

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 22

Heritage Trees

**Planning Officers Report - Addressing Submissions
on the Plan Change prior to Hearing**

Date of hearing

14 July 2011

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These documents are all available online at:

www.nelsoncitycouncil.co.nz/proposed-plan-change-22

PART A

PROPOSED PLAN CHANGE 22 – HERITAGE TREES

1. INTRODUCTION

Reporting Officer

- 1.1. My name is Paul Harrington. I am employed by Nelson City Council in the role of Graduate Planning Adviser. I have been with the Council for a period approaching four years holding various roles in the resource management field.
- 1.2. I have a Bachelor of Science from the University of Canterbury and Master of Resource and Environmental Planning (1st Class Hons) from Massey University. I am a Grad 2 member of the New Zealand Planning Institute.
- 1.3. I have been involved in this Plan Change from the beginning and seen the process through the notification period.
- 1.4. The process by which protected trees are added to the Nelson Resource Management Plan (NRMP, the Plan) involves Council's Horticultural Supervisor, Peter Grundy, carrying out STEM assessments (refer Section 5 of this report for further information). Peter has provided input into this report where appropriate.

Overview of Proposal

- 1.5. The Plan Change proposes to add 24 additional Heritage, Landscape and Local trees to the Plan.
- 1.6. The text is proposed to be amended by adding the 24 new trees to Appendix 2 'Heritage Trees' (Volume 3) of the NRMP.
- 1.7. The proposed changes to the Planning Maps (Volume 4) are the inclusion of green "Heritage and Landscape Tree" symbols in the locations of the new heritage and landscape trees in the left-hand maps (local trees are not shown in the planning maps). This affects left-hand planning maps 1, 3, 10, 14, 15, 19, 20, 27 and 39.

Purpose of this Officer Report

- 1.8. This report has been prepared under Section 42A of the Resource Management Act 1991 (RMA):
 - to assist the Hearing Committee in making its recommendations to Nelson City Council on the submissions and further submissions to Proposed Plan Change 22 (Heritage Trees) to the Plan;
 - to assist submitters and further submitters who requested to be heard, by providing, prior to the hearing, a staff evaluation of decisions requested in submissions.
- 1.9. The evaluations and recommendations presented in the report are based on the information available prior to the hearing, including that contained in the submissions and further submissions. In evaluating the submissions and further submissions, the matters considered include whether a decision requested:
 - falls within the functions of Nelson City Council under the RMA;

- will enhance the ability of the Plan to achieve the purpose of the RMA;
- will improve a policy, rule or other method so that it is more efficient and effective for achieving the relevant objectives;
- will improve the Plan in relation to such matters as its lawfulness, clarity, accuracy, effectiveness, coherence, etc;
- falls within the scope of the Proposed Plan Change.

Structure of Report

1.10. The report is divided into the following sections:

Part A

- Introduction
- Background and consultation
- Overview of proposed Plan Change
- Notification and issues raised by submitters
- Statutory assessment
- Conclusions

Part B

- Recommendations on submissions

Part C

- Recommended amendments to the Plan Change as originally notified

Addendums

- Attached to this report is a full copy of submissions and further submissions, the STEM assessments for the proposed trees and aerial images for those trees that received direct submissions in opposition.

2. BACKGROUND AND CONSULTATION

2.1. Periodically the Nelson City Council carries out a plan change to the NRMP in order to add new protected trees to Appendix 2 (Heritage Trees).

2.2. In the case of proposed Plan Change 22 the process was initiated by members of the public requesting that specific trees be protected, after which a STEM assessment was carried out by Council's Horticultural Supervisor to determine which category of protection the tree should belong to (refer Section 5 of this report for more information on the STEM assessment process).

2.3. The consultation undertaken was discussed in Part 1.4 of the Section 32 Report (page 3). These points are summarised below:

- The trees proposed in the Plan Change were nominated by members of the public and property owners.
- An initial evaluation using the Council's GIS system (which utilises aerial photos) analysed the likelihood of the tree affecting a neighbouring house. Site visits were carried out to further examine the tree's location where this information was insufficient.
- Letters were sent to all owners and occupiers of properties with trees and properties deemed to be potentially affected by the trees. Where

there were significant objections (e.g. from owners) the proposed tree was withdrawn.

- 2.4. Throughout this process, other parties were consulted as required under Clause 3 of Schedule 1 of the RMA, including the Minister for the Environment and tangata whenua of the area who have not raised any issues.

3. OVERVIEW OF PROPOSED PLAN CHANGE

Site and Locality

- 3.1. The Plan Change proposes to list 24 trees at 22 different locations throughout the district. These are shown in the Proposed Plan Amendments document in Figures 1, 2 and 3 (pages 5, 6 and 7).

Scope of the Plan Change

- 3.2. The scope of the Plan Change is set out in full in the *Proposed Plan Amendments* document.
- 3.3. The Plan Change is easily summarised as it seeks to add 24 additional protected trees. This entails amending Appendix 2 (Heritage Trees) of Volume 3 (Appendices) of the NRMP as well as Volume 4 (Planning Maps) where “Heritage and Landscape Tree” symbols are added for the proposed heritage and landscape trees (local trees are not shown in the planning maps). No other methods, objectives or policies are sought to be changed.
- 3.4. The specific trees proposed for protection are described in Part 2.1 of the *Proposed Plan Amendments* document (see Appendix 1) and are also listed in sections 3.12 - 3.14 of this report.

NOTIFICATION, SUBMISSIONS AND FURTHER SUBMISSIONS

Notification

- 3.5. The Plan Change was publicly notified on 25 September 2010, with submissions closing on 3 December 2010. 12 submissions were received.
- 3.6. A summary of the decisions requested was notified on 22 January 2011 and closed on 4 February 2011, one further submission was received.

Submissions Overview

- 3.7. A full copy of all original submissions and further submissions received is provided in Addendum I. The table below provides a summary of the decisions sought through submissions and further submissions:

Topic	Submitter Name	Submitter Number	Statement Number	Decision Sought
2.1 General	Robert Bruce Mutton	1	2	Retain Plan Change 22.
	John and Daphne Ryder	4	1	Do not protect any exotic trees on private property.
	Alan and Helen Winwood	Further submission X1	1	Oppose Submission 4, Statement 1. Exotic trees should be protected.

Topic	Submitter Name	Submitter Number	Statement Number	Decision Sought
	Brad Cadwallader	5	1	Amend all proposed listings to apply the correct formatting: lower case common names unless they are proper nouns, i.e. English oak, coral tree, rata, totara, black beech, Phoenix palm, pohutukawa, box elder, pin oak, titoki.
	Department of Conservation	7	1	Retain those trees that are of indigenous species that naturally occur within Nelson City. These trees are Podocarpus totara, Metrosideros robusta, Alectryon excelsus, Dacrycarpus dacrydiodes, and Nothofagus solandri.
	Linnea Brown	12	1	Retain Plan Change 22.
2.1.b) 18 Campbell St (Road Reserve) English Oak	Robert Bruce Mutton	1	1	Retain Plan Change 22 to protect the oak tree at 18 Campbell St ("our tree").
2.1.d) 31 Cleveland Tce Titoki	Ben and Rachael Holmes	2	1	Retain Plan Change 22 to protect the titoki tree at 31 Cleveland Tce.
2.1.e) 31 Cleveland Tce Totara	Ben and Rachael Holmes	2	2	Retain Plan Change 22 to protect the totara tree at 31 Cleveland Tce.
2.1.k) 1/138 Nile St Pin Oak	Linnea Brown	12	2	Retain the Plan Change to protect the pin oak tree at 1/138 Nile St.
2.1.m) 19 Richmond Ave Sweet Gum	John and Daphne Ryder	4	2	Do not proceed with listing the liquidambar styraciflua at 19 Richmond Ave. The tree is unsightly and a danger to property so should be removed rather than given heritage tree status.
	<i>Alan and Helen Winwood</i>	<i>Further submission X1</i>	2	<i>Oppose Submission 4, Statement 2. Contests several of the points raised by original submitter.</i>
	Alan and Helen Winwood	8	1	Retain Plan Change 22 to include the liquidamber tree at 19 Richmond Ave.
2.1.n) 16 Riverside Phoenix Palm	Gerard Malcolm and Alice Fong	10	1	Retain Plan Change 22 to protect the Phoenix palm at 16 Riverside.
2.1.p) 247 Rutherford St Box Elder	Robert Malcolm Fraser	11	1	I support in part the tree being protected, BUT only with the proviso that adequate light levels are initially allowed and maintained to my section. The tree MUST be initially heavily pruned and shaped. If Council cannot meet these requirements, then I must alter my submission to OPPOSING the Plan Change.

Topic	Submitter Name	Submitter Number	Statement Number	Decision Sought
2.1.q) 18 Sowman St Saucer Magnolia	Brad Cadwallader	5	2	Amend 2.1.q) to read "Magnolia x soulangeana - saucer magnolia". The multiplication sign is placed between the genus and species name to show that the tree is a hybrid of two species. The correct spelling of the species name is soulangeana as the person the hybrid was named after was Mr. Soulange. Lower case common names should always be used unless they are proper nouns.
	Mitzi and Aidan Curran	6	1	Do not proceed with listing the magnolia tree at 18 Sowman St.
2.1.r) 166 St Vincent St English Oak	Wendy Logan	3	1	Retain Plan Change 22 to protect the oak tree at 166 St Vincent St.
	June Fleming	9	1	Amend Plan Change 22 to ensure that the tree is regularly thinned and looked after. The listing is not supported if no maintenance is provided [confirmed with submitter verbally].

3.8. The general breakdown of submissions is:

- Support (approve the aspect submitted on as is): 7 submitters
- Conditional support/opposition (approve the aspect submitted on with modifications): 3 submitters
- Oppose (reject the aspect submitted on): 2 submitters

3.9. The main issues in support are:

- Enhance the amenity of the urban environment and Nelson area
- Rarity
- Tree is a functional asset in its location (e.g. for kindergarten use)
- Provision of shade
- Environmental reasons: carbon sequestration, storm water mitigation, supports birdlife
- Provides stability

3.10. The main issues in opposition are:

- Risk to property should a tree fall
- Stability issues
- Damage to underground services caused by roots
- Impeded views
- Owner wanting to retain control of choices
- Shading causes issues with vegetable gardens and health
- Issues with leaves in gutters causing leakages

3.11. To gain an overall picture of how the submissions affect the proposed Plan Change it is useful to divide the proposed trees into three categories: directly opposed or directly part-opposed, indirectly opposed, and not opposed.

3.12. The following four trees received submissions in direct opposition or direct conditional opposition (aerial images of these trees are provided in Addendum III):

	Category	Street No.	Address	Location	Type	Tree Name (Latin)	Tree name (common)	No. of trees
m)	Heritage	19	Richmond Ave		S	Liquidambar styraciflua	Sweet Gum	1
p)	Landscape	247	Rutherford St		S	Acer negundo	Box Elder	1
q)	Landscape	18	Sowman St		S	Magnolia soulangiana	Saucer Magnolia	1
r)	Landscape	166	St Vincent St		S	Quercus robur	English Oak	1

3.13. The following trees were 'caught' by Statement 1 of Submission 4, a general submission in opposition to the protection of any exotic trees in Nelson (the trees listed in 3.12 above are also caught by this submission):

	Category	Street No.	Address	Location	Type	Tree Name (Latin)	Tree name (common)	No. of trees
a)	Heritage	42	Arapiki Rd		S	Quercus robur	English Oak	1
b)	Landscape	18	Campbell St	Road reserve	S	Quercus robur	English Oak	1
c)	Landscape	7	City Heights		S	Quercus robur	English Oak	1
g)	Landscape		Harper St		S	Ulmus procera	English Elm	1
h)	Landscape	180	Kawai St		S	Magnolia grandiflora	Evergreen Magnolia	1
j)	Heritage	16	Ngatitama St		S	Quercus robur	English Oak	1
k)	Landscape	1/138	Nile St		S	Quercus palustris	Pin Oak	1
l)	Local	142	Nile St		S	Liquidambar styraciflua	Sweet Gum	1
n)	Heritage	16	Riverside		S	Phoenix canariensis	Phoenix Palm	1
u)	Landscape	45	The Ridgeway		S	Erythrina crista-galli	Coral Tree	1
v)	Heritage	26	Todd Bush Rd		S	Quercus robur	English Oak	1

3.14. The following trees received no submissions in opposition and so do not require further consideration as per s86F RMA:

	Category	Street No.	Address	Location	Type	Tree Name (Latin)	Tree name (common)	No. of trees
d)	Heritage	31	Cleveland Tce		S	Alectryon excelsus	Titoki	1
e)	Heritage	31	Cleveland Tce		S	Podocarpus totara	Totara	1
f)	Heritage	277	Hampden St		S	Metrosideros robusta	Rata	1
i)	Heritage	30	Marybank Rd		G	Dacrycarpus dacrydioides	Kahikatea	2
o)	Heritage	52	Russell St		S	Metrosideros excelsa	Pohutukawa	1
s)	Landscape	29	Stanley Cres		S	Metrosideros excelsa	Pohutukawa	1
t)	Local	39	Stansell Ave		S	Nothofagus solandri	Black beech	1
w)	Heritage	384	Trafalgar St South		S	Podocarpus totara	Totara	1

- 3.15. In Part B of this report I address each of the submissions and further submissions made, discussing the points raised and making a recommendation on each item.

4. STATUTORY CONSIDERATIONS

- 4.1. As there are a range of trees proposed for protection through Plan Change 22 there are a variety of statutory reasons for their importance. The following provisions are of relevance to Plan Change 22 and will be drawn upon later in the report as required.

Resource Management Act 1991

Section 74(1) RMA

- 4.2. Section 74(1) of the RMA requires that a territorial authority shall prepare and change its district plan in accordance with:
- *Its functions under section 31,*
 - *The provisions of Part 2,*
 - *A direction given under section 25A(2), and*
 - *Its duty under section 32, and any regulations.*
- 4.3. An assessment of the consistency of the Plan Change with each provision identified is carried out below.

Section 31 RMA

- 4.4. Council's functions are outlined in section 31 of the RMA and relate to giving effect to the RMA in its district. More specifically Section 31(1) states that every territorial authority shall have the following functions:
- (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land...*
- 4.5. The addition of more trees to Appendix 2 of the NRMP is an example of Council implementing and reviewing a method for managing the protection of natural resources.

Part 2 RMA

- 4.6. Section 5 sets out the purpose of the RMA as to promote the sustainable management of natural and physical resources. Sustainable management is defined as managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—
- (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*

- (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*
- 4.7. Section 6 sets out *matters of national importance* to be recognised and provided for including the following matters relevant to Plan Change 22:
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna*
 - (f) *the protection of historic heritage from inappropriate subdivision, use, and development*
- 4.8. Section 7 sets out other matters that persons must have particular regard to. The following provisions are of relevance to Plan Change 22:
- (b) *the efficient use and development of natural and physical resources*
 - (c) *the maintenance and enhancement of amenity values*
 - (d) *intrinsic values of ecosystems*
 - (f) *maintenance and enhancement of the quality of the environment*
 - (g) *any finite characteristics of natural and physical resources*
 - (i) *the effects of climate change*

Section 32 RMA

- 4.9. Before adopting for public notification any objective, policy, rule or other method promoted through this proposed Plan Change, Section 32 of the RMA imposes upon the Council a duty to consider alternatives, and assess their benefits and costs.
- 4.10. A Section 32 assessment was prepared and made available as part of the public notification process.
- 4.11. Under s32(3) this assessment must examine:
- (a) *the extent to which each objective is the most appropriate way to achieve the purpose of this Act; and*
 - (b) *whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives.*
- 4.12. There are no new objectives proposed to be introduced through Plan Change 22 therefore the assessment examined existing objectives within the NRMP. The proposed Plan Change was assessed against its benefits, costs, efficiency, effectiveness and risk.
- 4.13. Four options were considered: retain the status quo (do nothing), use non-statutory measures, proceed with the Plan Change and proceed with an alternative Plan Change. On balance Option 3 (Proceed with the Plan Change) was considered the most appropriate option because of the social, cultural, economic and environmental benefits it brought. This assessment of alternative options is shown in Table 1 (Part 3.2.3) of the Section 32 Report.

Section 75 RMA

- 4.14. Section 75 specifies the contents of a district plan, and section 75(3) states that a *district plan must "give effect to"*:
- (a) *any national policy statement;*
 - (b) *any New Zealand coastal policy statement; and*

- (c) *any regional policy statement*

Section 75(4) sets out that a district plan must not be inconsistent with:

- (a) *a water conservation order, or*
- (b) *a regional plan for any matter specified in section 30(1) (Functions of regional councils).*

The Plan Change seeks only to add additional protected trees to Appendix 2 of the NRMP and is not inconsistent with any of the s75 RMA provisions. The relevant provisions of the Nelson Regional Policy Statement are discussed below.

Nelson Regional Policy Statement

4.15. The Nelson Regional Policy Statement (NRPS) became operative in 1997, and is currently being reviewed. It contains a number of objectives and policies relevant to the Plan Change, contained in Chapter 7 Natural and Amenity Values. These provisions are outlined in greater detail below.

(i) NA1: Amenity Values

- 4.16. Issue NA1.1 outlines areas of significant amenity and/or conservation value at risk of degradation and includes trees in its list of factors which can have a pronounced influence on our quality of life.
- 4.17. Objective NA1.2 is *the preservation or enhancement of amenity and conservation values.*
- 4.18. Policy NA1.3.5 is *to prevent any activity on or adjacent to any significant ... tree ... unless the adverse effects of that activity on the ... features can be avoided, remedied, or mitigated.*
- 4.19. The following methods are included in NA1.4. *Council will undertake, or encourage and co-ordinate, the compilation of an inventory of significant ... trees ... in Nelson City (NA.1.4.1). Council will include rules in its District Plan ... to reduce the potential for incompatible uses to establish in close proximity to identified ... trees ... of significance (NA.1.4.2). Council will include rules in the District Plan which protect significant ... trees (NA.1.4.4).*
- 4.20. Anticipated Environmental Results reflect the above provisions and include *the protection and enhancement of significant ... trees ... while minimising conflict with private land ownership rights (NA1.7.2).*
- 4.21. Performance Indicator NA1.8.1 reads *significant ... trees ... being afforded a level of protection which preserves or enhances the amenity values enjoyed by the people of Nelson City.*
- 4.22. A plan change to include 24 additional significant trees for protection in the NRMP fits well with the NRPS provisions of section NA1 providing those trees find a balance between their significance and the ability for surrounding activities to proceed (the impact on private land ownership rights).

Nelson Resource Management Plan

Nelson Resource Management Plan – Existing Issues, Objectives and Policies

4.23. The Plan Change to add 24 additional protected trees addresses existing operative issues within clause RI13 (Heritage and cultural values) of Chapter 4 (Resource Management Issues) of the Plan:

- RI13.i Heritage or cultural value may be assigned to buildings, areas, sites, or vegetation (either individually or, as in a streetscape,*

collectively) having some notable historic, architectural, scientific, archaeological, spiritual or other special value serving to remind present and future generations of past activities and inhabitants of Nelson.

RI13.1.i Loss of important heritage features and sites for present and future generations due to their demolition, desecration, or modification for activities unsympathetic or incompatible with the inherent value of these resources.

4.24. In July of 2009 the Nelson district lost 30 of its listed trees to a severe storm, and nearly 100 others were damaged. It is presently an opportune time for Plan Change 22 to be identifying and protecting additional trees.

4.25. No new objectives are being proposed through the Plan Change, however the listing of the new trees is consistent with the existing operative provisions within Chapter 5 (District Wide Objectives and Policies):

DO4.1 Heritage values; Retention and enhancement of heritage items that contribute to the character, heritage values, or visual amenity of Nelson, in a setting that enhances such items.

DO4.1.i Heritage is an essential part of the District's cultural values. It serves to link successive generations, and enable the community to identify with their city through evidence of the past within the existing environment.

DO4.1.1 Heritage identification and classification

Heritage buildings, places, or objects, and important trees, should be identified in this Plan and classified according to the criteria set out in Appendices 1 and 2 in the following categories:

Trees

- Heritage Trees - Protection and retention highly desirable*
- Landscape Trees - Protection and retention important*
- Local Trees - Protection and retention desirable*

DO4.1.7 The protection of Heritage Trees or groups of Heritage Trees (listed in Appendix 2) is essential. Removal therefore shall not be consented to unless the applicant can demonstrate to the satisfaction of the Council that the tree or trees present a serious risk to human life or property because of its unsafe condition caused by disease, storm or very old age, or that it renders the site incapable of reasonable use, and places an unfair and unreasonable burden on the owner.

DO4.1.7.i Heritage Trees (listed in Appendix 2) are the best and most significant in the district. Their protection is considered high priority. The policy recognises that there may be special circumstances when removal of such items may be acceptable. These circumstances will be extremely limited, reflecting the high status of these trees.

DO4.1.8 The protection of Landscape Trees or groups of Landscape Trees is considered important, and removal should be avoided where this can reasonably be achieved.

DO4.1.8.i The protection of Landscape Trees (listed in Appendix 2) is important to the District, but of a lesser priority than Heritage Trees. The assessment matters listed alongside the respective rule will guide

decision making with respect to when protection can “reasonably be achieved”.

DO4.1.9 The protection of Local Trees or groups of Local Trees is desirable, and removal should proceed only after alternatives have been considered.

DO4.1.9.i The protection of Local Trees (listed in Appendix 2) is desirable, but of a lesser priority than Landscape Trees.

