



16 March 2018

The Ashburn Hall Charitable Trust  
C/O Peter Waymouth  
11 Bouverie Street  
DUNEDIN 9010  
Attention: Peter Waymouth on behalf of The Ashburn hall Charitable Trust

**RESOURCE CONSENT APPLICATION:           LUC-2017-527**  
**496 TAIERI ROAD**  
**DUNEDIN**

## **INTRODUCTION**

- [1] Your application to remove a tree being one of a group listed in Schedule 25.3 of the District Plan – an Ash Tree (G096) – was processed on a notified basis in accordance with sections 95A to 95G of the Resource Management Act 1991 (the Act). No parties wished to be heard in respect of the application and, therefore, pursuant to Section 100 of the Resource Management Act 1991, the application was considered by the Resource Consents Manager, under delegated authority, on 16 March 2018.
- [2] I advise that the Council has **granted** consent to the application. The decision is outlined below, and the decision certificate is attached to this letter.
- [3] Please note that the issue of this decision on the application could not be completed within the 20 working day time limit (from close of submissions) prescribed under section 115(4) of the Resource Management Act 1991. The time limit for issue of the decision has been extended pursuant to section 37A(4)(b)(ii) of the Resource Management Act 1991.

## **DESCRIPTION OF PROPOSAL**

- [4] Resource consent is sought to remove an Ash tree, which forms part of a group of Ash trees (G096) identified in the Dunedin City District Plan Schedule of Protected Trees (Schedule 25.3). The tree is on the property at 496 Taieri Road, Halfway Bush, which is a large rural residential property owned by the Ashburn Charitable Trust (the Trust). The Trust runs a not-for-profit, private psychiatric hospital and rehabilitation clinic on the site, known as Ashburn Hall. The Ash Tree (*Fraxinus excelsior*) is the eastern most tree of the group of 6 ash trees, running along part of the property's front boundary to Three Mile Hill Road.
- [5] The Applicant has engaged an Arborist, Peter Waymouth, who has provided comment on the state of the tree and made a recommendation to have the tree removed. Mr Waymouth has made the application on behalf of the Trust. Mr Waymouth notes that the tree has a protruding 'leader' or trunk overhanging Three Mile Hill Road, as far as the centre line, from which dead and dying branches break off during storms. This has raised health and safety concerns for road users and prompted the application on the Trust's behalf.

The branch fall is thought to be caused by dieback observed in 33% of the tree canopy. The cause of the tree's decline is unknown although Mr Waymouth mentions the pathogen Honey Fungus being a possible cause, which is hard to detect. Roots damaged by road works or soil compaction under the roadway could have allowed pathogens to enter the root system. Mr Waymouth proposes felling the tree to ground level, grinding out the stump prior to replanting a sapling tree, such as a Liquid Amber, in the same location.

- [6] A copy of a site plan and photos of the tree that is the subject of the application are contained in Appendix 1 of this report.

## **DESCRIPTION OF SITE AND LOCATION**

- [7] The subject site is located on the northern side of Taieri/Three Mile Hill Road and has approximately 7.7 hectares in area. The property slopes gently up from the front boundary to historic hospital buildings located centrally on the site. The buildings are surrounded by the clinic's expansive grounds; a mixture of expansive park/lawn areas and woodland. Many large mature trees are present within the grounds, particularly along the front boundary with Taieri/Three Mile Hill Road and bordering the two vehicle entrances to the property. Several of these trees are also scheduled in the Dunedin City District Plan. The Ash stream enters the property from the north and flows through a gully following the north eastern boundary of the site. A bush covered bank on the northern side of the stream within the property rises steeply to a plateau of farm and scrub land on the adjoining property. A dwelling and some accessory buildings are located in the northeast section of the site, above the hospital buildings. It is understood that this dwelling is occupied for part of the year by psychiatrists or other health professionals working at Ashburn Hall.
- [8] A mixture of lifestyle properties and farmland surround the site to the north, south and west. The Residential 1 zoned suburb of Halfway Bush is located 100m to the east of the site, marking the westernmost residential boundary of Dunedin City. A lifestyle property on the opposite side of Three Mile Hill also has two scheduled trees, having once formed part of the much larger subject site. A number of larger mature trees are present in the close vicinity and heading to the west up Three Mile Hill Road. These larger, mature trees appear to be shelterbelts on farmland. Smaller trees exist to the east, as is more compatible with residential development.
- [9] The protected group of trees (G096) is located on the front boundary of the property, to the west of the westernmost entrance to the property. The scheduled group of Ash trees line the front boundary from the entrance, up towards the west, with some smaller trees also present along this boundary. The subject Ash tree is located on the corner of the vehicle entrance, and unlike the other trees in the group, is located on the road-side of the historic stonewall, which runs along the front boundary and borders the driveway into the property. The other trees in the group are located on the property side of the wall, while the subject tree is bordered by the stone wall. A number of other large mature trees are in close proximity to the tree, particularly on the other side of the driveway, framing the driveway up to the buildings. The Ash tree has branches drooping over the driveway, connecting with foliage from trees on the other side, creating a small tree tunnel effect when driving/walking up the entrance.

The site is legally described as Lot 1 Deposited Plan 25915, and is held in Computer Freehold Register OT18A/89. The site area is 7.7416 hectares more or less.

## HISTORY OF THE TREE

- [10] The present site of Ashburn Hall was created by a subdivision (RMA-1995-358539) forming 8 parcels/properties from the former 22.5ha (approx.) site in 1995.
- [11] A STEM assessment of the 6 Ash trees was completed on 6 April 2001 achieving a total point score of 150. The STEM assessment has been a key factor in decisions about what trees warrant inclusion in the District Plan Scheduled of Protected Trees.
- [12] An Instant Tree Consent (RMA-2004-368596) was applied for in February 2004 for the removal of branches overhanging the road, crown cleaning, crown raising and crown thinning and was granted on the 12<sup>th</sup> of February 2004.

