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# TREE PROTECTION IN CHRISTCHURCH: THE LEGAL ASPECTS

A MAJOR DESIGN STUDY  
submitted in partial fulfilment  
of the requirements for  
The Diploma of Landscape Architecture  
at Lincoln College  
University of Canterbury.

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1982

# Contents

- 1.0 INTRODUCTION
- 2.0 TREE PROTECTION SCHEMES  
IN CHRISTCHURCH
  - 2.1 INTRODUCTION
  - 2.2 LEGISLATION
    - 2.21 The Provisions of the Town and  
Country Planning Act 1977.
    - 2.22 The Provisions of the Local  
Government Act 1974.
  - 2.3 THE TREE PROTECTION SCHEMES
    - 2.31 Christchurch City Council.
    - 2.32 Waimairi District Council.
    - 2.33 Riccarton Borough Council.
    - 2.34 Heathcote County Council.
    - 2.35 Paparua County Council.
  - 2.4 EFFECTIVENESS OF THE SCHEMES
- 3.0 HISTORICAL BACKGROUND
  - 3.1 THE 1953 TOWN AND COUNTRY PLANNING  
ACT.
  - 3.2 CHRISTCHURCH CITY COUNCIL AND THE  
1953 ACT.
  - 3.3 THE 1977 TOWN AND COUNTRY PLANNING  
ACT.
    - 3.31 The Urban Trees Committee.
    - 3.32 The Symposium on the Future of  
Trees.
    - 3.33 The 1977 Act.
    - 3.34 Interpretation of the 1977 Act.
- 4.0 OTHER LEGISLATION
  - 4.1 INTRODUCTION
  - 4.2 PROVISIONS FOR THE PROTECTION OF  
TREES.

- 4.21 S42 Reserves Act 1977.
- 4.22 S176(2) Land Act 1948.
- 4.23 The Native Plants Act 1934.
- 4.24 S6 Police Offences Act 1927.
- 4.3 PROVISIONS AUTHORISING THE  
REMOVAL OF TREES.
- 4.31 S133 Public Works Act 1981.
- 4.32 S19 Electricity Act 1968
- 4.4 S129C PROPERTY LAW AMENDMENT ACT  
1975.
- 5.0 ALTERNATIVE METHODS OF TREE  
PROTECTION
- 5.1 SUMMARY OF METHODS ADOPTED IN  
CHRISTCHURCH.
- 5.2 ALTERNATIVE METHODS OF TREE  
PROTECTION.
- 5.1 SUMMARY OF METHODS ADOPTED IN  
CHRISTCHURCH.
- 5.2 BLANKET PROTECTION.

- 5.21 Introduction.
- 5.22 Christchurch City Council.
- 5.23 Waimairi District Council.
- 5.24 Waitemata City.
- 5.25 Dunedin City Council.
- 5.26 Summary.
- 5.3 OTHER METHODS OF TREE PROTECTION
- 6.0 CONCLUSION
- 7.0 APPENDIX
- 8.0 REFERENCES

# 1 Introduction

The object of this dissertation is to discuss the legal aspects of tree protection in Christchurch. This will involve considering the measures taken to protect trees by the 5 Christchurch local authorities - Christchurch City, Waimairi District, Riccarton Borough, Heathcote County and Paparua County Councils - and the legislation empowering them to do so although other legislation and tree protection methods will also be covered.

Trees are an integral part of the urban environment. They enhance buildings, define and link open spaces, provide shelter and shade, help cleanse the polluted air and may be of some

historic or scientific interest. In Christchurch they also are largely responsible for the garden city image which is such an essential part of the character of the city and it is important that effective measures are taken to ensure their protection.

The concept of providing legal protection for trees in urban areas is a recent one. Early attempts to legislate for the protection of trees reflected the attitudes of the times. The overriding economic concerns of the pioneers and their attitudes towards the rights of the private land owner prevented any legislation for the protection of trees in towns being passed. Vested interests saw tree clearance in terms of prosperity and any legislation restricting the rights of property owners was strenuously resisted. The Plans of Towns Regulations Bill of 1871 introduced to protect trees in towns was defeated although a modified version was passed in 1878 providing some protection for trees in towns built on Crown land.

However, there was some awareness of the importance of trees to Christchurch - perhaps because of the scarcity of trees on the Plains when the settlers arrived - and in 1881 the Public Reserves Act which prohibited the felling of any timber growing on a public reserve was passed. Other regulations were made to protect trees on public land but until recently there was nothing preventing the private land owner from felling a tree growing on his property. The Town and Country Planning Acts of 1953 and 1977 (especially) have considerably altered this and local authorities now have the power to include provisions in their district schemes to protect those trees they consider worthy of protection. But the extent of the authority vested in the local councils to make the necessary provisions is somewhat uncertain. There has been little case law from which the intention of the legislature could be determined and it has been left to the individual councils to decide this from the words of the

Town and Country Planning Act. This uncertainty has caused some councils to default in their duty to make the necessary tree protection provisions and others have proceeded without understanding the limits of their jurisdiction.

This paper will consider the existing provisions for tree protection in the Christchurch City, Waimairi, Riccarton, Heathcote and Paparua areas, the background to these provisions, other legislation affecting trees in the urban environment and alternative methods and approaches to tree protection. What emerges is an impression that the existing tree protection measures are in practice successful despite the uncertainty which surrounds their legal aspects and the fragmented approach of the legislature.

## 2 Tree Protection Schemes in Christchurch

### 2.1 INTRODUCTION

In Christchurch the City Council, Riccarton Borough Council and Heathcote County Council have made provision in the Ordinances of their district schemes for the protection of trees. The Town and Country Planning Act 1977 gives the Councils the authority to incorporate in their district schemes such ordinances "as are necessary and desirable" S36(5) Town and Country Planning Act to achieve their objectives. Accordingly, each of these councils has included tree protection ordinances and related policy statements to varying degrees. The most complex is that of the Christchurch City Council and the simplest Waimairi County Council. The most extensive list of

protected trees is in the Riccarton Borough Council District Scheme. The Paparua County Council has no list of protected trees but does ensure some protection is given to trees within its boundaries through the exercising of its jurisdiction under the Local Government Act 1974.

### 2.2 LEGISLATION

#### 2.21 THE PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1977.

S3 of the Town and Country Planning Act 1977 (hereinafter referred to as 'the Act') states that among the matters of national importance to be included in the district schemes are "The conservation, protection, and enhancement of the physical, cultural and social environment," and the "wise use and management of New Zealand's resources."

S36(1) of the Act is more particular and requires the district scheme to make provision for such matters referred to in the second schedule of the Act "as are appropriate to the circumstances or as are necessary to promote the purposes and

objectives of district planning" set out in S4 of the Act (see Appendix A) which for our purposes is concerned with the control of the development of the district so as to most effectively promote its amenities. The second schedule of the Act includes as matters to be dealt with the preservation or conservation of trees and amenities in the district. (para. 5 (ii & iii). S36(5) of the Act confers upon the Council through the district scheme the powers and discretions "as are necessary or desirable" to achieve the preservation of trees and areas of special amenity value. It is for each council to decide what action is appropriate.

## 2.22 THE PROVISIONS OF THE LOCAL GOVERNMENT ACT 1974

The Local Government Act 1974 also confers on councils the power to incorporate in their district schemes ordinances relating to the protection of trees. S291 is concerned with the preservation of trees (and buildings) of

historic interest and wildlife habitat (see Appendix A) and replaces S351C of the Municipal Corporations Act 1954. It authorises the Council to make its consent to a subdivision plan conditional on provision being made for the preservation or planting of trees or bush on the site SS(1). Where this would entail land being set aside as reserve provision is made in SS(2) for the reserves contribution payable by the owner to be reduced accordingly. If the Council considers it necessary it may require the owner to enter into a bond which would be payable in the event of the council's requirements not being satisfied SS(3).

These provisions are incorporated into the district schemes discussed in this paper and provide a means of checking at council level the unnecessary destruction of trees and other vegetation on sites which are to be developed or re-developed.

However, S291 does not cover the situation where a plan is submitted for the development of a site which is not



being subdivided. For example the property owner who is extending his house and wishes to fell a tree to provide sufficient room to do so, the Council would not be in a position to impose controls and could only suggest a means of saving the tree. And even then there is no reason for the council to be aware of the tree's existence.

Nor does it cover the situation where the developer is not the owner of the land on which the trees are growing. While the owner is responsible for the conditions laid down under the section it appears that the developer is not and may therefore do as he pleases, although in practice this has not generally been the case.

And it does not cover the situation where the unscrupulous developer, aware of the conditions that could be imposed by the Council, removes the trees which hinder his plans (and reduce his profit) prior to presenting his scheme plan to the Council. This is a very real problem and one which the councils have

found impossible to prevent although instances are few and most developers appreciate the merit in retaining the significant existing vegetation.

A bond entered into by the owner would protect trees and bush only during the course of development and would not bind successors in title. It would be a registrable interest but once on the title would require the consent of the council as Caveator to the registration of further documents - (mortgage, transfer etc.). The bond could become a cumbersome and expensive means of ensuring the retention or planting of trees.

In Parkdale Developments Limited v Auckland City Council T.C.P.A. 385/75 the Board considered S351 Municipal Corporations Act (which was replaced by S291 Local Government Act). In 1975 the Auckland City Council approved a subdivision plan with the condition that every precaution be taken to preserve two Norfolk Pines and two Pohutukawas. There were four, not two, Pohutukawas on the site and the largest of these was cut down

to a height of 6 feet. It had been a mature, multi-trunk specimen, and the owner argued that it would have taken up too much land. The Council reacted by requiring all the remaining trees, and this included the felled Pohutukawa, be preserved and it enforced the condition with a bond of \$4,000. The owner appealed. The Board found that the Auckland City Council had not been definitive enough and had not checked the site, that the owner had not shown all trees in his scheme plan as required under the Act, and that in preparing a scheme plan for presentation to the council any changes to the site should be as far as possible in harmony with the surrounding landscape. It also suggested the use of restrictive covenants rather than a bond for the protection of trees in perpetuity. S126 Property Law Act requires restrictive covenants to be made appurtenant to other specified pieces of land. If the covenant were made in favour of the Council as owner of the adjoining land and required the

consent of the Council before any tree was removed this could allow restrictive covenants to be used and make the bond unnecessary.

Among other things the Parkdale Case clearly illustrates the need for a thorough evaluation to be carried out and that until the subdivision plan is lodged no protection is afforded.

## 2.3 THE TREE PROTECTION SCHEMES

### 2.31 CHRISTCHURCH CITY COUNCIL

The Christchurch City Council tree protection ordinances and policy statement have been drafted to ensure that the vegetation in the city is retained in the most practical way. 327 are listed as being 'notable' and 'significant' trees are protected by other means. There is a blanket cover for the protection of trees growing on public land. The extent of the scheme reflects the importance the Council attaches to the existence of the trees.

The specific objectives of the dis-

strict scheme include the preservation of existing notable trees, the maintenance and retention of existing vegetation on sites being developed or subdivided, and the planting of additional trees.

The notable trees are listed in Appendix K under their common and botanical names with their street location and legal description of the land on which they grow and the reason for being listed as a notable tree. This will be due to its scenic, recreational, scientific, historic, landmark, or functional value or because it is of special public interest.

Part XI of the district scheme stipulates what procedures must be followed with regard to notable trees. Once listed the tree becomes part of the ordinances of the Operative District Scheme and any additions or alterations require a scheme change. (In practice the Council will implement a scheme change when several alterations are to be made).

The list is discretionary which means it is compiled by the Council without reference to the owners of the land. Notification is deemed to be made when the proposed ordinances are advertised in the newspapers and it is then that the landowner may object to the inclusion of a particular tree in the list of protected trees. At the hearing the Council subcommittee will consider the evidence of the objector and the Council's arboriculturalist. A report is then made to the Town Planning Committee on the adoption or otherwise of the proposal and if accepted is forwarded to the full council for adoption. Those concerned with the outcome are notified personally and there is a one month period in which an appeal may be lodged against the decision. An amendment to the list requires a variation to the district scheme initiated by a non-notified application to the Council.

Authority is also conferred on the Council by S291 to protect significant trees in the city. Significant trees are of lesser value than those in

Appendix K but nevertheless justify protection where this is possible.

S291 authorises the council to grant building permits conditionally on the owner agreeing to retain significant trees and shrubs. The provisions of the district scheme prohibit any development or sub-division of a site on which a significant tree is growing and will be affected until the site has been inspected by a member of the Council staff.

A significant tree is defined as one which substantially contributes to the amenity value of the site or makes a contribution to the broader landscape, or a tree which provides shelter, stabilises the soil, provides shelter, screens unsightly views or modifies the appearance of an area, or a tree which is part of a group whose importance depends on its size and character.

If the council decides a tree is to be retained it may dispense with other requirements including a reduction in the amount payable as reserve contribution.

Once the decision to retain a significant tree is made any subsequent major tree surgery, pruning, or groundworks within the dripline can be carried out only with Council consent. Obtaining such consent is a simple matter of applying to the Council.

### 2.32 WAIMAIRI DISTRICT COUNCIL

The Waimairi District Council district scheme provides for the protection of trees but on a minor scale. Appendix G includes in a list of objects and places of interest or natural beauty only two areas of trees - a group of cabbage trees (Cordyline australis) at Burnside High School, and the trees of Deans Bush. These trees may not be removed or damaged without the written consent of the Council. The items in the list may be amended at any time by the Council.

But apart from Appendix G in the district scheme there is a Register kept at the Council offices and listing trees which the Council considers ought to be protected. The owners of the land on

which the trees grow are advised that certain trees on their property ought to be retained but there is nothing to prevent their cutting down these trees if they wish. While the Council prefers to be consulted on such matters it cannot rely on any legal provision to protect these trees.

Apart from protecting the trees listed in Appendix G the Waimairi District Council employs the provisions of S291 Local Government Act to protect trees and other vegetation on sites being developed or redeveloped in much the same way as the Christchurch City Council.

#### 2.33 RICCARTON BOROUGH COUNCIL

Provisions for the protection of trees in the Borough of Riccarton are contained in Ordinance XIV of the district scheme and approximately 465 trees are listed in Appendix L. Although the Town and Country Planning Act 1977 authorises the Council to include a tree in the scheme without personally notifying the owners of the land on which the

tree is growing this is done in the Riccarton Borough and the operation of the tree protection scheme is conducted more on a personal than a legal basis.

In theory a scheme change is required to alter the list of protected trees in the Appendix but in practice the council's written consent is given for the removal or otherwise of a listed tree and at a later date the scheme change is effected.

#### 2.34 HEATHCOTE COUNTY COUNCIL

The Heathcote County Council provides for tree protection in its district scheme but no longer lists their historical, community, or scientific interest in Appendix A. A register is also kept at the Council Offices. The means of protection are set out in Ordinance 3.14 and the consent of the Council is required before any item is removed or destroyed or any major cutting or pruning is carried out. The purpose of the Ordinance is to protect and preserve existing trees and other vegetation on public and private property and to encourage further planting.

The provisions of S291 Local Government Act 1974 are incorporated into the district scheme and enable the council to exercise further control over the protection of trees.

#### 2.35 PAPARUA COUNTY COUNCIL

Of all the Christchurch councils the Paparua County Council is the only one not to have a register or list of trees included in its district scheme. However it does recognise the importance of trees and by exercising its authority under S291 Local Government Act encourages retention of trees and other vegetation on sites being developed or re-developed.

#### 2.4 EFFECTIVENESS OF THE SCHEMES

Effectiveness in protecting trees in Christchurch appears to depend more on public awareness and the growing sense of responsibility towards the environment than on the legal aspects of the district schemes although these arguably have an educational role to play as well.

Besides giving the councils the authority to prepare and implement the protective measures the Act also provides for penalties (S173) for offences committed against the Act (S172). Anyone who commits an offence is liable on summary conviction to a fine not exceeding \$2,000.

