



## Yellow Pohutukawa saved!

It is always good to be able to end the year on a high note and we have been celebrating the success of saving this beautiful and rare *Yellow Pohutukawa* *Metrosideros excelsa* 'Aurea' in Mangere Bridge, Auckland from being removed for a bus shelter. This yellow-flowered form 'Aurea' descends from a pair discovered in 1840 on Motiti Island off Tauranga in the Bay of Plenty by a Mr Potts.

The drama began at 8.30am one Friday morning when photographer and naturalist Jacqui Geux just happened to be passing the tree on Church Road as the Auckland Transport contract arborists, Asplundh, were starting work. Jacqui phoned Mels Barton who got straight onto Auckland Council while Jacqui persuaded the team to stop work until Mels could check if the tree had any protection.

It was just luck that Jacqui happened to be passing and knew that this was a Yellow Pohutukawa as it wasn't in flower at the time and looked just like any other pohutukawa. Thanks must go to Asplundh for stopping work while Mels spent the next four hours on the phone trying to track down the person in Auckland Transport who was responsible for the bus shelter project. If ever there was a good example of why Auckland Council needs a dedicated tree helpline this was it.

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## Message from Sean Freeman

I hope all our members, friends and supporters had a wonderful Christmas and a safe and peaceful New Year. Last year turned out to be an exciting year with the promise of the potential for positive change, a new government and with that the opportunity to push for amendments to the Resource Management Act.

Our New Year wish is to undo the damage done by previous governments and give our local government back the power to implement blanket tree protection, while we still have some trees left to protect!

Another exciting thing that has happened in 2017 is the announcement of the release of the Tree App which, thanks to a massive amount of hard work by Steven MacLeod, lets anyone with a smart phone record what is actually happening to trees on the ground across our city. Currently the app is available for Android phones only, Apple phone version coming soon! The app is not just about trees being lost. It also allows you to record your favourite tree or trees. Download it now and get recording! See the full article on page 2 for more information.

Remember if you want to help us advocate for better tree protection for our urban forest then get in touch with us on [info@thetreecouncil.org.nz](mailto:info@thetreecouncil.org.nz), we meet once a month at the Grey Lynn Community Centre.



It was discovered that the tree was on private land and after two weeks of internal discussions Auckland Transport negotiated with the landowner and informed us that the tree would be retained and pruned only to accommodate the bus shelter.

We are extremely grateful to the landowners who recognised that this was not just an ordinary pohutukawa and were willing to retain it for the benefit of the wider community. Thanks also to Greenscene and Auckland Transport for being responsive to the new information about the tree's rarity and being willing to modify their plans to enable the tree to stay.



## News in brief

### Our AGM

Our 2017 AGM was quite an occasion with over 60 people packing out the Lynfield Room at the Fickling Centre to hear what we'd been up to this year. The audience included many eminent scientists who had come to hear Dr Nick Waipara speak about Myrtle Rust and other threats to our Heritage Trees. There were also a large number of arborists present which was good to see. It is always encouraging when the industry is interested in a community group's activities. Nick's talk was highly informative and deeply concerning for everyone to learn just how many threats our island ecology is subjected to that could have far reaching implications for the future of our forests. We were also delighted to have present the activists from Snells Beach, Michele Mackenzie and Charlie Cottrell-Jury, the arborist who climbed the 150 year old Norfolk Pine in a last ditch attempt to save it. Also present was Robin Brehmer whose family had owned the land that the Avondale pecan trees had stood on for the last

We have raced down to Mangere Bridge recently to see it flowering and we'd like to know where the other Yellow Pohutukawas are in Auckland, so we're asking you to go out and look for them. Download our Tree App and record their location and condition for us as we would love to know where they all are. If we manage to change the RMA this year we might even be able to protect them in future.

To say thanks to the landowners for saving the tree we have offered them free membership of The Tree Council for 2018 and have given them a framed certificate and a copy of this newsletter.

*Mels Barton*



*Michele Mackenzie and Charlie Cottrell-Jury*

60 years. We have the greatest admiration for these people who have tried so hard to protect our natural heritage in the face of insurmountable odds and we only wish we could have achieved a more positive outcome for them.

*Mels Barton*

## The launch of our mobile Agile Cloud Tree App

The AGM also saw the launch of our mobile Agile Cloud Tree App for smartphones. This App has been a year in the making but is now freely available for download from the Google Play Store for Android and Apple. Our developer, Steve MacLeod, and his team have worked on this project voluntarily and committed thousands of hours to create a tool to record our trees (both living and sadly lost) on the ground, including GPS position fixing.

The Council's Heritage Arborists will no doubt find this App useful when they try to audit the Heritage Tree Schedule. We would like to encourage everyone to download the Agile Cloud App and get to work recording the trees in their neighbourhood and especially any of those they see being removed. We are especially keen to encourage arborists to use it in their daily work so that we can start

to see the detail of what is being removed across the city thanks to the loss of the general tree protection rules. To download the App go to the Google Play Store and search for Agile Cloud. For more information and a video guide of how to use it go to our website and click on the link [www.thetreecouncil.org.nz/new-tree-app-launched](http://www.thetreecouncil.org.nz/new-tree-app-launched)

We cannot thank Steven and his team enough for all the work they have done. If you would like to make a donation to help us pay something towards their herculean effort then please go to our Givealittle page at: <https://givealittle.co.nz/cause/agile-cloud-mobile-app-to-record-trees> or send us a cheque and donate whatever you can afford. Thank you!