## ACTIVITY STATUS

- [13] 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.
- [14] 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 the Operative Plan in place at the time of the decision that must be had regard to when the application is assessed.

## Operative District Plan

- [15] The subject site is zoned **Rural Residential** in the Dunedin City District Plan. Taieri Road, which turns into Three Mile Hill Road at the site's frontage, adjoins a mixture of Rural and Rural Residential properties at this location. It is classified as a Regional Road in the District Plan Roding Hierarchy. The site is not subject to any designations or known hazards.
- [16] Trees that make a significant contribution towards the maintenance and enhancement of amenity and the quality of the environment are identified in Schedule 25.3 of the District Plan, and on the District Plan Maps. Trees in the schedule are subject to management controls for the purpose of ensuring their protection. The schedule is reviewed by the Council on a regular basis and amended (if required) by way of a plan change.
- [17] All trees in the schedule have been 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 sometimes allocated for recognition factors such as 'feature', 'association', 'commemoration', 'remnant', 'rarity' etc.

- [18] The points received for each factor are calculated. 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. Mr Waymouth, on the applicant's behalf, undertook a STEM assessment. The tree scored a total of 138 points in this STEM assessment. The highest portion of the score is attributed to the Stature (under amenity considerations) and Age (under condition considerations). In both categories the tree scores 21 (second highest score category). At the time of assessment for inclusion in the Schedule, the tree was considered to be Significant. In 2001, (refer to paragraph 11 above) the group of trees in G096 scored 150. It is, however, noted that previous STEM assessments have looked at the group of trees. Both Mr Waymouth's assessment and the STEM assessment on behalf of Council for the purpose of this decision focus on the *one* Ash tree in the context of the application to remove it. The STEM assessment undertaken on behalf of Council is assessed under [38] below.
- [19] Resource consent is required by Rule 15.5.1(i) of the District Plan, which states the following is a discretionary (unrestricted) activity:
- 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] Overall the application is assessed as a **discretionary (unrestricted)** activity pursuant to Rule 15.5.1(i) of the District Plan.
- [21] The assessment matters for resource consent applications in Section 15 of the Plan are outlined in 15.6, and are as follows:
- The health and quality of the tree, and the effect of any proposed pruning, trimming or other modification to the tree.
  - The reasons for carrying out such proposed work and any alternative methods or locations which may be available to the applicant to achieve his or her purposes.
  - The impact of the proposed work upon the amenities of the locality, and the values of the tree.

### **Proposed District Plan**

- [22] The subject site is zoned **Major Facility: Ashburn Clinic** in the proposed plan, and is not subject to any designations or known hazards. Taieri Road/Three Mile Hill Road is a Strategic Road in the proposed roading hierarchy.
- [23] The removal and any other work on a scheduled tree that will lead to the death or terminal decline of a scheduled tree is a **non-complying activity**, in accordance with Rule 7.3.2 of the Proposed 2GP.
- [24] The Proposed 2GP was notified on 26 September 2015, and some 2GP rules had immediate legal effect from this date. In this instance, the application was lodged on 15 May 2017 and none of the relevant rule provisions were in effect at that time

## Plan Status

- [25] Overall, the application is assessed as a **discretionary (unrestricted)** activity, in accordance with the operative district plan.

## WRITTEN APPROVALS, NOTIFICATION AND SUBMISSIONS

- [26] 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 have been received by Council.
- [27] The application was publicly notified in the Otago Daily Times on 1<sup>st</sup> November 2017.
- [28] Copies of the application were sent to those parties the Council considered could be directly affected by the proposal. This included the owners and occupiers of both 5 and 17 Three Mile Hill Road, which correspond to the properties on the opposite side of the road. Submissions closed at 5pm on 29<sup>th</sup> November 2017.
- [29] One submission was received in support of the application by the close of the submission period. No other submissions were received.
- [30] The submission is summarised in the table below, a full copy of the submission is attached to Appendix 2.

Name of Submitter	Support/ Oppose	Summary of Submission	Wish to be heard?
Protect Private Ownership of Trees Society (POTS -Jim Moffat)	Support	▪ Considers tree past its amenity value. Agrees that branches overhanging the road are dangerous to passing vehicles. Believes property owner should have freedom to decide what is best.	Yes

## Section 100 - Requirement to hold a hearing

- [31] As it is recommended in the assessment below that resource consent be granted to the activity and no submissions in opposition were received in respect of the application, the necessity for a hearing was discussed with the applicant and the submitter who wished to be heard. It was confirmed that neither party wished to be heard and therefore it is considered that there is no need for a hearing of the application (section 100 of the Act). Accordingly, the Manager Resource Consents, in consultation with the Chairperson of the Consents Hearings Committee, determined that a hearing is not necessary and that the decision can be made under delegated authority.

## ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

- [32] 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-
- 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 -*

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

[33] 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.

[34] The permitted baseline for modifications to trees listed in Schedule 25.3 are:

- The work amounts only to minor trimming and maintenance undertaken by hand-operated pruning shears or secateurs in accordance with accepted arboricultural practice.
- The work is required as emergency work to safeguard life or property and is carried out by the Council or a statutory authority. In such cases the authority concerned shall notify the Council in writing as to the reason for the trimming within 10 working days.
- The tree or trees are subject to an order for removal or modification in terms of Section 129(C) 5(a), (b) and (c) of the Property Law Act 1952.

[35] In this instance, it is not considered appropriate or necessary to apply the permitted baseline, as it is not practical to make any worthwhile comparison between the complete removal of the tree, and the tree remaining with an unknown amount of modification in the different circumstances described above. The state of the tree has not to date warranted emergency work, but the applicant has been advised to contact the Council in the event circumstances changed.

[36] The assessment of effects is guided by the assessment matters in Section 15.6 (Trees) of the Dunedin City District Plan considered relevant to the proposed activity. Accordingly, assessment is made of the following effects of the proposal:

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

[37] The receiving environment consists of a mixture of rural residential, rural (to the west) and residential (to the east) zoned properties, on a busy road between Dunedin City and Mosgiel. There are a number of other scheduled trees in the area – on the subject property and within the residential and rural residential zoned areas in close proximity.