No one has been prosecuted under these provisions; there have been a few breaches of the regulations and, more importantly, there is a great reluctance to enforce the regulations in this way.

Applications for the removal or pruning of a listed tree are considered in a realistic way and consents granted in accordance with the guidelines laid down. The attitude of the councils tends to be that while every effort should be made to protect a listed tree there are occasions when it would be unreasonable to insist on its retention. There are also those occasions when permission to remove a protected tree is refused. They include the application in 1981 by Parklands Hospital to remove the Wellingtonia (Sequoiadendron

giganteum) from the site prior to the extensions to the hospital being commenced. The hospital claimed the tree was in an unhealthy state and potentially dangerous and that it would block the view from some windows and that this was unfair to the bed-ridden patients. The City arboriculturalist rejected these claims and the tree was saved. The attitude of the other three Councils towards their tree protection ordinances is a flexible one which respects the wishes of the land owner. The ordinances are considered to be an important part of the district schemes and reflect the concern for the environment but in a dispute over the retention of a listed tree it seems the proprietary rights of the landowner would take precedence over the interests of the community at large.

# 3 Historical Background

## 3.1 INTRODUCTION

The 1953 Town and Country Planning Act was the first to provide for the preservation of "objects and places of historical or scientific interest, or natural beauty" (para.2 second schedule) and the promotion and safeguarding of the amenities of every part of the area (S18). "Amenities is defined in S2 as "those qualities and conditions in a neighbourhood which contribute to the pleasantness, harmony, and coherence of the environment and to its better enjoyment for any permitted use."

It was thought that these sections authorised councils to include in their district schemes a code of ordinances

for the preservation of trees. Indeed, S21(1) provided that every district scheme should make provision for the matters referred to in the Second Schedule of the Act as were appropriate to the circumstances.

Auckland and Dunedin City Councils thereupon included tree protection provisions in their district schemes and were among the few to do so.

## 3.2 CHRISTCHURCH CITY COUNCIL AND THE 1953 ACT

Christchurch City Council intended to follow suit and include in its district scheme comprehensive provisions aimed to protect its trees.

In late 1972 the council advised interested parties including the N.Z. Institute of Landscape Architects that it proposed to include in its preservation provisions - at this time covering buildings, bridges and public open spaces - a list of specific trees. The list was to include the reasons for the trees selec-



tion so that when a particular tree came under discussion it would be possible to justify its inclusion. The existing scheme had not enabled this to be done. The revised scheme statement would set out the objectives and lay down the criteria for selection.

An initial list of trees was prepared by the council's Reserves Department and covered a small part of the city. A second list was prepared by the New Zealand Association of Landscape Designers (Inc.) (Canterbury Branch) in response to requests for assistance. The Association considered that the protection orders were both necessary and desirable. It conducted a survey of the area between Cambridge Terrace and Hagley Park to identify trees worthy of preservation as well as any potential conservation areas. The criteria for selecting the trees were based on the following amenity values as required by the Act - scientific, historic, functional, civic, aesthetic, special scenic, and recreational. The Associ-

ation also considered the 1953 Act gave the council the necessary authority to register and protect any tree meeting these criteria or being 'objects of natural beauty' and in its report it also recommended the appointment of a full time arboriculturalist. A further survey was carried out in the Merivale area bounded by Heaton and Rossall Streets and Carlton Mill and Papanui Roads by Drs. Molloy and Sykes of the D.S.I.R. who recommended approximately 1300 trees be listed.

It was then suggested that the selected trees be classified according to their relative importance into three groups. This followed Dunedin City and stressed the relative importance of each tree.

In Group A were listed those specimens or groups of trees which were considered so important that no effort would be spared to ensure their long term protection, maintenance and preservation. Group B comprised trees and other vegetation which was considered to be of such value to the community that they would not be destroyed unless there was a very com-

elling reason. And Group C comprised trees and other vegetation that was listed and recorded as a matter of public interest but which were of an advanced age or were in a deteriorated state and would not warrant long term preservation.

The means of protection were to be set out in Ordinance VII of the Code of Ordinances. Group A trees could not be removed except in exceptional circumstances and then as a conditional use and so subject to zoning regulations. This was intended to protect an exclusive group of trees of outstanding historical, botanical, scenic or aesthetic merit. Group B and C trees were, as trees of lesser value, able to be removed, topped or pruned with the written consent of the Council. Should the applicant disagree with the decision of the council or with the conditions imposed an application could be made to the council for conditional use pursuant to S28C of the Town and Country Planning Act 1953. None of these procedures were required

in emergency situations. In general Group B trees could be removed if hardship could be shown and the Group C listing was intended to control unnecessary removal.

A policy statement setting out the Council's reasons for preservation of trees and the criteria on which the listing was based was to be included in the district scheme.

The listing of individual trees was preferred to a blanket cover because only then would the requirements of the Act be satisfied - that before a tree could be listed as an object of historical or scientific interest or of natural beauty or have an amenity value it should be regarded as such on its individual merits. Under a blanket cover this could not be certain. If it had been intended that paragraph 2 of the Schedule could be applied to a species or to a class of objects in general that had a common attribute then Parliament could have said so. As it did not so legislate it seems unlikely that it was intended to confer

such a wide ranging power on a council. An attempt to enact an ordinance providing for protection of trees in general would have been certain to fail on the grounds of unreasonableness. 'Amenities' as defined in S2 of the Act could have covered anything that contributed to a better environment. It was doubtful that the legislature intended to give such an extensive power to the local councils. It seems more likely that 'amenities' referred to those objects that could be preserved and also provided for in a way that would not deprive the property owners of their rights. Therefore, while amenities and 'trees' were not considered to be synonymous some trees could be seen as amenities and as such provisions could be made for their preservation in district schemes under the then existing legislation.

### 3.3 THE 1977 TOWN & COUNTRY PLANNING ACT

The policy statement and related

ordinances that had been prepared for the Christchurch City Council did not become part of the district scheme. There was still some doubt as to what the exact intention of the legislature was and with the Town and Country Planning Bill being considered the scheme was mothballed -- at least on an official level -- as the concept of tree protection continued to be promoted despite its lack of legal authority.

#### 3.31 THE URBAN TREES COMMITTEE

The amended provisions were largely due to the work of the Urban Trees Committee set up by the Minister for the Environment in 1975 and the lobbying of the Tree Society of New Zealand (Inc.). It made its recommendations in May 1976 after considering representations of the Tree Society and other interested parties. The Committee members included representations from The Department of Lands and Survey, Ministry of Works and Development, Internal Affairs, Local

Government, the N.Z. Forest Service and the Natural Conservation Council and members of the legal, planning and architecture professions. Mr. A.E. Jackman represented the Institute of Landscape Architects.

The terms of reference were to ascertain how adequate the existing laws and practices were in preventing the destruction of desirable trees in the urban environment, to recommend short and long term objectives for the protection of trees as amenities, and to recommend any appropriate and acceptable changes to the existing legislation.

The Committee recommended inter alia that the responsibilities and powers of planning authorities should be specific and clearly set out in the Town and Country Planning Act, that interim tree protection orders should be provided for and that the use of restrictive covenants instead of caveats be authorised.

### 3.32 THE SYMPOSIUM ON THE FUTURE OF TREES.

A Symposium on the Future of Trees in New Zealand Towns and Countryside was subsequently convened by the Tree Society. This symposium resolved that the powers of local authorities should be strengthened and clarified without delay; that the relevant legislation be passed to enable local councils to make provision for the protection of trees following the example of tree preservation orders in New South Wales (which relate to blanket cover provisions); that the report of the Urban Trees Committee be adopted and the Town and Country Planning Act 1953 be urgently reviewed with the object of making specific and adequate provision for the protection and enhancement of the environment particularly with regard to trees; and that the Government's intended provision and general policy on the future protection of trees be made clear to guide Councils in their preparation of district schemes.

The Symposium also recommended to councils that they undertake a comprehensive analysis of their areas and prepare a statement of policy for the protection of trees appropriate to their conditions.

The Town and Country Planning Bill provided that district schemes "shall" in particular recognise and make provision for the protection and enhancement of the physical and social environment and that district schemes "shall" confer on the councils such specified powers and discretions as are necessary or desirable to achieve the general purposes of the scheme and to give effect to the policies and objectives contained in the scheme relating to "the preservation and conservation of trees, bush, plants, landscape, and areas of specific amenity value", and that every district scheme may make provision for such of the matters referred to in the Second Schedule (trees, bush etc.) as appropriate in the circumstances. The Bill also made provision for interim tree protection orders where registration was

pending.

### 3.33 THE 1977 ACT

The new Town and Country Planning Act was passed in 1977. It enacted the provisions relating to tree protection as set out in the Bill with two exceptions: it did not make it obligatory for councils to include in their district schemes such powers and discretions as are necessary for the protection of trees (S36(5)) and gave no authority for the making of interim tree protection orders pending the tree's inclusion in the register.

However, the new Act did give councils a discretionary authority to list trees in their tree registers (S36(5)). This widened the basis of the council control over the trees and areas of bush within their districts.

Unfortunately, the opportunity was not taken by the legislature to co-ordinate the various statutes relating to the protection of trees. A provision of a district scheme has the force of a regulation (S62(1)) and can be overridden by

relevant sections of other statutes. This must diminish the effectiveness of tree preservation ordinances.

Since the Act was passed in 1977 the Christchurch councils whose tree protection methods are part of their District Schemes viz. Christchurch City and Riccarton have favoured the registration of individual trees although it has been suggested that various other techniques including a blanket cover would be appropriate. Following the passing of the Act the Christchurch City Council reviewed the policy statement and related tree protection ordinances and adopted for inclusion in the 1979 district scheme a refined version of the registration system, already discussed. For practical reasons the new list was restricted to the trees in Group A and these have been classified as Notable Trees. Group B and C are given protection but classified as significant trees.

### 3.34 INTERPRETATION OF THE 1977 ACT

Despite the apparent explicitness

of the provisions of the 1977 Act there still remains some doubt as to the exact intentions of the legislature regarding the authority of councils to enact and administer their tree protection ordinances and in the absence of any amendments to S36(5) the extent of the council's authority will depend on judicial interpretation of matters on appeal to the Planning Tribunal.

In 1981 the Castor Bay Residents' and Ratepayers' Association appealed against a decision of the Takapuna City Council to include in its district scheme a proposed ordinance which prohibited the ringbarking, cutting down, topping, injuring or wilful destruction of any tree belonging to the species listed in Appendix 6.1 of the Code and which was standing higher than 5 metres or whose trunk circumference measured more than 0.5 metres at 0.5 metres from the ground. The list contained mostly native species. The appellants argued that the exotics in the district were under represented, that few people were able to identify the

species that were listed; that many of the trees listed did not qualify as a 'significant element in the landscape'; and that as the ordinance was unlikely to be observed or enforced more than selectively it would undermine the credibility of the scheme as a whole. The basis of their appeal was that the ordinance represented an unnecessary interference and restriction on the rights of property owners, and that it was unreasonable, unduly onerous, and incapable of enforcement. The respondent council's argument was based on trees being a significant element in the landscape of Takapuna either as individual specimens or bush and as such should be subject to some council control to ensure the more valuable types of tree were not lost to the community through ill-considered or unnecessary action on the part of individuals. The council was therefore seeking to extend its planning control but the Tribunal considered that such control would be justified only if it would ensure the character of a neighbourhood was preserved and not merely as

a means to protect trees. Therefore while the Takapuna City Council may extend its control over subdivisions (which it is able to do by exercising its authority under S291 Local Government Act 1974 - discussed above) it could not extend it in regard to the protection of individual trees. And so the Planning Tribunal held the ordinance requiring applications for planning consent to top or fell a tree to which it applied was an unjustified restriction and ultra vires.

This decision illustrates the importance of the wording of any ordinance - the need for explicitness and an understanding of the way in which the provisions will be administered.

# 4 Other Legislation

## 4.1 INTRODUCTION

Various other legislative provisions affect the status of trees in the urban environment and these may at times either override or conflict with the provisions of the Town and Country Planning Act. The most significant of these is S129C of the Property Law Amendment Act 1975 which authorises the District Court to order the removal or trimming of trees injuriously affecting a neighbour's land. Provisions contained in The Reserves Act 1977, the Land Act 1948, the Native Plants Protection Act 1934, and the Police Offences Act 1927 are concerned with protecting trees, and those in the

Public Works Act 1981 and the Electricity Act 1968 authorise the removal of trees and other vegetation in certain circumstances.

## 4.2 PROVISIONS FOR THE PROTECTION OF TREES

4.21 S42 OF THE RESERVES ACT 1977 prohibits the cutting down or destruction of any trees or bush on any historic, scenic, nature or scientific reserve without the consent of the Minister of Lands and the reserve's administering body.

4.22 S176(2) OF THE LAND ACT 1948 prohibits the removal, damage or destruction or interference with trees growing on Crown Lands. Penalties on conviction are by way of a fine and may also include a requirement to pay twice the full market value of the substance removed.

4.23 THE NATIVE PLANTS PROTECTION ACT was passed in 1934 but it is ineffective. S4(1) makes it an offence to take protected native plants growing on any Crown Land, public reserve or street or from any



private land without the owner's consent, but S4(2) authorises the taking "in reasonable quantities" of any protected native plants where the purpose is "medicinal, bona fide scientific research or nature study in schools or elsewhere or for propagation in private or school gardens" - unless the taking would deplete the species in any one habitat. This seems to be a naively drafted piece of legislation.

In 1974 the Supreme Court considered the provisions of this Act in Davy v The Mayor, Councillors and Citizens of the Borough of Birkenhead. The facts were as follows. The Borough Engineer instructed a contractor to cut down eight pohutukawa trees growing on a grass verge in front of the Appellant's, Mrs. Davy's, house. She was incensed. The trees were about 15-20 feet high and had been planted by the Borough Council sometime between 1940 and 1950. Mrs. Davy brought her case under S4 of the Native Plants Protection Act. It was heard by the Magistrates Court before going on

appeal to the Supreme Court. The Magistrate held (1) that a pohutukawa tree is not a 'plant' within the meaning of the Native Plant Protection Act 1934; (2) that a pohutukawa tree which had been planted by human hand is not in law a "native plant" within the meaning of the Act; and (3) that the action of the Birkenhead Borough Council in cutting down the trees was not prohibited by the Act as it came within the exceptions in S10 which gives local authorities the right to cut down, remove, etc., native plants.

On appeal McMullin, J. agreed with (1) on the grounds that the Act at no time made reference to a 'tree' - while other statutes such as the National Parks Act 1952 (and those statutes referred to above) included it - and the inference therefore was that the Act was intended to refer to smaller growing vegetation only.

McMullin, J. disagreed with the lower court finding (2), that a plant must be growing in its natural state to be termed a 'native' plant as 'native' was intended to be used in an adjectival sense, but he

confirmed the finding of the Magistrate (3) that S10 gave the Council the right to cut down the trees by virtue of authority conferred by another Act, The Municipal Corporations Act S170(4).

As a result of this case it was obvious the Act gave native trees no protection at all.

4.24 S6 OF THE POLICE OFFENCE ACT 1927 provides for a term of imprisonment of up to 6 months for anyone convicted of wilfully setting fire to any "timber, bush, shrub" or other vegetation growing on another's land. There has been no reported case in Christchurch.

4.3 PROVISIONS AUTHORISING THE  
REMOVAL OF TREES IN CERTAIN  
CIRCUMSTANCES

4.31 S133 OF THE PUBLIC WORKS ACT 1981 provides for the removal of trees and hedges that obscure the visibility or interfere with a public work. It empowers the authority to order the removal, lowering, or trimming of a tree, hedge or

shrub that overhangs or overshadows a road, to such an extent as to damage the road, or which endangers or obstructs the lawful use of the road and any associated drainage system. Where a notice for removal is given the owner of the land on which the trees grow may apply to the District Court to have the notice set aside. The section does not lay down the grounds on which such notice may be set aside. In exercising its jurisdiction one would hope the Court would have due regard to any protected status the tree/s may have.