- 4.26. Eighteen of the proposed trees fall within the Residential Zone with five of the remaining trees zoned Residential – Lower Density (those at Harper St, 1/138 Nile St, 142 Nile St, 247 Rutherford St and 384 Trafalgar St South) and one tree is zoned Suburban Commercial (166 St Vincent St).
- 4.27. The Residential - Lower Density zone’s objectives and policies specifically advocate for the ability of a property to sustain larger trees (RE1.1.i) and there is specific mention of the ‘open’ character at the northern foot of the Grampians (RE1.4.i), where some of the proposed trees are located.
- 4.28. Residential zone policy RE3.3 identifies how trees and vegetation contribute to the amenity value of an area. The policy describes trees as important elements of the Nelson landscape, often adding significantly to the character of a neighbourhood, and seeks to retain as many established trees as possible where subdivision or other residential development is proposed.
- 4.29. Residential zone policy RE3.4 provides for the preservation of indigenous vegetation in the region, however with no submissions in opposition to any of the indigenous trees proposed for protection through Plan Change 22, this policy does not warrant further discussion (as per s86F RMA).
- 4.30. Amenity objectives for the Suburban Commercial zone are largely focused around the effects of buildings and structures, although objective SC2 anticipates *Suburban Commercial centres which have a high level of on site amenity, and which do not have significant adverse effects on neighbouring areas or on the safe and efficient operation of the road network.*

Nelson Resource Management Plan – Existing Methods

- 4.31. The Plan provides three categories of protection: Heritage, Landscape and Local. Appendix 2 (Heritage Trees) states:
- AP2.1.2.i Heritage Trees are the best and most significant in the District. Their protection and retention is considered essential.*
- AP2.1.2.i Landscape Trees are important to the District in terms of their contribution to the landscape. Their retention is important, but not considered essential.*
- AP2.1.2.iii Local Trees are of noteworthy interest and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged.*
- 4.32. With regard to zoning, activities are assessed against the same planning rules for protected trees zoned Residential and Residential – Lower Density (REr.93 - REr.97). For activities affecting the proposed landscape tree zoned Suburban Commercial the rules are in a different chapter but worded almost identically, with one additional condition for which control is reserved over.
- 4.33. The operative NRMP rules relating to protected trees in these zones are as follows:

Trimming Heritage Trees (REr.93/SCr.63)

- *Trimming of a heritage tree is permitted if it is:*
 - a) *i) crown cleaning, being the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown, or*
 - ii) *it is canopy lifting, being the balanced removal of lower branches of a tree on road reserve, and*
 - b) *the work is done in accordance with accepted arboricultural practice.*
- *Activities that contravene a permitted condition are discretionary.*

Trimming Landscape Trees (REr.94/SCr.64)

- *Trimming of a Landscape tree is permitted if:*
 - a) *it is crown thinning (as defined in Chapter 2[†]), and*
 - b) *the work is done in accordance with accepted arboricultural practice.*
- *Activities that contravene a permitted condition are controlled. Control is reserved over:*
 - i) *amount, proximity of tree trunk*, timing and manner in which the trimming is carried out.*

** Suburban Commercial zone only*

Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.

*† **Crown thinning** is defined in Chapter 2 Meaning of Words as:*

in relation to trees, includes crown cleaning and means the selective removal of branches to increase light penetration and air movement through the crown where:

- a) *no more than one-third of live foliage is to be removed, and*
- b) *after pruning at least half of the foliage is on the branches in the lower two-thirds of the tree, and*
- c) *half of the foliage on laterals on the inner two-thirds of a branch is retained*

provided that such removal shall not be used successively to incrementally reduce the size of the tree, or to remove the tree.

Activities within the dripline of Heritage and Landscape Trees (REr.95/SCr.65)

- *Activities within the dripline of a Landscape Tree or a Heritage Tree are permitted if:*
 - a) *parking or storage of materials, vehicles, or machinery is on an existing sealed, formed surface, and*
 - b) *it does not involve compaction, sealing, removal or addition of soil, and*
 - c) *there is no discharge of a toxic substance, and*
 - d) *there is no excavation or construction of structures.*

except where the tree is on Road Reserve, where activities are permitted if:

- i) *excavation is no deeper than 200mm and no less than 2m from the tree trunk, and*
 - ii) *sealing is within the existing formed carriageway or footpath.*
- *Activities within the dripline of Landscape or Heritage Trees on Road Reserve that contravene a permitted condition are controlled. Control reserved over:*

- i) location, proximity to tree trunk, timing and manner in which the activity is carried out, and
- ii) remedial measures.

Resource consent applications will be considered without notification, or obtaining written approval of affected persons, under section 94 of the Act.

- Activities within the dripline of Landscape or Heritage Trees (not on Road Reserve) that contravene a permitted condition are discretionary.

Removing or Destroying Heritage and Landscape Trees (REr.96/SCr/66)

- Removing or destroying a Landscape Tree is a discretionary activity.
- Removing or destroying a Heritage Tree is a non-complying activity.

Removing Local Trees (REr.97/SCr.67)

- Removing a Local Tree is permitted if:
 - a) written notice is given to Council at least 1 week prior to work being done.
- Activities that contravene a permitted condition are discretionary.

4.34. Assessment criteria for these rules is provided as follows:

Assessment criteria for trimming or removing Heritage and Landscape Trees (REr.93-97 and SCr.63-67)

- a) the condition of the tree, including any significant potential hazard to people or property.
- b) the extent to which the tree or trees contribute to the amenity of the neighbourhood.
- c) whether the work can be done without adversely affecting the health of the tree, or compromising the appearance and setting of the tree, including the visibility of the tree from a road or public place.
- d) whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property.
- e) the extent to which the tree would seriously restrict the development potential of the site.
- f) any hardship or significant nuisance the tree causes to any person
- g) any substitute or compensating tree planting or landscaping proposed.
- h) when the activity is within the drip line of a Heritage or Landscape Tree, how the tree trunk and roots are to be protected while works proceed (eg, erection of a physical barrier).
- i) in the case of a tree in the road reserve, in addition to the above:
 - i) whether the tree places an unreasonable restriction on the development or widening of a road, or is a hazard to traffic.
 - ii) whether alternatives to removing or damaging the tree have been adequately explored.
- j) in the case of a tree in an esplanade reserve or strip, for which the purpose of the reserve or strip includes hazard mitigation, in addition to the above:
 - i) whether the tree places an unreasonable restriction on the development of river control works, or impedes the flow of the river
 - ii) whether alternatives to removing or damaging the tree have been adequately explored.

4.35. Explanations are provided for these rules as follows:

Explanation: trimming of Heritage Trees (REr.93 and SCr.63)

Very limited trimming of Heritage Trees is allowed without a resource consent.

Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape Trees.

Trimming that is for the benefit of the landowner or neighbours (due to shading, debris or other effects) is required to go through the resource consent process.

Explanation: trimming of Landscape Trees (REr.94 and SCr.64)

Normal trimming (REr.94)/crown thinning (SCr.64) is permitted for Landscape Trees.

The controls on Landscape Trees recognise that these are of less significance to the community than the Heritage Trees, but still important.

Increased light and air maintain and stimulate interior foliage, which in turn improves branch taper and strength. Thinning reduces the wind-sail effect of the crown and the weight of limbs.

Thinning the crown can emphasise the structural beauty of trunk and branches as well as improve the growth of plants beneath the tree by increasing light penetration.

Trees and branches thinned as per the definition will have stress evenly distributed throughout the tree and along the branches.

Explanation: activities within the dripline of Heritage or Landscape Trees (REr.95 and SCr.65)

Activities in the area of the roots or trunk can damage or kill the tree. Resource consents are required for these activities so that the potential impacts can be assessed. Where the area beneath the tree is already sealed the impact is likely to be less significant.

Explanation: removing or destroying Heritage or Landscape Trees (REr.96 and SCr.66)

Heritage Trees are trees for which retention is considered essential. Landscape Trees are trees for which retention is considered important.

Tighter controls are placed on Heritage Trees recognising that they are of greater significance to the community than the Landscape trees.

(Note: section 330 of the Act provides for emergency works, such as the removal of trees threatening life or property, but in strictly defined circumstance and by certain persons or agencies. Consent for such works can be applied for retrospectively (section 330A)). Some latitude is provided for the removal of trees in the road reserve if it can be shown it places an unreasonable restriction on the roading network, recognising that the primary purpose of the road reserve is transportation.

Explanation: Local Trees (REr.97 and SCr.67)

Local Trees are of noteworthy interest, and are not as significant as either Heritage or Landscape Trees. Retention and protection is encouraged. A week's notice prior to removal of a Local Tree allows the Council the opportunity to negotiate with the owner if it desires. Written notice also allows the Council to update its list of Local Trees.

5. OTHER CONSIDERATIONS

Iwi Planning Documents

- 5.1. The Iwi Planning Document that has been registered with the Council is the Nga Taonga Tuku Iho Ki Whakatu Management Plan 2004 (Iwi Management Plan). This sets out the iwi perspective of five manawhenua iwi in Te Tau Ihu (top of the South Island). This plan is structured around the spiritual dimensions of wind and air (discharge of contaminants), the people, trees and birds, water and cultivated foods.

- 5.2. The Iwi Management Plan has objectives for urban planning and land management.
- 5.3. Section 5.4.3 (Tane Mahuta) includes the key objective that *indigenous flora and flora exist in healthy populations across a wide range of habitats*. This is followed by a policy that the Council gives effect to *the kaitiaki (guardian) role of tangata whenua in the management of indigenous flora and fauna*.
- 5.4. The relevant sections of the Iwi Management Plan relate to indigenous trees and as the Plan Change proposes to protect additional native vegetation it is considered that it meets the intent of this Plan. As there were no submissions in opposition to any of the proposed native trees, these provisions of the Plan Change are must be treated as operative as per s86F RMA.
- 5.5. Furthermore it should be noted that from a *tangata whenua ki Whakatu* perspective ngahere (trees) are recognised as a treasured resource and senior in status to people because they were created first. This view prompts *tangata whenua* to show the respect that is reserved for older relatives.

Nelson Biodiversity Strategy 2007

- 5.6. The Nelson Biodiversity Strategy was adopted on 1 May 2007 and reviewed in 2009.
- 5.7. There are two key goals with corresponding objectives:

Goal 1 Active protection of native biodiversity

Nga taonga tuku iho (the treasured resources), native species, and natural ecosystems of Nelson/Whakatu are protected and restored.

Objective 1.1 *Ecological health, mauri and wairua of natural ecosystems are sustained.*

Objective 1.2 *Native biological diversity is restored, enhanced and, where appropriate, connected.*

Goal 2 Ecologically sustainable use of biodiversity

The community has the living resources it needs, and has minimised adverse effects on valued biodiversity.

Objective 2.1 *Biodiversity use is ecologically sustainable.*

Objective 2.2 *Biodiversity resources are available for the community to prosper including tangata whenua customary use of nga taonga tuku iho.*
- 5.8. Eight principles of biodiversity management action are provided for the parties to this strategy. The first principle is that “*our unique ecological heritage will be protected now and for future generations*”.
- 5.9. Plan Change 22 supports the above goals, in particular Goal 1: “*native species... of Nelson/Whakatu are protected*”. The Plan Change is also consistent with Principle 1, the protection of our ecological heritage.

Council support of protected trees

- 5.10. The Parks and Facilities business unit at Nelson City Council unit offer a maintenance service for all trees listed for protection in the NRMP, whereby an arborist inspection is arranged every two years.
- 5.11. Any tree faults, dead wood, suckers etc are noted & corrective pruning is carried out. There is no charge for trees in private ownership.
- 5.12. If the owner of the tree identifies issues with the tree, Parks and Facilities will deal with them including low branches touching a house, lower branch lifting,

crown lifting to allow sunlight penetration and removal of leaves collected by resident. If the resident requests pruning that is not a permitted activity in the NRMP rules they would need to obtain a resource consent and fund this pruning themselves.

- 5.13. The owner is contacted by contractors before any work is done.

STEM assessment

- 5.14. Once a tree is nominated for protection in the NRMP a STEM¹ assessment is carried out by Council's Horticultural Supervisor and the tree assigned a score. This score indicates which protection category the tree should belong to (Heritage: >128, Landscape: 100-128 or Local: <100).
- 5.15. STEM is an acronym for "Standard Tree Evaluation Method" and is a method of identifying a tree's importance and suitability for preservation. The system evaluates the condition, amenity and any outstanding value of the tree (or group of trees). STEM is widely used by other local authorities in New Zealand as a consistent evaluation method and is recognised by the Environment Court.
- 5.16. There is no specific guidance in the NRMP for assessing a tree's suitability for protection and the STEM method is not prescribed as the chosen method of evaluation. Therefore its use is considered more of a technical guidance tool than a set method.
- 5.17. A practical advantage of the STEM system is that each component can be traced in a quantitative way. The criteria is arranged so that points are awarded under the headings of *Arboricultural Criteria*, *Amenity Criteria* and *Outstanding Criteria*.
- 5.18. **Arboricultural criteria** includes:
Form: botanical assessment of the tree
Occurance: based on the number of trees within the local district boundary
Vitality: assessment of the health of the tree
Function: assessment of usefulness
Age: estimate of the tree's age
- 5.19. **Amenity criteria** includes:
Height: measurement of tree's height
Visibility: contribution as a visual feature
Proximity: Whether the tree is seen visually as a solitary specimen or part of a group.
Location role: value in a setting or as part of a composition
Climatic influence: The effect of the tree on the surrounding microclimate.
Outstanding criteria is divided into **Stature**, **Historic** and **Scientific** measures and points are awarded with discretion when warranted.
- 5.20. A copy of the STEM assessments for all trees proposed through Plan Change 22 is included as Addendum II.

¹ Flook, R. R. (1996). *STEM: a standard tree evaluation method*. Ron Flook, New Zealand.

6. CONCLUSION

- 6.1. This report provides a statutory and effects based assessment of proposed Plan Change 22. I have described the general approach, background and consultation leading to the development of this Plan Change. I have also assessed it against the statutory requirements under the RMA and conclude that it meets all the relevant matters.
- 6.2. I acknowledge the various concerns and suggestions for improvement outlined in the submissions and further submissions, and have commented on those making specific recommendations in Part B of this Report.
- 6.3. A number of recommended amendments to the Plan Change are outlined in Part C.

Author:

Signed:

Paul Harrington



Date: 4 July 2011

Peer Reviewed:

Signed:

Matt Heale



Date: 4 July 2011

PART B

7. RECOMMENDATIONS ON SUBMISSIONS ORGANISED BY TOPIC

TOPIC 2.1: General

Submitter 1: Robert Bruce Mutton

Statement 2

Support

Decision Sought: Retain Plan Change 22 to list the proposed trees

PLANNING OFFICER COMMENT #1 Topic 2.1: General

The submitter supports the Plan Change in general. No further explanation or reasoning was provided within the submission.

On the basis that the submission provides unconditional support for the Plan Change, I recommend that it be accepted in part (in so far as further modification to the Plan Change is recommended in relation to other submissions).

RECOMMENDATION #1

Submission 1, Statement 2: Accept in Part

AMENDMENT TO PLAN

Nil.

Submitter 4: John and Daphne Ryder

Statement 1

Oppose

Decision Sought: Do not protect any exotic trees on private property.

Further Submitter X1: Alan and Helen Winwood

Statement X1.1

Oppose Submission 4, Statement 1

PLANNING OFFICER COMMENT #2 Topic 2.1: General

The submitters oppose the protection of exotic trees stating that they should not be granted Heritage Tree status unless they contribute to the landscape and grow on public land. They note that exotic trees were not a part of the original landscape and should not be afforded protection under the district scheme. Exceptions are provided for large trees in parks and reserves but not large trees on domestic properties. Another exception is offered for Pohutukawa and Kauri trees which, although not endemic to the area, are native to New Zealand/Aotearoa. The submitters suggest that large growing trees on small domestic residential sections should be discouraged (or forbidden) rather than given special status.

Further submitter X1 opposes this view stating "if no exotic trees on private property were protected, Nelson would be a city of shrubs with patches of native and exotic trees in a few parks, gardens and at the Cathedral".

In describing the rationale for protecting trees the NRMP does not distinguish between exotics and natives. Plan Change 22 does not seek to amend this stance and in order to provide this relief existing objectives and policies would need to be altered. This is not part of the proposed Plan Change, therefore any request for a blanket veto on the listing of exotics is not within scope of Plan Change 22.

Again, treating public and privately owned trees differently is also beyond the scope of the Plan Change as the NRMP does not distinguish between private and public ownership.

The size of protected trees ("tree height") is only one component of a tree's STEM assessment that determines its listing category. The STEM assessment is the accepted method used by Nelson City Council to assess trees in this and earlier Plan Changes (e.g. 05/02), is accepted

by other local authorities as a consistent evaluation method for identifying significant trees and is recognised by the Environment Court. It would be unreasonable to accept a submission that seeks that the criteria for a tree's size be amended for this Plan Change.

I therefore recommend that this submission is rejected, and that the corresponding further submission be accepted in part (in so far as further modification to the Plan Change is recommended in relation to other submissions).

RECOMMENDATION #2

Submission 4, Statement 1: Reject

Further Submission X1, Statement X1.1: Accept in part

AMENDMENT TO PLAN

Nil.

Submitter 5: Brad Cadwallader

Statement 1

Support in Part

Decision Sought: Retain Plan Change 22 with technical and formatting amendments to listings.

PLANNING OFFICER COMMENT #3 Topic 2.1: General

The submitter seeks amendments to the formatting of some listings, specifically relating to the capitalisation of tree names. Mr Cadwallader is a local Arboriculture Consultant and his expert input is appreciated. Upon consulting with Council's Horticultural Supervisor it is recommended that the suggestions made by this submitter be accepted wherever practical.

A technical point needs to be noted however surrounding consistency with existing listings in the NRMP. Common and Latin names are placed into a table cell of their own and therefore each name is treated as a new sentence. In addition, the common names are currently listed with capitals, as if in a heading. It makes sense therefore to take this opportunity to correct the formatting of all existing listings to maintain consistency, subject to retaining the capitalisation for the first word of a sentence. In light of Mr Cadwallader's expert input these amendments would be considered minor errors and therefore be carried out without formality under Clause 20A of the First Schedule RMA.

It is therefore recommended the submission be accepted in part, subject to existing NRMP formatting and further modification to the Plan Change as recommended in relation to other submissions.

RECOMMENDATION #3

Submission 5, Statement 1: Accept in part

AMENDMENT TO PLAN

Correct capitalisation of all proposed listings to give effect to the following request: "Lower case common names are used unless proper nouns, i.e. English oak, coral tree, rata, totara, black beech, Phoenix palm, pohutukawa, box elder, pin oak, titoki". As a minor consequential amendment also correct nomenclature for existing listings in the NRMP (under Clause 20A of the First Schedule RMA).

Submitter 7: Department of Conservation

Statement 1

Support in Part

Decision Sought: Retain those trees that are of indigenous species, naturally occurring within Nelson City.

PLANNING OFFICER COMMENT #4 Topic 2.1: General

The Department of Conservation supports the protection of all trees that are indigenous species naturally occurring in the region, in particular those that are now locally rare or threatened and which are long-standing and native to Nelson as they would help support the key goals of the Nelson Biodiversity Strategy, add historic and amenity value and are a potential seed source.

Specifically, these trees are *podocarpus totara*, *metrosideros robusta*, *alectryon excelsus*, *dacrycarpus dacrydiodes*, and *nothofagus solandri*.

Given that this submission is supportive of the protection of these trees, the trees have been assessed as worthy of listing and there were no submissions or further submissions in opposition to this view I recommend that the submission from the Department of Conservation be accepted.

RECOMMENDATION #4

Submission 7, Statement 1: Accept

AMENDMENT TO PLAN

Nil.

Submitter 12: Linnea Brown

Statement 1

Support

Decision Sought: Retain Plan Change 22

PLANNING OFFICER COMMENT #5 Topic 2.1: General

The submitter supports the Plan Change in general. Her reasons are that the trees will add to the beauty and heritage of Nelson city, provide summer shade and a pleasant and leafy landscape effect that is worth preserving within the city area.

On the basis that the submission provides unconditional support for the Plan Change, I recommend that it be accepted in part (in so far as further modification to the Plan Change is recommended in relation to other submissions).

RECOMMENDATION #5

Submission 12, Statement 1. Accept in part

AMENDMENT TO PLAN

Nil.

TOPIC 2.1.b): 18 Campbell St (Road Reserve) - *Quercus Robur* (English Oak)

Submitter 1: Robert Bruce Mutton

Statement 1

Support

Decision Sought: Retain the Plan Change to include the oak tree at 18 Campbell St.

PLANNING OFFICER COMMENT #6 Topic 2.1.b): 18 Campbell St - English Oak - Landscape

The submitter seeks that the oak tree on road reserve outside his house be retained in the Plan Change for protection. There are no specific reasons provided other than referring to the tree as 'our tree'.

On the basis that the tree has undergone a rigorous STEM assessment, the submitter lives in close proximity to the tree, provides support for its protection and the only submission in opposition is one that broadly opposes the protection of exotics in general (which I have recommended be rejected – see Recommendation #2) I recommend that this submission be

accepted.

RECOMMENDATION #6

Submission 1, Statement 1: Accept.

AMENDMENT TO PLAN

Nil.

TOPIC 2.1.d): 31 Cleveland Tce – *Alectryon Excelsus* (Titoki)

Submitter 2: Ben and Rachael Holmes

Statement 1

Support

Decision Sought: Retain the Plan Change to include the titoki tree at 31 Cleveland Tce.

PLANNING OFFICER COMMENT #7 Topic 2.1.d): 31 Cleveland Tce - Titoki - Heritage

As owners of the property the submitters support the protection of the titoki tree which they value greatly as a beautiful tree of some age.

On the basis that the tree has undergone a rigorous STEM assessment, the submitter owns the property with the tree, provides support for its protection and there are no submissions in opposition I recommend that this submission be accepted.

RECOMMENDATION #7

Submission 2, Statement 1: Accept

AMENDMENT TO PLAN

Nil.

TOPIC 2.1.e): 31 Cleveland Tce - *Podocarpus Totara* (Totara)

Submitter 2: Ben and Rachael Holmes

Statement 2

Support

Decision Sought: Retain the Plan Change to include the totara tree at 31 Cleveland Tce.

PLANNING OFFICER COMMENT #8 Topic 2.1.e): 31 Cleveland Tce - Totara - Heritage

As owners of the property the submitters support the protection of the totara tree which they value greatly as a beautiful tree of some age.

On the basis that the tree has undergone a rigorous STEM assessment, the submitter owns the property with the tree, provides support for its protection and there are no submissions in opposition I recommend that this submission be accepted.

RECOMMENDATION #8

Submission 2, Statement 2: Accept

AMENDMENT TO PLAN

Nil.

