

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of Proposed Plan Change 9 to the Operative Hamilton
City District Plan

STATEMENT OF EVIDENCE OF JONATHAN RAY REDFERN-HARDISTY

(Arboriculture - Notable Trees)

14 April 2023

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INTRODUCTION

1. My full name is Jonathan Ray Redfern-Hardisty.
2. I am a qualified arborist with over 25 years of industry experience. I am the principal arboricultural consultant at Arborlab, which is one of New Zealand's leading green space asset management specialists. Arborlab advises a range of stakeholders across central government, local government, industry and the business communities.
3. My expertise is focused on all aspects of tree management, from practical arboriculture and management of local government open space assets, to complex tree risk analysis and assessment. I have experience of local government hearing processes and have given expert evidence on arboricultural matters.
4. My involvement in Plan Change 9 (**PC9**) commenced in early 2022 when Arborlab was engaged by Hamilton City Council (**HCC**) to undertake assessments of trees within HCC open spaces to determine whether they should be afforded Notable Tree recognition in the Operative District Plan (**ODP**). The scope of the assessment included a reassessment of existing Notable Trees recorded within the ODP, and the assessment of other trees growing within the road reserves and open space reserves within the City to determine whether any additional trees warranted inclusion within the Notable Tree section of the ODP.

CODE OF CONDUCT

5. I am familiar with the Code of Conduct for Expert Witnesses (Environment Court Practice Note 2023) and although I note this is a Council hearing, I agree to comply with this code. The evidence I will present is within my area of expertise, except where I state that I am relying on information

provided by another party. I have not knowingly omitted facts or information that might alter or detract from opinions I express.

SCOPE OF EVIDENCE

6. In my evidence I will provide a summary of the assessment methodology I applied, and the outcomes of my original assessment. I will then address certain matters raised in submissions to PC9, with reference to my updated assessment undertaken in early 2023 which was prepared in response to submissions. Finally, I will confirm my key conclusions.

EXECUTIVE SUMMARY

7. My involvement in PC9 commenced in early 2022 when Arborlab was engaged by HCC to undertake assessments of trees within HCC open spaces to determine whether they should be afforded Notable Tree recognition in the ODP.
8. The scope of the assessment included a reassessment of existing notable trees recorded within the ODP, and the assessment of other trees growing within the road reserves and open space reserves within the City to determine whether any additional trees warranted inclusion within the Notable Tree section of the ODP.
9. Our individual tree assessments were completed in April 2022, and in June 2022 Arborlab presented HCC with its completed assessment (**Original Assessment**) which was then used to inform the updated Notable Tree schedule set out in the notified version of PC9. A copy of the Original Assessment is set out at Appendix 11 to the section 32 Report dated 22 June 2022 which supports PC9. Further detail of the assessment methodology, and each individual assessment is included within the Original Assessment.

10. I am aware that there were numerous submissions lodged in respect of the Notable Tree topic in PC9. I reviewed those submissions and undertook a comprehensive review of the trees, and the associated issues, that were identified in the submissions. Ahead of expert conferencing on this topic I produced a further technical report¹ (**Further Technical Report**) which responded to the submission points relating to the scheduling of Notable Trees and the root protection zone and set out my recommendations in relation to the matters raised in those submissions. A copy of the Further Technical Report is set out at **Attachment 1** to this statement of evidence.
11. I attended expert witness conferencing on the topic of arboriculture and planning on 15 March 2023, and confirm that I signed the Joint Witness Statement (**JWS**) that was produced at the conference. The JWS records my agreement that Rule 20.3.v should be clarified in terms of how the three-metre setback is measured. It also records my agreement that Rule 20.3.w(viii) requires refinement to clarify permitted parking activities.
12. In addition to these amendments signalled in the Further Technical Report and in the JWS, I also consider there are a number of further refinements to the rule framework which will provide better clarity in terms of permitted and restricted discretionary activities, and make the provisions in relation to the Protected Root Zone more workable. My comments in relation to the rule framework are set out **Attachment 2** to this evidence.
13. I have provided these comments to Ms Laura Galt, HCC's planner, for her consideration and note that many of these recommendations, and the recommendations in the Further Technical Report, are reflected in her final set of proposed plan provisions.

¹ Arborlab Technical Report: PC9 Arboricultural Report dated March 2023.

TECHNICAL REPORTS/ANALYSIS

Original assessment

14. Arborlab was engaged in early 2022 by HCC to assist it with the review of the existing notable trees recorded within the ODP, and to make assessments of further trees within HCC's open space areas such as road reserves, parks and reserves, and to determine whether any of those trees should be afforded Notable Tree recognition in the ODP.
15. That assessment required direct field work including a visual and physical evaluation of each tree. This field work was mostly undertaken between March and April 2022, by my Arborlab colleagues Philip Best and Solomon Caldwell. Given the volume of trees presented, I personally validated a sample of the 15%-20% field work nominations and was ultimately responsible for delivery of the original assessment.

Assessment methodology

16. The assessment methodology deployed was the STEM tree assessment methodology (Standard Tree Evaluation Method -STEM), which is an accepted industry practice for evaluations of this nature.
17. Under the STEM assessment, there are three main criteria, being Condition (health), Amenity (community benefit) and Notability (distinction). These criteria examine the following factors:
 - a) Condition Evaluation: Form, Occurrence, Vigour and Vitality, Function, and Age;
 - b) Amenity Evaluation: Stature, Visibility, Proximity, Role and Climate;

- c) Notability Evaluation: Stature (feature and form) Historic (age +100yrs, association commemoration, remnant and relic) and Scientific (source, rarity and endangered).
- 18. Each of the individual factors within a criteria is given a score out of 30 points, being 3, 9, 15, 21, or 27 points. For each of the Condition and Amenity criteria, which have five factors, the score will range between 15 - 135 points. The Notability criteria can add a further 30 – 270 points to the overall score.
- 19. The threshold total score at which a tree is determined to be notable or significant will vary from Council to Council (87 to 180 as at 2019), with an average threshold of 131.5 points. For the report to HCC, we applied a threshold of 130 points, noting that some trees in a grouping which were assessed between 120-130 were included where the overall grouping, or a tree within it, was assessed beyond 130.
- 20. Due to the large tree population throughout Hamilton, criteria were developed to allow the assessor to identify and nominate new trees for the assessment. As a baseline, the following criteria was applied:
 - a) Trees are mature, large and/or unique.
 - b) Are likely to exceed 130 STEM points.
 - c) Groups and tree rows can be included if the canopies touch or are within such proximity, that through growth are likely to touch.
 - d) Tree assessments are undertaken using the principles of a Visual Tree Assessment (**VTA**), which is consistent with modern arboricultural practices (Mattheck and Breloer, 1994).
 - e) Assessments are undertaken at ground level. Where practical, a 360-degree assessment is carried out.

21. Our individual tree assessments were completed in April 2022 and in June 2022 Arborlab presented HCC with its completed assessment (**original assessment**) which was then used to inform the updated notable tree schedule set out in the notified version of PC9. A copy of the original assessment is set out at Appendix 11 to the section 32 Report dated 22 June 2022 which supports PC9. Further detail of the assessment methodology, and each individual assessment is included within the original assessment.
22. I understand that all of the trees and groups of trees identified in the original assessment which scored 130 points or more were incorporated into the schedule of notable trees within PC9.

RESPONSE TO SUBMISSIONS

Submissions on notable trees in Schedule 9D and the Protected Root Zone

23. I am aware that there were numerous submissions lodged in respect of the Notable Tree topic in PC9. I reviewed those submissions and undertook a comprehensive review of the trees, and the associated issues, that were identified in the submissions. Generally speaking, the submissions either sought the inclusion or removal of trees from the schedule, or the amendment of proposed plan provisions to address perceived unacceptable constraints on activities directly or indirectly associated with notable trees. Of particular concern were constraints on activities within the Protected Root Zone.
24. Ahead of expert conferencing on this topic I produced the Further Technical Report which responded to the submission points and set out my recommendations in relation to the matters raised in each of those

submissions. A copy of the Further Technical Report is set out at **Attachment 1** to this statement of evidence.

25. As stated in the Further Technical Report, submissions seeking the removal of trees from the schedule which I recommend be rejected are set out at sections 1.1 through 1.29. Within sections 1.30 to 1.45 I record those submissions which seek the removal of a tree from the register, and the basis for my support. In section 2 I set out my recommendations regarding submissions seeking amendment or removal of the Protected Root Zone.

Rule framework

26. A number of submissions were lodged seeking amendments to the rule framework that applies to Notable Trees and the Protected Root Zone. I have also reviewed these submissions. The relief sought in these submissions was not addressed in the Further Technical Report, which was confined to addressing whether particular trees should be included, removed or retained in Schedule 9D or whether any changes should be made to the Protected Root Zone.
27. I attended expert witness conferencing on the topic of arboriculture and planning on 15 March 2023, and confirm that I signed the JWS that was produced at the conference. The JWS records my agreement that Rule 20.3.v should be clarified in terms of how the three-metre setback is measured. The position recorded is in fact an error. The relevant measurement should be taken from the base of the tree. The JWS also records my agreement that Rule 20.3.w(viii) requires refinement to clarify permitted parking activities.
28. From an arboricultural perspective, I consider that there can be further refinement to the rule framework to improve the overall workability of the provisions. I have set out my comments in relation to the relevant provisions in **Attachment 2**. These comments were provided to Ms Galt

for her consideration and are reflected in her final set of proposed plan provisions.

Jonathan Ray Redfern-Hardisty

14 April 2023

ATTACHMENT 1



Creating Green Space
Sustainability

Technical Report

Hamilton City Council

PC9 Arboricultural Report





PC 9 Technical Report – Arboriculture

Prepared for: Hamilton City Council

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Summary of Report

Arborlab has been engaged by Hamilton City Council (HCC) to provide arboricultural advice in relation to Plan Change 9 – Historic Heritage and Natural Environments (Plan Change 9), in particular in relation to trees listed in Schedule 9D: Notable Trees, Volume 2 of the Hamilton City District Plan (District Plan).

The scope of Arborlab's initial engagement included the reassessment of existing notable trees listed in Schedule 9D, Volume 2 of the Hamilton City Operative District Plan (ODP) and identifying additional trees growing within the road reserve or in reserves for assessment and possible inclusion in Schedule 9D of the District Plan. Additional trees on private property were not assessed for inclusion through Plan Change 9.

The existing notable trees listed in Schedule 9D of the ODP, which are identified as T1 to T80, were originally evaluated and scored using the Royal New Zealand Institute of Horticulture (RNZIH) Standard Method of [Tree] Evaluation. The criteria and methodology for the use of this system is outlined on the HCC website.

As part of the review process for Plan Change 9, a new scoring system for evaluating whether trees were suitable for retention or inclusion in Schedule 9D as a notable tree was adopted, the Standard Tree Assessment Method (STEM). STEM is a logical method for establishing the intrinsic quality of trees. It is generally considered the most robust and widely accepted method for assessing trees throughout the arboriculture industry.

The STEM methodology requires an assessment of each tree or group of trees against set criteria, each criterion is awarded a point's score out of 30, these can be represented as a percentage of the optimal score 30 points equalling 100%. The applicable scoring and associated percentages are shown below and relate to the description in each criterion.

Points	3	9	15	21	27	30
Percentage	10%	30%	50%	70%	90%	100%

The criteria is broken up and calculated into the following groups: Condition Evaluation (Form, Occurrence, Vigour/Vitality, Function, Age), Amenity Evaluation (Stature, Visibility, Proximity, Role, Climate) and Notable Evaluation (Stature, Historic, Scientific). The Notable Evaluation required researched and documented confirmation from a Historian on the age, association and commemoration components to support a claim in these categories. e.g. Historian to prove association with an historic person or event.

