

Whangarei District Council

*Management of Public
Trees Policy*

*Policy
#218*

Management of Public Trees Policy			
Audience (Primary)	External	Business Owner (Dept)	Parks and Recreation
Policy Author	Infrastructure Planner	Review date	2026 (every 5 years)

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Purpose

The purpose of this policy is to provide guidance for dealing with the management of public trees that are generally located within road reserves, parks and reserves administered by Whangarei District Council.

This guide sets out the long-term objectives for the management of public trees located within the Whangarei District. The owner of this policy is the Parks and Recreation Department (Parks department).

Vision

Whangarei District's public trees provide a significant contribution to the amenity, historical, ecological and cultural values of our District.

Whangarei District Council is committed to providing and protecting public trees that contribute significantly to the values of our District.



Image 1: Pohutukawa, Logan Nicks Reserve, Bland Bay

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Background

Trees in public places, including road reserves, make the streetscape more appealing, improving pedestrian amenity and contributing to public health and wellbeing. Trees also provide an important environmental function in terms of storing carbon, providing habitat and food for wildlife, improving air quality and providing botanical and amenity values.

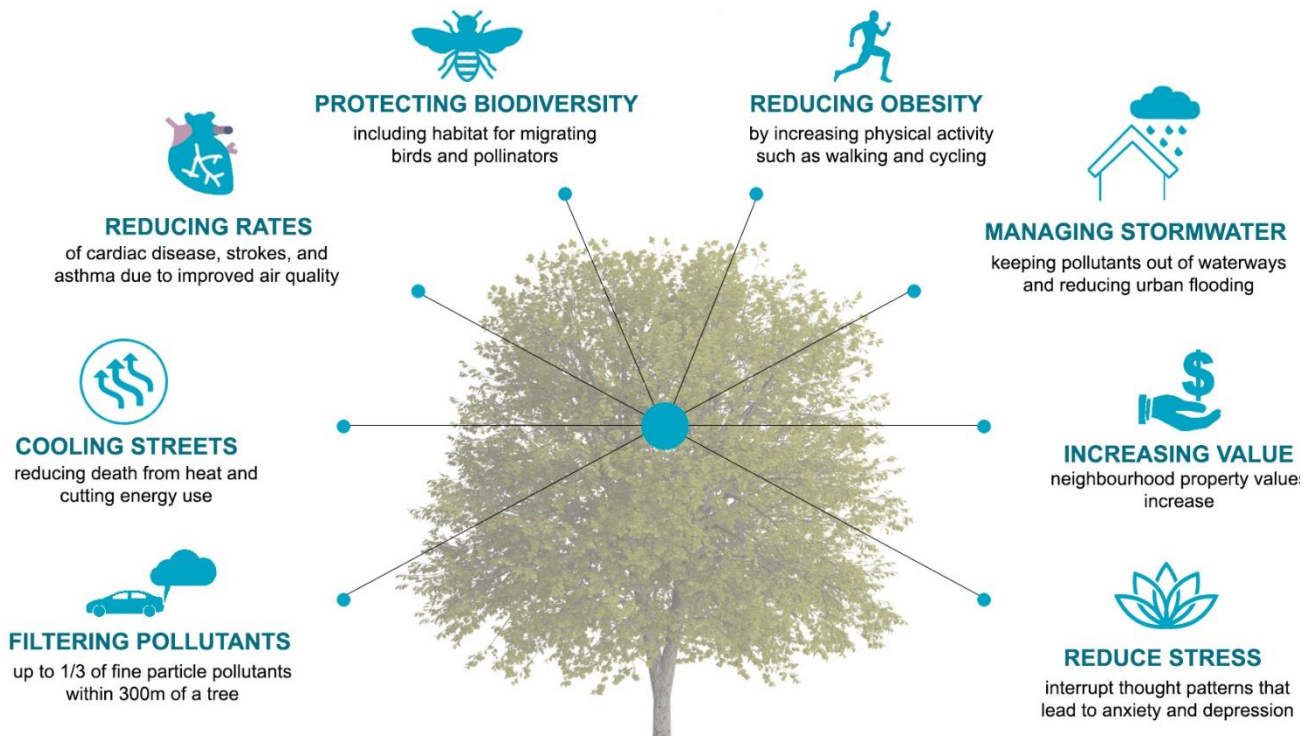
A public tree is defined as a tree located in road reserves, parks and reserves over a certain size. A full definition is provided in the Notable and Public trees Chapter NPT.1.13.1.