## Tree Week Guided Walking Tour of 2017



The Tree Council guided walking tour which took place on 14 October during Tree Week, was well attended and offered everyone an opportunity to educate themselves about some of the notable tree specimens in the Auckland Domain. Our host was Dr Mike Wilcox, author of the informative book, *Auckland's Remarkable Urban Forest*.

Dr Wilcox provided an absorbing historical commentary along with detailed botanical knowledge of each tree or group of trees visited within the Domain. An extensive list entitled 'Woody Plants of the Auckland Domain', co-authored by Dr Wilcox, was gratefully received by the group

beforehand. It contained the botanical names, common names and place of origin of each tree and plant found within the Domain's walks and groves, many of which we visited on the day.

The Tree Council would like to thank Dr Wilcox for his boundless enthusiasm and expansive knowledge, both of which contributed to an enjoyable and informative experience and extended our appreciation of the fine trees of the Domain which form such a significant part of our city's heritage.

Suzanne Caron

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## Coastal Pohutakawa poisoned

The Tree Council needs your help with an incident we have been made aware of recently that is very worrying. Some coastal pohutukawas have been drilled and presumably poisoned on an empty section with coastal views on the North Shore. The trees have died.

Auckland Council is investigating and needs evidence to get a prosecution. We just wanted to let you know about it and ask if you do happen to hear anything please can you pass on any information confidentially to David Frith, Team Leader Compliance Investigations. We have asked the media not to publish an article about it for fear of initiating a spate of copycat poisonings and we have not put it on our social media for the same reason.

Please keep an eye on coastal pohutukawa and let us and the Council know if you see anything suspicious. Thanks.



## The New Zealand ARB Ronald Flook Award

Congratulations to Helen Elizabeth Lowe of Christchurch for being this year's recipient of the New Zealand ARB Ronald Flook Award — an award which recognises outstanding service to the care and protection of trees in New Zealand.

By awarding this to Helen, the New Zealand Arboricultural Association has recognised the key role and tremendous effort she made last year to save approximately 1500 heritage and notable trees of Christchurch by ensuring they remain protected on the Christchurch Replacement District Plan.

Helen's achievement is regarded as significant, not only because of the importance of Christchurch's most notable trees to both the city and New Zealand's natural and cultural heritage, but also because of the importance of retaining their physical presence and cultural legacy in Christchurch's post-earthquake "geography of loss".

The importance of Helen's contribution was also recognised by the Independent Hearing Panel itself, which in reaching their decision on the Trees section of the Christchurch Replacement District Plan noted that:

*... we acknowledge her expertise as a planner from her previous experience and accept without question the very competent and professional way in which she gave her evidence...and accordingly attach significant weight to it.*

NZ Arb considers Helen to be a well-deserving recipient of this award which acknowledges her outstanding contribution to tree protection in New Zealand. It also



acknowledges the gratitude of the Christchurch Civic Trust, the people of Christchurch and the wider community to the role she played in ensuring that the city's heritage trees remain a significant component of the garden city.

The New Zealand Notable Trees Trust also consider Helen to be a very worthy recipient indeed.

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## Saving the Greenlane Liquidambar

A submission was made by board member Suzanne Caron on 30 March this year in front of Hearing Commissioners, Barry Kaye and Melean Absolum to oppose a resource consent application to remove a notable tree, a liquidambar, from Campbell Road in Greenlane. The submission was made in support of the conclusion and recommendation shared by a consultant arborist for Auckland Council and an Auckland Council Heritage Arborist, that the resource consent be refused.

The matters of concern for the applicant were deemed to be minor and easily remedied through management solutions such as the pruning of tree branches and the routine maintenance of tree litter. The seed pods dropped by this tree were seen by the applicant as a major hazard. In our submission we referred to the fact that this species of tree was currently growing on both sides of Upper Queen Street in Central Auckland in an area of heavy pedestrian traffic and did not present as a health and safety issue. Other issues such as damage to the driveway and an inoperative gate could not be directly attributed to the growth of the tree.

This submission was another example of the principle by which The Tree Council operates. In the words of Sean Freeman, Chair,

*We do not automatically oppose all applications to carry out works on Scheduled trees as we recognise that all urban trees may require management or intervention of some sort and Scheduled trees are no different. Our expectation is that there will be sound and valid reasons for any works on Scheduled trees and that in an application to destroy a Scheduled tree that there would be strong evidence to show an unacceptable level of risk of significant harm to persons and or property for which the destruction of the tree is the only course of management available.*

In this case, on the basis of the structural integrity and health of the liquidambar, its value as a significant street tree and the proposals put forward in the hearing for management solutions to remedy the applicant's issues with the tree, the resource application for removal was refused.

Suzanne would like to thank Hueline Massey and Sean Freeman for their help and support with this submission.

Suzanne Caron



## New board member – Anna Fomison

Originally from Christchurch, I moved to Waitakere, Auckland in 1980. Coming from the flat, open spaces of the Canterbury plains, the trees and bush of the north made a huge impact on me.

I remember the mixture of awe and sadness I felt on seeing the northern landscape. I was amazed to see the lush bush and horrified to see the huge scars left by our pioneering ancestors and recent development. How had we managed to change the nature of the landscape so much in such a relatively short time?

