

HEARINGS COMMITTEE AGENDA

WEDNESDAY, 20 MARCH 2024, 9.30 AM
Council Chamber, Dunedin Public Art Gallery,
30 The Octagon, Dunedin

MEMBERSHIP: Commissioner Ros Day-Cleavin, Councillors Jim O'Malley and Andrew Whiley

IN ATTENDANCE: Campbell Thomson (Senior Planner/Committee Advisor), Jane O'Dea (Processing Planner), Luke McKinlay (Landscape Architect), Mark Roberts (Consultant Arborist) and Wendy Collard (Governance Support Officer)

PART A (Committee has the power to decide these matters):

1 RESOURCE CONSENT APPLICATION – LUC-2023-346, 4C WILL STREET, ABBOTSFORD, DUNEDIN

Introduction

Applicant to introduce themselves and their team.

Procedural Issues

Any procedural matters to be raised.

Presentation of the Planner's Report

Report from Jane O'Dea

Refer to pages 1 - 19

The Applicant's Presentation

Application

Refer to pages 20 - 36

Submissions

Refer to pages 37 - 55

Council Officer's Evidence

- Memorandum from Senior Landscape Architect
Refer to page 56 – 60
- Report from Consultant Arborist
Refer to pages 61 - 65

2001 STEM Assessment

Refer to pages 66 - 68

2GP Visual Audit T1191

Refer to pages 69 - 70

Draft Conditions

Refer to pages 71 - 73

The Planner's Review of their Recommendation

The Planner reviews their recommendation with consideration to the evidence presented

The Applicant's Response

The Applicant to present their right of reply

PLEASE NOTE: The **only** section of the hearing which is not open to the public is the Committee's final consideration of its decision, which is undertaken in private. Following completion of submissions by the applicant, submitters and the applicant's right of reply, the Committee will make the following resolution to exclude the public. All those present at the hearing will be asked to leave the meeting at this point.

RESOLUTION TO EXCLUDE THE PUBLIC

To be moved:

“That the public be excluded from the following parts of the proceedings of this meeting, namely, Item 1.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under Section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

	General subject of each matter to be considered.	Reason for passing this resolution in relation to each matter.	Ground(s) under section 48 for the passing of this resolution.
1	Resource Consent application – 4C Will Street, Dunedin	That a right of appeal lies to any Court or Tribunal against the Dunedin City Council in these proceedings.	Section 48(1)(d)

TO: Hearings Committee

FROM: Jane O'Dea, Associate Senior Planner

DATE: 23 February 2024

SUBJECT: **RESOURCE CONSENT APPLICATION**
LUC-2023-346
4C WILL ST, ABBOTSFORD

INTRODUCTION

- [1] This report has been prepared on the basis of information available on 20 February 2024. The purpose of the report is to provide a framework for the Committee's consideration of the application and the Committee is not bound by any comments made within the report. The Committee is required to make a thorough assessment of the application using the statutory framework of the Resource Management Act 1991 (the Act) before reaching a decision.
- [2] In preparing this report I have relied on the reports provided by Mr William Hagendorn of Eco Tree Care Ltd for the applicant (refer to Appendix 1); Mr Luke McKinlay, Dunedin City Council Landscape Architect; and Mr Mark Roberts of Roberts Consulting, consultant arborist to the Dunedin City Council (refer to Appendix 3).
- [3] I conducted a site visit on 20 February 2024.

SUMMARY OF RECOMMENDATION

- [4] I consider that the proposal should be granted consent. I consider that there will be localised adverse effects on amenity values that are more than minor, however, those amenity considerations are outweighed in this instance by risk to people and property.

DESCRIPTION OF PROPOSAL

- [5] Resource consent is sought to remove a scheduled tree. The tree is an Ash (*Fraxinus* sp.) The tree is scheduled in the Proposed Second Generation Dunedin City District Plan (the 2GP) Appendix A1.3 Schedule of Trees ('the schedule') as T1191.
- [6] A copy of the application is contained in Appendix 1 of this report.

DESCRIPTION OF SITE AND LOCATION

- [7] The site at 4C Will St is legally described as Lot 1 Deposited Plan 469402, held in Record of Title 631852.
- [8] 4C Will St is an irregular shaped parcel located on the southern side of Will St. The site has approximately 18m of frontage to Will St. The subject Ash tree is situated in the front garden of the property and is readily visible from the street. The applicant's arborist report states that the tree is located to the north side of the house at 4C Will St,

approximately 2.5m away, with three limbs overhanging the house and powerlines on the north side of the tree.

- [9] To the south of the scheduled tree the site is occupied by one half of a duplex (the house at 4C), with the other half of the duplex occupying the adjoining property at 4B Will St. The two sites, along with 4 Will St share a driveway adjoining the western side boundary of the subject site.
- [10] 4C Will St slopes down from west to east at a moderate gradient.
- [11] The subject ash tree is located in the front garden of the property, in the location circled on Image 1 below.



Figure 1: Aerial photograph of 4C Will St. Location of tree is circled in red.



Figure 2. View towards T1191 from west of the site on Will Street (photo: Luke McKinlay)

- [12] Within a radius of approximately 130m of T1191 there are 4 other scheduled trees – T1008 at 6 Severn St, a lancewood; T1193 at 1 Will St, a kowhai; T1189, a southern rata; and T1190, an oak, both at 2 Will St. The neighbourhood could be described as leafy, with large, established gardens, scattered with numerous other substantial trees which are not scheduled.

HISTORY OF THE SITE/BACKGROUND TO THE APPLICATION

- [13] The site was previously part of the grounds of 4 Will St which was subdivided into 3 lots around 2012 under SUB-2012-59 and its subsequent amendments. This was essentially a 3 lot subdivision retaining the existing dwelling at 4 Will St as a rear site, with 4B & C Will St created in the front portion of the site.
- [14] Consent was granted under LUC-2012-479, concurrently with subdivision amendment SUB-2012-59/2/B, to 'undertake construction works and establish a dwelling within the dripline of a significant tree.' This authorised the construction of the duplex. Conditions were imposed to manage the effects of construction on the health of the trees. The report notes the Parks Officer - Trees recording her concern for the long-term health of the tree given that the trees are on the northern side of both building sites and the potential that in the future the tree could be subjected to heavy pruning or applications for removal due to shading and leaf drop concerns.
- [15] There have been a number of resource consent applications relating to the tree. These are as follows:

- LUC-2021-573 – non-notified consent issued to Delta for powerline clearance.

Date of decision was 15 October 2021.

- LUC-2015-75 – non-notified consent for crown cleaning comprising removal of minor epicormic growth of no more than 25% of the live crown of the tree; and the removal of all dead, dying, diseases, damaged, crossing/rubbing branches, any weak growth or epicormic growth in order to enhance the safety, health and appearance of the tree.

Date of decision was 23 February 2015.

- LUC-2013-465 – non-notified consent issued to Delta for powerline clearance.

Date of decision 19 November 2013.

2001 STEM ASSESSMENTS T1191

[16] T1191 received a total STEM score of 169 points in the assessment dated 1 August 2001.

[17] The score accepted by the Council as a benchmark to warrant inclusion in the District Plan tree schedule is 145.

[18] A copy of the STEM assessment is included as Appendix 4.

2GP AUDIT OF SCHEDULED TREES 2013/14

[19] During the District Plan review process, most of the significant trees were examined in 2013-2014 by a Council Landscape Architect and a Council Arborist, to see if the trees were still worthy of continued inclusion in the 2GP's 'schedule' of significant trees (Appendix A1.3). However, a new STEM assessment was not undertaken in 2013, and the 'assessment' was more akin to a visual audit and inventory. A photograph of the subject tree is in Council's records from the 2GP audit, and attached as Appendix 5 of this report.

ACTIVITY STATUS

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

[21] The activity status of the application is fixed by the provisions in place when the application was first lodged, pursuant to Section 88A of the Resource Management Act 1991. However, it is the provisions of both district plans in force at the time of the decision that must be had regard to when assessing the application.

Dunedin City District Plan

[22] In this case the relevant zoning and rules of the Operative Plan are considered to have been superseded by the Proposed 2GP, wherein the provisions related to this application are beyond challenge. Therefore, no assessment of the proposal under the Operative Plan has been undertaken.

Proposed Second Generation Dunedin City District Plan "Proposed 2GP"

[23] The Proposed 2GP was notified on 26 September 2015, and some Proposed 2GP rules had immediate legal effect from this date. Some rules became fully operative following the

close of submissions, where no submissions were received. Additional rules came into legal effect upon the release of decisions. Those additional rules become fully operative if no appeals are lodged or once any appeals have been resolved. There are no appeals of relevance to this site or application.

