

21 July 2016

Mr and Mrs P D and S M Owen
14 Grater Street
Maori Hill
Dunedin 9010

Dear Mr and Mrs Owen

**RESOURCE CONSENT APPLICATION LUC-2016-184 : 14 GRATER STREET,
DUNEDIN**

INTRODUCTION

- [1] Your application to remove an elm that is listed as a significant tree in the district plan was processed on a notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991 ("the Act"). The application was considered by the resource consents manager under delegated authority on 21 July 2016, in accordance with the provisions of Section 100 of the Act.
- [2] The council has **granted** consent to the application, with conditions. The decision is outlined below, and the decision certificate, which includes details of the consent conditions, is attached to this letter.

DESCRIPTION OF PROPOSAL

- [3] Resource consent is sought to remove an elm located at 14 Grater Street, Dunedin. The subject tree is identified as T529 *ulmus glabra* (elm) in Schedule 25.3 (Significant Trees) of the Dunedin City District Plan, and as such is considered by the council to be a significant tree.
- [4] The reasons for removal of the tree as specified in the application are summarised as follows:
- (i) Property damage – advice from a structural engineer has been obtained, which confirms the tree is a major contributing factor to cracks in the house
 - (ii) Safety – the tree extends over the roof and close to the chimney of the house, and poses a threat both to the building and its occupants
 - (iii) Shading.

DESCRIPTION OF SITE AND LOCATION

- [5] The property at 14 Grater Street is a 441m² site, elevated slightly above the Grater Street carriageway and footpath. The property is rectangular in shape and currently contains a dwelling and a detached garage. Views into the property are limited as, in addition to the garage on the front boundary, there is a low plaster wall topped by hedging along the property frontage. The elm is located near the front boundary, at the northern corner of the site.

The property is legally described as Part Lot 28 Deposited Plan 1824, held in computer freehold register OT202/183.

ACTIVITY STATUS

- [6] Dunedin currently has two district plans: the Operative Dunedin City District Plan (the Operative Plan), and the Proposed Second Generation Dunedin City District Plan (the Proposed Plan). Until the Proposed Plan 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.

Operative Plan

- [7] The subject site is zoned as **Residential 1**, and the elm that is the subject of this application is listed as item **T529** (*ulmus glabra*) in Schedule 25.3 (Significant Trees) of the plan.

- [8] There are over 1200 individual trees and more than 100 groups of trees listed in Schedule 25.3 of the district plan. All trees in the schedule were assessed using the STEM (Standard Tree Evaluation Method) system. This 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.

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' 'endangered' etc.

- [9] The points received for each factor are calculated, and 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. This elm scored a total of 150 points in the STEM assessment, comprising 69 points for condition, 81 points for amenity (and no points for notability).

- [10] Trees (Section 15)

Rule 15.5.1(i) determines that 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 is a **discretionary activity (unrestricted)**.

Proposed Plan

- [11] The subject site is zoned **General Residential 1** and the elm is listed as item **T529** (*ulmus glabra*) in Schedule A1.3 (Schedule of Trees) of the plan. Rule

7.3.2.3 determines that the removal and any other work on a scheduled tree that will lead to its death or terminal decline is a **non-complying** activity.

- [12] At the time of assessing this application, the relevant rule provisions of the Proposed Plan have not been given effect or made operative, and are subject to submissions and could change as a consequence of the submission process. Accordingly, the council need not have regard to the rule provisions of the Proposed Plan as part of the assessment of this application.

Overall Activity Status

- [13] Overall, having regard to both district plans, the proposal is considered to be a **discretionary (unrestricted)** activity, in accordance with the Operative Plan.

WRITTEN APPROVALS, NOTIFICATION AND SUBMISSIONS

- [14] The application includes letters of support from three neighbouring properties. While these are not on the standard affected party approval form, it is clear from their content that they can be accepted as written approvals. They are from the parties detailed in the following table:

Person	Owner	Occupier	Address	Obtained
Ms J Armitage		✓	12 Grater Street, Dunedin	3 April 2016
Mr N Carroll ¹	✓	✓	16 Grater Street, Dunedin	11 April 2016
Mr W Ogle	✓	✓	17 Grater Street, Dunedin	5 April 2016

- [15] 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.
- [16] It was considered that the cutting down of the elm could potentially affect the wider community because the listing of trees in Schedule 25.3 denotes community significance. Notification provides an opportunity for public participation in the decision making process. The application was therefore publicly notified in the Otago Daily Times on 25 May 2016 and a sign was erected on the subject site. A copy of the application was sent to the parties who the council considered could be directly affected by the proposal.
- [17] The submission period closed on 23 June 2016. Four submissions were received within the submission period, all of which were in support of the proposed removal of the tree. The submissions are summarised in the table below.