Since 1989 I have lived with my family in Sunnyvale, on the sunny side of the Waikumete Hill. A tributary of the Waikumete Stream runs through the property and for many years I have been actively involved in planting many trees and plants both on my property and in the riparian margin, some of this planting alongside Weed Free Waitakere and Project Twin Streams.

In 2000 I joined the Waitakere Ranges Protection Society and have been Vice-President since 2002. I joined the Society because I felt it was my responsibility to future generations to do whatever I could to protect this wonderful remnant of the great forests from the current climate of short-sighted vision.

In 2006 I was a co-founder, along with my neighbours, of the Sunnyvale Protection Society which was formed in response to a notified consent that had been granted for a 55-title subdivision on the neighbouring five hectare block, the remnant of an orchard and small farmlet that hosted a mixture of mature exotic and native trees. The Tree Council supported our submission to the Environment Court which was an attempt to protect some of the trees and to reduce the number of dwellings. We managed to reduce the number of dwellings by two but were most successful with the tree protection as several trees were given protected status and a tree planting plan was accepted.

Imagine my horror recently when I witnessed the destruction and felling of the trees that had been given this protected status. It highlighted the dire importance of a clear process of transferring the protected status to the new owner's title and physically marking protected trees so that it is very obvious.

Although I actively tried to prevent it happening (and thank you Mels for your support) I was let down by a dysfunctional Council process and also unfortunately ended up on the receiving end of an aggressive response by the property owner, the 'arborist' and, strangely enough, the 'arborist's wife'! She suggested I might like to

find something better to do with myself and my time and I had a moment of epiphany when I realised that I did not have anything better to do at all in that moment and my priority was totally to try and protect those trees.

And so I decided to join the Tree Council. I want to help The Tree Council in its battle against chainsaws, the short-sighted 'yes' culture of the bureaucratic bungle and mess in Auckland Council that seems to support developers only and to help in the attempt to strengthen the RMA so we can get tree protection back in our neighbourhoods. I support the Tree Council in its attempt to advocate, educate and help the community activate in the protection of our trees.

I totally acknowledge and respect fulsomely the hours and hours of volunteer time that Hueline, Mels, Sean, Suzanne and David and all those who have gone before such as Sigrid have put into this important work and I feel honoured to be able to join this very small group of tree warriors who are doing such a huge and awesome job. Thanks Tree Councillors!

*Anna Fomison*



# Close the Ranges and support the rāhui

**The Tree Council together with Forest & Bird and the Waitakere Ranges Protection Society have strongly supported mana whenua Te Kawerau a Maki's call for a rāhui (closure) of the Waitakere Ranges Regional Park to protect kauri.**



This temporary closure of the track network is intended to exert pressure on Auckland Council and the Government to fund the essential infrastructure upgrades necessary to prevent further spread of kauri dieback disease. As soon as tracks and cleaning stations have been upgraded to the required standard they can be reopened.

Auckland Council's monitoring report released in August showed that the spread of kauri dieback disease within the Regional Park had more than doubled in the last five years from an average of 8% to 19%. The infection is extremely highly correlated with the track network, demonstrating clearly that people are responsible for the spread of the disease. The report also stated that up to 83% of people are not using the cleaning stations and that the current cleaning stations designs are ineffective and make them difficult to use.

The track network comprises 274km of tracks, most of which are in a dire state of repair, with exposed tree roots and a lot of mud. It is the mud which is the problem with kauri dieback disease spores being transported in the mud on boots, tyres, paws and equipment from one site to another. A quick spray does nothing to the spores. Only careful and complete cleaning to remove all the dirt followed

by spraying is adequate protection against spreading the disease. Unfortunately this is not what most people are doing.

It is essential to future proof our track network to prevent further spread of this and other soil borne diseases. The Waitakere Ranges attracts around one million visitors per year. These people are visiting other forests and will be spreading disease out of the park to other regions. If we take no action and the spread of kauri dieback continues to double every five years we could lose all kauri in the Ranges within 20 years.

Auckland Council are currently investigating using the Biosecurity Act to close and enforce closure of tracks to support the rāhui. We urge you to sign the petition calling for a closure at <https://www.toko.org.nz/petitions/close-the-ranges-to-save-waitakere-kauri>

Kauri are a keystone species with 17 other species depending entirely on their presence to survive. If we lose kauri then we lose our forests. The organism that causes kauri dieback disease *Phytophthora agathadicida* is likely to affect other species as it builds up in the soil over time as *Phytophthora* do in other countries. There is a risk that other trees will begin to succumb to the disease and we



know that it is already affecting Tanekaha. Urgent action to prevent spreading this disease is precautionary and will benefit all users of New Zealand's forests as well as the trees themselves.

The Tree Council urges you to please respect the rāhui and stay out of the Waitakere Ranges forest this year. Please

tell your friends and relatives to support this stance to save our forest and vote for additional spending on kauri dieback when the Council does consultation on the Long Term Plan in early 2018. Thank you.

#closetheranges #spreadthewordnotthedisease

Mels Barton

## The Kauri Rescue project update

The Kauri Rescue project led by Dr Ian Horner and including Waitakere Coordinator and The Tree Council's Secretary, Mels Barton, has been steaming ahead with its citizen science programme treating kauri trees that have dieback disease. Over 200 people have contacted the project since its launch in Titirangi in February. The team recently launched in Northland with an event at Toll Stadium in Whangarei.