[24] The subject site is zoned General Residential 1 and is not subject to any overlay areas.

[25] The proposal falls under the definition of the following city-wide activity:

Scheduled trees activities

[26] As a result, only the City-wide Activities rules in the Proposed 2GP need consideration.

[27] Rule 7.3.2.3 of the activity status table of the Scheduled Trees Section states that '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.

[28] It is noted that Rule 7.3.2.1 of the activity status table states that the 'removal of a scheduled tree that is 'dead, in terminal decline or with extreme failure, or subject to a court order for removal' is a restricted discretionary activity. Based on the assessment of Mr Mark Roberts, the Council's consultant arborist, the condition of the tree is not 'dead, in terminal decline or with extreme failure.' Therefore the application cannot be considered as a restricted discretionary activity.

[29] The application is therefore a **non-complying activity** in accordance with Rule 7.3.2.3.

NATIONAL ENVIRONMENTAL STANDARDS

[30] There are no National Environmental Standards relevant to this application.

NOTIFICATION AND SUBMISSIONS

[31] No written approvals were submitted with the application.

[32] Rule 7.4 of the 2GP states that applications for the removal and any other works that will lead to the death or terminal decline of a scheduled tree will be publicly notified.

[33] The application was publicly notified in the Otago Daily Times on 18 November 2023.

[34] Copies of the application were sent to those parties the Council considered could be directly affected by the proposal.

[35] Submissions closed on 15 December 2023.

[36] 8 submissions were received by the close of the submission period. 6 submissions were in support of the application; 1 submissions was opposed to the application; and 1 submission was neutral.

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

Name of Submitter	Support/ Oppose	Summary of Submission	Wish to be heard?
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Marion Elizabeth Baird 1A Will St	Support	Tree unsuitable to be on small section. Danger to owners and pedestrians. Drops branches when windy which can land on the roof of the house, the section, the road, powerlines. Causing paths on the property to buckle which is a health and safety issue. Submitter feels uneasy looking after the property when it is windy. Submitter has slipped on debris left by the tree. Concerned about the safety of the owners.	No
Lynette Davidson [REDACTED]	Oppose	The tree has a lot of birdlife and has been checked for safety and found not to be dangerous to the owners. The tree pre-dates the house and should stay.	No
Helena Jane Dobson 4B Will St	Support	The tree should be removed because: Roots will damage building foundations and plumbing of submitters property at 4b Wills St. Falling branches will damage the submitters property and potentially hit someone. The leaves block the gutters of the submitters home faster than she is able to clear them. The tree is putting herself and her neighbours through stress and worry about financial and physical damage the tree might cause in future. Human safety and mental well-being should be taken into consideration and made a priority.	Yes
Shona Elizabeth Dyer [REDACTED]	Support	Why can't they drop a tree that is damaging their foundations. Let the tree be gone.	No
Matthew Petre 4 Will St	Support	Concerned about tree roots to the applicants home and pipes within the shared driveway. If damaged these would need to be repaired at great cost. Agrees with applicants concerns and is happy for any work to be carried out to remove the tree. If approved would like to be notified of dates work to be completed.	No
Protect Private Ownership of Trees Society (POTS)	Support	T1191 is too big, too close and threatening to residents at 4c Will St. Its size is unsuitable for its site. More suited to rural area than urban setting. Believes T1191's status in its present site is beyond any STEM appraisal. There are aspects of its growth that in a severe storm would cause off boundary effects such as broken branches falling across power lines.	Yes

		T1191 poses a threat to the applicants lives by way of broken branches falling on roof, root damage to paths and shed and possibility of damage to building foundations and branches falling onto the street. The significant tree register is about providing city amenity rather than real fear among the ratepayers like the applicants. People are more important than trees. The applicant's arborist discusses the potential for roots to interfere with the applicant's house foundations and deadwood in the canopy. The tree may be big and healthy but its size makes it too big for its present site. To allow this to continue would be unreasonable, cruel and socially unjust.	
Linda Reynolds ██████	Neutral	The tree is a mature Ash and has certainly been in Will Street for many years, much longer than the current property. The applicant's arborist concludes that the tree poses a low to moderate risk for the householder. He recommends root inspection with air spade to ascertain the extent of any risk to plumbing or drains. I would suggest that the property owners consider these recommendations before taking the drastic measure of full tree removal. He also recommends that regular maintenance is undertaken, including a cabling system be installed to reduce the risk of whole stem failure. In his report, he does not recommend removal of the tree. He recommends that, if tree removal is approved, appropriate trees are planted in its place. This tree significantly enhances the aspect and amenity of the neighbourhood. We are very fortunate to have 4 scheduled trees on Will Street. The total removal of this tree would, in my opinion, be to the detriment of the aesthetics of the area.	No

		I fully empathise with the householder's concerns and would not wish them to be suffering hardship due to their current situation. For this reason, I am not opposing the application. However, seeking serious consideration of alternative options. Questions why the Dunedin Council granted permission for the property to be built on that site in the first place. The Council should not just pay lip service to the protection of significant trees, they should rigorously uphold the spirit of the protection when considering planning applications for new builds in the vicinity of protected trees.	
GF & IG Wardell 3 Will St	Support	Happy for tree to be cut down especially in light of damage or likely damage to the house, It should be up to the owners whether to replant a replacement tree. Even though property was bought with the tree it should be up to the owners which trees should be removed, especially when health and safety concerns are involved. On private property, people should come first.	No

ENVIRONMENTAL EFFECTS OF ALLOWING THE ACTIVITY

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

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

Permitted Baseline

[39] 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.

- [40] In terms of the 2GP, the removal of a scheduled tree that is dead, in terminal decline or with extreme failure, or subject to a court order for the removal is a restricted discretionary activity. In addition, the modification of a scheduled tree is also a restricted discretionary activity, subject to compliance with the 'best arboricultural practice' performance standard.
- [41] The 2GP therefore provides no permitted baseline for any form of work on a scheduled tree, or the removal of a scheduled tree, as even in the case of a court order or emergency situation, resource consent is still required as a restricted discretionary activity.
- [42] In terms of the activities that may take place within proximity of a scheduled tree, the 2GP excludes new buildings, structures, additions and alterations, public amenities, all earthworks, new roads or additions or alterations to roads, network utility activities and site development activities from the dripline of the tree, or distance from a tree that is half the height of the tree (whichever is greater). Activities employing trenchless methods (the installation of pipelines and cables below the ground with minimal excavation) are exempt from this 'exclusion zone' if a number of requirements are met, however as a permitted activity this is not considered to have any relevance to the current application.
- [43] Overall, I consider there are no relevant 'permitted effects' in terms of activities that may be undertaken within proximity of this scheduled tree that could feasibly be disregarded when considering the effects of the proposed removal.

Assessment of Effects

- [44] The assessment of non-complying activities contained in section 7.8.2 of the 2GP provides useful guidance for this application. Assessment matter 7.7.2.2 in relation to the assessment of restricted discretionary activities determines matters of discretion as the 'effects on amenity.' While matters of discretion are not limited in this case, amenity remains a principal consideration.

Amenity

- [45] The opposing submitters have made it clear that from their perspective, the tree continues to enhance the amenity of the area, and they do not wish to see its removal.
- [46] Not all scheduled trees will have equal amenity value, and the contribution of any particular tree may change over time as a result of various factors. It is therefore worthwhile to re-confirm the STEM evaluation.
- [47] The Council's Landscape Architect, Mr Luke McKinlay, has reviewed the application and visited the site. He provided the following (abridged) comments in relation to the potential effects of removing this tree in terms of the existing amenity values of the area and STEM assessment:

The original STEM assessment, which was conducted in 2001, resulted in a score of 162, which is above the required 145 threshold for inclusion on the schedule.

Site Context

Will Street is a cul-de-sac in Abbotsford, accessed off Severn Street. The surrounding area is zoned General Residential 1 and contains a mixture of stand-alone dwellings and blocks of flats. The surrounding streetscape is characterised by vegetated front yards with either hedges, mixed informal amenity planting and/or mature trees lining the street-front boundaries. Where present, front boundary fences tend to be low.

There are no street trees on Wills Street, however, there are several scheduled trees on private properties in the surrounding area (T1190 (Oak) & T1189 (Southern Rata), which are both on Wills St, and T1193 (Kowhai) & T1008 (Lancewood) on Severn St.

The subject tree is located near the street front boundary of this property and close to the northern corner of the dwelling at this address.

STEM Assessment

There are three broad evaluation categories to a STEM report – condition (health), amenity (community benefit) and notable evaluation features. This memo is restricted to considering amenity related matters only. There are no notable evaluation features identified for this tree.

