

RESOURCE MANAGEMENT ASSESSMENT

REMOVAL OF NOTABLE TREE #24

TAUPAHI ROAD, TURANGI

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1 INTRODUCTION

The application, on behalf of the Reserves Department of Taupo District Council, seeks to authorise removal of a tree which is identified as an Amenity Tree in the Taupo District Plan. The tree has undergone substantial limb removal and (based on the assessment of a qualified and experienced arborist) removal and replacement of the tree is the most appropriate course of action.

The application includes the necessary resource management assessment and concludes that the proposed works are consistent with Taupō District Plan objectives and policies (so far as practicable in the circumstances) relating to amenity trees and that resource consent can be granted, subject to suitable conditions including that a large grade tree of the same species be planted in its place. The replacement tree will, over time, contribute to the amenity values that the avenue of trees along Taupahi Road provide for the surrounding residential environment. In this way the amenity value previously contributed by the tree to be removed, will be mitigated as much as possible.

Based on the assessments below, it is concluded the proposal is consistent with the purpose and principles of the Resource Management Act 1991, and that the granting of resource consent (with appropriate conditions, including those put forward in the application) is appropriate.

2 TAUPO DISTRICT PLAN - PROTECTED TREES

2.1 Schedule of Amenity and Notable Trees

Schedule 9.2-NT of the Taupo District Plan contains a list of “notable trees” (being those trees which exhibit unique and remarkable qualities that set them apart as outstanding and irreplaceable), and “amenity trees” (other trees which do not reach the “notable tree” threshold, but which provide important amenity and botanical contributions). This application is concerned with Amenity Tree #24, a red oak on the berm outside the property at 43 Taupahi Road, Turangi.



Schedule 9.2-NT of the Taupo District Plan provides the following information about this tree:

NT-AT24	Red oak (<i>Quercus rubra</i>)	Single	Outside 47 Taupahi Road, Tūrangi	Road Reserve (no legal)
NT-AT25	Red oak	Single	Outside 200 Tekehi Road, Tūrangi	Road Reserve (no legal)

2.2 District Plan Policy Framework

In Section 9.2 (“NT-Notable Trees”) of the District Plan, objective NT-O2 and policies NT-P3 to P6 apply to Amenity Trees. This policy framework seeks to provide for a level of protection of amenity trees by:

- Maintaining amenity levels by ensuring that the effects of any necessary alterations or removal can be mitigated;
- Ensuring that the health, vigour and function of amenity trees are not compromised by any development or other activity;
- Providing for the on-going care and maintenance of amenity trees.

(supporting policies of Objective NT-O2, Taupo District Plan)

2.3 District Plan Rules for Amenity Trees

Section 9.2 of the District Plan sets out the Rules for notable and amenity trees and assessment criteria for considering applications for resource consent.

The removal of an amenity tree as proposed, is a discretionary activity (Rule NT-R2.3). District Plan Assessment Criteria (NT-R4 – Matters of Discretion) are provided as replicated below:

- 1 Whether the activity is likely to damage any part of the tree, including its roots, or endanger its health or stability.
- 2 Whether the applicant has the ability to undertake a complying development without work affecting the tree.
- 3 **The visual impact of the tree on its surrounds and the extent to which the tree contributes to the amenity of the neighbourhood and the extent to which the works will adversely affect this.**
- 4 Whether the tree is currently causing, or likely to cause, significant damage to buildings, services or property, whether public or privately owned.
- 5 The effect of any building on the visibility of the tree from a road or public place.
- 6 The extent of nuisance the untrimmed tree is causing.
- 7 The extent to which the proposed works are necessary to preserve or maintain the operating efficiency of any public work, network utilities or the safety and efficiency of a road.
- 8 **The extent to which any proposed substitute or compensating tree planting or landscaping will mitigate the loss of amenity or character.**
- 9 **Whether a tree to be removed is capable of being successfully transplanted.**
- 10 Whether the tree inhibits the growth of a more desirable specimen nearby.
- 11 **The extent to which the removal of one or more species from a group of trees will effect the ecological and/or visual impact of the group.**
- 12 **In addition to the general criteria above, where the removal or destruction of a tree is proposed, the Council must be satisfied that exceptional circumstances exist which may include:**

