lot 1 DP 57301	35

<sup>2</sup> Flook, R. 1996: A Standard Tree Evaluation Method, published by Ron Flook, Lower Hutt, New Zealand.



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No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
210	Taraire	Beilschmiedia tarairi	120	58 Fisher Terrace	Lot 66 DP 58330	35
211	Puriri	Vitex lucens	108	77 Fisher Terrace	Lot 80 DP 58330	35
212	Puriri	Vitex lucens	114	57A Fisher Terrace	Lot 2 DP 160104	35
214	Sentry Palm	Howea forsteriana	108	351 Kamo Road	Lot 5 DP 32993 (tree not found)	35
217	Maidenhair Tree	Ginkgo biloba	126	20 Whau Valley Road	Lot 1 DP 28355	35
220	Illawara Flame Tree	Brachychiton acerifolium	102	59 Whau Valley Road	Lot 2 DP 77269	35
223	Tulip Tree	Liriodendron tulipifera	102	34 Bedlington Street	Lot 4 DP 35518	35
224	Pohutukawa, Titoki	Metrosideros excelsa; Alectryon excelsus	126 102	162 Kamo Road	Lot 1 DP 58120	35
226	Camphor Laurel, Jacaranda	Cinnamomum camphora; Jacaranda mimosaeifolia	114 108	17 Moody Avenue	Lot 2 DP 61116	36
228	Rimu (7), Kauri (2) Japanese Maple, Jacaranda,	Dacrydium cupressinum; Agathis australis Acer palmatum; Jacaranda mimosaeifolia	126 102 111 108	19 and 21 Moody Avenue	Lot 1 DP 61116 and Lot 28 DP 17834	36
229	Camphor Laurel	Cinnamomum camphora	120	27 Moody Avenue	Lot 1 DP 75180	36
230	Camphor Laurel	Cinnamomum camphora	108	31 Moody Avenue	Pt Lot 4 DP 45519	36
236	Totara (2), Karakara, Puriri, Kohekohe, Nikau, Puriri	Podocarpus totara, Corynocarpus laevigatus, Vitex lucens Rhopalostylis sapida; Vitex lucens	114 score for stand	1A Gillingham Road	Pt Lot 12 DP 1583 & Pt Lot 13 DP 1583	34

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No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
244	Puriri	Vitex lucens	114	33 Kiripaka Road	Lot 1 DP 43988	36
245	Totara (2)	Podocarpus totara	114	40 Tapper Crescent	Lot 39 DP 72561	36
246	Pohutukawa, Red Oak, Puriri	Metrosideros excelsa; Quercus rubra; Vitex lucens	111 111 102	194 Corks Road	Pt Lot 108, 109 PSH OF Whangarei	36
247	Totara	Podocarpus totara	120	17 Meadow Park Cres	Lot 115 DP 58121	36
248	Totara	Podocarpus totara	105	54 Boundary Road	Lot 5 DP 61344	36
250	Totara (2)	Podocarpus totara	114	5 Kea Place	Lot 2 DP 70523	42
251	Totara	Podocarpus totara	120	3 Kea Place	Lot 10 DP 62276	42
252	Totara	Podocarpus totara	114	8 Kea Place	Lot 16 DP 62276	42
253	Kauri	Agathis australis	114	120 Maunu Road	Lot 2 DP 347018	42
255	English Oak	Quercus robur	120	85 Fourth Avenue	Pt Lot 2 3 DP 14650	37
257	English Oak	Quercus robur	105	83 Fourth Avenue	Lot 1 DP 172504	37
258	English Oak	Quercus robur	114	14 Kirikiri Road	Lot 10 DP 203278	37
262	Pohutukawa	Metrosideros excelsa	102	41A Kauika Rd	Lot 1 DP 202399	37
265	English Oak,	Quercus robur;	120	9 - 11 Kauika Rd	Lot 2 DP 178081	43
266	English Oak	Quercus robur	114	82 Maunu Road	Lot 3 DP 341875	43
268	Totara	Podocarpus totara	108	36 Third Avenue	Lot 1 DP 8555	37
269	Totara	Podocarpus totara	114	48 Maunu Road	Lot 2 DP 123891	37
271	English Oak	Quercus robur	108	18 Central Avenue	Lot 1 DP 17446	37