The threshold STEM score for inclusion in Schedule 9D is 130 points. The 130 point threshold was derived from an initial survey of 310 trees throughout Hamilton City. The average STEM score was 160. One-hundred and forty-two trees sat below the 160 threshold, of which, 34 trees were below the 130 point threshold. It was determined that the 130 point threshold would allow a large portion of trees to be recorded without devaluing the integrity of a notable tree population. All trees achieving a score of 130 or greater trigger immediate inclusion as proposed notable trees for the plan change. This threshold is considered appropriate to be applied across the City.

Following notification of Plan Change 9, a number of submissions were lodged seeking relief in respect of notable trees and Protected Root Zones. The following report sets out the arboricultural response to these submissions.

The report has been separated into topics relating to the relief sought in the submission. A number of submissions seek the same relief. These submissions have been addressed together under the relevant topic.

Generally, where the nomination for a new notable tree in Schedule 9D under Plan Change 9 as notified has been disputed in a submission on arboricultural grounds, Arborlab has reviewed the submission and visited the tree site and undertaken a follow up visual evaluation. Where submissions have proposed that new trees be included in Schedule 9D that were not included in the notified plan change, Arborlab has visited the tree and undertaken a visual inspection of those trees. Generally, if a submission disputed the retention of an existing tree listed in Schedule 9D of the ODP, a reassessment only occurred if a safety risk or tree defect issue was asserted. Submissions that only disputed the Protected Root Zone did not trigger a reassessment. No tree risk assessments were undertaken as part of this arboricultural review of notable trees.

Generally, this report does not address submissions seeking amendments to the rule framework for notable trees. Such planning matters will be separately addressed by HCC's planning experts.

About the author

My name is Jonathan Redfern-Hardisty. I am employed by Arborlab Consultancy Services Limited as the principal arboricultural consultant. I have a Diploma in Arboriculture (Level 6) from WINTEC and have qualifications in tree risk systems, VALID, Quantified Tree Risk Assessment (QTRA), and Tree Risk Assessment Qualification (TRAQ).

I have been actively engaged in the arboricultural industry for 28 years, including ten years as a

contracting arborist, 16 years as a consulting arborist, and two years combining both disciplines within my own company. I have previously been seconded to Auckland Council Parks Department, where I had experience in assessing resource consent applications on behalf of Auckland Council. I have undertaken several risk and health assessments for local authorities, private residential and corporations throughout New Zealand and have had a wealth of experience in all aspects of arboricultural consultancy.

Site Assessors

Tree evaluations were undertaken by:

Phil Best

Mr Best holds a Diploma in Arboriculture (NZQA level 6) and is a registered QTRA user. He has been working for Arborlab for nearly 5 years and holds the job title of Specialist Technician Arborist. He has been involved in Open Space Industry since 1991 with 20 years' experience in the Australasian Arboriculture industry. Mr Best has previously worked as a Tree Assessment Officer for the Sunshine Coast Regional Council and held positions as Operations Manager and Consultant for ArborCare Qld. Previously managed local and state government contracts in Queensland, consulted and undertaken numerous tree risk assessments, street tree inventories and delivered remedial tree works on World Listed National Park Fraser Island.

Solomon Caldwell

Mr Caldwell holds a Diploma in Arboriculture (NZQA level 6) and is a registered QTRA user. He has been working for Arborlab for 14 months and holds the job title of Specialist Technician Arborist. Mr Caldwell has been involved in arboriculture industry for 4 years and was a finalist in the Young Horticulturalist of the year 2022.



Index of submissions

1. Submissions seeking the removal of trees from Schedule 9D: Notable Trees.....	8
Relief not supported	8
1.1. New Zealand Police: 341.3 and Tainui Group Holdings Ltd: 451.3 No.12 Anzac Parade – T109 (T109.1, T109.2, T109.3 and T109.4)	8
1.2. David Neil Mans: 11.1 and Natalie Jayne Smith: 226.1. Claude Street – T136, T136.4.....	8
1.3. Waikato Community Hospice Foundation: 453.1, 4.53.3 No.322, 334 and 342 Cobham Drive – T3-T100.....	9
1.4. Elisabeth Staal: 21.1 and 21.2: No.8 Fairfield Road – 159.1 and 159.2.....	10
1.5. David and Barbara Yzendoon: 301.2, 301.4. Fox Street. T172.1-172.20.....	11
1.6. The Young Ones Trust – Murray and Allison Grant: 35.1. George Street.	11
1.7. C K Reddy – Chandra Kumar Reddy: 397.1. 242 Grey Street	12
1.8. Professional Business Consultancy Ltd: 449.1. No.242 Grey Street.....	13
1.9. Feathers Planning on behalf of Tin Structures Limited: 438.1, 438.2. No.297 Kahikatea Drive. 13	
1.10. Phil Handford: 396.1. No.104 Lake Road.....	14
1.11. Alison Grey: 31.1. No.235 Marire Avenue.....	14
1.12. Cameron Gray: 445.1. No.1 Blue Cedar Lane – T12	15
1.13. Body Corporate BC81026 – Dominic Worthington: 218.1. No.247 Commerce Street.	16
1.14. Foster Development Limited - Lloyd Stephenson: 57.2. No.3 Hardley Street.....	17
1.15. Graham Family Trust – Vanessa Bailey: 408.4, 408.5. No.4 Kitchener Street.....	17
1.16. TDDJ Limited – Frank: 210.2, 210.3 and 210.4. No.70, 70a Mardon Road.	18
1.17. Anne and Mark Lovegrove: 204.3. No.147 Norton Road.....	18
1.18. Western Property Trust – Mark Brunton: 444.1. 93 Peachgrove Road.....	19
1.19. Morth Trust Partnership – Stephen Wayne Morth/Rachel Caroline McGuire: 122.1. No.1406 Pukete Road.....	19
1.20. Tainui Group Holdings – Brian Croad: 455.1, 455.2, 455.3. Ruakura Lane.....	19
1.21. Graham Gilbert Bryers: 93.1	20
1.22. Jason Mackenzie: 237.1, 237.2, 237.3 and 237.4.....	20
1.23. Melissa Broussard: 24.3: Te Aroha and New Street.....	22
1.24. Joshua Wood: 355.1. Young Street.	22
1.25. David John Venter: 167.1, 167.2. No.188 and 192 Hukanui Road	22
1.26. Richard Partnership Trust – Wayne Leslie Richardson: 225.1. No.324 Tristram Street.....	23
1.27. Nidhi Singh: 62.1. No.84 Lake Crescent	23
1.28. Callum McDougal: 228.1.....	24
1.29. GIS Consulting Services Ltd – Aaron Barnsdall: 433.2, 433.3, 433.4, 433.5.....	24
Relief supported	25
1.30. Ross Meehan: 443.1.....	25

1.31.	Karen Burgess.....	25
1.32.	Jack William: 137.5. All trees along Brookfield Road.	26
1.33.	Hamilton City Council – Mark Davey: 201.51. Claudelands Road – T138, T139, T140	26
1.34.	Garron and Jan Smith: 149.1. No.32 George Street	27
1.35.	Brad Edward and Samantha Coffey: 186.1 – 186.5. No.11 Ingleton Terrace	27
1.36.	Simon Travaglia: 431.1, 431.2. Melody Lane.	28
1.37.	Zanite Limited – Ian Robert Mackie: 32.1, 32.2.....	28
1.38.	Errol Mitchell Balks: 94.1, 94.2.....	28
1.39.	Earthbrooke Properties Ltd – Megan Ruby Balks: 95.1, 95.2	28
1.40.	Ngati Wairere – Wiremu Puke: 169.16, 169.17	28
1.41.	Robinson Family Trust – Christine Helen Robinson: 236.1, 236.2	28
1.42.	Fiberygoodness – Susan Jane Brown: 253.1, 253.2	28
1.43.	Richard and Marion Francis: 448.1. No.31 Naylor Street.	29
1.44.	Hamilton Campground Limited: 139.3. No104 Peachgrove Road.	30
1.45.	Jacqueline Naomi Fitchman: 61.1. No.953 River Road Planning	30
2.	Submissions seeking amendment to or removal of the Protected Root Zone	31
2.1.	MG Solutions Ltd- Sam Shears on behalf of Keith Clapson – CKC Holdings Ltd: 331.1, 331.2 and 331.3.....	31
2.2.	Scott Bicknell: 3.2.....	31
2.3.	Bloxam Burnett and Olliver – Kathryn Drew on behalf of Phillip Currow: 109.1	31
2.4.	Keryn Drummond on behalf of Campbell and Shirley Johnstone Trust: 266.1, 266.2	31
2.5.	Mitchell Arndell Trust – Dianne Miller: 38.1	31
2.6.	Yin Xu: 217.1 – 217.10.....	31
2.7.	BSM Trust – Brad Steven Martin: 267.2	31
2.8.	Edward Arthur Gann: 66.1.....	31
2.9.	Ross Terence Brazier: 229.1	31
2.10.	Aslan Kanzas and Claudia Avril and Shawn Salisbury: 295.2, 295.3, 295.4, 295.5.....	31
2.11.	Debbie Manktelow: 37.1. No.12a Clifton Road – T142.8.....	31
3.	Submissions proposing new trees be included in Schedule 9D: Notable Trees	36
3.1.	Jane McLeod: 30.2.....	36
3.2.	Christine Barbara Doube: 75.1	36
3.3.	Ewan Opie: 125.1.....	37
3.4.	Waikato Historical Society – Neil Curgenvin: 330.2.....	37
3.5.	Waikato Heritage Group – Laura Kellaway: 427.74	38
3.6.	Waikato Heritage Group – Laura Kellaway: 452.17, 425.31, 427.78 and 427.79	38
3.7.	Waikato Heritage Group – Laura Kellaway: 427.81	39
3.8.	Waikato Heritage Group – Laura Kellaway: 427.82	39
3.9.	Simon Travaglia:431.3	39



3.10.	Philip Rupert and Sylvia Phyllis Hart:441.2	40
3.11.	Laura Liane Kellaway: 452.29.....	40
4.	Submissions on methodology	40
4.1.	Jack William Pennington: 137.2	40
4.2.	Jack William Pennington: 137.4	41
4.3.	Waimarie – Hamilton East Community House – Jane Landman: 416.9.....	41



1. Submissions seeking the removal of trees from Schedule 9D: Notable Trees

Relief not supported

- 1.1. New Zealand Police: 341.3 and Tainui Group Holdings Ltd: 451.3 No.12 Anzac Parade – T109 (T109.1, T109.2, T109.3 and T109.4)

Summary of submission

The submitter opposes the scheduling of notable tree T190 (Street Trees) along the frontage of 12 Anzac Parade, which includes two (2) Pin Oaks and two (2) Red Oaks.

(T109 is being identified as Street Trees along Anzac Parade in Schedule 9D and includes T109.1, T109.2, T109.3 and T109.4.)

The existing access to the site is through a narrow vehicle service lane and the protection of the trees will create a significant constraint for future improvement of access.

Relief/Decision Sought

Remove the trees identified as T109 (T109.1, T109.2, T109.3 and T109.4) from Schedule 9D.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the trees be retained in Schedule 9D as notified.
- The trees were assessed to be healthy with no indication of compromised structure and they exceed the 130 STEM point requirement.

- 1.2. David Neil Mans: 11.1 and Natalie Jayne Smith: 226.1. Claude Street – T136, T136.4

Summary of submissions

Submitter 11.1 opposes the scheduling of notable trees T136 on Claude Street, stating: "These trees have no great age, are subject to branch drop, the shallow roots are breaking up the footpath (creating trip hazards) and their leaves block the storm water in Autumn. Several were removed after the February storm damaged them.

Submitter 226.1 opposes the scheduling of notable tree T136.4 and its protected root zone within 7 Claude Street.

Relief/Decision Sought

Submitter 11.1 seeks removal of all reference to the group of notable trees T136 on Claude Street from Schedule 9D - Notable Trees.

Submitter 226.1 seeks removal of all reference to the notable tree T136.4 from Schedule 9D - Notable Trees.

Arborist Response

- The trees were visually reassessed post-submission.
- Recommend that the trees be retained in Schedule 9D as notified.
- T136.4 meets the 130 STEM point requirement for inclusion. Recommend that the Protected Root Zone be retained as notified.