The time lag in getting results from soil tests means that only 20 people have treated their trees to date, although that is several 100 trees, but over 40 landowners are currently awaiting results and are lined up to start injecting their trees if they are confirmed with kauri dieback disease. Treating in spring is better for the trees when the sap is rising, so the Kauri Rescue team's big push to recruit participants over winter is now bearing fruit.

The majority of participants are in West Auckland, especially in Titirangi, thanks to the focused efforts at the Village Market and door knocking in dieback affected streets, and the team is now branching out into Northland and the Coromandel. The more people they have out searching for participants, the more they can recruit as people are incredibly grateful to be offered help and readily sign-up once they hear about the project. There is a fantastic team of Kauri Rescue Ambassadors supporting the project and helping with both the recruitment drive and anyone who needs some help with treating their trees. Publicity work with a group of students from AUT supervised by ex-Tree Council Board member, Pip Mules,



has focused on recruiting Kauri Rescue Ambassadors to help with this outreach work in the community. The team has produced a video that has been watched over 4500 times on its Facebook Page and also done a Live Stream event where Mels answered questions about kauri dieback live on Facebook.

Mels Barton



You can watch the recruitment video and the video of the Live Stream on the project's Facebook Page at: [www.facebook.com/kaurirescue/](https://www.facebook.com/kaurirescue/) and you can sign-up to help as a Kauri Rescue Ambassador on the website at: [www.kaurirescue.org.nz/](https://www.kaurirescue.org.nz/) or by contacting Mels at: [mels@kaurirescue.org.nz](mailto:mels@kaurirescue.org.nz)





## Fowlds Park – a good news story

It seems a very long time ago back in 2014 when we first heard about Auckland Council plans to dramatically change the layout and structure of playing fields at Fowlds Park in Mount Albert. Together with a group of concerned local residents who formed themselves into the Friends of Fowlds Park, The Tree Council made a submission opposing those plans due to the very significant changes that those plans would make to both the function and form of the park. The planned development would have meant the loss of a strip of established screening vegetation along the entry road to the park and the construction of a very large intrusive retaining wall along the entire length of one of the sports fields effectively cutting the playing fields area in two.

The Independent Commissioners at the Hearing in 2015 ruled in favour of the Council and the plans to redevelop the park. Subsequently in 2016 the Friends of Fowlds Park lodged an appeal to the Environment Court against that decision and The Tree Council joined them in that appeal as a Section 274 party. Despite many months of court convened mediation in 2016 it was not possible to find common ground between the various parties and it certainly seemed that the appeal was going to go to Court in early 2017. My own commitments on behalf of The Tree Council to the endless hearings for the Proposed Auckland Unitary Plan made it impossible for me to continue with our Section 274 involvement.

Since withdrawing from the legal proceedings, we have not been privy to all the various communications and negotiations that will undoubtedly be instrumental in leading to the turn of events described below.

In July of this year the Albert Eden Local Board met with the Head of Investigation and Design for Parks in Auckland Council and agreed with their recommendation to scale back the previous proposal for artificial surfaces and enlarged playing fields. Opting instead for the installation of a hybrid turf design on one field and making improvements to the existing natural grass surface of the other two fields, with the plan to install the hybrid surface on those two fields in the future. This decision has effectively ruled out the previous plan to install artificial surfaces and the associated major earthworks which were approved by the Local Board in 2014.

Hybrid surface treatments have been installed in a number sports fields across the city and have proved very popular with all those who play sports on them. Both the Friends of Fowlds Park and the local Mt Albert Rugby League club are both very happy with this outcome.

It is pleasing to be able to report on such a good outcome to what had certainly appeared to be an unnecessary, expensive and divisive proposal. All the plaudits should go to the committee members of Friends of Fowlds Park who were steadfast in their opposition to the previous set of plans. It takes a huge amount of commitment to be able to sustain the effort required to reach an outcome like this. The Friends of Fowlds Park have certainly proved themselves to be the true custodians of the inclusive vision for all park users laid out by the original designer of the park Fred Tschopp arguably New Zealand's first practicing Landscape Architect.

*Sean Freeman*



# The case of the Snells Beach Norfolk Pine

**The sad case of the Snells Beach Norfolk Pine has been the worst example of unjustified tree removal approved by a non-notified resource consent that The Tree Council can remember. This tree is known to be at least 150 years old and is alleged to have originated from Governor Grey on nearby Kawau Island. It stood at the northern end of Snells Beach on the bank of a small permanent stream and was afforded protection because of its location on a riparian margin, despite being on private land.**



The question of why this fine and historically important specimen was never scheduled on the Auckland Council's list of Notable Trees cannot be answered, but the bottom line is that no one nominated it and therefore it wasn't. As is the case with many of our city's large trees it is likely that the local community just assumed such a magnificent and important tree would be listed and no one ever checked.

The property was sold and the new owner Vavasour Investments Ltd applied for resource consent to build the Boathouse Bay apartments. In the original consent application the tree was indicated as being retained, however in the sale notices for the apartments these were advertised as having a sea view. The tree would have to go to enable the sea to be seen.

The application was later amended to enable removal of the tree and granted non-notified. No justification for removal of this healthy tree was given. An independent commissioner determined that the effects of the removal would be "less than minor". Despite pleas from the local community and neighbours to publicly notify the consent no public process was entered into. No one could make a submission and there was no right of appeal of the decision. When questioned Council officer, Ian Smallburn stated that the history of the tree was not a relevant factor in considering whether to grant the consent.