It is not feasible to identify and assess all the Districts public trees, given the extent of trees in the District. Rather, it is more appropriate to provide general protection of public trees that meet specific height and girth criteria. These criteria have been set out in the District Plan, along with a list of 'Notable' trees identified to be protected which may be located on either public or private land.

Public places, particularly road corridors where public trees are often located, facilitate a wide range of uses such as network utilities which can lead to conflict with the presence of trees. As such, the protection of trees in public places including road reserves needs to be balanced with these competing uses.

Note: This guide does not deal with the issue of protecting trees on private property.

Benefits of Street Trees



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Protection and Maintenance

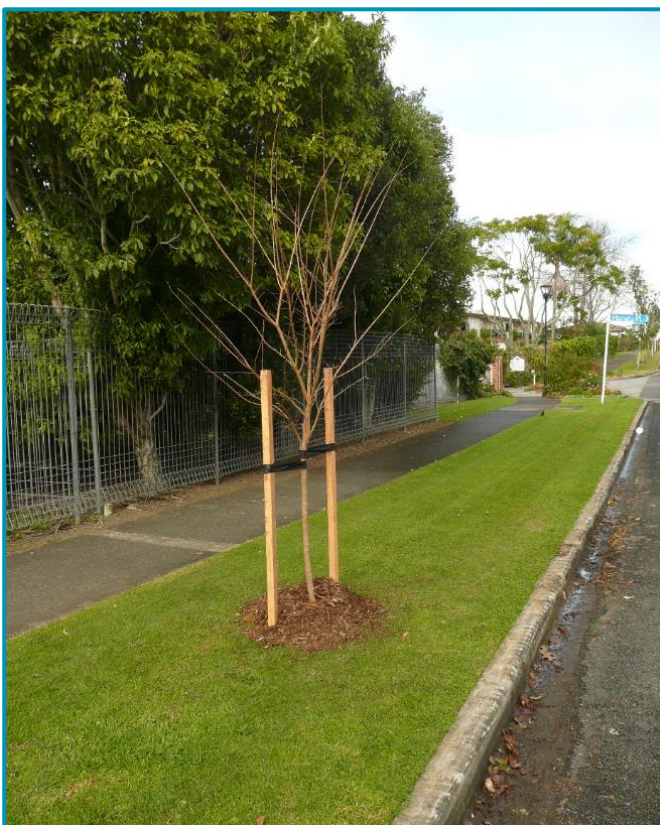
There are over 18,250 public trees currently maintained on Council land, including street trees located in the road corridor and trees on parks and reserve land administered by Whangarei District Council.

Trees contribute to the character of an area, including both evergreen and deciduous species.

Public trees are managed in accordance with Council's maintenance contract specifications and significant pruning and removal is guided by the provisions in the District Plan and this policy.

As a minimum, Council seeks to maintain current planting levels and have a mixed age of tree stock on each reserve. Where significant trees are removed, suitable replacement tree planting may be undertaken.

The amenity value of public trees located on rural roads is generally lower than trees located in an urban or coastal setting. As such, Council will not invest the same level of maintenance on rural trees. Council would more than likely maintain a tree around powerlines in an urban environment, depending on the species, age, size and health and vitality of the tree, but may remove the same tree in a rural setting.