- T136, which includes T136.1-T136.24 as a row / group meets the 130 STEM point requirement for inclusion.
- No visual indicators of unacceptable risk were noted at the time of the assessment.
- The road reserve trees combine to provide benefits for this street.
- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan. As Arborlab has recommended that T136.4 be retained, no change to the Protected Root Zone is recommended.

1.3. Waikato Community Hospice Foundation: 453.1, 4.53.3 No.322, 334 and 342 Cobham Drive – T3-T100

Summary of submission

453.1: "The submitter is opposed to the tree protection zones proposed for the two trees that sit on their land. Future maintenance, upgrades and works on their facility will be severely impacted. It is opposed to the tree protection zones proposed for a number of identified trees located to the north and north east of their land, mostly contained within 332 Cobham Drive, Hillcrest and HCC Recreation Reserve.

The tree protection zones range from 11.7m to 16.9m from the centre of the identified tree trunks and cut significantly into their land at several points.

The vast majority of the proposed tree protection zones already contain concrete hardstand, carparking or built form and it is considered onerous to apply a consent requirement for future works located within these zones and within the Hospices land.

There is concern raised about the lack of exemptions, lack of empirical evidence and blanket application of such large tree protection zones. Especially, when the hard stand and built form may have already dictated root growth away from the subject site or any future work areas".

453.3: (a) The Waikato Community Hospice Foundation is opposed to the tree protection zones proposed for the two trees that sit on their land. Future maintenance, upgrades and works on their facility will be severely impacted. (b) The Waikato Community Hospice Foundation is also opposed to the tree protection zones proposed for a number of identified trees located to the north and north east of their land, mostly contained within 332 Cobham Drive, Hillcrest (Lot 1 DPS 237501 – SA22C/341) and HCC Recreation Reserve (Lot 3 DPS 23750— SA22C/387). (c) The tree protection zones range from 11.7m to 16.9m from the centre of the identified tree trunks and cut significantly into their land at several points. (d) The vast majority of the proposed tree protection zones already contain concrete hardstand, carparking or built form and it is considered onerous to apply a consent requirement for future works located within these zones and within the Hospices land. (e) The consent requirements will create financial and timing issues for the Hospice should they wish to redevelop those portions of their site. Particularly, when the majority of the trees to be protected are not within their site and cover portions of their site where built infrastructure/hard surfacing is already in place. (f) There is concern raised about the lack of exemptions, lack of empirical evidence and blanket application of such large tree protection zones. Especially, when the hard stand and built form may have already dictated root growth away from the subject site or any future work areas.

Relief/Decision Sought

453.1: Seeks the uplifting of the protection status in Appendix 9, Schedule D T3-T100:



Natural Environment for trees T4.1 and T4.6 located on the Hospice land and also Tree 4.1 to Tree 4.8 and specific tree protection radius requirements from the centre of the tree trunks as they overhang their properties.

453.3: The removal of the Hospice land from any tree protection zone and subsequent consenting requirements.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the trees be retained in Schedule 9D as notified.
- The trees are currently listed in Schedule 9D of the ODP and they exceed the 130 STEM point requirement for inclusion.
- The trees are providing benefits and ecosystem services to the wider community.
- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan. The Protected Root Zone is calculated through trunk size and provides an accurate indication of root growth. As Arborlab is recommending that the tree be retained in Schedule 9D, no change to the Protected Root Zone is recommended.

1.4. Elisabeth Staal: 21.1 and 21.2: No.8 Fairfield Road – 159.1 and 159.2

Summary of submission

The submitter opposes the scheduling of notable tree T159.1 and 159.2 alongside 8 Fairfield Road, because:

- The branches dropped in every storm which caused safety issues and damage to the submitter property and neighbours.
- Blockage of leaves in gutters caused damage to the property such as water damage.
- It is not native, common and are not of any significant value.
- It is not a species the council currently considered suitable to be planted in urban areas.

Relief/Decision Sought

Remove all reference to the notable tree T159.1 and 159.2 from Schedule 9D and remove these trees entirely for safety and property damage reasons.

Replant the trees with a more suitable (native) species.

Arborist Response

- The trees were visually reassessed post-submission.
- Recommend that the trees be retained in Schedule 9D as notified.
- These trees exceed the 130 STEM score requirement for inclusion in Schedule 9D.
- No visual indicators of unacceptable risk were noted at the time of the STEM assessment and the follow up assessment. Leaf fall is generally a ground



maintenance issue - there are some inconveniences that are generally accepted and are a trade-off for the benefits gained by mature trees in an urban environment.

- Health of the trees is assessed to be fair.

1.5. David and Barbara Yzendoorn: 301.2, 301.4. Fox Street. T172.1-172.20

Summary of submission

The submitters oppose the scheduling of notable tree T172 (172.1-172.20) Street Trees along Fox Street due to the following reasons:

- The trees are unsuitable in their location, poor structure, lack of full canopy, visually unappealing and seem in poor health, which can cause health and safety issues like branches falling and can lead to damage for neighbouring residential properties. “Additionally, the associated protective root zone places unnecessary restrictions on what can occur within our property (particularly considering the nature of the trees)”.
- The branches and leaves regularly drop into the neighbouring residential land from these trees.
- The protected root zone extends over the majority part of the property (189 Fox Street). The requirement of resource consent for developments within the property such as replacing, repairing will result significant change to the property, which is entirely inappropriate.
- “The s32a appendices that contain the assessment of these trees even indicates that the trees themselves are poor quality”.

Relief/Decision Sought

Remove the trees identified as T172 (172.1-172.20) from Schedule 9D.

Arborist Response

- The trees were visually reassessed post-submission.
- Recommend that the trees be retained in Schedule 9D as notified.
- These trees exceed the 130 STEM point requirement for inclusion in Schedule 9D.
- No visual indicators of unacceptable risk were noted at the time of the assessment or the reassessment.
- Leaf fall is generally a grounds-maintenance issue. There are some inconveniences that are generally accepted as a trade for the benefits gained.
- Shading through leafy trees, although inconvenient in some cases, provides documented benefits such as cooling the environment and an urban heat island.
- Some trees have declined health and there is evidence of failure, however, overall, the tree group provides decent notable tree values that justify its inclusion in the Schedule.

1.6. The Young Ones Trust – Murray and Allison Grant: 35.1. George Street.

Summary of submission

The submitter opposes the scheduling of the notable trees (T184 - group of Street Trees)

on George Street, Hamilton for the following reasons:

- Not all the trees are of an age that they should be considered heritage. They cause ongoing problems with damage to the road, footpaths and drains/sewer.
- The tree roots and leaf litter are dangerous to pedestrians on George Street.
- The leaf litter also blocks drains, so when medium/large rain event occurs the water does not flow away and floods private property.

Relief/Decision Sought

Do not schedule the street trees (T184 - group of Street Trees) on George Street as heritage trees and to physically remove the trees next to 32 and 34 George Street.

Arborist Response

- The trees were visually reassessed post-submission.
- Recommend that the trees be retained in Schedule 9D as notified.
- The trees individually exceed the 130 STEM point requirement for inclusion in Schedule 9D. Note not all trees along the road are proposed to be included in the schedule – generally only the larger trees.
- No visual indicators of unacceptable risk were noted at the time of the assessment or the reassessment.
- The road reserve trees combine to provide benefits for this street. Where possible rows of trees growing within the road reserve, which are of similar age and species have been included in Schedule 9D. Rows of trees growing within the road reserve are important as they provide a range of ecosystem services (air and water purification, stormwater attenuation, reduction of heat islands, etc), and also increase amenity values.

1.7. C K Reddy – Chandra Kumar Reddy: 397.1. 242 Grey Street

Summary of submission

The submitter opposes the scheduling of notable tree T8.10 by 242 Grey Street due to the following reasons as stated by the submitter:

- The tree can lead to risks for safety and accessibility of the driveway at 242 Grey Street, which has resulted in damage to vehicles multiple times, when entering or exiting the property.
- The tree has grown so big that the driveway entrance cannot be used safely.
- The tree is also obstructing the view of oncoming traffic from the south end of Grey Street.
- Big branches of tree can fall onto the property by strong winds and rain, which can potentially kill people.

Relief/Decision Sought

Remove all reference to the notable tree T8.10 from Schedule 9.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the tree be retained in Schedule 9D as notified.
- This tree exceeds the 130 STEM point requirement for inclusion.
- The tree is providing significant benefits and ecosystem services to the wider community (air and water purification, stormwater attenuation, reduction of heat islands, etc).

1.8. Professional Business Consultancy Ltd: 449.1. No.242 Grey Street**Summary of submission**

The submitter opposes the scheduling of notable tree T8.10 by 242 Grey Street due to the following reasons:

- The tree is dangerous to the surrounding properties, pedestrians and branches can cause serious damage while the visibility is greatly impacted.
- The tree is obstructing driveway and It is a hazard for persons driving vehicles from driveways to the road.

Relief/Decision Sought

Remove all reference to the notable tree T8.10 from Schedule 9D.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the tree be retained in Schedule 9D as notified.
- This is an existing notable tree in Schedule 9D of the ODP. It exceeds the 130 STEM point requirement for inclusion.
- The tree is providing significant benefits and ecosystem services to the wider community (air and water purification, stormwater attenuation, reduction of heat islands, etc).

1.9. Feathers Planning on behalf of Tin Structures Limited: 438.1, 438.2. No.297 Kahikatea Drive.**Summary of submission**

The submitter opposes the scheduling of the group of notable tree (Street Trees) T219 (T219.1 to T219.4) on Kahikatea Drive, and stating "the reason for this is that these trees are located at an intersection that will be upgraded in the near future, as Greenwood Street is extended, and as 279 Kahikatea Drive is re developed. The intersection will undergo significant works to ensure traffic safety is paramount and it is likely that these trees will need to be removed in order to construct a safe intersection. The protection of them is non-sensical given the safety works that will be necessary."

Relief/Decision Sought

Remove all reference to the group of notable trees (Street Trees) T219 (T219.1 to T219.4) from Schedule 9D - Notable Trees, and any consequential amendments.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.



- Recommend that the trees be retained in Schedule 9D as notified.
- The trees exceed the 130 STEM point requirement for inclusion in the Schedule.
- These particular trees are the only mature, large trees visible in this immediate area and are providing benefits and ecosystem services to the wider community (air and water purification, stormwater attenuation, reduction of heat islands, etc).

1.10. Phil Handford: 396.1. No.104 Lake Road

Summary of submission

We are objecting to the inclusion of our Ginkgo biloba tree (ref T40 at 104 Lake Road, Frankton, Hamilton) in the register of Notable Trees.

We are the property owner at 104 Lake Road.

Relief/Decision Sought

Remove all reference to the notable tree T40 from Schedule 9D.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the tree be retained in Schedule 9D as notified.
- This tree is an existing notable tree listed in Schedule 9D of the ODP and it exceeds the 130 STEM point requirement for inclusion.
- The tree is providing benefits and ecosystem services to the wider community (air and water purification, stormwater attenuation, reduction of heat islands, etc).

1.11. Alison Grey: 31.1. No.235 Marire Avenue.

Summary of submission

The submitter opposes the scheduling of the group of notable trees T235 (Street Trees) on Marire Avenue due to the following reasons;

- The roots were extremely shallow and likely to fall in extreme weather conditions
- The roots of trees are growing into the private properties

The submitter advises trees required to be properly maintained not to cause damage and costs to private properties and for safety of people.

Relief/Decision Sought

Reconsider for scheduling of the group of notable trees on Marire Avenue in Schedule 9D - Notable Trees.

Arborist Response

- The trees were visually reassessed post-submission.
- Recommend that the trees be retained in Schedule 9D as notified.
- The trees individually exceed the 130 STEM point requirement for inclusion in the Schedule.
- No visual indicators of unacceptable risk were noted at the time of the assessment.

- Where possible rows of trees growing within the road reserve, which are of similar age and species have been included in Schedule 9D. Rows of trees growing within the road reserve are important as they provide a range of ecosystem services (air and water purification, stormwater attenuation, reduce heat islands, etc), and also increase amenity values.

