



Report

TO: Hearings Committee

FROM: Lily Burrows, Planner

DATE: 16 August 2018

SUBJECT: **RESOURCE CONSENT APPLICATION**
LUC-2018-295
62 CHAMBERS STREET, DUNEDIN
C J HILLIER

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 16 August 2018. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.

SUMMARY OF RECOMMENDATION

- [2] For the reasons set out in paragraphs 97 - 104 below, I consider that the proposal is inconsistent with the key relevant objectives and policies of both the Dunedin City District Plan and the Proposed 2GP. Although there are material effects on the owners, I consider that these are outweighed by the adverse effects of removing the tree. These adverse effects cannot be mitigated. As a result, I have concluded that the proposal should be declined.

DESCRIPTION OF PROPOSAL

- [3] Resource consent is sought to remove the protected Golden Elm Tree (*Ulmus glabra* 'Lutescens') which is listed in Schedule 25.3 of the operative District Plan as T303. The Golden Elm tree is approximately 16m high and 20m wide and the trunk of the tree is set back approximately 20m from the front boundary to Chambers Street. The canopy of the tree is situated over both 62 Chambers Street and 58 Chambers Street. The trunk of the tree appears to be located almost directly on the northwest property boundary to 58 Chambers Street.
- [4] A copy of the application, including plans of the proposed tree removal, including reasons behind the application, is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [5] 62 Chambers Street is a 599m² area site that contains an existing dwelling. The site is located within North East Valley, which is an area predominantly utilised for residential activity, including family homes and rental accommodation. The subject site is moderately steep and slopes away from the southeast to the northwest. 62 Chambers Street is legally described as Lot 56 Deposited Plan 1590 (held in Computer Freehold Register OT7D/100).

HISTORY OF THE SITE/BACKGROUND TO THE APPLICATION

[6] RMA-2001-364606

An application to prune the Golden Elm tree was granted on 21 February 2001. At the time, under the transitional District Plan (Dunedin Section) a tree was deemed to be significant when it has a trunk diameter of more than 500mm, when measured 1.2m above ground level. The tree also had to be in very good condition and therefore resource consent was required as the Golden Elm passed those criteria.

In order to assess the proposal at the time, the application was forwarded to Council's Architecture and Urban Design Unit for comment. They commented stating that the tree played a significant role in the amenity of the local area given its high visibility which was largely due to its colour and location. The tree therefore was considered to reduce the visual effect of the high density housing in the area and its removal would have a major visual impact. The Architecture and Urban Design Unit recommended the tree's retention.

The application was also forwarded to Council's Horticultural Officer (Trees) for comment. The officer stated that on inspection the tree appeared healthy and in very good condition. He noted that the tree was an infrequently planted exotic species in the Dunedin area.

Council's Horticultural Officer stated that a STEM assessment was carried out which gave the tree a score of 159. He believed the score to be significantly higher than the 147 benchmark for inclusion on the District Plan Schedule of Significant Trees and as such recommended its inclusion in the Schedule.

[7] RMA-2004-7000

Resource consent was sought to conduct crown thinning, crown reduction and powerline clearance on the Golden Elm. The application was approved on 14 January 2004.

[8] LUC-2010-139

Resource consent to prune the significant Golden Elm tree, consisting of crown raising and crown thinning, was granted on 29 March 2010.

[9] The existing dwelling appears to have been built during or before 1954, as the first building consent against the property was to conduct plumbing and drainage on 19 July 1956. The building was altered in 1956, and building consent to add a detached room was applied for in 1971, and a further attached bedroom addition was applied for in 1974. The plumbing and drainage was again altered in 1975.

[10] The site was purchased by the current owner in August 2013.

ACTIVITY STATUS

[11] Dunedin currently has two district plans: the operative Dunedin City District Plan, and the Proposed Second Generation Dunedin City District Plan (the "Proposed 2GP"). Until the Proposed 2GP is made fully operative, both district plans need to be considered in determining the activity status and deciding what aspects of the activity require resource consent.

[12] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to Section 88A of the Resource Management Act 1991. However, it is the provisions of both district plans in

force at the time of the decision that must be had regard to when assessing the application.

Dunedin City District Plan

- [13] The subject site is zoned **Residential 1** in the Dunedin City District Plan. Chambers Street is classified as a Local Road in the District Plan Rooding Hierarchy. The subject site is associated with a Seismic-Liquefaction layer.
- [14] The restriction on removal or pruning of trees is limited to a specific list of trees included as schedule 25.3 in the Dunedin City District Plan. All trees listed in the operative district plan have been assessed using the STEM (Standard Tree Evaluation Method) evaluation. The assessment of this tree determined it did warrant specific protection. The STEM method has three distinct components, being the condition (health) of the tree, the amenity (community benefit) that it provides and its notability. With regard to assessment of 'Condition' and 'Amenity', each tree is assessed and allocated points for the following factors:
- (i) Form
 - (ii) Occurrence
 - (iii) Vigour and vitality
 - (iv) Function (usefulness)
 - (v) Age
 - (vi) Stature
 - (vii) Visibility
 - (viii) Proximity of other trees
 - (ix) Role in the setting
 - (x) Climatic influence.
- [15] Items (i)-(v) are in relation to the condition of the tree. Items (vi)-(x) are in relation to the amenity the tree provides. With regard to its notability, points are allocated for recognition factors such as 'feature', 'association', 'commemoration', 'remnant', 'rarity' etc.
- [16] The points received for each factor are totalled. Any tree that is allocated a sum total of 147 points or more is considered to be 'significant' and generally worthy of inclusion in the District Plan's schedule of trees.
- [17] The tree has a total score of 159 points in the STEM assessment. This assessment was undertaken in 2001.
- [18] The highest portion of the score is attributed to vigour and vitality, proximity and role (all attributes scored 21 points). The STEM assessment and aerial photograph of the site are attached as Appendix 1.
- [19] The following rule in the District Plan applies to any scheduled significant tree:

15.5.1(i) The removal or modification of any tree or pruning, trimming or any other modification or activity within the canopy spread of any tree listed in Schedule 25.3.

- [20] As such, the removal of this tree is a **Discretionary Activity** pursuant to Rule 15.5.1(i) of the District Plan. Consequently, resource consent is required.