## **Operative District Plan Assessment**

### Effect of Modification (Assessment Matter 15.6.1)

[38] Although the removal of a tree is not strictly a modification (in terms of what is envisaged by the plan), this assessment matter provides a logical starting point for consideration, as it addresses the condition of the tree. In terms of the health and quality of the tree, a Standard Tree Evaluation Method (STEM) assessment was carried out by Council's Senior Landscape Architect, Barry Knox, who completed the amenity assessment and Consultant Arborist Mark Roberts, of Roberts Consulting, who completed the condition assessment. The total points received under this STEM reassessment undertaken by Council's experts is 126. The tree scored 63 points for both the condition assessment and the amenity assessment. In comparison to Mr Waymouth's assessment, Mr Roberts attributed less points to the 'function' of the tree and the

'form/appearance' of the tree, resulting in the lower score of 63 (as opposed to 75 given by Mr Waymouth).

[39] With regard to the condition of the tree, Mark Roberts has commented as follows:

*1.1 The tree is growing on Three Mile Hill Road next to the Western entrance of Ashburn Hall*

*1.2 At the time of assessment, the tree was in reasonable health with spring growth indicating good vigour*

*1.3 The tree has an asymmetrical canopy, with main leader extending out over Three Mile Hill Road [image two].*

*1.4 The tree has formed three main leaders (trunks) from a single union approximately 2 meters above the ground [image three].*

*1.4.1 On the western side of this this union there are signs of bark inclusion.*

*1.4.2 On the western side of this this union there was fungal or bacterial ooze exiting the tree [images three and four].*

*1.4.3 There were indications that an infection had been present in this location for at least a year.*

*1.5 The middle trunk was in decline with proportionally large sections of dead and dying wood in it [image five].*

*1.6 There is a history of previous pruning work (crown lifting and internal thinning), which appears to have been conducted in accordance with accepted industry practice.*

*1.7 The tree weighted to the west and towards Three Mile Hill Road. This growth form appears to be a phototropic response more so than the result of a gradual or sudden trunk or root-plate movement.*

*1.8 The tree had good trunk taper and root flare.*

*1.9 The root plate appeared to be stable, but approximately 60% of the root zone is covered by impermeable surfaces (Three Mile Hill Road to the south and the sealed driveway entrance to Ashburn Hall to the east).*

*1.9.1 There is also an open drainage channel that runs outside the fence line along Three Mile Hill Road before passing under the Western entrance of Ashburn Hall and re-emerging inside the fence line of Ashburn Hall. This drainage channel passes directly through the Critical Root Zone of the tree.*

Mr Roberts outlines in paragraph 2 of his report that he disagrees with the High Risk Rating given by Mr Waymouth in the application. Mr Waymouth used the TRAQ tree risk assessment tool with the time frame of one (1) year to assess what risk the tree poses in terms of likelihood of failure. Mr Roberts gives the tree a Moderate (risk) Rating due to his opinion that the occupancy in the target zone (area of damage is tree falls) is occasional and not frequent, like Mr Waymouth. Mr Roberts uses a 3 year timeframe, unlike Mr Waymouth.

In terms of modification, Mr Roberts notes the proposed complete removal of the tree will have a Major effect for the tree. He, however, notes that the effect on the

remaining group of trees listed as G096 will be minor, due to the close proximity of other trees on the site and in the rural landscape, the removal of the one tree will have a minor effect to the neighbourhood, both visually and physically.

*2.4 The included bark in the trunk union closest to Three Mile Hill Road and the middle trunk indicates the presence of a structural weakness at that point (Assessment and observations 1.4.1)*

*2.5 The fungal or bacterial ooze exiting the trunk union between the trunk closest to Three Mile Hill Road and the middle trunk indicates the presence of infection (Assessment and observations 1.4.2), and lack of moss and bark discolouration indicates that the infection has been there for some time (Assessment and observations 1.4.3)*

*2.6 The considerable amounts of dead and dying wood in the central trunk (Assessment and observations 1.5) pose a fall hazard and indicate a potential vertical column of decay down into the trunk union (Assessment and observations 1.4)*

*2.7 The open drainage channel that runs outside the fence line along Three Mile Hill Road then through the Critical Root Zone of the tree before re-emerging inside the fence line of Ashburn Hall (Assessment and observations 1.9), had the potential to vary the soil structure and destabilize the tree.*

Relying on the above, it is evident that the tree is not in a healthy condition, and given the unknown cause of the tree's deterioration, it is not thought likely to improve over time. The applicant, Mr Waymouth, notes that the tree's decay is gradual over many years, despite the larger portion of the canopy appearing healthy.

It is considered that the condition of the tree provides little support to justify the ongoing protection of the tree as it is unlikely to warrant continued inclusion in Schedule 25.3 if it were assessed on its current condition. As such, the effects of its removal are considered to be no more than minor.

#### Reasons and Alternatives (Assessment Matter 15.6.2)

[40] Mr Roberts notes under the reasons and alternatives heading of his report that the tree has structural issues and environmental concerns and the application is the removal of the ash tree, removal of the stump (via stump grinding) and replanting of a replacement tree in the same location (a Liquid Ambar tree). In his conclusions, Mr Roberts suggests that due to the above issues, in order to mitigate the risk posed by the tree, he recommends its removal, and that a replacement tree is planted in the same location, as proposed in the application.