The 2001 council STEM assessment of T1191, resulted in a total amenity ‘score’ of 81. It is considered that the amenity evaluation remains largely unchanged from the 2001 assessment, with the exception that the stature of the tree has increased.

My re-evaluation of the 2001 STEM is as follows:

- *Stature: The height of T1191 was recently re-measured by Council’s consultant arborist, Mark Roberts. He assessed the height at 27 meters. As such, the stature assessment of the STEM increases from the 2001 assessment, when it was measured in the range 21-26m (27 points).*
- *Visibility: T1191 is visible from a distance of at least 1km (9 points).*
- *Proximity: While T1191 dominates several smaller neighbouring trees, it is reasonable to assess that this is not a solitary tree, but part of a small cluster - Group 3+ (21 points).*
- *Role: This criterion assesses a tree or trees’ value in a setting or as part of a composition.*
- *It is considered that T1191 makes an important contribution to the amenity of the surrounding area, both at the streetscape level and as part of the treescape associated with this neighbourhood of Abbotsford. Due to its stature and location near the street front boundary, T1191 is a primary focal feature of the immediate surrounding streetscape. In the absence of street trees on this street, it provides an important counterpoint to the surrounding built environment. (Important: 15 points).*
- *Climate: The value of large trees in the urban environment is well established. Both at a micro climatic scale (the benefits of shade, shelter) and at a wider city-scale (air purification, carbon sequestration, stormwater absorption) trees such as T1191 have multiple climatic benefits. Even if only considered at a micro climatic level, the impact of a large deciduous tree such as T1191 is important (15 points).*
- *Combined STEM amenity subtotal: **87***

This reassessment confirms that T1191 retains amenity values that support its place on the scheduled tree register.

In general, it is considered that T1191 is a prominent natural feature visible from various surrounding locations on Will Street and nearby parts of Abbotsford, including the hill slopes to the east of the site and parts of Green Island. Due to its stature and close proximity to the street front boundary, T1191 is a primary focal feature of the immediate surrounding area. While a multi-stemmed tree, T1191 has a broad, symmetrical form and appears in good health.

When considered in the context of the surrounding area, it is noted that there are several small clusters of tall trees, and individual trees which collectively contribute to the amenity of the neighbouring area (refer figure 1). As such, the removal of T1191 may not be as noticeable in this context, when compared to a situation where a lone tree or one of only few remaining tall trees was subject to removal. However, it is considered that the loss of this distinctive and prominent tree would have moderate-high adverse effects on existing amenity values. At approximately 100 years of age, this tree is likely a well-known landmark and forms a strong natural counterpoint to surrounding built development.

- [48] I adopt Mr McKinlay's assessment of T1191's amenity value, and consider that the loss of the tree will result in more than minor adverse effects on the existing amenity values of the locality given its stature, attractive form, and prominent position near the street. Nevertheless, I note that these effects would be localised to Will St; and parts of Abbotsford Rd and Severn St. Will St is not part of a main transport route, being a side street off Severn Street, Abbotsford. The public amenity benefits are largely experienced by people who live nearby, including many of the submitters.

Historical Associations

- [49] The 2001 STEM assessment provided an age of 80+ years for the tree. This means that the tree would today be at least 100 years old. The correlates with the age of the house at 4 Will St, which, based on its architecture, appears to be well over 100 years old. The removal of the tree will mean the loss of this link to the history of the site.
- [50] The house at 4 Will St is not scheduled in the District Plan by the Council, and nor is it listed by Heritage New Zealand Pouhere Taonga. There is no immediate evidence that the house and its curtilage are of any great historic significance other than the inherent local heritage value as an early dwelling in what appears to be an old, established street. It is nevertheless regrettable that subdivision and development for the duplex units at 4C and 4B in proximity to the tree has led to this point where its removal is now being sought, however, the subdivision did include measures intended to manage the effects of construction in such close proximity to the tree.
- [51] Based on the above, I do not consider the tree's historical associations to be a sufficient reason to recommend declining the application.

Health and Safety and Risk to Property

- [52] The key reasons for seeking removal of the tree are two-fold. Firstly, personal safety is a concern of the owners, who have stated that branches frequently fall on the roof of their house. The arborists report states that branches up to 75mm have fallen on the house and garden shed.
- [53] When I visited the site on 20 February there was a fair amount of debris from the tree visible in the garden, and on the roof of the house. One branch that the owners advised

had fallen down the previous day was reasonably substantial, with a diameter of several centimetres. The owners' glass house (a frame covered in plastic), situated beneath the tree, had been damaged by falling branches. I also noted that sections of path situated underneath the tree canopy had been lifted or cracked.

[54] During times of high wind, the applicant will choose not to sleep in their bedroom which is closest to the tree, for fear of larger branches potentially dropping and injuring them.

[55] The two arborists, Mr Hagendorn and Mr Roberts, are generally in agreement that imminent tree failure is unlikely to occur. Both arborists acknowledge the history of branches dropping, and that the tree does pose some risk to people and property.

[56] Mr Hagendorn commented as follows:

In a 5-year timeframe I would rate the risk of the overhanging limbs above the house as low and the south side stem closest to the house a risk rating of moderate. The overhanging limbs on the north side of the tree above the powerlines and garden shed have a risk rating of low with the north side stem leading towards the powerlines and shed having a risk rating as moderate.

[57] Mr Roberts was asked whether the tree presents a significant threat to property or human health. He replied:

No. The risk posed by this tree is currently low, but the potential consequences of complete or partial failure onto the house and/or those within the house are catastrophic. It is a massive tree very close to the house (a house what was allowed to be built under the tree). The tree has a history of branch failure (as in branches have fallen off it previously) there are similar branches present and it is a species (ash) that is known to drop limbs.

The protection offered by the house (the physical structure between the tree and those inside the house) is insufficient to prevent harm if limb failure occurred and there were people there at the time. There are no protection factors for the house, based on the size of the limbs and/or the distances branches that could fail would fall, damage to the house would be considerable.

[58] To provide a timeframe, Mr Roberts also commented that:

as it stands, the risk of significant harm or damage within the next 2 or 3 years is low - but it is probable that it will cause minor damage in the short term and significant damage in the long term.

[59] Mr Roberts also made the following points in his response:

Although unlikely, if limb failure were to occur it is improbable that the house would offer sufficient protection to prevent harm from being caused to anyone in that part of the house at the time.

From my point of view, the risks associated with this tree are real as opposed to perceived.

From an arboricultural perspective there is no immediate need to remove the tree (in terms of risk and tree health), but there should be sufficient concern to consider approving the application based on a combination of likely outcomes.

[60] It is therefore clear that while the risk may only be low to moderate, the consequences of complete or partial failure of the tree would be severe.

[61] As well as safety, property damage is a key concern of the applicants, as well as Ms Dobson of 4B Will St, and Mr Petre of 4 Will St.

[62] Mr Hagendorn notes that:

Due to the close proximity of the trees base to the house ... and evidence of large diameter roots... heading north towards the driveway there is a possibility that the roots can be interfering with the home's foundation and plumbing.

Mr Roberts agrees that this is a likelihood. In response to the question 'does the tree present a moderate or significant risk to buildings?' Mr Roberts replied that:

There is a risk of structural damage from the roots and impact damage from branches falling - but the choice of words is really important, I cannot confirm if the likelihood is moderate or significant without knowing the scale and/or your definition of the terms. In this instance, from a Council's perspective I would say that the risk posed by this tree on the building is not tolerable (i.e. it is not tolerable for the Council to impose the risk associated with this tree on the tree owner).

[63] I accept the concerns raised that the tree's roots could compromise the foundations of the house and plumbing drainage to the house and adjoining properties at 4 and 4B Will St.

[64] Having seen an example of the types of branches that are falling from the tree in high winds I also consider there is a good chance of damage to the roof and gutters of the house.

[65] I do not put a significant amount of weight on the damage to paths and the shed as justification for the removal of the tree. Cracking and lifting of paths and footpaths is not unusual where trees are growing nearby; and the extent of damage that has occurred to date appears to be reasonably minor, and somewhat inevitable given that these features have been constructed in such close proximity to the tree. The shed appears to be a relatively lightweight/temporary structure and has been placed directly under the tree where it is foreseeable that it could be lifted up and/or buckled by tree roots. I therefore don't consider that these particular reasons justify removing the tree at this time.

[66] Risk to powerlines seems to have been managed over the years via pruning, and accordingly no significant adverse effects on power lines has been established.