Name and address of submitter	Support/ Oppose	Summary of Submission	To be heard
Mr N Carroll: 16 Grater Street (aka 71 Passmore Crescent)	Support	- The tree shades his property - It is likely the tree's roots invade his property - The tree is too large and sheds leaves onto his lawn and into his spouting	No

¹ Mr Carroll also made a submission in support of the proposal – see table under [17].

Name and address of submitter	Support/ Oppose	Summary of Submission	To be heard
Mr I Clayton: 15 Grater Street	Support	No reasons given	No
Protect Private Ownership of Trees Society (POTS): C/- Mr J Moffat, 63 Fitzroy Street, Dunedin	Support	- The tree is destructive towards the applicants' house and should never been included in the district plan schedule - The applicants' reasons for wanting to remove the tree are sound and make the STEM irrelevant	Yes ²
Mr P Beale: 36 Braeview Crescent, Dunedin	Support	Supports removal of the tree because of the present and future damage to the house and garage	No

- [18] In addition to the submissions detailed above, one further submission in support of the proposal was received on 24 June 2016 (after the close of submissions). This submission is from Mr C Hayde, on behalf of John McGlashan College, and makes no specific comment, simply expressing general support for the tree's removal.

REQUIREMENT FOR HEARING

- [19] My recommendation below is that resource consent be granted to the proposal. Furthermore, all submissions received were in support of the proposal, no submitters wish to be heard, and the applicant does not wish to be heard. Consequently, in accordance with the provisions of Section 100 of the Act, the resource consents manager in consultation with the chairman of the Hearings Committee determined that a hearing is not necessary. This resource consent decision has therefore been made by the resource consents manager under delegated authority, pursuant to Section 34A of the Act.

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

- [20] Section 104(1)(a) of the Act requires that the consent authority 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-
- Any positive or adverse effect; and*
 - Any temporary or permanent effect; and*
 - Any past, present, or future effect; and*
 - 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 –*
 - Any potential effect of high probability; and*
 - Any potential effect of low probability which has a high potential impact.*

² In an email dated 11 July 2016, Mr Moffat confirmed that POTS no longer wished to be heard.

Assessment of Effects

[21] The following assessment of environmental effects addresses those assessment matters listed in Section 15 (Trees) of the district plan considered relevant to the proposed activity, viz.:

- Effect of Modification (Assessment Matter 15.6.1)
- Reasons and Alternatives (Assessment Matter 15.6.2)
- Amenity Values (Assessment Matter 15.6.3)

Effect of Modification (Assessment Matter 15.6.1)

[22] This assessment matter requires consideration of the health and quality of the tree, and the effect of the proposed work on the tree.

[23] The application does not dispute the health of the tree but rather focuses on the damage it is causing to property, and amenity-related matters. The application includes an arborist's report from Gary McFarlane in which Mr McFarlane observes that the tree *...is a healthy specimen and has the potential to grow even bigger...*

[24] None of the submissions comments on the health of the tree.

[25] The council's consultant arborist, Mr Peter Waymouth, has assessed the health and quality of the tree, and is of the view that four elements of the original STEM assessment should be revised, viz.:

Changes in the STEM report 2016 for Wych Elm (*Ulmus glabra*) T529 are as follows:

Age	(see above for assessment details)	≤75 years	50%	15 pts
Stature	(greater of height or spread)	14.5 metres	30%	9 pts
Visibility	(from unseen to landmark)	0.5 kilometer	10%	3 pts
Proximity	(presence of other trees)	Group 3+	70%	21pts

N.B. All other STEM report 2001 'fields' remain unaltered.