[41] The cause of the tree's health issues observed by both arborists is uncertain. Both arborists (the applicant and consultant arborist) emphasise different possible causes. Mr Waymouth notes possible root rot under the road and the honey fungus pathogen, although suggests this is difficult to detect. Mr Roberts notes a possible infection causing dead and dying wood in the central trunk, observes a fungal or bacterial ooze and emphasises the culvert running through the critical root zone of the tree. He states that this culvert has the potential to vary the soil structure and destabilise the tree. Neither the applicant arborist nor the consultant arborist comment on alternatives to removal. This is likely because of the uncertainty around the cause of decay/deterioration and thus the inability to accurately and safely determine a pruning alternative. In particular, where the culvert has severed the root plate of the tree, pruning the tree would not appear to be a tenable alternative to its removal.



- [42] In conclusion, the reason for removing the tree is the risk posed by branches overhanging the road and the observed ailing health of the tree. The lack of alternatives for removal relates to the uncertainty around the cause of the tree's deterioration. In order to ensure the health and safety of road users, it appears that the only certain option is to remove the tree in its entirety.

Amenity Values (Assessment Matter 18.6.3)

- [43] In terms of the amenity of the locality and the values of the tree, Council's Senior Landscape Architect, Barry Knox, has commented as follows:

*This memorandum is in response to a request for comment on the application to remove a scheduled tree, from the group G096 (Ash), protected in Schedule 25.3 of the Dunedin City District Plan. The tree group was also carried over to the Second Generation Plan (2GP) Significant Tree Schedule.*

*The original STEM assessment of the associated group was made in 2001 and the trees scored 150. The required "pass" total is 147.*

*I completed a site visit on 27 September 2017 and undertook the "Amenity Evaluation" part of the STEM. Photographs taken at this time are attached as Appendix 2.*

**Background**

*A Second Generation Plan (2GP) audit of all trees on Schedule 25.3 was completed in the last three years, and the G096 group was recommended for carry over to the 2GP Schedule in 2013.*

*For assessment of resource consent applications for removal of significant trees an updated STEM assessment is usually completed by the in-house landscape architect and (in the last year or so), by a consultant arborist. An arborist usually looks at the "Condition Evaluation" section of the revised STEM assessment, and in this case my understanding is that this is to be undertaken by consultant arborist Mark Roberts.*

*A comprehensive assessment in the application has been prepared by another arborist, Peter Waymouth...With regard to the application to remove one of the ash trees from G096, Mr Waymouth's report provides very good evidence that the tree poses safety risks, and the arboricultural elements of the STEM assessment will have declined with the review by Mark Roberts.*

**General Comment**

*The tree's amenity values have two components – the wider community effects, and site specific, local effects.*

*From a broader amenity perspective, I consider the tree continues to have some amenity benefit, but this has been diminished. I have only completed the part of the STEM, which my expertise covers, and I have retained the arboricultural values as originally assessed.*

*With this approach, the "mark" obtained in my updated STEM is 144, which, assuming no increase in the Condition Evaluation part of the assessment, would result in insufficient points to warrant continued inclusion on the Schedule. The partially updated STEM assessment is attached as Appendix 1.*

**Amenity Values**

*As noted, the tree retains some of the amenity value first noted when it was originally assessed for inclusion in Schedule 25.3. However, given the obvious downgrading which will occur in the horticultural section of the STEM re-assessment due to die-back and increased safety hazards, this amenity value has been diminished.*

**Effect of Modification**

*Ashburn Hall retains a very significant number of mature trees which enhance natural values and add to the uniqueness of this site. Removal of an ash which has lost its health and lustre will not unduly diminish these values, but may enhance it.*

**Reasons and Alternatives**

*As earlier noted, the ash is not in good health and it poses safety issues. There appears to be no suitable alternative to removing the tree.*

**Concluding Comments**

*This was once an impressive tree, which formed part of a significant group. However, given its state of health, its potential threat to safety and the preponderance of other distinctive trees on the site, its removal from the schedule will not be an issue, in my opinion.*

- [44] Consultant Arborist Mark Roberts also briefly commented on amenity, and noted:

*"The impact of the proposed work upon the amenities of the locality will be minor...due to the close proximity of other trees on the site and other trees in the rural landscape... The impact of the proposed work upon the values of the tree will be minor due to the reduced value of the tree and the proposal to replant".*

- [45] The Applicant arborist, Mr Waymouth and Barry Knox, both gave the same score to the amenity section of the STEM assessment of 63. However, Mr Waymouth attributed the 'role' of the tree (a tree or tree's value in a setting or as part of a composition) as 'select' or 'important' (a score of 15) while Mr Knox gave it less weighting as 'modest' or 'moderate' (a score of 9). Conversely, Mr Waymouth attributed less value to the 'climate' category (the microclimate of shade, shelter and temperature control the tree provides) of the amenity assessment, as 'normal' or 'moderate' (9 points), while Mr Knox indicates that the tree has an 'important' or 'valuable'.

- [46] Relying on the above advice, the removal of this Ash Tree tree will not result in loss of amenity due to the tree's placement in the group and proximity to other trees within the group but also the strong presence of other mature trees in the vicinity. Both experts note that the tree in its compromised form and health is no longer the tree it once was aesthetically. It also means it does not have the same contribution to amenity as the other trees in the group. It is therefore considered that the removal of the tree will not give rise to adverse effects on amenity that are more than minor. It is further noted that the location of the tree in the alignment of Ash trees along this road boundary is more favourable to removal than others in the group. This is because the tree is adjacent to the vehicle entrance, which already creates a gap in the vegetation lining this boundary and the removal will be far less noticeable.

- [47] Mr Roberts states at paragraph [2.8.3] of his report that due to the close proximity of other trees on the site and in the rural landscape, the tree's removal will have a minor effect in terms of the contribution the tree makes as

a habitat for wildlife. He suggests in his concluding paragraph ([3.3]) that to mitigate this minor loss of habitat for wildlife, additional replanting of at least 5 trees elsewhere on the Ashburn Hall site or the provision of 10 trees to the Dunedin City Council should be made. This suggestion is included as an advice note, as the loss of habitat for wildlife from the loss of the tree is only thought to be minor and the planting of a new tree will mitigate this adverse effect, albeit after some period of time.

### Proposed District Plan Assessment

[48] In this instance, there are no applicable assessment rules.