The irony is that the land the tree stood on will be handed back to Auckland Council to become a reserve and the tree could have been retained within the reserve and protected in perpetuity - a fact which the Council was well aware of and is documented in emails between officers obtained by OIA request. The tree in no way prevented the development from

going ahead. In this case Council could have had its cake and eaten it too.

The local community ably led by Michele Mackenzie and Grant McLaughlan loudly protested the removal of the tree, even going to the High Court in an attempt to reverse the decision, but without taking the Council to a judicial review, there was no legal avenue to pursue and the tree's fate was sealed.

The removal was messy and undignified. As a last resort, arborist Charlie Cottrell-Jury scaled the tree but he was pulled down by police as contractors, Tree Frogs, ring-barked the tree to the howls of the protestors. Within days the tree was removed and only a stump remains for future generations to picnic on.

If nothing else this case has highlighted how many trees are being lost to non-notified consent applications every day in our cities. The default "yes" to removal of any tree for any reason by Council officers is the problem and if Auckland Council is to achieve its stated objective of "increasing our urban forest cover" then it has to change attitudes and procedures within the Planning and Consents departments that is enabling this to happen. Obviously the removal of general tree protection rules has made the situation worse, but for "protected" trees, as this was, then there needs to be greater rigour and a public process to improve decision making regarding our city's trees.

The case of the Snells Beach Norfolk Pine is simply not good enough and outcomes like this must not be allowed to perpetuate.

*Mels Barton*

# Cornwall Park – Campbell Crescent enhancement works

**One of the most disappointing resource consent applications that we have submitted on this year has been The Cornwall Park Trust Board's application to destroy two scheduled magnolia trees within the Campbell Crescent reserve. We have made a submission arguing that Auckland Council should refuse the application.**



In attempting to justify the destruction of these two established trees the Cornwall Park Trust have argued that since there is no clear record of any historical heritage associated with the two magnolia trees that the heritage values of the fountain/monument outweigh any value that the two scheduled trees might have. It has also been argued by consultants for Cornwall Park Trust Board that these two remaining trees along the Manukau Road edge of Campbell Crescent constitute an unacceptable obstruction to unimpeded views of the fountain and monument.

In fact (as the Cornwall Park Trust Board are doubtless well aware) in order to be included on the scheduled list of notable trees a tree must meet certain criteria. Heritage is just one of five special factors that are examined along with three specific factors; age and health, character and form, size and visual contribution. The fact that there are apparently no recorded historic heritage values associated with these two trees is irrelevant to their place on the schedule list and the level of protection that conveys.

Being included on the schedule is not a simple or easy process. We only have 6000 listed items on that scheduled and these few special trees are supposed to have the highest level of protection possible. During the public hearings for the Unitary Plan senior planners from Auckland Council described the trees on the scheduled list as 'The best of the best across the city'. We also know that (as detailed in this edition of Arborea) there it is very likely that the actual number of scheduled trees is far less than the often quoted 6000, making those that are still standing even more important!

We certainly do not agree with the argument that desired views or vistas of a fountain/monument negate the protection of a scheduled tree and in fact it is entirely debatable whether there is any significant obstruction of views that could not be mitigated through judicious pruning of the lower canopies of both trees.

Thus far between 50 and 70 trees have been removed from this precinct. The previous treed landscape has been totally destroyed without any chance for the public to express their views on the plans. We feel very strongly that the Auckland public should have been given the opportunity

to consider and comment on the plans through public notification of the resource consents for the Campbell Crescent precinct. Cornwall Park is one of the city's most loved parks and both locals and tourists flock there because of the trees and the landscapes they provide.

What makes this resource consent application so disappointing is the fact that over the past ten years or more we have had a good collaborative working relationship with the Cornwall Park Trust Board. They have been very supportive of many Tree Council initiatives in the past and we have brought our members to visit Cornwall Park on numerous occasions. Of all the applications to destroy protected trees that we get to read one might be forgiven for expecting that the Cornwall Park Trust Board would be that one applicant who would acknowledge the value and worth of those very few urban trees that retain protection in 2017. Sadly this has not been the case at all.

This upgrade/improvement project could have been an ideal opportunity to increase the level of engagement and understanding for the public with the process of long-term planning for the future of one of our best loved green spaces. Instead, the approach that the Cornwall Park Trust Board has taken will ensure that this is yet another example of exclusion and separation of the public from any role in the process, undermining any sense of meaningful connection with the urban forest.

*Sean Freeman*



*Some of you might recall this image by Janet McLeod that was featured in the Tree Council 2012 Calendar of the magnolias in Cornwall Park.*



# Rosebank's Pecan Trees

An office error resulted in a tragic end for three scheduled, notable 80-year-old pecan trees in Rosebank Rd, Avondale in September. That an error so small could reduce to stumps 240 cumulative years of grandeur, history and environmental benefits, as well as the effort put in to protect them, is heartbreaking.