Total points awarded to T529 in this STEM report 2016 = 126

Of the four elements identified by Mr Waymouth, one (*Age*) relates to the condition of the tree. Mr Waymouth has deducted 6 points from the *Age* category of the original assessment, and the overall points relating to the condition of the tree (see paragraphs [8] and [9] above) are therefore reduced from 69 to 63.

[26] Taking Mr Waymouth's advice into account, it appears that the health and quality of the tree has declined in the period since the original STEM assessment was undertaken.

Reasons and Alternatives (Assessment Matter 15.6.2)

[27] This assessment matter requires consideration of the reasons for carrying out the proposed work, and any alternative methods or locations which might be available to the applicant to achieve their purposes.

[28] The application includes a number of photographs depicting cracks in the house (external and internal), and notes that information obtained from a structural engineer has confirmed that the tree is a *...major contributing factor in causing cracking to our house walls and that this needs to be addressed to prevent further likely damage...*

- [29] The application goes on to detail works undertaken in the past to try and manage and maintain the tree, and comments on previous discussions with the councils parks officer – trees, Mr Aidan Battrick.³ Following this, Mr and Mrs Owen sought advice from an arborist (Mr McFarlane), who has advised:

"I found the tree to be growing in very close proximity to your garage wall. The main trunk at ground level is 150 millimetres from the back of the garage wall. This close proximity will put a lot of pressure on the garage wall from the Elm tree root system.

The tree is also in very close proximity to the foundations of the house. The closest point at ground level is 1.8 metres from the trunk to the house. The root system of the Elm tree can't help but be putting pressure on the foundations of the house.

It is my opinion that this tree has outgrown the site and will continue to do so in the future. If this tree is left to grow further the root system could have the potential to cause major damage to the garage and house."

- [30] Mr Carroll, the submitter living at the immediately adjoining property suggests that it is likely that the tree roots "invade" his property. Another submitter cites the *...present damage and future damage to the house and garage* as the reasons for his submission in support of the proposal.

- [31] The application was referred to the council's consultant engineers, MWH, for assessment. Following a visit to the site, the geotechnical engineer, Mr Lee Paterson has commented as follows:

...I visited the property yesterday to take a look at the elm tree, and assess the hazards of leaving it vs removing it. The attached photos are panoramas, to take in the canopy of the tree, but they under-sell the size of it significantly.

I did not enter the residence.

- *The elm is less than 2m away from the wall of the dwelling.*
- *The garages at street level on this and the adjacent property are very close to the elm.*
- *The structure comprises a brick clad construction on a raised scarcement, with a suspended floor. The dwelling is showing signs of cracking, and I can corroborate the figures in the application indicating the damage.*

I agree that the tree is significantly oversized for the property, and worryingly close to structures for its size. The garages below will certainly also be getting compromised by the tree.

It appears obvious to me that the balance of risks is much worse if the tree is kept on site, and that removal is the safest option.

Advice

I recommend that the application not be declined on the grounds of natural hazards.

The applicant should be advised that removal of the tree may not have the direct result that the applicant is seeking. There could be some increased ground water resulting [in a] rebound of ground levels as a

³ It is noted that resource consents for maintenance work in respect of the tree have been issued on two previous occasions – refer RMA-2006-370980 and LUC-2015-622.

result of removing the tree. However, this is a risk that the landowner can address through appropriate structural advice.

- [32] Taking into account the information provided in the application, and the advice received from Mr Paterson, I am of the view that removal of the tree is the only option available to the applicants in terms of preventing continuing damage to their house.

Amenity Values (Assessment Matter 15.6.3)

- [33] This assessment matter requires consideration of the impact of the proposed works upon the amenities of the locality, and the values of the tree.

Section 2 of the Resource Management Act 1991 defines 'amenity values' as:

...those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

- [34] The amenity section of the STEM assessment covers the tree's stature, visibility, proximity, role and climatic influence. At the time of the original STEM assessment, the tree was given a score of 81 (out of a possible 135) for the amenity component of the assessment. As a consequence of Mr Waymouth's revised assessment (discussed under [25] above), the amenity points are reduced by 18 points to 63.
- [35] The application suggests that while the elm has contributed to the amenity of the local environment, it has outgrown its location and is now having a significant negative impact on the amenity of their property. In addition to the structural concerns discussed above, the applicants comment on the shading caused by the tree, and its encroachment over their roof towards the chimney and nearby power lines. They have considered the potential loss of visual amenity for neighbouring properties that would result from the removal of the tree and suggest that this will be compensated for by more expansive views and the presence of other trees in the vicinity.
- [36] The application also includes a well-being impact statement prepared by Mrs Owen, in which she details the history of their ownership of the property, and documents their increasing concerns as the tree continued to grow over the years. She comments on the extreme anxiety she feels as a consequence of the damage caused by the tree, and her feelings of powerlessness because of its protected status.
- [37] None of the submissions include positive comments about the elm or its impact on local amenity values.
- [38] The council's landscape architect, Mr Barry Knox has evaluated the amenity aspects of the tree, and advised:

...

Overall, it is my opinion that although this tree has particular amenity values which make it a valuable addition to the Maori Hill streetscape, site specific amenity values appear to me to have diminished since the original STEM assessment was completed, and the tree no longer merits inclusion on the protected tree schedule. (This also relates to the observation by Mr Waymouth that he agrees with the application point that the tree has "outgrown its site" from a horticultural perspective.)

Wider Community Benefits

This is a significant tree which adds considerably to a "softening" visual effect when viewed from the surrounding area. It provides a natural character element which helps to offset the less natural impacts of local built dwellings.

There would be a moderate reduction in the value of visual amenity if the tree were to be removed. There are other trees which provide a similar "softening" natural impact, but the removal of this tree may initially be noticed as a negative impact by some locals who have been used to it over a long period. In time, however, if the tree was to be removed, other nearby vegetation would continue to assist with maintaining the natural character.

Concluding Comments

Overall, T529 fails to achieve a STEM pass mark in two successive STEM reassessments completed by the landscape architect and consultant arborist. From an amenity aspect the effect of removal, if it occurred, would be able to be partially compensated by other existing vegetation.

- [39] Taking the advice of Mr Waymouth and Mr Knox into account, it is evident that in terms of the factors calculated in the STEM assessment, the amenity values of the tree have declined since its original evaluation in 2001. Furthermore, the tree is perceived unfavourably by the applicant and submitters living in its immediate vicinity.
- [40] I agree with the applicants' observation that the tree's removal will be compensated for by more expansive views and the presence of other trees in the vicinity. As such, I consider that any adverse effects on the visual amenity of the surrounding environment will be minor, should the tree be removed.
- [41] In terms of other amenity-related matters, as noted above, the applicant and supporting submitters have a negative perception of the tree, and the applicants in particular are gravely concerned about the risks the tree poses to the structural integrity of their house. For the people holding these views, the tree cannot be said to positively affect the amenity values of the subject site and immediately surrounding environment. By implication, the consensus among those supporting removal of the tree is that amenity values will improve once the tree is gone.

Effects Assessment Conclusion

- [42] When the amended STEM assessment provided by Mr Waymouth is taken into account, the total points for the tree are reduced from 150 to 126, which is significantly below the 147 required to warrant inclusion on the schedule of protected trees. In my view, this revised score indicates that the elm is no longer contributing positively and significantly to the amenity of the local environment, and has ceased to be worthy of protection by district plan provisions.
- [43] As such, it is my view that any environmental effects arising from removal of the elm will be acceptable.

OBJECTIVES AND POLICIES ASSESSMENT

- [44] In accordance with Section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of both the Operative Plan and the Proposed Plan were taken into account when assessing the application.

Operative Plan

- [45] **Objective 4.2.1 and Policy 4.3.1 (Sustainability Section)**, which seek to promote enhancing and maintaining the amenity values of the Dunedin area.

Neither the applicant or any of the submitters perceive the tree as contributing positively to amenity values. The arborists and landscape architect have considered the tree and have indicated that any positive benefits of the tree which contributed to its listing are no longer evident. As such, it is not making a positive contribution to amenity values. Thus, the removal of the tree is consistent with this objective and policy.

- [46] **Objective 4.2.4 and Policy 4.3.4 (Sustainability Section)**, which seek to ensure that significant natural and physical resources are appropriately protected.

The tree is identified as being of community significance by virtue of its inclusion in Schedule 25.3. The revised STEM assessment does not support its continued inclusion however, and therefore, removal of the tree is not considered to be inconsistent with this objective and policy.