### Effects Assessment Conclusion

[49] There was no community support for retention of the tree. No evidence of any practical alternative to removal of the tree has been identified that would prevent its decline and risks of failure. The submission received supports the application to remove the tree.

[50] After considering the likely effects of this proposal above, overall, I consider the adverse effects of the removal of the tree to be no more than minor.

### OBJECTIVES AND POLICIES ASSESSMENT

#### Assessment of Objectives and Policies of the Dunedin City District Plan (section 104(1)(b)(vi))

[51] Section 104(1)(b)(vi) of the Act requires the Council to have regard to any relevant provisions of the Dunedin City District Plan and the proposed 2GP.

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

#### Sustainability Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
<p><b>Objective 4.2.1</b> Enhance the amenity values of Dunedin.</p>	<p>In its current condition the ash tree of G096 is not considered to have significant amenity value and would not warrant inclusion on the protected trees schedule. It is therefore no longer considered to have 'significance' in accordance with Policy 4.3.4. The removal of the tree on balance does not harm the amenity values of the site and neighbourhood, and will ensure the safety of road users. The loss of vegetation is offset by the improvement to the safety of road users and the replacement with another tree, which will be healthy and therefore potentially enhance the amenity of the site. As indicated by Council's Landscape Architect and Consultant Arborist, the tree on its own does not pass the STEM test and does not contribute significantly to the value of the group of Ash trees, and would therefore not warrant inclusion on the protected trees schedule if considered today. As such, the proposal is <b>consistent</b> with this objective and these policies.</p>
<p><b>Policy 4.3.1</b> Maintain and enhance amenity values.</p>	
<p><b>Policy 4.3.4</b> Provide for the protection of the natural and physical resources of the City commensurate with their local, regional and national significance.</p>	

#### Rural Residential Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
<p><b>Objective 6.2.2</b> Maintain and enhance the amenity values associated with the character of the rural area.</p> <p><b>Policy 6.3.5</b> Require rural subdivision and activities to be of a nature, scale, intensity and location consistent with maintaining the character of the rural area and to be undertaken in a manner that avoids, remedies or mitigates adverse effects on rural character. Elements of the rural character of the district include, but are not limited to:</p> <ul style="list-style-type: none"> <li>(a) a predominance of natural features over human made features,</li> <li>(b) high ratio of open space relative to the built environment,</li> <li>(c) significant areas of vegetation in pasture, crops, forestry and indigenous vegetation,</li> <li>(d) presence of large numbers of farmed animals,</li> <li>(e) noises, smells and effects associated with the use of rural land for a wide range of agricultural, horticultural and forestry purposes,</li> <li>(f) low population densities relative to urban areas,</li> <li>(g) generally unsealed roads,</li> <li>(h) absence of urban infrastructure.</li> </ul>	<p>The tree's removal will not create a predominance of human made features over natural features, as it will be replaced with another tree and as noted in the report above, the dominance of surrounding vegetation. Its removal will maintain the high ratio of open space to the built environment and thus it is thought that it will maintain the amenity value of the rural residential area harm amenity values. As such, its removal is generally <b>consistent</b> with the objective and policy.</p>

#### Trees Section

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
<p><b>Objective 15.2.1</b> Maintain and enhance the amenity and environmental quality of the City by encouraging the conservation and planting of trees.</p>	<p>Council's Landscape Architect and Consultant Arborist have assessed that the tree does not pass the STEM test, and would therefore not warrant inclusion on the protected trees schedule if considered today. As such it is no longer considered to warrant protection as one of Dunedin's significant trees. The application includes the proposal to replace the tree - thus promoting the planting of trees, while it is acknowledged that this tree cannot be conserved as the safety of the public outweighs the conservation consideration. As such, the removal of one of the trees in the G096 grouping is thought to be <b>consistent</b> with these objectives and policies.</p>
<p><b>Objective 15.2.2</b> Protect Dunedin's most significant trees.</p>	
<p><b>Policy 15.3.1</b> 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.</p>	
<p><b>Policy 15.3.2</b> Identify and protect trees that make a significant contribution towards amenity and environmental quality.</p>	
<p><b>Policy 15.3.3</b> Require tree planting or other landscape treatment associated with development where this will avoid, remedy or mitigate any adverse effects on the environment.</p>	

#### Proposed District Plan

The objectives and policies of the 2GP must be considered alongside the objectives and policies of the current district plan. The following objectives and

policies of the Proposed District Plan were considered to be relevant to this application:

**Strategic Directions Section**

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
<p><b>Objective 2.4.1</b> The elements of the urban environment that contribute to residents' and visitors' aesthetic appreciation for and enjoyment of the city are protected and enhanced. These include:</p> <ol style="list-style-type: none"> <li>1. important green and other open spaces;</li> <li>2. trees that make a significant contribution to the visual landscape and history of neighbourhoods;</li> <li>3. built heritage;</li> <li>4. important visual landscapes and vistas;</li> <li>5. the amenity and aesthetic coherence of different urban environments; and</li> <li>6. the compact and accessible form of Dunedin.</li> </ol>	<p>As noted above, Council's Landscape Architect and Consultant Arborist have assessed that the subject tree no longer passes the STEM test that is discussed under Policy 2.4.1.2, and would therefore not warrant inclusion on the protected trees schedule if considered today as an individual tree. The impact on the G096 group has been assessed as minor. As such it is no longer considered to warrant protection as one of Dunedin's significant trees. Council's experts have assessed that the tree does not make a significant contribution towards amenity and environmental quality. The tree is no longer considered to make a significant contribution to the visual landscape or vistas, or the amenity of urban environments as outlined in Objective 2.4.1 in itself. This is due to its condition/loss of vigour and vitality as referred to in Policy 2.4.1.2, impacting on its amenity contribution. As such, the removal of the subject tree is considered to be <b>consistent</b> with these objectives and policies.</p>
<p><b>Policy 2.4.1.2</b> Identify in a schedule (see Appendix A1.3) trees that make a significant contribution to the visual and historical landscape and amenity of neighbourhoods and other places, and use rules to restrict removal or modification of these trees. Identify significant trees based on the following criteria:</p> <ol style="list-style-type: none"> <li>1. health and condition of the tree, including: <ol style="list-style-type: none"> <li>1. vigour and vitality, and</li> <li>2. age; and</li> </ol> </li> <li>2. contribution to the amenity of an area, including: <ol style="list-style-type: none"> <li>1. occurrence of the species and historic and scientific values,</li> <li>2. function (usefulness), for example biodiversity supporting or fruit bearing,</li> <li>3. stature,</li> <li>4. visibility,</li> <li>5. proximity of other trees,</li> <li>6. role in the setting, and</li> <li>7. climatic influence; and</li> </ol> </li> <li>3. any potential adverse effects, including: <ol style="list-style-type: none"> <li>1. risk to safety, and</li> <li>2. risk of potential damage to existing infrastructure, buildings or structures.</li> </ol> </li> </ol>	