4.32 S19 OF THE ELECTRICITY ACT 1968 authorises Electricity Supply Authorities to override the provisions of the Town and Country Planning Act 1977 to the extent of ignoring tree preservation provisions. Legal opinion given to councils in 1974\* confirmed this. Where the protected tree is growing on private property the owner should seek the council's permission to have it removed but in the absence of such consent it would be removed anyway, and it would be immaterial whether the tree or

the overhead, or underground, line was placed in position first.

Regulation 34 of the Electrical Supply Regulations 1976 states that "Where any tree is in contact with or reasonably likely to cause injury to any overhead electric service line, the Electrical Supply Authority may discontinue to supply electricity through that service line until either the tree has been removed or so trimmed as to be no longer in contact with the service line or be unlikely to cause injury thereto or the service line has been adequately protected. Where the situation arises in Christchurch the Municipal Electricity Department will only remove a tree if it is not possible to relocate the service line. However, relocating service lines in the urban environment is not always possible because of the area taken by competing services and uses.

4.4 S129 OF THE PROPERTY LAW AMENDMENT ACT 1975 gives those persons detrimentally affected by trees growing on their neighbour's land a right to redress through

the Courts. It applies only to land zoned residential or on which a residential building is erected and empowers the District Court to make an order to remove or prevent, or to prevent the recurrence of:

- (a) any danger to the applicant's life, health or property,
- (b) any undue obstruction of view, or
- (c) any other undue interference with the reasonable enjoyment of the land for residential purposes and the hardship caused to the applicant by the refusal to make an order would be greater than that caused to the defendant by the making of the order (SS.8).

Trees protected under a District Scheme may not be subject to such an order unless the matter comes within (a) and such order must be "fair and reasonable" (SS.5).

However, the Court may make an order in respect of trees coming within (a) (b) or (c) above where the applicant has not yet built his house (SS.19), or whether or not the alleged wrong caused by the trees constitutes a legal nuisance or could be

subject to other proceeding (SS.10), or whether or not the applicant became the owner of the land before the wrong commenced.

S129C appears to give a disgruntled neighbour a free hand to apply for and be granted an order for the removal of the trees next door but such a wide discretion should be checked if the following matters laid down in SS(6) are considered by the Court:

- "(a) the interests of the public in the maintenance of an aesthetically pleasing environment:
- "(b) The desirability of protecting public reserves containing trees:
- "(c) The value of the tree as a public amenity:
- "(d) The historical, cultural, or scientific significance (if any) of the tree:
- "(e) The likely effect (if any) of the removal or trimming of the tree on ground stability, the water table, or run-off" (SS6).

In an article written in the New Zealand Law Journal in 1976 I.G. Eagles criticises the provisions of S129C for being anti-environmental, while purporting to be pro-environment, because the matters which the Court must consider before making an order are difficult to quantify and often conflicting, thereby strengthening the case of the applicant. In other words S129C does not make it clear how the Court should balance the hardships caused. Even SS(8) which appears to protect the defendant may have the opposite effect if, in considering the relative hardships of the parties, the Court is unable to determine what these are. Eagles gives the example of the problem of sunlight lost and leaves dropped versus the pleasure of looking at a beautiful tree in the garden and considers the applicant whose facts are the more explicit by virtue of the problem caused would perhaps obtain the order. He goes on to criticise S129C on the grounds that it is selective - if someone bought a property beside a structure (rather than a tree) he could not have this modified to suit his

new house; that there is no provision for a monetary adjustment in lieu of trimming or removing a tree (which could be fairer and be by way of compensation to either party for loss of enjoyment or diminished value), that those matters referred to in SS(6) may not necessarily be presented to the Court because, owing to the adversary nature of the proceedings, only the occupiers of the properties will be heard (although this ignores the intervention of interested parties as expert witnesses).

Eagles also asks 'what constitutes a view?' This was considered in the case of Morrow v Norgrove (1977) 14 MCD 219 in which the Court interpreted S129C for the first time.

The applicants lived on an elevated section with views over the harbour. 2° of their 120° view was occluded by a Norfolk Pine and a Pohutukawa which were over 30 feet high and they were concerned that this would increase to 6°. The defendant on whose property the trees grew argued that the obstruction came

within the allowable limits set by S129C(5) having regard to the matters listed in SS(6), and the hardship that would be likely to be caused to him by the making of the order would outweigh the hardship being endured by the applicant.

The Court interpreted "undue obstruction" as "excessive or unreasonable" and considered that in determining whether the obstruction was excessive or unreasonable regard must be had to the matters listed in SS(6) (a) and (c) (the interests of the public in the maintenance of an aesthetically pleasing environment, and the value of the trees as public amenity). It held that although the trees interfered with the appellants' view the interference was not undue in the sense of being excessive or unwarranted and the application for an order was turned down. Trimming the trees to 12 feet as requested would have destroyed the symmetry of the Norfolk Pine and destroyed the Pohutukawa. As "undue obstruction" had not been established the Court did not need to consider the relative hardships that were being or

would likely to be caused to the parties.

The interpretation of S129C in this case is a sympathetic one. The magistrate, Richardson, S.M. was obviously impressed by the amenity value of the trees and their broader landscape value - aspects which Eagles was concerned would have lip service only paid to them in the absence of the defendant being environmentally concerned.

There have been no other reported cases of applications being made under S129C of the Property Law Amendment Act 1975, although there was one unreported case in Christchurch in 1980. This was the case of Werren v Turner.

The applicant claimed that the poplar trees planted by the defendant along the boundary were interfering with enjoyment of her property by shading and by root growth. Judge Fraser considered that the matter depended on whether the encroachment of the roots from the defendant's trees constituted "undue interference" with the reasonable enjoy-

ment of the land for residential purposes.

"Undue" was interpreted here as being of such a magnitude or degree as on a reasonable and objective view would justify the exercise of the power of the Court. This was not the case and the application was turned down.

As in *Morrow v Norgrove*, having determined that the tree was not causing loss or injury or damage to the applicant's property it was not necessary to consider whether the consequent hardship that would have been caused to the defendant, had the order been made would outweigh that caused to the applicant. Nor were the matters listed in SS(6) considered by the Court although these don't appear to be particularly relevant.

At one extreme S129C may be seen as a means of legalising the destruction of significant vegetation in residential areas and at the other as a means by which this may be checked by the Courts. The scope of the section and its limitations have yet to be fully tested.

Future interpretations of the section will hopefully reflect the community's increasing awareness of environmental issues. By adopting an approach which is sympathetic to the environment the excesses of the tree-felling applicant will be checked. What is not certain is how the Courts will assess the relative hardships of the parties or how much emphasis will be given to the factors listed in SS(6) which is in fact the first attempt by statute to define the consideration which should be given to trees in "town planning".

references:

- \* Correspondence, Christchurch City Council.

# 5 Alternative Methods of Tree Protection

## 5.1 SUMMARY OF METHODS ADOPTED IN CHRISTCHURCH

The Councils in the Christchurch area that have included tree protection provisions in their district schemes have favoured the listing of individual trees appended to tree protection ordinances. This is of course apart from those provisions covered by S291 of the Local Government Act 1974 and which require only the inclusion of the relevant words of that Act in the various District Schemes.

The inclusion of lists of individual trees which warrant protection is a more involved procedure and one which can become unnecessarily cumbersome as the Christchurch City Council realised when

it compiled the initial lists of trees in the mid-seventies. These lists were extensive and were intended to include all significant trees within the city's bounds. Had the uncertainties over the legal validity of the scheme not prevented the lists from being incorporated into the District Scheme at the time the sheer extent of the lists may well have proved a handicap to their administration. An inability to effectively implement and enforce such a scheme could have led to a loss of credibility and public support.

The compiling of these early lists was not without some benefit. The exercise had revealed some of the administrative problems that could arise if a tree protection scheme was prepared before the administrative capabilities of the council concerned were evaluated. Christchurch City Council now has a refined version of this earlier scheme. In contrast to the 1300+ trees listed (and with the prospect of many more to come) the present scheme includes 300+ trees each of which satisfied one or more of the criteria for



classification as a Notable Tree. Once the Council had decided that it would follow the procedure of using individual trees, rather than, for example, a blanket cover, it was important that the Tree Protection Ordinances should be effective at a practical level. The reduction in the number of listed trees to a manageable level has made this possible.

The uncertainties surrounding the legal aspects of tree protection have discouraged the Waimairi District Council from extending its list of protected trees from the handful that appear in the Appendix of its District Scheme to include those in the Register referred to in Chapter II. Registration provides no legal protection for the trees listed therein; it has an educative roll to play.

Riccarton Borough Council has an extensive list of trees in the appendix to the Tree Protection Ordinances although it is more concerned with the educational roll the list has than with enforcing the provisions and penalising breaches. It

is a method which suits the resources of the Council and one which in practice operates successfully. Heathcote County Council has adopted a similar approach to Waimairi. Its Register of Protected Trees replaced a list in the Appendix to the Tree Protection Ordinances which it was felt could not be adequately administered by existing staff. The Council was also of the opinion that a Register would do more to encourage the preservation of trees than the legal controls it could impose under the provisions of the Town and Country Planning Act although some legal control is exercised by the Council under S291 of The Local Government Act.

Paparua County Council as already mentioned has made no provision in its District Scheme for the protection of trees within its boundaries although it also has that authority conferred on it by S291 of The Local Government Act. The exclusion of Tree Protection Ordinances in the District Scheme is due to the lack of resources and, according to the Town Planning staff, an absence of

trees warranting protection. Perhaps if the resources were available suitable trees would be found. In the circumstances the type of tree protection scheme has not been seriously considered. Papanui may follow the lead of the other Christchurch Councils and opt for the listing of individual trees but the predominantly rural character of the County may call for some other method to be employed.

## 5.2 BLANKET PROTECTION

### 5.21 INTRODUCTION.

An alternative method of protecting trees is to impose a Blanket Protection on for example all trees of a particular species, height or location within the Council's boundaries.

It has not been adopted by many New Zealand Councils but it has been adopted successfully in New South Wales where the usual protection order is applicable to any tree with a height of 3 metres or greater and a stem of 30 cm. or with a

span of 3+metres and a height of 4+metres. Once the Blanket Protection Order has been made Council consent must be obtained before a tree coming within the Blanket Cover is removed. The system is administered by qualified parks employees who make visual inspections of the site before deciding whether a tree should be retained rather than making their decisions on the basis of the property owner's or developer's information. Enforcement is a problem where the tree is cut down before the Council is consulted as it is difficult to prove the tree was one which was under the blanket cover. If proof of breach is available penalties include a maximum fine of \$200, the possibility of suspension of a building permit and the replanting of other trees.

The Town and Country Planning Act authorises Councils to exercise "...such specified powers and discretions as are necessary or desirable to achieve the general purposes of the scheme and to give effect to the policies and objectives contained in the Scheme relating to

(a) the preservation or conservation of trees..." S36(5)(a). There appears to be no reason in the light of this provision why a Blanket Protection scheme could not be adopted as an alternative to listing individual trees in the appendices of district schemes as a means of protecting trees providing the policy statement and ordinances were drafted in clear and explicit terms. In New Zealand few Councils have made use of the Blanket Protection Scheme as such although the provisions of S291 of The Local Government Act authorises Councils to grant building permits conditionally on the owner agreeing to retain significant trees and shrubs. This amounts to a blanket protection for 'significant' trees and shrubs although under S291 this applies only to subdivisions. In Christchurch City 'significant' trees include those listed in the early surveys and classified 'B' and 'C' (see Chapter 3).

#### 5.22 CHRISTCHURCH CITY COUNCIL

The Christchurch City Council also has a form of blanket protection for the

trees growing in its parks and reserves. Protection has been given to these trees since January 1976 when trees growing on Council land became subject to the same conditions and procedures set down in the District Scheme Ordinances for those trees listed in Appendix K. This method was preferred because both the large number of trees in the City's parks and reserves and the lack of manpower put the task of surveying and individually listing the trees beyond the means of the Council. The consent of the Parks and Reserves Department must be obtained before any such tree is removed. This consent is given only if it can be shown that the tree/s constitute an immediate danger to the public, or they are affected by a virulent contagious disease, or they are being grown for the production of timber as is the case in the Bottle Lake, Chaney's, South Brighton Domain and Scott Park plantations and those areas of Victoria Park and Rawhiti Domains where plantations have been established.

The blanket cover includes the trees

in the following reserves in Christchurch: Moorhouse, Fitzgerald and Bealey Avenues, Cranmer and Latimer Squares, Cathedral Square, the banks of the Avon from Fendalton Road to North Avon Road, the banks of the Heathcote River between Cashmere Road Bridge to Radley Street Bridge; and in the following parks: Centennial, Hoon Hay, Spreydon (Domain), Barrington, Sydenham, Bradford, Beckenham, Waltham, Linwood, Burwood, Richmond (Domain), St. Albans, MacFarlane, English, Abberley, Malvern, Elmwood, St. James, Edgar McIntosh, Avon, Rawhiti (Domain), South Brighton, Woodham and Victoria.

#### 5.23 WAIMAIRI DISTRICT COUNCIL.

Waimairi District Council has a similar Blanket Cover Provision in its District Scheme. Appendix G of Ordinance 7, which deals with amenities, lists 'Deans Bush' but not the individual trees within the Bush because of the difficulties involved and the resources required to undertake the survey and to list them.

#### 5.24 WAITEMATA.

Waitemata has adopted a blanket cover approach to extend its protection to those natural physical features including bush which contribute to the character and amenities of the area under its jurisdiction. The Council was concerned that the rapid growth of the City had been at the expense of the physical environment and so in order to retain the visual and natural qualities it has imposed controls.

The nature of these controls depends on the objectives to be achieved in the various zones. The Waitakere Ranges for example form the visual backdrop to Waitemata City. Its associated vegetation cover which is mainly native bush and scrub is essential for the control of water run-off and soil erosion and for the preservation of the scenic quality of the area. The objective of the Council is to conserve these features and its policies include recognition of the contribution of the flora to the amenity value of the Waitakere Ranges, minimising the removal

of the vegetation and providing for the preservation of objects and places of particular natural beauty by registering them in the District Scheme under Ordinance 21.

Other objectives and policies relate to other areas of Waitemata and vary according to their particular conditions.

Ordinance 28 sets out how these objectives and policies are to be implemented. It states that "The use of any land for any predominant or conditional use or any work or activity related to a predominant or conditional use shall be in accordance with the restrictions and conditions set out in this Ordinance as to the conservation of natural features, landform and vegetation" (28.1). Trees, bush and scrub are defined for the purposes of this Ordinance in sub-clause 6 as trees, bush or scrub over 1 metre in height excluding those plants listed in the First Schedule of the Noxious Weeds Act 1950 and native trees are individually listed under the sub headings gymnosperms, dicotyledons, compositae, monocotyledons

and ferns. The Ordinance does not restrict normal trimming or pruning of trees or the removal of dead, damaged or diseased trees or those trees that could endanger the life, health or property of the inhabitants of the area. Nor does it limit the power of the Council under S291 of the Local Government Act 1974 or the power of the Courts to make an order under the provisions of the Property Law Act 1952 (as amended in 1975). Where the use or activity of any land does not comply with these restrictions consent may be obtained from the Council by way of a non-notified application. If consent is refused or is unacceptable to the applicant the application is deemed to be a conditional use. An interesting point to note is the binding of the Council itself to these provisions as far as they relate to the removal of native trees and the clearing of trees, bush and scrub. This reflects the importance the Council attaches to the objectives of Ordinance 28.

The controls imposed by the Council appear in sub-clause 7 and they vary

according to zone. In general there is a prohibition on "the destruction of, or irreparable damage to native trees standing higher than 3m. or having a trunk circumference of more than .5m, as measured .5m from the ground and on the clearing of areas of trees, bush or scrub where (depending on the zone) 35 per cent or 50 per cent of the site is already cleared. Exceptions are made in the residential zones for such things as swimming pools and parking areas and in the rural zones for the extension of farmland.