- i **Diseased or significantly damaged conditions, except that where any element of uncertainty exists as to the likely fate of the tree and where remedial works may prevent the loss of the tree, the benefit of doubt will be given to the tree's survival, until such time as irreparable or irreversible decline is obvious.**
- ii **Compliance with any statutory or legal obligation.**
- iii **Significant or unusual hardship which cannot be otherwise remedied or avoided.**
- iv **Any other compelling reason.**

The assessment criteria boldened above (3, 8, 9, 11, and 12) are particularly relevant, and are considered in the resource management assessment in Section 4.1 below.

3 REMOVAL OF AMENITY TREE #24, NEAR 43 TAUPAHI ROAD, TURANGI

3.1 Proposal

It is proposed to remove the remnants (see photos below) of the large red oak tree located on the road reserve next to 43 Taupahi Road, Turangi. The circumstances summarised in Section 3.2 below provides the background to the current state of the tree.



Photographs of the Red Oak (Amenity Tree #24), looking southwards, taken 10 April 2024.



Based on the report and recommendation of a suitably qualified and experienced arborist (copy at Appendix 1, and discussed in Section 3.3), the tree is proposed to be removed and replaced with a large grade tree of the same species.

3.2 Circumstances of the Current State of Amenity Tree #24

In January 2017 Taupo District Council granted land use consent RM160403 (copy at Appendix 2) which authorises on-going maintenance and remedial works on various protected trees in Taupo District, including Amenity Tree #24. In reliance of that consent, Taupo District Council Parks and Reserves Department arranged for pruning of the tree to reduce encroachment into a neighbouring property. As described in paragraph 2 the arborists report, however:

- The contractor undertook work to remove (rather than prune) the tree;
- Before ceasing the work, the entire branch system of the tree had been removed with only the central-most stem and bole (the section of the trunk from the base of the tree to the first major branches) remaining, consistent with the usual method of dismantling the tree.

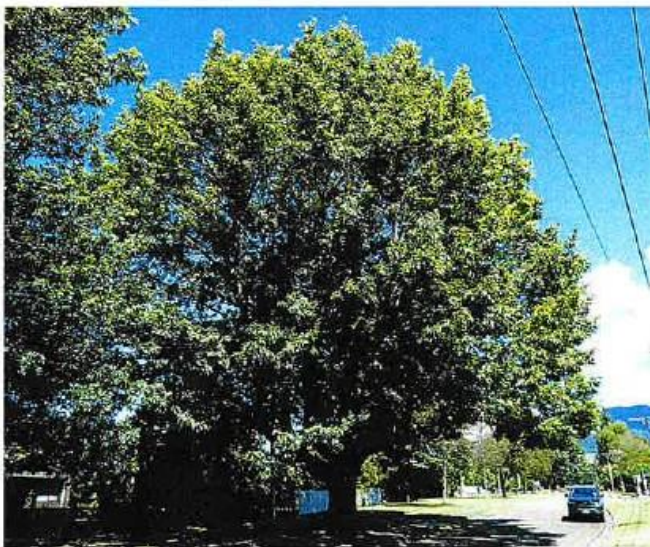
A formal investigation was undertaken to determine how that result came about. That is not, however, a matter that is relevant to this resource consent application.

Following on from the pruning incident and subsequent investigation, the Turangi Co-Governance Committee considered the matter at its meeting on 5 March 2025, and this retrospective application for resource consent is being made (as necessary to meet regulatory obligations under the Taupo District Plan and Resource Management Act 1991).

3.3 Arborist Report and Recommendation

In a report to TDC dated 27 November 2024, arborists Dendrology Limited provided an opinion on the state of the red oak at that time (ie following the near removal of the tree in the preceding weeks).