**Trees Section**

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
<p><b>Objective 7.2.1</b></p>	

<p>The contribution made by significant trees to the visual landscape and history of neighbourhoods is maintained.</p>	<p>The application cannot be fully said to maintain the contribution of trees to the visual landscape, in that the proposal is to remove a tree, however, the tree will be replaced and in terms of the line of trees that bordered a much larger section, the remaining group of trees will maintain the boundary demarcation, landscape and therefore history of the neighbourhood – being larger rural blocks of land/farmland. The tree has been variably assessed as having a moderate to high risk to public safety, in that it is falling and large branches may fall onto the road. Due to the unknown cause of the tree's failure (whether the root plate is compromised by the culvert or the tree has a pathogen), mitigating the safety considerations through pruning could not be achieved with any certainty. Furthermore, based on the expert assessments, the tree in question is no longer considered to be a significant tree in terms of the district plan, largely due to its ailing health having an impact on its physical appearance causing a loss of lustre. The proposal is to remove the tree following best arboriculture practice and by a suitably qualified arborist.</p>
<p><b>Policy 7.2.1.1</b> 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.</p>	<p>As such, the removal of this one tree out of the G096 group is considered to be <b>consistent</b> with these objectives and policies.</p>
<p><b>Policy 7.2.1.2</b> Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1) unless:</p> <ol style="list-style-type: none"> <li>1. there is a significant risk to personal/public safety or property; or</li> <li>2. the tree is shading existing residential buildings to the point that access to sunlight is significantly compromised; or</li> <li>3. the removal of the tree is necessary to avoid significant adverse effects on public infrastructure; and</li> <li>4. these adverse effects cannot be reasonably mitigated through pruning and the effects outweigh the loss of amenity from the removal of the tree</li> </ol>	
<p><b>Policy 7.2.1.3</b> Only allow the modification of a scheduled tree where:</p> <ol style="list-style-type: none"> <li>1. the work is undertaken in accordance with best arboricultural practice, by a suitably qualified arborist and will maintain or improve the health of the tree;</li> <li>2. any adverse effects from the modification of the tree on amenity values are avoided or, if avoidance is not possible, no more than minor; and</li> <li>3. the modification is necessary to improve the health of the tree or to mitigate adverse effects of the tree on safety, sunlight access, or damage to property or infrastructure</li> </ol>	

**Ashburn Clinic – Major Facilities Section**

<b>Objective/Policy</b>	<b>Is the proposal Consistent with or Contrary to the Objectives and Policies?</b>
<p><b>Objective 21.2.2</b> Land use activities and development necessary for Ashburn Clinic to meet the reasonably foreseeable health needs of the community are enabled, while ensuring development: a. achieves a reasonable standard of on-site amenity for patients, staff and visitors; and</p>	<p>As outlined above, the removal the tree in its current condition will maintain the visual amenity on-site and for surrounding sites. Its removal will not harm amenity values, and its replacement may enhance amenity values. Open spaces will not be affected on the site as the group of trees align the boundary of the site. The loss of</p>

b. maintains or enhances the residential amenity of surrounding sites.	this tree being the easternmost in the group is considered to have a minor effect on the overall group. The new tree proposed to be planted in substitution will to some extent offset the loss of the Ash. As such, the removal of the subject tree is generally <b>consistent</b> with these objectives and policies.
<b>Policy 21.2.2.1</b> Require development to provide a reasonable standard of on-site amenity by retaining open spaces uncluttered by buildings.	
<b>Policy 21.2.2.3</b> Require development to maintain or enhance the visual amenity of the surrounding rural residential zone by ensuring all the following are met: a. buildings and structures are of a height and setback that reduces their visual impact and preserves open space values; and b. service areas are not visible from ground level outside the site.	

- [53] Although the Proposed 2GP is nearing the end of the submission process, no decisions have been issued. Accordingly, the objectives and policies of the Dunedin City District Plan have been given more consideration than those of the Proposed 2GP.
- [54] Having regard at the relevant objectives and policies individually, and considering these in an overall way, the above assessment indicates that the application is consistent with the relevant provisions.

#### **Assessment of Regional Policy Statements (section 104(1)(b)(v))**

- [55] 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. Given its regional focus, the regional policy statement does not have a great bearing on the current application. However, Chapter 5: Land is relevant in that it seeks to promote sustainable management of Otago's land resources.
- [56] The RPS addresses trees in terms of biodiversity and water, but not in terms of residential amenity. Further, the application of these policy provisions to an individual tree is limited, being more relevant to areas of vegetation. As such, the proposal is considered to be consistent with the relevant objectives and policies of the statement.

### **DECISION MAKING FRAMEWORK**

#### **Part 2 Matters**

- [57] 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 particular regard must be had to the matters listed in section 7.
- [58] Of particular relevance to this application are sections 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".
- [59] As discussed in the assessment of effects above, the proposed tree removal is not considered to create adverse effects on the environment that are more

than minor when considered in the context of the receiving environment and the provisions of the Dunedin City District Plan and the Proposed 2GP.