Proposed Second Generation Dunedin City District Plan (Proposed 2GP)

- [21] The Proposed 2GP was notified on 26 September 2015. The 2GP zoning maps indicate that it is proposed that the subject site be zoned as **General Residential 2**. The maps also indicate that the property is associated with an Infrastructure Constraint. The Golden Elm tree (Plan ID: T303) continues to be listed under the Proposed 2GP.
- [22] The Proposed 2GP was notified on 26 September 2015, and some 2GP rules have immediate legal effect. In this instance, there are no relevant 2GP rules to consider.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("the NES")

- [23] The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 came into effect on 1 January 2012. The National Environmental Standard applies to any piece of land on which an activity or industry described in the current edition of the Hazardous Activities and Industries List (HAIL) is being undertaken, has been undertaken or is more likely than not to have been undertaken. Activities on HAIL sites may need to comply with permitted activity conditions specified in the National Environmental Standard and/or might require resource consent.
- [24] It is considered, more likely than not, that no activities have been undertaken on the site that appear on the HAIL. As such, the National Environmental Standard is not applicable to the proposal.

NOTIFICATION AND SUBMISSIONS

- [25] In accordance with Section 104 of the Act, where written approval has been obtained from affected parties the consent authority cannot have regard to the effects of the activity on that person. No written approvals were submitted with the application.
- [26] The application was publicly notified in the Otago Daily Times on 23 June 2018.
- [27] Copies of the application were sent to those parties the Council considered could be directly affected by the proposal. Submissions closed on 20 July 2018.
- [28] Five submissions were received by the close of the submission period. Four submissions were in support, zero submissions were opposed and one submission was neutral.
- [29] A submission from Tom Osborn was received by the Council on 23 July 2018 the submission is late and the Committee will need to decide whether or not to receive the submission under Section 37 of the Act.

[30] The submissions are summarised in the table below, and a full copy of the submissions is attached in Appendix 2.

Name of Submitter	Support/ Oppose	Summary of Submission	Wish to be heard?
Tom Osborn	Support	- Property owner of 54 and 56 Chambers Street. - Considers the tree to be a health and safety risk and is concerned that continued growth will compromise adjacent buildings and underground infrastructure.	Unknown.
Anthony Robins	Neutral	- T303 has been a feature of the valley for decades and promotes privacy and wonderful views. - He understands owner's desire to remove the tree, however would ideally wish for the tree to be thinned and strengthened rather than removed.	No.
Pringle Wheeler Family Trust	Support	- Owner of 58 Chambers St. - Tree overhangs their property which is considered to have a high potential risk of damage to their property should branches fall. - Falling leaves and branches create issues and dangers including blocking gutters and creating slippery paths. - Tree heavily shades their property. - Considers the tree to have outgrown its location. - Weight of tree on retaining walls between properties could cause an issue. - Wants total removal and 'indemnifying neighbouring properties from damage during removal'.	No.
Protect Private Ownership of Trees (POTS)	Support	- Considers tree to be a health and safety risk to people. - The cables need replacing, believes it would be unjust for the applicant to replace the cables when they do not want the tree. - The tree is a financial burden.	Yes.

		▪ Tree creates shade which in turn creates mould. ▪ Does not believe the tree is fit for having a significant status. ▪ Wants complete removal of the tree and financial assistance for the applicant.	
Caroline Orchiston	Support	▪ Considers tree to be incredibly large ▪ Reduces sunlight on subject site ▪ Drops massive amounts of leaves, leading to clogged gutters and leaves collecting on the roof and driveway. ▪ Safety risk in high winds as branches could fall. ▪ Gives a shady feeling to the street	
Jane Hinkley	Support	▪ Owner of 64 Chambers Street. ▪ Tree is too large for current site ▪ The tree is too close to numbers 62 and 58 Chambers Street which is a health and safety risk if the tree fell. Notes that these are family homes. ▪ Tree blocks all light which creates damp and mould issues to 62 and 64 Chambers Street. ▪ Cabling is at the end of its life so considers this a good time to remove the tree, citing physical instability of the tree. ▪ The tree should never have been planted in a residential area.	No.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

[31] Section 104(1)(a) of the Act requires that the Council have regard to any actual and potential effects on the environment of allowing the activity. 'Effect' is defined in Section 3 of the Act as including-

- a) Any positive or adverse effect; and
- b) Any temporary or permanent effect; and
- c) Any past, present, or future effect; and
- d) Any cumulative effect which arises over time or in combination with other effects—
regardless of the scale, intensity, duration or frequency of the effect, and also includes –
- e) Any potential effect of high probability; and

- f) *Any potential effect of low probability which has a high potential impact.*

Permitted Baseline

- [32] An important consideration for the assessment of effects is the application of what is commonly referred to as the permitted baseline assessment. The purpose of the permitted baseline assessment is to identify the non-fanciful effects of permitted activities and those effects authorised by resource consent in order to quantify the degree of effect of the proposed activity. Effects within the permitted baseline can be disregarded in the effects assessment of the activity.
- [33] Removal of a significant tree is specifically provided for under the operative District Plan as a Discretionary (Unrestricted) Activity therefore there is not considered to be a relevant permitted baseline in which to assess the proposal. No consideration to a permitted baseline has been considered when assessing this proposal.

Assessment of Effects

Dunedin City District Plan (Operative Plan)

- [34] The assessment of effects is guided by Section 15.6 of the District Plan. Accordingly, assessment is made of the following effects of the proposal:

- Effect of modification;
- Reasons and alternatives;
- Amenity values.