Images 2-3: Newly planted street trees

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Policy Provisions:

1. Trees located in road reserves, parks and reserves administered by Whangarei District Council are protected through the Whangarei District Plan ‘Notable and Public Trees’ chapter.
2. Council will maintain public trees in a safe and healthy condition through:
 - 2.1. Inspection and assessment based on ‘Risk Category Classification’ provided in Councils tree maintenance contract.
 - 2.2. Any trimming or alteration required for the removal of dead, dying or diseased wood is completed under the supervision of a qualified arborist.
 - 2.3. All tree works are carried out in accordance with the rules of the District Plan.
 - 2.4. When emergency works are required, the works must be approved and managed by the relevant Council Asset Manager i.e. Manager Parks and Recreation or Roading.
3. Maintenance work shall be prioritised on the following criteria:
 - 3.1. Safety of the public;
 - 3.2. Health and structure of the tree; and
 - 3.3. Network utility operational requirements.
4. Council will undertake maintenance work in collaboration with network utility owners, including electricity companies. Priority will be given when the following arises:
 - 4.1. Trees are interfering with the network utility operation and therefore a risk to public safety or provision of that service.
 - 4.2. Trees are undermining a structure, flood protection or erosion control structures.
 - 4.3. Trees of poor health shall be addressed if they become a safety concern through routine maintenance.
5. Pest prevention strategies shall be implemented where practicable and cost effective to prevent disease and pest damage.
6. Where practicable Council will maintain public trees to avoid damage to private property. When aware that a Council tree has caused material damage to private property or network utility services, residents should contact their insurer in the first instance. Council will then assess the situation and practicable steps will be carried out to remedy the situation, considering arboriculture best practice methodologies.
7. Where there is an existing public tree adjoining private property, private property owners are advised to take precautions to ensure that any future paving, new buildings, additions or services they install will not be negatively affected by the tree or vice versa.
8. Council will manage the impact of leaf-fall from deciduous tree species through regular street sweeping. This is managed through the roading maintenance contract.

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Co-location of Trees and Infrastructure

Council seeks to achieve an appropriate balance between retention of public trees and the safe and efficient development, maintenance, operation and up-grading of the road network, network utilities, driveways and private assets.

Council has responsibility of ensuring all trees are planted and maintained in a way that potential harm to infrastructure now or into the future, is avoided. However, there are instances where previous decisions or development may make this difficult.

All community assets, including trees are valued. Where a tree is damaging infrastructure such as a road pavement, drain, footpath or a structure in the road, an assessment will be made by the Council that involves the Council’s Parks Manager and the Asset Manager responsible for the infrastructure. If on-going damage to the infrastructure is likely, then the most practicable option will be adopted. The value of trees and infrastructure will be considered when decision-making.

The development, maintenance, operation and upgrading of the road network and network utilities is supported where appropriate by allowing for the trimming and alteration of its public trees in accordance with arboriculture best practice and in line with the provisions of the NPT Chapter of the WDC District Plan.



Image 4: Trees and powerlines don't mix well

Policy Provisions:

1. Relevant Council departments will work with utility operators and the Council tree maintenance contractors, ensuring the value of trees is recognised and reasonably considered when maintaining, upgrading or constructing infrastructure. This will include engaging in processes such as:
 - 1.1. Council's contractors seeking advice and approval where activities are identified as requiring resource consent under the District Plan;
 - 1.2. Council's asset owners working across departments to ensure consideration of the location and value of existing trees and infrastructure in early planning stages of projects.
 - 1.3. Obtaining resource consents for tree works where required.

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2. Works required on trees for maintaining the safe and efficient network operations of electricity, telecommunications, roads and underground water, waste and stormwater services will be done by a qualified arborist and in accordance with arboriculture best practice standards.
3. Council will consider the design, planning, safety and ongoing cost impacts of new trees prior to planting. Considerations will include:
 - 3.1. The relationship of the trees with their surrounding environment i.e. character, form, landscape, amenity, historical, cultural and ecological values;
 - 3.2. The foreseeable effects of trees on infrastructure damage and built structures by roots, branches and canopies or leaf fall;
 - 3.3. Future maintenance of the trees;
 - 3.4. Retaining access to infrastructure; and
 - 3.5. Impacts on visibility and safety within the road corridor and public spaces.
4. Riparian planting will be carried out in such a way that avoids exacerbation of flooding, provides for adequate stormwater flows and access for future maintenance. This will be achieved by:
 - 4.1. Appropriate plant selection; and
 - 4.2. Council's asset owners, including Stormwater, Parks and Roading departments, being involved in the early planning stages of projects.
5. Council will ensure that trees planted within the road corridor will be planted to enhance urban and rural streetscapes and carparks. This includes providing:
 - 5.1. Appropriate tree selection;
 - 5.2. Adequate space to accommodate the tree's anticipated root zone, height and canopy spread i.e. Avoiding conflict with overhead or underground services and stone walls; and
 - 5.3. Trees that will not require significant long-term management.