#### 5.25 DUNEDIN.

Dunedin City Council's current District Scheme makes provision for the protection of objects (and places) of historic or scientific interest or natural beauty. Under its provisions trees are listed individually if they 'score' sufficient points to qualify. The list is short and includes only 11 trees or groups of trees in the City. However, because there is an extensive amount of

significant vegetation in both the Rural and the Residential zones which is not specifically protected under the current District Scheme provisions will be introduced in the Proposed District Scheme in Ordinances 131-132-133 to protect existing significant vegetation of all kinds. These provisions will be known as the 'Conservation of Distinctive Features Ordinances' and will supplement the specifically listed objects. Distinctive trees and bush are defined in Ordinance 131 and will include any notable or significant tree,\* trees or bush that contribute substantially to the amenities of a site or to the landscape qualities of a wider area, and trees and bush that screen undesirable views, provide wind protection, assist soil stabilisation, contribute to the visual quality of an area or form part of a group the character of which would be lost if it were reduced in size.

Protection is provided by prohibiting any work which may affect the condition of any distinctive feature before

the Council is notified and the site inspected to the satisfaction of the City Planning Officer who may require a plan of the site showing distinctive features and their relationship in respect of the proposed work (Ordinance 132). Excepted from this is general maintenance of a tree, felling a tree when it is diseased or endangering the public, and any landscape treatment of individual dwelling sites. The Council may then require the protection of any distinctive feature, and, as in the situation where S291 of the Local Government Act applies, make the retention of any distinctive feature a condition of subdivision consent. In requiring the retention of a distinctive feature it may dispense with the siting requirements of any proposed buildings. Once the Council has ordered the retention of a distinctive feature it cannot be removed or substantially modified without Council consent and this may be obtained by way of a non-notified application.

These provisions in Dunedin's

Proposed District Scheme provide a blanket cover for the protection of all significant vegetation in the City. In some respects they are similar to the Local Government Act (S291) but go beyond this situation by stating "No work on any site ... shall be commenced before Council is notified and the site has been inspected ..." (Ord.131). It is more ambitious than any tree protection provisions in Christchurch and it would appear to require a trained and increased staff to adequately administer it. In Christchurch City the blanket protection covers only the trees growing on City land and has been used for convenience; in Dunedin it includes any distinctive feature on public or private land within the City's boundaries, and as it is imposing controls on private land its acceptance by the public is important. (The proposed scheme is to be advertised in mid-September 1982 and the objections may indicate to what extent support exists). But the exemption for "the landscape treatment of individual dwelling sites" is curious, for it seems to provide a way out for anyone in breach of the Ordinance.

There also remains the problem of the property owner/developer/occupier ridding himself of the tree/s prior to the site inspection by the Council representative. This is a weakness in the blanket protection approach.

#### 5.26 SUMMARY

Under the provisions of the Town and Country Planning Act there appears to be no reason why Dunedin City cannot implement such a scheme as its Proposed Policy Statement and Ordinances are sufficiently clear. What may well prevent the proposals from being effective is the administrative problems already discussed.

The Waitemata City provisions for blanket cover protection of its native trees and bush and scrub have been accepted as being valid. The Town and Country Planning Act empowers Councils to make such provisions but it is important that they are explicit if they are to withstand challenges.

Blanket protection of trees and other vegetation has been implemented by

Christchurch councils as an alternative to the listing of individual trees only where the latter practice is impractical. It has not been implemented as the primary method of protecting trees because the situation does not warrant it. Unlike Waitemata and Dunedin there are no large tracts of bush that need protecting in Christchurch. A system akin to the blanket protection of significant trees in Dunedin has been discounted by the Christchurch City Council as being difficult to administer and by concentrating its resources on protecting a limited number of individually listed trees it considers it has a greater chance of success.

#### 5.3 OTHER METHODS OF TREE PROTECTION

Norma Bush in her recent paper "Regulating Trees on Private Property" discusses the various techniques which under the Town and Country Planning Act would be appropriate for the protection of trees. Both the registration of individual trees and blanket protection methods are discussed but so also is



rating relief and the idea of an on-site-bonus.

#### 5.31 ON-SITE-BONUS

This would be given in return for the retention of trees when the site is being developed.

S36(3) of the Act authorises local authorities to use incentives to promote their objectives and policies and the on-site-bonus technique would allow them to relax some of the requirements for site development such as building lines and densities in return for measures taken by the developer/owner to protect the trees. This technique would be particularly appropriate where densely vegetated areas are being developed or where larger sections with mature trees are being subdivided. The latter situation would be more common in Christchurch and provision for an on-site bonus in the District Scheme would be a positive approach to tree protection in the area.

#### 5.32 RATING RELIEF

Another possible approach to tree

protection suggested by Bush is to provide some form of Rating Relief. She suggests striking a lower rate for areas where large lot zoning has been used to protect trees. Large lot zoning for this purpose is not practiced in Christchurch. This technique would be beneficial in the Christchurch area but so too would a form of rating relief which compensated the property owner for the reduction in the value of his property caused by the presence of protected trees on the site and the consequent limitations on its development. This may also occur where a protected building will reduce the value of the property by limiting its potential. But in this case the reduced value will be reflected in the rates paid and this in itself is some compensation but it does not compensate the owner for the loss of potential purchasers should he wish to sell. It could be argued that in the case of protected trees the value of the property would be increased but there will be cases where the location of the tree/s will prevent the most economic development of the site from being realised. This is the

situation which might profitably be covered by rating relief (and it could also be covered by the on-site bonus scheme).

These techniques would not be adequate on their own but if they were introduced to act in conjunction with the register or blanket protection provisions they would complement them and encourage in a more positive way the protection of trees.

references:

- \* Notable Scheduled Trees : those listed in the Heritage Protection Register.

Significant Scheduled Trees:  
those that were assessed and recorded but judged to be of less importance than Notable Trees.  
They are listed as a supplement to the Heritage Protection Register.

## 6 Conclusion

Under existing legislation local authorities may make provision in their district schemes for the protection of those trees which are considered worthy of preservation. The 1977 Act makes this a matter of choice although many councils in New Zealand do exercise this authority. Unlike their Australian and British counterparts which have favoured the blanket protection approach New Zealand local authorities have with few exceptions preferred the listing of individual trees. Both methods of tree protection are permitted under the present Act and it seems that S36(3) empowers local authorities to provide any "controls, prohibitions and incentives" that are necessary to achieve the

objects of the district scheme. Prior to the passing of the 1977 Act local authorities were slow to implement tree protection schemes although the authority to do so was there. The uncertainty over the extent of the authority vested in them had caused them to postpone the introduction of the tree protection measures. The provisions of the 1977 Act are more explicit and provides for the discretionary listing of trees but there remains some uncertainty as to the extent of this authority. Until the situation is clarified by judicial decision or amending legislation this uncertainty will continue to influence the way in which existing schemes are administered.

Little has been said in this paper about penalties for breaches of the tree protection ordinances. S172 (see Appendix A) states when an offence against the Act is committed - when anyone "Fails to comply or acts in contravention of any condition ... imposed by ... the Council"- and S173 provides for a maximum fine of \$2,000 on conviction. But Councils are

apparently loathe to prosecute and in the Christchurch area there is no record of this being done. A reluctance to prosecute is not only due to a council's wish to maintain good public relations; it is partly due to a fear that the courts would not uphold the provisions in question.

Christchurch local authorities have implemented schemes which suit their particular conditions. Christchurch City administers a list of individual trees which suits its resources. Riccarton Borough has a more extensive list which it sees as having an educational role and is unlikely to prosecute any breach. Waimairi and Heathcote have registers of trees which are not part of their district schemes for they consider that under the present legislation little would be gained by doing so. If those registers were incorporated in the district schemes and if the tree protection provisions were challenged these Councils are concerned that they may lose everything. All 5 local authorities also administer control over significant

vegetation under the provisions of S219 Local Government Act. The practical differences between the City/Riccarton and Waimairi/Heathcote schemes are minimal.

Despite the uncertainty over the legal aspects of tree protection the schemes are operating successfully and they are contributing to the growing public awareness of the environment. In tree registration and blanket cover protection schemes private rights must to some extent be subservient to public interest and so the regulations which limit the individual's rights must accurately reflect public opinion. It is the planners' job to advocate changes which will be to the advantage of the community but they should be careful not to exceed what is acceptable. Any infringement of private rights could be kept to a minimum by planners keeping the public informed so that those affected may also participate in the planning process.

Proprietary rights have traditionally been protected by the courts. Although the courts are not directly involved in

the operation of tree protection schemes they should reflect the changing attitude of the public towards the environment. S129C of the Property Law Amendment Act 1975 gives redress to those persons detrimentally affected by trees growing on their neighbour's land. The Court's interpretation of this section reflects a growing public appreciation of the environment.

This is perhaps what tree protection schemes are all about - not ends in themselves but a means to improving the urban environment in which we live. Existing regulations are the most effective means of protecting trees in urban areas at present and their success should be measured by the number of trees they have been instrumental in saving. The legal aspects are not yet sufficiently explicit and should be clarified but they do provide the framework on which the schemes may develop.

# 7 Appendix

## a legislation

### THE TOWN AND COUNTRY PLANNING ACT 1977

#### Section 3. Matters of national importance --

(1) In the preparation, implementation, and administration of regional, district, and maritime schemes, and in administering the provisions of Part II of this Act, the following matters which are declared to be of national importance shall in particular be recognised and provided for:

(a) The conservation, protection, and enhancement of the physical, cultural, and social environment.

#### Section 4. Purpose of regional, district and maritime planning --

(1) Subject to section 3 of the Act, regional, district, and maritime planning and the administration of the provisions of Part II of this Act, shall have for their general purposes the wise use and management of the resources, and the direction and control of the development, of a region, district, or area in such a way as will most effectively promote and safeguard the health, safety, convenience, and the economic, cultural, social, and general welfare of the people, and the amenities, of every part of the region, district, or area.

(2) The general objectives of regional, district, and maritime schemes shall be to achieve the purposes specified in subsection (1) of this section.

#### Section 36. Contents of district scheme --

(1) Every district scheme shall, subject to section 3 of this Act and having regard to the present and future require-

ments of the district and its relationship to any neighbouring area, make provision for such matters referred to in the Second Schedule to this Act as are appropriate to the circumstances or as are necessary to promote the purposes and objectives of district planning set out in section 4 of this Act.

(2) Every district scheme shall include--

(a) A statement of the particular objectives and purposes of the scheme and the policies to achieve them;

(b) An indication of the means by which and the sequence in which the objectives, purposes, and policies will be implemented and achieved;

(c) A code of ordinances for its administration and implementation, and a map or maps illustrating the proposals for the development of the area; and

(d) Such other particulars and material as the Council considers necessary for the proper explanation of the scheme.

(3) Every district scheme shall provide for such controls, prohibitions, and

incentives relating to any land and buildings, as are necessary or desirable to promote the purposes and objectives of the district scheme.

(4) Every district scheme may distinguish between classes of development, uses, and buildings in all or any part or parts of the district in any one or more of the following ways or any combination of them:

(a) Those which are permitted as of right provided that they comply in all respects with all controls, restrictions, prohibitions, and conditions specified in the scheme:

(b) Those which are appropriate to the area but which may not be appropriate on every site or may require special conditions and which require approval as conditional uses under section 72 of this Act:

(c) Those which are permitted subject to such powers and discretions specified in the scheme as are necessary or desirable to achieve the general purposes of the scheme and to give effect to the policies and objectives contained in the scheme

relating to--

- (i) Landscaping;
- (ii) The design and external appearance of buildings; and
- (iii) Such other matters as may be specified in that behalf by any regulations in force under this Act.

(5) Any district scheme may confer on the Council such specified powers and discretions as are necessary or desirable to achieve the general purposes of the scheme and to give effect to the policies and objectives contained in the scheme relating to--

- (a) The preservation or conservation of trees, bush, plants, landscape, and areas of special amenity value;
- (b) The design and external appearance of buildings; and
- (c) Such other matters as may be specified in that behalf by any regulations in force under this Act.

(6) Any district scheme may provide for the circumstances under which, the manner in which, and the conditions subject to

which, the Council may grant an application for the dispensation wholly or partly from, or waiver of, any provision of the district scheme relating to--

- (a) The subdivision of land permitted to be used for any urban purpose;
- (b) The height, bulk, and location of buildings permitted on site;
- (c) The provision of parking and loading spaces;
- (d) The design and appearance of buildings and signs and the provision, design, and appearance of verandahs;
- (e) Landscaping; and
- (f) Such other matters as may be specified in that behalf by any regulations in force under this Act.

(7) Any district scheme may provide for any class or classes of application for the exercise of any discretion conferred on the Council by the scheme to be made without notice:

Provided that such a provision shall not be made in respect of any application



which is required by any provision of this Act to be a notified application within the meaning of section 65 of this Act.

Section 172. Offences -- Every person commits an offence against this Act who-

(a) Fails to comply with or acts in contravention of any condition, restriction, obligation, prohibition, or covenant which has been imposed by the Tribunal or the Council or any Maritime Planning Authority in exercising any power conferred by this Act, or who (before the expiry of the time provided by this Act for the lodging of any appeal) does any act or thing against the doing of which an appeal to the Tribunal could be lodged, or who (before an appeal which has been lodged with the Tribunal has been decided or withdrawn) does any act or thing the subject of that appeal; or

(b) Acts in contravention of or fails to comply with any provision of this Act or of any regulations in force under this Act.

Section 173. Penalties for offences -- Every person who commits an offence against this Act is liable on summary conviction to a fine not exceeding \$2,000, and, if the offence is a continuing one, to a further fine not exceeding \$100 for every day or part of a day during which the offence has continued.

#### SECOND SCHEDULE

##### Matters to be Dealt with in District Schemes

5. The preservation or conservation of -- Trees, bush, plants, or landscape of scientific, wildlife, or historic interest, or of visual appeal.

#### THE LOCAL GOVERNMENT ACT 1974

Section 291. Preservation of trees and buildings of historic interest and wildlife habitat --

(1) The council may make a condition of its approval of any scheme plan that the owner make provision or further or other provision for the preservation of the

natural landscape, trees, or areas of trees or bush, or buildings or sites of historic or archaeological interest or other sites of particular significance (including urupa), or wildlife habitats, or for the planting of trees or shrubs or the creation of wildlife habitats.

(2) Where under subsection (1) of this section the council requires that land be set aside or that work be carried out, the area of land to be set aside as reserves under this Part of this Act, or as the case may be, the reserves contribution or development levy payable under this Part of this Act, shall be reduced by the value of the land set aside or the value of the work done, as the case may be to be determined under section 298 of this Act.

(3) Where the council requires such provision as is specified in subsection (1) of this section to be made, it may require the owner to enter into a bond for the payment by him to the council of any amount determined by the council in the event of the owner failing to comply

with the council's requirements.

(4) Before selling or granting a lease of or entering into an agreement to sell or grant a lease of any land in respect of which the owner has entered into a bond pursuant to subsection (3) of this section, he shall notify the council in writing of his intention to sell or grant a lease of or enter into an agreement to sell or grant a lease of the land, and the council shall make such inquiries as may be necessary to ascertain whether or not the conditions imposed pursuant to this section have been complied with; and for that purpose the council may exercise the power of entry on the land conferred by section 238 of this Act."