Effect of Modification (Removal) (Assessment Matter 15.6.1)

- [35] The applicant's assessment of effects states that the removal of the tree is necessary for the following reasons; a) it has outgrown its residential setting, in other words the scale is too large for its location, b) the tree shades the house and neighbouring properties c) the leaf fall blocks spouting and d) the tree is a significant safety risk due to its close proximity to the dwelling. The applicant notes that the tree is cabled, and that these cables are 30 years old.
- [36] I do not disregard these concerns, and consider that the tree would have adverse effects on shade to the property. The tree's location near the dwelling would lead to shading over the property for long periods in summer. I would also consider that annual leaf fall blocking gutters would be a nuisance to the property owner and her neighbours. Safety matters are considered by Mr Roberts below.
- [37] The applicant's Assessment of Environment Effects does not address the effect that removal of the tree will have on surrounding amenity of the area, neighbouring privacy, air quality and effects on the ecosystem; including land, water, flora and fauna.
- [38] The applicant enlisted Mr Peter Waymouth of GreenTrees Ltd to provide comment on the significant tree
- [39] GreenTrees Ltd report; including revised STEM assessment and recommendations
- [40] Mr Waymouth provided a report to the applicant dated 29 May 2018. Mr Waymouth researched the history of the Wych Elm (*Ulmus glabra*) and found the Wych Elm to be a large, fast growing and long lived forest tree (with a

lifespan of 250 years), capable of reaching a height of 30m or more at maturity. He believes that the Golden Elm (*Ulmus glabra* 'Lutescens') may be capable of increasing height and spread due to its present vigour and good health.

- [41] In relation to shading, Mr Waymouth notes intense shading of the subject site and neighbouring properties at 58 and 62 Chambers Street. He believes the shading is due to the dense foliage of the large <20m canopy spread. He considers the backlit yellow-green leaves of the Golden Elm to have a pleasant effect, however notes that sunlight barely penetrates the foliage. The Golden Elm is a deciduous tree and as such there is some respite from the shading effects of the tree in winter months, where the tree could let in dappled light to the house. Mr Waymouth notes that the dwelling is located within a small gully (<50m contour), placing it well below the neighbours opposite and above in Montrose Street (which Mr Waymouth notes are on a <70m contour). Any winter sun would arrive late in the morning to the property, only to provide a few hours of dappled sunlight through the Golden Elm's close knit branches.
- [42] Mr Waymouth reassessed the original STEM Assessment of the Golden Elm to provide it with a lower score compared to the original score evaluated in 2001. In reassessing the STEM assessment Mr Waymouth agreed entirely with the 'Condition Evaluation' part of the STEM assessment; whereby both assessments provided that section with a total of 81 points.
- [43] Where the 2001 STEM assessment and Mr Waymouth's revised STEM assessment differ are within the 'Amenity Evaluation' section. Mr Waymouth increases the 'stature (m)' evaluation from 9 – 14m to 15 – 20m which subsequently increases score points from nine to 15. He decreased the 'visibility (km)' evaluation from 2.0km to 0.5km, and by doing so reduced the number of points awarded by that evaluation from 15 to 3. He decreases the 'proximity' and 'role' evaluations from 21 points to 15 points, and agrees with the climate score of nine points. Overall, Mr Waymouth reduces the subtotal points for the Amenity Evaluation section from 75 in 2001 to 57 in 2018.
- [44] Mr Waymouth explains the relevance of the STEM assessment as being in general use by councils in assessing trees for protected status on their district plans, which are in turn protected by the Resource Management Act 1991. He notes that the STEM assessment is well accepted in New Zealand. Part of the STEM assessment evaluation uses a monetary calculation, which relies on a multiplication factor. Consequently, the field values are estimated conservatively and summed to provide a total points score, then multiplied to produce a monetary value. Mr Waymouth re-evaluates the tree as having a STEM score of 138 points. He notes this gives the tree a monetary value of \$26,940.00 in his opinion.
- [45] Mr Waymouth used the Level 2 method of risk rating, which he explains in his report (attached as Appendix 1). He considers the tree to have a risk rating of moderate. This rating is partly due to the tree being cabled approximately 30 years ago, which he believes indicates that replacement cables are now due. He notes that the original cable installation is an indicator of inherent structural weakness, whereby the three mainstems arise at the root collar. These mainstems lead outwards and support a very large canopy of equal to or less than 20m in diameter. Should the old cables fail during a storm, the possibility of a mainstem failure arises as a distinct probability, according to Mr Waymouth. In such a scenario he considers there to be a high likelihood of risk of potential harm to people and property.
- [46] Mr Waymouth concludes by offering two options for mitigation of what he considers to be a moderate risk to health and safety posed by the Golden Elm (*Ulmus glabra* 'Lutescens').

Option One: Retain the Golden Elm by installing a new cabling support system and reduction via thinning evenly throughout the canopy by 30% on a three year cycle.

Option Two: Remove the Golden Elm and replant with a tree which will grow to maturity while remaining in scale with its surroundings.

[47] The application was forwarded to Council's consultant arborist, Mr Roberts, of Roberts Consulting. Mr Robert's comments are outlined below.

[48] Mr Roberts conducted a site visit to 62 Chambers with the purpose of assessing the condition of the tree, specifically in relation to the proposed tree removal works. Mr Roberts was supplied a copy of Mr Waymouth's report and the application, both of which he also assessed and critiqued.

Mr Roberts' comments in relation to the condition assessment and observations of the Golden Elm are as follows. His report is attached as Appendix 3:

- *'In general, at the time of the assessment, the tree looked to be in good health and have vitality within the normal range for the species and age.*
- *The tree had a relatively symmetrical canopy, was approximately 16m tall with an evenly spreading canopy of around 20m*
- *The base of the tree was approximately 5m from the northern most corner of the house at number 62 Chambers Street and approximately 3.5m from the house at number 58 Chambers Street.*
- *The tree is deciduous and had very few leaves, which was to be expected for the time of year. Bud-size, density and location suggested that the tree would be evenly foliated when in leaf*
- *The tree has had pruning work undertaken in the past which appears to have been carried out in accordance with industry accepted pruning standards*
- *The tree had a series of three (3) steel cable-brace supports connecting the three main stems together. The cable-braces were old (30+ years according to the applicant), still intact and appear to have been installed in accordance with the then industry accepted standards.*
- *The tree had grown over the connection point (the point of attachment on each stem), therefore I was unable to assess the integrity of the connection. The cable itself appeared to be in relatively good condition*
- *The trees had good trunk taper and root flare, and the root plate appeared to be stable.*
- *Assuming that the cable supports retained integrity, the tree appeared to free from obvious defects that suggested imminent failure.*
- *Overall, the tree appeared to be a near specimen example of the species and worthy of inclusion on the Dunedin City Council Schedule of Significant Trees'*

[49] Mr Roberts provided comments in relation to the GreenTrees Ltd report by Mr Waymouth. His comments are directly quoted below:

- *'Peter Waymouth on tree age (Page 3). Mr Waymouth notes that; 'Ulmus glabra are a forest tree species capable of growing over 30m tall and being long-lived (i.e. 250 years).'*
 - *The common name Ulmus glabra is wych or Scotch elm, T303 is a golden elm (Ulmus glabra 'Lutescens'). It is incorrect to make size and age comparisons between two different tree types therefore I question the relevance of this comment.*
 - *New Zealand and Australian nursery standards generalised Golden elm as; a medium-sized, fast-growing deciduous tree that reaches a height of approximately 15 m with a spread of about 20 m. T303 is currently at or larger than the expected nursery standards, which would suggest that the tree is not going to get much larger.*
- *Peter Waymouth on shading (Page 3). Mr Waymouth notes that T303 shades both numbers 58 and 62 Chambers Street, but so does the land mass above the houses. Mr. Waymouth's points are valid, but;*
 - *Based on the cable-brace system being installed approximately 30 years ago and the fact the tree had be large enough to be cabled at the time the system was installed, it is probable that the tree has been casting shadow over both of these properties for over 50 years.*
 - *Removal of the tree will not address any shading cast by the contours of the section and the land mass above the house.*
- *Peter Waymouth on tree STEM Evaluation (Page 3). Mr Waymouth uses STEM to award T303 138 points, noting that 'the Dunedin City Council require a significant tree to attain 147 total points for inclusion on the District Plan'.*
 - *There is a certain amount of subjectivity in STEM. I have assessed the tree and gave it a score of 150 points, the STEM form included in Mr. Waymouth's report (which I assume is a copy of the Dunedin City Council (DCC) initial inclusion document) gave the tree a STEM score of 159. According to page 6 of the DCC 2GP, Second Generation District Plan document [Scheduled Trees, Section 32 Report] trees are included in the schedule of significant trees is they; pass a STEM benchmark score of 145.*
 - *The tree is currently included on the schedule of significant trees, and has good vigour, health and has grown larger since it was listed in 2001 (as noted on page 3 and 13 of the Waymouth report). With that in mind, the tree has not decreased in value therefore I do not see the relevance of re assessing the tree to provide a different STEM score.*
- *Peter Waymouth on tree risk assessment (Page 4). Mr Waymouth uses the International Society of Arboriculture Tree risk assessment method Tree Risk Assessment Qualification (TRAQ) and provides a copy of a Peter Waymouth 'adapted' TRAQ data sheet. Using this methodology Mr. Waymouth has given the tree a moderate risk rating.*
 - *To generate a Moderate risk rating, Mr. Waymouth has set the occupancy of the target in the target zone as being frequent.*

A target zone is the location where target must be to be impacted by the tree or tree part if or when it fails. The target given is 'people passing beneath the canopy of the tree'

Frequent occupancy, is defined by the TRAQ when the target zone is occupied for a large portion of the day or week. Suburban streets with moderate traffic volume, car parks for facilities that are open during the daytime only, sidewalks in shopping areas, and busy delivery areas are examples of frequent occupancy. The area beneath the canopy of the tree does not meet the TRAQ definition of frequent.

Mr. Waymouth is suggesting that there are people beneath the canopy of the tree for a large portion of the day or week, which I do not believe to be an accurate assessment.

A more accurate assessment of occupancy would be Occasional Occupancy. Occasional occupancy is described through TRAQ as; a site that is occupied by people or other targets infrequently or irregularly. Examples include country roads, low-use footpaths, and low-use sections of parks.

With the corrected occupancy rate, the TRAQ the risk posed by T303 on people passing beneath the canopy of the tree is reduced to low.

- *The applicant notes that; the tree as simply outgrown its location.*
 - *T303 is currently at or larger than the expected nursery standards, which would suggest that it is not going to get much larger.*
- *The applicant notes that; the tree towers over the house leaving the house in permanent shade:*
 - *The removal of the tree will not address any shading cast by the contours of the section and the land mass above the house*
 - *It is probable that the tree has been casting shadow over the applicants property for over 50 years.*
- *The applicant notes that; the tree is currently cabled and that these cables are 30 years (old).*
 - *The cable itself appeared to be in relatively good condition*
- *The applicant notes that; the tree is a significant safety risk*
 - *With the corrected occupancy rate (as described in Mr Roberts comments on Mr Waymouth's report) the TRAQ risk posed by T303 on people passing beneath the canopy of the tree is low.*
- *The applicant notes that; the tree is a beautiful tree*

- *The tree appeared to be a near specimen example of the species and worthy of inclusion on the Dunedin City Council Schedule of Significant Trees.'*

[50] Mr Roberts provided comments in relation to the applicant's reasoning behind seeking to remove the Golden Elm. His comments are directly quoted below:

- *'The applicant notes that; the tree as simply outgrown its location*
 - *T303 is currently at or larger than the expected nursery standards, which would suggest that it is not going to get much larger.*
- *The applicant notes that; the tree towers over the house leaving the house in permanent shade:*
 - *The removal of the tree will not address any shading cast by the contours of the section and the land mass above the house*
 - *It is probable that the tree has been casting shadow over the applicant's property for over 50 years.*
- *The applicant notes that; the tree is currently cabled and that these cables are 30 years (old).*
 - *The cable itself appeared to be in relatively good condition*
- *The applicant notes that; the tree is a significant safety risk*
 - *With the corrected occupancy rate (as described in Mr Roberts comments on Mr Waymouth's report) the TRAQ risk posed by T303 on people passing beneath the canopy of the tree is low.*
- *The applicant notes that; the tree is a beautiful tree*
 - *The tree appeared to be a near specimen example of the species and worthy of inclusion on the Dunedin City Council Schedule of Significant Trees.'*

[51] Mr Roberts concluded his report by provided a synthesis of his comments and outlining his recommendation. Mr Roberts overall considers that T303 is a 'near specimen example' of *Ulmus glabra 'Lutescens'* (Golden Elm) and is worthy of continued inclusion on the Dunedin City Council Schedule of Significant Trees (Schedule 25.3). He believes that T303 is currently at, or larger, than the expected nursery standards which indicates that the tree will not grow much larger.