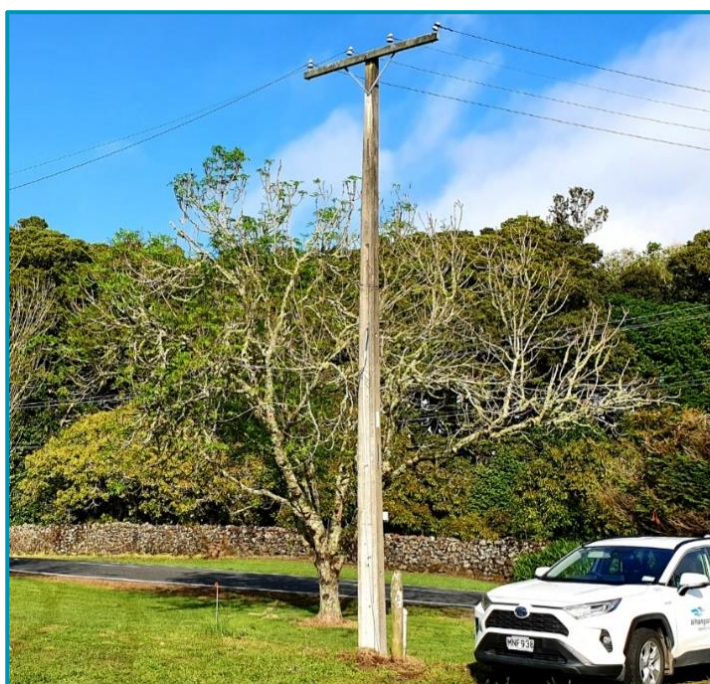


Image 3: A public tree in decline, Maunu Cemetery

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New Trees and Succession Planting

The District has many introduced trees which were planted by early settlers and now form an integral part of our local landscape.

Some of these trees have been listed as pest species by the Northland Regional Council such as the row of phoenix palms along Kensington Avenue that demarcate the edge of Kensington Park (Image 5).

These introduced species need to be managed appropriately on a long-term basis, based on the expected life of the species. In some cases, this could be anywhere from 50 to 150 years.



Image 5: Phoenix palms, a pest species, line Kensington Ave

Policy Provisions:

1. Future development will be supported by the planting of new trees that will contribute to the amenity, ecological, historical or cultural values of the urban centre.
 - 1.1. Council's Parks department will work with developers and across council to provide technical and policy advice in planning for street planting in new development areas.
 - 1.2. Long terms costs of maintenance will be considered by Council prior to implementation of planting plans and partnerships may be entered with private developers where appropriate.
 - 1.3. Location of existing infrastructure and CPTED principles shall be considered when making the decision to plant new trees. The species and location of new trees must be appropriate.
2. Council's tree planting will be carried out to ensure the areas distinctive landscape character in the District is re-enforced. This means using tree species that are considered appropriate for Whangarei, including use of both native and introduced species.
 - 2.1. Localised planting themes can be developed, where appropriate, throughout the District. These themes should include species that are suitable for the environmental conditions and consider the local character and amenity of the neighbourhood.
 - 2.2. Planting themes can be used to inform the preparation of more detailed landscape plans associated with Council projects.
3. Council will reduce the use of species requiring high maintenance by giving preference to the following values associated with a tree species:
 - 3.1. Resistance to pests and disease;
 - 3.2. Maximise ecological benefits and provide ecosystem support;
 - 3.3. Suited to the location and environment type;
 - 3.4. Non-invasive;

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Tree Pruning or Removal

When a public tree is professionally determined as being unsafe to the public and property (emergency works), or is dead or dying, the tree may be removed, provided pre-approval is received from a qualified Arborist and Council Tree Officer.

