

Application for Resource Consent (Form 9)

Application made under Section 88 of the Resource Management Act 1991

To: RMA Consents
 Whangarei District Council
 Private Bag 9023
 Whangarei 0148

consentsadmin@wdc.govt.nz

| Office Use only | |
|-------------------|---------------|
| Date Received: | 24/1/23 |
| Time received: | 4.38pm |
| Payment Received: | Yes 26/1/23 |
| | LU2300005 |
| Tech 1 App #: | 110286 |
| Property #: | 109348 |
| Land #: | Holly Jenkins |
| Planner: | |
| Engineer: | |

This form is designed to provide us with your contact information and details about your proposal that are required for us to process your application. If you fail to complete this form and provide the necessary information, including the deposit fee, your application may not be accepted for processing. Prior to paying your deposit fee you may request an invoice from us.

Applicants should refer to our guide 'Guide to Completing Application Forms' in completing this Application Form.

1 Application Details

Full Name of Applicant(s): Whangarei District Council- Parks & Recreation Department

Postal address: Private Bag 9023, Whangarei 0148

Phone: _____ Email: infrastructure_planners@wdc.govt.nz

I hereby apply to Whangarei District Council for (please tick all relevant):

- Land Use Consent - s87(a) Subdivision Consent - s87(b)

This application also seeks permission to (please tick all relevant):

- Vary/ Cancel Consent Notice - s221(3) Cancel Easement Condition - s243(e)
 Cancel Amalgamation Covenant - s240(4) Form Right-of-way - s348 LGA 1974
 Cancel Amalgamation Condition - s241(3) N/A
 Change Conservation Covenant - s114 Reserves Act 1977
 Acceptance of a Papakāinga Development Plan
 Other: _____

Is this application made under the fast-track consent provisions (s87AAC)? Yes / No

2 The Activity

Description of proposed activity:

Removal of 33 Magnolia trees and 1 Rewarewa tree from the road reserve (30 Public Trees)

Is consent for the Activity required under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011? Yes / No

3 The Site

Physical address: Brentwood Avenue

Legal description(s): N/A Road Reserve

Zone: General Residential Zone, Open Space Zone

Is there a locked gate or security system restricting access? Yes / No

Is there a dog on the property? Yes / No

Are there any entry restrictions or hazards that Council staff should be aware of? Yes / No

If yes, please provide details so Council staff can take the necessary precautions:

Is the subject land Māori land as defined in section 4 of Te Ture Whenua Māori Act 1993?

Yes / No

4 Owner/ Occupier Details (if different from Applicant)

Owner(s):

Full Name: _____

Postal address: _____

Phone: _____ Email: _____

Occupier(s):

Full Name: _____

Postal address: _____

Phone: _____ Email: _____

5 Other Activities

Select the statement that applies:

There are no other activities that are part of the proposal to which this application relates

There are other activities that are part of the proposal to which this application relates

Where there are other activities, describe these and provide an explanation of how any permitted activities comply with requirements, conditions, and permissions such that a resource consent is not required.

Does the activity need a connection to Council infrastructure? Yes / No

Does the activity need a connection to infrastructure through or over reserve land administered by Council? Yes / No

6 Other Consents

Select the statements that apply:

- No additional resource consents are needed for the proposal to which this application relates
- Additional resource consents under a Regional Plan or National Environmental Standard are needed for the proposal to which this application relates and have/have not (delete one) been applied for.

Provide details as applicable: _____

I have have not (select one) applied for a building consent or PIM in relation to my proposal

Building consent / PIM reference: _____

7 Information Requirements

Have you attended a pre-application meeting in relation to this Application? Yes / No

Are you requesting that your application be publicly notified? Yes / No

I attach:

Assessment of environmental effects

Prepared in accordance with requirements of clause 6 and clause 7 of schedule 4 to the Resource Management Act 1991 and with a level of detail that corresponds with the scale and significance of the effects of the activity may have on the environment.

Assessment against matters set out in Part 2 of the Resource Management Act 1991

Assessment against any relevant provisions of: a national environmental standard; other regulations; a national policy statement; a New Zealand coastal policy statement; a regional policy statement or proposed regional policy statement; and a plan or proposed plan

Prepared in accordance with the information requirements of clause 2(2) of schedule 4 to the Resource Management Act 1991.

Certificate of title and relevant interests

Search copy must be dated within the last 3 months

A Scheme Plan (for Subdivision)

Plans detailing the location and extent of any proposed works (for Land use)

Other information or specialist reports

As required by the District Plan, and / or to assess in detail any actual or potential effect on the environment, and/or for any other reason. Please list below:

Arborist Assessment

8 Declaration of Applicant or Authorised Agent

Fees and Charges:

You will be responsible for payment all actual and responsible costs of processing the application.

You are required to pay an advance fee deposit at time of lodgement. Please refer to Council's 'Schedule of Fees & Charges' found here: [Fees-and-Charges](#).

See here for payment options: [Whangarei District Council payment options](#). Please quote the type of application and name of the Applicant when making your payment.

The processing charge covers tasks such as site visits, report preparation, information searches, and input from other Council staff including engineers. Mileage is also charged.

You will be invoiced for any outstanding costs associated with processing the application when a decision on your application is issued. In some cases, interim billing for processing costs may also occur.

Development Contributions:

When granting consent to certain activities, Council may levy a monetary contribution. Development contributions are levied under the Local Government Act 2002 in accordance with Council's Development Contributions Policy. When such contributions become due, the consent holder is responsible for their payment. Unless otherwise advised, the name and contact address of the person responsible for payment of any contributions will be taken as the Applicant.

Privacy Information:

Council requires the information you have provided on this form to process your application and to collect statistics. Council will hold and store the information, including all associated reports and attachments, on a public register. The details may also be made available to the public on Council's website. These details are collected to inform the general public and community groups about all consents which have been processed or issued through Council. If you would like to request access to, or correction of any details, please contact Council.

Site Visit:

By signing this form, you confirm that Council is permitted to undertake a site inspection(s).

Applicant Declaration: (required where authorised agent is not acting on your behalf)

I / we confirm that I / we have read and understood the above.

Subject to rights to object to or appeal a decision on costs under section 357B and section 358 of the Resource Management Act 1991, I undertake to pay all costs associated with this application. I also agree to pay all the costs (including debt collection or legal fees) of recovering any unpaid costs.

Applicant name: _____

Applicant signature _____ Date: _____

Applicant name: _____

Applicant signature _____ Date: _____

Authorised Agent Declaration:

As authorised agent for the Applicant, I confirm that I have read and understood the above information and have fully informed the Applicant of their obligations in connection with this application, including obligations relating to payment of fees and other charges. I confirm that I have the Applicant's authority to sign this application on their behalf.

Agent's signature SR Brownie Date: 23 January 2023

Name of agent: Infrastructure Planners

Company name Whangarei District Council Reference: _____

Postal address: _____

Phone: _____ Email: infrastructure_planners@wdc.govt.nz

9 Address for Service

Please send all correspondence to (select one):

- The Applicant
- The Authorised Agent
- Other (*please provide details*)

Full Name: _____

Postal address: _____

Phone: _____ Email: _____

Application for Resource Consent to Whangarei District Council

Tree Removals - Brentwood Avenue

| | |
|---------------------------------|--|
| Applicant: | Whangarei District Council Parks and Recreation Department |
| Application: | Application for a resource consent for the removal of 33 magnolia trees and 1-rewarewa tree classified as Public Trees and located throughout the road reserve on Brentwood Avenue, Kamo. |
| Reasons for Consent: | TREE-R6 Removal of any Public Tree (Discretionary) 2. Removal of any public tree which does not comply with the permitted activity rules within TREE-R6 Overall the proposal is a Discretionary Activity under the Operative District Plan. |
| Property Address: | Multiple locations within the road reserve on Brentwood Avenue, Kamo. |
| Legal Description/s: | Road Reserve, Brentwood Avenue, Kamo |
| Zone: | Road Reserve, General Residential Zone, Open Space Zone |
| Resource Notations: | N/A |
| NES: | N/A |
| Plan Changes: | N/A |
| Other consents required: | N/A |
| Contact: | Infrastructure Planners Email: infrastructure_planners@wdc.govt.nz The writer of this report authorises the reproduction of any part of this documentation in the assessment of the application. An electronic copy of this document can be supplied to the reporting planner. |

Supporting Information

| | |
|-----------------------|---|
| Attachment 1: | Planning Maps |
| Attachment 2: | Whangarei District Council Briefing Agenda Item |
| Attachment 3: | Whangarei District Council Policy #218 - Management of Public Trees |
| Attachment 4: | Whangarei District Council Infrastructure Committee Agenda Item |
| Attachment 5: | Stuff Newspaper Article |
| Attachment 6: | Northern Advocate Newspaper Article- 1 |
| Attachment 7: | Northern Advocate Newspaper Article 2 |
| Attachment 8: | Tree Location Plan |
| Attachment 9: | Palette of Replacement Trees |
| Attachment 10: | Installation Method |
| Attachment 11: | Arboriculture Report: |
| Attachment 12: | WDC Rooding Comments |

The Site

Brentwood Ave is an established street, located towards the West of Kamo. It is lined with magnolia trees that are approaching 30 years old and are around 6-7m high. The trees contribute to the amenity of the streetscape.

Brentwood Avenue is accessed from Three Mile Bush Road and provides access to Timandra Place. At the end of Brentwood Avenue there is a Local Purpose (Neighbourhood) reserve which connects to a pedestrian accessway that links to Sequoia Place, and eventually out to Te Puia Street. Next to the local purpose reserve is a path leading to a locked gate which has pin access to the Jane Mander Retirement Village.

Pedestrians have several options for walking routes that link back to Three Mile Bush Road, Fairway Drive or towards Jane Mander Retirement Village.

The pedestrian connections mean that the residents of Brentwood Ave, Timandra Place, Jane Mander Retirement Village and the wider public often utilise Brentwood Avenue as part of these walking routes.

A map showing the location of Brentwood Avenue and its surrounds and a zoning map are shown in Figures 1 and 2 below. The planning maps for Brentwood Avenue are available in Attachment 1.



Figure 1 – Brentwood Avenue in local context

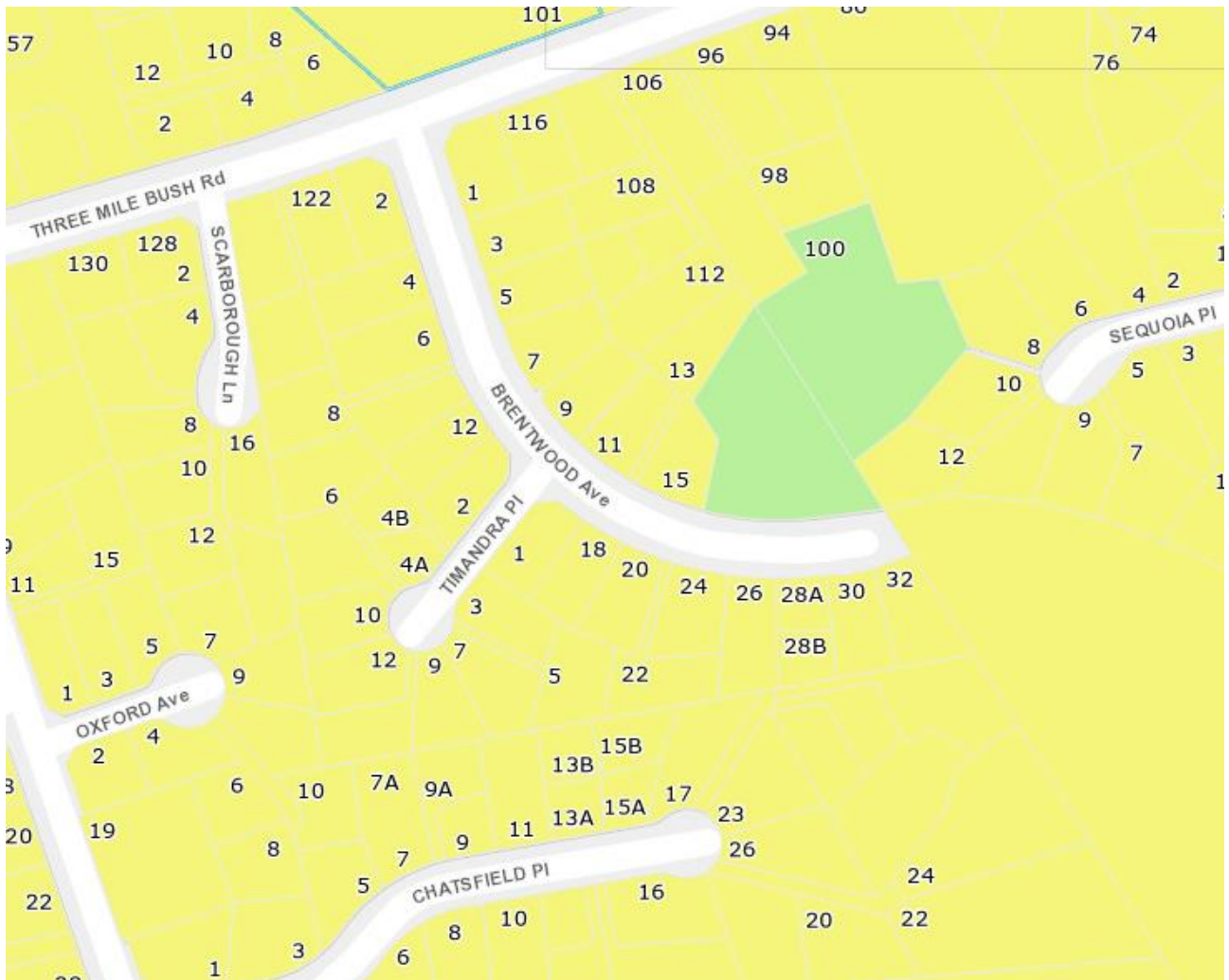


Figure 2 – Brentwood Avenue Zones

Background

Over the past few years, residents of Brentwood Avenue have been reporting issues to the Whangarei District Council relating to the trees located in the road reserve in Brentwood Avenue. They have expressed concerns that the trees' root systems are uplifting pavements, kerbs, vehicle crossings, channels, and pipes; and that the damage the roots are causing to footpaths is hazardous to pedestrians, with several trip hazard incidents, some resulting in injury, reported to Council.

Throughout this period temporary repairs have been undertaken by Council (Roading) and trip-stop has been installed to reduce occurrences. However, this does not appear to have resolved the issue and the residents of Brentwood Avenue have approached Council to request that the trees are removed. The issue has gained public attention following repeat news articles.

Whangarei District Council Parks and Recreation Department (WDC Parks) Manager undertook a briefing with the Whangarei District Council (Council) on the 9 June 2022 to discuss the request to remove the trees. Review of the Management of Public Trees Policy was also discussed at the briefing. Removing the trees is not considered to be consistent with the current Whangarei District Council Policy - Management of Public Trees and the removals would require a resource consent, being classified as a Discretionary Activity under the Whangarei District Plan – Notable and Public Trees.

The relevant agenda items can be found in Attachment 2. A copy of the Whangarei District Council Policy #218 - Management of Public Trees can be found in Attachment 3.

Following the Council briefing, the WDC Parks Manager took the matter to the Whangarei District Council Infrastructure Committee (Infrastructure Committee) on 14 July 2022 to seek a decision. The Infrastructure Committee decision, endorsing removal of the trees, is shown in Figure 3 below. The agenda item is available in Attachment 4.

4.3 Brentwood Avenue, Kamo - tree removal

Moved By Cr Vince Cocurullo

Seconded By Cr Nicholas Connop

That the Infrastructure Committee;

1. Approves staff applying for resource consent for the removal of magnolia trees from Brentwood Avenue, Kamo;
2. And supports local residents funding the removal of the trees, stump grinding the remains and replanting with a suitable tree species that is agreeable to both parties.