1.12. Cameron Gray: 445.1. No.1 Blue Cedar Lane – T12

Summary of submission

The submitter opposes the scheduling of notable tree T12 at 1 Blue Cedar Lane due to the following reasons:

- Significant branch failure occurred during high winds in 2021.
- Dropping of large branches likely to pose risk of serious injury or death. (Evidence of risks are highlighted in Appendix-1).
- The ongoing maintenance cost for large tree is not reasonable.

The tree is 25m tall and has potential to fall, which can lead to safety risks. "As noted in the attached report there was a recent failure of this magnitude that could have killed someone walking on the footpath adjacent to the tree. It is a time bomb and this is both our and the council's chance to eliminate this risk".

- A report by Tree Menders Ltd, dated 03/08/21 was commissioned by the submitter with regards to the tree. The following are discussion points (abridged) from the report.
 - The tree is of good health for its age and size. However, branch failure is evident.
 - Future branch failure is extremely likely, especially in high wind situations.
 - It's hard to predict exactly where branches are likely to fail. Without a climbing inspection, it is difficult to see the condition of all branches in the upper canopy.
 - Branch failure is a common occurrence in large Cedrus species in the Waikato region (example shown in report).
 - The house at 1 Blue Cedar Lane is extremely close to the stem of the tree. It is reasonable to expect a mature cedar has not experienced a massive increase in DBH over the past 15 years.
 - Is concerning that a concrete slab building was constructed so far within the tree's structural root zone. Root damage caused during the construction is unclear. Major root damage can affect the mechanical stability of the whole tree.
 - It would be interesting to know the method used and decisions made around protection of the tree during the development.
 - Many branches over hang the roof – failure poses risk to property and occupants. Two hanging branches are of particular concern and require immediate removal.

- Several larger branches could be pruned to reduce the weight loading to minimise the chance of branch failure. Branches may continue to break after work is carried out.
- The Cedar is a landmark and is significant to be protected. Any decision needs to consider the integrity of the tree, its significance to the community and the safety of the property, property owners and public.

Relief/Decision Sought

Seeks the removal of the designation of the tree as protected [Notable Tree T12 at 1 Blue Cedar Lane from Schedule 9D]

Arborist Response

- The tree was visually reassessed post-submission.
- Recommend that the tree be retained until further information, assessment or evidence is provided.
- The tree is an existing tree listed in Schedule 9D of the ODP and it exceeds the 130 STEM point requirement for inclusion.
- Branch failures are evident which, as indicated by the supplied arborist report, occurred in high winds, July 2021. It is also accepted that widespread damage and tree failure occurred during this weather event.
- It is noted that the tree is in conflict with the dwelling, and it is understood that recently there has been an increased instance of branch failure. This could indicate a wider issue of vitality, wood production and self-optimisation.
- The tree is of fair health, however as indicated above, given the increased branch failure, vitality and wood production could be in decline.
- As outlined in the supplied arborist report, any decision for the removal of a notable tree should consider its integrity, significance to the community and safety risk. In addition, the report recommended further assessment, including a climbing inspection to identify any other areas of concern, a risk assessment, an investigation of the root zone, and weight reduction of branches most at risk.

1.13. Body Corporate BC81026 – Dominic Worthington: 218.1. No.247 Commerce Street.

Summary of submission

The submitter opposes exotic trees in the central business area and particularly at the end of Commerce Street Frankton because the trees are deciduous and every autumn shed their leaves and block the gutters of our building located at 247 Commerce Street.

Relief/Decision Sought

All the exotic species of trees the entire length of Commerce Street Frankton village, but in particular the corner of commerce and high streets that are natives of India need to be removed.

Arborist Response

- No trees growing in Commerce Street are currently or proposed to be listed in Schedule 9D.



1.14. Foster Development Limited - Lloyd Stephenson: 57.2. No.3 Hardley Street

Summary of submission

The submitter opposes the extent of the Protected Root Zone and the scheduling of notable tree T207.3, 3 Hardley Street because, it is not a native tree and has been damaged by recent storms. The root protection provision is significant and extends a considerable distance into the site without the root system being known.

Seeks the removal of the notable tree listing in order to complete demolition of existing building (have received the letter from HCC for demolition on 19th July 2022 without a resource consent), stating "We are happy to provide additional roadside planting in the event any damage to the existing tree is caused".

(T207.3 is being identified at 1 Hardley Street in Schedule 9D).

Relief/Decision Sought

Remove all reference to the notable tree T207.3 from Schedule 9D and any consequential amendments.

Arborist Response

- The tree was visually reassessed post-submission.
- Recommend that the tree and root zone be retained in Schedule 9D as notified.
- The STEM assessment method can advance native trees, however, a number of attributes of a tree, native or exotic, combine for the total score. This tree meets the 130 STEM score requirement for inclusion.
- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan. The Protected Root Zone is calculated through trunk size and provides a more accurate indication of root growth.

1.15. Graham Family Trust – Vanessa Bailey: 408.4, 408.5. No.4 Kitchener Street.

Summary of submission

The submitter opposes the scheduling of T223.2 and T223.3, and its protected root zone at 4 Kitchener Street due to the following reason:

- The protected root zone extends over the majority of the site, which will trigger the resource consent for developments.
- The s32a appendices indicates that the trees themselves are poor quality.

Relief/Decision Sought

Remove all reference to the notable tree T223.2 and T223.3 from Schedule 9D and any consequential amendments.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the trees in Schedule 9D, and the Protected Root Zone, be retained as notified.
- The trees exceed the 130 STEM point requirement for inclusion in Schedule 9D.



1.16. TDDJ Limited – Frank: 210.2, 210.3 and 210.4. No.70, 70a Mardon Road.

Summary of submission

The submitter opposes the designation of additional 1051 trees on public property as Notable Trees because it is considered that it will introduce unnecessary additional high additional transaction costs, increase the cost of residential property development and limit how a site can be developed.

Relief/Decision Sought

Removal of proposed Notable Trees (T234.10, 11, 12) adjacent to 70 and 70A Mardon Road from the proposed schedule of notable trees; and other additional or consequential relief as is necessary to achieve consistency with the above and to satisfy the concerns of the submitter.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the trees be retained in Schedule 9D as notified.
- The trees exceed the 130 STEM score requirement for inclusion in Schedule 9D.

1.17. Anne and Mark Lovegrove: 204.3. No.147 Norton Road.

Summary of submission

The submitter opposes the scheduling of notable tree T244 and its protected root zone at 47 Norton Road due to the following reasons as stated by the submitter:

- (a) The tree is not native (Red Oak).
- (b) There is already infrastructure over the area (drainage and tarsal).

Relief/Decision Sought

That the Protected Root zone area is reduced and does not encroach into the Property.

In the alternative:

Delete all rules that restrict activities that can be done within the Protected Root Zone T244.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the tree, and its protected root zone, be retained as notified in Schedule 9D.
- This tree exceeds the 130 STEM score requirement for inclusion in Schedule 9D.
- The STEM assessment method can advance native trees, however, a number of attributes of a tree, native or exotic, combine for the total score. This tree meets the 130 STEM score requirement for inclusion.
- The roots of notable trees require protection. This occurs through the Protected Root Zone mechanism in the District Plan. As the recommendation is for the tree to be retained in Schedule 9D, no change to the Protected Root Zone is recommended.



- This report does not generally address amendments to the rule framework.

1.18. Western Property Trust – Mark Brunton: 444.1. 93 Peachgrove Road.

Summary of submission

The submitter opposes the scheduling of notable tree T38 (*Liriodendron tulipifera*) at 93 Peachgrove Road due to the following reasons:

- The HCC's assessment of the overall health of the tree was not completed at a time to appropriately determine its health.
- The assessment completed in spring and the tree is in poor overall health, therefore not a notable tree.

Relief/Decision Sought

Remove all reference to the notable tree T38 from Schedule 9D.

Arborist Response

- The tree was visually reassessed post-submission.
- Recommend that the tree be retained in Schedule 9D as notified.
- The tree is an existing notable tree in Schedule 9D of the ODP and exceeds the 130 STEM score threshold for inclusion in the Schedule.
- There is some deadwood and twig dieback, however, overall health is assessed to be fair to good overall.

1.19. Morth Trust Partnership – Stephen Wayne Morth/Rachel Caroline McGuire: 122.1. No.1406 Pukete Road

Summary of submission

The submitter opposes the scheduling of notable trees 7 x *Quercus Robur* / Oak tree (classified as potential status) at 1406 Pukete Road.

Relief/Decision Sought

Remove all reference to the notable trees 7 x *Quercus Robur* / Oak tree (classified as potential status) from Schedule 9D.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the trees be retained in Schedule 9D as notified.
- These trees exceed the 130 STEM score requirement for inclusion in Schedule 9D.
- All oaks in question are significant, mature trees that provide notable tree benefits.
- No visual indicators of unacceptable failures were noted at the time of the assessment.

1.20. Tainui Group Holdings – Brian Croad: 455.1, 455.2, 455.3. Ruakura Lane

Summary of submission

The submitter opposes the scheduling of notable trees T74.14, T74.16, T74.17, T79.1, T79.2 along Ruakura Lane and their protected root zone due to the following reasons:



- "Notwithstanding the STEM evaluation."
- "Protection unnecessarily constrains the future development of the Knowledge zone, the protected plane trees along Ruakura Lane provide appropriate canopy cover in the vicinity and the overall benefits of protecting these 3 trees is not warranted against the loss of valuable development land for knowledge zone purposes."
- "The reduction of the significant trees identified above from the Ruakura locality will not result in an unacceptable level of coverage of significant vegetation to meet policy requirements while recognising the reasonable and necessary development aspirations of TGH."

In addition, the submitter advises that T80 identified in Schedule 9D no longer exists.

Relief/Decision Sought

Remove the trees identified as T74.14, T74.16 and T74.17, T79.1 and T79.2 and T80 their protected root zone from Schedule 9D.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the trees be retained in Schedule 9D as notified, except for T80. Recommend that T80 (group of trees) be removed from Schedule 9D.
- The trees are existing notable trees listed in Schedule 9D of the ODP and exceed the 130 STEM threshold.
- With regard to T80 (submission 455.3), it is confirmed that the four trees have been removed from the site.

The following submissions relate to scheduled trees growing within the boundaries of No.13 Sexton Road. As the arborist response is the same for all of the submissions, they have been grouped below.

1.21. Graham Gilbert Bryers: 93.1

1.22. Jason Mackenzie: 237.1, 237.2, 237.3 and 237.4

Summary of submission

1.22 Graham Gilbert Bryers

The submitter opposes the scheduling of the group of notable trees in Schedule 9D and its protected root zone at 13 Sexton Road because the root zones have increased and encroached onto the submitter property (9 Sexton Road) and neighbouring properties.

In relations to these trees, there are also issues such as excessive growth, possible storm toppling, shading, leaves falling and debris problems.

T50.1, T50.3, T50.4, T50.5, T50.6, T50.8, T50.9 and T50.10 are scheduled under ID T50.

And

Jason Mackenzie

The submitter opposes the size of the Protected Root Zone and the size of a tree which is on a neighbouring private property because it has a significant impact to the submitter's property.

The submitter states:

"I have a total of 3 protected trees [listed as T50.5, T50.6 & T50.9 in Schedule 9D Notable Trees] impacting my property, 2 of which are planted 2-3m from my boundary, one of the trees RPZ is approx 8m into my property and it is only part-way through its growth cycle at 22m in height - it could double in size yet. There is no road or berm on a roadside to absorb some of the meterage of the RPZ, the trees are planted extremely close to my boundary so we are impacted significantly with the RPZ.

When purchasing a property, it is expected that the payment for the land would result in you having control over the property. It appears trees are able to be planted on your boundary line then when they reach an age of significance and able to be protected the neighbours are expected to lose control of what they can do with their own properties. If the impact to neighbours was only 1-2m inside their boundaries it would be more acceptable - however 8m and growing is completely unreasonable. There should be a cap to any RPZ which is impacting a private property so owners are not disadvantaged with these new rules. If these rules had applied to this property when we purchased it - we would have had second thoughts, our property will be less desirable.