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
272	Michelia	Michelia doltsopa	105	35 Russell Road	Lot 2 DP 35158	37
273	Kauri (2), Southern Magnolia	Agathis australis; Magnolia grandiflora	114 114	1 Russell Road	Pt 19 DP 12468	37
277	Rimu	Dacrydium cupressinum	108	7 Powhiri Avenue	Lot 1 DP 149824	37
278	Kauri	Agathis australis	102	23 Lupton Avenue	Pt 2 Deeds W58	37
280	Pohutukawa	Metrosideros excelsa	120	127 Kamo Road	Lot 2 DP 11413	37
284	Pohutukawa, Rimu (2)	Metrosideros excelsa; Dacrydium cupressinum	126	8 Kensington Ave	Lot 4 DP 54577	37
285	Kawaka (2)	Libocedrus plumosa	102	70 Kamo Road	Lot 1 Deeds 307	37
289	Totara (8)	Podocarpus totara	150	28 Mains Avenue	Lot 4 DP 31693	36
290	Pohutukawa	Metrosideros excelsa	144	25 Elizabeth Street	Lot 53 Deeds Plan W20	36
294	Kowhai	Sophora microphylla	114	34 Kamo Road	Lot 1 DP 24064	37
296	Spanish Chestnut	Castanea sativa	114	11 Mill Road	Lot 2 DP 43654	37
297	Camphor Laurel, NSW Christmas Bush, Totara, Moreton Bay Chestnut	Cinnamomum camphora; Ceratopetalum gummiferum; Podocarpus totara; Castanospermum australe	102 105 108 111	17 Mill Road	Pt Lot 12 Deeds 55 & Pt Lot 12 DP 24064	37
299	Pohutukawa, Totara	Metrosideros excelsa; Podocarpus totara	108 108	19 Mill Road	Lot 14 DP 24066	38
300	Camphor Laurel	Cinnamomum camphora	114	29 Mill Road	Lot 8 DP 24064	38

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
301	Pohutukawa, (2) Kauri	Metrosideros excelsa; Agathis australis	132 138	19 Nixon Street	Lot 5 DP 28817	38
302	Kauri	Agathis australis	114	15 Nixon Street	Allotment 2 PSH of Whangarei	37/38
304	Puriri	Vitex lucens	114	36 Mill Road	Lot 6 Deeds 54B	38
305	NSW Christmas Bush	Ceratopetalum gummiferum	114	52 Mill Road	Lot 22 Deeds 47	38
306	Kauri	Agathis australis	120	54 Mill Road	Lot 2 DP 32065	38
309	English Oak	Quercus robur	126	5 Waiatawa Road	Lot 3 DP 52738	36
310	English Oak	Quercus robur	126	2 Cairnfield Road	Lot 2 DP 43765 (tree not found)	36
313	Miro, Pohutukawa,	Podocarpus ferruginea; Metrosideros excelsa;	105 107	5 Haronui Street	Lot 1 DP 198101	38
314	Totara (4)	Podocarpus totara	120	8 Parahaki Street	Lot 1 DP 30499	38
315	Japanese Cedar	Cryptomeria japonica	120	7 Drummond Street	Lot 1 DP 61911	38
316	Pohutukawa, Puriri	Metrosideros excelsa; Vitex lucens	102 102	13 Deveron Street	Part 5 DP 43729, 201, 202 Whg Parish	38
317	Pohutukawa (2), Camphor Laurel	Metrosideros excelsa; Cinnamomum Camphora	108 117	52 Hatea Drive	Lot 1 DP470739	38
319	Magnolia	Magnolia grandiflora	111	64 Hatea Drive	Pt Lot 7 DP 20669	38
322	Totara	Podocarpus totara	138	23 Mair Street	Lot 1 DP 134340	38
323	Sapote	Bumelia lycioides	102	109 Hatea Drive	Lot 20 DP 23799	38
324	Turpentine Tree	Syncarpia glomulifera	120	119 Hatea Drive	Lot 3 DP 163785	38