Amendment

Moved By Cr Phil Halse

Seconded By Cr Shelley Deeming

That the Infrastructure Committee;

1. Approves staff applying for resource consent for the removal of magnolia trees from Brentwood Avenue, Kamo;
2. Supports local residents funding the removal of the trees, stump grinding the remains and replanting with a suitable tree species that is agreeable to both parties.
3. And that Whangarei District Council will reinstate the footpath after tree removal has taken place.

**The amendment was Carried
and subsequently carried
as the substantive motion**

Figure 3 – Infrastructure Committee Decision (14 July 2022)

The situation at Brentwood Avenue is of public interest and newspaper articles have been published about the issue and the decision. More recently, an article was printed in Stuff on 3 August 2022 and articles printed by the Northern Advocate on 9 June 2022 and 3 August 2022. These articles are available in Attachments 5-7.

Proposal

The purpose of this resource consent application is to enable the removal of 34 street trees on Brentwood Avenue. The removals are required to address conflicts between the trees with Council owned infrastructure and private property. Removal of the trees will address safety concerns and hazards that can arise with tree conflicts.

TREE REMOVAL

- It is proposed to remove 34 trees located within the road reserve on Brentwood Avenue, Kamo. The trees are predominantly bull bay magnolia and one rewarewa tree. A tree location plan is provided in Attachment 8.
- The consent application does not include removal of a frangipani tree located outside 14 Brentwood Avenue because the tree is likely to be privately owned and its removal is not necessary as no conflicts with infrastructure or paving have been identified.
- The proposed tree removal works will be carried out by a suitably qualified contractor in accordance with industry best practice. The trees will be felled and the root-balls removed. The tree removals are expected to take 2-3 working days to complete with a further 2-3 days for stump grinding.
- The volume of earthworks relevant to the tree removal will be minimal, with only the earth material attached to the root-ball of the trees disturbed during removal. The earthworks required for the carriageway improvement works and tree removals will be carried out in accordance with industry best practice and will be restricted to the road reserve area. Best practice erosion and sediment control measures will be implemented as necessary.

TREE REPLACEMENT

- The 34 trees proposed for removal will be replaced at a ratio of 3:1 with species selected from the 'Palette of Replacement Trees' available in Attachment 9. For each of the 34 trees to be removed there is proposed to be a one to one within the road reserve of Brentwood Avenue, and an additional two trees planted in the nearby reserve located off Brentwood Avenue (Lot 17 DP 137989).
- Prior to the removal of the trees, consultation will be had with WDC Parks and the residents of Brentwood Avenue and Timandra Place to seek input on the replacement tree species selected from the "Palette of Replacement Trees".
- A standard planting method will be followed to ensure potential issues with replacement trees are avoided or minimised, to prevent any future uplift to pavements or damage to infrastructure as the replacement trees grow. The standard planting method is available in Attachment 10.

CONSENT CONDITIONS

The following conditions of consent are suggested, in addition to a general accordance condition, as part of the proposal:

1. The consent holder shall submit a Corridor Access Request application to Council's Road Corridor Co-ordinator and receive written approval for all works to be carried out within Council's Road Reserve in accordance with Council's Engineering Standards 2022 to the satisfaction of the Development Engineer or delegated representative.
2. The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the RMA Compliance officer and include the following details:
 - i. Name and telephone number of project manager
 - ii. Project address to which the exercising of this consent relates

iii. Activities to which the consent relates

iv. Expected duration of works.

3. Every Public Tree that is removed, must be replaced at a ratio of 3:1 by a tree which is of the species identified in Appendix 9 – Palette of Replacement Trees. One replacement tree must be located in the same or similar location as the tree being removed and shall be a minimum size of PB95/140L. The second replacement tree is to be located within the reserve on Brentwood Avenue, being Lot 17 DP 137989, or at another location with the approval of the Manager-RMA Consents.
4. The replacement trees to be located within the road reserve must be installed as soon as practicably possible following the removal of the existing tree and shall be maintained in perpetuity. Where a replacement tree fails within 3 years of planting, this must be replaced with a tree of either the same species or from the “Palette of Replacement Trees” and be a minimum size of PB95/140L, by the consent holder as soon as practicably possible.
5. All tree removals must be undertaken by a suitably experienced Tree Removal Contractor with Industry Recognised Arboricultural Qualifications.
6. All replacement tree plantings must be undertaken by a suitably experienced Tree Removal Contractor with Industry Recognised Arboricultural Qualifications.
7. The consent holder shall ensure that spoil from the site is not tracked out onto Council or State Highway Road formations to the satisfaction of the RMA Compliance officer or delegated representative.
8. Dust nuisances must be controlled onsite (by use of a water cart or similar) by the Applicant so as not to cause “offensive or objectionable” dust at or beyond the boundary development.

Reasons for Consent

- The definition of a public tree within the Whangarei District Plan is;

“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 6m in height or with a girth (measured 1.4m above the ground) greater than 600mm”.

Of the 35 trees assessed by the Arborist (refer Table 1. Pg.6 Arborist Report.), 30 meet the definition of a public tree. Trees 3, 13, 14, 15 and 16 do not qualify as public trees based on their height and girth measurements. Trees 3, 13, 14, 15 and 16 are included within the resource consent application to ensure that have resource consent in the event that they have grown to the extent that they meet the definition of a public tree before physical works commence. This is to ensure that there will not be unanticipated delays due to consent requirements.

- Rule TREE-R6 from the Notable Tree Chapter within the Operative Whangarei District Plan states that the removal of any public tree which isn't dead, part of emergency tree works, or required for safe use and operation of the road network overhead or underground network utilities is a discretionary activity. The purpose of this rule is to protect trees that positively contribute to amenity, historical or ecological values while enabling safe and efficient use, development, maintenance, operation and upgrading of the roading network and network utilities.
- The removal does not comply with the permitted activity rules within TREE-R6 as the removal is not in relation to overhead or underground utilities. A resource consent is required to allow for the removal of trees under TREE-R6.
- Overall, the application holds a **Discretionary** activity status.

| TREE: Notable and Public Trees | |
|--|---|
| TREE-R6 Discretionary Activities (Land Use) | Comment / Infringement |
| <p>Public Trees</p> <p>Removal of any public tree comply with the permitted activity rules within TREE-R6.</p> <p>TREE-REQ2 provides Assessment Criteria for Discretionary activities.</p> | <p>30 of the 34 trees proposed to be removed are considered public trees.</p> <p>The removal does not comply with the permitted activity rules within TREE-R6 as the removal is not in relation to overhead or underground utilities.</p> |
| | Discretionary activity |

Section 104(1)(a) – Assessment of Effects

An assessment of effects, in accordance with the assessment criteria, as required by TREE-R6 and provided in TREE-REQ2, is provided as follows.

The assessment of effects relies on the Arboricultural Report provided in Attachment 11. Key findings from the report are outlined in Section 6 of the Arborists report, with the report concluding:

“the damage is likely to have occurred through a combination of the species type and shallow depth of available topsoil. It is likely that ongoing conflict will occur along Brentwood Avenue without ongoing management.” (7.2 pg. 18)

Conflicts and likely damage caused by tree roots have been identified and qualified by the Arborist. More than half of the trees assessed (19) are suggested to require moderate – major remedial repairs, these are summarised in Figure 4, with more detail provided in Section 2 of the Arborists report.

| Remediation requirements | Tree No. | Total |
|--------------------------|---------------------------------------|-------|
| Nil | 12-14, 16, 25 | 5 |
| Minor | 1-4, 11, 15, 17, 23, 31 | 8 |
| Moderate | 5-8, 18, 20, 24, 29, 33 | 9 |
| Major | 9, 10, 19, 21, 22, 28, 30, 32, 34, 35 | 10 |

Figure 4 – Details of tree conflicts and likely damage caused by tree roots

Those qualified as ‘Moderate’ generally have visible surface roots and evidence of past damage or minor lifting. Those qualified as ‘Major’ had visible cracking and lifting and obvious conflicts with existing infrastructure or private property.

The Arboriculture Report notes that conflicts with infrastructure or private property have not been identified at every tree location and there are a number of arboriculture (e.g. removal of a single root) and/or structural (e.g. replacement of cobbled brick driveways with standard standard) options available to manage some individual trees.

Three arboriculture options are presented in the report:

1. Remove and replace all of the trees.
2. Retain all of the trees and employ bespoke solutions to minimise further conflict and damage.
3. Undertake a mixture of tree removal and retention, removing those trees causing moderate to major damage.

Mitigation and offsetting through replacement planting is outlined in 6.9 of the Arboricultural Report. The Arborist advises it may not be practical to plant more than a 1:1 ratio within Brentwood Avenue (ref section 7.5 Arboriculture Report) and to consider the location of some replacement trees outside of Brentwood Avenue.

TREE-REQ2 Assessment Criteria for Discretionary Activities

| TREE-REQ2 Assessment Criteria | Assessment of Effects |
|---|---|
| a. The extent to which alternative methods to avoid the pruning or removal of the tree or trees have been considered. | <ul style="list-style-type: none"> - Three options have been provided by the arborist and are summarised in his report. The options include remove and replace all the trees, retain the trees (and employ bespoke solutions to manage the conflict) or to undertake a mixture of tree removal and retention. - The option proposed for consent is to remove and replace all trees. This has been proposed as it is considered to remove the current risks and hazards posed by the existing trees. Replacing the trees with more suitable species is thought to reduce any future risks and hazards as well as creating a consistent amenity along the street into the future. |
| 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. | <ul style="list-style-type: none"> - There are no known historical values associated with the trees, they were likely planted during the 1980-90's. - Removal of the trees will have a significant but temporary impact on ecological values. Replacement trees at a 3:1 ratio will, over-time, return and potentially improve ecological values in the area. - Removal of the tree will have a noticeable impact on amenity values for residents and users of Brentwood Avenue. The loss of shade, |

| | |
|--|--|
| | <p>temporarily, will affect pedestrians until such time as the replacement trees reach a more established size.</p> <ul style="list-style-type: none"> - Replacing the trees with a more appropriate species within the road reserve will improve the amenity value of the streetscape overall and will minimise the likelihood of future conflicts and damage of infrastructure and private property. - Providing additional trees within the neighbouring reserve will, over time, contribute positively to the wider area overall with regards to ecological and amenity values. |
| c. The degree to which any proposed mitigation adequately compensates for the values that the tree or trees provide. | <ul style="list-style-type: none"> - The trees will be replaced one-for-one with a more appropriate species within the road reserve, and additional trees that equate to a 3:1 ratio for the project overall will be planted in the neighbouring reserve (or a similar area). - While there will be noticeable effects initially, it is considered that the number of replacement trees proposed adequately compensates for the loss of the trees and the proposal will have a neutral impact on amenity values over the long term as the replacement trees become more established. |
| 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. | <ul style="list-style-type: none"> - The trees are proposed to be removed and as such, any potential impacts on the health or stability of the existing trees are void. - Replacement trees will be a more appropriate species for the road reserve and their location will be well-considered with regards to the location of existing infrastructure and private property, minimising the likelihood of conflicts and recurrence of damage going forward. |
| e. The actual and potential risk of actual damage to people and property from the tree or trees. | <ul style="list-style-type: none"> - There is an actual and potential risk of damage to existing infrastructure and private property and to public health and safety if some of the trees are to remain without ongoing management. - Replacement trees will be a more appropriate species for the road reserve and their location will be well-considered with regards to the location of existing infrastructure and private property, minimising the likelihood of conflicts and recurrence of damage going forward. |
| 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. | <ul style="list-style-type: none"> - Removal of these trees will be completed by an experienced contractor who will be responsible for the management and disposal of the vegetation appropriately. - No soil is intended to be removed off-site. |
| 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. | <ul style="list-style-type: none"> - An experienced tree removal contractor will be used and are required to use best practice techniques for tree removal. |
| h. The functional and operational needs of infrastructure and network utilities. | <ul style="list-style-type: none"> - The trees have been causing damage to the footpath, infrastructure and to private vehicle crossings. - The infrastructure impacted has a high functional and operational need relevant to the carriageway and network infrastructure. |
| i. Consistency with best arboricultural practices including consideration of the need for the direction and supervision by an on-site | <ul style="list-style-type: none"> - An Arborists assessment and recommendations have been considered. |

| | |
|--|---|
| <p>monitoring arborist while the works are being carried out</p> | <p>- Supervision of the tree removals by a monitoring arborist is not considered necessary.</p> |
| <p>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.</p> | <p>N/A</p> |
| <p>Based on the assessment above, effects can be considered to be more than minor in the short term and neutral over the long term.</p> | |

Section 104(1)(b)(vi) – Statutory Assessment

This section provides a brief statutory assessment against the matters set out in section 104(1) of the Resource Management Act 1991 (RMA) and other relevant planning documents with regards to the proposed works, including the Operative Whangarei District Plan.

Resource Management Act 1991

Part 2 of the Act requires that the proposed activity must meet the purpose of the Act as outlined in Section 5 “to promote the sustainable management of natural and physical resources.”

Section 6 of the Act identifies 8 matters of national importance to be had regard to in achieving the purposes of the Act. Section 7 of the Act identifies 11 other matters to be had regard to in achieving the purposes of the Act. The following are of relevance to the proposal:

- b. the efficient use and development of natural and physical resources:
- c. the maintenance and enhancement of amenity values:
- d. intrinsic values of ecosystems:
- f. maintenance and enhancement of the quality of the environment:

Comment

The proposal involves the removal of an entire street of mature trees and while the intention is to provide a positive effect by removing a potential causal effect, being the damage to Council infrastructure (notably footpaths) and private property, there will be short term adverse amenity and ecological effects.

While the necessity of removing all the mature trees, to prevent potential future conflicts on Brentwood Avenue, might be perceived as unnecessary by some, the effects over the long term can be mitigated and offset with appropriate replacement plantings. Appropriate re-planting will be of benefit to Brentwood Avenue, the Reserve and the wider area in respect to ecology and amenity.

The situation is finely balanced. Provided that tree conflicts do not recur with the newly planted trees, the proposal can be considered ‘not inconsistent’ with the RMA 1991, and would overall, represent the sustainable management of natural and physical resources.

National Policy Statements and National Environmental Standards

There are no National Policy Statements or National Environmental Standards relevant to this application. This includes the New Zealand Coastal Policy Statement.

Regional Policy Statement for Northland

The Regional Policy Statement (RPS) provides a broad framework for managing Northlands natural and physical resources. There are several objectives and policies of relevance, these relate to the protection of indigenous ecosystems, biodiversity and natural character. The proposal is not inconsistent with the objectives and policies of relevance within the RPS.

Regional Water and Soil Plan

The Regional Water and Soil plan assists in the promotion of the sustainable management of natural and physical resources but is not specific to the coast. Objectives and policies of relevance relate to ecosystems and habitats and the effects on natural character and amenity. The proposal is consistent with the objectives and policies and does not infringe any rules contained within the Regional Water and Soil Plan.

Proposed Regional Plan

The purpose of the Proposed Regional Plan for Northland is to manage the use, development and protection of Northland’s natural and physical resources in a way that enables people and communities to provide for their social, economic and cultural well-being and for their health and safety. The proposal is consistent with

the objectives and policies and does not infringe any rules contained within the Proposed Regional Plan for Northland.

Operative Whangārei District Plan– Notable Trees

The objectives and policies of the Notable Trees (TREE) chapter generally seek to protect and maintain trees located on public land where they contribute positively to amenity values. The following objectives and policies are directly relevant to this application:

Objective TREE-O2 – Public Trees states:

“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.”

