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## Tree Policy

Trees are an essential part of the landscape and natural infrastructure of Kirikiriroa Hamilton. In addition to aesthetic and cultural values, trees provide a range of benefits including cooling through shade, carbon sequestering, wellbeing support, improving air quality, supporting wildlife and resilience to effects of extreme events.

### *Ko te Puutaketanga*

### Purpose

1. The purpose of this policy is to:
  - a) Provide guidance for the planning, planting, maintenance, and retention or removal of Council owned trees
  - b) Manage risks resulting from Council owned trees, including risks to health and safety
  - c) Protect trees which have high amenity, botanical and ecological value and to encourage, whenever possible, development practices that avoid damage to trees
  - d) Ensure Council tree planting and management is appropriate, financially sustainable, and contributes to positive community and environmental outcomes.; and
  - e) Provide consistency, clarity and transparency around service requests and Council decision making.

### *Ko te Whaanuitanga*

### Scope

2. This Policy applies to trees:
  - a) On Council owned and/or managed open spaces (including transport corridors (roads and the road reserve), parks, reserves, cemeteries, Council facilities, and service corridors).
  - b) Managed through the Hamilton Gardens Management Plan, Stadia Reserve Management Plan and Te Kaaroro (Hamilton Zoo and Waiwhakareke).
3. This Policy does not apply to:
  - a) Trees on private land or outside of HCC boundaries (except for the Hamilton Park Cemetery, Taitua Arboretum, and any other HCC owned land).
  - b) Notable Trees listed in Schedule 9D of the Hamilton City Operative District Plan and trees in Significant Natural Areas listed in Schedule 9C of the Hamilton City Operative District Plan.
  - c) Planting and maintenance of other vegetation in the transport corridor, which is covered by the proposed 'Streetscape and Gateways Policy'.

**Note:** *Notable trees are trees recognised in District Plans as having special value to the community or are outstanding specimen examples and individually or collectively are worthy of protection, and Significant Natural Areas (SNAs) are sites that are recognised in the Operative District Plan as having significant indigenous vegetation and/or significant habitats of indigenous fauna. Rules and standards pertaining to Notable Trees and Significant Natural Areas are provided in the Hamilton City Operative District Plan.*

## ***Ko ngaa Tikanga Whakahaere Kaupapahere***      **Principles of Policy**

4. The guiding principles of this policy are:
  - a) The tree canopy of Hamilton Kirikiriroa is essential to community, economic and environmental wellbeing, and Council owned trees are managed and prioritised as critical, long-term public assets.
  - b) Council will prioritise public health and safety over the amenity, ecological or historical value provided by individual trees.
  - c) Council will take a balanced approach to tree management to achieve the best possible community, economic and environmental outcomes.
  - d) Council will seek opportunities to plant new trees of appropriate types in suitable locations to maximise the canopy cover of the city and deliver ongoing benefits.
  - e) Tree planting and management is future focussed, financially sustainable and provides value for money in the long-term.

## ***Ko ngaa Tikanga***      **Policy**

### **Tree Species Selection and Planting**

5. Council will take a “right tree in the right place” approach to tree planning and planting to ensure tree species are appropriate for their particular location and context and will contribute long term benefits to the city.
6. All tree planting on Council land (including berms) must be approved by Council and follow standard Council procedures.
7. Council will select a diverse range of native and exotic tree species to strengthen and enhance ecological resilience.
8. Council tree planting will be prioritised in areas where shade is desirable, (for example in playgrounds and high pedestrian and cycle routes) or in areas where there are few trees.
9. Succession planting will be undertaken to ensure there is a wide range of species and maturity in parks and open spaces.
10. To ensure that all trees are fit-for-context, Council must consider whether the location and species of a tree will compromise both the current and planned function, safety, efficiency and operation of the road corridor (including its role as a corridor for infrastructure). In particular:

- a) Overhead, and underground infrastructure (e.g. power, water, utility services).
- b) Operating speeds and traffic safety (e.g. speed limit, visibility of signs and driver sight lines).
- c) Accessibility and clearance requirements of the corridor (e.g. freight route, over-dimension route, Bus Rapid Transit).