TOPIC 2.1.k): 1/138 Nile St – *Quercus Palustris* (Pin Oak)

Submitter 12: Linnea Brown

Statement 2

Support

Decision Sought: Retain the Plan Change to include the pin oak tree at 1/138 Nile St.

PLANNING OFFICER COMMENT #9 Topic 2.1.k): 1/138 Nile St - Pin Oak - Landscape

The submitter lives in a neighbouring property and believes the pin oak adds considerably to the attractiveness of the three properties it borders, providing pleasant summer shade and a beautiful landscape effect. She notes the tree's pleasant and leafy amenity makes the driveway feel like a country lane, something well worth preserving within the city area.

On the basis that the tree has undergone a rigorous STEM assessment, the submitter lives in close proximity to the tree, provides support for its protection and the only submission in opposition is one that broadly opposes the protection of exotics in general (which I have recommended be rejected - see Recommendation #2) I recommend that this submission be accepted.

RECOMMENDATION #9

Submission 12, Statement 2: Accept

AMENDMENT TO PLAN

Nil.

TOPIC 2.1.m): 19 Richmond Ave – *Liquidambar Styraciflua* (Sweet Gum)

Submitter 4: John and Daphne Ryder

Statement 2

Oppose

Decision Sought: Do not proceed with listing the sweet gum at 19 Richmond Ave.

Further Submitter X1: Alan and Helen Winwood

Statement X1.2

Oppose Submission 4, Statement 2

PLANNING OFFICER COMMENT #10 Topic 2.1.m): 19 Richmond Ave - Sweet Gum - Heritage

The submitters oppose the listing of the sweet gum for a number of reasons, with further submitters in opposition to this view raising a number of potential errors in the original submission. The submitters live two doors up the hill from the property with the tree, which is owned by the further submitter. The further submission was structured in direct response to the original submission points so these are sequentially addressed in a corresponding manner below; numbering (a-i) has been added for clarity.

a) The tree in question is exotic and not part of the original landscape.

This issue has been discussed in Recommendation #2 and is not an issue relevant to the NRMP objectives surrounding the protection of trees (see Section 4) nor the STEM assessment method used. The STEM assessment noted that the tree was "common", awarding a score of 9 out of a potential 27 for this component, the heritage category was achieved on the strong merits of other components (see Addendum II).

b) The tree is not very old, not the oldest tree in the neighbourhood and much smaller when they bought their property in 1973.

The further submitters contest the tree's age and believe the tree to be 100 years old. They provide a photograph in their further submission (c1880) in which they identify a tree growing in the corresponding location. This age is supported by the Council's Horticultural Supervisor who notes that the trunk's circumference of 3.8m indicates that the tree is at least 100 years old.

c) The submitters note that the previous owner pruned it about 20 years ago to keep it at an appropriate size while the present owner has refused any such trimming. These concerns are exacerbated by the prospect of protection due to the restrictions on what can be done to heritage trees.

Whether or not the tree has been maintained in the past has limited relevance to the Plan Change, the tree was assessed on its present merits and awarded a score of 168 (heritage) which is well above the threshold for heritage classification (129).

The further submitter (owner) refutes the original submitters view, providing two instances of maintenance: 1) thinning work and surplus boughs removed by Brad Cadwallader sometime in the period 1990 to 1994 and 2) a thorough inspection and general tidy up of the tree including removal or trimming of some branches overhanging the Right of Way (ROW) by Nelmac in September 2010.

The restrictions imposed by heritage classification do not preclude reasonable thinning to the tree. Rule REr.93.1.a) describes crown cleaning as a permitted activity (the removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown) provided the work is done in accordance with accepted arboricultural practice. It is noted that once the tree is listed this work would be carried out at public expense by Council contractors on a regular basis.

- d) The tree, should it fall, would cause extensive damage to properties situated at 19 Richmond Avenue and 34 Brougham Street.

The STEM assessment rated the tree's vitality as "very good" and there appears no evidence to suggest the tree is at risk of falling. The further submitter notes that in order to cause extensive damage to these properties, the tree would have to fall to the north or north-east which is only one quadrant of all potential directions. They also point out that tree survived the 'big blow' two years ago (Nelson lost a significant number of trees in a July 2009 storm).

In addition, it would be reasonable to assume that the regular inspections and maintenance that Council provides for listed trees would serve to safeguard the tree's health and consequent safety.

It is noted that despite wider consultation with other potentially affected neighbours (owners and tenants) at both the consultation stage and at public notification there were no other submissions in opposition from these residents.

- e) The upper Richmond Avenue area is notorious for the emergence of springs of water which could destabilise the tree and cause it to fall. There has already been extensive work done to stabilise the house on the property.

There does seem a possibility that the soil in the area could have an effect on the stability of the tree (e.g. the further submission indicates a "6m depth of water sensitive and weak clay material"), however without expert input this is impossible to comment on with certainty. As the submitter does not provide any expert opinion and does not wish to be heard in support of their submission it would appear excessive for Council to engage an expert to assess the stability in this area. It is noted that the tree has survived a very severe storm (one where the region lost a great number of trees, many of which were protected in the NRMP). It is also generally accepted that trees *add* to the stability of a slope so removing it on the basis of a perceived risk could actually compromise existing stability.

The further submitter also opposes this submission point and notes that in the 21 years they have lived at 19 Richmond Ave no springs have appeared on the property or near the tree roots. With regard to the extensive work to stabilise the house the owners dismiss this as irrelevant to the tree. They describe the work as to stabilise one section of the house that had been built on un-reinforced stone foundations on top of a 6m depth of water sensitive and weak clay material. This piling work has stopped further movement in the foundations which had been occurring for over 50 years.

- f) Leaves falling off the tree fill the gutters of the Brougham Street property and cause the Richmond Avenue extension roadway to become slippery after rains.

Leaves can cause amenity value issues for residents and the subject tree is a large deciduous specimen.

In this case all potentially affected property owners and tenants were written to both at the consultation stage and at public notification when they were sent a copy of the public notice and a submission form (there are at least four other properties that use the Richmond Avenue extension for access). There has therefore been ample opportunity for other residents to raise the issue if the leaves are causing problems. Nevertheless amenity value is a consideration and this issue is noted.

The further submitters identify that there are also other trees that drop leaves onto the ROW,

some of these trees are on the same property as the subject tree (19 Richmond Ave) while some are on 22 Richmond Ave and 32 Brougham St. They add that the leaves are swept regularly in autumn.

- g) The trees roots are probably causing damage to sewage and stormwater drains in the area as well as damaging the surface of the road.

I have contacted Council's Network Services department for comment regarding these services. Council's Investigator/Contracts Supervisor – Utilities Mark Kopf responded after looking through all of Council's service requests and did not find any problems in this area. He noted however that from the perspective of the Network Services department problems could occur as there is a 200mm PVC stormwater main and a 75mm water service underneath the tree that serves 19, 21, 22 and 23 Richmond Ave. He noted that these services are considered "private" and that it would be wise to include those residents in the discussion (all of these properties were consulted prior to and at the time of notification).

The further submitters note that the previous owner had damaged pipes repaired in the 1987-1989 period and that since then there have been no problems with roots from the tree blocking any pipes. They also state that if damage arises in the future they would, as owners of the tree, have the pipes replaced and the ROW surface repaired.

There is clearly the potential for the services beneath the tree to be affected by the roots as they search around for sources of nutrients. There is no evidence of damage at present however and if any damage should occur the current owner of the tree is willing to fund the repairs. This offer is clearly not an issue that can be incorporated into the Plan Change and the owner may sell the property at any time, however it does demonstrate confidence in the immediate wellbeing of the services and a willingness to remedy any future effects.

In addition, it is noted that the assessment criteria for assessing a resource consent application to remove a Heritage Tree includes "*whether the tree is currently causing, or is likely to cause significant damage to buildings, services or property*" (REr.93-97(d); refer Part 4.34 of this report). This would add weight to an application seeking to remove the tree should such damage occur in the future.

- h) Branches of the tree overhang the houses at 19 Richmond Avenue and 34 Brougham Street. The tree, being close to the roadway, has branches that pass right over the ROW and then over the property on the other side (28 Brougham Street and 22 Richmond Avenue).

These are considered issues for the owners or tenants of those properties to submit on should they have an issue with the branches. The Council's Horticultural Supervisor notes that the tree has experienced hard top pruning in the past which has produced the current wide spread tree canopy. While regular maintenance by the Council would not reduce this breadth it would be able to limit further spread by encouraging a more conventional form.

- i) The tree is unsightly. The view to the North from our property has been gradually eroded by the increasing size of the tree and this will continue to do so with the future growth of the tree.

While the attractiveness of the tree is a matter of subjectivity it is clearly having an effect on the amenity surrounding the submitter's house, and this is noted. It must be acknowledged however that the submitter lives two houses away and there are others in the area that, by not submitting in opposition, tacitly indicate that they feel the attractiveness of the tree to be at the least acceptable.

With regards to the tree impeding the submitters' view, this is an an issue of amenity value for that submitter. Amenity value is defined in the RMA (and the NRMP) as:

those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

This is essentially a conflict between amenity value for the submitter, and amenity value for the owner and the neighbourhood in general. The Plan Change will effectively have no immediate bearing on the submitter's amenity. Prior to notification the tree was part of the existing environment and the present owner clearly has no desire to remove it (the owner of the tree has

submitted and further submitted in favour of the listing, see Planning Officer Comment 11) so whether it is protected or not the amenity value remains the same for the foreseeable future, except in the situation where the present owner sells and the new owner wants the tree removed.

One positive outcome of protection is that Council contractors will be engaged to maintain the tree within the permitted rules. This includes *crown cleaning* (removal of dead, dying, diseased, crowded, weakly attached, low-vigour branches and watersprouts from a tree crown) which could have the effect of improving amenity for the submitter.

It is also noted that this tree is in the Residential – Lower Density zone, for which NRMP objectives are generally supportive of larger trees (RE1.1.i and RE1.4.i).

Summing up: Submission 4, Statement 2 and Further Submission X1, Statement X1.2

Many of the reasons given in this submission for opposing the listing do not align well with the matters to be considered when assessing decisions requested. Part 2 of the RMA considers the protection of historic heritage from inappropriate use and development as a matter of national importance (s6(f)), and among the s7 *other matters* to be given particular regard are the maintenance and enhancement of amenity values, intrinsic values of ecosystems and the maintenance and enhancement of the quality of the environment (ss7(c), (d) and (f) respectively). Under the NRMP's district wide objective DO4.1.7.i) heritage trees are considered the "best and most significant in the district" and their protection is considered a "high priority".

While some issues do have merit (e.g. views, leaves on the ROW) they, in isolation, are not considered sufficient to remove this tree from the Plan Change.

Given that the tree was assessed as meriting heritage level protection, and upon considering the environmental effects discussed by both submitters it is my recommendation that this listing should proceed.

RECOMMENDATION #10

Submission 4, Statement 2: Reject

Further Submission X1, Statement X1.2: Accept

AMENDMENT TO PLAN

Nil.

Submitter 8: Alan and Helen Winwood

Statement 1

Support

Decision Sought: Retain Plan Change 22 to include the sweet gum at 19 Richmond Ave.

PLANNING OFFICER COMMENT #11 Topic 2.1.m): 19 Richmond Ave - Sweet Gum - Heritage

This is the original submission made by Further Submitter X1 discussed above in Planning Officer Comment #10. The submitter owns the property with the tree and is supportive of its protection for a number of reasons as listed below. Discussion regarding these reasons follows.

1. To protect this magnificent specimen for future generations to enjoy either as owners of the property, neighbours in the vicinity or passers-by.
2. To enable the tree to continue to enhance the listed heritage house on the property at 19 Richmond Avenue. The tree is close to the same age as the house (1865) and a distinctive feature of the property.
3. The tree has been a continuous source of delight to us since we purchased the property in January 1990 – the birdlife, the ever changing colours, the plentiful leaf mulch, the exercise in sweeping leaves on a weekly basis. It has been a source of firewood from arboreal work in the 1990's (Brad Cadwallader) and in 2010 (Nelmac).
4. To benefit from the annual inspections and maintenance provided to Heritage trees in Nelson. The first such maintenance was carried out in August 2010 by Nelmac at our cost (25% NCC subsidy).

5. The tree provides welcome afternoon shade to our property in the summer – it does not shade any other houses at any time of the day or year.
6. It is accepted that trees sequester carbon, reduce stormwater runoff, absorb pollutants and noise, and provide stability to soils in an area of known instability (Grampians area).
7. To enable the tree to continue to enhance the urban environment in the precinct between Collingwood St, through Melrose House and onto Fairfield Park, and backing onto the Grampians reserve - an area that has many magnificent trees.

It is clear that the tree provides great amenity value for the owners of the property and that the preservation of this value for future generations is a key motive behind the submission. It is noted that the maintenance and enhancement of amenity values is a Part 2 matter to be given particular regard to under s7(c) of the RMA.

The submitter also raises a number of other Part 2 matters in support of the listing including historic heritage significance (s6(f)), support for birdlife (s7(d)) and carbon sequestration (s7(j)). Several other positive environmental effects are also noted, namely stormwater runoff, slope stability and absorption of pollutants and noise. The submitter points out that the only shading the tree causes is over their property and that this shading is welcome.

While there are elements of objectivity to several of the points raised there are many valid resource management reasons provided for their support of the listing that align well with the functions of the Council under the RMA and the objectives of the NRMP.

The tree is opposed by Submitter 4 which is addressed in Planning Officer Comment #10. Upon considering the environmental effects discussed by both submitters, and given the fact that the tree was assessed as meriting heritage level protection, it is my recommendation that this listing should proceed.

RECOMMENDATION #11

Submission 8, Statement 1: Accept

AMENDMENT TO PLAN

Nil.

TOPIC 2.1.n): 16 Riverside – *Phoenix Canariensis* (Phoenix Palm)

Submitter 10: Gerald Malcolm and Alice Fong	Statement 1
--	--------------------

Support

Decision Sought: Retain the Plan Change to include the Phoenix palm at 16 Riverside.

PLANNING OFFICER COMMENT #12 Topic 2.1.n): 16 Riverside - Phoenix Palm - Heritage

The submitters support the listing of the tree noting it as distinctive, visible all the way along Halifax Street and a good sanctuary for birds due to its height.

On the basis that the tree has undergone a rigorous STEM assessment, the submitter owns the property with the tree, provides support for its protection and the only submission in opposition is one that broadly opposes the protection of exotics in general (which I have recommended be rejected - see Recommendation #2) I recommend that this submission be accepted.

RECOMMENDATION #12

Submission 10, Statement 1: Accept

AMENDMENT TO PLAN

Nil.

TOPIC 2.1.p): 247 Rutherford St – *Acer Negundo* (Box Elder)

Submitter 11: Robert Malcolm Fraser

Statement 1

Oppose

Decision Sought: Only list the tree for protection if work to create adequate light levels is initially carried out and maintained into the submitter's property (specifying that the tree must be initially heavily pruned and shaped).

PLANNING OFFICER COMMENT #13 Topic 2.1.p): 247 Rutherford St - Box Elder - Landscape

Submitter 11 lives in a property adjacent to 247 Rutherford St and the tree is situated in close proximity to their boundary. The submitter stated support for the tree being protected but only with the proviso that adequate light levels are initially allowed and maintained into his section, specifying that the tree must be initially heavily pruned and shaped (citing for example the removal of major branches of up to 350mm). If Council was unable to meet these requirements, then the submission is in opposition.

I have consulted Council's Horticultural Supervisor with regard to the specific requests made by the submitter. He has indicated that Council is not in a position to commit to the specified initial work or keep listed trees at a set size. He explained the budget for the management of trees is to ensure that they are inspected and pruned to ensure they do not have deadwood, broken branches or unsafe branch structures. For these reasons the submission in its original context is considered to be in opposition.

The submitter describes the tree as severely shading the west side of their residence and affecting activities below the tree (a vegetable garden) due to the density of the branches. He indicated that the owners of the tree have not maintained it sufficiently, having used tree surgeons to remove growth immediately above the boundary but leaving the higher branches, and therefore the shading effect, untouched.

In order to further clarify the stance of the submitter I visited their property on 13 June 2011. The submitter indicated that the wording of the original submission was not intended to impose such rigorous preconditions for their support and that they were indeed not opposed to having the tree listed, especially with the regular maintenance that a Landscape Tree receives from the Council. It was also noted that several other trees also cast a shadow onto the vegetable garden.

The tree appears to be causing some detriment to the amenity value of the neighbouring property in terms of shading effects. Amenity value is a Part 2 matter to be given particular regard to under s7(c) of the RMA. However on further discussion with the submitter their stance was clarified with the submission revised to being in support of the listing. It is also noted that this tree is in the Residential – Lower Density zone, for which NRMP objectives are generally supportive of larger trees (RE1.1.i and RE1.4.i).

RECOMMENDATION #13

Submission 11, Statement 1: Reject

AMENDMENT TO PLAN

Nil.

TOPIC 2.1.q): 18 Sowman St – *Magnolia Soulangeana* (Saucer Magnolia)

Submitter 5: Brad Cadwallader

Statement 2

Support in Part

Decision Sought: Amend listing to read "Magnolia x soulangeana - saucer magnolia".

PLANNING OFFICER COMMENT #14 Topic 2.1.q): 18 Sowman St - Saucer Magnolia - Landscape

The submitter seeks an amendment that relates to the nomenclature of the listing: that the saucer magnolia be amended to read “Magnolia x soulangeana”. He explains that the multiplication sign is placed between the genus and species name to show that the tree is a hybrid of two species. The correct spelling of the species name is soulangeana* as the person the hybrid was named after was Mr. Soulange.

Mr Cadwallader is a local Arboriculture Consultant and his expert input is appreciated. Upon consulting with Council’s Horticultural Supervisor it is recommended that this suggestion be accepted (subject to further modification to the Plan Change as recommended in relation to other submissions).

*Further correspondence with Mr Cadwallader clarified a typographical error in the original submission: “solangeana” should read “soulangeana”.

RECOMMENDATION #14

Submission 5, Statement 2: Accept

AMENDMENT TO PLAN

Amend the listing for the saucer magnolia as follows (subject to decision on Recommendation 15):

	Category	Street No.	Address	Location	Type	Tree Name (Latin)	Tree name (common)	No. of trees
q)	Landscape	18	Sowman St		S	Magnolia soulangiana x soulangeana	Saucer Magnolia	1

Submitter 6: Mitzi and Aidan Curran

Statement 1

Oppose

Decision Sought: Do not proceed with listing the magnolia tree at 18 Sowman St.

PLANNING OFFICER COMMENT #15 Topic 2.1.q): 18 Sowman St - Saucer Magnolia - Landscape

The submitters own the property at 18 Sowman St and oppose having the tree protected. They seek to retain the ability of making changes to their property as they see fit. The submitters have no intention of removing the tree but want to retain responsibility over it privately.

They note that the tree is not visible from the road and is in their private garden at the back of the house. The tree was evaluated by Council’s Horticultural Supervisor Peter Grundy against the STEM evaluation system, awarding a score of 114 (see Addendum II). Mr Grundy notes that the tree has limited visibility from the neighbouring road and as such received a lower score under the ‘visibility’ measure (3 out of a potential 27). The 114 *Landscape* score was reached when other factors such as age and spread were taken into account (Landscape trees are those that achieve a score between 100 and 128).

The tree was nominated for protection by the previous owner of the property. While it was awarded a score meriting landscape status, the current owner of the property is uncomfortable with such protection as it could impact on future (undefined) activities on the site. The submitters initially sought to present their submission at the hearing but are unavailable.

Provision AP2.1.2.ii of Appendix 2 NRMP describes the protection of landscape trees as “important to the District in terms of their contribution to the landscape. Their retention is important, but not considered essential”. Also noteworthy is anticipated environmental result NA1.7.2 in the NRPS which foresees *the protection and enhancement of significant ... trees ... while minimising conflict with private land ownership rights.*

For a number of reasons, as outlined below, I recommend this submission be accepted and the

tree removed from the Plan Change.

The tree was assessed as meriting Landscape level protection (rather than Heritage level) for which retention is considered *important* but not *essential*. The zoning of the property is *Residential* rather than *Residential – Lower Density* which has a higher density requirement and is less explicit in its objectives in providing for large trees. In addition the owner of the property is opposed to the protection of this tree and, with no submissions in direct support, it is difficult to justify generating the conflict with private ownership discussed in NRPS provision NA1.7.2, particularly when there is limited visibility of the tree for the public.

RECOMMENDATION #15

Submission 6, Statement 1: Accept

AMENDMENT TO PLAN

Remove proposed change 2.1.q) (18 Sowman St – Saucer Magnolia) from Plan Change 22 as follows:

	Category	Street No.	Address	Location	Type	Tree Name (Latin)	Tree name (common)	No. of trees
q)	Landscape	18	Sowman St		S	Magnolia soulangiana	Saucer Magnolia	±

TOPIC 2.1.r): 166 St Vincent St - *quercus robur* (English Oak)

Submitter 3: Wendy Logan

Statement 1

Support

Decision Sought: Retain the Plan Change to protect the oak tree at 166 St Vincent St.

PLANNING OFFICER COMMENT #16 Topic 2.1.r): 166 St Vincent St - English Oak - Landscape

The property at 166 St Vincent St is owned by the Education Ministry and is occupied by Victory Square Kindergarten. Wendy Logan is submitting on behalf of the Kindergarten in support of the oak tree's protection.

The submitter sees the tree as an enormous asset to the kindergarten providing shade in summer, branches to attach swings and ropes to, autumn leaves and visual appeal. Provision of shading for the playground is important as vandalism is an issue that precludes the use of shade sails.

The submitter notes the tree is in good form, has been well maintained and provides a natural feel to the playground. The children are involved in playing in and collecting the leaves and acorns in Autumn (with some acorns going to Fish and Game or the SPCA).

It is clear that the tree provides significant amenity value for the kindergarten, in terms of visual appeal, shading and also activities for the children. The maintenance and enhancement of amenity values is a Part 2 matter to be given particular regard to under s7(c).

There was one submission in opposition to this listing, although the exact nature of the decision sought by this submitter was not particularly straight forward. This is discussed further in Planning Officer Comment 17.