- [60] I therefore consider that the proposal will avoid, remedy or mitigate adverse effects to a degree that satisfies the provisions of the Dunedin City District Plan and the Proposed 2GP. When considering the proposal overall, and in considering the health and safety certainty for occupants of the site and all road users, the proposed tree removal would be consistent with the purpose of the Act outlined in section 5 of that legislation.
- [61] Having regard to section 6 of the Act, there are no obvious matters of national importance which can be considered to be affected by the tree removal from this site. Section 6(b) of the Act seeks to protect outstanding natural features and landscapes from inappropriate subdivision, use, and development. The subject tree is recognised as a significant tree through the STEM rating score for the overall group of Ash trees and it is a natural feature of Dunedin City. However, a reduced STEM rating score which falls below the STEM rating necessary to be classified as a Scheduled Tree indicates the tree does not warrant protection as an 'outstanding' tree any longer. The proposal does not therefore challenge the direction of Section 6 which seeks to achieve the protection of outstanding natural features from inappropriate use and development.
- [62] Having regard to section 7(c) and 7(f), the tree is assessed as being unlikely to pass a current STEM assessment, and as such its removal is not considered as causing more than minor adverse effects in terms of amenity values and the quality of the environment.
- [63] Overall, I consider the proposal is consistent with those matters outlined in Part 2 of the Act.

#### **Section 104**

- [64] 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 adverse effects of the proposed tree removal overall will not be significant and can be adequately avoided remedied or mitigated provided recommended conditions of consent were adhered to.
- [65] 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 has concluded that the application would be generally consistent with the key objectives and policies relating to the relevant provisions, including those in the relating to the Rural Residential Zone and Trees sections of the Dunedin City District Plan and the Scheduled Trees and Major Facilities – Ashburn Clinic Zones of the Proposed 2GP.
- [66] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. The RPS addresses trees in terms of biodiversity and water, but not in terms of residential amenity. In this report it was concluded that the application is not contrary to the Regional Policy Statement for Otago.
- [67] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application.

#### **CONCLUSION**

- [68] Having regard to the above assessment, I recommend that the application be granted.



## **CONSENT DECISION**

*That, pursuant to sections 34A and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan, the Dunedin City Council **grants** consent to a **discretionary (unrestricted)** activity, being the removal of a tree being part of a group listed in Schedule 25.3 of the District Plan, on the site at 496 Taieri Road, Dunedin, being that land legally described Lot 1 Deposited Plan 25915, and is held in Computer Freehold Register OT18A/89, subject to the conditions imposed under section 108 of the Act as shown on the attached certificate.*

*Further, having taken into account:*

- *the interests of any person who may be adversely affected by the time extension;*
- *the interests of the community in achieving an adequate assessment of effects of a proposal, policy statement or plan, and*
- *its duty under Section 21 to avoid reasonable delay*

*the Dunedin City Council has, pursuant to section 37A(2)(a) and 37A(4)(b)(ii) of the Resource Management Act 1991, extended the requirement outlined in section 115(4) regarding the time in which notification of a decision must be given after the hearing is completed.*

## **REASONS FOR DECISION**

- [69] The proposal is considered to be generally consistent with the key relevant objectives and policies of the Dunedin City District Plan and the Proposed 2GP.
- [70] The proposal is considered to be consistent with the objectives and policies of the Regional Policy Statement for Otago.
- [71] The proposal is considered to be consistent with the Part 2 matters of the Resource Management Act 1991.
- [72] Overall, the proposed tree removal has been assessed as not being likely to give rise to adverse effects on those elements of the Rural Residential Zone and the wider environment - that the Operative and Proposed Dunedin City District Plans seek to protect. Notwithstanding this, the removal of the tree is necessitated by its ailing health and the health and safety risk it poses to the public.

## **COMMENCEMENT OF CONSENT**

- [73] As stated in section 116 of the Resource Management Act 1991, this consent shall only commence once 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**

- [74] 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  
PO Box 2069  
CHRISTCHURCH 8140

- [75] 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.

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

[77] Please direct any enquiries you may have regarding this decision to Madeline Seeley whose address for service is City Planning, Dunedin City Council, PO Box 5045, Dunedin 9058.

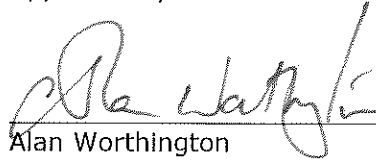
Prepared by:

Approved by:



Madeline Seeley  
**Planner**

16/03/2018  
Date



Alan Worthington  
**Resource Consents Manager**

16/3/18  
Date



**Consent Type:** Land Use Consent

**Consent Number:** LUC-2017-527

*That, pursuant to sections 34A and 104B and after having regard to Part 2 matters and section 104 of the Resource Management Act 1991, and the provisions of the Dunedin City District Plan, the Dunedin City Council **grants** consent to a **discretionary (unrestricted)** activity, being the removal of a tree being one of a group listed in Schedule 25.3 of the District Plan on the site at 496 Taieri Road, Dunedin, being that land legally described Lot 1 Deposited Plan 25915, and is held in Computer Freehold Register OT18A/89, subject to the conditions imposed under section 108 of the Act as Act as shown below:*

Location of Activity: 496 Taieri Road, Dunedin

Legal Description: Lot 1 Deposited Plan 25915, held in Computer Freehold Register OT18A/89

Lapse Date: March 16 2023

**Conditions**

- 1 *The activity shall be carried out generally in accordance with the application, received by the Council on 6 October 2017, and except where modified by the following conditions of consent.*
- 2 *The removal of the tree shall be undertaken by suitably qualified and experienced professional contractors to ensure that no damage is done to adjacent properties or to Council infrastructure, including the road.*
- 3 *All work associated with felling the tree and removing the debris shall be limited to the times set out below and shall comply with the following noise limits (dBA):*