# b Tree Lists

# i Christchurch City Council

(Appendix K)

## List of notable trees

Reasons for protection are fully explained in the scheme statement

- |                      |                    |                           |
|----------------------|--------------------|---------------------------|
| 1 Scenic value       | 4 Historic value   | 7 Special public interest |
| 2 Recreational value | 5 Landmark value   |                           |
| 3 Scientific value   | 6 Functional value |                           |

| Tree Numbers              | Street Location  | Legal Description<br>D.P. Lot No.        | Botanical Name  | Common Name  | Reason for Protection                |
|---------------------------|--|--|---|--|--------------------------------------|
| 1<br>(Group of 5 trees)   | Christchurch Club<br>Cnr Worcester Street/Latimer Sq.                                  | T.S. 764<br>C.T. 368/036                 | Acer pseudoplatanus (4)<br>Quercus palustris (1)  | Sycamore<br>Pin Oak  | 1<br>1                               |
| 2                         | 263 Cambridge Terrace<br>Canterbury Manufacturers' Assn.                               | T.S. 228<br>C.T. 148/67                  | Fagus sylvatica purpurea  | Copper Beech   | 1                                    |
| 3<br>(Group of 6 trees)   | St. Lukes Anglican Church<br>Manchester Street, Kilmore<br>Street, Peterborough Street | Res 19<br>C.T. 371/298                   | Tilia x europaea (2)<br>Acer pseudoplatanus (1)<br>Quercus robur (1)<br>Ulmus x hollandica (2)  | Common Lime<br>Sycamore<br>English Oak<br>Dutch Elm  | 1<br>1<br>1<br>1                     |
| 4                         | 11 Peterborough Street   | Proc. 646881                             | Tilia x europaea  | Common Lime  | 1                                    |
| 5                         | Peterborough Street<br>(Normal School site)  | T.S. 137, 139, 141<br>Gaz. 1972 pg. 1860 | Quercus robur   | English Oak  | 1                                    |
| 6                         | Dental Nurses College<br>Colombo Street  | T.R. 112<br>C.T. 184/134                 | Fraxinus excelsior  | Common Ash   | 1,3                                  |
| 7<br>(Group of 5 trees)   | St. Marys Catholic Church<br>Manchester Street   | T.R. 19<br>C.T. 41/227                   | Tilia x europaea (5)  | Common Lime  | 1                                    |
| 8                         | Holly Lea<br>Manchester Street   | T.R. 131<br>C.T. 184/134                 | Liriodendron tulipifera   | Tulip Tree   | 1,3                                  |
| 9                         | Holly Lea<br>Manchester Street   | T.R. 131<br>C.T. 184/134                 | Fagus sylvatica purpurea  | Copper Beech   | 1,4                                  |
| 10                        | Girl Guides Association<br>221 Armagh Street   | Lt 5 Pt Lt 6<br>DP 1785<br>C.T. 202/268  | Fagus sylvatica purpurea  | Copper Beech   | 1                                    |
| 11<br>(Group of 5 trees)  | Girl Guides Association<br>221 Armagh Street   | Lt 5 Pt Lt 6<br>DP 1785<br>C.T. 202/268  | Ulmus x hollandica (5)  | Dutch Elm  | 1                                    |
| 12<br>(Group of 7 trees)  | Christchurch Womens Hospital<br>Colombo Street   | Lt 4 DP 910<br>C.T. 7A/435               | Acer pseudoplatanus<br>Quercus ilex<br>Aesculus hippocastanum<br>Tilia x europaea<br>Ulmus glabra<br>'Camperdownii'<br>Fagus sylvatica purpurea<br>Chamaecyparis lawsoniana | Sycamore<br>Holm Oak<br>Horsechestnut<br>Common Lime<br>Weeping Elm<br>(Camperdown Elm)<br>Copper Beech<br>Lawsons Cypress | 1<br>1<br>1<br>1<br>1<br>1<br>1<br>1 |
| 13                        | 399 to 409 Manchester Street<br>(next to Holly Lea)                                    | Pt T.R. 131<br>C.T. 729/64               | Quercus palustris   | Pin Oak  | 1                                    |
| 14<br>(Group of 10 trees) | St. Johns Church<br>Latimer Square   | Lt 1 DP 27831<br>C.T. 12K/1360           | Quercus palustris<br>Fagus sylvatica purpurea (1)<br>Tilia x europaea<br>Fraxinus excelsior 'Jaspidea'<br>Pittosporum eugeniooides<br>Fagus sylvatica                       | Pin Oak<br>Copper Beech<br>Common Lime<br>Golden Ash<br>Lemonwood<br>European Beech  | 1<br>1<br>1<br>1<br>1<br>1           |

# Appendix K

| Tree Numbers              | Street Location                                 | Legal Description<br>D.P. Lot No.                | Botanical Name                               | Common Name     | Reason for Protection |
|---------------------------|---|--|--|-----------------|-----------------------|
|                           |   |  | Fraxinus excelsior 'Pendula'                 | Weeping Ash     | 1                     |
|                           |   |  | Arbutus unedo                                | Strawberry Tree | 1                     |
|                           |   |  | Olea europaea                                | European Olive  | 1,3                   |
|                           |   |  | Magnolia grandiflora                         | Bull Bay        | 1                     |
| 15<br>(Group of 18 trees) | St. Andrews College<br>Papanui Road             | Pt R.S. 299<br>C.T. 694/66                       | Quercus robur (8)                            | English Oak     | 1                     |
|                           |   |  | Acer pseudoplatanus (3)                      | Sycamore        | 1                     |
|                           |   |  | Ulmus x hollandica (7)                       | Dutch Elm       | 1                     |
| 16                        | St. Andrews College<br>Normans Road             | Pt R.S. 299<br>C.T. 694/66                       | Quercus robur                                | English Oak     | 1,3                   |
| 17                        | St. Andrews College<br>Normans Road             | Pt R.S. 299<br>C.T. 694/66                       | Quercus robur                                | English Oak     | 1,3                   |
| 18                        | 11 Weston Road                                  | Lt 1 DP 23524<br>C.T. 48/447                     | Fagus sylvatica purpurea                     | Copper Beech    | 1                     |
| 19                        | 162 Papanui Road                                | Lts 1&2 DP 39802<br>C.T. 18B/756 & 18B/757       | Tilia x europaea                             | Common Lime     | 1,3                   |
| 20                        | 56 Bristol Street                               | Pt Lts 57/58<br>DP 815<br>C.T. 363/245           | Quercus palustris                            | Pin Oak         | 1                     |
| 21                        | 16 Bishop Street<br>(Elm Lodge)                 | Pt Lt 5 DP 2914<br>G.N. 903786                   | Ulmus glabra 'Pendula'<br>( 'Horizontalis' ) | Weeping Elm     | 1,3                   |
| 22                        | 101 Edgeware Road                               | Lt 2 DP 37216<br>C.T. 18B/158                    | Plagianthus betulinus                        | Ribbonwood      | 1,3                   |
| 23                        | 54-64 Harewood Road<br>Sanitarium Health Foods  | Lt 12 DP 9715<br>C.T. 20A/1202                   | Liriodendron tulipifera                      | Tulip Tree      | 1,3                   |
| 24                        | Christchurch Hospital<br>(Off Rolleston Avenue) | R.24 C.T. 464/209<br>C.T. 464/207<br>C.T. 3D/422 | Populus tremula 'Purpurea'                   | Aspen           | 1,3,6                 |
| 25                        | Christchurch Hospital<br>(Off Rolleston Avenue) | R.24 C.T. 464/209<br>C.T. 464/207<br>C.T. 3D/422 | Tilia x europaea                             | Common Lime     | 1,3,6                 |
| 26<br>(Group of 14 trees) | Christchurch Hospital<br>(Off Rolleston Avenue) | R.24 C.T. 464/209<br>C.T. 464/207<br>C.T. 3D/422 | Acer platanoides (8)                         | Norway Maple    | 1,6                   |
|                           |   |  | Araucaria araucana (1)                       | Monkey Puzzle   | 1,6                   |
|                           |   |  | Betula pendula (2)                           | Silver Birch    | 1,6                   |
|                           |   |  | Salix babylonica (1)                         | Weeping Willow  | 1,6                   |
|                           |   |  | Quercus robur (1)                            | English Oak     | 1,6                   |
|                           |   |  | Acer pseudoplatanus (1)                      | Sycamore        | 1,6                   |
| 27                        | 302 Bealey Avenue                               | Lt 13 DP 1222<br>C.T. 319/255                    | Ulmus procera 'Variegata'                    | Variegated Elm  | 1,3                   |
| 28                        | 302 Bealey Avenue                               | Lt 13 DP 1222<br>C.T. 319/255                    | Fagus sylvatica purpurea                     | Copper Beech    | 1                     |
| 29                        | 435 Durham Street<br>(Cnr Bealey Avenue)        | Lt 2 DP 21306<br>C.T. 2C/924                     | Agathis australis                            | Kauri           | 1,3                   |
| 30<br>(Group of 3 trees)  | 43 Innes Road                                   | Lt 2 DP 12764<br>C.T. 490/147                    | Tilia x europaea (2)                         | Common Lime     | 1                     |
|                           |   |  | Quercus palustris (1)                        | Pin Oak         | 1                     |

# Appendix K

| Tree Numbers              | Street Location  | Legal Description<br>D.P. Lot No.                | Botanical Name  | Common Name  | Reason for Protection   |
|---------------------------|--|--|---|--|---|
| 31                        | 116 McFaddens Road                                       | Lt 1 DP 17181<br>C.T. 5B/496                     | Quercus robur   | English Oak  | 1   |
| 32<br>(Group of 3 trees)  | Kingslea Centre<br>Horseshoe Lake Road                   | Pt 9 DP 764<br>C.T. 245/287                      | Sequoiadendron giganteum (3)  | Wellingtonia   | 1   |
| 33                        | 307 New Brighton Road<br>All Saints Church, Burwood      | Pt Lt 4 DP 18218<br>C.T. 9B/716                  | Eucalyptus vimnalis   | Manna Gum  | 1   |
| 34                        | 108 Kingsford Street                                     | Lt 10 DP 27737<br>C.T. 9F/338                    | Juglans regia   | Common Walnut  | 1   |
| 35                        | 167 Wairakei Road  | Lt 1 DP 30748<br>C.T. 12F.666                    | Ginkgo biloba   | Maidenhair Tree  | 1,3   |
| 36                        | 29 McDougall Avenue                                      | Lt 1 DP 17089<br>C.T. 601/5                      | Eucalyptus globulus (2)   | Tasmanian Blue Gum   | 1,5   |
| 37                        | Waltham School<br>Waltham Road/Hastings Street           | R.S. 176<br>G.N. 1972 pg 1588                    | Tilia x europaea  | Common Lime  | 1,5   |
| 38                        | 93 Opawa Road  | Pt Lt 14 DP 16 &<br>Lt 2 DP 5185<br>C.T. 547/246 | Quercus rubra   | Red Oak  | 1   |
| 39                        | 75 Aynsley Terrace                                       | Lt 2 DP 17488<br>C.T. 622/40                     | Sequoiadendron giganteum  | Wellingtonia   | 1,3   |
| 40                        | St. Michaels Church<br>Cnr Oxford Terrace/Lichfield St   | R.6 C.T. 373/218<br>R.7 C.T. 373/217             | Platanus x hispanica<br>(x acerifolia)  | London Plane   | 1,4   |
| 41                        | St. Michaels Church<br>Cnr Oxford Terrace/Lichfield St   | R.6 C.T. 373/218<br>R.7 C.T. 373/217             | Acer pseudoplatanus   | Sycamore   | 1   |
| 42                        | South Cnr Hagley Avenue/<br>Tuam Street (Chch. Hospital) | Pt T.R. 175<br>C.T. 17F/138                      | Quercus cerris  | Turkey Oak   | 1   |
| 43                        | 27 Cumnor Terrace  | Lt 1 DP 7528<br>C.T. 487/60                      | Quercus robur   | English Oak  | 1,3   |
| 44                        | 27 Cumnor Terrace  | Lt 1 DP 7528<br>C.T. 487/60                      | Quercus robur   | English Oak  | 1,3   |
| 45                        | 27 Cumnor Terrace  | Lt 1 DP 7528<br>C.T. 487/60                      | Quercus robur   | English Oak  | 1,3   |
| 46<br>(Group of 33 trees) | 27 Cumnor Terrace  | Lt 1 DP 7528<br>C.T. 487/60                      | Quercus robur (5)<br>Eucalyptus globulus (1)<br>Araucaria araucana (1)<br>Ulmus x hollandica (3)<br>Quercus rubra (1)<br>Thuja plicata (3)<br>Robinia pseudoacacia (1)<br>Plaglanthus betulinus (2)<br>Chamaecyparis lawsoniana (1)<br>Acer pseudoplatanus (3)<br>Cedrus deodara (3)<br>Aesculus hippocastanum (2)<br>Juglans regia (1)<br>Betula pendula (1) | English Oak<br>Tasmanian Bluegum<br>Monkey Puzzle<br>Dutch Elm<br>Red Oak<br>Western Red Cedar<br>False Acacia<br>Ribbonwood<br>Lawsons cypress<br>Sycamore<br>Deodar Cedar<br>Horsechestnut<br>Walnut<br>Silver Birch | 1<br>1<br>1<br>1<br>1<br>1<br>1<br>1<br>1<br>1<br>1<br>1<br>1<br>1<br>1 |

# Appendix K

| Tree Numbers                                    | Street Location   | Legal Description<br>D.P. Lot No.                                | Botanical Name                               | Common Name        | Reason for Protection |
|---|---|--|--|--------------------|-----------------------|
|   |   |  | Picea sitchensis (1)                         | Sitka Spruce       | 1                     |
|   |   |  | Taxus baccata (1)                            | Yew                | 1                     |
| 47<br>(Area of scenic value containing 9 trees) | West Cnr Ensors Rd/<br>Fifield Terrace<br>Child Welfare Institute       | Pt R. 4657<br>G.N. 1963 pg. 1425                                 | Quercus robur (4)                            | English Oak        | 1                     |
|   |   |  | Fraxinus excelsior (1)                       | Common Ash         | 1                     |
|   |   |  | Eucalyptus globulus (1)                      | Tasmanian Blue Gum | 1                     |
|   |   |  | Chamaecyparis lawsoniana (1)                 | Lawsons cypress    | 1                     |
|   |   |  | Pinus radiata (1)                            | Monterey Pine      | 1                     |
|   |   |  | Eucalyptus globulus (1)                      | Tasmanian Blue Gum | 1,3,5                 |
| 48<br>(Group of 7 trees)                        | Fifield Terrace/Ensors Road/<br>York Street<br>Intermediate School site | R. 5275<br>G.N. 1969 pg. 653                                     | Quercus robur (1)                            | English Oak        | 1                     |
|   |   |  | Fraxinus excelsior (2)                       | Common Ash         | 1                     |
|   |   |  | Juglans regia (2)                            | Common Walnut      | 1                     |
|   |   |  | Taxus baccata (1)                            | Yew                | 1                     |
|   |   |  | Quercus rubra (1)                            | Red Oak            | 1                     |
| 49<br>(Group of 28 trees)                       | Rutherford Street Cemetery  | Pt R.S. 14<br>C.T. 378/269<br>Lt 1 DP 9422<br>C.T. 421/230       | Ulmus x hollandica (4)                       | Dutch Elm          | 1                     |
|   |   |  | Acer pseudoplatanus (7)                      | Sycamore           | 1                     |
|   |   |  | Tilia x europaea (5)                         | Common Lime        | 1                     |
|   |   |  | Betula pendula (5)                           | Silver Birch       | 1                     |
|   |   |  | Ilex aquifolium (1)                          | Holly              | 1                     |
|   |   |  | Quercus robur (4)                            | English Oak        | 1                     |
|   |   |  | Taxus baccata (1)                            | Yew                | 1                     |
|   |   |  | Fraxinus excelsior (1)                       | Common Ash         | 1                     |
| 50  | Rutherford Street Cemetery  | Pt R.S. 14<br>C.T. 378/269<br>Lt 1 DP 9422<br>C.T. 421/230       | Ulmus x hollandica                           | Dutch Elm          | 1,3                   |
| 51  | Rutherford Street Cemetery  | Pt R.S. 14<br>C.T. 378/269<br>Lt 1 DP 9422<br>C.T. 421/230       | Ulmus x hollandica                           | Dutch Elm          | 1,3                   |
| 52<br>(Group of 5 trees)                        | 106-108 Shortland Street  | Lt 1 DP 37278<br>C.T. 16K/1429<br>Lt 2 DP 37278<br>C.T. 16K/1493 | Eucalyptus globulus (5)                      | Tasmanian Blue Gum | 1                     |
| 53  | 26 Banks Avenue (Subdivision)<br>Lot 1                                  | Lt 1 DP 42619<br>C.T. 20B/752                                    | Sciadopitys verticillata                     | Umbrella Pine      | 3                     |
| 54  | 26 Banks Avenue (Subdivision)<br>Lot 2                                  | Lt 2 DP 42619<br>C.T. 20B/753                                    | Quercus dentata                              | Daimyo Oak         | 3                     |
| 55  | 26 Banks Avenue (Subdivision)<br>Lot 2                                  | Lt 2 DP 42619<br>C.T. 20B/753                                    | Tilia x europaea                             | Common Lime        | 1,3                   |
| 56  | 52 Innes Road   | Lt 2 DP 19431<br>C.T. 4A/224<br>Lt 1 DP 26984<br>C.T. 8F/1492    | Ulmus glabra 'Pendula'<br>( 'Horizontalis' ) | Weeping Elm        | 1,3                   |
| 57<br>(Group of 12 trees)                       | St. Marys Church<br>Church Square, Addington                            | Pt R.S. 72<br>C.T. 380/110                                       | Quercus robur (4)                            | English Oak        | 1,4                   |
|   |   |  | Acer pseudoplatanus (3)                      | Sycamore           | 1,4                   |
|   |   |  | Tilia x europaea (3)                         | Common Lime        | 1,4                   |