[52] Mr Roberts notes that it is probable that the tree has been casting shadow over numbers 58 and 62 Chambers Street for over 50 years, and that removal of the tree will not address any shading issues formed from the contours of the section and land mass above the house.

[53] Mr Roberts believes there is a certain amount of subjectivity in STEM assessments and he does not see the relevance of reassessing the tree to provide a different STEM score. Mr Roberts notes that with the corrected occupancy rate the risk posed by T303 on people passing beneath the canopy of the tree is low. Replacing the cable support system and conducting reduction pruning will keep that risk low.

[54] I agree with Mr Roberts and consider that the Golden Elm tree does shade the property, however will have done since before the applicant bought the

property and removing the tree will not address shading issues formed by the topography of the site. I have relied on Mr Roberts comments to consider that the tree is worthy of continued inclusion on the District Plan register and that the risk to health and safety of the occupants of 62 Chambers Street is low.

Positive Effects

- [55] The tree is large in scale for a residential setting and is causing shading and nuisance effects to 62 Chambers Street as well as adjoining properties. There is a perceived health and safety risk regarding the close proximity of the tree to the dwelling.
- [56] The perceived health and safety risk from falling branches should not be disregarded, even when compared with Mr Roberts' expert advice that the risk to health and safety is currently low. The applicant's reality is that the tree is too large in scale and threatens the wellbeing and safety of her family. I understand that this would be daunting and may adversely affect her and her family's wellbeing. Removing the Golden Elm tree would remove the perceived threat and would likely promote a greater wellbeing to the current occupant and her family.
- [57] Removing the Golden Elm tree will allow for more direct sunlight to enter the property at particular times of the day. The increase in sunlight would likely have positive effects on the property owners of 62 and 58 Chambers Street and could result in warmer homes and a reduction in dampness.
- [58] The Golden Elm tree is deciduous and therefore culmination of leaves on the property is an annual issue. Leaf accumulation on the property could increase the likelihood of slipping and falling, as well as blocking gutters. Removal of the tree would reduce the slippage risk and decrease the time it takes to maintain guttering and leaf clearance.
- [59] Removing the tree will also greatly reduce the nuisance effects associated with having a tree of that scale within a residential setting. This would likely reduce the time it takes for the applicant and surrounding, affected property owners to undertake leaf and gutter clearance.
- [60] Maintaining large scale trees can be a financial burden on property owners. It is noted that the applicant has not cited this as a concern. However, if removal of the tree is declined, then pruning and continually managing the tree will likely be the applicant's only option if she is to mitigate her concerns around shading and leaf fall, and to keep the current health and safety risk of the tree low. Removing the tree will eliminate the need to prune the tree in future, and will therefore remove costs associated with that.

Reasons and Alternatives (Assessment Matter 15.6.2)

- [61] Mr Waymouth in the GreenTrees Ltd report outlined two options; one being the retention of the Golden Elm by installing a new cabling support system and reduction via thinning evenly throughout the canopy by 30% on a 3 year cycle, the second being the option to remove the Golden Elm tree and to replant with a tree that will grow to maturity on a smaller scale, considered to be better suited in scale when compared to its surrounding environment.
- [62] Mr Roberts endorses Mr Waymouth's recommendation to retain the tree, which involves pruning and adding a new cabling system. He also notes the old cabling system is to be retained. Mr Roberts does not support the removal of T303 based on the applicant's assessment, nor does Mr Roberts support the removal of T303 based on Mr Waymouths report.

- [63] Mr Roberts recommends that the tree be retained and that approval is given for minor tree works to be undertaken on T303. He suggests that these tree works to be limited to the installation of a new cable support system (the old system is to be retained), some branch end reduction and crown raising over the dwellings at numbers 58 and 62 Chambers Street. All works are to be carried out by an experienced and qualified arborist in accordance with recognised arboricultural practices and pruning standards.
- [64] I have relied on Mr Roberts' comments to consider that the tree will not continue to grow much larger and is currently a low health and safety risk to the occupants of 62 Chambers Street and the adjoining properties. I agree with Mr Roberts and Mr Waymouth's advice to consider that pruning and additional cabling will help to mitigate any future health and safety risks caused by the old, existing cabling system and will act to mitigate shading issues to the property.
- [65] The subject site has accommodated the tree for 40+ years, with the tree being large enough to be cabled 30 years ago. The applicant bought the property in 2013 and it is noted that the applicant also received a LIM at that time for the property. Therefore it is likely the applicant bought the property knowing that the Golden Elm was protected and could not be removed as of right.
- [66] The previous property owner pruned the tree every three to six years in order to reduce adverse effects from the tree's close proximity to their roof and chimney. Council's GIS software show an increase in the extent of the canopy from 2006/2007. Google Earth includes a more recent 2016 aerial photo showing the increase in canopy size from 2013 to 2016.
- [67] The applicant has owned the property for the last five years and Council has not received an application to prune the tree in that time. The applicant does not explain why she does not consider pruning to be an acceptable option. The applicant has not addressed why she disregarded her arborist's recommendation that pruning and re-cabling the tree is an option.
- [68] I would consider that pruning is the best option as it will thin the canopy to provide more sunlight to enter the property, reduce leaf fall and any associated health and safety risks while still maintaining a specimen example of a beautiful tree. Mr Roberts and Mr Waymouth's expert advice indicate that pruning and re-cabling are viable options to addressing the applicant's health and safety concerns.
- [69] Pruning the tree will incur ongoing maintenance costs for the applicant. Mr Waymouth recommends, in his option to retain the tree, that reduction-via-thinning should occur evenly throughout the canopy by 30% on a three year cycle. This may be a financial burden for the applicant.
- [70] The tree is situated north of the dwelling and its canopy is approximately 20m wide. Therefore the tree is likely to shade the dwelling significantly. Mr Waymouth notes that the tree shades the dwelling intensely, as well as shades neighbouring properties. He notes there is likely some respite in winter where the tree loses its leaves, and in winter a few hours of sun may penetrate through the close-knit branches. Therefore it does appear that even in winter the tree would adversely affect the property owner and cause material shading effects.
- [71] Pruning the tree may not adequately address the significant material shading effects that adversely affect the property. I consider that pruning the tree will improve the situation and allow more light to enter, however it may not significantly increase the amount of sunlight able to enter the property.