Notable trees which are in gullies and council owned land are a perfect position for these trees where they have the room to grow and are not impacting personal property."

Relief/Decision Sought

1.22 Graham Gilbert Bryers

Delete the group of notable trees in the area at 13 Sexton Road from Schedule 9D and their protected root zone and a meeting between HCC and neighbouring residents to address the adverse effects of tree overgrowth/nuisance.

And

1.23 Jason Mackenzie

1. If the RPZ goes ahead will there be a capped maximum impact to private properties that are being impacted, or will the owners lose more control as the neighbouring trees grow?

2. As the trees [listed as T50.5, T50.6 & T50.9 in Schedule 9D - Notable Trees] that are impacting our property are on private land, will the council have any control over the maintenance of these trees which are overhanging our property and do not appear to be thinned out on a regular basis? If not, what responsibility do those who have protected the trees have for those who are affected?

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the trees in Schedule 9D and the Protected Root Zone be retained as notified.
- All of the trees are existing trees listed in Schedule 9D of the ODP and also meet the 130 STEM point requirement for inclusion. Retain protected root zone as notified.
- The roots of notable trees require protection. This occurs through the Protected Root Zone mechanism in the District Plan. As the recommendation is for the tree to be retained in Schedule 9D, no change to the Protected Root Zone is recommended.



1.23. Melissa Broussard: 24.3: Te Aroha and New Street.

Summary of submission

The submitter opposes the scheduling of notable tree T26 at (Te Aroha x New Street) because the submitter advises that this tree is dangerously tall and thin, so that it can easily fall over upon the multiple houses and can create a hazard. (T26 is being identified at 3 New Street in Schedule 9D).

Relief/Decision Sought

Remove the notable tree T26 from Schedule 9D Notable Trees.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the tree be retained in Schedule 9D as notified.
- The tree exceeds the 130 STEM score requirement for inclusion in Schedule 9D.
- This palm is growing in a typical manner for its species, and it is highly unlikely to fall over due to its form.

1.24. Joshua Wood: 355.1. Young Street.

Summary of submission

The submitter opposes the scheduling of the Liquidambar styraciflua on Young Street being a Notable Tree.

[Note: there is an editorial error regarding the numbering reference for the Notable Trees in Young Street - the Planning map reference T333 while Schedule 9D states T334]

Relief/Decision Sought

Do not protect the Liquidambar styraciflua on Young Street as a Notable Tree.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the tree be retained in Schedule 9D as notified.
- This tree exceeds the 130 STEM score requirement for inclusion in Schedule 9D.
- No visual indicators of unacceptable failures were noted at the time of the assessment.

1.25. David John Venter: 167.1, 167.2. No.188 and 192 Hukanui Road

Summary of submission

The submitter opposes the scheduling of notable tree T217.2 (Liquidambar styraciflua aka Sweet Gum) and its protected root zone for the following reasons:

1. Roots have damaged the drain systems to such an extent that every time there is significant rainfall my front driveway is flooded because the water cannot drain via the soakhole. The flooding is so bad that there are times when I have been unable to leave the house.

2. The tree drops its hard round spiky balls (aka Sweet Gum Balls) almost all year round. They are dangerous to step on, constantly clog up my gutters and downpipes.



3. I am wheelchair user and there are times when the sweet gum balls lodge under my front wheels causing me to fall out of my chair.

4. The tree is not properly pruned or maintained by the Council. When there are strong winds large branches are broken off. There have been two occasions when large branches have dropped from the tree and damaged my cars and fence".

[Notes: T217.2 is being identified at 188 Hukanui Road in Schedule 9d]

Relief/Decision Sought

Remove the tree and repairs to the drainage systems that have been damaged by the roots.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the tree be retained in Schedule 9D as notified.
- The tree exceeds the 130 STEM score requirement for inclusion in Schedule 9D.
- No visual indicators of unacceptable failures were noted at the time of the assessment.

1.26. Richard Partnership Trust – Wayne Leslie Richardson: 225.1. No.324 Tristram Street.

Summary of submission

The submitter opposes the trees across the road on Council land; they are very large, root systems or failing to trim or remove limbs will cause damage to surrounding properties, or cars parked on street, water pipes or other such services.

Refer to Appendix 9, Schedule 9D - Notable Trees, T285, opposite 324 Tristram Street

Relief/Decision Sought

No resource consent required for any work or actions on private property.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.
- Recommend that the trees be retained in Schedule 9D as notified.
- The trees were assessed to be healthy with no indication of compromised structure and exceed the 130 STEM score requirement for inclusion in the Schedule.

1.27. Nidhi Singh: 62.1. No.84 Lake Crescent

Summary of submission

The submitter notes that there are no trees, canopies or any other notable trees on 84 Lake Crescent.

Relief/Decision Sought

The submitter would like Council to acknowledge that the site does not have any notable trees or SNAs and remove them from the planning maps.

Arborist Response

- Arborlab's original assessment has been reviewed and remains unchanged.

- Records show that there is one existing notable tree growing within No.82 Lake Crescent. Its Protected Root Zone extends 22.12m from the trunk centre and covers the driveway of No.84 Lake Road.
- No change is recommended.

The following submissions relate to trees growing within Wellington Street. As the arborist response is the same for both submissions, they have been grouped below.

1.28. Callum McDougal: 228.1.

1.29. GIS Consulting Services Ltd – Aaron Barnsdall: 433.2, 433.3, 433.4, 433.5

Summary of submission

1.28 Callum McDougal:

The submitter opposes scheduling of trees on Wellington Street (between Grey and McFarlane St) as notable trees. By the council's own metric very few of the trees reach the minimum 130 STEM points to be considered notable and the rest barely scrape through with the further lowered goal of 120 points. While the trees make the street a nice place to live, they do not meet the criteria of notability. The proposal to require consent for any work within the trees' protected root zones is a transparent ploy to obstruct development in an area the council recently designated as "residential intensification zone" in the district plan review.

1.29 GIS Consulting Services Ltd:

The submitter opposes the scheduling of the group of the notable trees T320 (T320.1-320.21), T322, T323 (T323.1-323.14), T321 (T321.1-321.10) (Street Trees) along Wellington Street (East) due to the following reasons:

- The trees have no real heritage value, cause shading during the summer months;
- The fallen leaves clog drains and cause widespread street flooding during the months of autumn and winter. "This is not good in an area that is subject to flooding because Clyde park is not draining";
- The trees also grow into the overhead powerlines, which causes problems during windy periods;
- Maintenance of trees are difficult to keep up;
- Some of the tree root systems in Hamilton East are causing footpath destruction, this will only be more costly to repair. As a result of the destruction, they create hazards to wheeled, disabled, and pedestrian users.

Relief/Decision Sought

1.28 Callum McDougal:

Remove Wellington Street trees T320 from list of trees to be scheduled as notable trees under Plan Change 9.

1.29 GIS Consulting Services Ltd:

Remove all reference to the group of notable trees T320 (T320.1- 320.21), T322, T323 (T323.1-323.14), T321 (T321.1-321.10) (Street Trees) from Schedule 9D.

Arborist Response

- The trees were visually reassessed post-submission.
- Recommend that the trees be retained in Schedule 9D as notified.



- The trees in question are generally young-mature. Individually, some trees within the group do not reach the 130 STEM point threshold, however, when combined the group of trees exceed the 130 points.

Relief supported

1.30. Ross Meehan: 443.1

Summary of submission

The submitter opposes the scheduling of notable tree T52.2 (Black walnut) at 953 River Road due to the following reasons: The tree is located in the middle of the driveway, 3m from garage door and 2m from fence so that left hand side of the garage is unable to access. (See attached photos) The top of the tree is dead and large branches drops intermittently, the roots also cause damage to the pavers and cause blockage of water drains, driveway and garage floods. (employing drainage companies to clear them). The rating for STEM – 156 is too high and it should be 120, 15 for Form and 15 for Climate influence is also too high. “The tree is unappealing and doesn't have any amenity value. It reduces the value of my property. The tree makes no contribution to the urban forest, does not moderate adverse climatic effects, ameliorate wind, maintain ecological habitats or improve community health outcomes. (There are many defects in the tree including dead wood, fractures etc”.

Relief/Decision Sought

Remove all reference to the notable tree T52.2 from Schedule 9D.

Arborist Response

- The tree was visually reassessed post-submission.
- Submission supported, due to the decline in health of the tree.
- Recommend that the tree be removed from Schedule 9D.

1.31. Karen Burgess

Summary of submission

The submitter opposes the scheduling of notable tree T241 at 20 Naylor Street due to the following reasons; Fallen leaves causing blockage of gutters and very near to toby tap. Growing roots interfering with the sewer system and damaging the fence.

Relief/Decision Sought

Remove all reference to the notable tree T241 from Schedule 9D.

Arborist Response

- The tree was visually reassessed post-submission.
- Submission supported, due to the powerline conflict and restricted growing location.
- Recommend that the tree be removed from Schedule 9D.



1.32. Jack William: 137.5. All trees along Brookfield Road.

Summary of submission

The Street Tree Scape's are treasured by this community, however, on our street the tree(s) are neither historic nor suitable for purpose. Melia (Chinaberry) have an estimated life of 20 - 40 years. The tree on our Brookfield berm was mature when we arrived some 25 years ago. More importantly in high wind they are a potential hazard; to pedestrians, traffic, and real-estate, endangering all utilities; power, communications, plus the 3 water services, also their roots cause footpath unevenness.

We have lived through winters with; blocked storm water drains, surface flooding, clearing gutters, now additionally with the cost and inconvenience for resource consents, but for what? Trees that have only a maximum 5-10 years life remaining. In our view, our district plan needs to reflect the value of "Street Tree Scape" and not the individual tree specimens that make it up.

Relief/Decision Sought

Replace all the Melia trees on Brookfield Street with a more suitable type.

Arborist Response

- The tree was visually reassessed post-submission.
- Submission supported in part.
- Recommend that the trees be removed from Schedule 9D due to the powerline conflict and poor inherent integrity at maturity to over-mature.
- Although many trees along the road meet the 130 threshold, the southern side of the road reserve is aligned with powerlines, some of which have a significant conflict with the trees. If powerline conflict is resolved through branch removal, there will be a noticeable devaluing of the trees.
- There are also a number of growth features on the Melia that have the potential to fail. Mature Melia trees can often form poor growth features that compromise the useful life expectancy, such as, splits through their trunks.

1.33. Hamilton City Council – Mark Davey: 201.51. Claudelands Road – T138, T139, T140

Summary of submission

PC 9 identifies notable trees on council reserves and road corridors. Three trees were identified as potentially notable but are not scheduled through PC9. The trees are listed in Schedule 9D and appear on the planning maps. This is an error and these three trees should be deleted from the district plan.

Relief/Decision Sought

The submitter suggests:

Remove all reference to T138, T139 and T140 from Schedule 9D and the notation of these trees be deleted from the planning maps.

Arborist Response

- Submission supported.
- Recommend that the trees be removed from Schedule 9D on the basis that they were included in error.

1.34. Garron and Jan Smith: 149.1. No.32 George Street

Summary of submission

The submitter opposes the scheduling of notable tree T184.8 by 32 George Street due to the following reasons as stated by the submitter:

"Our house at 32 George Street, Claudelands was built and completed years before this tree was planted (within the last 18 to 20 years), we requested at the time that the Council do not plant this type of tree so close to our property due to its root structure. This request was ignored and the tree has caused problems for the last 8 to 10 years. This tree has blocked drains, cracks have appeared on our concrete garage floor, the root structure has moved into the storm water system and has damaged the driveway and foot paths outside our property. The Council staff have been out a number of times to cut the root structure, repair damaged drains, driveways footpaths."

(T184.8 is being identified at 28B George Street in Schedule 9D). poor quality".

Relief/Decision Sought

Remove all reference to the notable tree T184.8 from Schedule 9D.