Given that the occupiers of the property are in support of this listing, the tree has undergone a rigorous STEM assessment, the use of the property as a kindergarten means the positive amenity values the tree provides affect a great number of people (i.e. pupils) and upon consideration of the reasoning provided below in Planning Officer Comment #17, it is my recommendation that this submission is accepted.

RECOMMENDATION #16

Submission 3, Statement 1: Accept.

AMENDMENT TO PLAN

Nil.

Submitter 9: June Flemming

Statement 1

Oppose

Decision Sought: Amend Plan Change 22 to ensure that the tree is regularly thinned and looked after. The listing is not supported if no maintenance is provided (confirmed with submitter verbally).

PLANNING OFFICER COMMENT #17 Topic 2.1.r): 166 St Vincent St - English Oak - Landscape

The submitter lives in the house next door to the kindergarten. The original submission appeared to be seeking assistance in getting the tree properly maintained, and there was no indication as to whether the listing was supported or opposed.

The submission states "Someone needs to take care and control of this tree. It's just getting so big". In the *reasons* section the submitter indicates that the tree needs thinning out and pruning annually, and "not be allowed to get too big for a housing area". There is a request that the sun is allowed through and over the tree and that it "shouldn't be allowed to make our lives and health hard to live with".

A letter is attached to the submission which includes the following points:

- The tree is far too big in a housing area.
- It blocks out all my morning sun as the light can't get through the tree. I live in the shadow all morning with no sun or light.
- I've tried to grow a vege garden but everything goes straight up trying to get light, and it's a waste of time. It makes my house quite cold without morning sun and light. It is not nice seeing everyone else within sun and it's quite dark at my house all because of the tree that's far too big and thick.
- The last two years in Autumn when the leaves are falling and it rains I've been flooded out with water pouring inside. I've had to get the fire service up to help clean the water from inside the house. I kept my gutters clean but every time it rains heavy and the leaves are falling with the wind I end up with water pouring inside my lounge and bedroom. I have spent a lot of money trying to stop the problem but I cant stop the leaves blocking the gutters. This year its cost me nearly \$4,000 to get thing fixed up. I love my house in Victory Square but that tree is just far too big and thick. It's a real problem for me.

There was no specific indication in the "*decision I seek from Council*" section to confirm the submitter's stance although it is clear that the tree is causing significant issues to the submitter from the shading and leaves. The submitter also requests work is carried out on the tree. I considered it implicit that the submission was in opposition to the tree's protection however made contact on 7 December 2010 to confirm this position. Ms Flemming confirmed that she is happy for the listing to proceed but only if it is properly maintained as outlined in the submission.

I have consulted Council's Horticultural Supervisor with regard to the specific requests made by the submitter. He indicated that Council is not in a position to keep listed trees at a set size, nor commit Council to an annual thin or top prune. He explained the budget for the management of trees is to ensure that they are inspected and pruned to ensure that they do not have deadwood, broken branches or unsafe branch structures. He noted that on rare occasions assistance with gutter guards may be considered if the resident is unable to fund these or collection of leaves if they cannot be composted on site or the resident has difficulty in disposing of the leaves.

The submission raises amenity value issues posed by the tree and these values are a Part 2 matter to be given particular regard to under s7(c). It is noted however that the tree also provides positive amenity to the users of the kindergarten, where it stands.

In assessing the protection of this tree there are a number of factors that need consideration including the amenity value for both parties (as anticipated by Suburban Commercial zone objective SC2: *Suburban Commercial centres which have a high level of on site amenity, and which do not have significant adverse effects on neighbouring areas.*), proposed listing status (landscape), actual impacts of listing given the existing support for the tree by the occupier and Council assistance once listed (e.g. maintenance and potential provision of gutter guards).

As a landscape tree “crown thinning” is allowed as a permitted activity (as described in section 4.33 of this report) and would be carried out on a regular basis by the Council. In addition, this may potentially be an opportunity where Council could further assist with the provision of gutter guards which would remedy many of the issues caused by leaves (note that this would be at the discretion of the Parks and Facilities department of Council).

In a situation where one party is experiencing negative amenity and the other party positive amenity from the same proposed listing, an element of judgement is required. In this case the submitter in support of the listing is the occupier of the property and represents the views of a significant number of people positively affected by the tree. The tree has a negative impact on the amenity value of the submitter in opposition, but some of these effects may be mitigated or even remedied by the listing by way of existing Council maintenance policies. Furthermore, the submitter’s verbal confirmation that she was happy for the listing to proceed provided the tree was maintained properly (as outlined in the submission) indicates something of a ‘softening’ in stance.

Upon considering the STEM assessment, the positive and negative environmental effects raised by the submitters and the potential for mitigation of these effects it is my recommendation that, on balance, this listing should proceed.

RECOMMENDATION #17

Submission 9, Statement 1: Reject

AMENDMENT TO PLAN

Nil.

PART C

8. RECOMMENDED AMENDMENTS TO NOTIFIED PLAN CHANGE

Format of the proposed Plan Change provisions

'Underline' text applies to new proposed text not originally included through Plan Change 22.

'~~Strikethrough~~' text applies to provisions originally proposed to be included through Plan Change 22 but now recommended to be removed from the Plan Change.

Recommendation 3

Correct capitalisation of all listings to give effect to the following request: "Lower case common names are used unless proper nouns, i.e. English oak, coral tree, rata, totara, black beech, Phoenix palm, pohutukawa, box elder, pin oak, titoki" (under Clause 20A of the First Schedule).

Recommendation 15

Remove proposed change 2.1.q) (18 Sowman St – Saucer Magnolia) from Plan Change 22 as follows:

	Category	Street No.	Address	Location	Type	Tree Name (Latin)	Tree name (common)	No. of trees
q)	Landscape	18	Sowman St	15	S	Magnolia soulangiana	Saucer Magnolia	1

Recommendation 14 (annulled by Recommendation 15)

Amend the listing for the saucer magnolia as follows (subject to decision on Recommendation 15):

	Category	Street No.	Address	Location	Type	Tree Name (Latin)	Tree name (common)	No. of trees
q)	<u>Landscape</u>	<u>18</u>	<u>Sowman St</u>		<u>S</u>	<u>Magnolia soulangiana</u> x <u>soulangeana</u>	<u>Saucer</u> M <u>magnolia</u>	<u>1</u>

Addendum I

Full copy of submissions and further submissions

NELSON CITY COUNCIL

Nelson Resource Management Plan

Proposed Plan Change 22

Heritage Trees

Full Copy of Submissions and Further Submissions

Submissions: 25 September 2010 – 3 December 2010

Further Submissions: 22 January 2011 – 4 February 2011



Plan Change 22 (Heritage Trees) Full copy of Submissions Received

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30 SEP 2010



Nelson City Council
te kaunihera o whakatū

NELSON CITY COUNCIL
Customer Service

Submission Form Cover Sheet

Submission

Office use:
Sub# _____
RAD# _____

on Plan Change 22 Heritage Trees
(Number) (Name)

to the Nelson Resource Management Plan
(Insert name of Plan e.g. 'Resource Management' or 'Air Quality')

1.0 Submitter Details

Full Name	<u>Robert Bruce Mutton</u>		
Organisation			
Contact Person			
Postal address	<u>18 Campbell St.</u>	Business Phone	
	<u>NELSON</u>	Home Phone	
		Mobile Phone	<u>027 673 9000</u>
Email		Fax	
Address for service (if different from above)		<u>[Signature]</u>	X Sign & date here
		Signature (of submitter or person authorised to sign on behalf of submitter. Not required if submission made by electronic means). Date <u>28 Sept 10</u>	
		Number of extra pages attached to this form	

2.0 Council Hearing

Do you wish to be heard in support of your submission?

Yes No (If 'No', go to section 3.0)

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission?

Yes No

3.0 Council address for service

Please return your submission by 5pm on the closing date (see Plan Change document) to:

Plan Change submissions
Nelson City Council
P.O. Box 645
Nelson 7040

(Hand Delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010. Email to: enquiry@ncc.govt.nz
(Place "Plan Change [No.] submission" in the subject line). Fax to: 03 546 0239.

SEE PLAN CHANGE DOCUMENT FOR SUBMISSIONS CLOSING DATE

IMPORTANT: READ BEFORE FILLING IN THIS SUBMISSION FORM

4.0 What can be submitted on

The Plan Change uses the following different types of text to indicate to the reader what is included in the plan change and what is proposed to be changed. 'Normal text' in the Plan Change applies to current operative provisions that remain unchanged. To aid understanding, the full text of provisions to be changed has often been included in the Plan Change. **The reader should however be aware that the Plan Change relates only to the underlined and strikethrough text, and that operative text is unable to be submitted upon.**

- 'Underline' applies to proposed new provisions.
- '~~Strikethrough~~' **applies** to operative provisions proposed to be deleted or amended as described.
- '*Italics*' **applies** to instructions for amendments.
- 05/01, 07/01 or PC13 (if present) applies to text amended through other Plan Changes.

5.0 How to make a submission on the proposed Plan Change

Please use the submission form provided (or a similar format if typing or writing one). This form is available on Council's website www.nelsoncitycouncil.co.nz. Additional forms are also available from the Customer Services Centre (Nelson City Council, Civic House, 110 Trafalgar St, Nelson) or from Nelson's public libraries.

Filling in the Submission Form

Each submission must have **one** Cover Sheet but may have **several** Content Sheets. The heading on every sheet shows whether it is a **Cover Sheet** or **Content sheet**.

USE A NEW CONTENT SHEET FOR EACH NEW PART OF YOUR SUBMISSION

It would help the Council to understand your submission if you use a new Content Sheet for each new part of your submission. This will ensure each of your submission points are uniquely identified by the corresponding reference number in the Plan Change, and the submission, reasons and decision sought for each of those points are described together.

This is an example of how to correctly reference each submission point, in Council's submission form:

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
14.4	15	DO10.1.ii	Land Transport System Objective Reasons

Each referenced submission point will then have its own Content Sheet stating:

- the Submission;
- the Reasons; and
- the Decision being sought.

A submission is simply your written views on the proposed Plan Change. Anyone can make a submission, you do not have to be an expert, nor do you need to be a ratepayer or resident of Nelson City to make a submission; you just need to have a relevant point of view.

If you are unsure about any aspect of making a submission please phone the Council on (03) 546 0200 and ask to speak to a Policy Planner.



Submission Form Content Sheet

1) My submission relates to

Plan Change 22 Heritage Trees
(Number) (Name)

Please enter the specific provision that your submission relates to in the boxes below (see Part 5.0 of the Cover Sheet for examples)

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
Vol 3	Appendix 2	Table 2.1	Protected Trees

2) I support the above Plan Change section OR I support in part the above Plan Change section OR I oppose the above Plan Change section

3) My submission is

State in summary the nature of your submission

I support the addition of the protected trees, in particular, the Oak at 18 Campbell Street (our tree).

4) Reasons

Describe the reasons for your views

as above

Submission Form Cover Sheet

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19 OCT 2010



NELSON CITY COUNCIL
Customer Service

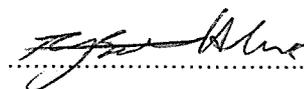
Submission

on Plan Change 22 HERITAGE TREES
(Number) (Name)

Office use:
Sub# _____
RAD# _____

to the Nelson RESOURCE MANAGEMENT Plan
(Insert name of Plan e.g. 'Resource Management' or 'Air Quality')

1.0 Submitter Details

Full Name	BEN & RACHAEL HOLMES		
Organisation	HOME OWNERS		
Contact Person	BEN OR RACHAEL HOLMES		
Postal address	31 CLEVELAND TCE	Business Phone	
	NELSON	Home Phone	03/5487019
		Mobile Phone	021799698
Email	ben.holmes@xtra.co.nz	Fax	
Address for service (if different from above)		 Signature (of submitter or person authorised to sign on behalf of submitter. Not required if submission made by electronic means).	Date 28/9/10
/			
			X Sign & date here
		Number of extra pages attached to this form	

Resource Management Act 1991 Submission Form

2.0 Council Hearing

Do you wish to be heard in support of your submission?

Yes No (If 'No', go to section 3.0)

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission?

Yes No

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- the Decision being sought.

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Submission Form Content Sheet

1) My submission relates to

Plan Change 22 HERITAGE TREES
(Number) (Name)

Please enter the specific provision that your submission relates to in the boxes below (see Part 5.0 of the Cover Sheet for examples)

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
22	?	?	APPENDIX 2 - HERITAGE TREES - RE 31 CLEGG AND TCE -

2) I support the above Plan Change section OR I support in part the above Plan Change section OR I oppose the above Plan Change section

3) My submission is

State in summary the nature of your submission

BEN & I BOTH SUPPORT THE PLAN CHANGE TO HAVE THE TWO TREES ON OUR PROPERTY GIVEN A HERITAGE LISTING.

4) Reasons

Describe the reasons for your views

AS THE PROPERTY OWNERS WE VALUE THOSE TREES GREATLY - THEY SIT ON OUR SIDE OF THE BOUNDARY LINE WITH NEIGHBOURING PROPERTIES AND WOULD LIKE THEM TO HAVE A HERITAGE LISTING TO PROTECT THEM IN THE FUTURE AS THEY ARE BEAUTIFUL NATIVE TREES OF SOME AGE.

WE BELIEVE SUCH TREES AROUND NELSON SHOULD BE PROTECTED AND INCLUDED AS THEY ADD TO THE BEAUTY IN THE NELSON CITY AREA.

TREES OF THIS TYPE ~~AND~~ AND SIZE ARE BECOMING RARE AND FAR BETWEEN IN THE NELSON CITY.

Resource Management Act 1991 Submission Form

RECEIVED

24 NOV 2010

3

Submission Form Cover Sheet

NELSON CITY COUNCIL
Customer Service

Nelson City Council
te kaunihera o whakatū

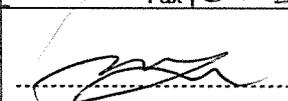
Submission

Office use:
Sub# _____
RAD# _____

on Plan Change 22 Heritage Trees
(Number) (Name)

to the Nelson Resource Management Plan
(Insert name of Plan e.g. 'Resource Management' or 'Air Quality')

1.0 Submitter Details

Full Name	Wendy Logan		
Organisation	Nelson District Kindergarten Assn		
Contact Person	Wendy Logan		
Postal address	P O Box 360	Business Phone	03 546 7683
	Nelson	Home Phone	
		Mobile Phone	C
Email	wendy.logan@nkdindy.org.nz	Fax	03 548 4720
Address for service (if different from above)			X Sign & date here
	Date 29/11/29		
	Signature (of submitter or person authorised to sign on behalf of submitter. Not required if submission made by electronic means).		
	Number of extra pages attached to this form		4

2.0 Council Hearing

Do you wish to be heard in support of your submission?

Yes No  (If 'No', go to section 3.0)

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission?

Yes No

3.0 Council address for service

Please return your submission by 5pm on the closing date (see Plan Change document) to:

Plan Change submissions
Nelson City Council
P.O. Box 645
Nelson 7040

(Hand Delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010. Email to: enquiry@ncc.govt.nz (Place "Plan Change [No.] submission" in the subject line). Fax to: 03 546 0239.

SEE PLAN CHANGE DOCUMENT FOR SUBMISSIONS CLOSING DATE



Submission Form Content Sheet

1) My submission relates to

Plan Change 22 Heritage Trees
(Number) (Name)

Please enter the specific provision that your submission relates to in the boxes below (see Part 5.0 of the Cover Sheet for examples)

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name

2) I support the above Plan Change section OR I support in part the above Plan Change section OR I oppose the above Plan Change section

3) My submission is

State in summary the nature of your submission

In support of the addition to the NRMP of the English Oak Tree at 166 St Vincent Street, Nelson.

4) Reasons

Describe the reasons for your views

The oak tree is situated at Victory Square Kindergarten. The tree is an enormous asset to the kindergarten. It provides shade in summer, branches to attach swings and ropes, autumn leaves and visual appeal. Victory Kindergarten has had problems with vandalism which makes the use of shade sails not possible. The oak tree is the only significant shade in the playground. This tree has a good form. It has only been pruned by trained arborists from NELMAC. The Kindergarten Association appreciates that NCC has organised and paid for the maintenance of this tree for a number of years and hopes that

Resource Management Act 1991 Submission Form

5) The decision I seek from the Council is that this part of the proposed Plan Change be

Retained OR Deleted entirely OR Deleted and replaced as follows OR Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

Reasons continued

this can continue

The tree gives a natural feel to the playground. The children are involved in collecting and playing in the leaves in Autumn and in picking up acorns. Some acorns have gone to the SPCA and to Fish and Game.

The Nelson District Kindergarten Assn. supports the addition of the oak tree at 166 St. Vincent Street to Appendix 2 - Heritage Trees, of the NRMP.

Submitter name Wendy Logan, CEO, Nelson District Kindergarten Association

Signature  Date 24/11/2011

Please use additional content sheets if you have submissions to make on other aspects of the Plan Change, and attach these to the cover sheet.

If you are submitting on more than one Plan Change, please ensure you use a separate Cover Sheet for the submissions on each Plan Change, with the Plan Change number and name clearly identified.

SEE PLAN CHANGE DOCUMENT FOR SUBMISSIONS CLOSING DATE

Resource Management Act 1991 Submission Form





Chris Condon

From: Sheryl Skinner on behalf of Council Enquiries (Inquiry)
Sent: Friday, 26 November 2010 11:08 a.m.
To: Records
Subject: FW: NRMP Proposed Plan Change 22

Forwarded to you to Tardis etc.

Sheryl Skinner

Customer Service Officer
 Nelson City Council
te kaunihera ô whakatû
 PO Box 645 Nelson 7040 New Zealand
 03 546 0200
www.nelsoncitycouncil.co.nz
Please consider the environment before printing this email

From: Ryder [mailto:ryder@ryder.gen.nz]
Sent: Friday, 26 November 2010 9:10 a.m.
To: Council Enquiries (Enquiry)
Subject: NRMP Proposed Plan Change 22

Nelson City Council Submission Form Cover Sheet

Submission

on Plan Change 22 Heritage Trees

to the Nelson Resource Management Plan

(Insert name of Plan e.g. 'Resource Management' or 'Air Quality')

<i>Office use:</i>	
Sub#
RAD#

1.0 Submitter Details

Full Name	John Alexander RYDER & Daphne Helene RYDER		
Organisation	Nelson City Ratepayers		
Contact Person	Dr John RYDER		
Postal address	23 Richmond Avenue	Business Phone	
	Nelson South	Home Phone	548 9173
	NELSON 7010	Mobile Phone	
Email	ryder@ryder.gen.nz	Fax	
Address for service (if different from above)		 Sign & date here
	Signature (of submitter or person authorised to sign on behalf of submitter. Not required if submission made by electronic means).		
	Date 26 November 2010		
Number of extra pages attached to this form			nil

2.0 Council Hearing

Do you wish to be heard in support of your submission?
--

Yes *q* No *X* (If 'No', go to section 3.0)

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission?

Yes *q* No *q*

3.0 Council address for service 23 Richmond Avenue, NELSON 7010

Please return your submission by 5pm on the closing date (see Plan Change document) to:

Plan Change submissions
Nelson City Council
P.O. Box 645
Nelson 7040

*(Hand Delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010. Email to: enquiry@ncc.govt.nz
(Place "Plan Change [No.] submission" in the subject line). Fax to: 03 546 0239.*

SEE PLAN CHANGE DOCUMENT FOR SUBMISSIONS CLOSING DATE

IMPORTANT: READ BEFORE FILLING IN THIS SUBMISSION FORM

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5.0 How to make a submission on the proposed Plan Change

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Filling in the Submission Form

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This is an example of how to correctly reference each submission point, in Council's submission form:

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
14.4	15	DO10.1.ii	Land Transport System Objective Reasons

Each referenced submission point will then have its own Content Sheet stating:

- **the Submission;**
- **the Reasons; and**
- **the Decision being sought.**

A submission is simply your written views on the proposed Plan Change. Anyone can make a submission, you do not have to be an expert, nor do you need to be a ratepayer or resident of Nelson City to make a submission; you just need to have a relevant point of view.

If you are unsure about any aspect of making a submission please phone the Council on (03) 546 0200 and ask to speak to a Policy Planner.

Submission Form Content Sheet

My submission relates to

Plan Change 22 Nelson Resource Management Plan

Please enter the specific provision that your submission relates to in the boxes below (see Part 5.0 of the Cover Sheet for examples)

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
22			Heritage Trees

<input type="checkbox"/> q	I support the above Plan Change section	OR	<input type="checkbox"/> q	I support in part the above Plan Change section	OR	<input checked="" type="checkbox"/> X	I oppose the above Plan Change section
----------------------------	---	-----------	----------------------------	---	-----------	---------------------------------------	--

My submission is

State in summary the nature of your submission

I do not support the proposal that the <i>Liquidamber styraciflua</i> at 19 Richmond Avenue, Nelson becoming designated as a Heritage Tree under the Nelson Resource Management Plan
I do not support any exotic tree being designated as being a Heritage tree in Nelson City.

Reasons

Describe the reasons for your views

<ul style="list-style-type: none"> • • The in question tree is exotic and not part of the original landscape. No exotic trees should be granted Heritage Tree status unless they contribute to the landscape and grow on public land • • This tree is not very old - it is not the oldest tree in the neighbourhood. When we bought our property in 1973 it was much smaller. The previous owner had it pruned about 20 years ago to keep it at an appropriate size. The present owner has refused any trimming of the tree. Since notification he has sent neighbours an email indicating that some pruning can be done and hopes this will allay any objections. I do not think this will affect the future especially as there are restrictions on what can be done to Heritage trees. • • Large growing trees on small domestic residential sections should be discouraged (or forbidden) rather than being given special status. • • This tree, should it fall, would cause extensive damage to properties situated at 19 Richmond Avenue and 34 Brougham Street. • • The upper Richmond Avenue area is notorious for the emergence of springs of water. This event could destabilise the tree and cause it to fall. There has already been extensive work done to stabilise the house on the property. • • • Leaves falling off the tree fill the gutters of the Brougham Street property and cause the Richmond Avenue extension roadway to become slippery after rains • • • The trees roots are probably causing damage to sewage and stormwater drains in the area as well as damaging the surface of the road. • • Branches of the tree overhang the houses at 19 Richmond Avenue and 34 Brougham Street • • The tree, being close to the roadway, has branches that pass right over the roadway and then over the property on the other side of the roadway (28 Brougham Street / 22 Richmond Avenue) • • The tree is unsightly and has not had significant pruning for about twenty years, when it was considerably younger and smaller. • • The view to the North from our property has been gradually eroded by the increasing size of the tree and this will continue to do so with the future growth of the tree. • Exotic trees are not a part of the original landscape and should not be afforded protection under

the district scheme. Exceptions could include large trees in parks and reserves, and certainly not large trees on domestic properties. Another exception could be offered to Pohutakawa and Kauri trees which, although not endemic to the area, are native to New Zealand/Aotearoa.