[67] Section 7.8.2 of the 2GP provides guidance on the assessment of resource consents to remove scheduled trees, and seeks to avoid the removal of scheduled trees unless there is a there is a significant risk to personal/public safety, or a risk to personal safety that is required to be managed under health and safety legislation. I do not believe this level of risk has been substantiated from the information I have considered.

[68] However, the assessment guidance also provides scope for tree removal to be considered where there is a moderate to significant risk to buildings. I consider that the risk does meet this threshold. This view has been informed by the assessments of the two arborists, Mr Roberts (for the Council), and Mr Hagendorn (for the applicant.)

Consideration of Alternatives

- [69] Mr Hagendorn has recommended that the tree be regularly maintained by pruning away deadwood, epicormic growth where necessary, and installing a cabling system to reduce risk of whole stem failure.
- [70] Mr Roberts does not believe that remedial work could address the issues indicated by the applicant. He considers that due to the size of the tree ('massive'), that the pruning required to reduce the perceived risk would result in the tree being basically cut in half. This would lead to the tree becoming unsafe; and would reduce its form to less than that required to qualify as a scheduled tree in terms of its STEM score.
- [71] I have discussed the cabling option with Mr Roberts, and from that conversation my understanding is that a cabling system would manage or reduce the risk of limb failure; and accordingly, the risk of limbs striking the house. It would not address the owners' other concerns about root damage to the house foundations, and the drains.
- [72] Cabling systems have a lifespan of approximately 8 years and such a system would likely cost several thousand dollars to install. It is therefore a short term fix to address the risk of limb failure, and would represent a recurring cost that would have to be met in order to be maintained on an ongoing basis.
- [73] Continuing with the status quo does not seem to be a viable option because the tree currently poses a risk to people and property; and damage to property is likely to worsen over time. The only viable alternative to removal, is the cabling system proposed by Mr Hagendorn. That would address the risk of severe property damage and to the safety of people, but not the potential long term damage to house foundations and drains.

Positive Effects

- [74] There is no significant public benefit that would ensue if the tree is removed.
- [75] Removal of the tree will eliminate health and safety concerns held by the applicants and Ms Dobson of 4B Will St (the other half of the duplex.) They raised concern about branches falling on the building. Submitters also raised pedestrian health and safety concerns, in that the debris left by the tree on the footpath can be slippery; and there is the potential for a pedestrian to be hit by a falling branch. Buckling paths as a result of tree roots was also raised as a potential health and safety issue. Removal of the tree will provide peace of mind to the owners and submitters in relation to these matters.
- [76] It would also alleviate the owners, and Ms Dobson's concerns about foundation damage, and damage to pipes. Damage to pipes was also raised by Mr Petre of 4 Will St, who also shares the driveway with 4B & C Will St. Leaf drop into the gutters of the duplex was another property maintenance issue raised which would be addressed by the removal of the tree.

Cumulative Effects (Assessment Matter)

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

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

- [78] Similarly, some effects may not presently seem an issue, but after having continued over time those effects may have significant impact on the environment. In both of these scenarios, the effects can be considered to be 'cumulative'.
- [79] The removal of the tree is unlikely to have significant cumulative adverse effects. The removal of the tree would cumulatively contribute to the loss of urban vegetation across the city. However, in the context of the immediate environment, the loss of the tree, albeit a substantial and relatively prominent one, is not considered to combine with the loss of other vegetation in the area to any noticeable extent that would represent a tipping point in terms of the amenity and character of the area and natural environment.

Effects Assessment Conclusion

- [80] After considering the advice of Mr Hagendorn, Mr Roberts and Mr McKinlay on the health and amenity values of the tree, and the other effects noted above, I consider that there will be localised effects on amenity values that are more than minor. However, the adverse effects on amenity values are not at a level where I consider them to be unacceptable. This is in the context of the actual risk to property at 4B & 4C Will St if a large branch were to fall, or worse. While the likelihood of this is only low to moderate, the effects could be severe, and could extend to severe harm to the occupants.

OFFSETTING OR COMPENSATION MEASURES ASSESSMENT

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

OBJECTIVES AND POLICIES ASSESSMENT

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

- [83] In accordance with section 104(1)(b) of the Resource Management Act 1991, the objectives and policies of the Operative District Plan and the Proposed 2GP were taken into account when assessing the application.
- [84] The Proposed 2GP is now at an advanced stage. The zoning and rules of relevance to this application are operative, and the objectives and policies are not subject to appeal. Therefore, while regard has been had to the objectives and policies of the Operative District Plan, these are not discussed further in this report because no weight has been given to them, and full weight has been given to the objectives and policies of the Proposed 2GP.

Proposed 2GP

- [85] The following 2GP objective and policies are considered to be relevant to this application:

Scheduled Trees Objectives and Policies

Objective/Policy	Is the proposal Consistent with or Contrary to the Objectives and Policies?
------------------	---

Objective 7.2.1 The contribution made by significant trees to the visual landscape and history of neighbourhoods is maintained.	The proposal is inconsistent with, but not contrary to this objective. The loss of the tree will somewhat degrade the visual landscape and history of the neighbourhood. However, this tree is one of a number of trees that contribute to the visual landscape and history of the neighbourhood. The loss of this one tree will therefore not represent a tipping point in terms of compromising the visual landscape and history of the neighbourhood.
Policy 7.2.1.1 Enable removal of a scheduled tree where they are certified as 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.	This policy is not considered to be directly relevant to the proposal given that the tree is not 'dead or in terminal decline,' and nor is there any question regarding the tree's health and vitality. There is therefore no policy support for the removal of the tree based on the grounds of diminished health.
Policy 7.2.1.2 Avoid the removal of a scheduled tree (except as provided for in Policy 7.2.1.1) unless: a. there is a significant risk to personal/ public safety or a risk to personal safety that is required to be managed under health and safety legislation; b. the tree poses a substantial risk to a scheduled heritage building or scheduled heritage structure; c. there is a moderate to significant risk to buildings; d. the removal of the tree is necessary to avoid significant adverse effects on existing infrastructure and network utilities; d. removal of the tree will result in significant positive effects in respect of the efficient use of land; or	The application is considered to be consistent with this policy. I do not consider it has been demonstrated that there is a <u>significant</u> risk to personal or public safety; or a risk that is required to be managed under health and safety legislation. Nor is removal of the tree the only option to manage the risk that does exist. Nevertheless, the tree does pose some risk. I accept that there is a low to moderate degree of risk to personal safety and buildings. However, the consequences of limb or tree failure could be severe. The removal of the tree is not the only possible option for managing the risk. Installation of a cabling system, as suggested by the applicant's and the Council's arborists is another option to address risk without going to the extreme of removing the tree. However, this option may not be viable as a long term solution, as ongoing replacement of cabling will be necessary. Nevertheless, the policy only requires that there is a 'moderate to significant risk' to buildings. Based on the comments from the arborists, I consider the threshold of 'moderate' is met. Accordingly, the application can be judged to be consistent with this policy.

X. removal of the tree is required to allow for significant public benefit that could not otherwise be achieved, and the public benefit outweighs the adverse effects of loss of the tree.	In terms of adverse effects on infrastructure and network utilities, the arborists seem to accept that the tree's root system could adversely effect the drains of 4, 4B & 4C Will St. Risk to powerlines seems to have been managed over the years via pruning and accordingly, no significant adverse effects on power lines have been established. The removal of the tree will not result in significant public benefit that could not otherwise be achieved.
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Overall Objectives and Policies Assessment

- [86] The above assessment demonstrates that, overall, there is a degree of conflict with the Proposed 2GP significant tree objectives and policies, particularly Objective 7.2.1. However, the proposal is not so repugnant with any provision so as to be considered 'contrary' to that provision.
- [87] The Objectives and Policies clearly define the circumstances where the effects from the removal of a scheduled tree are considered acceptable: i.e., when a tree is dead or in terminal decline. These circumstances do not apply to the proposal. The question therefore becomes whether the risk posed by the tree warrant its removal. In this case I consider that there is sufficient risk to people and property to reach the threshold required under Policy 7.2.1.2.

DECISION MAKING FRAMEWORK

Part 2 Matters

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

Section 104D

- [89] Section 104D of the Act specifies that a resource consent for a non-complying activity must not be granted unless the proposal can meet one of two limbs. The limbs of Section 104D require either that the adverse effects on the environment will be no more than minor, or that the application is for an activity which will not be contrary to the objectives and policies of either the relevant plan or the relevant proposed plan.
- [90] Overall, I consider that the actual and potential effects associated with the proposed development will be more than minor and therefore the first 'gateway' test of Section 104D is not met.
- [91] However only one of the two tests outlined by Section 104D need be met in order for Council to be able to assess the application under Section 104 of the Act.
- [92] In order for a proposal to fail the second test of Section 104D, it needs to be contrary to the objectives and policies of both the Dunedin City District Plan and the 2GP. In order to be deemed contrary, an application needs to be repugnant to the intent of the District Plan and abhorrent to the values of the zone in which the activity was to be established.