The report includes the following photographs of the tree (ie prior to and following the works).



Prior to tree works (Feb 2024)



Following tree works (22 Nov 2024)

The report considered the available options (ie of leaving the tree as it currently is, reducing the tree down to the bole, or removing and replacing the tree). For reasons explained in paragraphs 7 to 11 of the report, *“neither of the two options for tree retention are appropriate or likely to be cost effective or practical”*.

The conclusion of the report is that:

Replacement planting of a large grade, good quality specimen of this species in the same location, as well as appropriate aftercare, will be the most cost effective means of mitigating the loss of amenity and is likely to be most beneficial on the long run as it will provide for a good quality tree capable of being retained in a safe condition for the long term.

(para 11, Dendrology Report, November 2024)

Further advice from Dendrology Limited¹, recommends the following conditions are applied in relation to the replacement tree proposed as part of the application for land use consent to remove Amenity Tree #24:

- *Within the next planting season (May to August) the consent holder shall plant a replacement specimen red oak tree (Quercus rubra) in the berm outside No. 43-47 Taupahi Road with a minimum root ball size of Pb 95 / 45L (or equivalent) and a minimum height of 1.8 metres at the time of planting. The tree shall meet standard ANSI A 300.*
- *Replacement planting shall be carried out in accordance with correct arboricultural practices including staking with flexible webbing and addition of a 75mm deep, 400mm radius of well-aged mulch around the base of the tree.*
- *The tree shall be maintained in accordance with correct practices, to include adequate watering as necessary, for a minimum period of 2 years after planting.*
- *If the tree dies within the 2 year maintenance period it shall be replaced like for like.*

It is proposed that any resource consent granted by TDC (subsequent to this application) is subject to such consent conditions.

Based on the above, it is anticipated that the replacement tree will, as far as practicable, mitigate the loss of Amenity Tree #24. That is because over time it will appropriately contribute to the amenity values that the avenue of trees along Taupahi Road (and Amenity Tree #24 in particular) provides to the surrounding residential environment.

4 RESOURCE MANAGEMENT ASSESSMENT

As outlined in Section 2.3 above, the removal of an Amenity Tree is a discretionary activity in terms of District Plan Rule NT-R2.3. It is appropriate therefore to consider the potential physical effects on the environment, as well as the policy framework in the District Plan.

4.1 Effects on the Environment

The District Plan contains assessment criteria to guide an assessment of the effects of the proposed activity in relation to notable and amenity trees. Assessment Criteria in NT-R4 which are relevant to the proposal to remove the damaged red oak tree are emphasised in Section 2.3 above and considered below.

¹ Email 1st May 2025 Dendrology Limited to Lewis Consultancy Limited

3. The visual impact of the tree on its surrounds and the extent to which the tree contributes to the amenity of the neighbourhood and the extent to which the works will adversely affect this.

As observed in the Dendrology report *“In its current state the tree has lost all its aesthetic appeal and has minimal remaining value as a landscape feature or specimen tree.”* (para 7).

It is considered that replacement of the damaged red oak with a large grade tree of the same species (as proposed through consent conditions) will mitigate, as much as practicable, the loss of the tree and its associated amenity values. Further, that outcome will contribute to the integrity of the avenue of trees along Taupahi Road.

In its current state the tree no longer contributes positively to the amenity of this neighbourhood. The removal of the tree will not therefore adversely impact the amenity values, and the proposal to replace the tree may, over time, contribute positively.

8. The extent to which any proposed substitute or compensating tree planting or landscaping will mitigate the loss of amenity or character.

As discussed above, and described in the Dendrology report, the proposal to replace the damaged tree with a large grade tree of the same species will mitigate, as far as practicable, the loss of amenity values and contribute to the integrity of the avenue of trees along Taupahi Road, of which it is a part. The consent conditions proposed will secure this outcome.