The decision I seek from the Council is that this part of the proposed Plan Change be

Retained **OR** Deleted entirely **OR** Deleted and replaced as follows **OR** Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

The tree in question is unsightly and a danger to property, and so should be removed rather than being given Heritage Tree status

& Daphne RYDER

Signature

JA Ryder

Date 26 November 2010

Please use additional content sheets if you have submissions to make on other aspects of the Plan Change, and attach these to the cover sheet.

If you are submitting on more than one Plan Change, please ensure you use a separate Cover Sheet for the submissions on each Plan Change, with the Plan Change number and name clearly identified.

SEE PLAN CHANGE DOCUMENT FOR SUBMISSIONS CLOSING DATE

**Nelson Resource Management Plan
Submission on Plan Change 22 (Heritage Trees)
Brad Cadwallader**

Date

30 Oct 2010

Your name

Brad Cadwallader

Your email address

brad.cadwallader@paradise.net.nz

Phone number

544 0346

Postal address

**33 Cropp Place
Richmond
Nelson**

Post Code

7020

Second phone number

027 2261 666

Wish to be heard?

No

My submission relates to:

(Plan Change Section Number)

22

(Topic Name)

Heritage Trees

Do you support the above Plan Change section?

I SUPPORT the above Plan Change section

My submission is

There are a number of spelling and format errors of plant names.

Reasons

**It is important that trees are correctly identified and named in appendix 2.
Standard nomenclature should used where possible.**

The decision I seek from the Council is that this part of the proposed Plan Change be

Amended as follows

**Currently proposed. 18 Sowman St Magnolia soulangiana Saucer Magnolia
Landscape Suggested amendment. Magnolia x soulangeana saucer magnolia
The multiplication sign is placed between the genus and species name to show
that the tree is a hybrid of two species. The correct spelling of the species name is
solangeana as the person the hybrid was named after was Mr. Soulange. Lower
case common names should always used unless proper nouns.**

Currently proposed. All common names of trees included in the proposed change have been capitalised. Suggested amendment. Correct format be applied. Lower case common names are used unless proper nouns, i.e. English oak, coral tree, rata, totara, black beech, Phoenix palm, pohutukawa, box elder, pin oak, titoki.



Nelson City Council
te kaunihera o whakatū

Submission Form Cover Sheet

Submission

Office use:
Sub# _____
RAD# _____

on Plan Change 22 Heritage Trees
(Number) (Name) (Tree at 18 Sowman St.)

to the Nelson Resource Management Plan
(Insert name of Plan e.g. 'Resource Management' or 'Air Quality')

1.0 Submitter Details

Full Name	<u>Mitzi + Aidan Curran</u>		
Organisation			
Contact Person	<u>Mitzi or Aidan Curran</u>		
Postal address	<u>18 Sowman St.</u>	Business Phone	<u>(03) 546 9933</u>
	<u>The Brook</u>	Home Phone	<u>(03) 546 9933</u>
	<u>Nelson</u>	Mobile Phone	
Email	<u>mitzih@yahoo.com</u>	Fax	
Address for service (if different from above)		<u>[Signature]</u>	X Sign & date here
		Date <u>30/11/10</u> Signature (of submitter or person authorised to sign on behalf of submitter. Not required if submission made by electronic means).	
Number of extra pages attached to this form			<u>1</u>

2.0 Council Hearing

Do you wish to be heard in support of your submission?

Yes if needed No (If 'No', go to section 3.0)

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission?

Yes No

3.0 Council address for service

Please return your submission by 5pm on the closing date (see Plan Change document) to:

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Nelson City Council
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Nelson 7040

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(Place "Plan Change [No.] submission" in the subject line). Fax to: 03 546 0239.

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This is an example of how to correctly reference each submission point, in Council's submission form:

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
14.4	15	DO10.1.ii	Land Transport System Objective Reasons

Each referenced submission point will then have its own Content Sheet stating:

- the Submission;
- the Reasons; and
- the Decision being sought.

A submission is simply your written views on the proposed Plan Change. Anyone can make a submission, you do not have to be an expert, nor do you need to be a ratepayer or resident of Nelson City to make a submission; you just need to have a relevant point of view.

If you are unsure about any aspect of making a submission please phone the Council on (03) 546 0200 and ask to speak to a Policy Planner.



Submission Form Content Sheet

1) My submission relates to

Plan Change 22 Heritage Trees (the tree at 18 Sowman St.)
(Number) (Name) The Brook

Please enter the specific provision that your submission relates to in the boxes below (see Part 5.0 of the Cover Sheet for examples)

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
2.1 2.1	3		18 Sowman St., Saucer Magnolia

2) I support the above Plan Change section OR I support in part the above Plan Change section OR I oppose the above Plan Change section

3) My submission is

State in summary the nature of your submission

We are the owners of the property at 18 Sowman Street. We oppose having the Saucer Magnolia tree at our property listed as a Landscape Tree.

4) Reasons

Describe the reasons for your views

We want to retain the option of making changes to our property if we see fit. This tree is not visible from the road and is in our private garden. We have no intention of removing the tree but we ~~want~~ want to retain responsibility over the tree privately.
(Please note - this tree is located at the back of our house and is not visible from the street.)
Thank you,

Mitzi + Aidan Curran
(03) 546-9933

Resource Management Act 1991 Submission Form

5) The decision I seek from the Council is that this part of the proposed Plan Change be

Retained OR Deleted entirely OR Deleted and replaced as follows OR Amended as follows

Where amendments are sought, provide details below of what changes you would like to see

We would like the Council to delete the tree at 18 Sowman St. (Saucer Magnolia) from plan change 22.

Submitter name *Mitzi + Aidan Curran*

Signature *[Signature]* Date *29/11/10*
Aidan Curran *29/11/10*

Please use additional content sheets if you have submissions to make on other aspects of the Plan Change, and attach these to the cover sheet.
If you are submitting on more than one Plan Change, please ensure you use a separate Cover Sheet for the submissions on each Plan Change, with the Plan Change number and name clearly identified.
SEE PLAN CHANGE DOCUMENT FOR SUBMISSIONS CLOSING DATE



File No: SAR-04-61-11
DOCDM-663230

RECEIVED
- 1 DEC 2010
NELSON CITY COUNCIL
Records

30 November 2010

Policy Planner
Nelson City Council
Freepost 76919,
POB 645, Nelson

Dear Sir/ Madam

**PROPOSED PLAN CHANGES 14, RESIDENTIAL SUBDIVISION, LAND
DEVELOPMENT MANUAL AND COMPREHENSIVE HOUSING 19
BLACKWOOD STREET RESERVE (WEST) 22 HERITAGE TREES**

Please find below a submission, on behalf of the Director-General of Conservation, on Proposed Plan Changes 14, 19 and 22. A copy of the Instrument of Delegation may be inspected at the office of the Director-General of Conservation, Wellington.

The Department of Conservation wishes to be heard on these submissions.

Yours sincerely

Stephen Wynne-Jones
Community Relations Officer (Resource Management Planner)
For Conservator

cc. Martin Rodd, Motueka Area Manager

Nelson/Marlborough Conservancy
Private Bag 5, Nelson 7042, New Zealand
Telephone 03-5469335, Fax 03-548 2805

**SUBMISSION ON PUBLICLY NOTIFIED PLAN CHANGE 22 TO THE
NELSON CITY RESOURCE MANAGEMENT PLAN HERITAGE TREES
UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE
MANAGEMENT ACT 1991**

To: Nelson City Council
Submission on: Proposed Plan Change 22 Heritage Trees.
Name: Alastair Morrison, Director-General of Conservation
Address: Department of Conservation, Private Bag 5, Nelson

**STATEMENT OF SUBMISSION BY THE DIRECTOR-GENERAL OF
CONSERVATION**

Pursuant to Clause 6 of the First Schedule of the Resource Management Act 1991, I, Jo Gould Community Relations Manager, acting pursuant to a delegated authority from the Director-General of Conservation, makes the following submission on Proposed Plan Change 22 Heritage Trees.

The Director-General supports the addition to the list of protected trees in the Nelson City Resource Management Plan of trees that are indigenous species that naturally occur in the City. The inclusion of these trees in the list, in particular of species which are now locally rare or threatened and which are known to be long-standing and native to Nelson would help support the key goals of the Nelson Biodiversity Strategy. These trees have historic and amenity value, as well as being a potential seed source for future replanting projects.

Decision Sought

Retain those trees proposed to be added to Table 2.1 of Appendix 2 (Volume 3) that are of indigenous species that naturally occur within Nelson City. These species are: *Podocarpus totara*, *Metrosideros robusta*, *Alectryon excelsus*, *Dacrycarpus dacrydiodes*, and *Nothofagus solandri*.

I wish to be heard in support of this submission.

Dated at Nelson this 24th day of November 2010



Jo Gould
Community Relations Manager
Acting pursuant to delegated authority
Address for service: Nelson/Marlborough Conservancy
Private Bag 5
Nelson 7040

Nelson City Council Submission Form Cover Sheet

Submission

Office use:	
Sub#
RAD#

on Plan Change 22 Heritage trees
 (Number) (Name)

to the Nelson Resource Management Plan
 (Insert name of Plan e.g. 'Resource Management' or 'Air Quality')

1.0 Submitter Details

Full Name	Alan and Helen Winwood		
Organisation	N/A		
Contact Person	Alan Winwood		
Postal address	19 Richmond Ave, Nelson	Business Phone	5479619
		Home Phone	5466227
		Mobile Phone	0274 387 552
Email	awinwood@xtra.co.nz	Fax	5479616
Address for service	19 Richmond Ave, Nelson	Alan Winwood	2 December, 2010
		Signature (of submitter or person authorised to sign on behalf of submitter. Not required if submission made by electronic means).	Date
		X Sign & date here	
		Number of extra pages attached to this form	

Resource Management Act 1991 Submission Form

2.0 Council Hearing

Do you wish to be heard in support of your submission?

Yes ➔

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission?

Yes

3.0 Council address for service

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 Nelson City Council
 P.O. Box 645
 Nelson 7040

(Hand Delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010. Email to: enquiry@ncc.govt.nz)

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- **the Submission;**
- **the Reasons; and**
- **the Decision being sought.**

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If you are unsure about any aspect of making a submission please phone the Council on (03) 546 0200 and ask to speak to a Policy Planner.

Submission Form Content Sheet

1) My submission relates to

Plan Change 22 **Heritage Trees**
 (Number) (Name)

Please enter the specific provision that your submission relates to in the boxes below (see Part 5.0 of the Cover Sheet for examples)

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
2.1		2.1M	Liquid Amber tree at 19 Richmond Ave, Nelson

2) I **support** the above Plan Change section

3) My submission is

State in summary the nature of your submission

That the NCC should adopt option 3 as set out in the Section 32 report and proceed with the plan change and include the Liquid Amber tree
at 19 Richmond Avenue in the list of additional trees in the Appendix 2, Heritage Trees of the Nelson Resource Management Plan.

4) Reasons

Describe the reasons for your views

1. To protect this magnificent specimen tree for future generations to enjoy either as owners of the property, neighbours in the vicinity or passersby.
2. To enable the tree to continue to enhance the listed heritage house on the property at 19 Richmond Avenue. The tree is close to the same age as the house (1865) and is a distinctive feature of the property.
3. The tree has been a continuous source of delight to us since we purchased the property in January 1990 – the birdlife, the ever changing colours, the plentiful leaf mulch, the exercise in sweeping leaves on a weekly basis. It has been a source of firewood from aboreal work in the 1990's (Brad Cadwallader) and in 2010 (Nelmac). Photographs attached show the tree at two stages of annual splendour taken from inside and outside the property.
4. To benefit from the annual inspections and maintenance provided to Heritage trees in Nelson. The first such maintenance was carried out in August year by Nelmac at our cost (25% NCC subsidy)
5. The tree provides welcome afternoon shade to our property in the summer – it does not shade any other houses at any time of the day or year
6. It is accepted that trees sequester carbon, reduce stormwater runoff, absorb pollutants and noise, and provide stability to soils in an area of known instability (Grampians area),
7. To enable the tree to continue to enhance the urban environment in the precinct between Collingwood St, through Melrose House and onto Fairfield Park, and backing onto the Grampians reserve - an area that has many magnificent trees.









PO Box 645 Nelson 7040
P 03 546 0200
F 03 546 0239

24 September 2010

Steven Flemming
139A Toi Toi St
Nelson 7010

RECEIVED
- 3 DEC 2010
NELSON CITY COUNCIL
Customer Service

Paul Harrington
546 0388
paul.harrington@ncc.govt.nz
www.nelsoncitycouncil.co.nz

PUBLIC NOTIFICATION OF PLAN CHANGE 22 (HERITAGE TREES)

Re: Tree at 166 St Vincent St

Nelson City Council publicly notified Plan Change 22 (Heritage Trees) on Saturday 25 September 2010. This Plan Change seeks to add 24 additional trees to "Appendix 2 - Heritage Trees" of the Nelson Resource Management Plan (NRMP).

You have been sent this information as a party who is identified as potentially having an interest in this plan change. A copy of the plan change, which shows which trees are proposed to be protected, can be viewed on Council's website at www.nelsoncitycouncil.co.nz (search phrase = plan change 22).

Information enclosed is:

- A copy of the public notice
- A submission form

Submissions on Plan Change 22 are open until **5pm Friday 3 December 2010**.

You can complete submissions on the enclosed form and post it to: Plan Change 22 Submission, Nelson City Council, PO Box 645, Nelson or complete a submission online at www.nelsoncitycouncil.co.nz (search phrase = plan change 22).

If you have any questions please contact me on 03 546 0388 or at paul.harrington@ncc.govt.nz.

Yours sincerely



Paul Harrington
Graduate Policy Planner

Submission Form Cover Sheet



Nelson City Council
te kaunihera o whakatū

Submission

Office use:
Sub# _____
RAD# _____

on Plan Change 22 Tree at 166 St. Vincent St
(Number) (Name)

to the Nelson Appendix 2 Heritage Tree Plan
(Insert name of Plan e.g. 'Resource Management' or 'Air Quality')

1.0 Submitter Details

Full Name	<u>Jane Flemming</u>		
Organisation			
Contact Person			
Postal address	<u>139A Toi Toi Street</u>	Business Phone	
	<u>Nelson</u>	Home Phone	<u>0354 877 56</u>
		Mobile Phone	
Email		Fax	
Address for service (if different from above)		 Signature (of submitter or person authorised to sign on behalf of submitter. Not required if submission made by electronic means).	X Sign & date here
			Number of extra pages attached to this form

2.0 Council Hearing

Do you wish to be heard in support of your submission?

Yes No (If 'No', go to section 3.0)

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar submission?

Yes No

3.0 Council address for service

Please return your submission by 5pm on the closing date (see Plan Change document) to:

Plan Change submissions
Nelson City Council
P.O. Box 645
Nelson 7040

(Hand Delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010. Email to: enquiry@ncc.govt.nz
(Place "Plan Change [No.] submission" in the subject line). Fax to: 03 546 0239.

SEE PLAN CHANGE DOCUMENT FOR SUBMISSIONS CLOSING DATE

Resource Management Act 1991 Submission Form

IMPORTANT: READ BEFORE FILLING IN THIS SUBMISSION FORM

4.0 What can be submitted on

The Plan Change uses the following different types of text to indicate to the reader what is included in the plan change and what is proposed to be changed. 'Normal text' in the Plan Change applies to current operative provisions that remain unchanged. To aid understanding, the full text of provisions to be changed has often been included in the Plan Change. **The reader should however be aware that the Plan Change relates only to the underlined and strikethrough text, and that operative text is unable to be submitted upon.**

- 'Underline' applies to proposed new provisions.
- '~~Strikethrough~~' **applies** to operative provisions proposed to be deleted or amended as described.
- '*Italics*' **applies** to instructions for amendments.
- 05/01, 07/01 or ^{PC13} (if present) applies to text amended through other Plan Changes.

5.0 How to make a submission on the proposed Plan Change

Please use the submission form provided (or a similar format if typing or writing one). This form is available on Council's website www.nelsoncitycouncil.co.nz. Additional forms are also available from the Customer Services Centre (Nelson City Council, Civic House, 110 Trafalgar St, Nelson) or from Nelson's public libraries.

Filling in the Submission Form

Each submission must have **one** Cover Sheet but may have **several** Content Sheets. The heading on every sheet shows whether it is a **Cover Sheet** or **Content sheet**.

USE A NEW CONTENT SHEET FOR EACH NEW PART OF YOUR SUBMISSION

It would help the Council to understand your submission if you use a new Content Sheet for each new part of your submission. This will ensure each of your submission points are uniquely identified by the corresponding reference number in the Plan Change, and the submission, reasons and decision sought for each of those points are described together.

This is an example of how to correctly reference each submission point, in Council's submission form:

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
14.4	15	DO10.1.ii	Land Transport System Objective Reasons

Each referenced submission point will then have its own Content Sheet stating:

- the Submission;
- the Reasons; and
- the Decision being sought.

A submission is simply your written views on the proposed Plan Change. Anyone can make a submission, you do not have to be an expert, nor do you need to be a ratepayer or resident of Nelson City to make a submission; you just need to have a relevant point of view.

If you are unsure about any aspect of making a submission please phone the Council on (03) 546 0200 and ask to speak to a Policy Planner.



Submission Form Content Sheet

1) My submission relates to

Plan Change 22... Heritage Tree 166 St Vincent St English Oak,
(Number) (Name)

Please enter the specific provision that your submission relates to in the boxes below (see Part 5.0 of the Cover Sheet for examples)

Plan Change Section Number	Plan Change Page Number	Unique Identifier (where given)	Topic Name
			English Oak 166 St Vincent St Nelson

2) I support the above Plan Change section OR I support in part the above Plan Change section OR I oppose the above Plan Change section

3) My submission is

State in summary the nature of your submission

Someone needs to take care and control of this tree. Its just getting so big.

4) Reasons

Describe the reasons for your views

Needs thinning out and pruning every year and not allowed to get too big for a housing area, and to allow the sun through its over it. It shouldn't be allowed to make our lives and health hard to live with

Resource Management Act 1991 Submission Form

A tree at the Back of 166 St Vincent Street
is far too Big in a housing Area.
It Blocks out all my morning Sun as the light can't get
through the tree. I live in the Shadow all
morning with no Sun or Light.

I've tried to grow a Veg Garden but everything
goes straight up trying to get light, and its a waste of
time it makes my house quite cold without
morning Sun & light. Come and see for yourself in the
mornings. Its not nice seeing every-one else with in
Sun and its quite dark at my house all because
of of tree thats far too Big and thick.

The last two years in Autumn when the
leaves are falling and it rains I've been Flooded
out with water pouring inside. I've had to get
the Fire service up to help clean the water from
inside the house. I kept my gutters clean but
every time it rains heavily and the leaves are
falling with the wind I end up with water
pouring inside my lounge & bedroom. I have
spent alot of money trying to stop the problem
but I can't stop the leaves blocking the gutters.
This year its cost me nearly \$4,000 to get thing
fixed up. I love my house in Victory Square but
that Tree is just far too Big and thick.
its a real problem for me.

Please can you help me. I live at 139A
Toi Toi street down the lane beside 166 St Vincent
St.

Thanking You
June Flemming

**Nelson Resource Management Plan
Submission on Plan Change 22 (Heritage Trees)
Gerard Malcolm and Alice Fong**

Date

29 Nov 2010

Your name

Gerard Malcolm and Alice Fong

Your email address

malcolmfong@actrix.co.nz

Phone number

03 543 8732

Postal address

**16 Riverside
Nelson**

Post Code

7010

Second phone number

021 588 732

Wish to be heard?

No

My submission relates to:

(Plan Change Section Number)

2.1N

(Plan Change Page Number)

3

(Topic Name)

Phoenix Palm at 16 Riverside

Do you support the above Plan Change section?

I SUPPORT the above Plan Change section

My submission is

We are supportive of the proposal to give a tree on our property a Heritage listing.

Reasons

The Phoenix palm that is proposed for Heritage status is quite distinctive and can be seen from all the way along Halifax Street. Due to its height it provides a good sanctuary for birds. At the time this tree was last proposed for Heritage status (in 2004) we had only just moved into our house (in fact the letter from NCC was sent to the prior owner and they passed it on to us) and so did not support the idea then. However we are now quite comfortable with it.

The decision I seek from the Council is that this part of the proposed Plan Change be

Retained

**Nelson Resource Management Plan
Submission on Plan Change 22 (Heritage Trees)
Robert Fraser**

Date

1 Dec 2010

Your name

Robert Malcolm FRASER

Your email address

rmfraser@clear.net.nz

Phone number

548 9405 Bus

Postal address

**7 Brougham St
Nelson South
Nelson**

Post Code

7010

Second phone number

**548 2825 Pve
548 9405**

Wish to be heard?

No

My submission relates to:

(Plan Change Section Number)

2.1

(Plan Change Page Number)

3

(Topic Name)

Addition of protected tree

(Unique identifier)

P

Do you support the above Plan Change section?

I SUPPORT IN PART the above Plan Change section

My submission is

Proposal to add the tree Acer Negundo at 247 Rutherford St. as a protected tree. I have no objection in part to the tree being protected, BUT with the proviso that adequate light levels be initially allowed and maintained to my section. The tree MUST need to be initially heavily pruned and shaped. If Council cannot meet these requirements, then I must alter my submission to OPPOSING the plan change.