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
327	English Oak	Quercus robur	102	445 Maunu Road	Lot 2 DP 76853	42
328	Totara, Taraire	Podocarpus totara; Beilschmiedia tarairi	105 108	10 Le Ruez Place	Lot 4 DP 81042	42
329	Camphor Laurel	Cinnamomum camphora	114	432 Maunu Road	Lot 1 DP 163236	42
330	Puriri	Vitex lucens	150	7 Puriri Park Road	Lot 1 DP 127363	42
331	Karaka (2), Puriri (2), Taraire(14), Totara	Corynocarpus laevigatus; Vitex lucens; Beilschmiedia tarairi; Podocarpus totara	111 132 117 117	415 Maunu Road	Lots 9 & 10 DP 36424	42
332	Puriri, Taraire (2)	Vitex lucens; Beilschmiedia tarairi	108 126	409 Maunu Road	Lot 1 DP 171202	42
333	Puriri, Taraire (3)	Vitex lucens; Beilschmiedia tarairi	120 126	407 Maunu Road	Lot 1 DP 168512	42
334	Totara, Tanekaha	Podocarpus totara; Phyllocladus trichomanoides	132 114	64 Silverstream Road	Lot 23 DP 55371	42
335	Totara (2)	Podocarpus totara	126	44 Silverstream Road	Lot 33 DP 55371	42
336	Totara (2)	Podocarpus totara	114	48 Silverstream Road	Lot 31 DP 55371	42
337	Rimu (2), Totara (3)	Dacrydium cupressinum; Podocarpus totara	108 114	33 Silverstream Road	Lot 17 DP 54205	42
338	English Oak	Quercus robur	108	264 Maunu Road	Lot 5 DP 174384	42
339	Pohutukawa, Puriri, English Oak (7), Totara (3)	Metrosideros excelsa; Vitex lucens; Quercus robur;  Podocarpus totara	105 102 108  108	Hospital 53 Hospital Road	Lots 1 & 6 DP 2380 Sections 2 & 16 Blk XII Purua SD	42

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
340	Totara (2)	Podocarpus totara	126 111	202 Maunu Road	Lots 1 & 3, DP 59270	42
342	English Oak	Quercus robur	138	2 Kirikiri Stream Lane	Lot 12 DP 409108	42
343	English Oak	Quercus robur	114	166 Maunu Road	Lot 1 DP 155164	42
350	Kauri	Agathis australis	114	217 Morningside Road	Lot 2 DP 102274	43
351	Indian Cedar	Cedrus deodara	114	211 Morningside Road	Lots 3 - 4 DP 40075	43
353	Totara	Podocarpus totara	108	49 Morningside Road	Lot 22 DP 44841	43
355	Totara	Podocarpus totara	108	84A Morningside Road	Lot 2 DP 83173	43
358	Kauri	Agathis australis	111	17 Weir Crescent	Lot 2 DP 30773	46
359	Puriri	Vitex lucens	108	198 Beach Road	Lot 3 DP 19792	46
362	Kauri (2)	Agathis australis	108	180 Beach Road	Pt Allotment 125 TN OF Grahamtown	46
368	Kahikatea (3)	Dacrycarpus dacrydoides	108	33-35 Whangarei Heads Rd	Lots 5, 6, DP 44469	46
378	Rimu (2)	Dacrydium cupressinum	114	1 Apirana Avenue	Lot 1 DP 77897	37
379	Kauri	Agathis australis	120	31 Norfolk Street	Lot 8 DP 23815	37

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
385	Puriri, Liquidambar, English Holly (3), Maiden Hair Tree, Pohutukawa (9), Puriri, Titoki,  Kermadec Pohutukawa (2)	Vitex lucens;	114	Christ Church, Kamo Road	Pt Lot 2 Deeds W20	37
		Liquidambar styraciflua;	108			
		Ilex aquifolium;	114			
		Gingko biloba;	114			
		Metrosideros excelsa;	114			
Vitex lucens						
Alectryon excelsus;	126					
Metrosideros kermadecensis	114					
			120			
387	Liquidambar (2), Scarlet Oak, Camphor Laurel	Liquidambar styraciflua;	108	1 Cross Street	Pts Allot 1 Psh Whangarei	37
		Quercus coccinea;	108			
		Cinnamomum camphora	121			
389	Jacaranda (2),	Jacaranda mimosaeifolia;	108	174 Bank Street	Lot 1 DP 37723 Deeds 555	37
390	Puriri	Vitex lucens	108	153A Bank Street	Pt Lot 1 Psh Whangarei	37
392	Southern Magnolia (3)	Magnolia grandiflora	114	145 Bank Street	Road Reserve - Lot 5 DP 23509	37
393	Pohutukawa	Metrosideros excelsa	138	28 Norfolk Street	Lot 2 DP 125737	37
394	Pohutukawa	Metrosideros excelsa	108	2 Pentland Road	Lot 1 DP 125737	38
397	Puriri	Vitex lucens	114	12 Aubrey Street	Lot 2 DP 101542	38
398 and 399	Stand of Kahikatea, Totara	Dacrycarpus dacrydioides; Podocarpus totara	117 and 126	103, 105 and 107 George Street	Lots 10,11 and 12 DP 23178	28