9. Whether a tree to be removed is capable of being successfully transplanted.

Based on the Dendrology report (and the large size of the remaining tree elements) the damaged tree is not considered suitable for transplanting.

11. The extent to which the removal of one or more species from a group of trees will effect the ecological or visual impact of the group.

In this case it is visual rather than ecological values that are particularly relevant. As discussed above, the proposal to replace the damaged tree with a large grade tree of the same species will mitigate, as far as practicable, the loss of amenity values (including visual amenity) and contribute to the integrity of the avenue of trees along Taupahi Road, of which it is a part. The consent conditions proposed will secure this outcome.

12.. In addition to the general criteria above, where the removal or destruction of a tree is proposed, the Council must be satisfied that exceptional circumstances exist which may include:

- i Diseased or significantly damaged conditions, except that where any element of uncertainty exists as to the likely fate of the tree and where remedial works may prevent the loss of the tree, the benefit of doubt will be given to the tree’s survival, until such time as irreparable or irreversible decline is obvious.*

In this case, based on the assessment and conclusions of the Dendrology report, Council can be satisfied that the “exceptional circumstances” threshold has been met in that the tree is “significantly damaged” as to warrant its removal.

4.2 District Plan policy framework

The red oak proposed to be removed is an Amenity Tree protected in the Taupo District Plan. The policy framework for Amenity Trees is Objective NT-O2 (*"To identify and provide a level of protection for amenity trees"*). There are three policies which support that objective but only the first is relevant to this proposal. Policy NT-P4 is: *"Maintain the level of amenity provided by amenity trees by ensuring that the effects of any alteration or removal can be mitigated"*.

As discussed above, the tree is now significantly damaged as to warrant its removal. It is anticipated that the consent conditions proposed (for a suitable replacement tree and aftercare) will, as far as practicable, mitigate the loss of Amenity Tree #24. That is because over time it will appropriately contribute to the amenity values that the avenue of trees along Taupahi Road (and Amenity Tree #24 in particular) provides for the surrounding residential environment.

Overall, therefore, the proposal is considered to be consistent with the District Plan policy framework as far as reasonably possible.

4.3 Proposed Consent Conditions

It is proposed that resource consent granted for removal of the red oak (identified as Amenity Tree #24 in Schedule 7.3 of the Taupo District Plan) be subject to the following conditions:

- that the tree removal and replacement works be undertaken under the supervision of a suitably qualified and experienced arborist authorised by Taupo District Council;
- that within the next planting season (May to August) following removal of Amenity Tree #24, the consent holder shall plant a replacement specimen red oak tree (*Quercus rubra*) in the berm outside No. 43-47 Taupahi Road with a minimum root ball size of Pb 95 / 45L (or equivalent) and a minimum height of 1.8 metres at the time of planting. The tree shall meet standard ANSI A 300;
- that replacement planting shall be carried out in accordance with correct arboricultural practices including staking with flexible webbing and addition of a 75mm deep, 400mm radius of well-aged mulch around the base of the tree;
- that the replacement tree shall be maintained in accordance with correct practices, to include adequate watering as necessary, for a minimum period of 2 years after planting;
- that if the tree dies within the 2 year maintenance period it shall be replaced like for like.

5 OTHER PLANS AND STATUTORY MATTERS

When considering whether to grant an application for resource consent, other matters (apart from effects on the environment and District Plan policy framework) are required by Sections 104(1)(b) and (c) of the Resource Management Act 1991 to also be considered.

Further, the statutory consideration of any application for resource consent is subject to Part II of the Act (being the purpose and principles of the Act), and accordingly it is appropriate that those matters are traversed.

5.1 National Environmental Standards

There are various operational National Environmental Standards (NES) prepared pursuant to Sections 43 and 44 of the Resource Management Act 1991. These include NES's about air quality, human drinking water, telecommunications facilities, electricity transmission, management of contaminants in soil, urban development, etc.

