

Date: Tuesday 19 March 2024
Time: 10:00 am
Meeting Room: Devonport-Takapuna Local Board Office
Venue: 1-7 The Strand
Takapuna

Devonport-Takapuna Local Board OPEN MINUTE ITEM ATTACHMENTS

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18 March 2024

Devonport Takapuna Community Board

Attention: **Henare King**

REMOVAL OF ANNE STREET TREES

Kia ora Henare,

Thank you for your advice as to this Board Meeting, and notice that the matter of the Tree Removal in Anne Street is again on the agenda on 19 March.

Please bring the following information to the attention of the Board members prior to the meeting to ensure they are briefed as is possible within the very short time period made available.

We note that Council has taken three months to prepare this Report, yet only gives the residents, as affected parties, some three days to digest its contents. This is not a democratic nor a consultative process.

Upon considering the Report dated 19 March 2024 File No: CP2024/02359 and reflecting upon its contents;

- **Anne Street residents remain unanimous that the trees are to be removed all as per Option One**
 - **Option 2 is seen as exemplifying an ongoing determination of Council Officers to spend unnecessary monies, that neither the Council nor the Devonport Takapuna Board possesses, and deserves the personal attention of the Mayor.**

Option 2 is seen to be entirely cynical and mocking both the Board and residents, in that an excessive monetary budget is presented as being the necessary solution, IF common sense, and the exercise of fair justice is utilised by the Board in voting for Option 1.

Option 2 is seen to be effectively attempting to derail the process and frighten the Board into toeing the line, by voting for Option 3.

Option 2 cannot be seen as being "...reasonably practicable..." (See Item 13) due to its cost.
 - **Option 3 is presented as the common sense solution as it costs nothing for the Council, but blatantly ignores the ongoing effects upon the residents of Anne Street, and the larger community. Again the sense of cynicism is profound.**
 - o **It ignores the ongoing potential for further private property damage, ongoing mess, and blocked drains.**
1. Throughout this process NO officer from the Council has knocked on any Anne St front door, and enquired as to the nature of difficulties experienced by residents, and the effects of the two trees.
 - a. There has been no consultation whatsoever.
 - b. It is only due to the intercession of George Wood who has brought this matter to the Board and reminded the Board that they have an inherent statutory duty, that progress to this point has been made.

We note apparent inaccuracies in the Report as follows:

2. See Item 23 Page 13 where it states that “The trees in Anne Street are mentioned in a book called ‘Auckland’s Remarkable Urban Forest’ by Mike Wilcox.
 - a. The implication of this statement is that the Anne Street trees are called up in the book. They are not documented in the book, which only refers to a tree currently growing in Watea Reserve, Sandringham . Page 145 in the book.

This statement in the Report is taken quite out of context, in a most misleading manner, from the actual statements in the book.

3. Previous verbal advice from Healthy Waters Engineers has been that they want the trees gone.

This appears at odds with the Report which calls up Healthy Waters saying that “the street is expected to flood with or without the presence of the trees...” See Item 29

 - a. Residents who have lived in the street for 50 years plus can attest that there has been NO flooding in the street prior to the trees being installed.
 - i. Marian Robertson who will be present at the meeting can confirm this.
 - ii. Marian has confirmed in writing to this effect.
 - b. We note there appears to be no formal advice attached to the Report, from Healthy Waters, as to the matter
 - c. A photograph in proof of existing drains being able to cope with existing water flows has previously been supplied to the Board, and has been forwarded to the Community Board Secretary for re-distribution.
 - i. This proves that upon removal of leaves blocking the cesspit, that the stormwater pipes rapidly drain water, which was approx. 700mm deep at the time of photography.
 - ii. **As such the occurrence of flooding is emphatically linked to the leaves coming off the trees, and NOT because the larger area is in a low-lying area, or that the existing stormwater drainage system is incapable of taking the load.**

4. Item 21 in the Report states that “It is noteworthy that the street lacks any other public trees...”, and leads onto Item 24 where it states that “They are currently the only street trees in Anne Street”
 - a. Again, this statement is manifestly incorrect, as there are two trees at the intersection with Queens Parade (in Anne Street), and a further major tree at the intersection with Clarence Street. (again planted within Anne Street).
 - b. As such calculations as to existing canopy cover are factually incorrect and again, misleading.