- [47] **Objective 8.2.1 and Policy 8.3.1 (Residential Section)**, which seek to ensure the adverse effects on the amenity values and character of residential areas are avoided remedied or mitigated.

See [45] above.

- [48] **Objective 15.2.2 and Policy 15.3.2 (Trees Section)**, which seek to protect trees that make a contribution towards amenity and the quality of the environment.

The arborists Mr McFarlane and Mr Waymouth, and the landscape architect Mr Knox all agree that the tree has outgrown its site and poses a risk to the structural integrity of the applicants' dwelling and garage, and the garage at 16 Grater Street. As such, it cannot be said to be contributing in a positive way to the amenity and quality of the environment, and its removal is not therefore inconsistent with this objective and policy.

Proposed Plan

- [49] The objectives and policies of the proposed plan must be considered alongside the objectives and policies of the operative plan. The following objective and policy of the proposed plan were considered to be relevant to this application:

- [50] **Objective 7.2.1 and Policy 7.2.1.2 (Scheduled Trees Section)**, which seek to ensure that the contribution made by significant trees to the visual landscape and history of neighbourhoods is maintained, and that the removal of scheduled trees is avoided unless there is a risk to public safety or property.

See [48] above.

Overall Objectives and Policies Assessment

- [51] Overall, the above assessments of the objectives and policies of both plans indicate that the proposal is predominantly consistent with the relevant objectives and policies of both the operative plan and the proposed plan.

DECISION MAKING FRAMEWORK

Part 2 Matters

[52] When considering an application for resource consent, an assessment of the proposal is to be made subject to the matters outlined in Part 2 of the Act. This includes the ability of the proposal to meet the purpose of the Act, which is to promote the sustainable management of natural and physical resources. Furthermore, the matters of national importance in Section 6 must be recognised and provided for, and regard must be had to the matters listed in Section 7 also.

[53] The following sections are of particular relevance to this application:

- 5(2)(a) – *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonable foreseeable needs of future generations* 5(2)(c) – *avoiding, remedying or mitigating any adverse effects of activities on the environment*
- 7(c) – *the maintenance and enhancement of amenity values* and
- 7(f) – *the maintenance and enhancement of the quality of the environment.*

[54] With regard to these sections of the Act, the above assessment of effects has concluded that that overall, the effects of the proposal on the existing character, amenity and quality of the surrounding environment that can be considered under the Resource Management Act 1991 will be acceptable. Accordingly, I consider that overall, the proposal is consistent with the relevant Part 2 matters detailed above.

Section 104

[55] Section 104(1)(a) states that the council shall 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 effects of the proposed development would be acceptable.

[56] Section 104(1)(b)(vi) requires that regard be had to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would be predominantly consistent with the key objectives and policies of both the Operative Plan and the Proposed Plan.

[57] Section 104(1)(c) requires the council to have regard to any other matters considered relevant and reasonably necessary to determine the application. Consistent administration and interpretation of the plan by the council is a desired outcome for consents. In this instance, as a discretionary activity, it is not necessary for the council to be satisfied that the proposal is a 'true exception'; and the proposal can be assessed on its merits, in the context of the tree protection provisions of the district plan.

CONCLUSION

[58] Having regard to the above assessment, I recommend that the application be granted, subject to appropriate conditions.

DECISION

*That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Section 104 of the Resource Management Act 1991, and the provisions of the Operative Dunedin City District Plan, the Dunedin City Council **grants** consent to a **discretionary (unrestricted)** activity, being the removal of the elm listed as item*

*T529 in Schedule 25.3 (Significant Trees) of the district plan, on the site at 14 Grater Street, Dunedin, legally described as Part Lot 28 Deposited Plan 1824 (computer freehold register OT202/183), **subject to the conditions imposed under Section 108 of the Act, as shown on the attached certificate.***

COMMENCEMENT OF CONSENT

- [59] As stated in Section 116 of the Resource Management Act 1991, this consent shall not commence until the time for lodging appeals against the grant of the consent expires and no appeals have been lodged, or the Environment Court determines the appeals or all appellants withdraw their appeals, unless a determination of the Environment Court states otherwise.