Policy TREE-P2 – Public Trees States:

“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:

- 1. Providing protection to public trees over a certain size in road reserves, parks and reserves.*
- 2. 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.*
- 3. Encouraging the use of indigenous trees and vegetation, where appropriate, for planting within road reserves, parks and reserves, to recognise amenity and ecological values.*
- 4. Enabling appropriate works to public trees to provide for the safe and efficient operation, use, maintenance and upgrading of network utilities.*
- 5. Recognising that the removal of any protected public trees may be appropriate if: a. It is demonstrated that the tree or trees would not meet the threshold for protection pursuant to the STEMTM Criteria for Notable Tree Classification in TREE – Appendix 1. b. It is demonstrated that there is a 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. c. It is demonstrated that there is no practicable alternative to the removal. d. Where necessary, an assessment is provided of suitable mitigation or offset for the removal*
- 6. Managing protected public trees to avoid, or where avoidance is not possible, contain or control, the spread of plant pathogens.”*

Comment

Assessment of the proposal against TREE-O2 and TREE-P2 is an exercise in balance. It is established that there is a conflict with the safe and efficient use, operation and maintenance of the roading network (including pedestrian users) and the current trees planted in the road reserve. To ensure a consistent amenity is provided for in the future, the removal of all the trees is the recommended option with a three to one replacement programme proposed to offset the impact of the removals.

Other Relevant Matters (Section 104(1)(c)) There are no other matters considered relevant to making an appropriate consideration of this application.

Section 95 Assessment

This application has been prepared and lodged subsequent to the introduction of the Resource Management Amendment Act 2017. In assessing the relevant matters under Section 95A-G (of the Resource Management Act 1991) it is suggested that the following are relevant considerations in making any decision on whether notification is required.

- It is requested that the proposal is publicly notified.

95A – Public notification assessment

- For the purpose of s95A, the proposal requires public notification because public notification is requested.

95B – Limited notification assessment

- For the purpose of s95B, assessment for limited notification is not necessary because the application requires public notification.

Tangata Whenua Considerations

Consultation has not been undertaken with any iwi or hapu. This is because the proposal does not involve the removal of any native tree and the tree replacements are located in a developed urban area.

Other Consultation

1. The Whangarei District Council Roading Department (WDC Roading) has been consulted and has considered the proposal and provided comments. WDC Roading have no significant concerns with the proposal, requesting that replacement trees are provided. Refer Attachment 12.
2. Written approvals have not been sought from residents of Brentwood Avenue or the wider community given that public notification is requested.

Conclusion

This application for resource consent proposes to remove and then replace 33 magnolia trees and 1-rewarewa tree located in the road reserve at Brentwood Avenue, Kamo. 30 of the trees are identified as public trees and a discretionary activity consent is required for their removal under TREE-R6.

The tree removals are considered necessary to address conflicts between the trees with other Council owned infrastructure, and private property. The tree removals will help address safety issues within the carriageway that have been caused by tree conflicts.

This application is made as the result of a resolution of the Whangarei District Council Infrastructure Committee in response to a request made by residents of Brentwood Avenue.

Brentwood Avenue is part of a popular walking route and vulnerable residents in the wider area are included in the community that uses the route. The application is of interest to the public and there has been media coverage. Public notification is requested.

ATTACHMENT 1 – Planning Maps

A – Brentwood Avenue Zoning Map

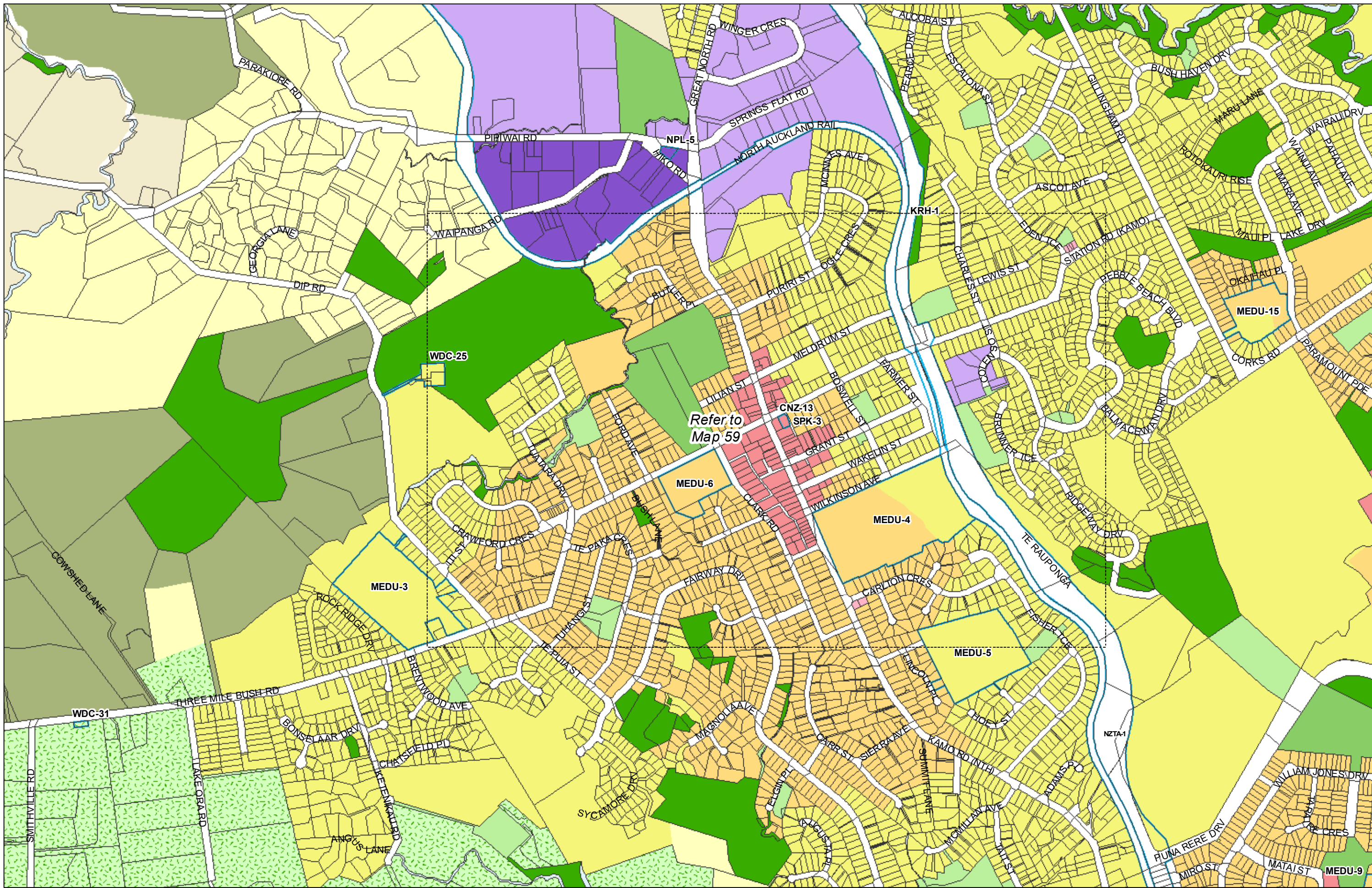
B – Brentwood Avenue Resource Map

Attachment 3: Whangarei District Council Policy #218 - Management of Public Trees

Attachment 4: Whangarei District Council Infrastructure Committee Agenda Item

Attachment 8: Tree Location Plan

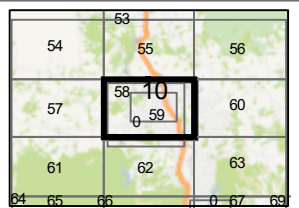
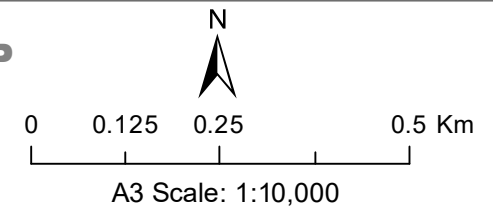
Attachment 9: Palette of Replacement Trees

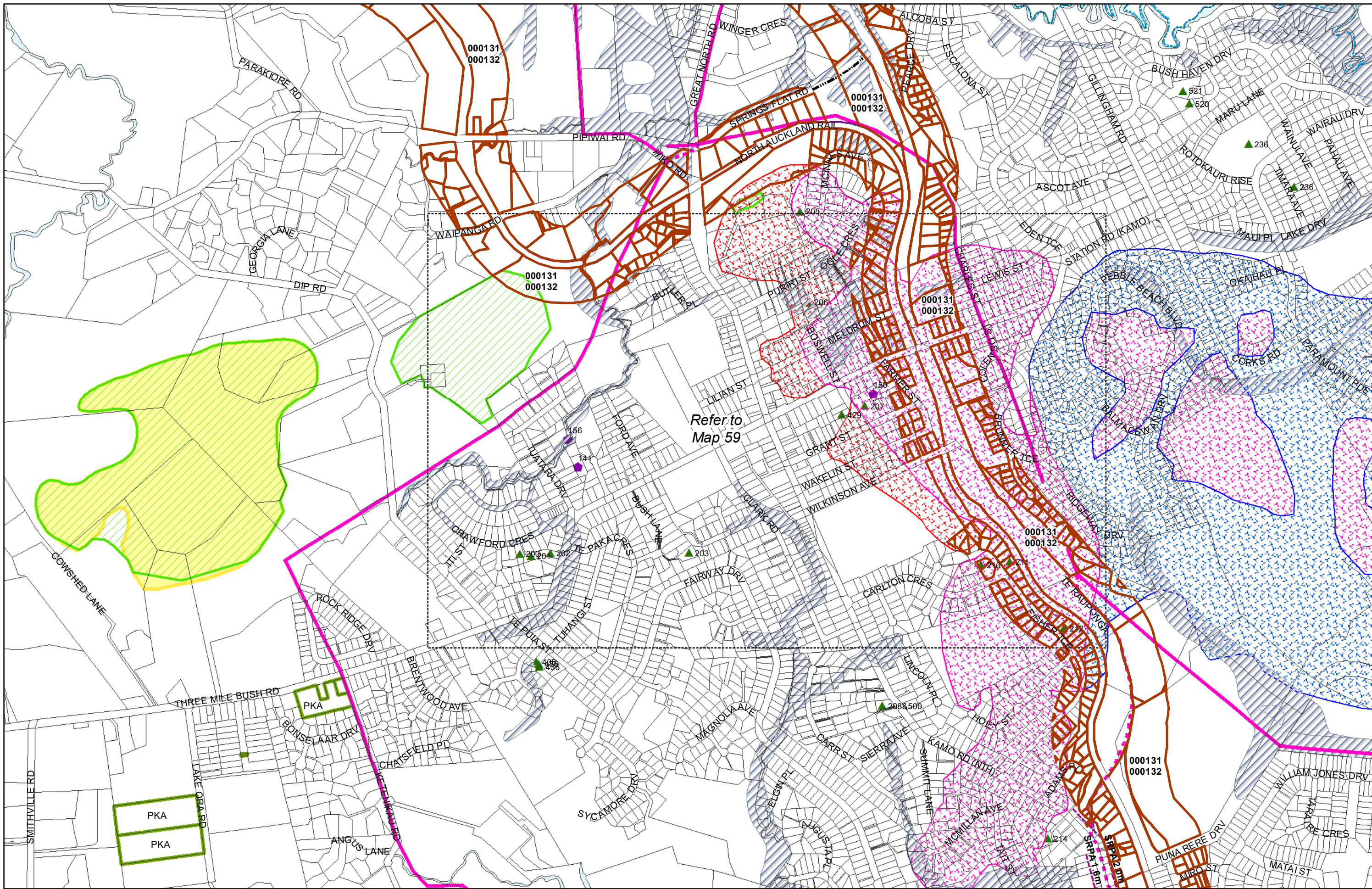


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WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

**Area Specific Matters - Map 58
Kamo**





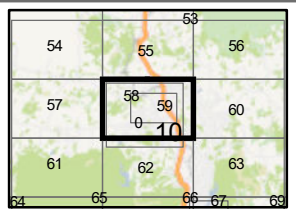
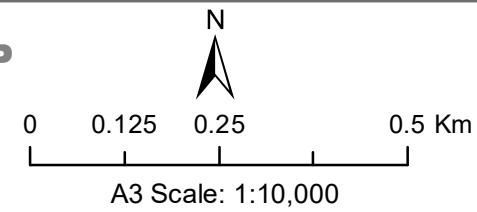
Refer to
Map 59



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WHANGAREI DISTRICT COUNCIL OPERATIVE PLANNING MAP

**District Wide Matters - Map 58
Kamo**



2.2 Brentwood Avenue - request to remove trees

Meeting: Council Briefing
Date of meeting: 9 June 2022
Reporting officer: Sue Hodge (Parks and Recreation Manager)

1 Purpose / Te Kaupapa

The purpose of the meeting is to discuss:

1. A request from Brentwood Avenue residents to remove an avenue of street trees being a decision that is inconsistent with Policy #218 Management of Public Trees Policy
2. To determine where costs should lie.

2 Background / Horopaki

Brentwood Avenue, Kamo was developed in mid-1990s and around this time street trees (magnolia grandiflora) were planted. These trees are now 27 years old and between 6-7m high and provide a lovely streetscape.



Over the last 3 years several residents have requested the street trees be removed as they have:

- damaged footpaths and private driveways
- potentially causing damage to a garage and a rock wall
- seed pods and uneven paths have caused pedestrian safety issues including falls

Temporary repairs have been completed on footpaths and there is no footpath renewal planned for this street in the near future. Residents have been informed that private driveway repairs are their responsibility (photos attached).

In December 2021 two street trees were removed without Council approval. Staff undertook a letter drop to inform residents that the street trees were Council's and unauthorised removal is an offence under Council's Public Places Bylaw. At the same time several media releases were published outlining the benefit of street trees. An invoice to cover mitigation has been sent to a resident for two replacement trees (un-paid to date).

3 Discussion / Whakawhiti kōrero

Residents wish to remove and replace the magnolia trees. The tree policy states that the decision to allow for tree removal depends on the overall assessment of the benefits and loss associated with the removal of the tree.

It is staff's opinion that the trees are healthy and add considerable amenity benefit to the street. However, the repairs undertaken have been temporary without a long-term view to retain the trees and provide a safe footpath. Due to their location some trees will continue to damage driveways. The community is frustrated and want the trees removed.

Removing a full street of trees is unusual and an emotive issue. The reason for the removal is inconsistent with Council's policy and therefore is being escalated to Council.

Residents have been advised that Council does not have budget for the removal, and the residents would need to fund this themselves. Staff understand that the residents are aware of this. The top end costs to undertake this has been estimated to be:

| Description | Cost |
|--|----------|
| Process consent application (application prepared in-house) | \$3,500 |
| Cost to cut down and remove 34 trees | \$4,470 |
| Traffic control costs | \$2,800 |
| Stump grind 37 stumps to 150 - 200mm below ground level & remove excess material | \$2,280 |
| Supply 34 trees at \$110 (estimate based on Pb95) | \$3,740 |
| Plant 34 trees (\$56.76/tree) | \$1,930 |
| Total | \$18,720 |

The final cost may be less depending on the contractors used. Residents have been advised they can get quotes from other contractors however they must be authorised to work in the road corridor. Residents may wish to plant the new trees themselves.

The purpose of this report is to consider the merits of the street tree removal and to confirm the cost share arrangement. The next step would be to recommendation for the Infrastructure Committee's consideration.