It is noted that in this instance, the proposal is assessed as being either consistent or inconsistent with, but not contrary to, the relevant objectives and policies of the Scheduled Trees sections of both the operative and proposed plans. The proposed development is therefore considered to also satisfy the second 'gateway' test outlined by Section 104D.

- [93] In summary, the application passes one of the two tests of Section 104D of the Act and therefore, in my opinion, it is appropriate for the Committee to undertake a full assessment of the application in accordance with Section 104 of the Act. In turn, consideration can therefore be given to the granting of the consent.

Section 104

- [94] Section 104(1)(a) states that the Council must have regard to any actual and potential effects on the environment of allowing the activity. This report assessed the environmental effects of the proposal and concluded that the likely adverse effects of the proposal on the amenity values of the immediate locality will be more than minor.
- [95] Section 104(1)(ab) requires the Council to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects. No offsetting or compensation measures have been proposed or agreed to by the applicant.
- [96] Section 104(1)(b)(vi) requires the Council to have regard to any relevant objectives and policies of a plan or proposed plan. This report concluded that the application would not be contrary to the key objectives and policies of both the Dunedin City District Plan and the Proposed 2GP.
- [97] Section 104(1)(b)(v) requires the Council to have regard to any relevant regional policy statement. In this report it was concluded that given the very specific and localised nature of the proposal, there are no particularly relevant provisions within the Regional Policy Statement for Otago; and that overall the objectives and policies of the RPS have been delivered through the 2GP which has been thoroughly assessed in this report.

Other Matters

- [98] Section 104(1)(c) requires the Council to have regard to any other matters considered relevant and reasonably necessary to determine the application. For a non-complying activity, this includes the matter of precedent effects, and the integrity of the district plan provisions.

Case law indicates that for the Council to grant consent to a non-complying activity, the application needs to be a 'true exception', otherwise an undesirable precedent may be set and the integrity of the District Plan may be undermined. I consider the granting of consent to this application is unlikely to give rise to any undesirable precedent for other applications to remove trees because the granting of consent would only be relevant to another application where:

- The tree poses a moderate risk to people and property by virtue of its extreme proximity to a habitable building, and;
- Significant efforts and cost would be required to adequately address safety concerns.

[99] It is pertinent to note that the removal of any scheduled tree is required to go through this same robust framework of resource consent, and potentially a notified consent process and hearing depending on the circumstances of the tree. The circumstances of each such application can be expected to be different.

[100] I therefore consider that the proposed activity does not represent a challenge to the integrity of either the Operative District Plan or the Proposed 2GP.

CONCLUSION

[101] Having regard to the above assessment, I have concluded that consent should be granted to allow the removal of scheduled tree T1191 at 4C Will St.

RECOMMENDATION

[102] That the application to remove significant tree T1191 be granted.

REASONS FOR RECOMMENDATION

[103] I consider that the likely adverse effects of the proposed activity will be acceptable given the particular circumstances relevant to this case.

[104] The proposal is not considered to be contrary to the key relevant objectives and policies of both the Dunedin City District Plan and the Proposed 2GP.

[105] I consider that the proposal represents a 'true exception' which will not undermine the integrity of the Proposed District Plan.

[106] Overall, I consider that the granting of the consent would be consistent with the purpose of the Resource Management Act 1991 to promote the sustainable management of natural and physical resources.

Report prepared by:

Report checked by:




Jane O'Dea
Associate Senior Planner

Campbell Thomson
Senior Planner

21 February 2024

23 February 2024

APPENDIX 1: THE APPLICATION



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We JANICE THERESE BELL

(must be the FULL name(s) of an individual or an entity registered with the New Zealand Companies Office. Family Trust names and unofficial trading names are not acceptable: in those situations, use the trustee(s) and director(s) names instead) hereby apply for:

☒ Land Use Consent ☐ Subdivision Consent

I opt out of the fast-track consent process: ☒ Yes ☐ No

(only applies to controlled activities under the district plan, where an electronic address for service is provided)

Brief description of the proposed activity:

TO REMOVE SHEDDING TREE NOT1191

Have you applied for a Building Consent? Yes, Building Consent Number ABA

☒ No

Site location/description

I am/We are the: (☒ owner, ☐ occupier, ☐ lessee, ☐ prospective purchaser etc) of the site (tick one)

Street address of site: 4C WILK ST GREEN ISLAND DUNEDIN

Legal description:

Certificate of Title:

Contact details

Name: JANICE THERESE BELL (☒ applicant ☐ agent (tick one))

Address: 4C WILK STREET GREEN ISLAND DUNEDIN 9018

Postcode: 9018

Phone (daytime): [REDACTED]

Email: [REDACTED]

Chosen contact method (this will be the first point of contact for all communications for this application)

I wish the following to be used as the address for service (tick one): ☒ Email ☐ Post ☐ Other:

Ownership of the site

Who is the current owner of the site? JANICE BELL

If the applicant is not the site owner, please provide the site owner's contact details:

Address:

Postcode:

Phone (daytime):

Email:

Planning Application Fees Payment Details (Who are we invoicing)

THIS FORM MUST BE COMPLETED FOR ALL PLANNING APPLICATIONS THAT ATTRACT A FEE. ALL FIELDS ARE MANDATORY.

This information is required to assist us to process resource consent invoices and refunds at lodgement and the end of the process. If you have any queries about completing this form, please email planning@dcc.govt.nz

Deposit Payment Payee Details:

Full Name of Deposit Payee (Person or Company):

Mailing Address of Deposit Payee (please provide PO Box number where available):

Email Address of Deposit Payee:

Daytime contact phone number:

Important Note: The Payee will automatically be invoiced for the deposit and/or any additional costs. Should a portion of the deposit be unspent, it will be refunded to the payee.

Fees

Council recovers all actual and reasonable costs of processing your application. Most applications require a deposit and costs above this deposit will be recovered. A current fees schedule is available on www.dunedin.govt.nz or from Planning staff. Planning staff also have information on the actual cost of applications that have been processed. This can also be viewed on the Council website.

Development contributions

Your application may also be required to pay development contributions under the Council's Development Contributions Policy. For more information please ring 477 4000 and ask to speak to the Development Contributions Officer, or email development.contributions@dcc.govt.nz.

Occupation of the site

Please list the full name and address of each occupier of the site:

Monitoring of your Resource Consent

To assist with setting a date for monitoring, please estimate the date of completion of the work for which Resource Consent is required. Your Resource Consent may be monitored for compliance with any conditions at the completion of the work. (If you do not specify an estimated time for completion, your Resource Consent, if granted, may be monitored three years from the decision date).

(month and year)

Monitoring is an additional cost over and above consent processing. You may be charged at the time of the consent being issued or at the time monitoring occurs. Please refer to City Planning's Schedule of Fees for the current monitoring fee.

Detailed description of proposed activity

Please describe the proposed activity for the site, giving as much detail as possible. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please provide proposed site plans and elevations.

TO REMOVE COMPLETELY SITUATED TREE NO T1191, THE WORK WOULD BE CARRIED OUT BY ECO TREE CARE WHO HAVE DISCUSSED WITH ME ALL THE RELEVANT FACTORS WHICH WOULD HAVE TO BE CONSIDERED INCLUDING POSSIBLY HAVING TO HAVE THE POWER LINES DISCONNECTED FOR A SHORT TIME AND ALSO THE POSSIBILITY OF HAVING TO HIRE A CRANE OR HIRE. THESE FACTORS WOULD BE ORGANISED BEFORE ANY WORK WAS CARRIED OUT.

Description of site and existing activity

Please describe the existing site, its size, location, orientation and slope. Describe the current usage and type of activity being carried out on the site. Where relevant, discuss the bulk and location of buildings, parking provision, traffic movements, manoeuvring, noise generation, signage, hours of operation, number of people on-site, number of visitors etc. Please also provide plans of the existing site and buildings. Photographs may help.

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site?

Are there any overlaying District Plan requirements that apply to the site e.g. in a Landscape Management Area, in a Townscape or Heritage Precinct, Scheduled Buildings on-site etc? If unsure, please check with City Planning staff.

Breaches of district plan rules

Please detail the rules that will be breached by the proposed activity on the site (if any). Also detail the degree of those breaches. In most circumstances, the only rules you need to consider are the rules from the zone in which your proposal is located. However, you need to remember to consider not just the Zone rules but also the Special Provisions rules that apply to the activity. If unsure, please check with City Planning staff or the Council website.