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
400	Kahikatea	Dacrycarpus dacrydioides	120	95 George Street	Lot 6 DP 13614	28
401	Liquidamber	Liquidambar styraciflua	156	73 George Street	Lot 2 DP 85894	28
403	Stand of Kahikatea	Dacrycarpus dacrydioides; Podocarpus totara	111	Jordan Valley Rd	Allot 229 Parish of Hikurangi	28
404	Magnolia	Magnolia grandiflora	108	48B George Street	Lot 3 DP 50900	28
407	Stand of Totara	Podocarpus totara	114	State Highway 1 Hikurangi	Pt Allot 68 Parish of Hikurangi	28
408	Stand of Kahikatea, Totara	Dacrycarpus dacrydioides; Podocarpus totara	102	Union Street – end	Pt Lot 1 DEEDS 485	28
409	Oak	Quercus robur	114	16 King Street	Lot 20 DP 17558	28
410	Oak, Tulip Tree,  Oak, Liquidamber,  Japanese Cedar	Quercus robur ; Liriodendron tulipifera ;  Quercus robur ; Liquidambar styraciflua ; Cryptomeria japonica	102 102  105  120  114	8 Valley Road	Lot 42 Psh Hikurangi	28
411	Oaks	Quercus robur	108	Valley Road- beside railway line	Lot 1 DP 431260, Lot 1 DP417056 –Pt Allot 42 and Pt Allot NW42 Hikurangi Parish	28
416	Rimu (2)	Dacrydium cupressinum	132	33 Mains Avenue	Lot 1 DP 162893	36
417	Kauri	Agathis australis	102	63 Anzac Road	Lot 5 DP 34469	43
418	Totara (stand)	Podocarpus totara	108	16 Bedlington Street	Lot 1 DP 46028	35
426	Magnolia	Magnolia grandiflora	120	85 George Street	Lot 3 DP 156426	28
429	Pohutukawa	Metrosideros excelsa	126	6 Boswell Street	Lot 2 DP 21592	33



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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
431	Jacaranda	Jacaranda mimosaeifolia	102	76 Hatea Drive	Lot 2 DP 410	
433	Liquidamber	Liquidambar styraciflua	144	76 Mains Avenue	Lot 1 DP 184341	36
435	Pohutukawa	Metrosideros excelsa	192	81 Ridgeway Road, Headland Farm Park	Lots 1-4 DP 10055	48
436	Totara (3)	Podocarpus totara	138	9 Te Puia Street Kamo (2) and 13 Conifer Grove, Kamo (1)	lot 8 DP52362 Lot 2 DP 365884	35
438	Kauri	Agathis australis	126	11 Wallace Street	Lot 1 DP 20158	37
500	Norfolk Island Pine	Araucaria hetrophylla	132	421 Kamo Road	Lot 1 DP 57301	35
501	Liquidamber	Liquidambar styraciflua	132	23 Whau Valley Road	Lot 1 DP 23601	35
503	London Plane Tree	Platanus acerifolia	129	56 Weaver Street	Lot 2 DP 179429	36
504	Tulip Tree	Liriodendron tulipifera	150	151 Kiripaka Road	Lot 7 DP 40467	36
505	Grove of Pohutukawa	Metrosideros excelsa	135	27 Kauika Rd	Lot 51 DP 2605	37
506	Norfolk Island Pine	Araucaria hetrophylla	132	25 Kauika Rd	Pt Lot 7 DP 1827	37
508	Holm Oak (Holly Oak)	Quercus ilex	120	5 Waiatawa Road	Lot 3 DP 52738	36
509	Californian Redwoods	Sequoia sempervirens	174	264 Maunu Road	Lot 5 DP 174384	42
510	Pine Oak	Quercus palustris	168	53 Hospital Road	Lot 5 DP 4692	42
511	London Plane Tree	Platanus acerifolia	144	154 Maunu Road	Lot 1 DP 48922	42
512	Puriri	Vitex lucens	132	34 Weir Crecent	Lot 2 DP 49501	46
514	Senegal Date Palm	Phoenix reclinata	132	12 Aubrey Street	Lot 1 DP 101542	38
515	Italian Cypress (2)	Cupressus sempervirens stricta	126	7 Pentland Road	Lot 5 DP 23637	38
516	Pohutukawa	Metrosideros excelsa	120	401 Western Hills Drive	Pt Lot 8 DP 1827	43