4 Attachments / Ngā Tāpiritanga

Attachment 1 – Photos





2.3 Policy Management of Public Trees - review

Meeting: Council Briefing
Date of meeting: 9 June 2022
Reporting officer: Sue Hodge (Manager Parks & Recreation)

1 Purpose / Te Kaupapa

The purpose of this report is to seek input to a proposed review of Policy #218 Management of Public Trees.

2 Background / Horopaki

On the adoption of the Whangarei District Plan 'Notable and Public Trees' chapter, trees in road reserves, parks and reserves administered by Whangarei District Council were protected. This protection is limited to trees greater than 6.0m in height or with a girth greater than 600mm. Maintenance can be carried out on these trees, but removal or major maintenance often requires a resource consent.

The protection does not apply to a number of nuisance trees species such as acacia, silver dollar gum, acmena, phoenix palm, macrocarpa, and privet.

To ensure a consistent approach to management of protected trees Council adopted, in March 2021, Policy #218 Management of Public Trees (attached). Although the policy review period is 5 years an early review is being undertaken.

3 Discussion / Whakawhiti kōrero

Generally, the policy has worked well however there are a number of re-occurring issues:

1. Tree root heaving that damages footpaths or creates an uneven footpath causing safety issues for pedestrians.

The policy states that where a tree is damaging a footpath, an assessment will be made by the Council that involves the Council's Parks Manager (normally a Parks Technical Officer) and the Asset Manager (often Road Area Supervisor) 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.

In practice, trip hazards from tree roots heaving the footpath are sent to our road maintenance contractor. This is paid for under a monthly lump sum. Although the contract doesn't specify how, the standard repair method has been forming a hotmix fillet. This temporary solution can remain for some time and can create its own trip hazard.

The long-term repair can be replacing a short length of path (maintenance), or a footpath renewal. The timeframe for this depends on the renewal programme and available maintenance budgets. There is limited footpath maintenance budget, and along with an aging footpath network it puts a lot of pressure on this budget.

There are a number of long-term solutions that address the heaving of a footpath such as trip stop, small board walks. These repairs have a higher up-front cost but provide savings over time.

It is Council's preference to retain trees where possible and the last resort is to seek resource consent for removal of the tree.

It is suggested that the policy be amended to include a neutral third party to also review the issue and possible solution. This should achieve a better outcome for our community.

2. Damage to private driveway

Driveways are owned by residents, and are located over Council property (berm), at Council's pleasure. The policy states all rights and maintenance, or replacement associated with a driveway are the residents.

Tree roots can damage driveways over time. Our policy is that Council may contribute to the cost of root pruning or root protection works while a driveway is being replaced. Again, the last resort is to seek resource consent to undertake removal of the tree.

The policy states Council will not remove a tree "to negate root disturbance of roads, paths and accessways, unless all alternative options have been considered. "

If an adjoining property owner wishes to remove a Council tree the decision to allow tree removal depends on the overall assessment of the benefits and loss associated with the removal of the tree. The policy states that if we do support tree removal, mitigation payments will be sought. There is no value for the mitigation payments within the policy.

The purpose of the briefing is to seek feedback from Councillors to inform the policy review. Any changes to the policy will come back for Council consideration and adoption.

4 Attachments / Ngā Tāpiritanga

Attachment 1 – Policy #218 Management of Public Trees

Whangarei District Council

*Management of Public
Trees Policy*

*Policy
#218*

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

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

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

Management of Public Trees Policy

| | | | |
|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

Background

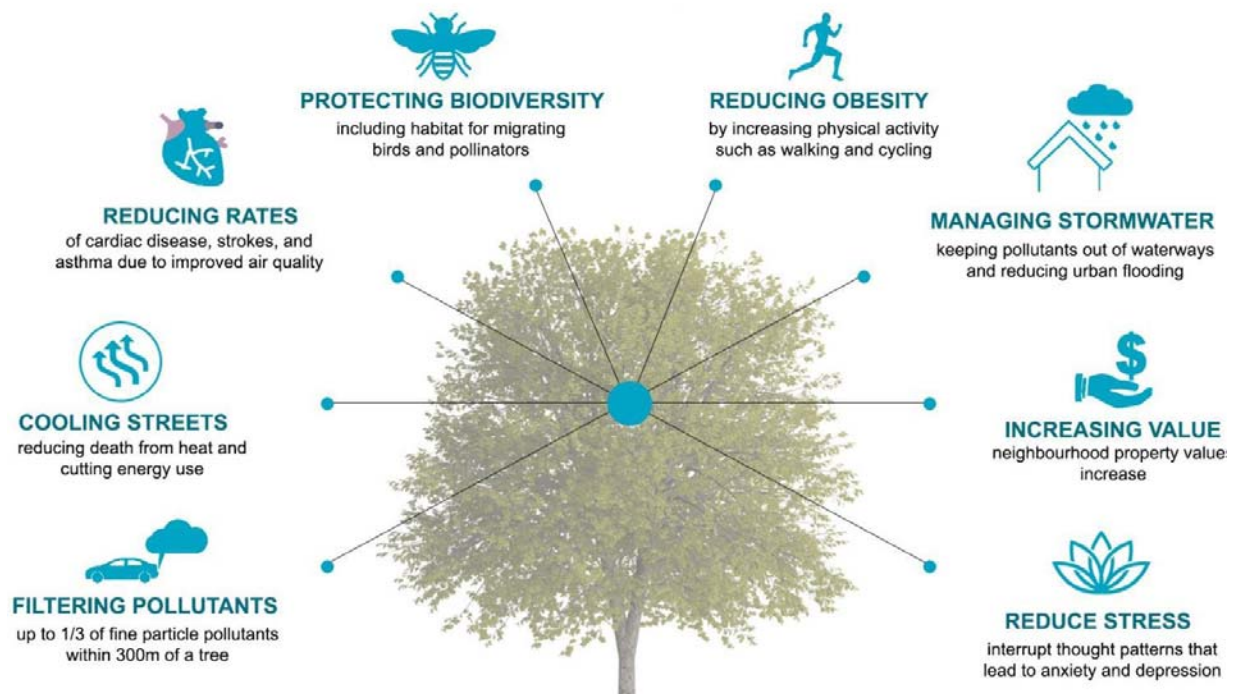
Trees in public places, including road reserves, make the streetscape more appealing, improving pedestrian amenity and contributing to public health and wellbeing. Trees also provide an important environmental function in terms of storing carbon, providing habitat and food for wildlife, improving air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



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

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

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

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.

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

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.

Management of Public Trees Policy

| | | | |
|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

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 Roding 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

Management of Public Trees Policy

| | | | |
|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

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;

Management of Public Trees Policy

| | | | |
|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

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.

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

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.

Management of Public Trees Policy

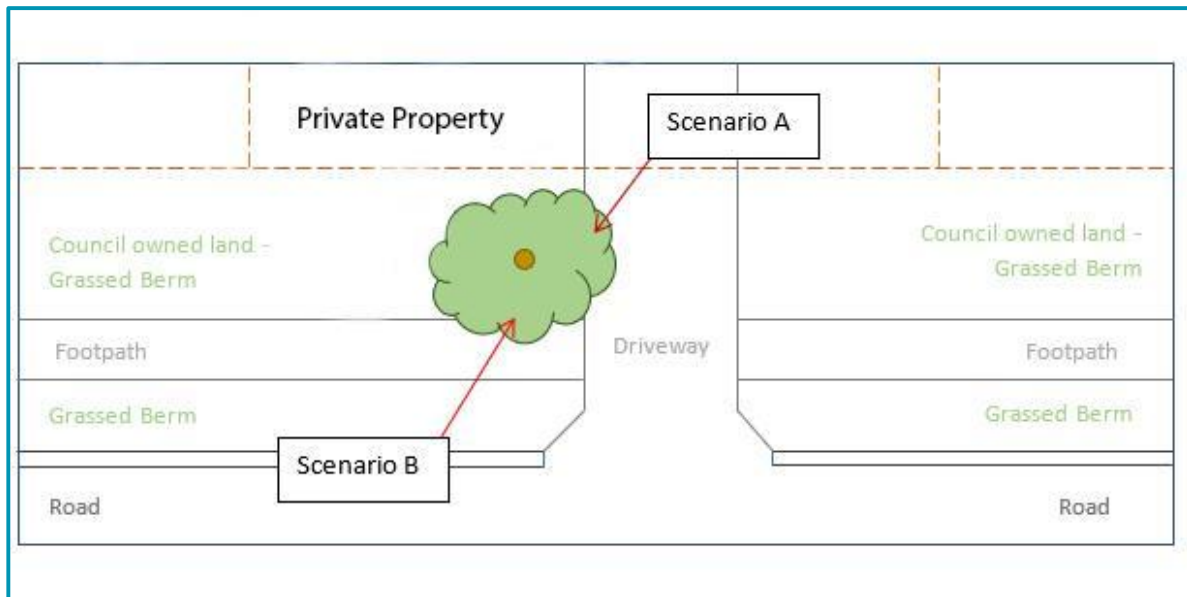
| | | | |
|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

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. |

Management of Public Trees Policy

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|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

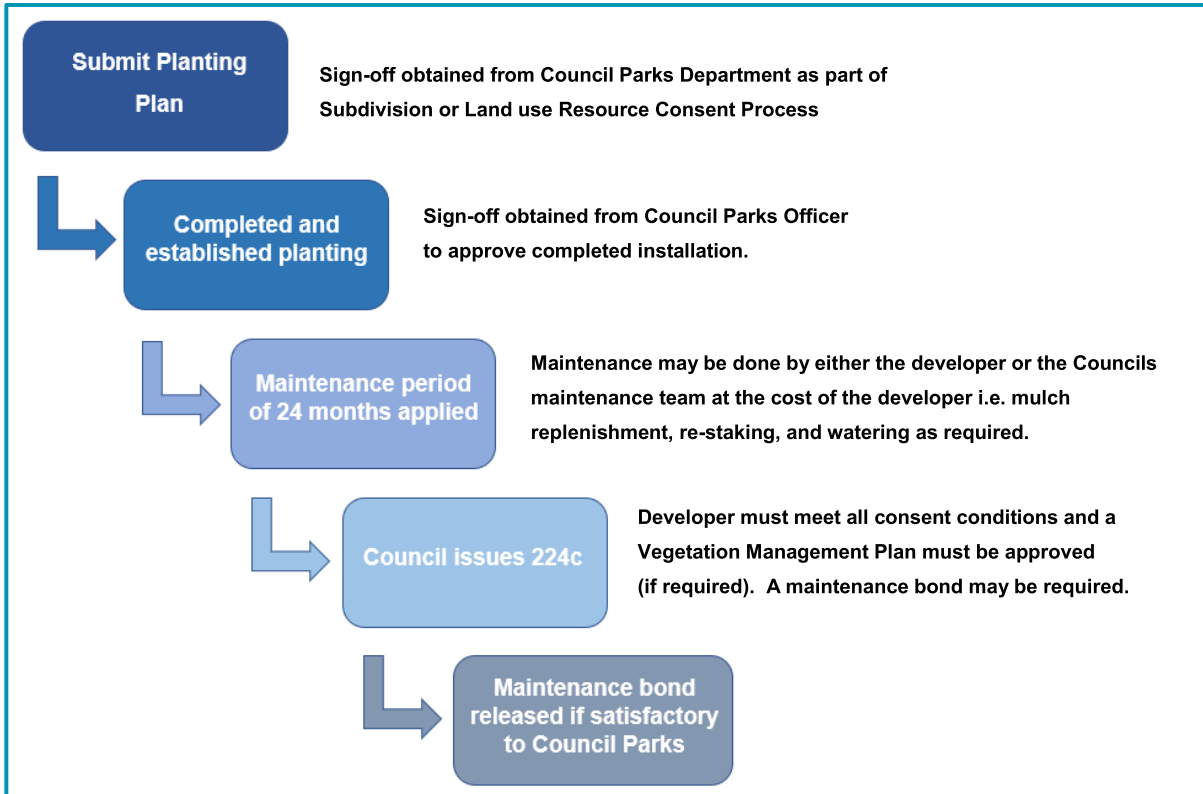
Diagram A: Scenario A and B

Management of Public Trees Policy

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|---------------------------|------------------------|------------------------------|----------------------|
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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.

| <i>Management of Public Trees Policy</i> | | | |
|--|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
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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) *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*)

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.

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

Adopted

Date of meeting: 25 March 2021

By: Whangarei District Council

Policy Review

This Policy will be reviewed 2026.

4.3 Brentwood Avenue, Kamo - tree removal

Meeting: Infrastructure Committee
Date of meeting: 14 July 2022
Reporting officer: Manager Parks & Recreation (Sue Hodge)

1 Purpose / Te Kaupapa

To confirm a decision for Council to apply for a resource consent to remove magnolia trees from Brentwood Avenue and support the local residents funding the removal and replanting of trees.

2 Recommendation/s / Whakataunga

That the Committee;

1. approves staff applying for resource consent for the removal of magnolia trees from Brentwood Avenue, Kamo;
2. and supports local residents funding the removal of the trees, stump grinding the remains and replanting with a suitable tree species that is agreeable to both parties.

3 Background / Horopaki

Brentwood Avenue, Kamo was developed in mid-1990s and around this time street trees (magnolia grandiflora) were planted. These trees are now 27 years old and between 6-7m high and provide a lovely streetscape.

Over the last 3 years several residents have requested the street trees be removed as they have:

- damaged footpaths and private driveways
- potentially causing damage to a garage and a rock wall
- seed pods and uneven paths have caused pedestrian safety issues including falls.

Residents wish to remove and replace the magnolia trees. The tree policy states that the decision to allow for tree removal depends on the overall assessment of the benefits and loss associated with the removal of the tree.

4 Discussion / Whakawhiti kōrero

Council tries to align removal of problem trees at the same time as a footpath or kerb and channel renewal is happening. The Brentwood Avenue footpath or kerb and channel is not programmed for replacement in the near future.

It is staff's view that the trees in Brentwood Avenue are healthy and add considerable amenity benefit to the street. However, the trees are damaging the footpath and private property. It is Council's policy to make good the repairs to the footpath and not remove the tree as the tree is also an important infrastructure providing public benefits and should be retained long term. Council has undertaken many repairs to the path over the last 5 years.

Removal of the trees will be a loss to the wider community and a private benefit to the residents in this street. It is recommended the removal if approved should be at the cost of the community benefitting. The local community have indicated they will fund the removal, stump grinding and replacement. This will require contracting an appropriate contractor and will also require appropriate traffic control.

4.1 Financial/budget considerations

There are limited funds within the tree maintenance budget for tree removal and Brentwood Avenue would be low on any programmed removal. By residents funding the removal of the trees themselves the work will be completed sooner.

4.2 Policy and planning implications

The decision to remove the trees in Brentwood Avenue cannot be made by staff as it is inconsistent with Council's policy. The removal will require resource consent as the trees are Public Trees as defined by the District Plan Notable and Public Tree chapter.

4.3 Options

The options are:

Option 1:

Support residents to fund the removal of the trees at Brentwood Avenue and replace with a suitable street tree. This option is inconsistent with Council's Management of Public Tree policy and requires Council approval. This option benefits the local residents and for this reason residents are expected to cover the costs of removal and replacement trees.

Option 2

Decline to support the removal of the Brentwood Avenue trees. This option is consistent with Council's policy.

The staff recommendation is **Option 1**.

4.4 Risks

As the tree removal work is being undertaken in the road corridor there is a risk to public safety. For this reason, a Council approved contractor must undertake the work.

5 Significance and engagement / Te Hira me te Arawhiti

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

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

| Management of Public Trees Policy | | | |
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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.