- [72] Mr Waymouth also notes that the contour of the property lies at the head of a small gully (up to and including a 50m contour). He states that the property is 'well below' neighbouring properties opposite the subject site as well as in Montrose Street (which has a contour of up to and including 70m). Mr Roberts notes that removing the tree will not address any shade concerns caused by the steep surrounding topography of the site. It is unclear the effect full removal of the tree will have on the amount of sunlight entering the site as the dwelling may still be shaded by the surrounding topography.

Amenity Values and Character (Assessment Matters 15.6.3 (Trees Section) and 8.13.5 (Residential Section))

- [73] The application was forwarded to Council's Urban Designer, Mr McKinlay, for comment. His comments have been directly quoted below:
- [74] *'Background: 'When an assessment of a resource consent application for the removal of a significant tree is required, an updated STEM assessment is usually completed by the in-house landscape architect and by a consultant arborist. In the case of this application, Mr Roberts has been engaged by Council to provide an expert arboricultural assessment. He has provided a very thorough set of comments and has also provided a total score of 150 points for the tree using the STEM evaluation system.*
- [75] *I did not manage to co-ordinate a joint site visit with Mr Robert's; however, I did visit the site on 11 June 2018 in order to undertake the amenity component of the STEM evaluation.*
- [76] *General Comment: 'There are two broad assessment categories to a STEM report– condition (health) and amenity (community benefit). My role in the assessment of applications to remove a scheduled tree or group of trees is to comment on the amenity related matters.*
- [77] *Overall, it is my opinion that T303 retains amenity values which contribute positively to Chambers Street. I consider that the tree continues to merit inclusion on the protected tree schedule from an amenity perspective and the existing STEM assessment remains largely valid, from an amenity perspective.'*
- [78] *Amenity Values: The amenity component of the STEM assessment considers five factors; stature, visibility, proximity, role and climate. My comments below relate to these factors.*
- *Stature: The stature of T303, estimated at approximately 16m high and 20m wide, means that it forms a prominent local feature. As identified in the STEM assessment document, the stature rating can be based on either the height or width of the tree, whichever is greater. As such, T303 easily fits within the 15-20m bracket (an increase from the 2001 assessment).*
 - *Visibility: The existing stem assesses T303 as being visible from 2km. The STEM criteria require that the visibility rating is based on the furthest distance that the tree can be seen from any observation point. The site visit revealed that the location of the tree is visible from surrounding hill suburbs such as Pine Hill, Maori Hill and Wakari. While the majority of clear views of the tree are within 1km of the site, it is considered likely that when the tree is in leaf it would be visible from 2km. Therefore, the existing rating remains valid.*

- *Proximity of other trees: Dwellings on the southern side of this steep part of Chambers Street are typically set back a considerable distance from the carriageway, with generous front yards that feature several relatively large trees. However, in the immediate proximity of T303, there appears to be less than 10 trees forming a cluster. As such, the existing STEM rating for the proximity of other trees remains valid. Because there is not a tight cluster of other trees in the immediate vicinity of T303, its removal would be clearly noticeable from surrounding locations.*
- *Role: The stature, largely symmetrical canopy, and characteristic and prominent lime green foliage (when in leaf) make this tree a particularly prominent feature within Northeast Valley. It notably contributes to the treed character of Chambers Street and the wider valley landscape. The existing STEM role rating appears to be appropriate.*
- *Climate: Trees of this scale provide a role in term of improving air quality, sequester greenhouse gases and enhance biodiversity by providing habitat for birds and invertebrates. The existing 'moderate' STEM rating for this factor appears appropriate for this tree.*

- [79] *Concluding Comments: Overall, given the STEM assessment pass mark, which has been confirmed from an amenity perspective, and the positive assessment of the condition of the tree in the arborist report by Mr Roberts, it is considered that T303 maintains its broader community amenity values and warrants continued inclusion in Schedule 25.3.'*
- [80] I have relied on Mr McKinlay's comments to consider that the tree is worthy of continued inclusion in the District Plan as a significant tree. In my opinion, any adverse effects of the tree are restricted to the subject site and immediately adjoining sites. I do not consider that the tree adversely affects the wider surrounding environment. I do not believe that removal of the tree is necessary, and that continued pruning and maintenance will mitigate concerns regarding shading and gutters getting clogged with leaves and branches.
- [81] Pruning the tree will help to mitigate concerns regarding shading and blocked gutters, however it is unclear as to what extent these effects will be mitigated. There will still be shading from the Golden Elm tree over the property, particularly in summer when the tree will be in leaf. Leaf fall will still be an issue in winter; however pruning will reduce the amount of leaf fall. Therefore pruning the tree will likely be ineffective at mitigating shading and leaf fall concerns.
- [82] The tree is a specimen type example of a Golden Elm tree, according to Mr Roberts. I would consider the lime green leaves and healthy nature of the tree to contribute positive to its surroundings as it provides a sense of scale and setting to the area.
- [83] There is only one other Golden Elm tree listed on the schedule. It would appear that the Golden Elm tree is an infrequently planted tree and the removal of T303 would result in only one Golden Elm tree being protected by the schedule. The other listed Golden Elm tree is located on 304 Castle Street (Plan ID: T295).
- [84] Five out of six of the submissions received by Council are in support of removing the tree. Three of the submitters in support of the application own the properties immediately adjoining the subject site or in close proximity to

the subject site. This indicates a lack of community support for retention of the tree. However, it has been noted that the Golden Elm tree has been a feature of North East Valley for decades, providing privacy and what the submitter considers to be a wonderful view.

- [85] If the tree were to be removed, its disappearance would have effects on the appearance and amenity of the surrounding environment. Given that the Golden Elm tree is situated in a valley it can be viewed by a variety of angles. The 2001 STEM assessment noted the tree as being visible from 2km that is based on the furthest distance that the tree can be seen from any observation point. Mr McKinlay's site visit revealed that the Golden Elm was visible from surrounding hill suburbs such as Pine Hill, Maori Hill and Wakari. Therefore it is likely that the removal of the Golden Elm will adversely affect the amenity of the surroundings up to 2km away.