Reasons

The tree severely shades the west side of our residence, affecting both its entire length, and the ground usage below the tree (i.e. vegetable garden). Even in winter when there is no foliage, the density of the branches still provides a sizeable shading and cooling effect. The garden would receive a maximum of three hours of full sunshine each day. Partly due to this tree, the back bedroom of the house is cold. As you may see from the Council GIS map, the tree trunk is located between 2 and 3 metres off the boundary. The tree has a measured north-south width of about 20 metres, of which 16 metres project over the boundary widthwise. This projection grows at least 4 metres over our property in an east-west direction towards the house at a height of about 15 metres. The tree obstructs the sky to 65 degrees from the horizontal, measured at the house, and 120 degrees at the boundary. Despite having asked the tree's owner to prune back the growth of the tree, he has NEVER done so satisfactorily. At least twice he has used tree surgeons to remove growth immediately above the boundary, but leaving the higher branches and hence the most shading effect untouched. Because of this, to satisfactorily reduce the tree back to the boundary line and to give some sky angle, major branches of up to 350mm.need to be cut back initially off the trunk of the tree. It would also need ongoing maintenance every 2 to 3 years, as the tree is of a vigorous growth pattern.

The decision I seek from the Council is that this part of the proposed Plan Change be **Amended as follows**

Details of changes you would like to see to this part of the proposed Plan Change **Not applicable. We have given the Council options in Section 4.**

**Nelson Resource Management Plan
Submission on Plan Change 22 (Heritage Trees)
Linnea Brown**

Date

2 Dec 2010

Your name

Linnea Brown

Your email address

linnea.brown@nmit.ac.nz

Phone number

03 546 3315

Postal address

**3/138 Nile Street
Nelson**

Post Code

7010

Second phone number

021 123 1444

Wish to be heard?

No

My submission relates to:

(Plan Change Section Number)

2.1

(Plan Change Page Number)

(Topic Name)

Appendix 2 Heritage Trees of the NRMP

(Unique identifier)

Pin Oak at 1/138 Nile Street

Do you support the above Plan Change section?

I SUPPORT the above Plan Change section

My submission is

I support the Plan Change 22 Heritage Trees, and in particular the addition of the Pin Oak at 1/318 Nile Street to the list of landscape trees in the NRMP. I also support the addition of all the trees as outlined in the Proposed Plan Change 22.

Reasons

In respect of the Pin Oak at 1/318 Nile Street, I live in the neighbouring property at 3/138 Nile Street and believe that the Pin Oak adds considerably to the attractiveness of the three properties it borders. It is sited at the top of the driveway shared by 1/138, 2/138 and 3/138 Nile Street and provides pleasant summer shade, and a very beautiful

landscape effect which can be seen and appreciated from all three properties. It also makes the driveway approach to the properties very pleasant and leafy which has the effect of making it feel like a country lane - something that I think is well worth preserving within the city area. For the same sort of reasons I would support the addition of the other trees listed in the proposed Plan Change - these trees will add to the beauty and heritage of Nelson city.

The decision I seek from the Council is that this part of the proposed Plan Change be **Retained**

Paul Harrington

From: Annabelle Lewis on behalf of Council Enquiries (Inquiry)
Sent: Friday, 4 February 2011 10:48 a.m.
To: Records
Subject: FW: PPlan Change No 22 Further Submission
Attachments: NRMP-plan-change-further-submission-form-FOE.pdf.DRF; NRMP-plan-change-further-submission-extra-content-sheet-FOE.pdf.DRF; Copy of 2011-01-30 Overhang to 34 Brougham St Garage.jpg.DRF; 2011-01-30 ROW Overhang .jpg.DRF; 2011-01-30 Clear gap to 19 Richmond Ave House .jpg.DRF; Studio and House 1.pdf.DRF; Tree Submission Reasons.docx.DRF

From: Alan Winwood [mailto:Alan@kidson.co.nz]
Sent: Friday, 4 February 2011 10:12 a.m.
To: Council Enquiries (Enquiry)
Subject: PPlan Change No 22 Further Submission

Further Submission Form Cover Sheet

Further Submission

Office use:	
XSub#
RAD#

on Plan Change 22 Heritage Trees
(Number) (Name)

to the Nelson Resource Management Plan
(Insert name of Plan e.g. 'Resource Management' or 'Air Quality')

1.0 Further Submitter Details

Full Name	Alan and Helen Winwood		
Organisation	N/A		
Contact Person	Alan Winwood		
Postal address	19 Richmond Ave, NELSON	Business Phone	5479619
		Home Phone	5466227
		Mobile Phone	0274 387 552
Email	awinwood@xtra.co.nz	Fax	5479616
Address for service (if different from above)			4/2/2011
	 Signature (of further submitter or person authorised to sign on behalf of further submitter; not required if submission made by electronic means)	
		Date	
Number of extra pages attached to this form		2	

X
Sign & date here

2.0 Council Hearing

Do you wish to be heard in support of your further submission?

Yes No  (If 'No', go to section 3.0)

If you answered 'Yes' to being heard, would you be prepared to consider presenting a joint case with others who have made a similar further submission?

Yes No

3.0 Council address for service

Please return your further submission by 5pm on the closing date (see Plan Change document) to:

Plan Change further submissions
Nelson City Council
P.O. Box 645
Nelson 7040

(Hand Delivery or Courier to: Ground Floor, Civic House, 110 Trafalgar St, Nelson 7010. Email to: enquiry@ncc.govt.nz (Place "Plan Change [No.] further submission" in the subject line). Fax to: 03 546 0239.

Extra Further Submission Content Sheets (as on the reverse of this page) are available, simply attach them to this cover sheet. This saves having to fill in the cover sheet details each time (use one cover sheet per submitter per plan change).

Electronic versions of the Summary of Decisions Requested document and further submission forms are available from www.nelsoncitycouncil.co.nz. If you need assistance contact a Policy Planner on 546 0200 or enquiry@ncc.govt.nz.

SEE PLAN CHANGE DOCUMENT FOR FURTHER SUBMISSIONS CLOSING DATE



Further Submission Form Content Sheet

Plan Change 22 Heritage Trees
(Number) (Name)

Office use:
XSub#
RAD#

I/We Support OR Oppose the submission of:

Enter the NAME of the submitter you wish to support or oppose	John and Daphne Ryder
Enter the ADDRESS of the submitter you wish to support or oppose	23 Richmond Ave, Nelsn

This further submission relates to

See the Summary of Decisions Requested document for more information

Submission Number	Statement Number	Plan Change Section Number (e.g. 21.1.a)	Unique Identifier (where given)	Topic (topic heading)
4	1	22		Exotic trees - General

Summarised reasons (if any)

If you support a submission you don't have to repeat all the original submitter's reasons – just say 'as in original submission'

<p>Reasons</p> <p>1. If no exotic trees on private property were protected, Nelson would be a city of shrubs with patches of native and exotic trees in a few parks, gardens and at the Cathedral.</p> <p>2. I agree the Liquid amber exotic tree at 19 Richmond Ave was not part of the original landscape but it has been part of the landscape for at least 100 years . The house was built in 1855 . A photo of the property taken after the Richmond Art Studio was built soon after J C Richmond purchased the property in 1881 (photo courtesy of Nelson Provincial Museum) This shows a tree in the location of the tress subject to this hearing.</p>
--

I seek that the whole of the above submission be Allowed OR Disallowed

If you want part of the above submission allowed or disallowed please describe precisely which part below

--

You must send a copy of this 'further submission' to the person who made the original submission within 5 working days of sending this further submission form to the Nelson City Council.
 Their address can be found on the index of submitters within the Summary of Decisions Requested' document held at the Council, libraries or online at www.nelsoncitycouncil.co.nz.

Further submitter name Alan and Helen Winwood Sign/Initial Date 4 February, 2011

Remember to complete and attach the **Further Submission Cover Sheet**

SEE PLAN CHANGE DOCUMENT FOR FURTHER SUBMISSIONS CLOSING DATE



Further Submission Form Content Sheet

Plan Change 22 Heritage Trees
(Number) (Name)

Office use:
XSub#
RAD#

I/We Support OR Oppose the submission of:

Enter the NAME of the submitter you wish to support or oppose	John and Daphne Ryder
Enter the ADDRESS of the submitter you wish to support or oppose	23 Richmond Ave, Nelson

This further submission relates to

See the Summary of Decisions Requested document for more information

Submission Number	Statement Number	Plan Change Section Number (e.g. 21.1.a)	Unique Identifier (where given)	Topic (topic heading)
4	2	22		Heritage trees

Summarised reasons (if any)

If you support a submission you don't have to repeat all the original submitter's reasons – just say 'as in original submission'

There are a significant number of factual errors in the Ryder submission and these are addressed below :

- It is incorrect to say the current owner has refused any trimming of the tree. Since January, 1990, the present owner has:
 - Had the tree thinned and surplus boughs removed by Brad Cadwallader (sometime in the period 1990 to 1994)
 - Engaged Nelmac to carry out a thorough inspection and general tidy up of the tree and removal or trimming of some branches overhanging the Right of Way, 32 and 34 Brougham St (in September 2010)
- The submission states that the tree, if it fell , could cause extensive damage to 19 Richmond avenue and 34 Brougham St. To cause extensive damage to these properties, the tree would have to fall to the north or north East i.e only one quadrant of the possible directions it could fall. The tree survived the big blow two years ago and currently shows no signs of falling.
- The submission states that Springs could de-stabilise the tree and cause it to fall. I disagree. In the 21 years we have lived at No 19 Richmond Ave, no springs have appeared in the property or near the tree roots. The extensive work done on the property in 2006 was to stabilise one section of the house that had been built on un-reinforced stone foundations on top of a 6m depth of water sensitive and weak clay material - the piling work has stopped further movement in the foundations which had been occurring for over 50 years.
- The leaves from the tree fall into the right of way along with leaves from other trees on the same property and from No 22 Richmond Ave, and 32 Brougham St. They are swept regularly in the fall season.
- Roots causing damage to sewer and stormwater pipes. The previous owner had damaged pipes repaired in the 1967 - 1989 period. In the last 21 years there have been no problems with roots from the tree blocking any pipes. If they do in the future, as owners of the tree, we would have the pipes replaced and the ROW surface repaired

I seek that the whole of the above submission be Allowed OR Disallowed

If you want part of the above submission allowed or disallowed please describe precisely which part below

You must send a copy of this 'further submission' to the person who made the original submission within 5 working days of sending this further submission form to the Nelson City Council.
Their address can be found on the index of submitters within the Summary of Decisions Requested' document held at the Council, libraries or online at www.nelsoncitycouncil.co.nz.

Further submitter name Alan and Helen Winwood Sign/Initial Date 4 February, 2011

Remember to complete and attach the Further Submission Cover Sheet

SEE PLAN CHANGE DOCUMENT FOR FURTHER SUBMISSIONS CLOSING DATE

There are a significant number of factual errors in the Ryder submission and these are addressed below :

1. It is incorrect to say the current owner has refused any trimming of the tree. Since January, 1990, the present owner has:

1.1 Had the tree thinned and surplus boughs removed by Brad Cadwallader (sometime in the period 1990 to 1994)

1.2 Engaged Nelmac to carry out a thorough inspection and general tidy up of the tree and removal or trimming of some branches overhanging the Right of Way, 32 and 34 Brougham St (in September 2010)

2. The submission states that the tree, if it fell , could cause extensive damage to 19 Richmond avenue and 34 Brougham St. To cause extensive damage to these properties, the tree would have to fall to the north or north East i.e only one quadrant of the possible directions it could fall. The tree survived the big blow two years ago and currently shows no signs of falling.

3. The submission states that Springs could de-stabilise the tree and cause it to fall. I disagree. In the 21 years we have lived at No 19 Richmond Ave, no springs have appeared in the property or near the tree roots. The extensive work done on the property in 2006 was to stabilise one section of the house that had been built on un-reinforced stone foundations on top of a 6m depth of water sensitive and weak clay material - the piling work has stopped further movement in the foundations which had been occurring for over 50 years.

4. The leaves from the tree fall into the right of way along with leaves from other trees on the same property and from No 22 Richmond Ave, and 32 Brougham St. They are swept regularly in the fall season.

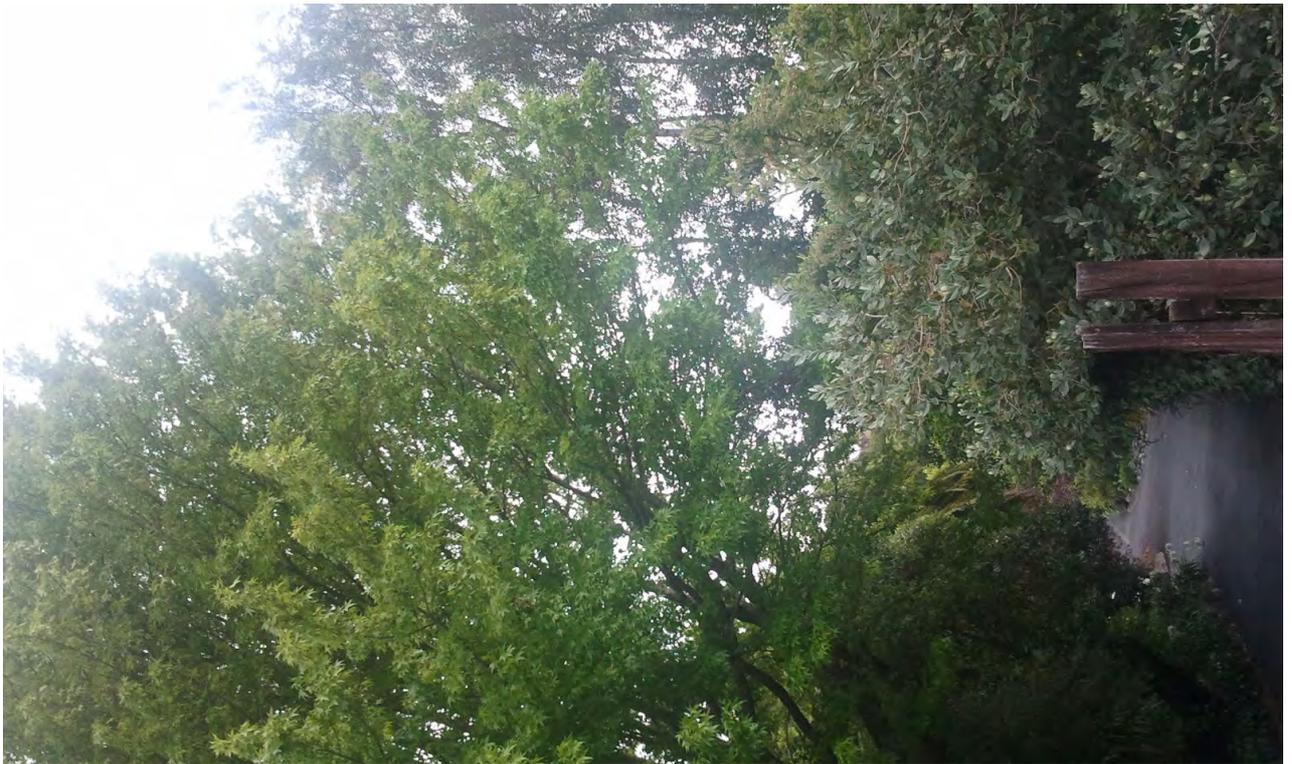
5. Roots causing damage to sewer and stormwater pipes. The previous owner had damaged pipes repaired in the 1987 - 1989 period. In the last 21 years there have been no problems with roots from the tree blocking any pipes. If they do in the future, as owners of the tree, we would have the pipes replaced and the ROW surface repaired

6. Branches from the tree do not overhang the house at 19 Richmond Ave - refer photo attached. Branches do overhang the garage of the property at 34 Brougham St which was built onto the house in the early 1990's by the current owners in full knowledge that the tree in question would overhang the garage. Refer photo attached

7. The tree overhangs the Right of way and the sections of 22 Richmond Ave and 32 Brougham St refer photo attached. Neither property owner has objected to this overhang. It is one of many trees overhanging the ROW.

8. I disagree that the tree is unsightly and it has had pruning on two occasions in the last 20 years as detailed above. If heritage status is awarded, the tree will receive an annual inspection by Nelmac and any necessary pruning will be carried out.

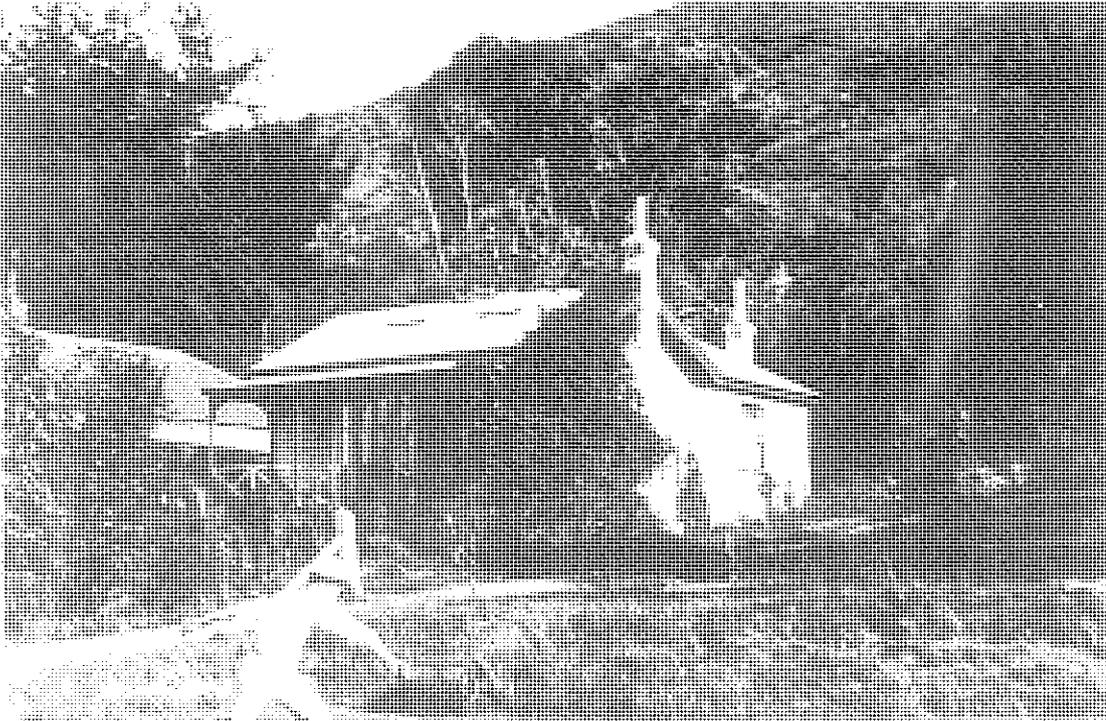
9. The erosion of the northerly view from 23 Richmond Ave (Ryder property) and other properties in the area is a common situation. Our own view to the north East, North and North West is eroded by trees in three separate properties for at least 8 months of the year when the trees are in full foliage. The views return in Winter, as does the northerly view from 23 Richmond Ave.





283 445 / 10
Houliker, Provincial Museum

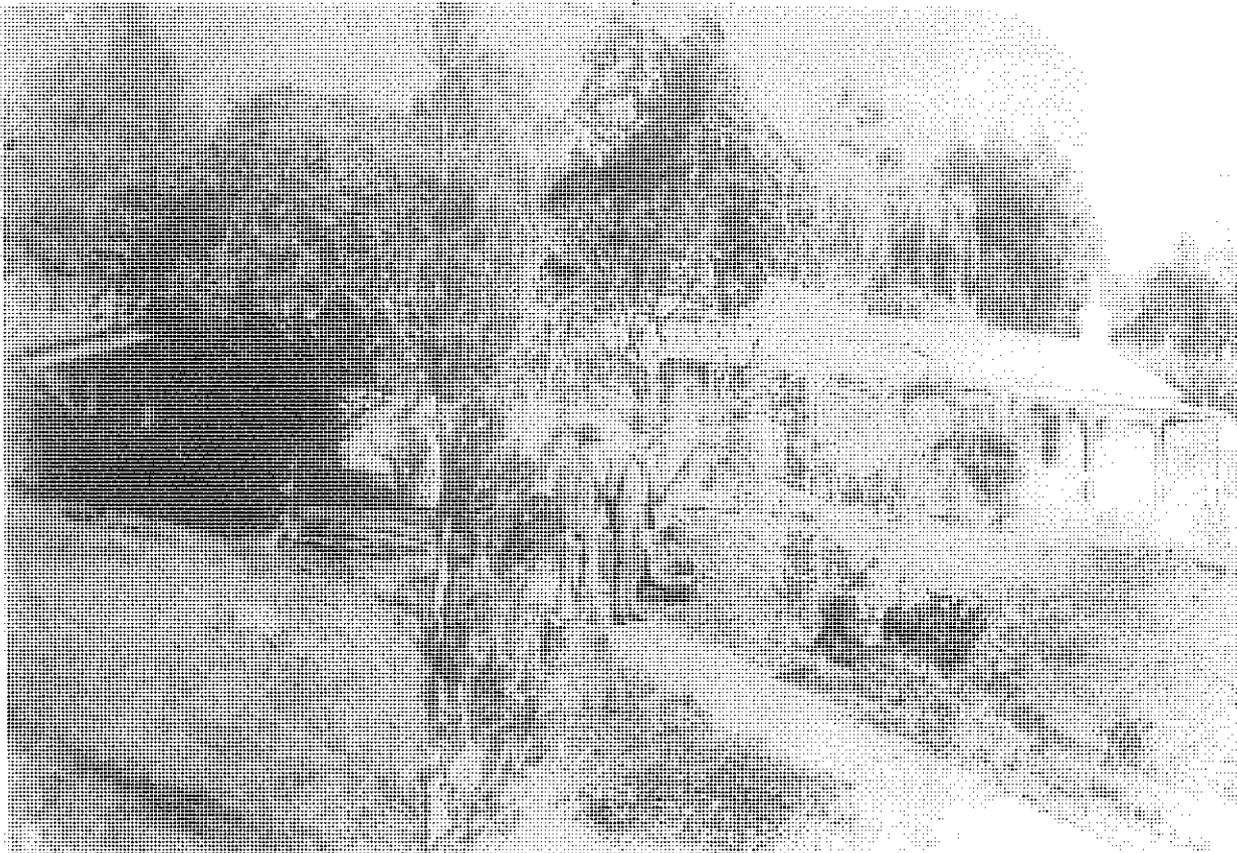
283 445 / 10



283 445

Houliker house

283 445 / 10



Paul Harrington

From: Christine Pol
Sent: Monday, 7 February 2011 9:05 a.m.
To: Dawn Goodman
Subject: FW: PLanning change No 22 - heritage Trees - Further Submission
Categories: Email Task Follow Up
Attachments: Copy of RAD_n947874_v1_350645_Listed_tree_-_19_Richmond_Avenue_-_Liquidambar_-_7Jul2010_xls.pdf.DRF

From: Annabelle Lewis **On Behalf Of** Council Enquiries (Inquiry)
Sent: Friday, 4 February 2011 2:44 p.m.
To: Records
Subject: FW: PLanning change No 22 - heritage Trees - Further Submission

From: Alan Winwood [mailto:Alan@kidson.co.nz]
Sent: Friday, 4 February 2011 1:19 p.m.
To: Council Enquiries (Enquiry)
Subject: PLanning change No 22 - heritage Trees - Further Submission

Please add this NCC STEM Report to my Further Submission emailed earlier today

Thank you

a 3 Kidson Place, Nelson7011
m 0274 387 552
t 03 5479619
f 03 5479616
e alan@kidson.co.nz
w www.kidson.co.nz

Alan Winwood
Construction Manager



STEM Score Method for Heritage Trees

Botanical Name	Liquidambar styraciflua	Form TARDIS No	947874
Common Name	Sweet Gum	Total Score	168
Owner	Helen & Allan Winwood	Tree Status	Heritage
Address	19 Richmond Avenue	Hansen ID	
Legal Description	Lot 3 DP1351	Photo TARDIS No	947805 & 947804
		Photo Date	6-Jul-10

1.0 Arboricultural Criteria 87

1.1 Form	Very Good		21
1.2 Occurrence	Common		9
1.3 Vitality	Very Good		21
1.4 Function	Useful		9
1.5 Age	Over 100 years	Year Planted 1890cc	27

2.0 Amenity Criteria 63

2.1 Height	Up to 21 m	Tree Height 19	21
2.2 Visibility	0.5 km	Trunk Circumference 3.8	3
2.3 Proximity	Group 3+	Canopy Spread 21.5	21
2.4 Location Role	Moderate		9
2.5 Climatic Influence	Moderate		9

3.0 Outstanding Criteria 18

3.1 Stature			0
3.1.1 Feature			0
3.1.2 Form			0
3.2 Historic	Local		9
3.2.1 Age	Local		9
3.2.2 Association			0
3.2.3 Commemoration			0
3.2.3 Remnant			0
3.3 Scientific			0
3.3.1 Rarity			0
3.3.2 Source			0

**Planting details -
information on who
planted or what event**

Tree Condition

**Comments - Notes
on history of site**

House built in 1860

GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood

GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

Addendum II

STEM assessments results for proposed trees

Nomenclature

Botanical Name: *Quercus robur*

Common Name: *Common oak*

Address: *42 Arqiki Road*

Tree Evaluation Score *177*
 Tree Evaluation
 Sheet No.