# Appendix K

| Tree Numbers   | Street Location  | Legal Description<br>D.P. Lot No.                      | Botanical Name             | Common Name         | Reason for Protection |
|--|--|--|----------------------------|---------------------|-----------------------|
|  |  |  | Ulmus x hollandica (1)     | Dutch Elm           | 1,4                   |
|  |  |  | Cupressus torulosa (1)     | Bhutan Cypress      | 1,4                   |
| 58   | St. Marys Church<br>Church Square, Addington                 | Pt R.S. 72<br>C.T. 380/110                             | Quercus robur              | English Oak         | 1,3,4                 |
| 59   | St. Marys Church<br>Church Square, Addington                 | Pt R.S. 72<br>C.T. 380/110                             | Quercus robur              | English Oak         | 1,3,4                 |
| 60<br>(Area of scenic value<br>50 significant trees)   | Cnr Worsleys Road/<br>Cashmere Road                          | Cracroft-Wilson Trust<br>Lt 1 DP 19221<br>C.T. 4B/1288 | Acer pseudoplatanus (3)    | Sycamore            | 1,2                   |
|  |  |  | Ulmus x hollandica (12)    | Dutch Elm           | 1,2                   |
|  |  |  | Tilia x europaea (3)       | Common Lime         | 1,2                   |
|  |  |  | Quercus robur (13)         | English Oak         | 1,2                   |
|  |  |  | Cedrus deodara (6)         | Deodara Cedar       | 1,2                   |
|  |  |  | Eucalyptus vimnialis (3)   | Manna Gum           | 1,2                   |
|  |  |  | Thuja plicata (1)          | Western Red Cedar   | 1,2                   |
|  |  |  | Fraxinus excelsior (1)     | Common Ash          | 1,2                   |
|  |  |  | Aesculus hippocastanum (1) | Horsechestnut       | 1,2                   |
|  |  |  | Eucalyptus globulus (1)    | Tasmanian Blue Gum  | 1,2                   |
|  |  |  | Crateagus monogyna (1)     | Hawthorn            | 1,2                   |
|  |  |  | Cupressus torulosa (3)     | Bhutan Cypress      | 1,2                   |
|  |  |  | Pinus pinaster (1)         | Maritime Pine       | 1,2,3                 |
|  |  |  | Araucaria araucana (1)     | Monkey Puzzle       | 1,2                   |
|  |  |  | Plagianthus betulinus (1)  | Ribbonwood          | 1,2                   |
| 61<br>(All trees within<br>proposed Recreation<br>Reserve, the major<br>specimens are noted) | Aranui Motor Camp<br>Shortland Street<br>(Subdivision)       | Scheme Plan CE8525<br>Lot 10                           | Eucalyptus vimnialis (14)  | Manna Gum           | 1,2,5                 |
|  |  |  | Cedrus deodara (1)         | Deodar Cedar        | 1,2                   |
|  |  |  | Acacia dealbata (1)        | Silver Wattle       | 1,2                   |
|  |  |  | Alnus glutinosa (1)        | Alder               | 1,2                   |
|  |  |  | Tilia x europaea (1)       | Common Lime         | 1,2                   |
|  |  |  | Betula pendula (1)         | Silver Birch        | 1,2                   |
| 62   | 1 Armagh Street  | T.S. 289, 290<br>C.T. 125/263                          | Fagus sylvatica            | European Beech      | 1                     |
| 63   | 20 Armagh Street   | T.S. 355<br>C.T. 180/243                               | Acacia melanoxylon         | Tasmanian Blackwood | 1                     |
| 64   | Christchurch Girls High School,<br>Armagh Street             | Pt S 349<br>C.T. 148/190                               | Acer pseudoplatanus        | Sycamore            | 1                     |
| 65   | Christchurch Girls High School,<br>Armagh Street             | Pt S 349<br>C.T. 148/190                               | Tilia x europaea           | Common Lime         | 1                     |
| 66   | Christchurch Girls High School,<br>Montreal Street           | Pt T.S. 342, 344 & 346<br>C.T. 216/100                 | Acacia melanoxylon         | Tasmanian Blackwood | 1,3,4,5               |
| 67   | 61 Cambridge Terrace   | Lt 2 DP 1197<br>C.T. 364/277                           | Plagianthus betulinus      | Ribbonwood          | 1                     |
| 68   | 22 Cashel Street   | Pt T.S. 499, 500 & 501<br>C.T. 391/189                 | Tilia x europaea           | Common Lime         | 1                     |
| 69   | Cathedral Grammar School<br>Chester Street                   | Pt Lt 1 DP 10642<br>C.T. 12B/739                       | Quercus robur              | English Oak         | 1                     |
| 70   | South-east corner<br>Rolleston Avenue &<br>Gloucester Street | Pt T.S. 365, 367<br>C.T. 15F/1131                      | Fagus sylvatica purpurea   | Copper Beech        | 1                     |

# Appendix K

| Tree Numbers | Street Location                     | Legal Description<br>D.P. Lot No.   | Botanical Name             | Common Name         | Reason for Protection |
|--------------|-------------------------------------|---|----------------------------|---------------------|-----------------------|
| 71           | 18 Gloucester Street                | Pt Lts 22 & 23<br>DP 1003 C.T. 193/57<br>Pt Lts 23 & 24<br>DP 1003 C.T. 20B/67        | Fraxinus excelsior         | Common Ash          | 1                     |
| 72           | 12 Mansfield Avenue                 | Flat Plan 40932   | Quercus robur              | English Oak         | 1                     |
| 73           | 21 Mansfield Avenue                 | Lt 1 DP 41078<br>C.T. 18F/1290<br>Lt 2 DP 41078<br>C.T. 18F/1291                      | Acacia melanoxylon         | Tasmanian Blackwood | 1                     |
| 74           | 26 Park Terrace                     | S 284, 285<br>C.T. 152/29   | Catalpa bignonioides       | Indian Bean Tree    | 1,3                   |
| 75           | 26 Park Terrace                     | S 284, 285<br>C.T. 152/29   | Quercus palustris          | Pin Oak             | 1,6                   |
| 76           | 37 Tomes Road                       | Lt 1 DP 34205<br>C.T. 16K/244 & 16K/245   | Fagus sylvatica purpurea   | Copper Beech        | 1                     |
| 77           | 198a Riverlaw Terrace               | Lt 2 DP 34104<br>C.T. 13F/487   | Cedrus deodara             | Deodar Cedar        | 1                     |
| 78           | 72 Papanui Road                     | Lt 2 DP 26701<br>C.T. 19A/1087  | Cedrus deodara             | Deodar Cedar        | 1                     |
| 79           | 429 Papanui Road                    | Lts 1 & 2 DP 30755<br>C.T. 13A/474 & 13A/475  | Sequoiadendron giganteum   | Wellingtonia        | 1                     |
| 80           | Arts Centre, Worcester Street       | T.S. 419-440 inclusive<br>C.T. 10/114, 364/258<br>126/203, 276/64<br>364/262, 202/199 | Tilia platyphyllos 'Rubra' | Red Twigged Lime    | 1                     |
| 81           | Arts Centre, Worcester Street       | T.S. 419-440 inclusive<br>C.T. 10/114, 364/258<br>126/203, 276/64<br>364/262, 202/199 | Fagus sylvatica            | European Beech      | 1                     |
| 82           | Arts Centre, Worcester Street       | T.S. 419-440 inclusive<br>C.T. 10/114, 364/258<br>126/203, 276/64<br>364/262, 202/199 | Ginkgo biloba              | Maidenhair Tree     | 1                     |
| 83           | Arts Centre, Worcester Street       | T.S. 419-440 inclusive<br>C.T. 10/114, 364/258<br>126/203, 276/64<br>364/262, 202/199 | Podocarpus totara          | Totara              | 1,3                   |
| 84           | Bethany Hospital,<br>Paparua Street | Lt 1 DP 40219<br>C.T. 18F/852   | Quercus robur              | English Oak         | 1                     |
| 85           | Bethany Hospital<br>Paparua Street  | Lt 1 DP 40219<br>C.T. 18F/852   | Quercus robur              | English Oak         | 1                     |
| 86           | 119 Colombo Street                  | Pt R.S. 154<br>C.T. 379/223   | Quercus robur              | English Oak         | 1,5                   |



# Appendix K

| Tree Numbers | Street Location                     | Legal Description<br>D.P. Lot No.                                       | Botanical Name           | Common Name     | Reason for Protection |
|--------------|-------------------------------------|---|--------------------------|-----------------|-----------------------|
| 87           | Acland House,<br>85 Papanui Road    | Lt 1 DP 21881<br>C.T. 4C/347  | Acer pseudoplatanus      | Sycamore        | 1                     |
| 88           | Acland House<br>85 Papanui Road     | Lt 1 DP 21881<br>C.T. 4C/347  | Tilia x europaea         | Common Lime     | 1                     |
| 89           | Acland House<br>85 Papanui Road     | Lt 1 DP 21881<br>C.T. 4C/347  | Tilia x europaea         | Common Lime     | 1                     |
| 90           | Acland House<br>85 Papanui Road     | Lt 1 DP 21881<br>C.T. 4C/347  | Fagus sylvatica purpurea | Copper Beech    | 1                     |
| 91           | Acland House<br>85 Papanui Road     | Lt 1 DP 21881<br>C.T. 4C/347  | Fagus sylvatica purpurea | Copper Beech    | 1                     |
| 92           | 66 Innes Road                       | Lt 2 DP 19559<br>C.T. 737/28  | Quercus palustris        | Pin Oak         | 1                     |
| 93           | 96 Esplanade                        | Lt 3 DP 3527<br>C.T. 20A/331  | Araucaria excelsa        | Norfolk Pine    | 1,5                   |
| 94           | Bishop's Court,<br>100 Park Terrace | Lts 1 & 2 DP 13073<br>C.T. 11K/491 & 11K/848<br>Pt T.R. 24 C.T. 11K/850 | Quercus robur            | English Oak     | 1                     |
| 95           | Bishop's Court<br>100 Park Terrace  | Lts 1 & 2 DP 13073<br>C.T. 11K/491 & 11K/848<br>Pt T.R. 24 C.T. 11K/850 | Acer pseudoplatanus      | Sycamore        | 1                     |
| 96           | 90 Park Terrace                     | Lt 1 DP 13495<br>C.T. 11K/849   | Quercus robur            | English Oak     | 1                     |
| 97           | 48 Park Terrace                     | Lt 2 DP 12364<br>C.T. 480/261   | Quercus robur            | English Oak     | 1                     |
| 98           | 48 Park Terrace                     | Lt 2 DP 12364<br>C.T. 480/261   | Tilia x europaea         | Common Lime     | 1                     |
| 99           | 138 Park Terrace                    | Pt T.R. 26<br>C.T. 141/239, 141/240,<br>146/241, 371/271                | Fagus sylvatica          | European Beech  | 1                     |
| 100          | 38 Ensors Road                      | Pt Lt 12 DP 16<br>C.T. 7B/783   | Fagus sylvatica purpurea | Copper Beech    | 1                     |
| 101          | 82 Bealey Avenue                    | Pt T.R. 62<br>C.T. 8K/910   | Fagus sylvatica purpurea | Copper Beech    | 1                     |
| 102          | 82 Bealey Avenue                    | Pt T.R. 62<br>C.T. 8K/910   | Fagus sylvatica          | European Beech  | 1                     |
| 103          | 136 Blighs Road                     | Lt 1 & Lt 2 DP 38839<br>C.T. 20B/590 & 20B/591                          | Fagus sylvatica purpurea | Copper Beech    | 1                     |
| 104          | 136 Blighs Road                     | Lt 1 & Lt 2 DP 38839<br>C.T. 20B/590 & 20B/591                          | Ulmus glabra 'Lutescens' | Golden Wych Elm | 1,3                   |
| 105          | 39 Naseby Street                    | Lt 2 DP 24684<br>C.T. 18A/1188  | Ulmus x hollandica       | Dutch Elm       | 1                     |

# Appendix K

| Tree Numbers | Street Location                           | Legal Description<br>D.P. Lot No. | Botanical Name                         | Common Name      | Reason for Protection |
|--------------|---|-----------------------------------|--|------------------|-----------------------|
| 106          | 190 Rosvall Street                        | Lt 1 DP 16049<br>C.T. 15A/1047    | Betula pendula<br>'Dalecarlica'        | Swedish Birch    | 3                     |
| 107          | All Saints Cathedral,<br>Cathedral Square | Lt 1 DP 39475<br>C.T. 18K/1392    | Platanus x hispanica<br>(x acerifolia) | London Plane     | 1,2,3,5,7             |
| 108          | All Saints Cathedral,<br>Cathedral Square | Lt 1 DP 39475<br>C.T. 18K/1392    | Platanus x hispanica<br>(x acerifolia) | London Plane     | 1,2,3,5,7             |
| 109          | All Saints Cathedral,<br>Cathedral Square | Lt 1 DP 39475<br>C.T. 18K/1392    | Platanus x hispanica<br>(x acerifolia) | London Plane     | 1,2,3,5,7             |
| 110          | All Saints Cathedral,<br>Cathedral Square | Lt 1 DP 39475<br>C.T. 18K/1392    | Platanus x hispanica<br>(x acerifolia) | London Plane     | 1,2,3,5,7             |
| 111          | Trinity Church,<br>Worcester Street       | Lt 1 DP 7778<br>C.T. 375/173      | Chamaecyparis lawsoniana               | Lawson's Cypress | 1,2,7                 |

# ii Riccarton Borough Council

## APPENDIX E

### PLACES OF HISTORIC, SCIENTIFIC INTEREST AND NATURAL BEAUTY

#### LIST OF TREES

##### AYR STREET

- 5 Pittosporum eugenioides – ~~matipo, kohuhu~~ <sup>lemonwood</sup> (N.Z.)  
9 Chamaecyparis lawsoniana – Lawson cypress (golden)  
11 Cordyline australis – cabbage tree (N.Z.)  
21 Hoheria populnea – lacebark, houhere (N.Z.)

##### BARTLETT STREET

- 23 Juglans regia (2) – walnuts

##### BLenheim ROAD 77-79 *Betula pendula silver birch (25-6-79)*

- 142 Cordyline australis – cabbage tree (N.Z.)  
224 Hoheria angustifolia – narrow-leaved lacebark (N.Z.)  
228 Sophora microphylla – kowhai (N.Z.)  
236 Arbutus unedo – strawberry tree

##### BRADSHAW TERRACE

- 3 Hoheria populnea – lacebark, houhere (N.Z.)