*Avondale locals and The Tree Council Board members with the felled Scheduled Pecans ID676*

The whole process of ensuring a worthy tree can gain so-called Auckland Council protection on the Notable Tree Schedule is not simple, and ensuring its status is then recognised by any subsequent owners or developers takes persistence and vigilance. Two years ago the Avondale Road property, with its two groups of scheduled pecans, was being subdivided. The developer was able to remove nearly all greenery on the heavily treed site, which featured in the Auckland Council Heritage Walks. Until that time the trees had been protected by the general protection rule covering trees on a site greater than 4000m<sup>2</sup>, but with the smaller subdivided sites, only the five pecan trees could legally be saved.

Even then, in September 2015, although the pecans had a notable tree reference of ID676, no one except the Council's heritage arborists could find where they were listed on Scheduled Notable Trees, Part 5, Appendix 3.4. When Council enforcement officers were sent to check on works going on within the ID676 tree's' dripline, they returned

saying the trees were not protected trees, as they could not find their listing.

The planning help desk variously informed us that they were protected and at other times, that they were not. There was also further to-ing and fro-ing to Council over whether any Unitary Plan rules pertaining to trees were operative or not, and weekly phone calls were made in anticipation of resource consent for their removal being applied for. Council said application for removal of Notable trees was a discretionary activity and "may or may not be publicly notified". Any protection for the Pecans at that stage seemed fragile, and anyone concerned for them was shut out of the process.

Council and the developer finally accepted the trees' status and the heritage arborists worked with the developer to ensure the trees were safe, with a permeable driveway and building plans that would work around the trees. Council does have robust rules regarding work around scheduled trees, which if adhered to work well.

The new subdivided sections with the pecans were slightly larger than the others at 630m<sup>2</sup> and 719m<sup>2</sup>. The new owners who bought the site with three pecans, knowing they were scheduled, felt restricted by the suggested building design, and sought their removal through Council. That is when the “office error” occurred. They were told no resource consent was needed and so the trees’ fate was sealed. The GIS information from the pre-developed site had not been transferred to the new site and even now the two remaining ID676 trees are incorrectly listed. Sadly, a phone call after the felling, giving Council the trees’ ID number, took only seconds for them to confirm that “they are scheduled”.

As the Tree Council’s Mels Barton told Council at the October planning meeting, the Notable Trees Schedule is hugely inaccurate and many more trees remain at risk.

The three notable and rare pecan trees were on the largest remaining site which was the nursery of noted horticulturist Hayward Wright. From 1902 until 1947 Hayward Wright imported and propagated many new varieties of fruit trees and ornamentals there on his 25-acre site. Among them was his biggest success, the Hayward cultivar of the Chinese Gooseberry, now known worldwide as our Kiwifruit. Seventy years later his work continues to bring in millions of dollars to the New Zealand economy and the Hayward variety is cultivated around the world.

From 1951, Kurt and Nola Brehmer were proud to tend the remnant trees from the nursery on their 10-acre plot, including the Pecans and the unique Horsehair Palm-lined driveway, the drive itself built up from scoria and cinders from the Auckland gasworks backloaded in Hayward Wright’s horse-drawn cart when he made his plant deliveries seven miles into town. When eight acres were sold in the early 1960s, Kurt and Nola transplanted camellias, maples and a trifoliata, the latter which Hayward Wright developed as the best rootstock for citrus. Already growing there from Hayward Wright’s time, and present until 2015 were 50 palms along the drive, Albany Surprise grapevines, persimmons, Billington plums, feijoas, a golden ash, a row of Mexican cypress, a tall box hedge, tree-sized camellias and a 20m Jargonelle pear tree planted in 1926.

More recent plantings, only 40 to 50 years old, included specimens of rimu, totara, pohutukawa, cabbage tree, lemonwood (tarata), karaka, ponga, prunus, and rhododendron. Birds abounded, monarchs wintered-over. All except the pecans and a pohutukawa were able to be felled by the developer.

Subdivided sensibly, much of this environmental heritage could have been retained in a communal green park for the new subdivision, increasing the value of the subdivision and retaining much of the environmental heritage. The two remaining pecans on the 630m<sup>2</sup> site, also ID676, have 200 more years of growth ahead. A new owner may well find 630m<sup>2</sup> too small to accommodate the trees and a house. As Auckland Council have offered recompense for their



*Monarch butterflies in the pecan in May. Photo: Robin Brehmer*

error, this site could be turned into a memorial green space for New Zealand’s most noted horticulturist and two of the trees he planted. It would also commemorate the heritage of the Rosebank Peninsula, once the food basket of Auckland with its remarkable soil, market gardens, orchards and plant nurseries. Living trees are part of the peninsula’s history and identity.

Even though Council gives special trees notable status, and also has robust procedures on paper to ensure their safety amid development, the processes around delivering this protection is unreliable and inaccurate and within Council, trees have had the backing of only the heritage arborists. The latter, being only two, rely on us to be the eyes and ears for our notable trees. Mels has begun the change in the Council mindset towards trees through her presentation at the planning meeting. Our voices too may now be heard. Let’s label the trees, for ID676 and the Snells Beach Norfolk pine, and nominate more of the outstanding specimens that have already been growing for decades, and let them be retained to be included in the Mayor’s Million Trees.

*Robin Brehmer*

## Please donate...

**Give A Little** still remains open at:  
<https://givealittle.co.nz/cause/agile-cloud-mobile-app-to-record-trees>

Any further donations will go to the development costs of the Agile Cloud Tree App and will be warmly received.