Cumulative Effects (Assessment Matter 8.13.13)

- [86] The concept of cumulative effects, as defined in *Dye v Auckland Regional Council & Rodney District Council* [2001] NZRMA 513, is:

"... one of a gradual build up of consequences. The concept of combination with other effects is one of effect A combining with effects B and C to create an overall composite effect D. All of these are effects which are going to happen as a result of the activity which is under consideration".

- [87] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be 'cumulative'.
- [88] There are not considered to be any cumulative effects arising from the proposal.

Proposed 2GP

- [89] At time of writing, there are no applicable assessment rules, because the only 2GP rules that have legal effect currently are ones relating to rural subdivision and the clearance of indigenous vegetation. The Golden Elm tree is not native to New Zealand.

Effects Assessment Conclusion

- [90] After considering the likely effects of this proposal above, overall, I consider the effects of the proposal to be more than minor on the amenity of the surrounding environment, the character of the area and the values of the tree.
- [91] The reports from Council's arborist suggest that the tree is in good health and does not pose a significant safety risk. I agree with Council's Consultant Arborist and Council's Landscape Architects views to consider that the tree should remain protected and on the schedule.
- [92] Removal of the tree cannot be appropriately mitigated by conditions of consent to be no more than minor. The tree is a 40+ year old specimen type example of a Golden Elm. The characteristic lime green leaves of a mature Golden Elm tree cannot easily be mitigated by new planting.
- [93] There are alternative options to removal. Pruning and re-cabling the tree will adequately address health and safety concerns, increase sunlight and reduce

leaf fall. Furthermore there are existing shade effects caused by the steep topography of the site.

- [94] Pruning the tree will likely not reduce shading and leaf fall to a substantial degree. I would consider that pruning the tree will not adequately address the applicant's concerns in these regards.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

- [95] Section 104(1)(ab) of the Resource Management Act 1991 requires that the Council have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.
- [96] In this case, no offsetting or compensation measures have been proposed or agreed to by the applicant.

OBJECTIVES AND POLICIES ASSESSMENT

Assessment of Objectives and Policies of the District Plan (Section 104(1)(b)(vi))

- [97] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Dunedin City District Plan and the proposed 2GP were taken into account in assessing the application.

Dunedin City District Plan

- [98] The following objectives and policies of the Dunedin City District Plan were considered to be relevant to this application:

Trees Section

	Objective/Policy	Is the proposal consistent with or contrary to the objective?
Objective 15.2.1	Maintain and enhance the amenity and environmental quality of the City by encouraging the conservation and planting of tree.	Section 15 of the District Plan states that trees contribute positively towards amenity and the quality of the environment through the city. The Golden Elm is a large tree that would likely improve the quality of the environment through its surroundings. Removing the tree would therefore adversely affect the quality of the environment and is therefore inconsistent to these objectives and policies.
Policy 15.3.1	Ensure that landowners and developers are aware of the environmental benefits of trees and encourage them to conserve trees and undertake new plantings whenever possible.	Section 15 of the District Plan notes that the most visually attractive urban areas of the city are those where trees make a substantial impact. The Golden Elm does make a substantial impact to its surroundings and can be viewed by approximately 2.0km away. Removing such a substantial, healthy tree is inconsistent to these objectives and policies.

Objective 15.2.2	Protect Dunedin's most significant trees	Council's consultant arborist and Landscape Architect both consider the tree worthy of continued inclusion in Schedule 25.3 of the operative District Plan. They note the tree is in good health and vigour and therefore removing the tree would be inconsistent to these objectives and policies.
Policy 15.3.2	Identify and protect trees that make a significant contribution towards amenity and environmental quality	

Residential Section

	Objective/Policy	Is the proposal consistent with or contrary to the objective?
Objective 8.2.1	Ensure that the adverse effects of activities on amenity values and the character of residential areas are avoided, remedied or mitigated.	The Golden Elm tree contributes to the residential character of the area and is a near specimen example of the species. It is in good health and vigour and contributes positively to the surrounding amenity of the area. Access to sunlight is an important amenity for residents. Removing the Golden Elm tree will likely increase the amount of sunlight to the surroundings and would therefore positively affect onsite amenity of the subject site and immediately adjoining neighbours. Removing the tree would therefore be inconsistent to the objectives and policies within the Residential Zone.
Policy 8.3.1	Maintain or enhance the amenity values and character of residential areas.	

Sustainability Section

	Objective/Policy	Is the proposal Consistent with or contrary to the Objectives and Policies?
Objective 4.2.1	Enhance the amenity values of Dunedin.	The Golden Elm is in good health and vigour and is known to contribute positively the amenity of the urban area it is situated in. Removal of the tree would adversely affect the broad scale amenity of the area. Trees provide a sense of scale and setting to street environments and urban areas. The Golden Elm tree is a living organism with an identity and presence that contributes positively to amenity of
Policy 4.3.1	Maintain and enhance amenity values.	

		Dunedin. Removing the tree would therefore be inconsistent to these objectives and policies.
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Proposed 2GP

[99] The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The following 2GP objectives and policies were considered to be relevant to this application:

Trees Section

	Objective/Policy	Is the proposal consistent with or contrary to the objectives and policies?
Objective 7.2.1	The contribution made by significant trees to the visual landscape and history of neighbourhoods is maintained	The Golden Elm tree is a near specimen example of the species and is in good health and vigour. The tree has been noted to add character to the area, therefore adding to the visual landscape of the area.
Policy 7.2.1.1	Enable the removal of a scheduled tree where they are certified as being dead or in terminal decline by a suitably qualified arborist or where subject to an order for removal in terms of section 333 of the Property Law Act 2007	The Golden Elm tree is thriving in its location. Therefore the proposal to remove the tree is inconsistent to the objectives and policies of the Trees Section. The tree has a low health and safety risk to the public and property.
Policy 7.2.1.2	Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1 unless: • There is a significant risk to personal/public safety or property; or • The tree is shading existing residential buildings to the point that access to sunlight is significantly compromised; or • The removal of the tree is necessary to avoid significant adverse effects on public infrastructure; and • These adverse effects cannot be	The tree is shading the existing residential buildings to the point that access to sunlight is compromised. The tree is situated to the north of the dwelling and has a canopy width of approximately 20m. The proposal would therefore be consistent with Policy 7.2.1.2. The tree is not located in close proximity to public infrastructure. Expert advice from Council's consultant arborist considers that pruning and re-cabling the Golden Elm will keep the health and safety risk at low, and will promote more sunlight to the property. It is considered that the adverse effects can be reasonably mitigated through pruning, and the effects of removal do not outweigh the amenity lost from the removal of the tree. Therefore the proposal is inconsistent with these objectives and policies.