##### BROADBENT STREET

- 9 Betula pendula – silver birch  
18 Alnus glutinosa – alder

##### BROCKWORTH PLACE

- 12 Cordyline australis (clump) – cabbage trees (N.Z.)  
17 Maytenus boaria – mayten  
27 Pseudopanax arboreum – five-finger (N.Z.)  
46 Sophora microphylla – kowhai (N.Z.)  
46 Pseudopanax crassifolium – lancewood (N.Z.)  
59 Podocarpus dactyloides – kahikatea, white pine (N.Z.)  
Rare in Christchurch.  
59 Libocedrus plumosa – kawaka – Only one in Borough  
59 Elaeocarpus dentatus – hinau – Only one in Borough  
59 Nothofagus cliffortioides – mountain beech (N.Z.)

- 59 Nothofagus menziesii – silver beech (N.Z.)

Only one in Borough

- 59 Pseudopanax ferox – toothed lancewood (N.Z.)  
Not common.

- 59 Pittosporum eugenioides – lemonwood (N.Z.)  
59 Pittosporum tenuifolium – kohuhu, matipo (N.Z.)

- 63 Pseudopanax crassifolium – lancewood (N.Z.)

- 63 Hoheria angustifolia – narrow-leaved lacebark (N.Z.)  
Very large

- 82 Cordyline australis – cabbage tree (N.Z.) Clump

- 86 Pseudopanax arboreum – five-finger (N.Z.)

- 86 Pittosporum eugenioides – lemonwood (N.Z.)

- 87 Pittosporum eugenioides – lemonwood (N.Z.) 3 trees

- 93a Acer pseudoplatanus – Sycamore

##### BURDALE STREET

- 27 Chamaecyparis pisifera 'Plumsoa' – Sawara cypress

##### CENTENNIAL AVENUE

- 3 Pittosporum eugenioides – Lemonwood (N.Z.)  
34 Hoheria angustifolia – narrow-leaved lacebark (N.Z.)

- 41 Quercus robur – pedunculate oak

- 53 Arbutus unedo – strawberry tree

- 53 Cordyline australis – cabbage tree (N.Z.)

- 57 Cordyline australis – cabbage tree (N.Z.)

- 57 Liquidambar styraciflua

- 57 Plagianthus betulinus (2) – lowland ribbonwoods (N.Z.)

- 57 Trachycarpus fortunei – Chusan palm

- 69 Eucalyptus leucoxylon – flowering gum (white)

##### CHATHAM STREET

- 9 Schinus molle – Peruvian pepper tree.  
Only known specimen in Borough

#### CLARENCE STREET

- 22 Fraxinus excelsior -- English ash  
(Durhams Transport; on corner of Walsall Street).  
44 Ulmus sp. -- elm  
44 Cordyline australis -- cabbage tree (N.Z.)  
44 Juglans regia -- walnut  
44 Cupressus lusitania -- Mexican cypress -- Only  
one in Riccarton  
~~136 Quercus ilex -- holm oak~~  
161 Pseudopanax crassifolium -- lancewoods (N.Z.) 3 trees  
188 Betula pendula -- silver birch  
188A Betula pendula -- silver birch  
188 Tilia Sp. -- lime

#### CLYDE ROAD

- 26 Griselinia littoralis -- Broadleaf  
30 Ulmus glabra 'Camperdownii' -- Camperdown elm  
36 Quercus palustris -- pin oak  
50 Quercus robur -- pedunculate oak

#### DALLAS STREET

- 1 Podocarpus hallii -- Hall's totara (N.Z.)  
Only known specimen in Riccarton  
5 Juglans regia -- walnut  
17 Pseudopanax crassifolium -- lancewood (N.Z.)

#### DARVEL STREET

- 1 Pseudopanax crassifolium (2) -- lancewoods (N.Z.) Clump  
14 Podocarpus totara -- totara (N.Z.)  
14 Quercus robur -- English oak  
17 Chamaecyparis pisifera 'Plumosa' -- Sawara cypress  
21 Crataegus monogyna -- Hawthorn  
22 Thuja plicata  
27 Quercus palustris -- pin oak  
32 Ulmus glabra 'Camperdownii' -- Camperdown elm  
32 Betula pendula -- silver birch  
32 Quercus robur -- English oak

#### DEANS AVENUE

- 75 Arbutus unedo -- strawberry tree  
75 Phebalium squameum  
75 Pittosporum eugenioides -- lemonwood (N.Z.)  
109 Dacrydium cupressinum -- rimu (N.Z.)  
145 Magnolia Sp.

- 159 Chamaecyparis lawsoniana -- Lawson cypress  
163 Prunus x amygdalopersica -- flowering almond hybrid  
175 Chamaecyparis lawsoniana -- Lawson cypress  
175 Liquidamber styraciflua  
175 Sequoia gigantea -- redwood (used as Xmas tree)  
175 Betula pendula (3) -- silver birches  
175 Platanus x acerifolia -- London plane  
175 Juglans regia -- walnut  
179 Betula pendula (7) -- silver birches, very large specimens  
183 Plagianthus betulinus -- lowland ribbonwood (N.Z.)  
183 Tilia x europea (cluster) -- common limes  
183 Cordyline australis -- cabbage tree (N.Z.)  
183 Acacia melanoxylon -- Tasmanian blackwood, on west bound  
183 Eucalyptus viminalis -- Manna gum  
187 Castanea sativa -- sweet chestnut  
187 Fraxinus sp. -- ash  
187 Pittosporum eugenioides -- lemonwood  
187 Pittosporum tenuifolium -- kohuhu, matipo  
193 Eucalyptus leucoxylon 'Rosea' -- red flowering gum  
201 Tilia sp. -- lime  
201 Quercus palustris -- pin oak  
201 Fagus sylvatica -- European beech  
201 Populus nigra Puramidalis (2) Lombardy poplar  
201 Platanus acerifolia (3) -- London planes  
201 Betula pendula -- silver birch  
201 Fraxinus excelsior -- English ash  
201 Fraxinus sp. -- Ash  
201 Alnus glutinosa -- alder  
(Listed under 201 are trees right to Fendalton Road bridge.)

#### DILWORTH STREET

- 10 Sophora microphylla -- kowhai (N.Z.)  
10 Hoheria populnea -- lacebark, houhere (N.Z.)  
21 Magnolia grandifolia  
21 Pseudopanax crassifolium -- lancewood (N.Z.)  
21 Maytenus boaria -- mayten

#### DIVISION STREET

- 1 Tamarix chinensis -- Chinese tamarisk  
2 Cordyline australis (2) -- Cabbage Trees (N.Z.) Clump of  
17 Pseudopanax crassifolium -- lancewood (N.Z.)  
22 Arbutus unedo -- strawberry tree  
23 Agathis australis -- kauri (N.Z.) Rare in Borough  
38 Rhododendron 'Sir Robert Peel'

- 40 *Olearia paniculata* - golden akeake (N.Z.)
- 40 *Podocarpus dacrydioides* - kahikatea, white pine (N.Z.)
- 52 *Cedrus atlantica* 'Glauca' - blue Atlas cedar
- 73 *Fagus sylvatica* - European beech
- 73 *Prunus cerasifera* 'Atropurpurea' - purple cherry plum
- 78 *Chamaecyparis pisifera* 'Plumosa' - Sawara cypress
- 79 *Liquidamber styraciflua*
- 81 *Ulmus glabra* 'Camperdownii' - Camperdown elm
- 93 *Pittosporum eugenioides* - lemonwood (N.Z.)
- 93 *Prunus serrulata* - Japanese cherry

#### ELIZABETH STREET

- ~~33~~ ~~*Pittosporum eugenioides* - lemonwood (N.Z.)~~
- 35 ~~*Alnus glutinosa* - alder~~
- 39 *Tieghemopanax sambrucifolius*  
New Guinea native, rare in New Zealand
- 39 *Chamaecyparis pisifera* 'Plumosa' - Sawara cypress
- 43 *Chamaecyparis obtusa* - Hinoki cypress
- 65 *Arbutus unedo* - strawberry tree
- 71 *Arbutus unedo* - strawberry tree
- 121 *Betula pendula* - silver birch
- 122 *Sophora microphylla* - kowhai (N.Z.)
- 124 *Hoheria populnea* - lacebark, houhere (N.Z.)
- 124 *Plagianthus betulinus* - lowland ribbonwood (N.Z.)
- 126 *Cedrus atlantica* 'Glauca' (2) - blue Atlas cedars
- 127 *Pseudopanax ferox* - toothed lancewood (N.Z.), at N.E. corner
- 127 *Pseudopanax crassifolium* - lancewood (N.Z.), at N.W. corner
- 128 *Cordyline australis* - cabbage tree (N.Z.)
- 128 *Sophora microphylla* - kowhai (N.Z.)
- 128 *Cedrus atlantica* - Atlas cedar
- 128 *Prunus subhirtella* - flowering cherry
- 129 *Betula pendula* - silver birch

#### EUSTON STREET

- 7 *Dendrobenthamia capitata* - Himalayan dogwood
- 9 *Hoheria angustifolia* - narrow-leaved lacebark (N.Z.)
- 14 *Arbutus unedo* - strawberry tree
- 16 *Ulmus glabra* 'Camperdownii' - Camperdown elm
- 25 *Ulmus glabra* 'Camperdownii' - Camperdown elm
- 25 *Ulmus* sp.
- 25 *Pittosporum tenuifolium* - kohuhu, matipo (N.Z.)
- 34 *Arbutus unedo* - strawberry tree

#### FREYBERG STREET

- 1 *Acer palmatum* - Japanese maple
- 1 *Eucalyptus pauciflora* - gum
- 1 *Cedrus atlantica* "Glauca" - Blue Atlas Cedar
- 4 *Cedrus deodara* - Himalayan cedar

#### HARAKEKE STREET

- 7 *Acacia baileyana* - Cootamundra wattle
- 7 *Cordyline australis* - cabbage tree (N.Z.)
- 8 *Ulmus Glabra* - Camperdown elm
- 10 *Chamaecyparis pisifera* 'Plumosa' - Sawara cypress
- 16 *Magnolia grandifolia*
- 20 *Fraxinus excelsior* 'Pendula' - weeping ash
- 37 *Nothofagus solandri* - black beech (N.Z.)
- 39 *Quercus rubra* - red oak
- 41 *Plagianthus betulinus* - lowland ribbonwood (N.Z.)
- 41 *Hoheria populnea* - lacebark, houhere (N.Z.)
- 53 *Ulmus glabra* 'Camperdownii' - Camperdown elm
- 53 *Nothofagus fusca* - red beech (N.Z.)
- 53 *Cyathea* (clump) - tree ferns (N.Z.)
- 53 *Sophora microphylla* kowhai (N.Z.)
- 70 *Ilex aquifolium* - English holly
- 70 *Picea smithiana* (2) - Himalayan spruces
- 70 *Cupressus torulosa* - Himalayan cypress

B.H.S. Hostel  
on street from  
are listed here.

#### HINAU STREET

- 73 *Arbutus unedo* - strawberry tree
- 75 *Liquidamber styraciflua*
- 78 *Tilia* Sp. - Lime
- 78 *Quercus palustris* - pin oak
- 81 *Cordyline australis* - cabbage tree (N.Z.)
- 90 *Sophora tetraptera* - N.I. kowhai (N.Z.) Rare in Ch-ch.
- 96 *Juglans regia* - walnut
- 96 *Quercus robur* - pedunculuate oak
- 105A *Hoheria angustifolia* (2) - narrow-leaved lacebarks (N.Z.)  
fine clump.
- 105 *Sophora microphylla* - kowhai (N.Z.)

#### HUIA STREET

- 2 *Acer pseudoplatanus* - sycamore
- 2 *Laburnum anagyroides*

### IRVINE STREET

- 1 Pittosporum eugenioides – lemonwood (N.Z.)
- 6 Pseudopanax crassifolium – lancewood (N.Z.)
- 10 Rhododendron 'Sir Robert Peel'

### KAURI STREET

- 9 Nothofagus fusca – red beech (N.Z.)

### KAWAKA STREET

- 3 Cordyline australis – cabbage tree (N.Z.)
- 8 Betula pendula – silver birch

### KEA STREET

- 1 Hoheria populnea – lacebark, houhere (N.Z.)
- 4 Quercus robur – pedunculate oak
- 8 Fraxinus excelsior – English ash

### KILMARNOCK STREET

- 10 Quercus leucotricophora – ban oak -- Only one known in Canterbury
- 10 Maytenus boaria (2) – maytens (large specimens on Kilmarnock Street frontage)
- 10 Pittosporum eugenioides – lemonwood (N.Z.)
- 10 Olea europaea – olive, Rare in Christchurch
- 10 Fraxinus excelsior – English ash
- 10 Acer Sp. – maple (large maple by lawn)
- 10 Ulmus glabra 'Horizontalis' – horizontal elm
- 19 Arbutus unedo – strawberry tree
- 25 Chamaecyparis pisifera 'Plumosa' – Sawara cypress
- 25 Nothofagus fusca – red beech (N.Z.)
- 31 Cordyline australis – cabbage tree (N.Z.)
- 33 Ulmus glabra 'Camperdownii' – Camperdown elm
- 33 Chamaecyparis pisifera 'Plumosa' – Sawara cypress
- 35 Arbutus unedo – strawberry tree
- 37 Pittosporum eugenioides – lemonwood (N.Z.)
- ~~40 Juglans regia – walnut~~
- 43 Juglans regia – walnut
- 43 Ulmus glabra 'Camperdownii' – Camperdown elm
- 52 Maytenus boaria – mayten
- 57 Ulmus glabra 'Camperdownii' – Camperdown elm
- 59 Hoheria populnea – lacebark, houhere (N.Z.)
- 60 Chamaecyparis lawsoniana – Lawson cypress (golden)
- 63 Pseudopanax crassifolium (group) – lancewoods (N.Z.)
- 63 Hedycarya arborea – pigeon wood (N.Z.)  
Only one known in Borough.

### KONINI STREET

- 2 Prunus Sp. (On Riccarton Road frontage)
- 9 Hoheria augustifolia – narrow-leaved lacebark (N.Z.)
- 9 Maytenus boaria – mayten
- 13 Arbutus unedo – strawberry tree
- 14 Fraxinus excelsior – English ash
- 15 Cordyline australis – cabbage tree (N.Z.)
- 15 Ulmus glabra 'Camperdownii' – Camperdown elm
- 20 Cryptomeria japonica 'Elegans' – Japanese cedar
- 20 Pseudopanax arboreum – five-finger (N.Z.)

### LYNDON STREET

- 8 Pseudopanax crassifolium – lancewood (N.Z.)
- 13 Hoheria populnea – lacebark, houhere (N.Z.)
- 17 Cordyline australis – cabbage tree (N.Z.)
- 20 Sophora microphylla – kowhai (N.Z.)
- 20 Cedrus atlantica 'Glauca' – Blue Atlas cedar
- ~~38 Pseudopanax crassifolium – lancewood (N.Z.)~~
- 40 Sophora microphylla – Kowhai (N.Z.)
- 42 Plagianthus betulinus – lowland ribbonwood (N.Z.)
- 42 Hoheria populnea – lacebark, houhere (N.Z.)
- 42 Pittosporum tenuifolium – kohuhu, matipo (N.Z.)

### MANDEVILLE STREET

(Reserve on Riccarton Road corner not listed nor Church opposite)

- 11 Arbutus unedo – strawberry tree
- 25 Cordyline australis – cabbage tree (N.Z.)
- 35 Juglans regia – walnut
- 35 Maytenus boaria – mayten (Fletchers)
- 35 Ulmus sp. – elm – (Fletchers)
- 45 Podocarpus totara – totara (N.Z.)
- 69 Arbutus unedo – strawberry tree
- 69 A Acer negundo – box elder (IN DRIVE)
- 83 Nothofagus menziesii – silver beech (N.Z.)
- 83 Cedrus atlantica 'Glauca' – blue Atlas cedar
- 83 Maytenus boaria – maytens (2)
- 93 Arbutus unedo – strawberry tree
- 110 Betula pendula – silver birch
- 110 Acer sp. – maple
- 110 Fagus sylvatica – European beech
- 110 Nothofagus fusca – red beech (N.Z.)