TEM Scoring Method, Aug. 1994.						%	
1.0 Arboricultural criteria.							
Points scored.	3	9	15	21	27	30	
1.1 Form.	Poor	Fair	Good	Very good	Specimen		
1.2 Occurrence of the species.	Predominant	Common	Infrequent	Rare	Very Rare		
1.3 Vitality.	Poor	Average	Good	Very good	Excellent		
1.4 Function.	Minor	Useful	Important	Very important	Major		
1.5 Age.	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 80 yrs	Over 100 yrs		
2.0 Amenity criteria.							
Points scored.	3	9	15	21	27		
2.1 Statura.	Up to 3m.	Up to 9m.	Up to 15m.	Up to 21m.	21m.+		
2.2 Visibility of tree.	0.5kms.	1km.	2kms.	4kms.	8kms.		
2.3 Proximity of other trees.	Forest	Park	Group 10 +	Group 3 +	Solitary		
2.4 Role in location.	Minor	Moderate	Important	Very important	Major		
2.5 Climatic influence.	Minor	Moderate	Important	Very important	Major		
3.0 Outstanding criteria							
Points scored.	9	15	21	27			
Recognition.	Local	Regional	National	International			
3.1 Stature.							
3.1.1 Feature.							
3.1.2 Form.							
3.2 Historic.							
3.2.2 Age.							
3.2.3 Association.							
3.2.4 Commemoration.							
3.2.5 Remnant.							
3.3 Scientific.							
3.3.1 Rarity.							
3.3.2 Source.							
Total points.							75 Total points.
Total points.						93 Total points.	
Total points.						9 Total points.	
Total points.						177 Total points.	

Nomenclature

Botanical Name:

Quercus robur.

Common Name:

English Oak.

Address:

Road Reserve - 18 Campbell Street.

071059

DN1059

TUNSEN ID: 348745

Tree Evaluation Score 108
Tree Evaluation
Sheet No.

TEM Scoring Method, Aug. 1991.							%
1.0 Arboreal criteria.							
Points scored.	3	9	15	21	27	30	
1.1 Form.	Poor	Fair	Good	Very good	Specimen		
1.2 Occurrence of the species.	Predominant	Common	Infrequent	Rare	Very Rare		
1.3 Vitality.	Poor	Average	Good	Very good	Excellent		
1.4 Function.	Minor	Useful	Important	Very important	Major		
1.5 Age.	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 80 yrs	Over 100 yrs		
2.0 Aerially criteria.							
Points scored.	3	9	15	21	27		
2.1 Stature.	Up to 9m	Up to 12m	Up to 15m	Up to 21m	21m+		
2.2 Viability of tree.	0.5km	1km	2km	4km	Other		
2.3 Proximity of other trees.	Forest	Park	Group 10+	Group 3+	Solitary		
2.4 Role in location.	Minor	Moderate	Important	Very important	Major		
2.5 Climatic influence.	Minor	Moderate	Important	Very important	Major		
3.0 Outstanding criteria							
Points scored.		9	15	21	27		
Recognition.	Local	Regional	National	International			
3.1 Stature.							
3.1.1 Feature.							
3.1.2 Form.							
3.2 Historic.							
3.2.2 Age.							
3.2.3 Association.							
3.2.4 Commemoration.							
3.2.5 Remnant.							
3.3 Scientific.							
3.3.1 Rarity.							
3.3.2 Source.							
Total points.							

51
Total points.

57
Total points.

57
sub total section 1 + 2

Total points

Sheet Total points.

Nomenclature

Botanical Name: *Quercus robur*

Common Name: English Oak

Address: 7 City Heights

Tree Evaluation Score 114
 Tree Evaluation -
 Sheet No.

TEM Scoring Method, Aug 1991.						Points scored.	9	15	21	27	30
1.0 Arboricultural criteria.											
1.1 Form	Poor	Fair ✓	Good	Very good	Specimen						
1.2 Occurrence of the species	Predominant	Common ✓	Infrequent	Rare	Very Rare						
1.3 Vitality	Poor	Average ✓	Good	Very good	Excellent						
1.4 Function	Minor ✓	Useful	Important	Very important	Major						
1.5 Age	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 80 yrs	Over 100 yrs ✓						
2.0 Aesthetic criteria.											
2.1 Situation	Up to 50m	Up to 100m	Up to 150m	Up to 210m ✓	210m+						
2.2 Visibility of tree	0.5km ✓	1km	2km	4km	8km						
2.3 Proximity of other trees	Forest	Park	Group 10+	Group 3+ ✓	Solitary						
2.4 Role in location	Minor	Moderate ✓	Important	Very important	Major						
2.5 Climatic influence	Minor ✓	Moderate	Important	Very important	Major						
3.0 Outstanding criteria											
Recognition	Local	Regional	National	International							
3.1 Stature											
3.1.1 Feature											
3.1.2 Form											
3.2 Historic											
3.2.2 Age											
3.2.3 Association											
3.2.4 Commemoration											
3.2.5 Remnant											
3.3 Scientific											
3.3.1 Rarity											
3.3.2 Source											
Total points											

%
57
Total points

%
57
Total points

sub total section
1 + 2

Total points

STEM Score Method for Heritage Trees

Botanical Name	Alectryon excelsus	Total Score	153
Common Name	Titoki	Tree Status	Heritage
Owner	Rachael and Ben Holmes	Hansen ID	
Address	31 Cleveland Terrace - Nelson	Photo TARDIS No	893758
Legal Description	Lot 3 DP3097	Photo Date	10-Mar-10

1.0 Arboricultural Criteria 75

1.1 Form	Good		15
1.2 Occurrence	Infrequent		15
1.3 Vitality	Average		9
1.4 Function	Useful		9
1.5 Age	Over 100 years	Year Planted 1880 cc	27

2.0 Amenity Criteria 51

2.1 Height	Up to 15 m	Tree Height 14.5m	15
2.2 Visibility	0.5 km		3
2.3 Proximity	Group 3+	Trunk Circumference 1.6m	21
2.4 Location Role	Minor	Canopy Spread 12.2m	3
2.5 Climatic Influence	Moderate		9

3.0 Outstanding Criteria 27

3.1 Stature			0
3.1.1 Feature			0
3.1.2 Form			0
3.2 Historic	Local		9
3.2.1 Age			0
3.2.2 Association	Local		9
3.2.3 Commemoration			0
3.2.3 Remnant	Local		9
3.3 Scientific			0
3.3.1 Rarity			0
3.3.2 Source			0

Planting details - information on who planted or what event Planted by the family of James Robertson

Tree Condition Good condition - well spread canopy. Tree close to neighbours driveway that may effect the trees development in future years - portion of tree overhanging the neighbours driveway.

Comments - Notes on history of site The family of James Robertson - builder and owner of the house - 1873 - Historical titles & photographs on RAD: 893674 & 893676



GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood



GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

STEM Score Method for Heritage Trees

Botanical Name	Podocarpus totara	Total Score	210
Common Name	Totara	Tree Status	Heritage
Owner	Rachael and Ben Holmes	Hansen ID	
Address	31 Cleveland Terrace - Nelson	Photo TARDIS No	893757
Legal Description	Lot 3 DP3097	Photo Date	10-Mar-10

1.0 Arboricultural Criteria 93

1.1 Form	Specimen		27
1.2 Occurrence	Infrequent		15
1.3 Vitality	Good		15
1.4 Function	Useful		9
1.5 Age	Over 100 years	Year Planted 1880 cc	27

2.0 Amenity Criteria 63

2.1 Height	Up to 21 m	Tree Height 16.0m	21
2.2 Visibility	0.5 km		3
2.3 Proximity	Group 3+	Trunk Circumference 1.9m	21
2.4 Location Role	Moderate	Canopy Spread 9.4m	9
2.5 Climatic Influence	Moderate		9

3.0 Outstanding Criteria 54

3.1 Stature	Local		9
3.1.1 Feature	Local		9
3.1.2 Form			0
3.2 Historic	Local		9
3.2.1 Age	Local		9
3.2.2 Association	Local		9
3.2.3 Commemoration			0
3.2.3 Remnant	Local		9
3.3 Scientific			0
3.3.1 Rarity			0
3.3.2 Source			0

**Planting details -
information on who
planted or what
event**

Planted by the family of James Robertson

Tree Condition

Excellent condition - well spread canopy - tall straight trunk. Tree close to neighbours driveway that may effect the trees development in future years.

**Comments - Notes
on history of site**

The family of James Robertson - builder and owner of the house - 1873 - Historical titles & photographs on RAD: 893674 & 893676

GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood

GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

Nomenclature

Botanical Name: *Metrosideros robusta*

Common Name: *Nard-Lein-Kata*

Address: 277 Hampden Street

Tree Evaluation Score ... 162

Tree Evaluation -

Sheet No.

Hartig

TEM Scoring Method, Aug. 1991.

1.0 Arboricultural criteria.

Points scored. 9 9 15 21 27 30

1.1 Form. Poor Fair Good Very good Specimen

1.2 Occurrence of the species. Predominant Common Infrequent Rare Very Rare

1.3 Vitality. Poor Average Good Very good Excellent

1.4 Function. Minor Useful Important Very important Major

1.5 Age. Over 10 yrs Over 20 yrs Over 40 yrs Over 80 yrs Over 100 yrs

%
81
Total points.

2.0 Amenability criteria.

Points scored. 9 9 15 21 27

2.1 Situation. Up to 5m Up to 8m Up to 15m Up to 21m 21m+

2.2 Viability of tree. 0.5km 1km 2km 4km 8km

2.3 Proximity of other trees. Forest Park Group 10+ Group 3+ Solitary

2.4 Role in location. Minor Moderate Important Very important Major

2.5 Climatic influence. Minor Moderate Important Very important Major

%
57
Total points.

3.0 Outstanding criteria

Points scored. 9 15 21 27

Recognition. Local Regional National International

3.1 Stature.

3.1.1 Feature.

3.1.2 Form.

3.2 Historic.

3.2.2 Age.

3.2.3 Association.

3.2.4 Commemoration.

3.2.5 Remnant.

3.3 Scientific.

3.3.1 Rarity.

3.3.2 Source.

sub total section
1 + 2

24
Total points

STEM Score Method for Heritage Trees

Botanical Name	Ulmus procera	Total Score	108
Common Name	Corky Elm	Tree Status	Landscape
Owner	George Harper Estate (abandoned land)	Hansen ID	
Address		Photo TARDIS No	893899 & 893898
Legal Description	Part sections 410, 411 City of Nelson sub J to R/W	Photo Date	10-Mar-10

1.0 Arboricultural Criteria 57

1.1 Form	<input type="text" value="Very Good"/>		21
1.2 Occurrence	<input type="text" value="Common"/>		9
1.3 Vitality	<input type="text" value="Average"/>		9
1.4 Function	<input type="text" value="Minor"/>		3
1.5 Age	<input type="text" value="Over 40 years"/>	Year Planted 1960 cc	15

2.0 Amenity Criteria 51

2.1 Height	<input type="text" value="Up to 21 m"/>	Tree Height 18.0m	21
2.2 Visibility	<input type="text" value="0.5 km"/>		3
2.3 Proximity	<input type="text" value="Group 3+"/>	Trunk Circumference 2.1m	21
2.4 Location Role	<input type="text" value="Minor"/>	Canopy Spread 13.3m	3
2.5 Climatic Influence	<input type="text" value="Minor"/>		3

3.0 Outstanding Criteria 0

3.1 Stature	<input type="text"/>		0
3.1.1 Feature	<input type="text"/>		0
3.1.2 Form	<input type="text"/>		0
3.2 Historic	<input type="text"/>		0
3.2.1 Age	<input type="text"/>		0
3.2.2 Association	<input type="text"/>		0
3.2.3 Commemoration	<input type="text"/>		0
3.2.3 Remnant	<input type="text"/>		0
3.3 Scientific	<input type="text"/>		0
3.3.1 Rarity	<input type="text"/>		0
3.3.2 Source	<input type="text"/>		0

**Planting details -
information on who
planted or what
event**

No details available

Tree Condition

Good form - wide spread canopy - vigorously growing tree in good health.
Very close to boundary of property - this may be an issue for the future
growth of the tree.

**Comments - Notes
on history of site**

Growing on abandoned land acting as a right of way.

GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood

GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

STEM Score Method for Heritage Trees

Botanical Name	Magnolia grandiflora	Total Score	114
Common Name	Evergreen Magnolia	Tree Status	Landscape
Owner	Jacqueline Irwin	Hansen ID	
Address	180 Kawai Street - Nelson	Photo TARDIS No	944346
Legal Description	DP 4315 Lot 1	Photo Date	28/06/2010

1.0 Arboricultural Criteria

63

1.1 Form	<input type="text" value="Good"/>		15
1.2 Occurrence	<input type="text" value="Common"/>		9
1.3 Vitality	<input type="text" value="Average"/>		9
1.4 Function	<input type="text" value="Minor"/>		3
1.5 Age	<input type="text" value="Over 100 years"/>	Year Planted 1900	27

2.0 Amenity Criteria

33

2.1 Height	<input type="text" value="Up to 9 m"/>	Tree Height 8	9
2.2 Visibility	<input type="text" value="0.5 km"/>		3
2.3 Proximity	<input type="text" value="Group 10+"/>	Trunk Circumference 2.2	15
2.4 Location Role	<input type="text" value="Minor"/>	Canopy Spread 10.8	3
2.5 Climatic Influence	<input type="text" value="Minor"/>		3

3.0 Outstanding Criteria

18

3.1 Stature	<input type="text"/>		0
3.1.1 Feature	<input type="text"/>		0
3.1.2 Form	<input type="text"/>		0
3.2 Historic	<input type="text" value="Local"/>		9
3.2.1 Age	<input type="text" value="Local"/>		9
3.2.2 Association	<input type="text"/>		0
3.2.3 Commemoration	<input type="text"/>		0
3.2.3 Remnant	<input type="text"/>		0
3.3 Scientific	<input type="text"/>		0
3.3.1 Rarity	<input type="text"/>		0
3.3.2 Source	<input type="text"/>		0

**Planting details -
information on who
planted or what
event**

Not available

Tree Condition

Good - some thinning of the crown towards house. Root heave of drive - tree abutting edge of drive.

**Comments - Notes
on history of site**

GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood

GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

Nomenclature

Botanical Name: *Dacrycarpus dacrydioides* (1)

Common Name: *Kaikatea*

Address: *30 Marybank Road*

Hortagel

Tree Evaluation Score *171*
 Tree Evaluation
 Sheet No.

TEM Scoring Method, Aug. 1991.

1.0 Arboricultural criteria

Points scored	9	9	15	21	27	30
1.1 Form	Poor ✓	Fair	Good	Very good	Specimen	
1.2 Occurrence of the species	Predominant	Common	Infrequent	Rare ✓	Very Rare	
1.3 Vitality	Poor ✓	Average	Good	Very good	Excellent	
1.4 Function	Minor	Useful ✓	Important	Very important	Major	
1.5 Age	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 80 yrs	Over 100 yrs ✓	
Points scored	6	9		21	27	

%
 63
 Total points

2.0 Aesthetic criteria

Points scored	9	9	15	21	27
2.1 Situation	Up to 5m	Up to 5m	Up to 15m	Up to 21m	21m+ ✓
2.2 Visibility of tree	0.5km ✓	1km	2km	4km	8km
2.3 Proximity of other trees	Forest	Park ✓	Group 10+	Group 3+	Solitary
2.4 Role in location	Minor	Moderate ✓	Important	Very important	Major
2.5 Climatic influence	Minor	Moderate ✓	Important	Very important	Major
Points scored		9	15	21	27

%
 63
 Total points

3.0 Outstanding criteria

Points scored	9	15	21	27
Recognition	Local	Regional	National	International
3.1 Stature				
3.1.1 Feature				
3.1.2 Form				
3.2 Historic				
3.2.2 Age			✓	
3.2.3 Association				
3.2.4 Commemoration				
3.2.5 Remnant				
3.3 Scientific				
3.3.1 Rarity			✓	
3.3.2 Source			✓	
Total points				

126
 sub total section 1 + 2

45
 Total points

Nomenclature

Botanical Name: *Dacrydium dacrydioides* (2)

Common Name: *Kahikatea*

Address: 30 Maryha-k Road

Tree Evaluation Score ... 213
 Tree Evaluation -
 Sheet No.

TEM Scoring Method, Aug. 1994.

1.0 Arboricultural criteria

Points scored	9	9	15	21	27	30
1.1 Form	Poor	Fair	Good	Very good	Specimen	
1.2 Occurrence of the species	Predominant	Common	Infrequent	Rare	Very Rare	
1.3 Vitality	Poor	Average	Good	Very good	Excellent	
1.4 Function	Minor	Useful	Important	Very important	Major	
1.5 Age	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 80 yrs	Over 100 yrs	
			15	63	27	

%
105
Total points.

2.0 Amenity criteria

Points scored	9	9	15	21	27
2.1 Stature	Up to 8m	Up to 8m	Up to 18m	Up to 21m	21m+
2.2 Viability of tree	0.5km	1km	2km	4km	8km
2.3 Proximity of other trees	Forest	Park	Group 10+	Group 3+	Solitary
2.4 Role in location	Minor	Moderate	Important	Very important	Major
2.5 Climatic influence	Minor	Moderate	Important	Very important	Major
	3	18	15		27

%
63
Total points.

3.0 Outstanding criteria

Points scored	9	15	21	27
Recognition	Local	Regional	National	International
3.1 Stature				
3.1.1 Feature				
3.1.2 Form				
3.2 Historic				
3.2.2 Age				
3.2.3 Association				
3.2.4 Commemoration				
3.2.5 Remnant				
3.3 Scientific				
3.3.1 Rarity				
3.3.2 Source				
Total points				

sub total section 1 + 2

45
Total points

Nomenclature

Botanical Name: *Quercus robur*

Common Name: English oak

Address: 16 Ngatitama Street

Tree Evaluation Score: 171

Tree Evaluation

Sheet No.

TEM Scoring Method, Aug. 1991.

1.0 Arboricultural criteria.

Points scored: 9 9 15 21 27 30

1.1 Form: Poor Fair Good Very good Specimen

1.2 Occurrence of the species: Predominant Common Infrequent Rare Very Rare

1.3 Vitality: Poor Average Good Very good Excellent

1.4 Function: Minor Useful Important Very important Major

1.5 Age: Over 10 yrs Over 20 yrs Over 40 yrs Over 80 yrs Over 100 yrs

%
81
Total points.

2.0 Amenity criteria.

Points scored: 9 9 15 21 27

2.1 Situation: Up to 5m Up to 5m Up to 15m Up to 21m 21m+

2.2 Visibility of tree: 0.5km 1km 2km 4km 8km

2.3 Proximity of other trees: Forest Park Group 10+ Group 3+ Solitary

2.4 Role in location: Minor Moderate Important Very important Major

2.5 Climatic influence: Minor Moderate Important Very important Major

%
75
Total points.