	reasonably mitigated through pruning and the effects outweigh the loss of amenity from the removal of the tree	Overall, I would consider removing the tree to be inconsistent to the objectives and policies of the Trees Section.
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Residential Section

	Objective/Policy	Is the proposal consistent with or contrary to the objective?
Objective 15.2.3	Activities in residential zones maintain a good level of amenity on surrounding properties and public spaces.	Removal of the tree will not maintain the current level of amenity that the tree provides to the surrounding public spaces. In this regard, the proposal is considered to be inconsistent with Objective 15.2.3. Removing the tree could be considered to increase the level of amenity to the subject site and adjoining sites that are influenced by shading and leaf fall. In this regard, the proposal could be considered to be consistent with Objective 15.2.3 Overall, I would consider that the proposal does not maintain the level of amenity on its surroundings and public spaces, and overall I would consider the proposal to be inconsistent with this objective.

Overall Objectives and Policies Assessment

- [101] The above assessment of the specific relevant objectives and policies of the Operative and Proposed Dunedin City District Plans demonstrates that overall, the activity is generally inconsistent with the policy directives of both Plans. This is to be expected as the removal of a healthy scheduled tree is unlikely to align with the objectives and policies of the plan. When considering the information provided by Council's consultant arborist and Council's Landscape Architect it is considered that the tree removal would not be acceptable.
- [102] The activity status of the proposal in the Proposed Plan will be non-complying. Given that the rules are not yet operative, the objectives and policies relevant to the tree removal in the Proposed Plan are given less weight in regards to the assessment of the activity against the Plan. The Proposed Plan Objectives and Policies are more refined and acknowledgement the requirement at times to remove Scheduled Trees for a number of reasons.
- [103] Having regard to the relevant objectives and policies individually, and considering these in a holistic way, the above assessment indicates that the application is inconsistent with these provisions.

Assessment of Regional Policy Statements (Section 104(1)(b)(v))

- [104] Section 104(1)(b)(v) of the Act requires that the Council take into account any relevant regional policy statements. The Regional Policy Statement for Otago was made operative in October 1998. The decisions for the Proposed RPS were released in October 2016. The operative RPS remains in force until the review is completed. Local authorities must have regard to both the operative RPS and the proposed RPS when preparing and changing regional or district plans. Given its regional focus, the regional policy statement does not have a great bearing and has little relevance to the current application.

DECISION MAKING FRAMEWORK

Part 2 Matters

- [105] It is considered that there is no invalidity, incomplete coverage or uncertainty within either the operative Dunedin City District Plan or the Proposed 2GP. As a result, there is no need for an assessment in terms of Part 2 of the Resource Management Act 1991.

Section 104

- [106] Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposed development overall will be unacceptable.
- [107] Section 104(1)(ab) requires the Council to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects. No offsetting or compensation measures have been proposed or agreed to by the applicant.
- [108] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be inconsistent to the key objectives and policies relating to both the Dunedin City District Plan and the Proposed 2GP.
- [109] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. The regional policy statement does not have a great bearing on the current application. I do not consider it relevant for my assessment of the proposal.

Other Matters

- [110] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.
- [111] Case law, *Butterworth, C v Auckland City Council* (A090/2009) demonstrated that Council was incorrect to base too much emphasis on the retention of the tree when compared to other adverse effects caused by the tree. In paragraph 14 of the decision, Judge Newhook stated that the provisions of the district plan are strongly supportive of the retention of trees of greater than certain dimensions, and contain nothing of the flavour of matters raised by Part 2 of the Act, for instance, the health and safety of people, and social and economic wellbeing.
- [112] The appellant won the appeal to allow removal of the tree due to the dominance of the tree on a residential site. In this case Council's consultant

arborist has provided expert advice that the tree is not a threat to the health and safety of people. The financial benefit of removing the tree, rather than ongoing maintenance of the tree has been outlined in this report. There are no other matters of relevance to this proposal.

CONCLUSION

- [113] Having regard to the above assessment, I recommend that the application be declined. I appreciate the applicant's concern over her family's health and safety, the shading effects of the tree on her property, and the nuisance caused by the deciduous nature of the tree. However, Council must have regard to a number of other considerations when making a recommendation on an application to remove a significant tree. The other considerations throughout the proposal included the vigour and good health of the tree, its continued worthiness of remaining on the schedule, the infrequency of planting and the positive visual effects the tree provides to its surroundings. After weighing the positive and negative effects of the proposal, I consider that retaining the tree outweighs the positive effects arising from removing the tree. Having regard to the above assessment, I recommend that the application be declined.

RECOMMENDATION

- [114] LUC-2018-295

*Pursuant to section 34(1) and 104B, and after having regard to Part II Matters, and section 104 of the Resource Management Act 1991, the Dunedin City Council **declines** consent to the discretionary activity being the removal of the Golden Elm tree (*Ulmus glabra* 'Lutescens') that is listed as T303 in Schedule 25.3 of the Operative Dunedin City District Plan as a Significant Tree located at 62 Chambers Street, Dunedin on the site legally described as Lot 56 Deposited Plan 1590 (Computer Freehold Register OT7D/100).*

REASONS FOR RECOMMENDATION

- [115] The proposal is considered to be inconsistent with the key relevant objectives and policies of both the Dunedin City District Plan and the Proposed 2GP.
- [116] The proposal is considered to cause adverse effects on the amenity and character of the area that cannot be avoided, remedied or mitigated.
- [117] Granting of the proposal will not be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.
- [118] There are viable reasons and alternatives to removing the tree in its entirety that will help to address the applicant's concerns around the Golden Elm.
- [119] The Golden Elm is in good health and expert advice warrants its continued inclusion on the schedule.

Report prepared by:



Lily Burrows
Planner

16 August 2018

Date

Report checked by:



John Sule
Senior Planner

16 August 2018

Date