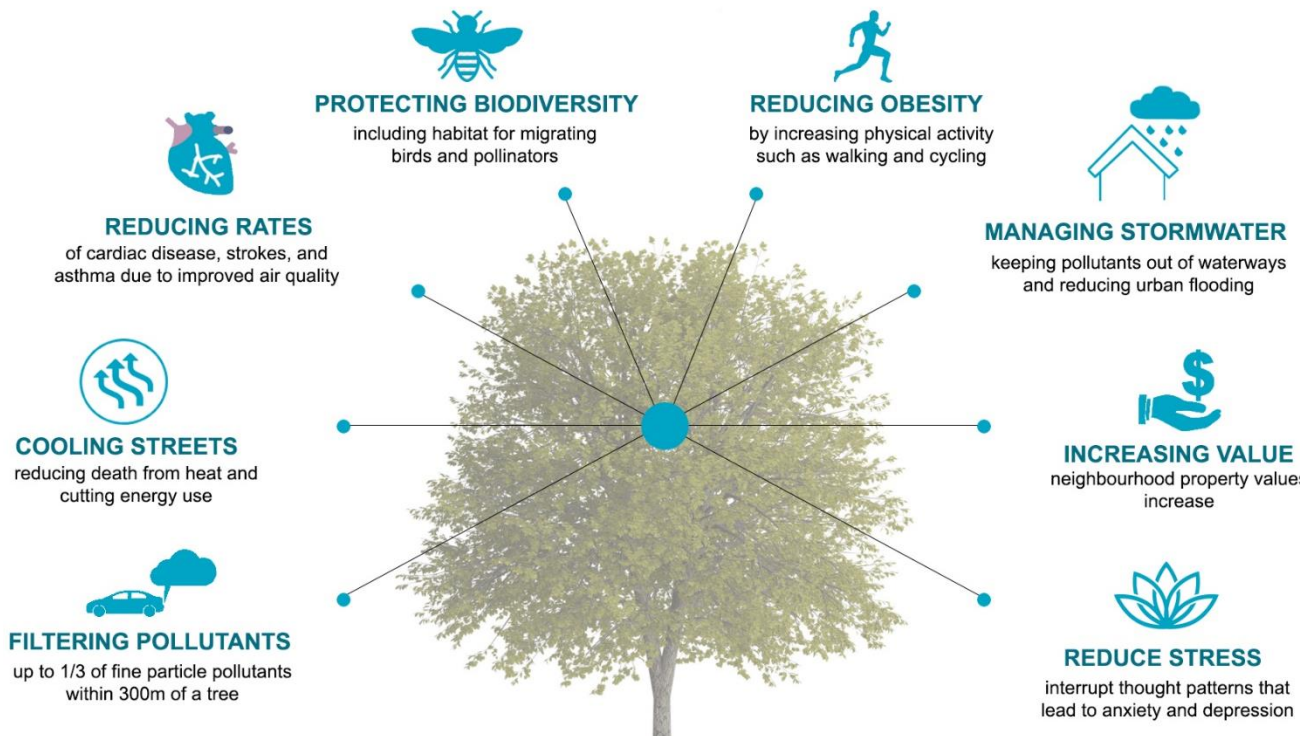
A public tree is defined as a tree located in road reserves, parks and reserves over a certain size. A full definition is provided in the Notable and Public trees Chapter NPT.1.13.1.

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



Management of Public Trees Policy

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Protection and Maintenance

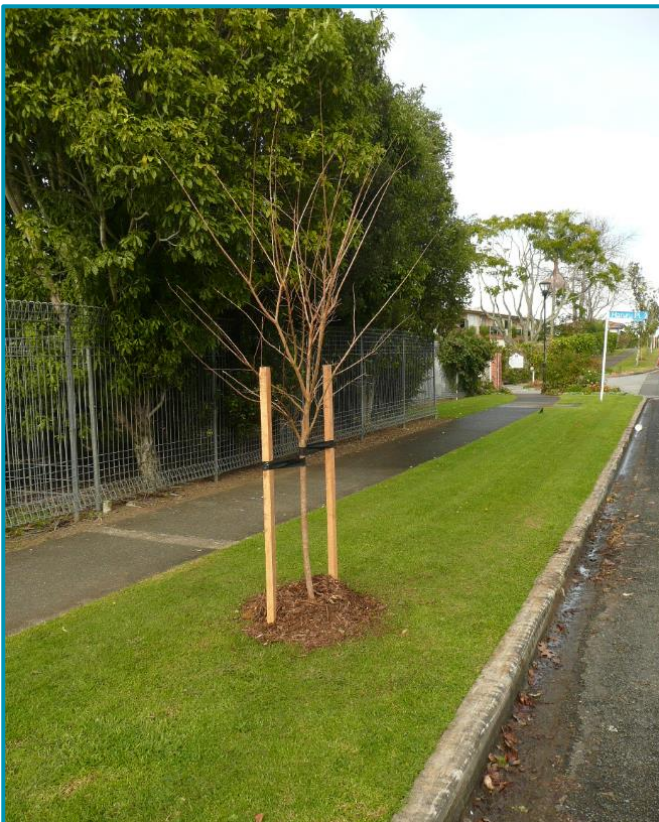
There are over 18,250 public trees currently maintained on Council land, including street trees located in the road corridor and trees on parks and reserve land administered by Whangarei District Council.

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

| Management of Public Trees Policy | | | |
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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.

Management of Public Trees Policy

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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.

Management of Public Trees Policy

| | | | |
|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

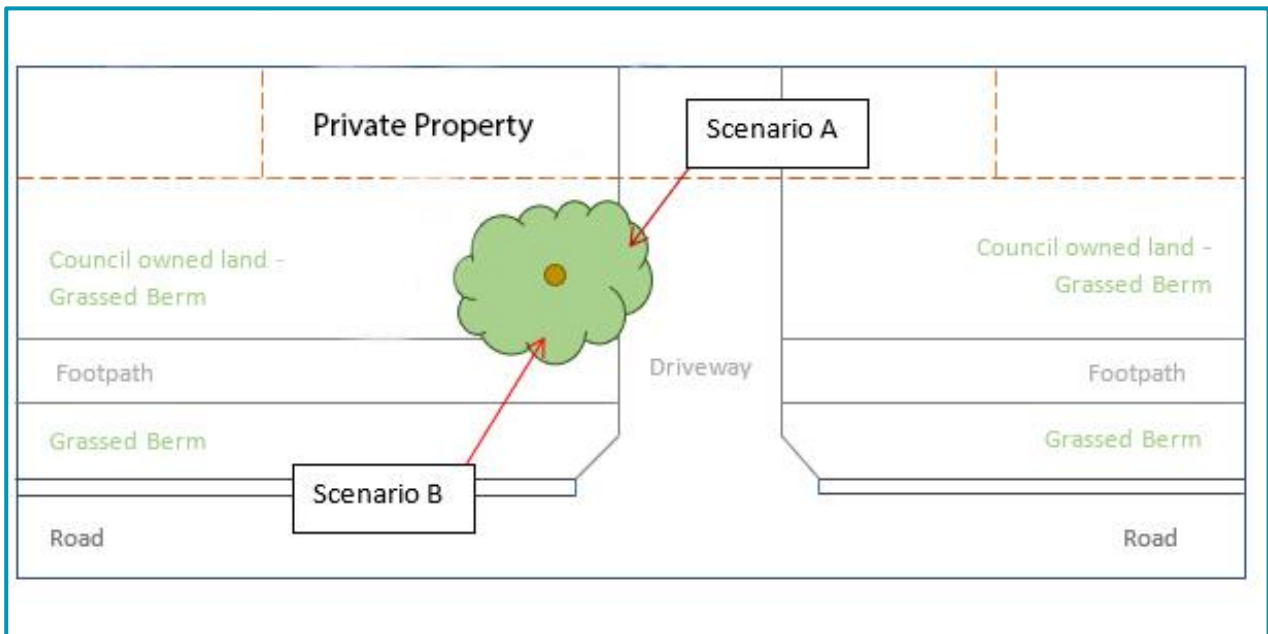
Guide to Replacement Planting and Payments:

| 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. |

Management of Public Trees Policy

| | | | |
|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

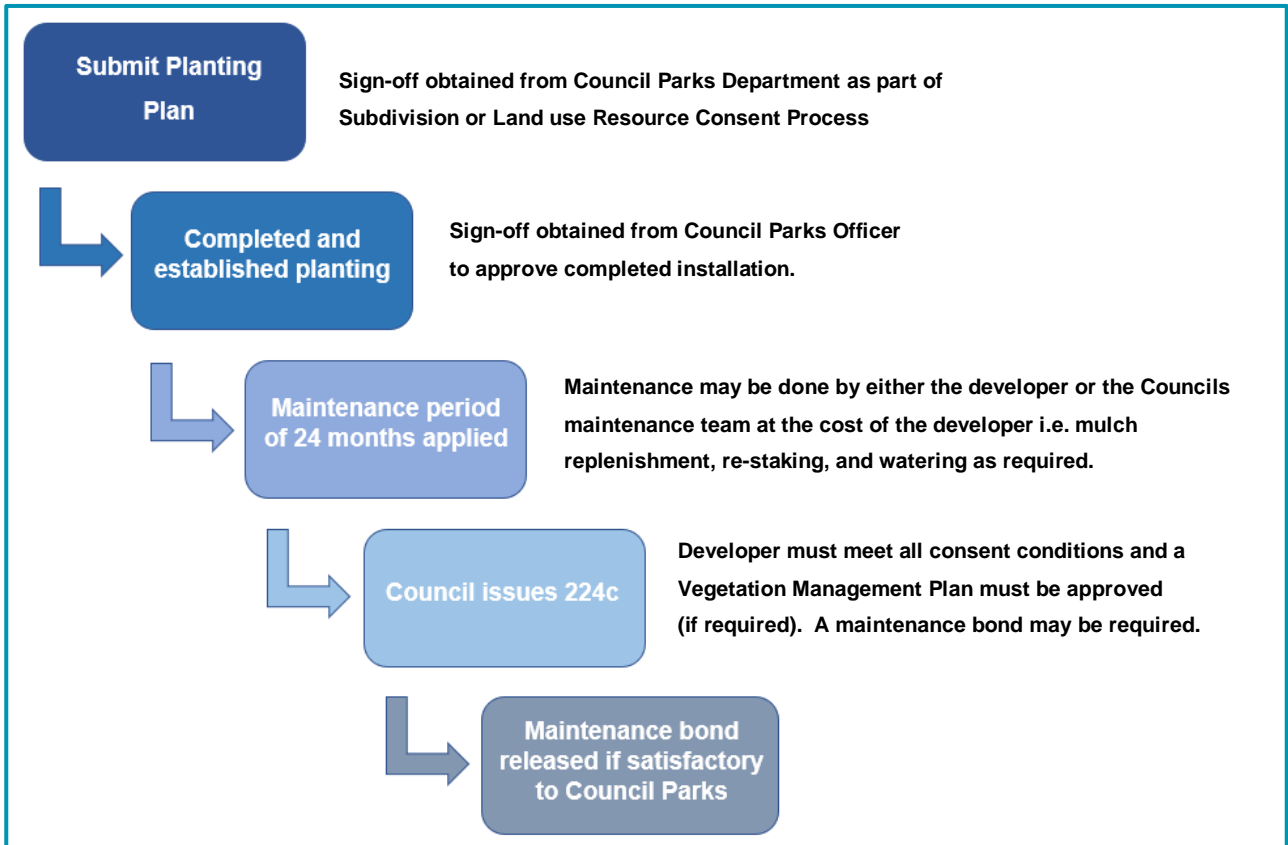
Diagram A: Scenario A and B



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

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.

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

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)

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

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.

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

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.

Management of Public Trees Policy

| | | | |
|---------------------------|------------------------|------------------------------|----------------------|
| Audience (Primary) | External | Business Owner (Dept) | Parks and Recreation |
| Policy Author | Infrastructure Planner | Review date | 2026 (every 5 years) |

Adopted

Date of meeting: 25 March 2021

By: Whangarei District Council

Policy Review

This Policy will be reviewed 2026.

Brentwood Avenue magnolias' chop moves closer after 18-month battle

Susan Botting - Local Democracy Reporter · 14:54, Aug 03 2022



[Brentwood Avenue's 18-month magnolia battle](#) has seen a major coup with Whangārei District Council (WDC) approving the removal of the trees.

The WDC permission for the Kamo residents is, however, subject to them [getting council resource consent approval](#) to do the job.

Brentwood Ave's Sheryl Cromie said it was good to see the council move to address [major health and safety concerns](#) caused by the trees.

These included two broken arms and a number of trips and falls on the street's footpaths, which had been increasingly damaged by tree root invasion.

STUFF YOU MIGHT LIKE:

- * [Auctioneer refuses \\$500 bid on a house - so what are the rules?](#)
- * [Quiz: Afternoon trivia challenge: December 8, 2022](#)
- * [Women joked, sang on drive to Belanglo with stabbed woman in boot, court told](#)

Whangārei District Council's infrastructure committee has approved the removal of the almost 40 roadside magnolias. It will also be fixing the street's damaged footpath after the trees are removed. WDC parks and recreation manager Sue Hodge said resource consent preparation was expected to take about two weeks before it will be lodged by her team, and a month from there to be processed.

It will be considered independently by the council's resource consent team.

Brentwood Ave residents will be officially notified during the resource consent application process, allowing them to make submissions.

The residents' battle to rid the 250m boulevard of up to 7m-high magnolias comes amidst growing health and safety concerns for those using the quiet cul-de-sac's footpaths.

These include elderly walkers from the large adjacent Jane Mander Retirement Village, some of whom have taken to walking on the road rather than the uneven-surfaced footpath.

Cromie said there was only one realistic outcome for the council resource consent application, given growing health and safety concerns, and that was for the trees' removal to proceed.

She said progressive issues with the trees had been ongoing for about five years. These would continue to worsen if the trees were not removed.

Cromie said roots from the magnolias of the type planted on the street were known to spread and cover an area about four times that of the tree's height.

The roots were also starting to invade properties.

One home had already suffered water damage after roots blocked stormwater drains.

Residents told the council they would pay \$8000 to get the trees cut down, but not for the \$10,000 resource consent for the work to be done.

Resident Lynda Goulden praised the decision. She constantly worries about roots from the trees on the berm outside her house growing into her garage.

Goulden said residents were keen on having the avenue of trees replaced, but with a more suitable variety.

She has been selected as part of a residents' trio, designated to look into alternative council-agreed planting options.

The local resident said there were three choices at present, should resource consent approval be granted – makomako or wineberry, makamaka and titoki.

Cutting down whole avenues of trees is unusual. WDC has only done similar work twice previously in Morningside and Ōtangarei.

Residents call on Whangārei council to cut down 34 magnolia trees

By [Susan Botting](#)

9 Jun, 2022 05:00 AM ⌚ 5 mins to read

Brentwood Avenue residents want their street's magnolias gone. Photo / Michael Cunningham

Residents in a Kamo cul-de-sac want an avenue of 34 magnolia trees cut down in the wake of two broken arms, a twisted ankle, falls and more.

Brentwood Ave residents say the up to 7m high magnolia grandifloras along their street's berms cause health and safety concerns and affect their quality of life.

Resident Rebecca Van Altvorst said the footpath has become too dangerous to take her husband out in a wheelchair to walk along the street in the sun.

"It's really quite dangerous," Van Altvorst said.

Brentwood Ave's footpaths in many places are broken and uneven as the 27-year-old magnolias' roots wind their way underneath, cracking the surface. The roots are invading stormwater drains, gardens and driveways.

Whangarei District Council (WDC) has told residents they must pay for their own driveway repairs.

Resident Roy Halford recently paid \$2000 to fix the footpath outside his property where it crosses his driveway.

"We like the trees, but we don't like what they do," Halford said.

In December resident Terry Knight cut down two of the magnolias outside his house on the council-owned berm - and now has an outstanding \$500-plus Whangarei District Council (WDC) fine, which he said he is not going to pay.