### **Pruning and Maintenance**

11. Council undertakes maintenance on street trees to keep trees healthy and minimise risk to people or property. Inspections and maintenance are carried out using Council approved risk management practices and are in accordance with accepted arboriculture standards.
12. Only Council approved persons may undertake pruning or maintenance of Council owned trees.
13. Council will prune trees that obstruct powerlines, footpaths and roads, street lighting, vehicle access to public areas, traffic signage and road visibility.
14. Council will generally not undertake pruning to reduce shading or manage debris, or for the establishment, retention, or enhancement of views.
15. Council will investigate and may seek compensation or take enforcement action for any damage caused by pruning under the appropriate legislation, including the Hamilton City Parks, Domains and Reserves Bylaw 2019, the Local Government Act 2002, and/or the Reserves Act 1977.
16. Where appropriate in natural reserve areas, unhealthy, dead, or felled trees will be left in place to decompose for ecological benefit.

### **Working around trees**

17. Appropriate care must be undertaken to avoid potential damage to Council trees during construction works or any other activity.
18. Council must be notified during the early stages of development design of any development, work, or activity proposed near a Council owned tree (e.g. concept design stage). An Application for Tree Owner Approval should be submitted to Council no less than 21 working days before any works commence that includes vehicle crossings (driveways), installation of services and infrastructure, buildings or other developments that could impact any Council trees.
19. All works on Council land must comply with Council health and safety procedures and the Health and Safety at Work Act 2015.
20. Council may seek compensation or take enforcement action for any damage or loss to Council trees under the appropriate legislation, including the Hamilton City Parks, Domains and Reserves Bylaw 2019, the Local Government Act 2002, and/or the Reserves Act 1977.
21. Damage or loss may include but is not limited to:
  - a) Death or decline of tree(s) health.
  - b) Damage to the structure of the tree(s).
    1. Damage to the tree(s) roots and/or rooting environment including compaction or contamination of the soil.

## Tree Removal

22. Good quality, mature trees are of significant value to the city and removal will only be considered when all other options have been explored and are determined by Council to not be viable.
23. Council trees that are in a state of irreversible decline, dead and/or structurally unsound may be removed at any time by Council if required for public safety or to avoid serious damage to property or infrastructure.<sup>1</sup>
24. Council will assess and allow removal of trees that pose an unacceptable safety risk that cannot be practically mitigated through pruning or other engineering solutions.
25. Council may remove a tree on a case-by-case basis if it is causing, or is likely to cause, serious damage to buildings, services, property, or infrastructure (both public or privately owned) and the damage cannot be reasonably rectified or mitigated except by removing the tree.
26. Council is unlikely to approve the removal of a tree in the following circumstances:
  - a) To provide better views,
  - b) To reduce leaf and fruit litter or debris from trees,
  - c) To reduce nuisance from native fauna that may be inhabiting the tree,
  - d) To reduce shading,
  - e) To allow for the installation of solar panels,
  - f) For unjustified property damage claims,
  - g) For causing minor allergenic or irritant responses,
  - h) If there are practical means for canopy or tree retention.
27. There will be no removal of trees on Council land unless approved by Council in writing.
28. Any removal of trees on Council land will only be considered by Council following submission of an Application for Tree Owner Approval.
29. Council may consider the removal (and replacement) of trees on a case-by-case basis to allow for an activity or development where no other alternative design option is available.
30. An Application for Tree Owner Approval must be submitted for consideration during the early stages of development design (e.g. concept design stage). Council staff will approve or decline a request within 21 working days of receiving it, unless more information is required from the applicant to make a decision.
31. Removal of trees must be undertaken by, or under the supervision of, a suitably qualified arborist employed, approved, or contracted by Council, or a network utility operator in accordance with accepted arboriculture standards.
32. If Council approval is given, tree removal shall include stump grinding to a minimum depth and the ground must be left in a reasonable condition for replanting.
33. Tree removal approval will be subject to tree replacement requirements (as per clauses 35-38).