	<i>L10</i>	<i>L95</i>	<i>Lmax</i>
<i>Monday to Friday 7.30 am – 6.00 pm</i>	<i>75</i>	<i>60</i>	<i>90</i>
<i>Saturdays 8.30 am – 5.00 pm</i>	<i>75</i>	<i>60</i>	<i>90</i>
<i>Sundays and Public Holidays</i>	<i>No work permitted</i>		

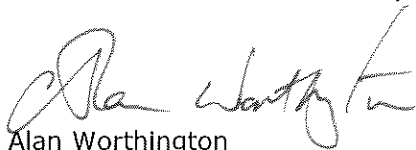
*Sound levels shall be measured and assessed in accordance with the provisions of NZS 6803: 1999 Acoustics – Construction noise.*

**Advice Notes**

- 1 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.
- 2 Resource consents are not personal property. This consent attaches to the land 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.

- 3 It is the consent holder's responsibility to comply with any conditions imposed on their 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.
- 4 This consent shall lapse after a period of five years from the date of granting of this consent. This period may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.
- 5 It should be advised that the applicant will require a Traffic Management Plan (TMP), prepared by a suitably qualified person, if the proposed works affect the normal operating conditions of the transport network. The TMP will need to be approved by Transport, prior to works commencing.
- 6 As the historic stone wall surrounding the site appears to have been established prior to 1900, Heritage New Zealand should be consulted prior to the works being undertaken as an Archaeological Authority may be required.
- 7 To mitigate this minor loss of habitat for wildlife, additional replanting of at least 5 trees elsewhere on the Ashburn Hall site or the provision of 10 trees to the Dunedin City Council is recommended.

Issued at Dunedin this 16<sup>th</sup> day of March 2018



Alan Worthington

**Resource Consent Manager**

**APPENDIX 1:  
SITE PLAN AND PHOTOS OF TREE G096**



**Figure 1:** Aerial Photograph showing subject property – 496 Taireri Road



496 Taieri Road Dunedin

TAIERI ROAD

10

Figure 2: Aerial photograph of G096 approximately shown circled in blue



**Figure 3:** G096 viewed from within the site

# APPENDIX 2: SUBMISSION RECEIVED

**SUBMISSION FORM 13**  
 DUNEDIN CITY COUNCIL  
 Submission concerning resources consent on publicly notified application under section 354, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Mervyn Place, Dunedin 9008

Resource Consent Number: LUC-2017-527

Site Address: Ashburn Hall, Charitable Trust, 185 Waverley Road, Dunedin 9013

Description of Proposal: Resource consent is sought to remove the site Ash Tree (Fraxinus excelsior) which is listed in Schedule 25.3 as one of a group of six protected trees as OPGs in the Operative Dunedin City Council Resource Management Act 1991. The application is for the removal of the Ash Tree closest to the Three Mile Hill site.

I/We wish to lodge a submission on the above resource consent application (please read privacy statement):

Your Full Name: Protect Private Ownership of Trees Society (POTS)

Address for Service (postal address): 63 Fitzroy Street, Dunedin 9013

Telephone: 4576 2587 Email Address: demoff@p@gmail.com

I would like my contact details to be withheld: Yes  No  (tick one)

I Am/Am Not (delete one) a trade competitor for the purposes of section 208B of the Resource Management Act 1991.

Trade competitors only:  
 I Am/Am Not (delete one) directly affected by an effect of the subject matter of the submission that:  
 (a) adversely affects the environment; and  
 (b) does not relate to trade competition or the effects of trade competition.

Notes: If you are a trade competitor, your right to make a submission may be limited by the rules contained in provisions 6, 7, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

I Support/Do not Support (delete one) this Application (delete one)

The specific parts of the application that this submission relates to are (give details):

(1) The removal of Ash Tree 6096 on the RCP Schedule 25.3

(2) The pruning and other work as deemed necessary for Septoria 6097.

Please attach other copies of evidence

My submission is based on the reasons for my views:

Regarding (1) above, 6096 is well past its amenity value. Lead its over hanging branches above the later road are a danger to passing traffic below.

(2) Septoria 6097 needs attention to support Septoria separating its two main stems. Having inspected this tree POTS is of the opinion the best action would be the removal from Schedule 25.3 there by allowing (1) to

PLEASE TURN OVER

I seek the following decision from the Council (give reasons where appropriate, indicate the parts of the application you wish to have considered):

(1) The complete removal of 6096 as soon as is practical

(2) The removal of 6097 Septoria from the Heritage tree 25.3 providing the tree is in favour

Please attach other copies of evidence

I Do/Do Not wish to be heard in support of this submission at a hearing (delete one)

If others make a similar submission, I will consider proceeding a joint case with them at a hearing

Yes  No  (tick one)

Pursuant to section 100A of the Resource Management Act, 1991:

I request that you delegate your functions, powers, and duties required to hear and decide the application to 1 or more hearings commissioners who are not members of the Council Yes  No  (tick one)

Note: If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the date of submission and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter: Jim Moffat POTS advocate Date: 23/11/17

Notes to Council: For design and sign on behalf of submitter

Notes to Council: The closing date for naming submissions to the Dunedin City Council is Wednesday, 29 November 2017 at 5pm. A copy of your submission must be served on the applicant as soon as reasonably practicable after the service of your submission on the Dunedin City Council. The applicant's address for service is C/O Peter Newbold, 11 Lawrence Street, Dunedin 9010.

Electronic Submissions: A submission is not required if you make your submission by electronic means. Submissions can be made online at <http://www.dunedin.govt.nz/submit> or sent by email to [resourceconsent@dunedin.govt.nz](mailto:resourceconsent@dunedin.govt.nz)

Privacy: Please note that submissions are public. Your name, contact details, and submission will be included in reports and are available to the media and the public, including publication on the Council website. You may request your contact details be withheld. Your submission will only be used for the purposes of the related resource consent process.