3.0 Outstanding criteria

Points scored: 9 9 15 21 27

Recognition: Local Regional National International

3.1 Stature:

3.1.1 Feature:

3.1.2 Form:

3.2 Historic:

3.2.2 Age:

3.2.3 Association:

3.2.4 Commemoration:

3.2.5 Remnant:

3.3 Scientific:

3.3.1 Rarity:

3.3.2 Source:

sub total section
1 + 2

15
Total points

STEM Score Method for Heritage Trees

Botanical Name	Quercus palustris	Form TARDIS No	947809
Common Name	Pin Oak	Total Score	102
Owner	Hugh & Judith Neill	Tree Status	Landscape
Address	1/138 Nile Street - Nelson	Hansen ID	
Legal Description	Lot 2 - DP2895	Photo TARDIS No	947797
		Photo Date	6-Jul-10

1.0 Arboricultural Criteria 51

1.1 Form	Good		15
1.2 Occurrence	Common		9
1.3 Vitality	Average		9
1.4 Function	Minor		3
1.5 Age	Over 40 years	Year Planted 1952	15

2.0 Amenity Criteria 51

2.1 Height	Up to 15 m	Tree Height 12	15
2.2 Visibility	0.5 km		3
2.3 Proximity	Group 3+	Trunk Circumference 2.5	21
2.4 Location Role	Minor	Canopy Spread 17.5	3
2.5 Climatic Influence	Moderate		9

3.0 Outstanding Criteria 0

3.1 Stature			0
3.1.1 Feature			0
3.1.2 Form			0
3.2 Historic			0
3.2.1 Age			0
3.2.2 Association			0
3.2.3 Commemoration			0
3.2.3 Remnant			0
3.3 Scientific			0
3.3.1 Rarity			0
3.3.2 Source			0

**Planting details -
information on who
planted or what
event**

Planted by Katherine Hammer Goodall in 1952

Tree Condition

Tree has had regular trimming and crown reduction work. A driveway runs close to the trunk. This was constructed 1985cc and the paved court yard was constructed 2000cc. No effect obvious on tree growth.

**Comments - Notes
on history of site**

GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood

GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

STEM Score Method for Heritage Trees

Botanical Name	Liquidambar styraciflua	Form TARDIS No	947829
Common Name	Sweet Gum	Total Score	90
Owner	Anne Harvey & Paul Throughgood	Tree Status	Local
Address	142 Nile Street	Hansen ID	
Legal Description	Lot 1 DP7552	Photo TARDIS No	947799
		Photo Date	6-Jul-10

1.0 Arboricultural Criteria 45

1.1 Form	Fair		9
1.2 Occurrence	Common		9
1.3 Vitality	Average		9
1.4 Function	Minor		3
1.5 Age	Over 40 years	Year Planted 1960cc	15

2.0 Amenity Criteria 45

2.1 Height	Up to 15 m	Tree Height 9.5	15
2.2 Visibility	0.5 km		3
2.3 Proximity	Group 3+	Trunk Circumference 1.8	21
2.4 Location Role	Minor	Canopy Spread 7.5	3
2.5 Climatic Influence	Minor		3

3.0 Outstanding Criteria 0

3.1 Stature			0
3.1.1 Feature			0
3.1.2 Form			0
3.2 Historic			0
3.2.1 Age			0
3.2.2 Association			0
3.2.3 Commemoration			0
3.2.3 Remnant			0
3.3 Scientific			0
3.3.1 Rarity			0
3.3.2 Source			0

**Planting details -
information on who
planted or what
event**

Tree Condition

Southern boundary - area of stem rot resulting from pruning cuts. Tree is making good growth. Pruning to reduce crown & thinned structure - which has restricted development.

**Comments - Notes
on history of site**

GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood

GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

STEM Score Method for Heritage Trees

Botanical Name	Liquidambar styraciflua	Form TARDIS No	947874
Common Name	Sweet Gum	Total Score	168
Owner	Helen & Allan Winwood	Tree Status	Heritage
Address	19 Richmond Avenue	Hansen ID	
Legal Description	Lot 3 DP1351	Photo TARDIS No	947805 & 947804
		Photo Date	6-Jul-10

1.0 Arboricultural Criteria 87

1.1 Form	Very Good		21
1.2 Occurrence	Common		9
1.3 Vitality	Very Good		21
1.4 Function	Useful		9
1.5 Age	Over 100 years	Year Planted 1890cc	27

2.0 Amenity Criteria 63

2.1 Height	Up to 21 m	Tree Height 19	21
2.2 Visibility	0.5 km		3
2.3 Proximity	Group 3+	Trunk Circumference 3.8	21
2.4 Location Role	Moderate	Canopy Spread 21.5	9
2.5 Climatic Influence	Moderate		9

3.0 Outstanding Criteria 18

3.1 Stature			0
3.1.1 Feature			0
3.1.2 Form			0
3.2 Historic	Local		9
3.2.1 Age	Local		9
3.2.2 Association			0
3.2.3 Commemoration			0
3.2.3 Remnant			0
3.3 Scientific			0
3.3.1 Rarity			0
3.3.2 Source			0

**Planting details -
information on who
planted or what
event**

Tree Condition

**Comments - Notes
on history of site**

House built in 1860

GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood

GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

Nomenclature

Botanical Name: *Phoenix canariensis*

Common Name: Phoenix palm

Address: 16 Riverside Drive

Tree Evaluation Score: 156
 Tree Evaluation
 Sheet No.

TEM Scoring Method, Aug. 1994.						Points scored.	3	9	15	21	27	30
1.0 Arboricultural criteria.												
1.1 Form.	Poor	Fair	Good	Very good	Specimen							
1.2 Occurrence of the species.	Predominant	Common	Infrequent	Rare	Very Rare							
1.3 Vitality.	Poor	Average	Good	Very good	Excellent							
1.4 Function.	Minor	Useful	Important	Very important	Major							
1.5 Age.	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 80 yrs	Over 100 yrs							
2.0 Amenity criteria.												
2.1 Stature.	Up to 3m.	Up to 9m.	Up to 15m.	Up to 21m.	21m.+							
2.2 Visibility of tree.	0.5kms.	1km.	2kms.	4kms.	8kms.							
2.3 Proximity of other trees.	Forest	Park	Group 10 +	Group 3 +	Solitary							
2.4 Role in location.	Minor	Moderate	Important	Very important	Major							
2.5 Climatic influence.	Minor	Moderate	Important	Very important	Major							
3.0 Outstanding criteria												
3.1 Stature.												
3.1.1 Feature.												
3.1.2 Form.												
3.2 Historic.												
3.2.2 Age.												
3.2.3 Association.												
3.2.4 Commemoration.												
3.2.5 Remnant.												
3.3 Scientific.												
3.3.1 Rarity.												
3.3.2 Source.												
Total points.												

81
Total points.

75
Total points.

sub total section 1 + 2

Total points.

Nomenclature

Botanical Name:

Metrosideros excelsa

Common Name:

Pohutukawa

Address:

52 Russell Street

Tree Evaluation Score

144 - Heritage

Tree Evaluation

Sheet No.

TEM Scoring Method, Aug 1994

1.0 Arboreal criteria

Points scored: 3 0 15 21 27 30

1.1 Form	Poor	Fair	Good	Very good	Specimen	
1.2 Occurrence of the species	Predominant	Common	Infrequent	Rare	Very Rare	
1.3 Vitality	Poor	Average	Good	Very good	Excellent	
1.4 Function	Minor	Useful	Important	Very important	Major	
1.5 Age	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 80 yrs	Over 100 yrs	

81 Total points

2.0 Aesthetic criteria

Points scored: 3 8 15 21 27

2.1 Situation	Urban area	Urban rim	Urban edge	Urban rim	Rural +	
2.2 Visibility of tree	0.5km	1km	2km	4km	8km	
2.3 Proximity of other trees	Forest	Park	Group 10+	Group 5+	Solitary	
2.4 Role in location	Minor	Moderate	Important	Very important	Major	
2.5 Climatic influence	Minor	Moderate	Important	Very important	Major	

63 Total points

3.0 Outstanding criteria

Points scored: 0 15 21 27

3.0 Recognition	Local	Regional	National	International	
3.1 Stature					
3.1.1 Feature					
3.1.2 Form					
3.2 Historic					
3.2.2 Age					
3.2.3 Association					
3.2.4 Commemoration					
3.2.5 Remnant					
3.3 Scientific					
3.3.1 Rarity					
3.3.2 Source					

sub total section 142

Nomenclature

Botanical Name:

Acer negundo

Common Name:

Ash leaf Maple

Address:

247 Rutherford Street

Tree Evaluation Score 126 - Landscope
Tree Evaluation Sheet No.

TEM Scoring Method, Aug 1994						
1.0 Arboricultural criteria						
Points scored	3	9	15	21	27	30
1.1 Form	Poor	Fair	Good ✓	Very good	Specimen	
1.2 Occurrence of the species	Predominant	Common	Frequent ✓	Rare	Very Rare	
1.3 Vitality	Poor	Average	Good	Very good ✓	Excellent	
1.4 Function	Minor	Useful ✓	Important	Very important	Major	
1.5 Age	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 60 yrs ✓	Over 100 yrs	
2.0 Aesthetic criteria						
Points scored	3	9	15	21	27	
2.1 Structure	Up to 9m	Up to 12m	Up to 15m ✓	Up to 21m	21m+	
2.2 Visibility of tree	0.5km ✓	1km	2km	4km	8km	
2.3 Proximity of other trees	Forest	Park	Group 10+	Group 3+ ✓	Solitary	
2.4 Role in location	Minor ✓	Moderate	Important	Very important	Major	
2.5 Climatic influence	Minor ✓	Moderate	Important	Very important	Major	
3.0 Outstanding criteria						
Points scored	3	9	15	21	27	
Recognition		Local	Regional	National	International	
3.1 Stature						
3.1.1 Feature						
3.1.2 Form						
3.2 Historic						
3.2.2 Age						
3.2.3 Association						
3.2.4 Commemoration						
3.2.5 Remnant						
3.3 Botanical						
3.3.1 Rarity						
3.3.2 Source						
Total points						

81
Total points

45
Total points

sub total section 1 + 2

Total points

Nomenclature

Botanical Name: *Magnolia x soulangeana*

Common Name: *Magnolia*

Address: 18 Sowma Street

Tree Evaluation Score **114**
 Tree Evaluation
 Sheet No.

TEM Scoring Method, Aug 1991						
1.0 Arboreal criteria						
Points scored	3	0	15	21	27	30
1.1 Form	Poor	Fair	Good	Very good	Special	
1.2 Occurrence of the species	Predominant	Common	Infrequent	Rare	Very Rare	
1.3 Vitality	Poor	Average	Good	Very good	Excellent	
1.4 Function	Minor	Useful	Important	Very important	Major	
1.5 Age	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 60 yrs	Over 100 yrs	
2.0 Aesthetic criteria						
Points scored	3	0	15	21	27	
2.1 Situation	Mid to good	Mid to poor	Mid to fair	Mid to good	Mid to +	
2.2 Visibility of use	0.5 km	1 km	2 km	4 km	8 km	
2.3 Proximity of other trees	Front	Park	Group 10+	Group 3+	Solitary	
2.4 Role in location	Minor	Moderate	Important	Very important	Major	
2.5 Climatic influence	Minor	Moderate	Important	Very important	Major	
3.0 Outstanding criteria						
Points scored	0	15	21	27		
Recognition	Local	Regional	National	International		
3.1 Stature						
3.1.1 Feature						
3.1.2 Form						
3.2 Historic						
3.2.2 Age						
3.2.3 Association						
3.2.4 Commemoration						
3.2.5 Remnant						
3.3 Scientific						
3.3.1 Rarity						
3.3.2 Source						
Total points						

%

66
Total points

%

39
Total points

9
sub total section
142

Total points

Nomenclature

Botanical Name: *Quercus robur*) Not on list.

Common Name: Common oak

Address: 166 St. Vincent

Tree Evaluation Score: 102
 Tree Evaluation Sheet No.

TEM Scoring Method, Aug. 1994.						
1.0 Arboricultural criteria.						
Points scored.	3	9	15	21	27	30
1.1 Form.	Poor	Fair	Good	Very good	Specimen	
1.2 Occurrence of the species.	Predominant	Common	Infrequent	Rare	Very Rare	
1.3 Vitality.	Poor	Average	Good	Very good	Excellent	
1.4 Function.	Minor	Useful	Important	Very important	Major	
1.5 Age.	Over 10 yrs	Over 20 yrs	Over 40 yrs	Over 80 yrs	Over 100 yrs	
2.0 Amenity criteria.						
Points scored.	3	9	15	21	27	
2.1 Stature.	Up to 3m.	Up to 9m.	Up to 15m.	Up to 21m.	21m.+	
2.2 Visibility of tree.	0.5kms.	1km.	2kms.	4kms.	8kms.	
2.3 Proximity of other trees.	Forest	Park	Group 10 +	Group 3 +	Solitary	
2.4 Role in location.	Minor	Moderate	Important	Very important	Major	
2.5 Climatic influence.	Minor	Moderate	Important	Very important	Major	
3.0 Outstanding criteria						
Points scored.	9	15	21	27		
Recognition.	Local	Regional	National	International		
3.1 Stature.						
3.1.1 Feature.						
3.1.2 Form.						
3.2 Historic.						
3.2.2 Age.						
3.2.3 Association.						
3.2.4 Commemoration.						
3.2.5 Remnant.						
3.3 Scientific.						
3.3.1 Rarity.						
3.3.2 Source.						
Total points.						

45
Total points.

57
Total points.

sub total section 1 + 2

102
Total points.

Nomenclature

Botanical Name:

Common Name:

Address:

Metrosideros excelsa
pohutakawa
29 Stanley Cres.

Landscape

Tree Evaluation Score

108

Tree Evaluation

Sheet No.

TEM Scoring Method, Aug. 1994.

1.0 Arboricultural criteria.

Points scored. 3 9 15 21 27 30

1.1 Form. Poor Fair Good Very good Specimen

1.2 Occurrence of the species. Predominant Common Infrequent Rare Very Rare

1.3 Vitality. Poor Average Good Very good Excellent

1.4 Function. Minor Useful Important Very important Major

1.5 Age. Over 10 yrs Over 20 yrs Over 40 yrs Over 60 yrs Over 100 yrs

51 %
Total points

2.0 Aesthetic criteria.

Points scored. 3 9 15 21 27

2.1 Situation. Up to 5m Up to 10m Up to 15m Up to 20m 20m+

2.2 Visibility of tree. 0.5km 1km 2km 4km 6km

2.3 Proximity of other trees. Forest Park Group 10+ Group 3+ Solitary

2.4 Role in location. Minor Moderate Important Very important Major

2.5 Climatic influence. Minor Moderate Important Very important Major

57 %
Total points

3.0 Outstanding criteria

Points scored. 9 15 21 27

Recognition. Local Regional National International

3.1 Stature.

3.1.1 Feature.

3.1.2 Form.

3.2 Historic.

3.2.2 Age.

3.2.3 Association.

3.2.4 Commemoration.

3.2.5 Remnant.

3.3 Scientific.

3.3.1 Rarity.

3.3.2 Source.

108
sub total section 1+2

Total points

Total points

Nomenclature

Botanical Name: *Nothofagus solandri*

Common Name: Black beech

Address: 39 Stansell Ave.

Tree Evaluation Score 84

Tree Evaluation

Sheet No.

TEM Scoring Method, Aug 1994

1.0 Arboreal criteria

Points scored: 3 0 15 21 27 30

1.1 Form: Poor (checked), Fair, Good, Very good, Specimen

1.2 Occurrence of the species: Predominant, Common, Infrequent (checked), Rare, Very Rare

1.3 Vitality: Poor (checked), Average, Good, Very good, Excellent

1.4 Function: Minor (checked), Useful, Important, Very important, Major

1.6 Age: Over 10 yrs (checked), Over 20 yrs, Over 40 yrs, Over 80 yrs, Over 100 yrs

39 Total points

2.0 Aesthetic criteria

Points scored: 3 0 15 21 27

2.1 Situation: In the area (checked), In the rim, In the island, In the rim, Rim+

2.2 Visibility of tree: 0.5km (checked), 1km, 2km, 4km, 8km

2.3 Proximity of other trees: Forest (checked), Park, Group 10+, Group 5+, Solitary

2.4 Role in location: Minor (checked), Moderate, Important, Very important, Major

2.5 Climate influence: Minor (checked), Moderate, Important, Very important, Major

45 Total points

3.0 Outstanding criteria

Points scored: 0 15 21 27

Recognition: Local (checked), Regional, National, International

3.1 Stature: 3.1.1 Feature, 3.1.2 Form

3.2 Historic: 3.2.2 Age, 3.2.3 Association, 3.2.4 Commemoration, 3.2.5 Remnant

3.3 Scientific: 3.3.1 Early, 3.3.2 Source

Total points

sub total section 1+2

84 Total points

Sheet Total points

Nomenclature

Botanical Name: *Erythrina crista-galli*

Common Name: Coral Tree

Address: 45 The Ridgeway

Susan - Just this tree

Tree Evaluation Score 108
 Tree Evaluation -
 Sheet No.

TEM Scoring Method, Aug. 1994.

1.0 Arboricultural criteria.

Points scored.	3	9	15	21	27	30
1.1 Form.	Poor	Fair	Good ✓	Very good	Specimen	
1.2 Occurrence of the species.	Predominant	Common	Infrequent	Rare ✓	Very Rare	
1.3 Vitality.	Poor	Average	Good	Very good ✓	Excellent	
1.4 Function.	Minor	Useful ✓	Important	Very important	Major	
1.5 Age.	Over 10 yrs	Over 20 yrs ✓	Over 40 yrs ✓	Over 80 yrs	Over 100 yrs	

%
81
Total points.

2.0 Amenity criteria.

Points scored.	3	9	15	21	27
2.1 Stature.	Up to 3m.	Up to 9m. ✓	Up to 15m.	Up to 21m.	21m.+
2.2 Visibility of tree.	0.5kms. ✓	1km.	2kms.	4kms.	8kms.
2.3 Proximity of other trees.	Forest	Park ✓	Group 10 +	Group 3 +	Solitary
2.4 Role in location.	Minor ✓	Moderate	Important	Very important	Major
2.5 Climatic influence.	Minor ✓	Moderate	Important	Very important	Major

%
27
Total points.

3.0 Outstanding criteria

Points scored.	9	15	21	27
Recognition.	Local	Regional	National	International
3.1 Stature.				
3.1.1 Feature.				
3.1.2 Form.				
3.2 Historic.				
3.2.2 Age.				
3.2.3 Association.				
3.2.4 Commemoration.				
3.2.5 Remnant.				
3.3 Scientific.				
3.3.1 Rarity.				
3.3.2 Source.				
Total points.				108

sub total section 1 + 2

108
Total points.

STEM Score Method for Heritage Trees

Botanical Name	Quercus robur	Total Score	156
Common Name	English Oak	Tree Status	Heritage
Owner	Jacqueline & Timothy Bennion	Hansen ID	
Address	26 Todd Bush Road - Nelson	Photo TARDIS No	944347
Legal Description	Lot 1 DP305368	Photo Date	28/06/2010

1.0 Arboricultural Criteria 81

1.1 Form	<input type="text" value="Very Good"/>		21
1.2 Occurrence	<input type="text" value="Common"/>		9
1.3 Vitality	<input type="text" value="Good"/>		15
1.4 Function	<input type="text" value="Useful"/>		9
1.5 Age	<input type="text" value="Over 100 years"/>	Year Planted 1880cc	27

2.0 Amenity Criteria 57

2.1 Height	<input type="text" value="Up to 15 m"/>	Tree Height 9.5	15
2.2 Visibility	<input type="text" value="0.5 km"/>		3
2.3 Proximity	<input type="text" value="Group 3+"/>	Trunk Circumference 5.1	21
2.4 Location Role	<input type="text" value="Moderate"/>	Canopy Spread 18	9
2.5 Climatic Influence	<input type="text" value="Moderate"/>		9

3.0 Outstanding Criteria 18

3.1 Stature	<input type="text"/>		0
3.1.1 Feature	<input type="text"/>		0
3.1.2 Form	<input type="text"/>		0
3.2 Historic	<input type="text" value="Local"/>		9
3.2.1 Age	<input type="text" value="Local"/>		9
3.2.2 Association	<input type="text"/>		0
3.2.3 Commemoration	<input type="text"/>		0
3.2.3 Remnant	<input type="text"/>		0
3.3 Scientific	<input type="text"/>		0
3.3.1 Rarity	<input type="text"/>		0
3.3.2 Source	<input type="text"/>		0

**Planting details -
information on who
planted or what
event**

Not available

Tree Condition

Good compact form - canopy spread. On bank away from house.

**Comments - Notes
on history of site**

GIS to assign PPR,
Valuation
Assessment, Legal
Desc, Park ID and
Neighbourhood

GIS to inform Paul
Harrington & Ian
Tyler of new tree
for NRMP

STEM Score Method for Heritage Trees

Botanical Name	Podocarpus totara	Total Score	147
Common Name	Totara	Tree Status	Heritage
Address	384 Trafalgar Street - Nelson	Hansen ID	

1.0 Arboricultural Criteria 87

1.1 Form	Very Good	21
1.2 Occurrence	Infrequent	15
1.3 Vitality	Very Good	21
1.4 Function	Important	15
1.5 Age	Over 40 years	15

2.0 Amenity Criteria 51

2.1 Height	Up to 15 m	15
2.2 Visibility	0.5 km	3
2.3 Proximity	Group 3+	21
2.4 Location Role	Moderate	9
2.5 Climatic Influence	Minor	3

3.0 Outstanding Criteria 9

3.1 Stature		0
3.1.1 Feature		0
3.1.2 Form		0
3.2 Historic		0
3.2.1 Age		0
3.2.2 Association		0
3.2.3 Commemoration		0
3.2.3 Remnant		0
3.3 Scientific		0
3.3.1 Rarity		0
3.3.2 Source	Local	9

Addendum III:

Aerial images for contested trees



Date: Thu, 30 Jun 2011

Author: Paul Harrington

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Liquidambar styraciflua at 19 Richmond Ave



Date: Thu, 30 Jun 2011

Author: Paul Harrington

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Acer negundo at 247 Rutherford St



Date: Thu, 30 Jun 2011
 Author: Paul Harrington

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Magnolia soulangeana at 18 Sowman St





Date: Thu, 30 Jun 2011

Author: Paul Harrington

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Quercus robur at 166 St Vincent St