Rule 7.3.2.3

REMOVAL OF TREE NO T1191

Affected persons' approvals

I/We have obtained the written approval of the following people/organisations and they have signed the plans of the proposal:

Name:

Address:

Name:

Address:

Please note: You must submit the completed written approval form(s), and any plans signed by affected persons, with this application, unless it is a fully notified application in which case affected persons' approvals need not be provided with the application. If a written approval is required, but not obtained from an affected person, it is likely that the application will be fully notified or limited notified.

Assessment of Effects on Environment (AEE)

In this section you need to consider what effects your proposal will have on the environment. You should discuss all actual and potential effects on the environment arising from this proposal. The amount of detail provided must reflect the nature and scale of the development and its likely effect. i.e. small effect equals small assessment.

You can refer to the Council's relevant checklist and brochure on preparing this assessment. If needed there is the Ministry for the Environment's publication "A Guide to Preparing a Basic Assessment of Environmental Effects" available on www.mfe.govt.nz. Schedule 4 of the Resource Management Act 1991(RMA) provides some guidance as to what to include.

(Attach separate sheets if necessary)

The following additional Resource Consents from the Otago Regional Council are required and have been applied for: Yes ☒ No

Water Permit Discharge Permit Coastal Permit Land Use Consent for certain uses of lake beds and rivers ☒ Not applicable

Assessment of Objectives and Policies

In this Section you need to consider and assess how your application proposal aligns with the relevant objectives and policies in the District Plan relating to your activity. If your proposal is a discretionary or non-complying activity under the District Plan more attention to the assessment will be necessary as the objectives and policies of the District Plan may not always be in support of the proposed activity.

I AM APPLYING FOR RESOURCE CONSENT TO REMOVE SCHEDULED TREE NO T1191 FOR THE FOLLOWING REASONS

1/ THE TREE ROOTS HAVE GROWN TO THE EXTENT THAT THEY HAVE LIFTED MY PATHS AND HAVE ALSO LIFTED MY HUSBANDS SITED SO MUCH THAT HE HAS HAD TO MODIFY THE DOOR FOR IT TO BE ABLE TO BE OPENED AND CLOSED PROPERLY.

2/ WHEN WE HAVE SIGNIFICANT WIND I AM CONSTANTLY SETTING BRANCHES BREAKING OFF AND FALLING ON MY ROOF. I AM THEREFORE TERRIFIED THAT IN A VERY HIGH WIND THE TREE WILL SPLIT AND EITHER CRASH ONTO MY HOUSE OR ACROSS THE POWER LINES. MY FEAR IS THAT BAD THAT IN A HIGH WIND I WON'T SLEEP IN THE BEDROOM THAT IS CLOSE TO THE TREE SO I GO AND SLEEP IN THE LOUNGE.

3/ I AM ALSO CONCERNED ABOUT WHAT DAMAGE THE TREE ROOTS ARE DOING TO THE FOUNDATIONS OF THE HOUSE THAT THEY OBVIOUSLY GO UNDER THAT WE CANNOT SEE.

Declaration

I certify that, to the best of my knowledge and belief, the information given in this application is true and correct.

I accept that I have a legal obligation to comply with any conditions imposed on the Resource Consent should this application be approved.

Subject to my/our rights under section 357B and 358 of the RMA to object to any costs, I agree to pay all the fees and charges levied by the Dunedin City Council for processing this application, including a further account if the cost of processing the application exceeds the deposit paid.

Signature of: ☒ Applicant ☐ Agent (tick one):

JBell

Date: 8.9.23

Privacy – Local Government Official Information and Meetings Act 1987

You should be aware that this document becomes a public record once submitted. Under the above Act, anyone can request to see copies of applications lodged with the Council. The Council is obliged to make available the information requested unless there are grounds under the above Act that justify withholding it. While you may request that it be withheld, the Council will make a decision following consultation with you. If the Council decides to withhold an application, or part of it, that decision can be reviewed by the Office of the Ombudsmen.

Please advise if you consider it necessary to withhold your application, or parts of it, from any persons (including the media) to (tick those that apply):

- Avoid unreasonably prejudicing your commercial position
- Protect information you have supplied to Council in confidence
- Avoid serious offence to tikanga Māori or disclosing location of waahi tapu

What happens when further information is required?

If an application is not in the required form, or does not include adequate information, the Council may reject the application, pursuant to section 88 of the RMA. In addition (section 92 RMA) the Council can request further information from an applicant at any stage through the process where it may help to a better understanding of the nature of the activity, the effects it may have on the environment, or the ways in which adverse effects may be mitigated. The more complete the information provided with the application, the less costly and more quickly a decision will be reached.

Further assistance

Please discuss your proposal with us if you require any further help with preparing your application. The Council does provide pre-application meetings without charge to assist in understanding the issues associated with your proposal and completing your application. This service is there to help you.

Please note that we are able to provide you with planning information but we cannot prepare the application for you. You may need to discuss your application with an independent planning consultant if you need further planning advice.

City Planning Staff can be contacted as follows:

IN WRITING: Dunedin City Council, PO Box 5045, Dunedin 9054

IN PERSON: Customer Services Centre, Ground Floor, Civic Centre, 50 The Octagon

BY PHONE: (03) 477 4000

BY EMAIL: planning@dcc.govt.nz

There is also information on our website at www.dunedin.govt.nz

Information requirements

- Completed and Signed Application Form
- Description of Activity and Assessment of Effects
- Site Plan, Floor Plan and Elevations (where relevant)
- Written Approvals
- Payee details
- Application fee (cash, eftpos, direct credit or credit card (surcharge may apply))
- Certificate of Title (less than 3 months old) including any relevant restrictions (such as consent notices, covenants, encumbrances, building line restrictions)
- Forms and plans and any other relevant documentation signed and dated by Affected Persons

In addition, subdivision applications also need the following information:

- Number of existing lots
- Number of proposed lots
- Total area of subdivision
- The position of all new boundaries

In order to ensure your application is not rejected or delayed through requests for further information, please make sure you have included all of the necessary information. A full list of the information required for resource consent applications is in the Information Requirements Section of the District Plan.

OFFICE USE ONLY

Has the application been completed appropriately (including necessary information)? Yes No

Application: Received Rejected

Received by: Counter Post Courier Other:

Comments:

(Include reasons for rejection and/or notes to handling officer)

Planning Officer:

Date:

Eco Tree Care LTD
PO BOX 5013 Waikiwi
Invercargill

Arborist Report

Prepared by

William Hagendorn

Operations Manager

Eco Tree Care LTD

ISA Certified Arborist ON-1905A

ISA TRAQ Certified Arborist

Will.ecotreecare@gmail.com

Prepared for

Michael Bell

mandjbelle@xtra.co.nz

0274394616

Locations

4C Will Street

Abbotsford

Introduction

Eco Tree Care LTD was asked by Michael Bell to conduct an visual ground inspection and provide an arborist report for the scheduled ash tree (*Fraxinus nigra*) located on the north side of the section (figure 1). The reason for this report is the homeowner would like the tree removed and the council requires a report of the trees health and any concerns or notes of interest that involve the tree. A qualified arborist provided by Eco Tree Care was tasked to provide an assessment of the trees affected by the proposed work for removal of the effected tree.

Inspection

Upon final inspection by the arborist on October 27th, 2023, the weather conditions were mild temperature on a partially cloudy, windy day. The ash tree is privately owned by Michael Bell. The tree is located to the north side of Michael's house approximately 2.5M away with three limbs overhanging the house and powerlines on the north side of the tree. There was an initial inspection carried out by the arborist on site with Michael, property owner, who informed me of the history of the tree since they have been living there for the past 7 years. Since he and his wife have lived there, they have said that during any high wind event they have had branches up to 75MM in diameter come down and strike the house and garden shed underneath. They have also stated that the roots of the tree have been affecting their footpaths and garden shed by raising the concrete and cracking the ash felt (Figure 2A, 2B). Due to the close proximity of the trees base to the house (Figure 2C) and evidence of large diameter roots (Figure 2D) heading north towards the driveway there is a possibility that the roots can be interfering with the home's foundation and plumbing. The root flare and base of the tree are in good condition with no visible defects or wounds and have a healthy taper up to the first two main stems of the tree. The two main stems from a visual ground inspection appear to have a healthy union with no visible defects or abnormalities (Figure 3). Roughly about 2M above the union of the two main stems they branch off into 5 leaders, two on the north side of the tree and three on the south side of the tree. These leaders appear to have no visual defects and form a normal union. The canopy of the tree was starting to come into leaf with epicormic growth forming throughout the middle of the canopy and along most of the limbs. I estimate that about 10% of the canopy is deadwood with some deadwood over the house (figure 4A) and over the driveway (figure 4C) ranging from 25mm-100mm in size.