In terms of the NES regarding Contaminants in Soil and Human Health it is considered that the NES does not apply as the site on which the tree is located is unlikely to fall within the category of a piece of land where hazardous activities have been undertaken, or are taking, place (particularly given the age of the tree that has been damaged).

No other NES is considered to be applicable to the proposal for which consent is sought.

5.2 TDC Structure Plans and other Plans

Apart from the Taupo District Council "*Tree and Vegetation Policy*" 2014, there are no TDC structure plans or other policy documents relevant to the assessment of this application,

Objective 3 ("Tree Removal") of the Tree and Vegetation Policy is, in the case of unhealthy trees, given effect through Policy 3.1 of that Plan:

Policy 3.1 – Removal of Unhealthy Trees

A tree on council land may be removed by council staff where in the opinion of a qualified arborist the tree is:

- dead,
- dangerous,
- severely diseased, or
- particularly poor form and provides limited amenity value.

It is clear from the arborist's report that the tree is no longer in a healthy state and that it provides limited amenity value. Accordingly, it is concluded that removal of the tree is consistent with the relevant provisions of the Taupo District Council "*Tree and Vegetation Policy*" 2014.

5.3 Regional Policy and Plans

The proposal for which consent is sought is not considered to be of relevance to the resource management plans prepared by the Waikato Regional Council (ie the Regional Policy Statement or Regional Plans).

5.4 Part II of the Resource Management Act 1991

Part II of the Act sets out the purpose of the Act (Section 5), and the supporting principles (Sections 6, 7, and 8). Every application for resource consent is considered in the context of those matters.

In the case of this application for the removal of an amenity tree:

- It is not considered that there are Section 6 matters of particular relevance to the application;

- Section 7(c) of the Act is concerned with the “*Maintenance and enhancement of amenity values*” Amenity values include those derived from notable and amenity trees as intended to be protected and managed through the District Plan provisions discussed in this assessment. Under the circumstances it is anticipated that the amenity values of AT24 itself (as well as its contribution to the avenue of trees in Taupahi Road), will be mitigated as far as practicable by the proposal to replace the lost tree with a large grade tree of the same species;
- It is not considered that there are Section 8 matters (regarding the principles of the Treaty of Waitangi) which are relevant to this application.

Overall, therefore, it is considered that the proposal to remove Amenity Tree #24 and replace it as proposed, will promote the sustainable management of natural and physical resources as required by Section 5 of the Act by ensuring that the amenity values associated with the notable and amenity tree asset in the Taupo District is maintained and appropriately protected so far as is practicable.

6 CONSULTATION / NOTIFICATION

6.1 Ngāti Tūrangitukua

Ngāti Tūrangitukua is the hapu of Ngāti Tūwharetoa which has mana whenua over the wider Tūrangi rohe. As mana whenua, Ngāti Tūrangitukua has negotiated an agreement with the local authority, Taupo District Council, which is intended to strengthen and formalise their relationship and operate in partnership in the Tūrangitukua rohe.

The agreement, “*Mana Whakahono-ā-Rohe*”, was signed by the parties in June 2022.

Among the various rights and obligations agreed to, the Mana Whakahono requires that when Taupo District Council applies for resource consent to undertake activities within the Ngāti Tūrangitukua rohe, it will engage with Ngāti Tūrangitukua as set out in Section 24 of the agreement. Specifically, in the case of this application, Clause 24.9(b) and (c) apply, in that Council has agreed to:

- b. provide a draft version of the resource consent application to Ngāti Tūrangitukua for feedback prior to lodgement. Ngāti Tūrangitukua will provide written advice back to the Council within six weeks of receiving the draft application; and
- c. have particular regard to any advice received from Ngāti Tūrangitukua, document how that has been considered as part of the resource consent application, and provide that in a written response back to Ngāti Tūrangitukua.

Further, Clause 24.11 of the agreement (below) provides for Ngāti Tūrangitukua input regarding potential cultural and environmental impacts and how these might be addressed, for example through conditions of resource consent.