Arborist Response

- The tree was visually reassessed post-submission.
- Submission supported.
- The tree was part of a group / row of trees that were included due to their value/score as a group of trees, however, this particular tree does not meet the STEM score requirement of 130 for inclusion (120) and it is possible that its limited growing environment will present conflict in the future.
- Recommend removal of the tree from Schedule 9D.

1.35. Brad Edward and Samantha Coffey: 186.1 – 186.5. No.11 Ingleton Terrace

Summary of submission

The submitter opposes the identification of notable tree T218.21 and the protected root zone of T218.19, T218.21, T218.20 & T218.16 at 11 Ingleton Terrace, as these trees have been poorly maintained and they have caused extensive damaged to the driveway. The submitter also concerns the lack of consideration is given to property owners who are expected to maintain properties around these trees, especially when Council does very little to no maintenance on the road or these trees.

Relief/Decision Sought

Give considerations to property owners who are expected to maintain properties around these trees and request council have some responsibility for the damage caused by these trees.

Arborist Response

- The tree was visually reassessed post-submission.
- Submission supported.
- Recommend removal of Tree T218.21 from Schedule 9D.
- As removal of the remainder of the notable trees identified in the submission is not recommended, no change to the Protected Root Zone is recommended.



1.36. Simon Travaglia: 431.1, 431.2. Melody Lane.

Summary of submission

The submitter advises that the notable trees T75.3 and T75.4, Melody Lane, no longer exist due to adverse weather.

Relief/Decision Sought

Remove all reference to the notable trees T75.3 and T75.4 from Schedule 9D.

Arborist Response

- A site visit was undertaken which confirmed that these trees no longer exist at Melody Lane.
- Submission supported.
- Recommend that the trees be removed from Schedule 9D.

The following submissions relate to oak trees growing adjacent to Opoia Road (Nos.10, 12 and 14). As the arborist response is the same for all of the submissions, they have been grouped below.

1.37. Zanite Limited – Ian Robert Mackie: 32.1, 32.2.

1.38. Errol Mitchell Balks: 94.1, 94.2

1.39. Earthbrooke Properties Ltd – Megan Ruby Balks: 95.1, 95.2

1.40. Ngati Wairere – Wiremu Puke: 169.16, 169.17

1.41. Robinson Family Trust – Christine Helen Robinson: 236.1, 236.2

1.42. Fiberygoodness – Susan Jane Brown: 253.1, 253.2

Summary of submissions

1.37 Zanite Limited – Ian Robert Mackie

The submitter opposes the scheduling of notable trees at the rear of 10,12,14 Opoia Road (T253.2 and T253.3) due to the following reasons:

Trees are on a very steep bank, are not stable and are not suited in position for such large specimens, which is likely to create hazard to people and properties. Significant overhanging of branches likely to create hazard to properties and people and difficult to maintain as the trees located on steep bank. Trees create extreme shade on properties resulting in low light and dampness.

1.38 Errol Mitchell Balks

The submitter opposes scheduling of T253.2 and T253.3 as: 1. They are exotic trees that are in the wrong place in the landscape and built environment. 2. They shade out private dwellings - exacerbated by being at the top of a high natural bank at their own height and girth. 3. They effectively enhance winter frosts and cold periods. 4. They are a hazard to property and people. 5. They subdue natural native plants on the bank. 6. They spread their seeds on the loose bank material requiring significant work to stop their spread on private property. 7. They are either incorrectly located in Council's map or they are on private land. 8. I object to Council stealing private property rights by stealth - they are not yours!! 9. They interfere with power lines!"



1.39 Earthbrooke Properties Ltd – Megan Ruby Balks

Do not classify the two oak trees at the rear of 10, 12 and 14, Opoia Road as "notable" trees [T253.2 and T253.3], but instead remove them (as they are a health and safety hazard) and replace them with a planting of native trees - we suggest Kowhai and Pohutukawa.

1.40 Ngati Wairere – Wiremu Puke

The submitter opposes the scheduling of two oak trees (T253.2 and T253.3) at the back of 10, 12 & 14 Opoia Road as notable trees, because:

- Oaks are not of any cultural value to Ngati Wairere and to the lands that were once part of Opoia Pa. They are regarded as a symbols of colonization.
- Health and safety issue of slippery fallen leaves.
- Gutter and drainage problems that affects the health and wellbeing of my place including damp and mould.
- Other oaks that are more worthy and can be seen better by the public.
- The oak trees block out significant view shafts.

1.41 Robinson Family Trust – Christine Helen Robinson

The submitter opposes the scheduling of notable tree T253.2 and T253.3 backing onto the 12 and 10 Opoia Road due to the following reasons: It is located on the steep bank and impossible to maintain this large tree. The significant overhanging/falling of branches and tree falling poses risks to people and properties. Loss of light and dampness for the rear sides of properties.

1.42 Fiberygoodness – Susan Jane Brown

The submitter opposes the scheduling of the Notable Trees T253.2 and T253.3 and its protected root zone and seeks the planting of smaller native New Zealand trees. They would like to be relieved of the safety concern we feel whenever we have long periods of rain and wind, and we would like to be able to have a drier environment and enjoy more sunshine for a longer time during the day.

Relief/Decisions Sought

Delete T253.2 and T253.3 from Schedule 9D: Notable Trees.

Arborist Response

- The trees were visually reassessed post-submission.
- Submissions supported in part.
- Recommend removal of trees T253.2 and T253.3 from Schedule 9D.
- Powerline infrastructure is in close proximity to the trees and ongoing conflict is likely.

1.43. Richard and Marion Francis: 448.1. No.31 Naylor Street.

Summary of submission

The submitter disagrees with the assessment of the tree due to the following reasons:

- The STEM score of totara tree is recorded as 144, which is well below the average of 160 from the 310 entries in the analysis of existing notable trees.
- The totara tree's structure and canopy shape are recorded as "good", but in reality it is not a regular shape, it has been radically pruned and has sustained structural damage over the years. "Some of this is a consequence of having to cut the canopy away from the power lines".
- The tree is too big for a typical city section.

The submitter seeks to correct the potential notable tree (totara tree) identified at 33A Naylor Street because the tree is inside and fence line of 31 Naylor Street. The ownership of tree is recorded as "road reserve", which is wrong.

Relief/Decision Sought

Remove T161.1 under schedule 9D Notable Tree and all relevant reference; or if it is to be retained as scheduled as notable tree, change the reference address to 31 Naylor Street and change the location of tree from road reserve to 31 Naylor Street.

Arborist Response

- A site visit was undertaken and confirmed that the tree has recently been removed for reasons unknown.
- Submission supported.
- Recommend that the tree be removed from Schedule 9D.

1.44. Hamilton Campground Limited: 139.3. No104 Peachgrove Road.

Summary of submission

The submitter supports removal of notable tree T19.8 at 104 Peachgrove Road from Schedule 9D and the relevant planning map because the tree was in poor health.

Relief/Decision Sought

Retain removal of notable tree T19.8 from Schedule 9D and the relevant planning map.

Arborist Response

- The tree was visually reassessed post-submission.
- Submission supported.
- T19.8 is an existing tree in Schedule 9D of the ODP. The score from the reassessment did not meet the 130 STEM point threshold to remain in Schedule 9D due to poor health, canopy shape and structure.
- Recommend that the tree be removed from Schedule 9D.

1.45. Jacqueline Naomi Fitchman: 61.1. No.953 River Road Planning

Summary of submission

Notable tree T260 is listed in Plan Change 9 as being on 18 Plunket Tce and the letter we received from Council said our property is within the protected root zone of a notable tree.

Both of these points are incorrect, and also conflict with the information shown on Council's



online map - Plan Change 9 Historic Heritage Natural Environment, which shows:

1. The notable tree is located on the nature strip between 20 and 22 Plunket Tce.
2. The tree's root zone does not fall within 18 Plunket Tce.

Relief/Decision Sought

The submitter seeks that the location of the tree be corrected to reflect its actual location.

Arborist Response

- The tree was visually reassessed post-submission.
- Submission supported in part.
- The reassessment STEM score of the tree is 120, below the 130 threshold for inclusion in the Schedule.
- Recommend that the tree be removed from Schedule 9D.

2. Submissions seeking amendment to or removal of the Protected Root Zone

- 2.1. MG Solutions Ltd- Sam Shears on behalf of Keith Clapson – CKC Holdings Ltd: 331.1, 331.2 and 331.3
- 2.2. Scott Bicknell: 3.2
- 2.3. Bloxam Burnett and Olliver – Kathryn Drew on behalf of Phillip Currow: 109.1
- 2.4. Keryn Drummond on behalf of Campbell and Shirley Johnstone Trust: 266.1, 266.2
- 2.5. Mitchell Arndell Trust – Dianne Miller: 38.1
- 2.6. Yin Xu: 217.1 – 217.10
- 2.7. BSM Trust – Brad Steven Martin: 267.2
- 2.8. Edward Arthur Gann: 66.1
- 2.9. Ross Terence Brazier: 229.1
- 2.10. Aslan Kanzas and Claudia Avril and Shawn Salisbury: 295.2, 295.3, 295.4, 295.5
- 2.11. Debbie Manktelow: 37.1. No.12a Clifton Road – T142.8

Summary of submission

2.1 MG Solutions Ltd:

The submitter opposes the proposed Protected Root Zone due to the impact on



private property rights.

2.2 Scott Bicknell:

The submitter opposes the extent of the root protection area around the notable tree identified as T45 on 659 Grey Street. I seek its reduction by several metres to more appropriately align to the realistic extent of the root network. The current root protection area currently exceeds what would be more commonly interpreted at the dripline of the tree by several metres.

2.3 Phillip Currow:

The submitter opposes the protected root zone for the notable tree T227.8 at 42 Liverpool Street due to the following reasons as stated by the submitter: "The identified tree is located on public land and it is considered onerous for a street tree protection zone to extend within Mr Curnow's private land. The Protected Root Zone radius is 15.2m from the centre of the street tree and cuts significantly into Mr Curnow's land. The vast majority of the proposed Protected Root Zone already contains concrete hardstand, carparking and built form and it is considered onerous to apply a consent requirement for future works located within this area. There is also concern raised about the lack of exemptions, lack of empirical evidence and blanket application of such a large Protected Root Zone. Especially, when the hard stand and built form may have already dictated root growth away from the subject site or away from any future work areas. Phillip Curnow's land is zoned commercial and further development of the land is therefore a likely outcome. The proposed changes will significantly impact on any future development of the land".

2.4 Campbell and Shirley Johnstone Trust:

The submitter opposes the protected root zone for the notable tree T227.2 and T227.4 from within the boundary of 27 and 29 Liverpool Street, because if the submitter wished to develop their property, the development would be impacted by restrictions in the Proposed Plan Change 9.

2.5 Mitchell Arndell Trust:

The submitter opposes the protected root zone of the notable tree (T234.2) over 14A Mardon Road because the property is a small cross lease section and imposing this will have significant limitations on the use of the property and further development of the site such as garaging (which it does not have at present).

2.6 Yin Xu:

The submitter opposes the protected root zone of notable trees (T31.8 – T31.17) located by 4 Pickering Crescent and 43,49,51 Rutherford street because the drip-line of those trees does not reach to the boundary fence line, with approximately 1.5m distance.

2.7 BSM Trust:

The submitter opposes the protected root zone for T289.24 within the boundary of 23 Stanley Street. It is unreasonable that a HCC owned and managed tree on HCC land would require landowners to obtain a resource consent to carry out any development work on this part of the property.

2.8 Edward Arthur Gann:

The submitter opposes the protected root zone of the scheduled notable tree

T298.6 on 12 and 14 Tisdall Street.