"Other residents approached us after Terry had cut down our magnolias, asking for him to do the same with theirs," Jan Knight said.

Another Brentwood Ave resident's family engaged a lawyer to try to get magnolias outside her house removed. Roots are pushing up the driveway interfering with the operation of her electrically-controlled driveway gate.

Resident Lynda Goulden said roots from the magnolia on the berm outside had grown six metres into her property reaching through the lawn to her garage.

Sue Hodge, WDC parks and recreation manager said removing a street of trees was not common. It had only been done twice before in Whangārei.

"Removing a full street of trees is unusual and an emotive issue," Hodge said.

The council will discuss the issue at a council briefing meeting today ahead of a full council meeting on January 23. That meeting could see the council decide to allow for their removal.

WDC's tree policy requires council approval for mass removal of avenues of trees such as those in Brentwood Ave, as such an action is outside what is allowable in relevant council policy without councillors' approval.

Residents will need to pay for the removal of the trees, should the council allow that to happen.

"Residents have been advised that council does not have budget for the removal and the residents would need to fund this themselves," Hodge said.

WDC said it would cost \$18,720 to cut down the 34 magnolias and replace them with alternatives.

Residents said they were willing to pay for the trees' removal and replacement.

They were not, however, willing to pay the cost of resource consent required to do the job

Resident Sheryl Cromie said there were 20 Brentwood Ave properties affected by the berm trees with roots causing ongoing and worsening issues.

Residents first started trying to get something done about the trees five years ago, their efforts ramping up in about the last year.

Cromie said two women had broken their arms and another person had twisted their ankle after tripping on tree-affected uneven footpaths.

She said a number of residents from Jane Mander retirement village at the end of their street walked along Brentwood Ave.

She said one man had fallen after his walker became stuck on the magnolias' fallen seed pods.

Knight said 80 per cent of the retirement village residents walking along Brentwood Ave now walked along the road rather than the footpath.

Hodge said the trees were not the right option for their location.

The street was developed in the mid-nineties, and the trees were planted around that time.

WDC street amenity planting controls were not as robust at that time as they are now, Hodge said.

WDC has received numerous complaints about the footpath, repairing it with temporary asphalt wedges over the years that have not fixed the problem.

Whangārei mayor Sheryl Mai and councillors met with the Brentwood Ave community on March 11 to hear further about the problem.

Cromie said the situation needed fixing. It would only become worse and cost the council as its infrastructure became more impacted.

She said magnolia tree roots had got inside one property's drainage, causing stormwater to back up and flow into the house. There was a mat of roots inside the pipes when they were open.

Whangārei District Council seeks resource consent to chop down three dozen magnolias in Kamo

By [Susan Botting](#)

Local Democracy Reporter

3 Aug, 2022 05:00 AM ⌚ 3 mins to read

Brentwood Ave's 18-month magnolia battle has won a major coup with Whangarei District Council approving the trees' removal.

The WDC permission for residents to remove the trees in the suburb of Kamo is however, subject to them getting council resource consent.

Brentwood Ave's Sheryl Cromie said it was good to see the council move to address major health and safety concerns caused by the trees.

These included two broken arms and a number of trips and falls on the street's footpaths, which had been increasingly damaged by tree root invasion.

The council's infrastructure committee has approved the removal of almost three dozen magnolias. The council will also fix the street's footpath after the trees are gone.

The council is putting together a resource consent application for the trees' removal.

WDC parks and recreation manager Sue Hodge said consent preparation was expected to take about two weeks and then a month to be processed.

It will be considered independently by the council's resource consent team.

Brentwood Ave residents will be notified during the application process, allowing them to make submissions.

The residents' battle to get rid of the 250-metre row of up to 7m-high magnolias comes amidst growing health and safety concerns for those using the quiet cul-de-sac's footpaths.

These include elderly walkers from the large adjacent Jane Mander Retirement Village, some of whom have taken to walking on the road rather than the uneven-surfaced footpath.

Cromie said the only realistic outcome of the council resource consent application, given the health and safety hazards, was for the trees to be removed.

She said issues with the trees had been ongoing for about five years and would worsen if the trees were not removed.

Cromie said roots from the magnolias of the type planted on the street were known to spread and cover an area about four times that of the tree's height.

The roots were also starting to invade properties. One home had already suffered water damage after roots blocked stormwater drains.

Residents told the council they would pay \$8000 to get the trees cut down, but not for the \$10,000 resource consent for the work to be done.

Brentwood Ave resident Lynda Goulden constantly worries about roots from the trees on the berm outside her house growing into her garage.

She said residents were keen on replacing the avenue of trees with a more suitable variety.

She is one of three residents designated to look into alternative council-agreed planting options.

The three choices at the moment, depending on resource consent approval, were makomako (wineberry), makamaka and titoki.

Cutting down whole avenues of trees is unusual. WDC has only done similar work twice previously in Morningside and Ōtangarei.



Tree Removals Location Plan Brentwood Avenue, Kamo

Date: 09 Dec 2022

Drawn: C Niblock, Infrastructure Planner

For Consent Purposes Only. Not to Scale. Refer Arborist Report.

| WDC - Berm Tree Species List | Common Name | Height | Narrow Berm | Deciduous | Native | Description |
|--------------------------------------|---------------------------|----------|-------------|-----------|--------|--|
| Acer Red Palmatum 'Emperor' | | 6-10m | | * | | Broadly columnar, deciduous. Brilliant red colour. |
| Acer Palmatum 'Shindishojo' | | 3 - 5m | * | * | | Red spring foliage, deciduous. |
| Acer R Bowhall | | | | | | |
| Callistemon citrinus | Bottlebrush | 5m | | | | Bright Red Flowers Late Spring |
| Fraxinus griffithii | Evergreen Ash | 5m | | | | Panicles of white flowers in summer |
| Ginkgo biloba 'Fastigiata' | Upright Ginkgo | 10m+ | * | * | | Upright form, deciduous. Yellow foliage in spring. |
| Gordonia " Moonlight Magic" | Gordonia | 6m | * | | | Large White / Yellow Centred Flowers Late spring/ early summer |
| Hymenosporum flavum | Australian Frangipani | 10m x 4m | * | | | Narrow Tree , Yellow scented flowers |
| Jacaranda mimosaeifolia | Jacaranda | 8m+ | | | | Beautiful Mauve flowers late spring / early summer |
| Lagerstroemia indica " Bergerac " | Crepe Myrtle | 4-6m | * | * | | Bark and flower display, deciduous. |
| Lagerstroemia indica " Kimono " | Crepe Myrtle | | | | | |
| Liriodendron tulipifera 'Fastigiata' | Tulip Tree Upright | 15m+ | | * | | Compact upright form. Large tree, deciduous. |
| Magnolia Aurora | | 4m | * | | | Locally Bred (Oz Blumhardt), Large Deep Pink Flowers in Spring |
| Magnolia Black Tulip | | 6m | | | | Large Dark Ruby Red Flowers in Spring. Vigorous Grower. |
| Magnolia Stellata and varieties | Star Magnolia | 3-7m | | * | | Late winter/early spring flowering, deciduous. |
| Michela doltsopa " Silver Cloud " | | 8m | | | | Evergreen , Scented White Flowers late winter |
| Pyrus calleryana Aristocrat | Ornamental Pear | 8m x 6m | | * | | White Flowers Spring / Red Autumn Foliage |
| Stenocarpus sinuatus | Queensland Firewheel Tree | 7m x 4m | * | | | Spectacular Red Wheel Shaped Flowers Late Summer |
| Trystaniopsis laurina | Kanooka | 7m+ | | | | Yellow Flowers Summer |
| Quercus cercis | Turkey Oak | 15m+ | | * | | Character areas, large tree, deciduous. |
| Quercus robur " Fastigiata " | English Oak Upright | 10m+ | | * | | Deciduous |
| Alectryon excelsus | Titoki | 7m+ | | | * | |
| Dacrycarpus dacridoidies | Kahikatea | 10+ | | | * | |
| Knigthea excelsa | Rewarewa | 12m+ | * | | * | Upright form, gully and river link, evergreen. |
| Metrosideros excelsa 'var' | Pohutukawa | 8+ | | | * | |
| Metrosideros " Mistral " | | 6+ | | | * | |
| Nestegis lanceolata | White Maire | 7m+ | * | | * | Handsome tree with narrow leaves, evergreen. |
| Pennantia corymbosa | Kaikomako | 6-10m | * | | * | |
| Rhopalostylis chathamica pitti | Pitt Isl Nikau | 6m+ | * | | * | |
| Sophora Chathamica | Kowhai | 6-10m | | | * | Flowers , gully links , bird attractant, mostly evergreen. |
| Sophora microphylla | Kowhai | 6-10m | | | * | Flowers , gully links , bird attractant, mostly evergreen. |
| Weinmannia racemosa | Kamaha | 6-10m | * | | * | |

Installation Method

- Planting holes to be dug to 1.5 times the depth of the tree root ball and 2 times the width of the tree root ball. If not possible, arborist is to be consulted.
- Planting shall not be undertaken in waterlogged soil or holes that are full or part full of water. If the water table is high and water cannot be dispersed from the hole, WDC shall be consulted to determine if works can continue.
- Roots of all plants shall be pre-watered if required so that they are moist. All plant containers or wrapping and if necessary, any root bound roots shall be removed prior to planting.
- The hole shall first be backfilled with consolidated soil or soil mix, mounding the soil in the centre to aid even spread of the roots in 150 mm layers.
- The plants shall be placed in the hole ensuring that the final soil level is equal to or not exceeding 10 mm above the nursery soil level and at an appropriate depth to ensure sustained growth.
- The street tree shall have tree root barriers installed where required, irrigated (when applicable), fertilised, mulched and staked.
- All specimen tree plantings shall have two-year slow release fertiliser tablets installed at the time of planting. This shall be implemented using eight minimum 10g tablets inserted in the base of the planting pit, prior to planting, 100 mm below the root ball to stimulate root growth. All fertiliser tablets shall have a balanced NPK.

Installation Method

- Planting holes to be dug to 1.5 times the depth of the tree root ball and 2 times the width of the tree root ball. If not possible, arborist is to be consulted.
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Arborlab

Creating Green Space
Sustainability

Arboricultural Report

Whangarei District Council

Brentwood Avenue, Kamo





Arboricultural Report

| | | |
|----------------------|--|---|
| Prepared for: | Sarah Brownie Team Leader – Infrastructure Planning Whangarei District Council 021 228 2665 sarah.brownie@wdc.govt.nz | Arborlab Limited PO Box 35 569, Browns Bay Auckland 0630 office@arborlab.co.nz arborlab.co.nz 09 379 3302 |
| Prepared by: | Jon Redfern Principal Consultant Arborist 027 495 0014 jon@arborlab.co.nz | Head Office 76D Paul Matthews Road, Albany Auckland 0632 |
| Reviewed by: | Leon Saxon Senior Consultant Arborist leon@arborlab.co.nz | Job Ref. 37072 |
| Date: | October 2022 | |

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1. Introduction

- 1.1 Whangarei District Council have engaged Arborlab Consultancy Services Limited to assess and report on a number of trees growing within the road reserve of Brentwood Avenue, Kamo.
- 1.2 The works brief includes:
 - Survey all trees growing within the road reserve of Brentwood Avenue, Kamo.
 - Assess the condition, structure, useful life expectancy of the trees, provide analysis of the rooting environment, conflicts and potential management options.
 - Provide an initial report outlining the above information, discuss management options and regulatory requirements of obtaining resource consent.
- 1.3 Brentwood Avenue is a ~240-metre-long cul-de-sac with an associated, small dead-end road (Timandra Place). The road reserve profile generally includes the boundary line, a grass verge, concrete footpath, grass berm, concrete kerb and channel and asphalt carriageway. The road reserve is relatively flat with minor level changes into some private properties. There are approximately eight vehicle crossings on the eastern side of the road reserve, servicing eight properties and approximately 11 on the west servicing 13 properties. A reserve area is located on the eastern side of the road reserve near the southern end of Brentwood Avenue. A path allows pedestrian access to the southern end of Brentwood Avenue from the adjacent Jane Mander Retirement Village.
- 1.4 Thirty-five trees have been surveyed and, for purposes of this report, provided numbers. The trees include 33 bull bay magnolia, one rewarewa and one frangipani (which is likely to be growing within private property).
- 1.5 Whangarei District Council have logged a number of complaints regarding trip hazards, path lifting and structure damage. The cause of the damage has been aimed at tree roots. A number of the residents have petitioned Council for tree removal due to the perceived damage caused by the trees. The removal process will require resource consent which is currently being explored by Council. This report also outlines the regulatory requirements.
- 1.6 A number of photographs and residents' comments have been reviewed as part of this assessment.
- 1.7 A site visit and survey were undertaken on the 15th of September 2022.
- 1.8 The purpose of this report is to provide an assessment of the trees, potential conflicts, regulatory requirements for tree removal and whether it is likely that tree removal will be acceptable to these rules.
- 1.9 A set of maps are provided in Appendix A of this report. The maps outline the growing locations of the trees and identify root zones that form part of best practice when working near trees.



Tree Assessment Methodology and Limitations

- 1.10 A Visual Tree Assessment (VTA) consistent with modern arboricultural practices (Mattheck and Breloer, 1994) was conducted. This assessment was carried out at ground level.
- 1.11 Tree health assessments are generally based on experience and adaptation from generally accepted industry parameters. The indicators used to determine health are; leaf shape, colour, size and form, foliage or bud formation, distribution within the canopy and canopy density. These indicators consider the tree's age and species type. The health is categorised as Good, Fair, Poor, Very Poor or Dead.
- 1.12 Tree species identification is opinion based by experienced, qualified arborists. The identification process includes peer reviews and online tools. Seasonal, abiotic and environmental variables can affect identification. Tree species identification has not been confirmed by an expert botanist.
- 1.13 The tools used onsite to gather the necessary tree data were a measuring tape and hand-held devices. The tree girths and canopy width have been measured using a standard nylon tape measure. The tree height was estimated.
- 1.14 To ensure best arboricultural practice, assessments have referenced the Australian Standards AS 4970-2007 *Protection of Trees on Development Sites* (the Standards). The Standards provide a tree protection zone (TPZ) and structural root zone (SRZ), expressed as a radius measurement from the trunk centre. The TPZ incorporates the SRZ. These measurements are calculated from trunk/stem size. When determining potential encroachment impacts, the following factors are considered;
- Potential loss of root mass
 - Species and tolerance of root disturbance
 - Tree size and age, vigour
 - Stability
 - Soil characteristics and volume, topography and drainage
 - The presence of existing or past structures or obstacles affecting root growth
 - Design
- 1.15 The Standards describe the TPZ as the optimal combination of crown and root area that requires protection during the construction process so that the tree can remain viable. The TPZ is an area that is isolated to ensure that tree sensitive construction measures are implemented so that any disturbance or encroachment is mitigated. The Standards describes the SRZ as the area of the root system used for stability, mechanical support and anchorage of the tree. Construction and work activities in this area are avoided or heavily limited. The Standards cap the TPZ at a maximum of 15m.
- 1.16 Plotting tree locations are undertaken using a combination of GPS and overhead mapping (GPS survey) through the Fulcrum app. GPS surveys can be variable by nature. To assist

with GPS surveys, the plot locations are manually adjusted on site using overhead photographs (LINZ imagery). This method, although generally accurate and suitable for tree assessments, is not as accurate as a topographical survey or 'ground truthing'.