5. Item 30 in the Report states that “there is no permeable surface in Anne Street (except the tree pits)”
 - a. An inspection of the two trees show that the tree pits are entirely covered by root growth up to 300mm plus, which prevents any water infiltration.

6. As per Items 31 and 32, Healthy Waters HAVE been routinely cleaning the catchpit grilles once a month, but through usually loading out the material piled on the adjacent footpaths gathered & collected by residents.
 - a. The volume of leaves and fruit continues to be significant, as previously shown in photographs to the Board.
 - b. Their attendance upon 'heavy rain events' is becoming sporadic, and are notably absent on weekends.
 - i. There is an ongoing cost to Council for every clean up and callout.
 - c. Healthy Waters concur that their efforts **WILL NOT** "... remove the risks of the grilles being re-blocked (when new debris, for example, washes onto the grilles during a weather event."
 - d. The specific nature of these leaves means that very few are necessary to block the drains, and during any medium to larger rainfall event, particularly with strong wind, that blockages can occur almost hourly.
 - i. As such the mitigation as provided is essentially useless.
 - e. Proof has been previously supplied to the Board as to damage to private property due to flooding including the writing off, of a motor vehicle, and loss of stored timber, involving thousands of dollars.
 - f. Council building regulations require a 250micron polythene sheet over the footprint of residential structures.
 - i. Upon flooding under a house, the floodwater cannot subsequently escape due to the polythene membrane, and becomes ponded.
 - ii. Flooding under houses has occurred frequently.
 - iii. Some houses are only just above ground level with no crawl space.
7. Item 36: The Tree Council is opposed to the removal of the trees. They have apparently confirmed the trees actual classification as Heptapleurum calypttratum and not Schefflera pueckleri, as is called up in Item 22.
 - a. Ongoing Council advice as to the genus continues to be incorrect. (see Item 22)
 - b. We hold reservations as to the professional competence of the Tree Council to accurately identify the root cause of flooding issues, or indeed to even comment upon them.
 - i. As a Lobby Group they are important in the protection of trees, but they are not considering, the ongoing negative effects of retaining these trees upon the homes and residents of the street.
8. The Report does not state that the trees have a destructive and invasive root system, unsuited for planting in a street. They are recommended to be planted in open spaces and parks.
 - a. An observation of the two trees show significant footpath deformation, and breaking up of the surrounding borders to the tree pits.
 - b. The trees present an ongoing H&S hazard through tripping, and slipping upon fruit which continually falls.
 - c. They should be removed from the Register of Council approved trees for Street Planting.

9. The Report does not advise the width of the carriageway of Anne Street as being only 7.8m which is insufficiently wide to permit vehicles passing each other, when there are cars parked on both sides of the road.
 - a. Anne Street is among the narrowest of streets in Devonport
 - b. The width of the carriageway will be further restricted by additional tree pits.
 - c. The footpath from the kerbline to the boundary is only 2.4m. Upon a tree pit being installed the width of the footpath is only 1.7m and if a power pole is involved, further restricts the width to 1m only.
 - i. Disability scooters, etc would experience significant difficulty in squeezing this gap, through and over roots.
 - d. There are no berms in the street
 - e. Any construction of an additional 8 tree pits will lead to the loss of parking in the street of possible 10-12 cars, dependent upon placement.

10. The Report does not state that these trees are known to cause significant medical issues for animals including:
 - a. Kidney problems, tremors, heart problems and respiratory problems
 - b. They also cause oral irritation, burning mouth, lips & tongue through calcium oxalate for children and pets
 - c. There is a continual dropping of fruit onto the footpaths and carriageway.

In summary:

- a. Board members attention is drawn to Plaza Investments Ltd v Queenstown Lakes District Council. [2018] NZHC 1925.) where the High Court found liability against the Council due to adverse effects on proximate neighbours. This case also involved a tree, but has wider implications.

- b. This problem was originally caused through Council negligence through the incorrect trees being planted, in disregard of the Planting Plan (as per copy supplied to the Board).

Board members are enjoined to clearly consider the matter, ignore the red herrings, and apparent misinformation, as presented by Council Officers, and emphatically vote for Option One

Thank you.

Peter McNab