The tree has been pruned in the past by a utility company to clear the nearby powerlines and by a private company in the past 5 years with pruning cuts beginning to seal over. Overall, the tree's health appears to be in good condition with no visible defects or abnormalities and is showing signs of healthy response growth to the pruning done previously. In a 5-year timeframe I would rate the risk of the overhanging limbs above the house as low and the south side stem closest to the house a risk rating of moderate. The overhanging limbs on the north side of the tree above the powerlines and garden shed have a risk rating of low with the north side stem leading towards the powerlines and shed having a risk rating as moderate.

Discussion

The goal of this report is to provide an independent report of the tree per request by the council. Although the tree is in good overall health with a risk rating of low to moderate there is a real concern from the homeowners who occupy the house regularly throughout the day with their bedroom located beneath the tree. They have said that on days and nights where there are winds of any force, they often hear branches fall from the tree and strike the roof. This causes them to sleep elsewhere in the house from fear of a larger branch dropping and possibly injuring them. This over the years has led to them avoiding being in half the house and significantly reduces their enjoyment of their section. There is also the potential for the roots to be interfering with the house's foundation but there is no way to be certain unless there is a root inspection carried out with an air spade.

Proposed plan

Tree works will be performed by trained and qualified arborists only. It is recommended that the ash tree be regularly maintained by pruning away deadwood, epicormic growth where necessary, and cabling system installed to reduce risk of whole stem failure. If the tree is to be removed it should be replaced, if possible, by more suitable trees. Suggested trees for replacement are *Metrosideros excelsa*, *Vitex lucens*, & *Sophora microphylla*.

Conclusion

Eco Tree Care trusts that the information provided will be helpful and accurate and, if possible, replaced trees where need be. Additionally, I hope that this report has all the information you required. If there are any questions or concerns, please contact me.

Best regards,

William Hagendorn, ISA ON 1905-A

William Hagendorn



Figure 1



Figure 2A



Figure 2B



Figure 2C



Figure 2D

APPENDIX 2:
SUBMISSIONS RECEIVED

SUBMISSION FORM 13

Submission concerning resource consent on limited notified application under section 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

12 DEC 2023

Resource Consent Number: LUC-2023-346

Applicant: M & J Bell

Site Address: 4C Will Street, Green Island

Description of Proposal: Remove scheduled tree T1191 (Ash tree) that is not in terminal decline.



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

Your Full Name:

Marion Elizabeth Baird

Postal Address:

1a. Will Street Abbotsford
Green Island

Post Code: 9018

Telephone:

[Redacted]

Email Address:

[Redacted]

I wish the following to be used as the address for service (choose one): email post other:

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 308B 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.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I: Support/Neutral/Oppose this Application (choose one) Support

The specific parts of the application that this submission relates to are [give details]:

The removal of tree T1191 (Ash Tree).
Support Jan & Mike Bells application for removal.
This tree is truly unsuitable to be in a small section
and is a danger to both the Bells and people passing
on the side walk of Will Street.

Please attach other pages as required

My submission is [include the reasons for your views]:

The tree T1191 is causing problems.
During wind it drops branches.
Because of the huge canopy of the tree they can land
on the roof of the house, the section and on the roadside
crossing power lines.

The paths on Bells section are lifting and the path
against the house is buckling. This is a tripping hazard.

I feel uneasy looking after the Bells section

PLEASE TURN OVER

when they are away - when it is blowing.

I have also ~~to~~ slid on the sidewalk when debris from the tree after wind is lying there.

I am concerned for the health safety and well being of the Bells while the tree is still there

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

I wish the council to allow the Bells to have this dangerous tree removed.

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

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 presenting a joint case with them at a hearing

Yes ☐ No ☐ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, 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 close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter: elo E. Saurer
(or person authorised to sign on behalf of submitter)

Date: 8-12-2023

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is [Friday], **15 December 2023 at midnight**. 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 4C Will Street, Green Island, Dunedin 9018.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that 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 purpose of the limited notified resource consent process.

Strike Out: Please note that your submission (or part of your submission) may be struck out if the Council is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION FORM 13

Submission concerning resource consent on limited notified application under section 95A, Resource Management Act 1991

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2023-346 **Applicant:** M & J Bell
Site Address: 4C Will Street, Green Island
Description of Proposal: Remove scheduled tree T1191 (Ash tree) that is not in terminal decline.

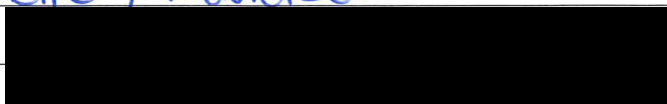


I/We wish to lodge a submission on the above resource consent application (please read privacy statement):

Your Full Name:

Lyrette, Davidson

Postal Address:



Post Code:

Telephone: Email Address:



I wish the following to be used as the address for service (choose one): email post other:

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 308B 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.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I: **Support/Neutral/**Oppose this Application (choose one)

The specific parts of the application that this submission relates to are [give details]:

Environmental - the tree has lots of birdlife, and it has been checked for safety to the Bells and has no dangers. The tree has been there longer than the house & should stay.

Please attach other pages as required

My submission is [Include the reasons for your views]:

as above

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Do not chop down the tree.

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

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 presenting a joint case with them at a hearing

Yes ☐ No ☒ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, 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 close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter: L. D.
(or person authorised to sign on behalf of submitter)

Date: 27/11/2023

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is [Friday], **15 December 2023 at midnight**. 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 4C Will Street, Green Island, Dunedin 9018.

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- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2023-346 **Applicant:** M & J Bell
Site Address: 4C Will Street, Green Island
Description of Proposal: Remove scheduled tree T1191 (Ash tree) that is not in terminal decline

DCC

24 NOV 2023

Business Information
Part 10

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

Your Full Name:

Helena Jane Dobson

Postal Address:

46 Will Street, Green Island, Dunedin

Post Code: 9018

Telephone:

Email Address:

I wish the following to be used as the address for service (choose one): email post other:

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 308B 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.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I Support/Neutral/Oppose this Application (choose one)

The specific parts of the application that this submission relates to are [give details]:

The removal of tree # T1191 @
4C Will Street, Green Island, Dunedin.

Please attach other pages as required

My submission is [Include the reasons for your views]:

Tree needs to be removed/replaced for
following reasons:
1) The roots will damage the foundations +
plumbing of my property
2) Felling branches will damage my
property + potentially hit a person.
3) The leaves falling from tree block
my gutters faster than I can clear
them.

4) This situation is putting myself + my neighbours through a great deal of stress + worry of financial + physical damage this tree is + will in future cause.

Human safety + mental well-being should be taken into consideration + made a priority

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Removal of tree # T1191 approved.

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

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 presenting a joint case with them at a hearing

Yes ☒ No ☐ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, 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 close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter: [Signature]
(or person authorised to sign on behalf of submitter)

Date: 20.11.23

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is [Friday], **15 December 2023 at midnight**. 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 4C Will Street, Green Island, Dunedin 9018.

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- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION FORM 13

Submission concerning resource consent on limited notified application under section 95A, Resource Management Act 1991



To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2023-346

Applicant: M & J Bell

Site Address: 4C Will Street, Green Island

Description of Proposal: Remove scheduled tree T1191 (Ash tree) that is not in terminal decline.

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

Your Full Name:

Shona Elizabeth Dyer

Postal Address:

[Redacted Address]

Post Code: 9018

Telephone:

[Redacted Telephone]

Email Address:

n/a

I wish the following to be used as the address for service (choose one): email ☐ post ☒ other: ☐

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 308B 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.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I: Support/Neutral/Oppose this Application (choose one)

The specific parts of the application that this submission relates to are [give details]:

Please attach other pages as required

My submission is [Include the reasons for your views]:

Why can't they drop a tree that
is damaging their foundations !!!

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Please let the tree be gone.!!

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

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 presenting a joint case with them at a hearing

Yes ☐ No ☐ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, 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 close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter:  (or person authorised to sign on behalf of submitter)

Date: 27-11-23

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is [Friday], **15 December 2023 at midnight**. 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 4C Will Street, Green Island, Dunedin 9018.

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- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number:

LUC-2023-346

Applicant: M & J Bell

Site Address:

4C Will Street, Green Island

Description of Proposal:

Remove scheduled tree T1191 (Ash tree) that is not in terminal decline.