# Changing the rules

**In the five years since the National Government removed general tree protection from the Resource Management Act (RMA) and prevented local councils from protecting trees unless they were individually scheduled in a plan or listed as a group of trees, we have seen wholesale slaughter across our cities.**



Nowhere more so than in Auckland where we estimate we have lost approximately one-third of the tree cover across the region. We have received daily reports from arborists, our members and the public during that time, aghast at what is going on and their powerlessness to prevent it. Moreover we have done Information Act requests that have shown us that even protected trees are not safe from a Council that approves 90% of consents applied for to remove trees non-notified with no public process and a default “yes” to remove. The worst example of this has to be the 150 year-old Norfolk Pine on Snells Beach, which by a cruel irony will end up being a stump in a Council reserve. This has to stop.

In an attempt to stem the tide Mels Barton and Suzanne Caron went to see Councillor Chris Darby, Chair of the Planning Committee. Mels was invited to address the Committee on 10 October. You can watch the video of her 5-minute presentation and the 30-minute discussion that followed here (starts at 15 mins in):

**<https://www.youtube.com/watch?v=pUGfdplcVuY>**

Mels asked for the default “yes” to become a “no” or for consents to be publicly notified, for a dedicated tree helpline, for the Schedule to be audited, corrected and correctly translated into the Unitary Plan and maps, for scheduled trees to be GPS located and marked accurately on the Unitary Plan maps, for scheduled trees to be labelled, for tree consents to be free, for the Schedule to be reopened and for rolling annual updates to enable nominations to be included, for the bar to qualify as a scheduled tree to be lowered and for Council to give incentives to landowners to keep trees such as grants or rates relief and for significant disincentives for removal.

## Schedule 10 and the Unitary Plan

- Both are inaccurate
- Both do not reflect reality on the ground
- Both do not reflect each other
- Council is legally obliged to protect these trees
- You do not know where they are

*Mels in full flight appealing to the committee.  
One of the powerpoint slides making her points.*

In response the Councillors and Mayor voted unanimously for the creation of a report encompassing Planning, Regulatory and Community and Environment to be prepared and presented to their February meeting. Councillor Hulse stated that the outcome was to “prevent unnecessary removal of trees and increase the coverage of our urban forest”.

Mels also asked the Council to lobby the Government to change the RMA to reinstate general tree protection and Mayor Phil Goff was fully supportive of this, having drafted just such a Bill during his last few months as an MP. We plan to consult with the arboricultural industry on the proposal for this draft Bill to ensure that it is practical and workable before it is finalised. We are in discussions with new MPs regarding a future sponsor for the Bill and intend to get it tabled as soon as possible. Our urban forest can't wait any longer for the slaughter to stop and we are confident that with the new Government in place we will be able to effect change at last, even if we can't turn back the clock.

*Mels Barton*

**If you have an urgent issue involving trees we have added a new section to our website to help you find your way through the Council process to discover if the trees have protection and get some help. You can find the link on our home page or go to: <http://thetreecouncil.org.nz/urgent-help-with-tree-issues/>**

# The Tree Council casework report

Our hardworking Board members have a heavy workload of cases that each of them takes on to try and save the trees that have resource consent applications for removal across the city. We are very aware that these cases are the tip of the iceberg of removals as they only relate to publicly notified consent applications for protected trees (either scheduled, on public land or in a Significant Ecological Area) and do not include all the trees on private land that have no protection and can be removed without consent. However, we feel it is vitally important for The Tree Council to advocate to save these special trees given the overall situation and lack of protection. If you would like to help us with this work we would love to hear from you. Get in touch on [info@thetreecouncil.org.nz](mailto:info@thetreecouncil.org.nz)

Here is a brief update on the cases we have worked on during 2017:

**Minnehaha Rd, Takapuna** – Application to remove trees from Schedule made, opposed this via Unitary Plan process but lost and trees removed.

**Fowld's Park, Mt Albert** – Auckland Council withdrew application and trees will remain.

**Secombes Rd, Newmarket** – a second application made to remove trees, submission made, Council requested further information from applicant, no progress.

**Margan Reserve, New Lynn** – supporting Whau Local Board's ongoing conversation with developer to ensure minimal impact on reserve of accessway to Margan Ave. Community petition presented to LB. Land exchange proposed that will affect reserve, public consultation due early 2018.

**All Hallow's Bush, Campbell's Bay** – supporting Forest & Bird's submission, pre-hearing meeting attended

**Paturoa Rd, Titirangi Kauri** – judicial review of consent process resulted in consent application being withdrawn. Separate application to remove SEA status via Unitary Plan process granted, tried to get this reversed and failed. Kauri now only protected by enforcement order from High Court. Provided advice re application for scheduling.

**Queen St / Neville St, Warkworth** – submission made, hearing attended, consent refused, tree saved.

**Campbell Rd, Greenlane** – submission made, hearing attended, consent refused, tree saved.

**Gladstone Rd, Northcote** – submission made, hearing attended, consent refused, tree saved.

**Mason's Ave, Herne Bay** – submission made, hearing attended, consent granted, tree lost.

**Hurstmere Rd, Takapuna** – submission made, hearing attended, consent refused, tree saved.

**Luckens Reserve, Harbourview** – trees attacked in reserve, reported to Council, did media, investigation inconclusive.

**Sunshine Boulevard, Sunnyvale** – protected tree attacked, complained to Council and enforcement action but tree lost. Resulted in review of procedures and follow up of other consent conditions for development.