An assessment of the tree by a qualified arborist is otherwise required under NPT.1.5 of the District Plan prior to the removal of a public tree.

A resource consent may be required for removal of a public tree that does not meet the requirements of NPT.1.5. Removal of trees will be carried out in accordance with arboriculture best practice.

The District Plan provisions for removal of a listed 'Notable' tree are more restrictive. Infringements are managed by Councils monitoring team.



Image 6: Wrong tree's, wrong place? Hora Hora

Policy Provisions:

The following scenarios apply where Council *may* prune or remove a tree:

- The tree is diseased or in decline as per an arborist's assessment;
- The tree is causing problems for traffic safety, reducing visibility or obstructing the road or footpath;
- There is a need to preserve other trees considered of greater value than are impacted on;
- If the tree is a pest or weed species; and
- To manage the risk of potential danger to people or property due to the age or condition of the tree.

Council will *not* prune or remove a public tree to:

- Preserve or create views;
- To reduce shade or leaf litter;
- Because of the 'nuisance' of nesting birds;
- Prevent erosion of low use public land;
- To negate root disturbance of roads, paths and accessways, unless all alternative options have been considered.

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Procedures, Processes, Standards and Guidelines

Tree Removal, Replacement and Payments

It is Councils preference to retain trees where possible. However, if we do allow trees to be removed from an area, there may be a requirement to either carry out replacement planting or make a payment (mitigation payment).

Council must approve any replacement planting; specifying the size, species, location and maintenance required for the replacement tree(s). Based on the reasons for removal, the replacement tree(s) may be planted in an alternative location. Planting is at the applicant's cost.

Where a tree is removed and is not replaced, mitigation payments will be sought. These are to cover maintenance and compensation for the loss in value associated with removing the tree. Payment values are assessed by the Council Officer using the following assessment criteria:

- Trees over 2m in height and/or a diameter of 600mm;
- Existing street trees planted and maintained by Council Parks & Recreation;
- Species;
- Maintenance cost;
- Health and condition of tree replaced;
- Streetscape value and quality;
- Works proposed;
- Resource consent conditions;
- Amenity value; and
- Stakeholder concerns i.e. residents.

In selecting a replacement tree(s), Council Officers will consider the ecological context, lifespan, origin, maturity, rarity, health and aesthetic qualities.

The decision to allow for tree removal depends on the overall assessment of the benefits and loss associated with the removal of the tree. These will be scoped and quantified in order to reach a final decision.

Replacement planting and/or payment takes place only when Parks and Recreation officers have approved the removal and proposed replacement planting.

It is an offence to remove trees and vegetation under the Public Places Bylaw and Council retains the right to not allow planned works to proceed. Infringements are managed by Councils monitoring team.