- 1.17 For the purpose of this memorandum all trees have been given an identification number.
- 1.18 It should be noted that trees are dynamic organisms affected by environmental, biotic and mechanical stressors, which can impact on health, vitality and structural integrity. Response symptoms of stress can often not be apparent within trees for a number of years. Given the changeable nature of trees, assessments are generally relevant for up to 12-months.
- 1.19 All data was collected without the use of any invasive and/or diagnostic tools. No tissue sampling was carried out. This assessment of effects has not been commissioned to provide a risk assessment of the tree.
- 1.20 As discussed, the growing locations have been plotted using GPS and overhead photographs. Using the tree locations, we are able to overlay details onto aerial photographs, including root zone information, as calculated through the Standards. The Standards also allow us to adjust the root zones as root growth can be irregular and/or restricted, such as within road reserves. Where growth has been restricted, an approximation on root growth can be adjusted, as root growth will be compensated where growing conditions are more favourable. An example of a berm-grown tree's adjusted root zone is shown below. Although this provides an approximate, likely root growth area, it is only a guideline taken from trunk size. When considering root growth, soil profile also needs to be assessed. Typically, shallow topsoil profile will promote a wide root plate area with numerous surface root exposure.

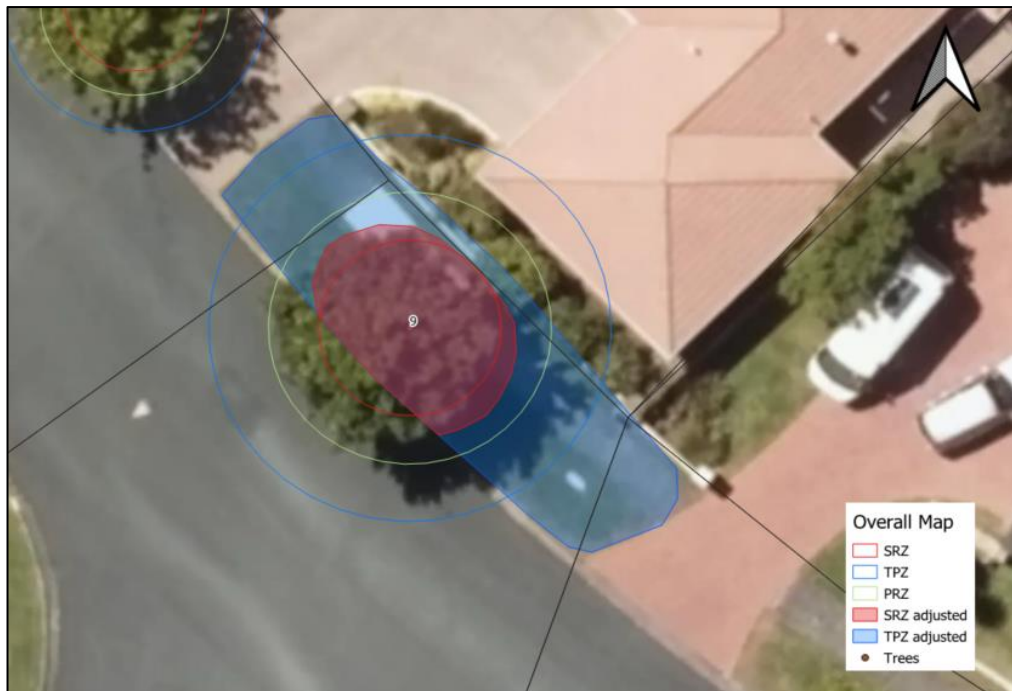


Figure 1: Root zone adjustment example



2. Findings

2.1 A number of root conflicts have been identified within the road reserve. We have qualified the damage using an engineer's assessment of each of the conflicts based on size and disruption caused by the damage. Categories – nil, minor, moderate and major.

Table 1: Tree details and summary comments

| Tree No. | Approx. Height (m) | Girth at 1.4m above ground level (mm) | Girth at root crown (mm) | Crown spread (radius) (m) | Form | Structure | Health | SRZ (m) | TPZ (m) | Summary |
|----------|--------------------|---------------------------------------|--------------------------|---------------------------|------|-----------|--------|---------|---------|--|
| 1 | 6 | 800 | 1150 | 3 | Good | Good | Fair | 2.2 | 3.1 | <p><u>1 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x 12m. Tree centrally located. • Lifting and cracking (x2) footpath panel. • Minor lifting (up to 20mm). • Kerb unaffected. • Surface roots along edge of path and kerb. • Surface root at 4.5 north of trunk - likely cause of lifting and cracking panel. • Surface roots noted at both edges of berm 6m from trunk. • Minor (conflict causing damage). |
| 2 | 5 | 830 | 1050 | 3 | Good | Good | Poor | 2.1 | 3.2 | <p><u>1 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x 17m. Two trees in this berm (2 and 3). This tree is the northernmost. 7m from V. crossing to north. Service box 1m from base. Traffic sign 2m north. Stormwater catchment pit 1m from base. • Recent path repairs with replaced panels. • Some surface roots adjacent kerb. Kerb cracked. • Minor. |
| 3 | 4 | 530 | 750 | 2 | Fair | Good | Poor | 1.8 | 2 | <p><u>3 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x 17m. Two trees in this berm (2 and 3). This southernmost. 2.5m from crossing to south. • Poor vigour and vitality. • One footpath panel lifted - up to 20mm. approx. 2.5 from trunk. • Adjacent vehicle crossing (appears new) . Possible result in panel level disparity. • Minimal surface roots visible. • Kerb adjacent trunk cracked. • Minor. |



| Tree No. | Approx. Height (m) | Girth at 1.4m above ground level (mm) | Girth at root crown (mm) | Crown spread (radius) (m) | Form | Structure | Health | SRZ (m) | TPZ (m) | Summary |
|----------|--------------------|---------------------------------------|--------------------------|---------------------------|------|-----------|--------|---------|---------|--|
| 4 | 4 | 630 | 920 | 1.5 | Fair | Good | Poor | 2 | 2.4 | <p><u>3 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x 15m. Two trees in this berm (4 and 5). This northernmost. 2.5m from crossing to north. • Poor vigour and vitality. • Surface root visible around trunk. • Kerb adjacent trunk cracked with root leading to location. • Minor. |
| 5 | 5 | 840 | 1380 | 3 | Fair | Fair | Good | 2.3 | 3.2 | <p><u>5 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x 15m. Two trees in this berm (4 and 5). This southernmost. 3m from crossing to south. • Significant surface root visible around trunk. • Both edges of footpath panel adjacent trunk lifted and repaired. • Moderate. |
| 6 | 5 | 900 | 1150 | 3 | Fair | Fair | Fair | 2.2 | 3.4 | <p><u>5 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x long. Two trees in this berm (6 and 7). This northernmost. 4m from V. crossing to north. Service box 2m from trunk. • Significant surface root visible around trunk. 40mm root above soil. Root damaged – mowing likely. • Recent footpath panel installed. Slight lifting - 15mm. • No visible damage to private boundary fence. • Ute parked over kerb. Kerb appears to be damaged and one section looks to have been replaced. Roots running along kerb. • Moderate. |
| 7 | 6 | 1350 | 1520 | 3.5 | Fair | Fair | Fair | 2.4 | 5.2 | <p><u>7 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x long. Two trees in this berm. This southernmost. 4m from V. crossing to south. • Footpath panel replaced adjacent tree. Trip stop used - panel lifting and ramped at trip stop. Root adjacent. • Black coloured concrete vehicle crossing with cracks throughout. • Private boundary wall adjacent tree - no visible damage. • Moderate. |



| Tree No. | Approx. Height (m) | Girth at 1.4m above ground level (mm) | Girth at root crown (mm) | Crown spread (radius) (m) | Form | Structure | Health | SRZ (m) | TPZ (m) | Summary |
|----------|--------------------|---------------------------------------|--------------------------|---------------------------|------|-----------|--------|---------|---------|---|
| 8 | 6 | 1100 | 1220 | 3 | Good | Fair | Fair | 2.2 | 4.2 | <u>7 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x 6m. One tree in this berm. Central. • Panel adjacent tree replaced. Minor cracking. Lifted adjacent to red vehicle crossing. • Roots visible at kerb. Kerb cracked. • Surface roots on opposite side of path. 90mm. Near transformer. No damage visible. • Moderate. |
| 9 | 8 | 1670 | 2210 | 4.5 | Good | Good | Good | 2.9 | 6.4 | <u>7 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x 17m. One tree in this berm. 7m from north crossing. • Panel adjacent tree replaced. Lifted/ramped and cracked - some repairs. • Panel 5m to south lifted at join. • Panel at 7m south of trunk lifted. Both edges. 40mm separation. Some repairs. Root leading into panel visible. • Largest tree on road. Good vigour and vitality. • No visible damages to adjacent boundary fence. • Crack to kerb. • Major. |
| 10 | 4 | 1080 | 1180 | 3 | Good | Good | Fair | 2.2 | 4.1 | <u>9 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Part of row. 5m from north V. crossing. • Panel adjacent tree replaced. Lifted/ramped and cracked - some repairs. • Major. |
| 11 | 4 | 820 | 1000 | 3 | Fair | Good | Fair | 2 | 3.1 | <u>9 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Part of row. • Large surface root abuts path. • Minimal damage. • Minor. |
| 12 | 4 | 820 | 1000 | 3 | Fair | Good | Fair | 2 | 3.1 | <u>9 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Part of row. • Large surface root abuts path. • Minimal path damage. • Nil. |
| 13 | 3 | 500 | 780 | 2 | Fair | Good | Poor | 1.8 | 2 | <u>15 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Part of row. • Large surface root abuts path. • No damage. • Nil. |



| Tree No. | Approx. Height (m) | Girth at 1.4m above ground level (mm) | Girth at root crown (mm) | Crown spread (radius) (m) | Form | Structure | Health | SRZ (m) | TPZ (m) | Summary |
|----------|--------------------|---------------------------------------|--------------------------|---------------------------|------|-----------|--------|---------|---------|---|
| 14 | 3 | 500 | 780 | 2 | Fair | Good | Poor | 1.8 | 2 | <u>15 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Part of row. • Large surface root abuts path. • No damage. • Nil. |
| 15 | 3 | 500 | 780 | 2 | Fair | Good | Poor | 1.8 | 2 | <u>15 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Part of row. • Large surface root abuts path. • Very minor panel lift at join. • Minor. |
| 16 | 3 | 500 | 780 | 2 | Fair | Good | Poor | 1.8 | 2 | <u>15 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Part of row. • Large surface root abuts path. • No damage. • Nil. |
| 17 | 4 | 620 | 780 | 3 | Fair | Good | Fair | 1.8 | 2.4 | <u>15 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Part of row. • Large surface root abuts path. • Very minor panel lift at join. • Minor. |
| 18 | 5 | 840 | 1060 | 4 | Good | Good | Fair | 2.1 | 3.2 | <u>28 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width. 4m from V. crossing to north. • Surface roots up to crossing - no damage. • Panel adjacent tree lifted at join - repair. 50mm lift. • Root passes beneath path and extends along on opposite side. • Crack in kerb - minor. • Roots along kerb • Moderate. |
| 19 | 5 | 890 | 1150 | 4 | Good | Good | Fair | 2.2 | 3.4 | <u>24 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width. • Roots spread adjacent to path. Some significant. • Furthest 6m from trunk. Pronounced. • Lifting panel edge adjacent trunk - 30mm. • Major. |



| Tree No. | Approx. Height (m) | Girth at 1.4m above ground level (mm) | Girth at root crown (mm) | Crown spread (radius) (m) | Form | Structure | Health | SRZ (m) | TPZ (m) | Summary |
|----------|--------------------|---------------------------------------|--------------------------|---------------------------|------|-----------|--------|---------|---------|--|
| 20 | 4 | 750 | 940 | 3 | Good | Good | Poor | 2 | 2.9 | <p><u>24 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width. 1.3m from crossing. • Visible surface roots. • Lifting panel edge adjacent trunk - 30mm. • Crack at kerb. • Slight lifting between kerb and crossing. • No visible damage to adjacent boundary fence or crossing. • Lifting of pavers not apparent by swing gate. Any issues there could be caused by mature cherry tree close by. • Moderate. |
| 21 | 6 | 1120 | 1500 | 4 | Good | Good | Fair | 2.4 | 4.3 | <p><u>20 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x 8m. Tree central. 1.3m from crossing. Light pole 2.5 m from base. Service box 3 m from trunk. • Canopy directly beneath light likely to cast shadows at night. • Visible surface roots. Extend along kerb. • Adjacent panel replaced. Trip stop installed. No lifting at time of assessment. • Damage at kerb where discharge pipe exits. • Adjacent V. crossing in pavers. Edge of pavers sharp ramp down to crossing level. Possible root main cause. • No apparent damage to adjacent boundary fence. • Major. |
| 22 | 5 | 840 | 1100 | 4 | Good | Good | Fair | 2.1 | 3.2 | <p><u>20 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x 4m. Tree central. • Tree topped. Indiscriminate, internodal trimming. Poor arboricultural practice. • Visible surface roots at edge of V. crossing. Adjacent crossing in pavers. Edge of pavers sharp ramp down to crossing level. Possible root cause. • Roots extend along kerb • Damage at kerb where discharge pipe exits. • Adjacent footpath panel replaced. Trip stop installed. No lifting at time of assessment. • No apparent damage to adjacent boundary fence. • V. crossing to north cracked. Lifting. Unsure if cause of lifting concrete associated with swing gate. • Moderate. |



| Tree No. | Approx. Height (m) | Girth at 1.4m above ground level (mm) | Girth at root crown (mm) | Crown spread (radius) (m) | Form | Structure | Health | SRZ (m) | TPZ (m) | Summary |
|----------|--------------------|---------------------------------------|--------------------------|---------------------------|------|-----------|--------|---------|---------|--|
| 23 | 4 | 750 | 930 | 2 | Good | Good | Fair | 2 | 2.9 | <u>18 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Tree one of three in short row. • Surface roots. • Minor lifting of footpath panel. • No visible damage of adjacent boundary fence • Minor. |
| 24 | 4 | 650 | 810 | 2 | Good | Good | Fair | 1.9 | 2.5 | <u>18 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Tree one of three in short row. • Surface roots. • Minor lifting/crack of panel. • Minor crack in adjacent boundary fence - though there is a tree closer to the wall. • Root extends beneath path. Appears to be within water meter box. • Moderate. |
| 25 | 4 | 650 | 810 | 2 | Good | Good | Fair | 1.9 | 2.5 | <u>18 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width x long. Tree one of three in short row. • No visible issues. • Nil. |
| 26* | 5 | 650 | 810 | 1 | Good | Good | Poor | 1.9 | 2.5 | <u>18 Brentwood Avenue</u> Rewarewa tree <ul style="list-style-type: none"> • Growing in thin berm between footpath and boundary fence. • Very close to fence and possible cause of slight cracks block wall. • Low vigour. |
| 27* | 7 | 1300 | 1850 | 4 | Fair | Poor | Fair | 2.7 | 2 | <u>14 Brentwood Avenue</u> Frangipani tree <ul style="list-style-type: none"> • Possibly privately owned. • Partially topped. Some surface roots. • No signs of interfering with structures. |
| 28 | 5 | 1040 | 1280 | 4 | Good | Good | Fair | 2.3 | 4 | <u>12 Brentwood Avenue</u> <ul style="list-style-type: none"> • 2.5 berm width. 2.5m from V. crossing. • Path lifted adjacent to crossing. 60mm. Temporary repair undertaken. • Slight lifting at panel joint adjacent tree. 10mm. • Main drive is pavers. Two areas lifted. • Large root visible below. • Slight crack in kerb. • Major. |