- 24.11. As part of the engagement process, the Council will discuss with Ngāti Tūrangitukua their expectations in relation to potential cultural and environmental impacts and how to address those matters (including through the drafting of conditions of consent).

Accordingly in late May 2025 the TDC Parks and Reserves staff provided a draft copy of this application for resource consent to Ngāti Tūrangitukua. The response from Ngāti Tūrangitukua, which confirms no issues, is attached (Appendix 3).

6.2 Consultation / Notification Matters

Apart from consultation with Ngāti Tūrangitukua as described in Section 6.1, the preparation of this application has not involved consultation with other parties.

In the case of this application it is not considered that public notification is required pursuant to s95A of the Act, because the proposal is highly localised and is unlikely to generate adverse impacts on the wider environment which are more than minor (as determined by consideration of the relevant matters contained in s95D of the Act).

Section 95E of the Act confirms that a person is “affected” (and therefore written approval is required from that person for an application to be processed on a non-notified basis) “*if the activity’s adverse effects on that person are minor or more than minor (but are not less than minor)*”. Based on the assessment in Section 4.1 above, and the proposed consent conditions set out in Section 7 below (which will mitigate, as far as practicable, the loss of the Amenity Tree) it is concluded that potential adverse effects on the environment (including on the immediate neighbourhood) will be less than minor. Accordingly, it is considered that there are no persons for whom the likely potential adverse effects of the proposal for which consent is sought will be minor or more than minor and whose consent should therefore be required for the application to be processed on a non-notified basis.

Overall, therefore, it is considered that the application may be processed without either public notification (s95A), or limited notification (s95B).

7 CONCLUSIONS

Land Use Consent is sought to authorise removal of a damaged protected red oak tree (Amenity Tree #24, on the road berm near to the property at 43 Taupahi Road, Turangi) and replacement with a large grade tree of the same species.

The following consent conditions are proposed:

- that the tree removal and replacement works be undertaken under the supervision of a suitably qualified and experienced arborist authorised by Taupo District Council;
- that within the next planting season (May to August) following removal of Amenity Tree #24, the consent holder shall plant a replacement specimen red oak tree (*Quercus rubra*) in the berm outside No. 43-47 Taupahi Road with a minimum root ball size of Pb 95 / 45L (or equivalent) and a minimum height of 1.8 metres at the time of planting. The tree shall meet standard ANSI A 300;
- that replacement planting shall be carried out in accordance with correct arboricultural practices including staking with flexible webbing and addition of a 75mm deep, 400mm radius of well-aged mulch around the base of the tree;

- that the replacement tree shall be maintained in accordance with correct practices, to include adequate watering as necessary, for a minimum period of 2 years after planting;
- that if the tree dies within the 2 year maintenance period it shall be replaced like for like.

Based on the resource management assessments in Sections 3.3, 4.1, 4.2, 5 and 6 above, it is concluded that, given the specific circumstances of damage to this particular tree:

- the proposed works are consistent as far as is practicable with the Taupō District Plan objectives and policies relating to amenity trees and that resource consent (subject to the conditions proposed);
- the consent conditions proposed (for a suitable replacement tree and aftercare) will, as far as practicable, mitigate the loss of Amenity Tree #24 as, over time, it will appropriately contribute to the amenity values that the avenue of trees along Taupahi Road (and Amenity Tree #24 in particular) provides for the surrounding residential environment.

Accordingly, the proposal is considered to be consistent with the purpose and principles set out in Part 2 of the Resource Management Act 1991.

**LEWIS CONSULTANCY LIMITED
PLANNING AND RESOURCE MANAGEMENT
TAUPO**

SEPTEMBER 2025



APPENDICES

- 1 Arborist Report – “Red Oak Outside No. 43 Taupahi Road, Turangi”, Report to Taupo District Council, (Dendrology Limited, 27 November 2024)**
- 2 Land Use Consent RM160403 (authorises on-going maintenance and remedial works on various protected trees in Taupo District)**
- 3 Advice received from Ngāti Tūrangitukua**