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<sup>1</sup> Council will endeavour to consult with impacted communities prior to the removal of trees. However, in the event of emergency or urgent removal, notification may not be possible.

34. In sites where trees are identified as likely containing protected indigenous fauna (e.g. bats, lizards or native bird species) an ecological assessment will be required to be provided alongside any Application for Tree Owner Approval.

### **Tree Replacement**

35. Council will require the planting of a minimum of two new trees for every Council tree removed for development.

36. The cost of tree replacement, including all relevant costs, will be calculated, and paid to Council prior to tree removal being approved.

37. For removals within the road corridor, the location of any replacement trees will be on the same site, or on a designated place as chosen by Council.

38. Tree replacement planting will occur at the next appropriate planting season.

### **Vandalism**

39. Council will investigate and may seek compensation or take enforcement action for deliberate acts of vandalism that result in the death of, or damage to, a Council tree, under the appropriate legislation, including the City Parks, Domains and Reserves Bylaw 2019, the Local Government Act 2002 and/or Reserves Act 1977.

### **Community plantings**

40. Council encourages and supports community engagement and involvement in tree planting projects and will consider requests for community planting projects in Council owned open space through volunteer programmes.

41. While making every effort to retain community planted trees, Council reserves the right to move or remove trees, if necessary, in accordance with this policy.

## ***Ko te Aroturukitanga me te Whakatinanatanga***

### **Monitoring and Implementation**

42. Implementation of this policy will be monitored by the General Manager Customer and Community.

43. This policy will be reviewed every three years, at the request of Council, or in response to legislative changes and statutory requirements (whichever occurs first).

## ***Ko ngaa Whakamaaramatanga***

### **Definitions**

<b>Term</b>	<b>Policy Definition</b>
Amenity	The 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.

Canopy cover	The total area that leaves, branches and stems of trees shade the ground.
Council	Means the Hamilton City Council and includes any committee, subcommittee or person acting under delegated authority.
Exotic trees	Means trees which do not occur naturally in New Zealand.
Invasive species	Species that spread rapidly throughout large areas of the country, often displacing native species or causing significant environmental harm.
Irreversible decline	The decline of a tree's health which is to such an extent that it is unlikely to recover.
Mature Tree	A tree reaching its ultimate potential size, whose growth rate is slowing date, with limited potential for any significant increase in size.
Native trees	Trees that occur naturally in New Zealand or arrived in New Zealand without human assistance.
Notable trees	Individual or groups of trees identified in Schedule 9D of the District Plan that are located on either public or private land and have been assessed as 'notable' because of their link to the community, scientific importance, species type, age and/or the contribution they make to the city.
Other vegetation	A plant that does not have the potential to grow taller than 3 metres in height and have a stem diameter of, or exceeding, 100mm measured at 1.4 metres above ground.
Road Corridor	Means whole corridor that provides for road carriageway, berms, services and any adjoining pedestrian or cycle paths, landscaping and lighting, and includes roads and access segregation strips.

## ***Ko nga Tohutoro***      **References**

The Local Government Act 1974  
 The Local Government Act 2002  
 The Reserves Act 1977  
 The Crimes Act 1961  
 Hamilton City Operative District Plan  
 Waikato Regional Infrastructure Specifications (RITS)  
 Hamilton City Council Bat Management Plan  
 Hamilton City Council Streetscape and Gateways Policy  
 Trees on Development Sites, New Zealand Arboricultural Association Inc. (NZ Arb)  
 Tree Protection Fencing, New Zealand Arboricultural Association Inc. (NZ Arb)  
 Amenity Tree Pruning Guide, New Zealand Arboricultural Association Inc. (NZ Arb)