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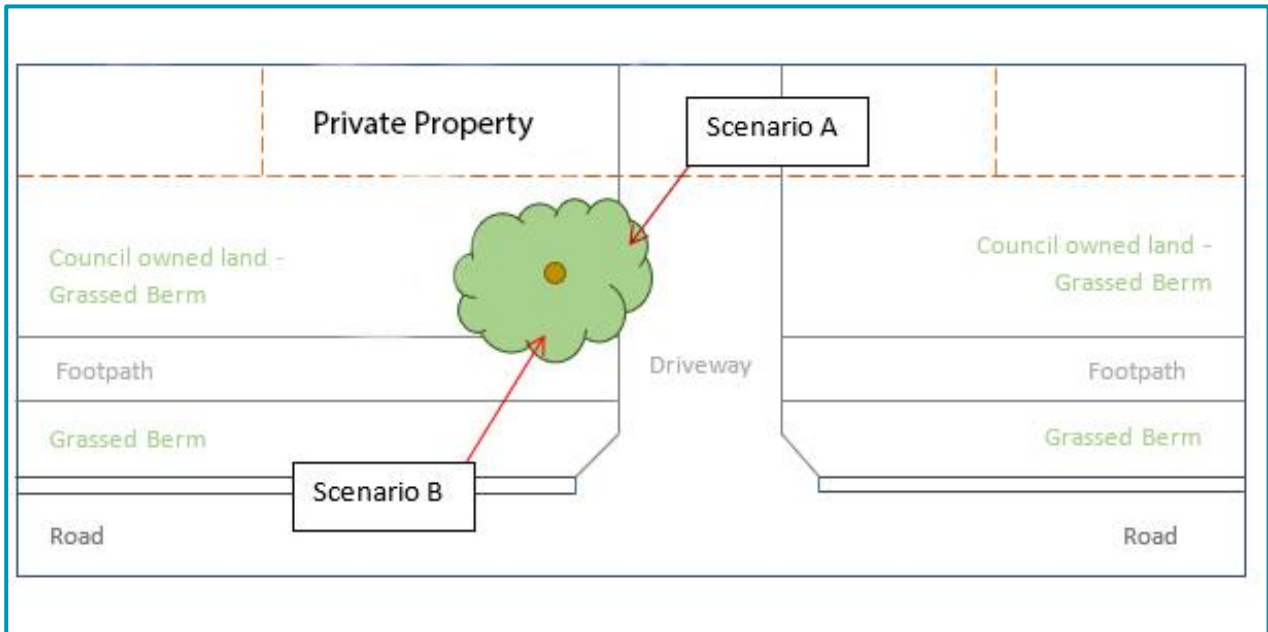
Guide to Replacement Planting and Payments:

Scenario	Likely Outcome
<ul style="list-style-type: none"> The area or proposed land use does not allow for replacement trees on site. 	<ul style="list-style-type: none"> Alternative location for tree sought OR no planting is undertaken. Cost to cover alternate location planting OR full compensation sought for tree loss from applicant.
<ul style="list-style-type: none"> Tree to be removed is not of significance. 	<ul style="list-style-type: none"> Replacement tree planted at the cost of the applicant. Tree type at the discretion of Council. Payment to cover replacement tree costs.
<ul style="list-style-type: none"> Tree has some benefits to the area, however is not highly significant in value. 	<ul style="list-style-type: none"> Replacement tree planted at the cost of the applicant. Tree type at the discretion of Council. Payment likely to cover replacement tree costs and compensation towards value loss from applicant.
<ul style="list-style-type: none"> Tree is highly significant in value. 	<ul style="list-style-type: none"> Replacement tree planted at the cost of the applicant. Tree type at the discretion of Council; generally, the tree grade shall reflect the size and form of the tree removed. Payment likely to cover replacement tree costs and full compensation towards value loss from applicant.
<ul style="list-style-type: none"> Public tree has damaged private property (driveway access) – refer to Diagram A – Scenario A 	<ul style="list-style-type: none"> Assessment to be made by Council arboriculture advise as to actions required. Council may contribute to the cost of root pruning and/or root protection while a driveway is renewed to rectify if required. Driveways/accessways are owned by residents, located over Council property (berm), at Councils pleasure. All rights and maintenance or renewal associated with a driveway/accessway are the residents.
<ul style="list-style-type: none"> Public tree has damaged Council footpath or water/wastewater pipeline – refer to Diagram A – Scenario B 	<ul style="list-style-type: none"> Assessment to be made by Council roading or water/wastewater officer as to actions required, including measures to reduce future tree damage to assets. Utility asset owner likely to contribute full costs to rectify if required.