**Watercare Huia Water Treatment Plant Replacement** – attending Community Liaison Group meetings re consent to remove trees in SEA.

**Rangiwai Rd, Titirangi** – provided evidence for judicial review of consent to remove trees in SEA. Lost.

**Kauri Dieback** – numerous media opportunities and advocacy to remove MPI from management of programme and close the Waitakere Ranges to prevent spread. Rāhui put in place December 2017 by Te Kawerau ā Maki, we are fully supportive.

**Snells Beach Norfolk Pine** – provide support to locals to prevent removal of tree & do media. Consent granted non-notified. Tree lost.

**Avondale Rd Pecans** – provide support to locals & lobby to change Council procedures following illegal removal of Scheduled trees & do media. Present to Planning Committee, get commitment to review procedures and audit Schedule.

**Cornwall Park** – complain to Council & do media re non-notified consent to remove 70 trees plus notified consent to remove two Scheduled Magnolias, made submission, hearing December 2017, awaiting decision.

**Yellow Pohutukawa, Mangere Bridge** – intervene to prevent removal of tree for bus shelter and do media. Tree saved.

**Quay St Pohutukawas** – make submission supporting transplantation of 14 trees from middle of road to berm, consent granted.

**Rae Rd, Centennial Park, Campbells Bay** – complain to Council re memorial trees attacked in reserve, enforcement investigation launched. Trees no longer scheduled, query why not.

**Glenfell Pl, Epsom** – submission made, awaiting hearing.

**Oxford Terrace Eucalyptus** – submission made, hearing attended, consent granted, trees lost.

**Inga Rd, Milford** – investigate recent removals, legal.

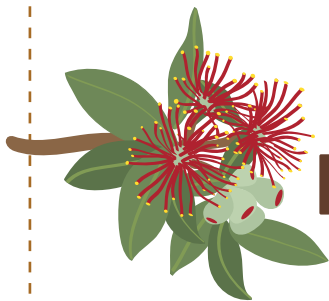
**St Judes, Avondale** – investigate recent removals of mature oaks, legal.

**Owairaka School** – provide advice to parents re planned removal of large trees.

**Diocesan School for Girls** – submission made, awaiting hearing.

Mels Barton





# Membership renewal reminder

Membership subscriptions are now due. Your 2018 yearly membership is now due. Many of you have paid but there are still some outstanding. Please complete the form and email it back to [info@thetreecouncil.org.nz](mailto:info@thetreecouncil.org.nz). Alternatively, if you received a printed version of this newsletter just cut out the renewal form and post it to us at the address below.

We also welcome new members!



Name:

Address:

Address:  Postcode:

Tel (h):  Mobile:

Email:

Can you access attachments? (eg PDFs) ☐ No ☐ Yes

Area(s) of interest:

Expertise: (that may be able to be utilised by The Tree Council)

I wish to help with the work of The Tree Council ☐ Yes

## Membership Status

☐ New member ☐ Membership renewal

## Membership Category

<input type="checkbox"/> Individual Members / Incorporated Societies / Charitable Trusts	\$ 20.00
<input type="checkbox"/> Students / Beneficiaries	\$ 15.00
<input type="checkbox"/> I wish to make a donation to assist with The Tree Council's work	\$ <input type="text"/>
TOTAL \$ <input type="text"/>	

## Payment Details

Please make cheques payable to The Tree Council.

For Direct Credit payment Bank Account:

Branch – ANZ Cnr Queen & Victoria Sts

Account No. – 11 5462 0230022 11

Post this form with your membership fee to:

The Tree Council

c/- Treasurer

PO Box 60-203, Titirangi, Auckland 0642

Receipts are sent out with the next mail-out following receipt of payment.



# The Back Page

## Do you have our current contact details?

The Tree Council changed its postal and email addresses:

**PO Box 60-203, Titirangi, Auckland 0642**  
**info@thetreecouncil.org.nz**

## Good with numbers?

**The Tree Council is looking for a new Treasurer – can you help?**

If so please contact us: [info@thetreecouncil.org.nz](mailto:info@thetreecouncil.org.nz)

## Visit our facebook page!



For the latest Tree Council news, please visit our facebook page. Everyone is welcome to share their stories and photos about trees on the page. There have been some interesting discussions and sad tales of lost trees, as well as good advice on what to do and how to look after your trees.



[www.facebook.com/  
TheTreeCouncil](https://www.facebook.com/TheTreeCouncil)

## Our People

### Chair

Sean Freeman – 021 0837 1202

### Acting Treasurer

Diana Yukich

### Secretary

Mels Barton – 021 213 7779

### Board Members

Hueline Massey – 021 150 3385

Suzanne Caron – 021 175 6994

David Smith – 021 214 9195

Anna Fomison – 021 163 7492

### Community Tree Advisors:

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David Smith – 021 214 9195

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**Waitakere** Sean Freeman – 021 0837 1202  
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IF YOU WOULD PREFER TO RECEIVE AN ELECTRONIC VERSION OF THE ARBOREA NEWSLETTER VIA EMAIL RATHER THAN A PRINTED COPY, PLEASE EMAIL: [INFO@THETREECOUNCIL.ORG.NZ](mailto:info@thetreecouncil.org.nz)

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For more information about what we do please go to [www.thetreecouncil.org.nz](http://www.thetreecouncil.org.nz)