| Tree No. | Approx. Height (m) | Girth at 1.4m above ground level (mm) | Girth at root crown (mm) | Crown spread (radius) (m) | Form | Structure | Health | SRZ (m) | TPZ (m) | Summary |
|----------|--------------------|---------------------------------------|--------------------------|---------------------------|------|-----------|--------|---------|---------|--|
| 29 | 4 | 900 | 1180 | 2 | Good | Good | Fair | 2.2 | 3.4 | <p><u>10 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x 5m. 2m from V. crossing. • Footpath panels replaced adjacent to the tree. • Kerb cracked. • Possible root activity in carriageway. • Moderate. |
| 30 | 6 | 1320 | 1510 | 4 | Good | Good | Good | 2.4 | 5 | <p><u>6 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x Long. 3m from crossing. • Panel replaced adjacent to the tree. • Crack with ramp. • Brick laid on opposite side of path. Partly lifted. Likely to be root activity. • Possibly affect wall soon. • Major. |
| 31 | 3 | 680 | 870 | 1.5 | Fair | Good | Poor | 1.9 | 2.6 | <p><u>6 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x Long. 5m from V. crossing. Traffic sign and light pole at edge of canopy - no issue. • Minor crack in adjacent footpath. • Poor vitality and vigour. • Minor. |
| 32 | 5 | 960 | 1300 | 3 | Fair | Good | Good | 2.3 | 3.7 | <p><u>4 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x Long. 4m from crossing. • Historic concrete panel replacement. Crack present. No trip hazard - trip stop installed. Lifted joint at 3m from base of tree. • Kerb near crossing joint lifted by 70mm. • Slight lifting and repair between path and crossing. • Major. |
| 33 | 3 | 710 | 940 | 2 | Fair | Good | Fair | 2 | 2.7 | <p><u>4 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x Long. 5m from V. crossing. • Historic panel replacement adjacent to the tree. • Slight joint lifting 2 edges. • Crack in kerb near catchment pit. • Moderate. |
| 34 | 6 | 1430 | 1760 | 4 | Good | Good | Good | 2.6 | 5.5 | <p><u>2 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x Long. 3m from V. crossing. • Panel replacement adjacent tree with trip stop. Slight ramping. • Crossing's panels lifted at joins, including at carriageway. Parts cracked. • Joint lifting at 8m from trunk. • Major. |



| Tree No. | Approx. Height (m) | Girth at 1.4m above ground level (mm) | Girth at root crown (mm) | Crown spread (radius) (m) | Form | Structure | Health | SRZ (m) | TPZ (m) | Summary |
|--------------------------------|--------------------|---------------------------------------|--------------------------|---------------------------|------|-----------|--------|---------|---------|--|
| 35 | 6 | 1150 | 1430 | 4 | Good | Good | Good | 1.5 | 4.4 | <p><u>2 Brentwood Avenue</u></p> <ul style="list-style-type: none"> • 2.5 berm width x Long. 3m from pram crossing. • Panel replacement adjacent tree. - both edges have lifted. One side temporarily repaired – insufficient for long term. • Prominent crack in path with minor temporary repair. • Major. |
| *Species not Bull Bay Magnolia | | | | | | | | | | |

2.2 The following table details the conflict and damage likely caused by the tree roots.

| Remediation requirements | Tree No. | Total |
|--------------------------|---------------------------------------|-------|
| Nil | 12-14, 16, 25 | 5 |
| Minor | 1-4, 11, 15, 17, 23, 31 | 8 |
| Moderate | 5-8, 18, 20, 24, 29, 33 | 9 |
| Major | 9, 10, 19, 21, 22, 28, 30, 32, 34, 35 | 10 |

3. Species Profile

- 3.1 Common Names: Bull-bay, southern magnolia, evergreen magnolia, big laurel.
- 3.2 The origin is Southeast Asia and North, South and Central America. Bull bay is a flowering, woody evergreen tree with slight rough, light brown/grey-brown bark. It has a conical crown that can grow approximately 25m tall with a comparable canopy spread and can live 80–120 years (at origin). The leaves have smooth margins, are thick and leathery with shiny deep green surface above and a furry, rusty colour below. The tree flowers through summer, producing 15–20 cm wide fragrant, white flowers. The resulting fruit is carpel like, 8–13 cm, which that turn red/red brown with age – seedpods will shed from the tree. The roots can extend up to four times the canopy width (Gilman and Watson, 1994). There is discussion that root growth is shallow, however, no particular evidence was located at the time of this assessment.

4. Regulatory Rules

- 4.1 The following sections are relevant to any works or removal of tree.



Objectives

| | |
|------------------------|---|
| TREE-O2 – Public Trees | 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. |
|------------------------|---|

Policies

| | |
|------------------------|---|
| TREE-P2 – Public Trees | <p>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:</p> <ol style="list-style-type: none"> 1. Providing protection to public trees over a certain size in road reserves, parks and reserves. 2. 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. 3. Encouraging the use of indigenous trees and vegetation, where appropriate, for planting within road reserves, parks and reserves, to recognise amenity and ecological values. 4. Enabling appropriate works to public trees to provide for the safe and efficient operation, use, maintenance and upgrading of network utilities. 5. Recognising that the removal of any protected public trees may be appropriate if: <ol style="list-style-type: none"> a. It is demonstrated that the tree or trees would not meet the threshold for protection pursuant to the STEM™ Criteria for Notable Tree Classification in TREE – Appendix 1. b. It is demonstrated that there is a 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. c. It is demonstrated that there is no practicable alternative to the removal. d. Where necessary, an assessment is provided of suitable mitigation or offset for the removal. |
|------------------------|---|

Relevant Rules

| | |
|--|---|
| Notable Trees (TREE). Part 2 District Wide Matters | |
| TREE-R5 | Works within the Root Zone of any Public Tree |
| Activity Status: Permitted | |
| Where: | |
| <ol style="list-style-type: none"> 1. 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 where the works are: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> i. Repairs to existing footpaths; ii. Repairs to existing kerbs and channels; iii. Fixing potholes or patches; or iv. Resurfacing of existing roads. | |



Activity Status when compliance not achieved: Restricted Discretionary

| | |
|---------|----------------------------|
| TREE-R6 | Removal of any Public Tree |
|---------|----------------------------|

Activity Status: Permitted

Where:

1. The removal of any public tree 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.

Activity Status when compliance not achieved: Discretionary

Public Trees:

Trees of greater than 6.0m in height or with a girth (measured 1.4m above the ground) greater than 600mm that are located in the road reserve, parks or reserves administered by Council and are protected under the District Plan.

Most tree removals, works to and within the dripline of protected public trees will require land use consent.

5. Options

5.1 Remove and replace all trees.

- a) The removal of the trees will eliminate future conflict with the infrastructure, although the existing damage will still need to be replaced or repaired.
- b) The removal of the trees will also remove the benefits such as amenity values and ecosystem support (outlined in Section 6 below). Replacement trees will eventually offset the loss of the existing young-mature to mature trees, however, this could take up to 15 – 20 years before the same level of service the trees provide is reproduced.
- c) The removal of the trees where it does not achieve the permitted activities status within TREE-R6 will require a discretionary resource consent.

5.2 Retain the trees

- a) The existing damage to the infrastructure is repaired and at the same time the environment is 'future proofed' to minimise further conflict and damage. This can be achieved by root



removal, installing root barrier and *TripStop*.

- b) These works will be consistent with the permitted activities outlined in TREE-R5.

5.3 Undertake a mixture of tree removal and retention.

- a) There is no real correlation of tree size to damage. To undertake a mixture of removal and retention, it would be best practice to remove trees that are causing most damage. This would include trees causing moderate (9 trees) and major damage (10 trees). Trees greater than 6.0m in height or with a girth (measured 1.4m above the ground) greater than 600mm will require resource consent.
- b) Where damage is being caused by trees categorised as nil and minimal damage, the damage can be remedied and where required root barrier installed and *TripStop* if practical.

6. Discussion

- 6.1 Thirty-three magnolia trees, one frangipani and one rewarewa tree have been identified. The rewarewa, growing outside No.18 Brentwood, is planted very close to a small, block retaining wall. This species can develop into a large tree, given its proximity to the wall, damage could develop over time and it is recommended to be removed. The frangipani is likely to be growing on private land. There was no visible damage from the tree to adjacent structures. Given that these two species are not specifically the subject of this report, no further discussion on these trees will be provided.
- 6.2 The bull bay trees range in dimensions from approximately 3-8 metres tall and 1.5-4.5 metres canopy spread (radius). Notwithstanding the dimensions, all trees are considered to be young-mature to mature.
- 6.3 It is Council's objective to protect and maintain trees in the road reserve that positively contribute to amenity, historical or ecological values. Although there's unlikely to be any ecological or historical value to these trees, they will contribute to neighbourhood amenity values, and although not mentioned in the Plan, ecoservices values. However, trees need to allow for the safe and efficient use of the roading network. The Policy requires protection of trees that meet specified dimensions within the road reserve. When considering removal of protected trees, it needs to be demonstrated that there are no practical alternatives.
- 6.4 The full size of these trees has not been realised, however, Tree 9 is considered generally to be a fairly large example. The largest bull bay registered in The New Zealand Notable Tree Register, is 25 metres tall, with one of the seven trees listed in the Register recorded at 9.16 metres in height. Although not a '*rule of thumb*', poor health within the group of trees in question correlates with smaller, overall dimensions and growth extension – trees of poor health are also expected to have below average annual growth. Generally, large trees coupled with fair to good vitality are causing the most damage to adjacent structures.
- 6.5 As outlined above, the species have a listed life-expectancy of up to 120 years, although the



accurate life expectancy in New Zealand has not been established. A bull bay tree within The New Zealand Notable Tree Register has been listed to have a suspected planting date of 1870 – approximately 152 years of age. Tree life expectancy is primarily associated with the growing environment; anecdotal evidence suggests that road reserve trees have an average life expectancy of 25 years – this is mainly influenced by poor soil quality, soil volume and infrastructure pressures. Given the age bracket of the trees there is no arboricultural reason that suggests that the trees will not be sustainable for the next ten years.

- 6.6 Tree root structures are generally dictated by soil profile and available growth space. Conflicts can occur between trees and infrastructure largely due to spatial constraints in tree growing environments. Utilities, such as pipes may be damaged through root interactions, however, roots do not penetrate pipes or ducts without exploiting existing openings. Where root incursion has occurred, the removal of the root and sealing of the pipe can generally ameliorate the problem and often tree removal can be avoided.
- 6.7 Conflicts may also take the form of damage to road reserve infrastructure such as footpaths and roads. Without management, below-ground alterations such as utility work or pavement repair may adversely affect root systems. Removing tree roots can reduce growth and vitality, stability and life expectancy, and can affect the ecosystem services trees provide. However, with careful management the removal of roots for the remediation of infrastructure can also allow the retention of the tree long-term.
- 6.8 As trees grow larger, there is a commensurate increase in benefits and value within the urban environment. Obvious aesthetic values of trees are size, shape, leaf colour and flowers, however, urban trees offer a range of ecosystem services, for example, storm water attenuation, rainfall interception, filter pollutants, nitrogen reduction/fixing, carbon sequestration, absorbing airborne pollutants and reduce and regulate temperature through shade and evaporative cooling (evapotranspiration). Trees also have a cultural role with impacts on health and wellbeing, reduce violence and aggression, improve rehabilitation times in recovering patients, influence driver fatigue and attitudes, add to property values and contribute to community character.
- 6.9 When considering the removal of a tree, typically good arboricultural practice, and likely to be an evaluation of resource consent, is the mitigation of effects. The removal of trees can be mitigated by replacement planting and over time the loss of benefits will be off-set. Using more replacement trees initially, will off-set the benefits in a shorter timeframe. If a partial removal of trees is employed, removing trees that are causing major to moderate damage, 19 trees will be removed – predominantly, these trees are the larger specimens within the road reserve. To off-set the benefits within ~10 years, it is reasonable to expect the planting ratio should be at least 3:1 – using good nurse stock, with a planter bag size of 40 litres and establishing maintenance for 36 months.
- 6.10 Also considered are what alternatives may be available to retain the trees. This will include the repair of any damaged structure, in conjunction with root management – severance and root barrier. *TripStop* has been used along this road successfully to minimise trip hazards.



The use of *TripStop* can reduce the number of times that a raised joint needs to be repaired. There are areas where the joint of the concrete panel has lifted, however, it is unclear whether the root that caused the lifted panel was removed at the same time. Typically, damage needs repair, irrespective of the tree being retained or removed. Therefore, often it is considered that retention of a tree is reasonable if the damage is repaired so that recurring damage is avoided or minimised.

7. Conclusion

- 7.1 It is acknowledged that the footpaths along Brentwood Avenue are subject to persons with restricted agility, therefore well-kept amenities, such as even footpaths are essential. There are a number of areas along Brentwood Avenue that require remediation to achieve this.
- 7.2 The grass berms within Brentwood Avenue are generally of a size that should support trees. In our experience, the damage that some of the trees are causing is not consistent with the size of the berm or distance of the structure from the tree. In general, the berms are considerably larger than many berms where trees and infrastructure have coexisted with little conflict. The damage is likely to have occurred through a combination of the species type and shallow depth of available topsoil. It is likely that ongoing conflict will occur along Brentwood Avenue without ongoing management.
- 7.3 Given Council's Public Tree Policy, the benefits provided by the trees, and as discussed, these benefits are commensurate with tree size and age, the removal of the trees should occur when other alternatives are not considered to be manageable or effective long-term.
- 7.4 Irrespective of tree removal or replacement, the damage will need to be remedied. If the trees are retained, the repairs should include root management. Where trees are large and of fair to good health, any repairs should include the severance of roots and the installation of a root barrier at the edge of the grass berm. Bull bay magnolia is a species that is very tolerant of alterations when of fair to good vitality, which generally describes the trees causing most damage along this road. In addition, with the root severance and root barrier, *TripStop* should be incorporated and any vehicle crossing adjacent to concrete footpaths should be re-laid in concrete.
- 7.5 If tree removal is employed, the benefits of entire tree removal in one operation and replacement or partial removal and replacement will need to be determined. If partial removal is considered, the removal of the trees causing most damage should be undertaken first. The removal of the entire tree stock from the road berm will also have considerable effects on the visual amenity of the road. To off-set the lost benefits provided by the trees, a replacement tree ratio of 3:1 should be a starting point. However, it may not be practical to plant more than a 1:1 ratio within Brentwood Avenue, therefore, replacement trees outside of Brentwood Avenue, in the wider area, could be undertaken.

For more information please contact:
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Appendix A – Maps.







In reply please quote

PRO22045

Or ask for



12 December 2022

Infrastructure Planning Department
c/o – Parks Department
Whangarei District Council
infrastructure_planners@wdc.govt.nz

To whom it may concern

Re: Brentwood Avenue Tree Removals and Footpath Works

The following seeks to clarify Northland Transportation Alliance (WDC Roding's) position and requirements with regards to the Whangarei District Council's proposal to remove 34 Magnolia street trees located along Balmoral Avenue, Kamo.

In principle, WDC Roding have no significant concerns relevant to the proposed tree removals provided the trees are replaced within the carriageway as they not only contribute to a sense of place, but assist with traffic calming and provision of shade.

To date, only temporary repairs have been carried out with the purpose of making safe. Removal of the trees will enable roading to undertake a thorough assessment of the condition of the carriageway and consider options for a permanent repair solution.

WDC Roding concedes that while the trees may be removed in one stage, there is potential that the repairs may need to be carried out over multiple stages; depending on the above-mentioned assessment and funding opportunities.

Replacement trees should be a species that is suitable for the road environment, with a decision made in collaboration with the WDC Parks and NTA.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Devine'.

Jeff Devine

Strategy & Planning Manager | Northland Transportation Alliance

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NORTHLAND TRANSPORTATION ALLIANCE