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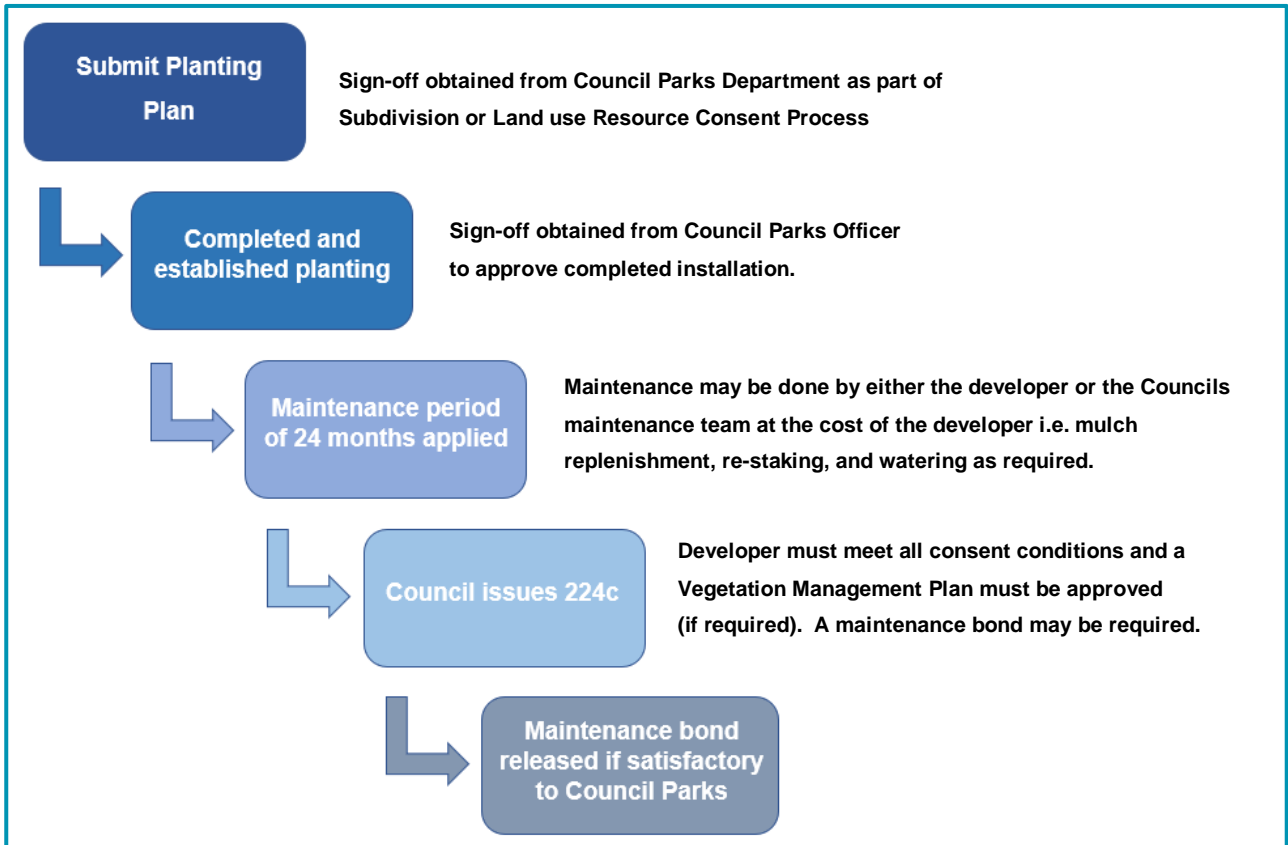
Diagram A: Scenario A and B



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Implementing tree planting as part of a new development

Council encourages the integration of street trees in new development proposals. The following diagram illustrates the process developers will go through when implementing tree planting as part of a new development. The establishment of community gardens are addressed in Councils Community Gardens Policy (Policy #181).



Exceptions:

All trees listed as a Notable tree in the District Plan are exempt from this Policy. These trees, and removal of some Public trees, are subject to the Resource Consent Process and will be assessed on a case by case basis with the input of Councils Parks and Recreation officers through the planning process.

Tree Damage:

Damage that occurs to public trees e.g. wilful damage, during construction, may incur a warning, fine or prosecution. Schedule 1 of the Resource Management Act 1991 sets out infringement fees and processes relevant to contraventions of the Act, of which District Plan rules seeks to achieve.

Councils compliance and monitoring team are responsible for the issuing of abatement notices, infringements and prosecutions.