2.9 Ross Terence Brazier:

The submitter opposes the Protected Root Zone of the notable tree T315.2: 1. The relevant notable trees to be protected by the proposed root zone all appear to be growing in Von Tempsky Street. 2. My property at 3 Von Tempsky Street is a 'pan handle' shape. The bulk of my property faces River Road at the far end and is separated from Von Tempsky Street by the presence of 4 flats. 3. Accordingly, it appears that my property has been captured in Council records simply because of the 3 metre wide access to my property from Von Tempsky Street at the end of the R.O.W. 4. In my opinion, there is absolutely no risk that work on my property will in any way affect the protected notable trees. 5. The recording of the protected root zone will serve no practical use whatsoever and will simply create the cost and inconvenience of another compliance issue for any future development of my property.

2.10 Aslan Kanzas and Claudia Avril and Shawn Salisbury:

The submitter opposes the Protected Tree Root Zone identified for the Notable Trees T323.5 and T323.6 (Wellington Street) because activities relating to existing driveways, buildings or structures within a Protected Tree Root Zone will require a resource consent as a restricted discretionary activity under rule 20.3w.

2.11 Debbie Manktelow:

The submitter opposes the inclusion of 12A Clifton Road within the protected root zone of a proposed notable tree because the property is down a right of way (RoW) and the Protected Root Zone touched the carriageway access to the RoW.

Relief/Decision Sought

2.1 MG Solutions Ltd:

Amend the Protected Root Zone extents/policy overlay to ensure there is no encroachment into private property or impacts on existing property rights.

2.2 Scott Bicknell:

Reduce the Protected Root Zone radius extent for the notable tree T45 by 2-3metres.

2.3 Phillip Currow:

Removal of the protected root zone from 42 Liverpool Street

2.4 Campbell and Shirley Johnstone Trust:

Remove the Protected Root Zone of the notable trees T227.2 and T227.4 from within the boundary of 27 and 29 Liverpool Street.

2.5 Mitchell Arndell Trust:

Remove the protected root zone (for notable tree, T234.2) from the property at 14A Mardon Road.

2.6 Yin Xu:

Correct the protected root zone of notable tree (T31.13) and remove 4 Pickering Crescent and 43,49,51 Rutherford Street from the protected root zone of notable

tree (T31.13).

2.7 BSM Trust:

By Council not recording the protected root zone on its records for my property at 3 Von Tempsky Street, Hamilton.

2.8 Edward Arthur Gann:

Would like H.C.C. to remove restrictions re roots.

2.9 Ross Terence Brazier:

By Council not recording the protected root zone on its records for my property at 3 Von Tempsky Street, Hamilton.

2.10 Aslan Kanzas and Claudia Avril and Shawn Salisbury: Reduce the size of the Protected Root Zone for the notable trees, T323.5 and T323.6 to ensure there is no encroachment on 65 and 65B Wellington Street.

2.11 Debbie Manktelow:

Removal of 12A Clifton Road from the protected root zone of the proposed notable tree T142.8.

Arborist Response

2.1 MG Solutions Ltd:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- Arborlab has not recommended that the tree be removed from Schedule 9D. Accordingly, no change to the Protected Root Zone is recommended.
- This report does not comment on issues of private property rights.

2.2 Scott Bicknell:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- The Protected Root Zone is calculated through the tree's trunk size and provides the most accurate indication of root growth. The extent of the Protected Root Zone is considered to be appropriate.
- Arborlab has not recommended that the tree be removed from Schedule 9D. Accordingly, no change to the Protected Root Zone is recommended.

2.3 Phillip Currow:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- The Protected Root Zone is calculated through the tree's trunk size and provides the most accurate indication of root growth. The extent of the Protected Root Zone is considered to be appropriate.
- Arborlab has not recommended that the tree be removed from Schedule 9D. Accordingly, no change to the Protected Root Zone is recommended.



2.4 Campbell and Shirley Johnstone Trust:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- Arborlab has not recommended that the trees be removed from Schedule 9D. Accordingly, no change to the Protected Root Zones are recommended.

2.5 Mitchell Arndell Trust:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- Arborlab has not recommended that the tree be removed from Schedule 9D. Accordingly, no change to the Protected Root Zone is recommended.

2.6 Yin Xu:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- The Protected Root Zone is calculated through the tree's trunk size and provides the most accurate indication of root growth, as compared to the use of the area below the dripline. The extent of the Protected Root Zone is considered to be appropriate.
- Arborlab has not recommended that the trees be removed from Schedule 9D. Accordingly, no change to the Protected Root Zones are recommended.

2.7 BSM Trust:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- Arborlab has not recommended that the tree be removed from Schedule 9D. Accordingly, no change to the Protected Root Zone is recommended.

2.8 Edward Arthur Gann:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- Arborlab has not recommended that the tree be removed from Schedule 9D. Accordingly, no change to the Protected Root Zone is recommended.

2.9 Ross Terence Brazier:

- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
- The Protected Root Zone is calculated through the tree's trunk size and provides the most accurate indication of root growth. The extent of the Protected Root Zone is considered to be appropriate.



- Arborlab has not recommended that the tree be removed from Schedule 9D. Accordingly, no change to the Protected Root Zone is recommended.
 - This report does not comment on issues of private property rights.
- 2.10 Aslan Kanzas and Claudia Avril and Shawn Salisbury:
- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
 - Arborlab has not recommended that the trees be removed from Schedule 9D. Accordingly, no change to the Protected Root Zones are recommended.
- 2.11 Debbie Manktelow:
- If a tree is listed in Schedule 9D for its protection, its roots also require protection. This occurs through the Protected Root Zone mechanism in the District Plan.
 - Arborlab has not recommended that the tree be removed from Schedule 9D. Accordingly, no change to the Protected Root Zone is recommended.

3. Submissions proposing new trees be included in Schedule 9D: Notable Trees

3.1. Jane McLeod: 30.2.

Summary of submission

The submitter supports protection of established trees on private property because trees are valuable for: (i) Carbon sequestration; (ii) Providing habitat for native (and other) birds; (iii) Helping create native bird corridors between other established trees on public and private land; (iv) Improving air quality in increasingly dense housing with little space for trees. 64 Knighton Rd has significant trees.

Relief/Decision Sought

Perform an assessment of the trees at 64 Knighton Road to check if they meet STEM criteria to be protected.

Arborist Response

- The tree was visually assessed post-submission.
- Submission not supported.
- The trees are growing within private property and therefore not recommended for inclusion through PC9.

3.2. Christine Barbara Doube: 75.1

Summary of submission

The submitter supports scheduling of Notable Tree in front of the 9 Masters Avenue because it is important and valuable tree for carbon link. It cools the environment in summer and is greatly beautiful.

The submitter also supports the requirement of resource consent for any activities to be done within protected root zone.



Relief/Decision Sought

Seeks the protection of the tree in front of 9 Masters Avenue as well as all the trees along Masters Avenue.

Arborist Response

- The tree was visually assessed post-submission.
- Submission not supported.
- The tree has been scored 114 STEM points.
- The tree is a mature liquidambar of good health, however, there has recently been a large branch failure that has affected the tree's amenity value and integrity. The liquidambar species is also industry known to have a high propensity for branch failure and it is likely, given the poor unions observed within the tree, that further failures are likely.
- As outlined above, given the poorly formed unions observed in the tree, which is a typical inherent fault, the liquidambar tree in the vicinity of Masters Avenue is not suitable to be listed as a notable tree.

3.3. Ewan Opie: 125.1

Summary of submission

The submitter requests scheduling trees which are located on Mansel Ave and Masters Ave due to the following reasons:

"In this section of street there are several significant and native trees. A very large Pohutukawa tree, substantial Kahikatea and Totara tree. I have marked these trees on the map above and they are shown in the individual pictures below. These trees, along with the mature planting of the homes in the area, bring lots of our native wildlife into the area (Tui, Piwakawaka, and Ruru) and having these trees in our neighbourhood makes it feel special".

Relief/Decision Sought

The submitter seeks the scheduling of trees located on Mansel Ave and Masters Ave as notable trees in Schedule 9D - Notable Trees.

Arborist Response

- The trees were visually assessed post-submission.
- Submission not supported.
- Liquidambar trees growing within the road reserve in this area have been assessed to have defects that exclude them from the scheduling.
- The trees outlined by the submitter are growing within private property and are, at the time of assessment due to their dimensions and values, not worthy of inclusion.

3.4. Waikato Historical Society – Neil Curgenvin: 330.2

Summary of submission

The submitter requests that the trees around Hockin House that were planted in memory of WHS members be included in Schedule 9D because these trees form an important historic group, as follows:

"Hockin House, built in 1893 as the residence for the Medical Superintendent, is the headquarters for the Waikato Historical Society and a history museum. It is scheduled with Hamilton City Council's Operative District Plan and listed with Heritage New as a Category 2 historic place. Along with the former hospital residence and nurses' home are memorial trees planted by the Society within the council reserve Graham Park".

Relief/Decision Sought

Seeks the inclusion of the memorial trees around Hockin House relating to the Waikato Historical Society in the Schedule 9D.

Arborist Response

- Submission not supported.
- The trees are growing within private property and therefore are not recommended for inclusion through PC9.

3.5. Waikato Heritage Group – Laura Kellaway: 427.74

Summary of submission

The submitter states that the group of trees located on Swarbrick Park need to be included as a group of notable trees. Because these were WW1 memorial planting part of historic Frankton Junction Railway Settlements, and planted c.1922, within the historic railway reserve which is now part of the HHC park.

Relief/Decision Sought

Amend Schedule 9D: Notable Trees to include the group of trees located on Swarbrick Park as a group of notable trees.

Arborist Response

- Two trees T179 a pin oak (174 STEM points) and T171 a lime tree (162 STEM points) that are growing within Swarbrick Park have been included in Schedule 9D.

3.6. Waikato Heritage Group – Laura Kellaway: 452.17, 425.31, 427.78 and 427.79

Summary of submission

The submitter seeks the addition to Schedule 9D to include the 'Old Mill Street Oaks' located on Old Mill Road and Commerce Street. These were part of the Edgecumbe estate of 19th century and markers of Frankton main street.

And

The submitter seeks the inclusion of the oak tree at the corner of Seddon and Mill Street on to Schedule 9D; because it is the surviving street tree marking Seddon Road and main road to Frankton.

Relief/Decision Sought

Amend Schedule 9D: Notable Trees to include the 'Old Mill Street Oaks' located on Old Mill Road and Commerce Street.

And

Amend Schedule 9D: Notable Trees to include the oak tree at the corner of Seddon and Mill Street

Arborist Response

- Post-submission, a site visit of the area was conducted but no Oak Trees were found.
- Further information is required from the submitter before any further assessment can be undertaken.

3.7. Waikato Heritage Group – Laura Kellaway: 427.81

Summary of submission

The submitter states that the street trees located in Hayes Paddock need to be included within Schedule 9D as a group of notable trees. Because these are historic planting related to the state housing design.

Relief/Decision Sought

Amend Schedule 9D to include the street trees located in Hayes Paddock as a group of notable trees.

Arborist Response

- The trees were visually assessed post-submission.
- Submission not supported.
- The three pin oaks (*Quercus palustris*) and a cedar tree (*Cedrus deodara*) were assessed. The three pin oak STEM scores were 120 each and the cedar tree was 126 and therefore not recommended for inclusion in Schedule 9D.

3.8. Waikato Heritage Group – Laura Kellaway: 427.82

Summary of submission

The submitter highlights the Burstall 1970 Waikato report on significant trees, and requests Council reviews this report and schedule those not already scheduled in Appendix 9, Schedule 9D in Appendix 8.

Relief/Decision Sought

That Burstall 1970 Report is reviewed and the trees identified are scheduled in Appendix 8: Historic Heritage.

Arborist Response

- The Burstall report was reviewed in light of the submission.
- The trees identified in the book are already listed in Schedule 9D of the ODP (T14.2 and T22) and have been reassessed in light of the submission. T14.2 has a STEM score of 210 and T22 also has a STEM score of 210.

3.9. Simon Travaglia: 431.3

Summary of submission

The submitter seeks to include the London Plane trees along Ruakura Road in the Schedule 9D due to age and condition of the trees.

Relief/Decision Sought

Include the London Plane trees along Ruakura Road in the Schedule 9D.

Arborist Response

- Submission not supported.