RIGHT OF APPEAL

- [60] In accordance with Section 120 of the Resource Management Act 1991, the applicant and/or any submitter may appeal to the Environment Court against the whole or any part of this decision within 15 working days of the notice of this decision being received. The address of the Environment Court is:

The Registrar
Environment Court
P O Box 2069
Christchurch 8140

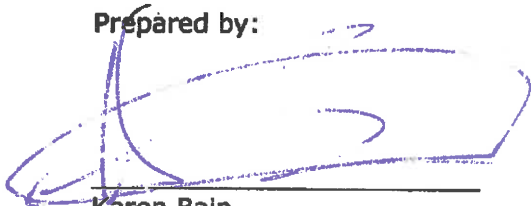
Any appeal must be served on the following persons and organisations:

- The Dunedin City Council
- The applicants
- Every person who made a submission on the application.

Failure to follow the procedures prescribed in sections 120 and 121 of the Resource Management Act 1991 may invalidate any appeal.

- [61] Please direct any enquiries you may have regarding this decision to Karen Bain, whose address for service is City Planning, Dunedin City Council, P O Box 5045, Dunedin 9058.

Prepared by:

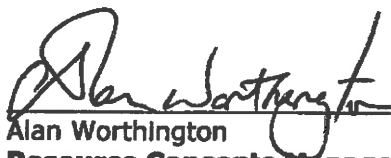


Karen Bain
Planner

21/07/16

Date

Approved by:



Alan Worthington
Resource Consents Manager

21/7/16

Date



DUNEDIN CITY
COUNCIL
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ADDRESS: 14 Grater Street, Dunedin

CONSENT TYPE AND NUMBER: Land Use LUC-2016-184

LAPSE DATE: Within five years of the date of commencement of this consent (refer paragraph [59] above).

Land Use Consent LUC-2016-184

*That pursuant to Section 34A(1) and 104B and after having regard to Part 2 matters and Section 104 of the Resource Management Act 1991, and the provisions of the Operative Dunedin City District Plan, the Dunedin City Council **grants** consent to a **discretionary (unrestricted)** activity, being the removal of the elm listed as Item T529 in Schedule 25.3 (Significant Trees) of the district plan, on the site at 14 Grater Street, Dunedin, legally described as Part Lot 28 Deposited Plan 1824 (computer freehold register OT202/183), **subject to** the conditions imposed under Section 108 of the Act, as shown below.*

Conditions

- 1 *The proposed activity shall be undertaken in general accordance with the information provided with the resource consent application received by the council on 3 May 2016, **except as amended by** the following conditions.*
- 2 *The tree is to be removed by a suitably qualified and experienced professional, in a safe manner, so that neighbouring people and properties are not put at risk.*
- 3 *All work associated with felling the tree shall be limited to the times set out below and shall comply with the following noise limits (dBA):*

	L10	L95	Lmax
Monday to Friday 7.30 am – 6.00 pm	75	60	90
Saturdays 8.30 am – 5.00 pm	75	60	90
Sundays 9.00 am – 4.00 pm	75	60	90
Public Holidays	No work permitted		

Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction noise.

- 4 *Within five working days of the tree being felled, the consent holder shall advise the council that the tree has been removed. This advice shall be submitted to rcmonitoring@dcc.govt.nz.*

Advice Notes:

- 1 All costs associated with the removal of the tree are the responsibility of the consent holder.
- 2 In addition to the conditions of a resource consent, the Resource Management Act 1991 establishes through Sections 16 and 17 a duty for all persons to avoid

unreasonable noise, and to avoid, remedy or mitigate any adverse effect created from an activity they undertake.

- 3 A resource consent is pertinent to the property to which it relates, and consequently the ability to exercise this consent is not restricted to the party who applied and/or paid for the consent application.
- 4 The lapse period specified above may be extended on application to the Council pursuant to Section 125 of the Resource Management Act 1991.
- 5 It is the responsibility of any party exercising this consent to comply with any conditions imposed on the resource consent prior to and during (as applicable) exercising the resource consent. Failure to comply with the conditions may result in prosecution, the penalties for which are outlined in Section 339 of the Resource Management Act 1991.

Issued at Dunedin on 21 July 2016

A handwritten signature in black ink, appearing to read 'Alan Worthington', is written over a horizontal line.

Alan Worthington

Resource Consent Manager