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Definitions

Protected Public Tree (NPT.1.13)

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*
 - 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) *Sailx* 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*)

Listed Notable Tree (NPT.1.12)

Section NPT 1.1.12 of the District Plan contains details of Notable Trees identified on the Planning Maps. Trees listed within Table NPT.1.12.1 have been identified in accordance with the criteria in NPT.1.11. Rules relating to these trees are provided in NPT.1.5 - NPT.1.9.

Private Tree

Any tree located on privately owned land that is not listed on the Notable tree schedule (NPT.1.12.1)

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Relevant Legislation

Long Term Plan

The Local Government Act 2002 (LGA) requires every council to produce a Long-Term Plan (LTP) every three years. The LTP outlines Council's activities and priorities for the next ten years, providing a long-term focus for decision-making. It also explains how work will be scheduled and funded.

Within the LTP Council's parks department commits to maintenance and capital works to deliver a greener urban environment. This can include succession planting for trees removed due to age, enhancing streetscapes and reserve land, and continuing maintenance works that are essential to maintaining the health and lifespan of trees across the district.

Local Government Act (1974) and Local Government Amendment Act (2002 / 2010)

The Local Government Act 1974, Local Government Act 2002 (LGA) and Local Government Amendment Act 2010 (LGAA) provides Council with the ability to undertake works on trees, including tree removal, that are overhanging Council roads. It also provides Council with the ability to prune or remove trees that may be considered a fire hazard.

In the instance that a tree warrants pruning or removal because the tree is adversely affecting the road corridor i.e. damage, safety or visibility, Section 355 of the LGA will apply. This rule enables Council to undertake the works without delay and also requires Council to undertake communications with land owners prior to undertaking the works.

Where a tree may be considered a fire hazard, section 183 of the LGA 2002 shall apply.

No trees are permitted to be planted within the road corridor, without the prior approval of Council. Generally, this will not be approved unless formed part of an approved development and resource consent process. Penalties apply to those that do undertake planting and section 357 of the LGA 2002 applies in this case.

Reserves Act 1977

The Reserves Act 1977 deals with the powers and responsibilities of a local authority as the administering body of a reserve. Areas are provided and managed as reserves under the Act to protect a range of special features or values, including recreational, historical and community values. In many cases, trees and vegetation form a major component of the character and values of our Reserves. In summary, the Reserves Act is:

- providing for the preservation and management of areas for the benefit and enjoyment of the public;
- ensuring, as far as possible, the survival of all indigenous species of flora and fauna;
- ensuring, as far as possible, the preservation of access for the public;
- providing for the preservation of representative samples of all classes of natural ecosystems and landscape; and
- promoting the protection of the natural character of the coastal environment and the margins of lakes and rivers.

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The Reserves Act gives Council the power to manage and administer all Reserves within the Whangarei District. This means that Council has the responsibility to maintain all Reserves and any proposal to significantly change or undertake works on the Reserve, must be approved by Council.

Related Policies and Documents

District Plan

Whangarei District Council also provides for the management and protection of trees on public and private land through tree protection rules within the District Plan.

The threshold for classifying a public tree within the District Plan is any tree greater than 6.0m in height or with a girth (measured 1.4m above the ground) greater than 600mm (refer NPT.1.13).

Under the District Plan trees are protected through the following:

- Permitted activity standards and requirements;
- Both public and private trees can be registered on the 'Schedule of Notable Trees'; and
- Conditioned under a resource consent or covenant.

Requirements for planting new trees is also sought in the planning stages for new development under the District Plan. This is generally achieved through the resource consent process and agreed between developers and Council. The District Plan and relevant Plan Changes also include objectives and policies that guide new development in both natural and urban environments.

Engineering Standards

Council's Engineering Standards (EES) form part of the District Plan. They are applied when an application for resource consent is required for a new development.

Tree and landscaping standards and requirements are included in the EES to guide developers on technical details regarding the location, species and construction methods when trees are to be located in the road reserve and/or within an open space environment.

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Adopted

Date of meeting: 25 March 2021

By: Whangarei District Council

Policy Review

This Policy will be reviewed 2026.