- A number of trees along Ruakura Road are included in Schedule 9D of the ODP and further trees have been identified through the PC9 assessment process. The London Plane trees referred to in the submission are located on private land. Only trees that are growing within public land have been proposed to be included under PC9.

3.10. Philip Rupert and Sylvia Phyllis Hart:441.2

Summary of submission

The submitter supports the inclusion of Significant Natural Areas and the protection of Notable Trees on council land, however, the proposal should be reviewed to include any private owners who have historic trees and may wish to be included.

Relief/Decision Sought

Inclusion of any historic trees on private land [please ask the community]

Arborist Response

- Only trees that are growing within public land have been proposed to be included in Schedule 9D under PC9.

3.11. Laura Liane Kellaway: 452.29

Summary of submission

The submitter supports the additions of notable trees under Schedule 9D however considers the camellia located at 10 Taniwha Street should be identified and included as one of the notable trees under Schedule 9D because of its historic values as identified by the submitter. The tree is identified as be planted in 1922 by John Phillips who was a builder and first owner of 10 Taniwha Street. The submitter identifies the tree is one of oldest trees in Taniwha Street dating from first years of subdivision.

Relief/Decision Sought

Add the camellia at property at 10 Taniwha Street to Schedule 9D - Notable Tree under Plan Change 9.

Arborist Response

- Any inclusion of a Camelia needs a historical assessment undertaken as the points using the amenity and condition sections of STEM will not exceed 130 points.
- Trees on private land are not being scheduled under PC9.

4. Submissions on methodology

4.1. Jack William Pennington: 137.2

Summary of submission

We Do Not support the logic driving the selection of many Notable Trees.

Comments:

The Street Tree Scape's are treasured by this community, however, on our street the tree(s) are neither historic nor suitable for purpose. Melia (Chinaberry) have an estimated life of 20 - 40 years. The tree on our Brookfield berm was mature when we arrived some 25 years ago. More importantly in high wind they are a potential hazard; to pedestrians, traffic, and real-estate, endangering all utilities; power, communications, plus the 3 water services, also their roots cause footpath unevenness.



Relief/Decision Sought

- 1 Street Tree Scape be listed and protected, suggest types and upper height limits be set. This would lock in consenting dimensions with reference to root-ball, and place obligations on the powers who create them and wish them protected.
- 2 Delist “Notable Trees” on street berms. Note: They could still be covered in historic or cultural terms.
- 3 Selectively replace the unsuitable trees with, large, but less intrusive varieties.
- 4 Create a maintenance schedule for works on the listed Street Trees Scape's along with budgets to implement this program.
- 5 Posting this schedule annually and reference the funding reasonability's in the district plan.

Arborist Response

- Point 1 – disagree with limiting assessment of notable trees on the basis of height as benefits are derived from trees on the basis of size.
- Point 2 –disagree that the location of a tree on a berm is sufficient to justify the exclusion of a tree that otherwise meets the STEM threshold score for protection in Schedule 9D.
- Point 3 – this matter is not within the scope of this report.
- Point 4 – this matter is not within the scope of this report.
- Point 5 – this matter is not within the scope of this report.

4.2. Jack William Pennington: 137.4

Summary of submission

The submitter does not support the logic driving the selection of many Notable Trees.

Relief/Decision Sought

Re-evaluate the methods and traditional ways of defining Street Scape's and Notable Trees in our district plan, with the desire to maintain street scape's, reduce ongoing maintenance costs, increase utilities' reliability and reduce consent issues.

Arborist Response

- Submission not supported.
- STEM has been used by a number of Councils throughout New Zealand to evaluate trees for notable tree schedules and is a recognised method for assessing notable trees.

4.3. Waimarie – Hamilton East Community House – Jane Landman: 416.9

Summary of submission

Buildings within the close proximity to the notable trees may damage and/or destroy root systems and lead to the death of the trees. There is a likelihood of greater soil impactation from foot traffic and vehicles parked on berms.

Relief/Decision Sought

Introduce a buffer zone around notable trees where intensification is not allowed.

Arborist Response

- Notable trees are protected under Schedule 9D, as is the root zone through the Protected Root Zone mechanism. This is a generalised area surrounding each notable tree where root growth is likely.
- Where construction activities and/or alterations within the RPZ are proposed and they do not meet the permitted activity standards, Assessment Criteria 1-3 D3.f, allows an assessment of the proposal with regard to accepted arboricultural standards, practices and procedures. To future proof the assessment criteria, possible amendments will be discussed with the section 42a planners for this topic – suggested amendment D3. F contained in Table 4.

ATTACHMENT 2



Section	Subsec	Notified text	Recommendation
20.3		Rules – Activity Status Table Notable Trees, Schedule 9D	
	s.	Emergency works to, or removal of, a notable tree where:	
	i.	The tree has failed and is an imminent risk to public health or safety and property, or a network utility	Support allowing for proactive action to be taken to preserve life and property, and to mitigate risk to safety and property damage. Emergency works or removal of a notable tree should be permitted if the tree has failed <i>or</i> is an imminent risk to health and safety or property or a network utility. In either situation, such action is warranted.
	ii.	The notable tree carries a fatal disease	A diseased tree, even if the disease is ultimately fatal, will not imminently fail. Emergency works for a fatally diseased tree is not warranted. However, emergency works to, or removal, of a tree that a qualified Arborist confirms presents a biosecurity risk (e.g. carries a pathogen) is justified. The provision should be amended to provide for the latter scenario.
	t	Minor pruning and maintenance of a Notable tree	
	i.	All pruning ensures the ongoing health, wellbeing, and longevity of the tree	Include ‘natural shape of tree’.
	ii.	Pruning of branches and/or roots that does not exceed the standards outlined in 20.5.2	
	iii.	Removal of broken branches, deadwood or diseased vegetation	
	iv.	Retention of the natural shape, form and branch habit of the notable tree	
	v.	Removal of branches that physically are interfering with buildings, infrastructure, pedestrian or vehicle accessway when the work is carried out by or under the guidance of a qualified Works Arborist	Limits need to be placed on how much of the branch can be removed. Recommend that v. (like ii.) be subject to the limits in

Section	Subsec	Notified text	Recommendation
			20.5.2. Delete reference to 'Works'. Qualified Arborist is sufficient.
			Include a new provision to allow Council to carry out pruning as a permitted activity to ensure compliance with regulations requiring clearance in relation to powerlines and the road corridor.
	v.	The following activities located no closer than 3m from the base of any notable tree in the Protected Root zone:	<p>See my response to a question of clarification on this provision recorded in the JWS at para 3.5.3. For greater clarity, remove the requirement that the activities listed in v. be "located no closer than 3m from the base of any notable tree". The provision should simply apply to the Protected Root zone.</p> <p>Amend v. so that all activities in v. are subject to the limits in 20.5.3.</p>
	i.	Earthworks using non-mechanical practices (hand digging, hydro and/or airspade), for the purpose of installing, replacing, repairing and maintaining underground network utilities, which do not exceed the standards outlined in 20.5.3.	<p>Remove references to "non-mechanical practices" as this is an unhelpful and undefined term given the list of techniques specified in the provision.</p> <p>Remove reference to "installing" as new underground network utilities in the Protected Root zone should not be permitted.</p> <p>Remove reference to "which do not exceed the standards outlined in 20.5.3" if included in v. above as per my recommendation.</p>
	ii.	Gardening or non-mechanical cultivation.	Recommend remove reference to "non-mechanical" for the reasons stated above. Replace the term with "hand-held". Include provision for the planting of

Section	Subsec		Notified text	Recommendation
				plants that will not exceed a mature growth height of 3m as a permitted activity.
		iii.	Digging of holes for fence posts using non-mechanical practices.	Remove reference to “using non-mechanical practices” for the reasons stated above.
		iv.	Directional drilling or boring for trenchless pipe/duct installation deeper than 800mm below the ground surface	Amend the provision to provide for earthworks to enable directional drilling or boring for trenchless pipe/duct installation deeper than 800mm below ground surface.
				Amend v. to include the following activities as permitted activities: routine maintenance and repair and replacement of existing built structures, tracks, footpaths, lawns, gardens, and fences. Include a new provision that permits the temporary placement or storage of any private vehicle. Include a new provision that permits the placement or storage of any building structure, material, plant or equipment on existing or temporary load bearing surface during construction activities or temporary event.
	w.		The following activities located within the Protected Root zone of any notable tree:	
		i.	Earthworks (excluding as provided for by v. i., ii. or iii.)	
		ii.	The laying, sealing, paving or forming of any impervious surface	
		iii.	The alteration of the ground level by either permeable or impervious materials	

Section	Subsec	Notified text	Recommendation
	iv.	Additions to, or the replacement of, any existing building or structure that is proposed to exceed the envelope or footprint of the existing building(s) or structures(s)_	
	v.	The placement and/or construction of any building or structure	
	vi.	Directional drilling or boring for trenchless pipe/duct installation less than 800mm below ground surface	
	vii.	The storage, release, injection or placement of chemicals or other toxic substance	
	viii.	The storage of materials, vehicles, plant or equipment	Delete this provision entirely. It is disproportionately onerous in terms of the risk of harm to a tree and root zone.
	xi.	Planting of trees	

Notified text		Recommendation
20.5.2 Pruning and Maintenance of Notable Trees		
a. Maximum amount of foliage to be removed per any 12-month period	5%	For clarity, specify “5% of foliage” in second column.
b. The maximum pruning of living canopy and only lower branches over any three-year period	10%	Delete “lower branches” in b. For clarity, specify “10% of living canopy” in second column.
c. Maximum thickness (cross-section at point of severance) of any branch that may be cut to retain the natural shape, form and branch habitat of the tree is retained	50mm	Delete “to retain the natural shape, form and branch habitat of the tree is retained” from c. and d.
d. Maximum thickness (cross-section at point of severance) of any branch that may be cut to retain the natural shape, form and branch habitat of the tree is retained and the work is undertaken, or supervised by a qualified Works Arborist	100mm	Include a new provision specifying that the maximum thickness (cross-section at point of severance) of any root that may be cut by, or under the supervision of, a qualified Arborist is 80mm.
e. Maximum thickness (cross-section at point of severance) of any root that may be cut.	-	
	35mm	

Notified text		Recommendation
20.5.3 Activities in the Protected Root Zone of a Notable Tree		
a. Maximum thickness (cross-section at point of severance) of any root that may be cut	35mm	Amend a. to specify that the 35mm maximum thickness applies where the work is not supervised by a qualified Arborist.
	50mm	
b. The maximum soil level depth	100mm	
c. Maximum mulch layer depth	1sqm	Include a new provision that specifies that the maximum thickness of any root that may be cut by or under the supervision of a qualified Arborist is 80mm.
d. Maximum area of earthworks using non-mechanical practices, for the purpose of installing, replacing and maintaining underground network utilities, with the exception of the use of an airvac.	10%	Amend b. to specify that 50mm applies where the maximum soil depth “increases over existing levels”.
e. Maximum amount of ground disturbance when gardening using hand tools or non-mechanical cultivation within existing garden beds per an 12-month period		Amend d. to specify that 1sqm of the Protected Root Zone is the maximum area of earthworks “when within 3m of the tree’s trunk” and when “under the supervision of a qualified Arborist”. Delete the exception for use of an airvac from d.
f. Roots over 35mm in diameter shall be protected using methods that ensure no bark or cambium tissue is damaged		Include a new provision that specifies that 1sqm of the Protected Root Zone is the maximum area of earthworks for the purpose of installing, replacing, repairing and maintaining underground network utilities, with an airvac or hand digging, when outside 3m of the tree’s trunk and without the supervision of a qualified Arborist.
		Include a new provision that specifies that the maximum area of earthworks, when outside 3m of the tree’s trunk, with the supervision of a qualified Arborist using modern best practice is 10% of the Protected Root Zone.

Section	Subsec	Notified text	Recommendation
D3	f	Be undertaken in a manner consistent with internationally accepted arboricultural standards, practices and procedures	Amend the criteria to provide for modern/nationally and internationally accepted standards, practices and procedures also.