### MATAI STREET

- 5 Betula pendula – silver birch
- 5 Magnolia grandiflora
- 13 Pseudopanax arboreum – five-finger (N.Z.)
- 17 Pseudopanax crassifolium (clump) – lancewood, fine clump
- 17 Dacrydium cupressinum – rimu (N.Z.)
- 23 Cedrus atlantica – Atlas cedar
- 23 Chamaecyparis deodara – Himalayan cedar
- 23 Cryptomeria japonica ‘Elegans’ – Japanese cedar
- 23 Maytenus boaria – mayten FLAT 2
- 29 Dacrydium cupressinum – rimu (N.Z.) – Beautiful specimen
- 35 Taxus baccata – yew
- 38 Dacrydium cupressinum – rimu (N.Z.)  
Walnut
- 40 Rimu
- 46c Sequoia gigantea – redwood
- 47 Robinia pseudoacacia (3) – false acacia
- 47 Quercus palustris – pin oak
- 47 Fraxinus excelsior – English ash
- 47 Taxus baccata – yew
- 47 Juglans regia (row) – walnuts
- 47 Pittosporum tenuifolium – kohuhu, matipo (N.Z.)
- 47 Pittosporum eugenioides – lemonwood (N.Z.)
- 47 Coprosma robusta – karamu (N.Z.)
- 47 Griselinia littoralis – broadleaf (N.Z.)
- 55 Pseudopanax crassifolium – lancewood (N.Z.)
- 55 Fraxinus excelsior – English ash
- 63 Quercus palustris (2) – pin oaks
- 63 Tilia sp. – lime
- 88 Cordyline australis – cabbage tree
- 88 Sophora tetraptera – kowhai

### MATIPO STREET

- 41 Tamarix chinensis – Chinese tamarisk
- 41 Leptosperum ericoides – kanuka (N.Z.)  
Only one found in Riccarton
- 56 Ulmus glabra ‘Camperdownii’ – Camperdown elm  
Betula pendula (5) – silver birches  
Thuja plicata ‘Zebrina’  
Populus yunnanensis – Yunnan poplar  
Plagianthus betulinus – lowland ribbonwood,  
(cluster) (N.Z.)  
Agathis australis – kauri

} Wharenui School

- 91 Ilex aquifolium – English holly
- 91 Prunus cerasifera ‘Atropurpurea’ – purple cherry plum,  
(Maxwell Street frontage)
- 91 Nothofagus fusca – red beech (N.Z.)
- 92 Pittosporum tenuifolium – kuhuhu, matipo (N.Z.)

### MAXWELL STREET

- 15 Salix babylonica – weeping willow
- 39 Azara microphylla – vanilla bush

### MAYFAIR STREET

- 14 Arbutus unedo – strawberry tree
- 14 Agathis australis – kauri (N.Z.), rare in Christchurch
- 24 Plagianthus betulinus – lowland ribbonwood (N.Z.)

### MONA VALE AVENUE

- 35 Acer negundo – box elder
- 14 Hoheria populnea – lacebark, houhere (N.Z.)
- 14 Plagianthus betulinus – lowland ribbonwood (N.Z.)
- ~~31 Acacia baileyana – Cootamundra wattle 18.8.75~~

### NELSON STREET

- 1 ) Sophora tetraptera – N.I. kowhai, rare in Christchurch *F/1*
- 2 ) (on 1/2 boundary) *F/2*
- 4 Sophora tetraptera – N.I. kowhai, rare in Christchurch *F/4*
- 15 Cordyline australis – cabbage tree

### NIKAU STREET

- 2 Ulmus glabra ‘Camperdownii’ – Camperdown elm
- 2 Azara microphylla – vanilla bush
- 4 Cordyline australis – cabbage tree (N.Z.)
- 10 Magnolia grandiflora

### PAEROA STREET

- 14 Acer negundo – box elder
- 21 Cedrus deodara – Himalayan cedar

### PEVEREL STREET

- 53 Cordyline australis – (Cabbage trees) 2
- 69 Pittosporum tenuifolium – kuhuhu, matipo (N.Z.)
- 73 Robinia pseudoacacia – false acacia
- 74 Maytenus boaria – mayten
- 92 Arbutus unedo – strawberry tree
- 94 Salix matsudana ‘Tortuosa’ – Corkscrew willow

- 107 Cordyline australis (group) – cabbage tree (N.Z.)  
 111 ~~Pseudopanax crassifolium – lancewood (N.Z.) 28.8.78~~  
 161 Ulmus glabra 'Camperdownii' – Camperdown elm  
 161 Cordyline australis – cabbage tree (N.Z.)  
 163 Cordyline australis (2) – cabbage trees (N.Z.)  
 163 Arbutus unedo – strawberry tree, Very large specimen

PICTON AVENUE 11 - *Liriodendro tulipifera* tulip trees (25.6.19)

- 17 Pittosporum eugenioides – lemonwood (N.Z.)  
 35 Ulmus glabra 'Camperdownii' – Camperdown elm  
 67 Hoheria populnea – lacebark, houhere (N.Z.)  
 67 Cordyline australis – cabbage tree (N.Z.)  
 74 Ilex aquifolium – English holly F/1  
~~74 Arbutus unedo – strawberry tree~~  
~~74 Fraxinus excelsior 'Pendula' – weeping ash~~  
~~74 Salix babylonica – weeping willow~~  
 74 Chamacyparis lawsoniana – Lawson's cypress F/3  
~~74 Ulmus sp. – elm~~  
~~74 Plagianthus betulinus – lowland ribbonwood (N.Z.)~~  
 74 Cordyline australis – cabbage tree (N.Z.) F/3  
 74 (Pear tree and second cabbage tree, suggested by tenants)  
 85 Cordyline australis – cabbage tree (N.Z.),  
 Nelson Street frontage.  
 85 Plagianthus betulinus – lowland ribbonwood (N.Z.)  
 85 Arbutus unedo – strawberry tree

PIKO CRESCENT

- 10 Fraxinus excelsior – English ash  
 33 Ilex aquifolium – English holly  
 35 Griselinia littoralis – broadleaf (N.Z.)

PRINCES STREET

- 16 Cordyline australis – cabbage tree (N.Z.)

PUNA STREET

- 7 Maytenus boaria – mayten

PURIRI STREET

- ~~3 Ulmus glabra 'Camperdownii' – Camperdown elm 26.9.78~~  
 18 Magnolia grandiflora  
 29 Arbutus unedo – strawberry tree  
 31 Magnolia x soulangeana  
 42 Cordyline australis – cabbage trees (?) (N.Z.)  
 50 Arbutus unedo – strawberry tree, Fine specimen

- 55 Pseudopanax crassifolium – lancewood (N.Z.)  
 61 Pseudopanax crassifolium – lancewood (N.Z.)  
 75 Quercus palustris – pin oak  
 76 Plagianthus betulinus – lowland ribbonwood (N.Z.),  
 Very fine specimen.  
 76 Hoheria augustifolia – narrow-leaved lacebark (N.Z.)  
 76A Pittosporum tenuifolium – kohuhu, matipo (N.Z.),  
 very fine specimen.  
 76 Podocarpus totara – totara (N.Z.)  
 76 Plagianthus betulinus (2) – lowland ribbonwoods (N.Z.)  
 81 Trachycarpus fortunei (group) – Chusan palm  
 81 Podocarpus totara – totara (N.Z.)  
 84 Pseudopanax crassifolium – lancewood (N.Z.)  
 85 Pittosporum eugenioides – lemonwood (N.Z.), at gate.  
 86 Fagus sylvatica – European beech  
 92 Fagus sylvatica – European beech  
 96 Maytenus boaria – mayten  
 98 Podocarpus totara – totara (N.Z.)  
 98 Pittosporum crassifolium – karo (N.Z.)  
 98 Griselinia littoralis – broadleaf (N.Z.)  
 98 Pseudopanax crassifolium – lancewood (N.Z.)  
 105 Nothofagus fusca – red beech (N.Z.)  
 105 Azara microphylla – vanilla bush  
 105 Thujopsis dolabrata  
 111 Quercus ilex – holm oak  
 Cedrus deodara – Himalayan cedar  
 113 Fagus sylvatica – European beech  
 Ulmus sp. – elm  
 116 Ulmus sp. – elm  
 116 Quercus palustris – pin oak  
 116 Pseudotsuga menziesii – Douglas fir/Oregon pine  
 116 Cedrus deodara – Himalayan cedar  
 117 Tilia sp. – lime  
 121 Phyllocladus trichomanoides – tanekaha (N.Z.)  
 Only one known in Borough  
 129 Fagus sylvatica – European beech

RATA STREET

- 1 Acacia dealbata – silver wattle  
 9 Cedrus atlantica 'Glauca' – blue Atlas cedar  
 9 Arbutus unedo – strawberry tree  
 19 Hoheria populnea – lacebark, houhere (N.Z.)  
 31 Sophora microphylla – kowhai (N.Z.)  
 33 Trachycarpus fortunei – Chusan palm



**RATTRAY STREET**

- 102 *Cryptomeria japonica* 'Elegans' -- Japanese cedar
- 102 *Chamaecyparis obtusa* - Hinoki cypress
- 104 *Chamaecyparis obtusa* -- Hinoki cypress
- 111 *Betula pendula* - silver birch
- 112 *Chamaecyparis obtusa* -- golden Hinoki cypress

**REX STREET**

- 11 *Cordyline australis* -- cabbage tree (N.Z.)

**RICCARTON ROAD**

- 18 *Plagianthus betulinus* -- lowland ribbonwood (N.Z.)
- 18 *Juglans regia* - walnut
- 26 *Sophora microphylla* -- kowhai (N.Z.), Very large specimen
- 32 *Pittosporum tenuifolium* (group) -- Kohuhu, matipo (N.Z.)
- 32 *Pittosporum* sp. (several good groups along railway boundary), (N.Z.)
- 32 *Tieghemopanax sambucifolius*
- 32 *Cordyline australis* -- cabbage tree (N.Z.)
- 41 *Acacia dealbata*
- 42 *Pittosporum eugenioifles* -- lemonwood (N.Z.)
- 42 *Maytenus boaria* -- mayten
- 42 *Chamaecyparis lawsoniana* (2) -- Lawson cypresses
- 158 *Pittosporum eugenioides* -- lemonwood (N.Z.)
- 179 *Pittosporum tenuifolium* -- kohuhu, matipo
- 193 *Dodonaea viscosa* "Purpurea" -- purple ake-ake (N.Z.), Large specimen.
- 200 *Cupressus torulosa* -- Himalayan cypress
- 200 *Chamaecyparis lawsoniana* (3) -- Lawson's cypresses
- 200 *Cedrus deodara* -- Himalayan cedar
- 204 *Cupressus torulosa* -- Himalayan cypress
- 204 *Quercus palustris* -- pin oak
- 204 *Juglans regia* -- walnut
- 204 *Crataegus x lavalleyi* -- hybrid thorn
- 204 Weeping elm
- 204 *Ulmus glabra* "Camperdownii" -- Camperdown elm

**RIMU STREET**

- 8 *Cordyline australis* -- cabbage tree (N.Z.)

**ROTHERHAM STREET**

- 24 *Metasequoia glyptostroboides* -- dawn redwood, Rare in Riccarton.

**STRAVEN STREET**

- ~~17 *Betula pendula* -- silver birch (See 1 Rata St)~~
- 17 *Tilia* sp. -- lime
- 19 *Tilia* sp. -- lime
- 48 *Pyrus communis* (2)
- Cryptomeria japonica* "Elegans" -- Japanese cedar
- 60 *Chamaecyparis lawsoniana* -- Lawson's cypress
- 60 *Fagus sylvatica* -- European beech
- 60 *Cedrus deodara* -- Himalayan cedar

**TIKA STREET**

- 2 *Arbutus unedo* (2) -- strawberry trees
- 2 *Cedrus deodara* (2) -- Himalayan cedars
- 2 *Pittosporum eugenioides* -- lemonwood (N.Z.)
- 19 *Azara microphylla* -- vanilla bush

**TONGA STREET**

- 7 *Prunus subhirtella* -- flowering cherry

**TOTARA STREET**

- 10 *Nothofagus solandri* -- black beech (N.Z.)
- 10 *Cordyline australis* -- Cabbage tree (N.Z.)
- 14 *Juglans regia* -- walnut
- 101 *Griselinia littoralis* -- broadleaf (N.Z.)
- 109 *Ulmus glabra* 'Camperdownii' -- Camperdown elm
- 115 *Arbutus unedo* -- strawberry tree
- 117 *Betula pendula* -- silver birch
- 117 *Tilia* sp. -- lime
- 135 *Griselinia littoralis* -- broadleaf (N.Z.)
- 135 *Hoheria populnea* -- lacebark, houhere (N.Z.)
- 135 *Nothofagus solandri* -- black beech (N.Z.)
- 135 *Fagus sylvatica* -- copper beech
- 135 *Plagianthus betulinus* -- lowland ribbonwood (N.Z.)
- 135 *Podocarpus totara* -- totara
- 135A *Podocarpus Totara* -- totara
- 135 *Quercus* sp. -- oak
- 135 *Ulmus* sp. -- elm, Very fine specimen -- 60 feet.
- 135 *Hoheria populnea* -- lacebark, houhere (N.Z.)
- 137 *Eucalyptus* sp. -- gum
- 143 *Plagianthus betulinus* -- lowland ribbonwood (N.Z.)
- 147 *Hoheria populnea* -- lacebark, houhere (N.Z.)
- 147 *Plagianthus betulinus* -- lowland ribbonwood (N.Z.)

#### WAINUI STREET

- 47 Cordyline australis – cabbage tree (N.Z.)
- 51 Arbutus unedo -- strawberry tree
- 51 Cedrus deodara -- Himalayan cedar
- 51 Azara microphylla -- vanilla bush
- 58 Metasequoia glyptostroboides – dawn redwood –  
(A famous but rare tree in Riccarton)
- 59 Pseudopanax crassifolium -- lancewood (N.Z.)
- 69 Nothofagus cliffortioides -- mountain beech (N.Z.)
- 90 ~~Pseudopanax crassifolium (clusters) -- lancewood (N.Z.)~~
- 90 ~~Pittosporum colensoi (2) (N.Z.) (On north boundary) 25.6.74~~

#### WALSALL STREET

- Platanus x acerifolia – London plane - In Reserve

#### WHIARENUI STREET

- 3 Cryptomeria japonica -- Japanese cedar
- 25 Photinia serrulata
- 41 Acer sp. -- maple
- 51 Acer sp. -- maple
- 51 Sycamore
- 63 Acer Pseudoplatanus – sycamore
- 63 Pittosporum tenuifolium -- kohuhu, matipo (N.Z.)

#### WHITELEIGH AVENUE

- 33 Plagianthus betulinus – lowland ribbonwood (N.Z.)
- 53 Cordyline australis (2) – cabbage trees (N.Z.)
- 61 Ulmus glabra 'Camperdownii' – Camperdown elm
- 61 Trachycarpus fortunei – Chusan palm.

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District Schemes and Tree Protection files  
in Town Planning Departments of the  
Christchurch City, Waimairi District,  
Riccarton Borough, Heathcote County and  
Paparua County Councils.

## 9 Acknowledgements

I would like to thank the following for their assistance and advice in writing this paper: my tutor Charlie Challenger Reader in Landscape Architecture at Lincoln College, the Town Planning staff of the 5 Christchurch councils and in particular Richard Johnson of the Christchurch City Council, the Canterbury District Law Society for the use of its library, Robert Patten, Deputy Registrar, Civil Office District Court Christchurch, John Hogan of the Three Streams Trust, Albany, and Nancy McNamara for her typing.