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## Notable and Public Trees

No.	Common Name	Botanical Name	Stem Score	Site Address	Legal Description	Map No.
517	Senegal Date Palm	Phoenix reclinata	132	12A Aubrey Street	Lot 2 DP 101542	38
518	Totara (2)	Podocarpus totara	114	21A Mair Street	Lot 2 DP 210369 (Trees not found)	38
519	Pohutukawa	Metrosideros excelsa	144	21B Mair Street	Lot 1 DP 207207	38
520	Totara	Podocarpus totara,	114 score for stand	7 Kaiaua Road	Lot 65 DP 186937	33
521	Totara	Podocarpus totara,	114 score for stand	Gillingham Road	Lot 19 DP 182617	33
522	Pohutukawa (4)	Metrosideros excelsa	174	Headland Farm Park, Esplanade Reserve, adjacent to Lot 47 DP 100551	Lot 94 DP 100551	48
523	Pohutukawa (3)	Metrosideros excelsa	114 102 102	Princes Road, Road Reserve, Ruakaka Opposite 20, 12 and 6 Princes Road	Road Reserve	57

### NPT.1.11 Protected Public Trees

1. Public tree means, any tree or trees located on a road reserve, park or reserve administered by Whangarei District Council (excluding any tree or trees within any designated State Highway) greater than 6.0m in height or with a girth (measured 1.4m above the ground) greater than 600mm except:
  - a. Pest species identified in the Northland Regional Council Pest Management Strategy and Surveillance list are not subject to general protection.
  - b. Any tree listed as an Environmental weed or National pest plant under an approved document prepared in accordance with the Biosecurity Act 1993.
  - c. Any tree subject to an order made under Section 129 of the Property Law Act 1952.
  - d. Any tree species grown for its edible fruit (except Walnut (*Juglans* spp.), Chestnut (*Castanea sativa*), Pecan nut (*Carya illinoensis*) and Carob (*Ceratinia siliqua*) which are protected).
  - e. The following additional tree species are not subject to protection within a road reserve, park or reserve administered by Whangarei District Council:
    - i. Acacia species – all except *Acacia melanoxylon*.

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## Notable and Public Trees

- ii. *Eucalyptus cinera* (silver dollar gum).
- iii. *Acmena smithii* (acmena or lillypilly).
- iv. *Casuarina* spp.
- v. *Phoenix canariensis* (Phoenix palm).
- vi. *Ligustrum* spp (Privet).
- vii. *Salix* species (willow).
- viii. *Hakea salicifolia*.
- ix. *Archontophoenix cunninghamiana* (Bangalow palm).
- x. *Erythrina x sykesii* (Coral Tree – also referred to as Flame Tree).
- xi. *Trachycarpus Fortunei* (Windmill palm).
- xii. *Populus yunnanensis* (Chinese Poplar).
- xiii. *Cupressus macrocarpa* (Macrocarpa).
- xiv. *Pinus* spp.
- xv. *Prunus campanulata* (Taiwan cherry)
- xvi. Bamboo (Bambuseae)

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## Notable and Public Trees

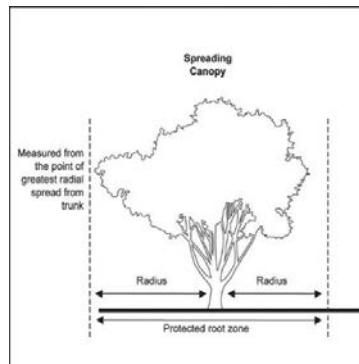
### New Definitions in Chapter 4 Meaning of Words:

#### Emergency Tree Works

*means the pruning or maintenance or removal of any tree or vegetation immediately necessary to avoid any actual and imminent threat to the safety of persons or of damage to property, or to maintain or restore power or telecommunications infrastructure*

#### Root Zone

*means 'The area of ground around a tree trunk created by taking a radius equal to the greatest radial spread of the canopy/foilage of the tree, measured from the trunk and rotating that radius in a full circle around the trunk.*



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## Notable and Public Trees

### Revision and Sign-off Sheet

Date Approved	Editor	Paragraph	Change Reference	Decision Date	Approved By

Editor **xxx**

Author Position Team Administrator Policy Division

Approved By **xxx**

Approver Position District Plan Team Leader