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

Your Full Name:

MATTHEW PETRE

Postal Address:

4 Will Street, Green Island
Dunedin

Post Code: 9018

Telephone:

Email Address:

I wish the following to be used as the address for service (choose one):

☒ email

☐ post

☐ other:

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 308B 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.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I: ☒ **Support** / ~~Neutral~~ / ~~Oppose~~ this Application (choose one)

The specific parts of the application that this submission relates to are [give details]:

Assessment of objectives & policies.

③ Concerned about tree roots. Not only to Jan & Mikes home but also the damage to tree roots will be causing to our pipe works that sit at the end of the shared driveway.

— we would have to dig up paved driveway at a significant cost.

Please attach other pages as required

My submission is [include the reasons for your views]:

I agree with all of Jan's concerns.

I am happy for any work to be carried out to remove this tree.

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

I am in full support of Jan & Mike.

If approved I would only like to be notified of the dates for work completed.

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

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 presenting a joint case with them at a hearing

Yes ☐ No ☐ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, 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 close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter:  (or person authorised to sign on behalf of submitter)

Date: 20.11.2023.

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is [Friday], **15 December 2023 at midnight**. 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 4C Will Street, Green Island, Dunedin 9018.

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- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

SUBMISSION FORM 13

Submission concerning resource consent on limited notified application under
section 95A, Resource Management Act 1991

DCC

- 4 DEC 2023

Business Information
Services

To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2023-346

Applicant: M & J Bell

Site Address: 4C Will Street, Green Island

Description of Proposal: Remove scheduled tree T1191 (Ash tree) that is not in terminal decline.

POTS

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*Postal Address: *Jim Moffat, secretary-advocate**63 Fitzroy Street, Dunedin*Post Code: *9012*

Telephone: [REDACTED]

Email Address: [REDACTED]

I wish the following to be used as the address for service (choose one): email ☒ post other:I would like my contact details to be withheld: Yes ☐ No ☒ (tick one)*POTS is*

I ~~Am~~ ~~Am Not~~ (delete one) a trade competitor for the purposes of section 308B 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.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I: ~~Support~~ ~~Neutral~~ ~~Oppose~~ this Application (choose one)*Support*

The specific parts of the application that this submission relates to are [give details]:

*Attached pages**JLB M.*

Please attach other pages as required

POTS

My submission is [include the reasons for your views]:

*Attached pages**JLB M.*

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Attached pages

J.B.M.

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

DOTS does

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 presenting a joint case with them at a hearing

Yes ☒ No ☐ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, 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 close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter: J.B. Moffat
(or person authorised to sign on behalf of submitter)

Date: 30/11/23

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is [Friday], **15 December 2023 at midnight**. 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 4C Will Street, Green Island, Dunedin 9018.

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- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

POTS attached pages to the M.&J. Bell application LUC-2023-346.

Page 1

The specific parts of the application this submission relates to are:

(1): The removal of T1191 (Ash Tree). This tree is too big, too close, too threatening to the residents at 4c Will Street, Green Island, Dunedin.

(2): Supports the Bell application for its removal because it is totally unsuited by its size growing too close to the Bell house. It is more suited to a park or rural area than in an urban setting.

(3): POTS believes T1191's status in its present site is beyond any STEM appraisal. There are aspects of its growth that in a severe storm would cause off boundary effects such as broken branches falling across electric power lines.

POTS submission is:

(1): T1191 pose a threat to Mike and Janice Bells' lives by way of broken branches falling on their roof; by its roots causing damage to their paths and Mike's shed and the possibility growing under their house damaging its foundations.

(2): In storm, or cyclone, branches will break and fall, some onto their roof above the bedroom and others outside their boundary onto the street.

(3): This and the other concerns make the sheer size of the Ash tree growing so close to their house a cause for great danger in a storm or cyclone.

(4): The council's significant tree 25.3 schedule is about providing city amenity rather than causing real fears among ratepayers like the Bells.

J. B. M.

Page 2

(5): What is the most important thing? He tangata – people -- not trees regardless of the fact that King Charles has been talking to them for years.

(6): William Hagendorn, a certified arborist with Eco Tree Care Ltd. In his report discusses the roots possibility interfering with the Bell's house foundations and the deadwood in the canopy.

(7): T1191 maybe big and healthy, but its size makes it too big for its present site so close to the Bell's house. To allow this to continue would be unreasonable, cruel and socially unjust!

POTS seek the following decision from the council:

Allow the Bells to remove this egregious tree completely from its present inappropriate site as soon as possible.

POTS does wish to be heard in support of this submission at a hearing.

Appendix to the submission

Entropy: A state of randomness and the measure of a systems disorder. All systems if left untended are inclined toward a state of randomness.

The Resource Management Act never mentions 'planning as a verb.' The RMA rejected the former Town and Planning Act to favour the environment effects. Owen McShane, Centre of Resource Management. 27/9/07.

Amenity: Denoting agreeableness arising from the site's beauty.

"We need to be very circumspect lest we do more harm than good."
Benjamin Franklin's caution about meddling with nature.

J. B. M.

From: gingerbiscuit63@hotmail.com
To: [Resource Consent Submissions](#)
Subject: Resource consent application submission - 1018809
Date: Monday, 27 November 2023 12:07:23 p.m.

Your details

Name:

Linda Reynolds

Organisation/On behalf of:

Postal address:

[REDACTED]

Contact phone number:

Email address:

[REDACTED]

Address to be used: Email

Withhold contact details: Yes

Trade Competition

I am a trade competitor for the purposes of section 308B of the Resource Management Act 1991: No

I am 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: No

Submission details

Your position: I am neutral towards this application

The specific parts of the application that this submission relates to are:

Removal of the protected/scheduled Ash Tree at 4C Will Street.

My submission is:

I wish to lodge my concern about the proposed removal of the scheduled tree on the property, 4C Will Street, Abbotsford. This tree is a mature Ash and has certainly been in Will Street for many years, much longer than the current property. In his report, the arborist concludes that the tree poses a low to moderate risk for the householder. He recommends root inspection with air spade to ascertain the extent of any risk to plumbing or drains. I would suggest that the property owners consider these recommendations before taking the drastic measure of full tree removal. He also recommends that regular maintenance is undertaken, including a cabling system be installed to reduce the risk of whole stem failure. In his report, he does not recommend removal of the tree. He recommends that, if tree removal is approved, appropriate trees are planted in its place. This tree significantly enhances the aspect and amenity of the neighbourhood. We are very fortunate to have 4 scheduled trees on Will Street. The total removal of this tree would, in my opinion, be to the detriment of the aesthetics of the area. I fully empathise with the householder's concerns and would not wish them to be suffering hardship due to their current situation. For this reason, I am not opposing the application. However, I would

suggest that consideration is given to vigorous pruning, ongoing maintenance and potential cabling safety enhancements as an alternative. I would question why, if there is a risk to the property, the Dunedin Council granted permission for the property to be built on that site in the first place. This is a very recent new build property. I believe the Council should not just pay lip service to the protection of significant trees, they should rigorously uphold the spirit of the protection when considering planning applications for new builds in the vicinity of protected trees.

I seek the following decision from the Council:

Supporting documentation (file name/s):

No file uploaded

I wish to speak in support of my submission: No

If others make a similar submission, I will consider presenting a joint case with them at a hearing: No

Request for Independent Hearings Commissioner(s): No

I have read and understand the Privacy statement: Yes

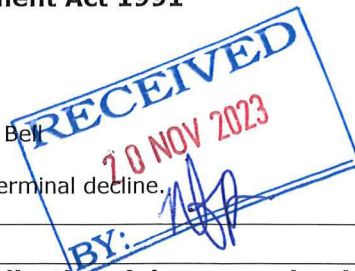
To: Dunedin City Council, PO Box 5045, Moray Place, Dunedin 9058

Resource Consent Number: LUC-2023-346

Applicant: M & J Bell

Site Address: 4C Will Street, Green Island

Description of Proposal: Remove scheduled tree T1191 (Ash tree) that is not in terminal decline.



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

Your Full Name:

Grace Frances Wardell & Ian George Wardell

Postal Address:

3 Will Street
Green Island
Dunedin

Post Code: 9018

Telephone:

Email Address:

I wish the following to be used as the address for service (choose one): email post other:

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 308B 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.

Note: If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

I: Support/Neutral/Oppose this Application (choose one)

Support

The specific parts of the application that this submission relates to are [give details]:

My husband and I are happy for the tree at 4C will St to be cut down especially in the light of the fact that it is causing damage to the house or likely to cause damage.

Please attach other pages as required

My submission is [include the reasons for your views]:

We think it should be up to the current owners of the property to decide if they want to replant another tree to replace the one to be felled.

Although the property was bought with the tree, we believe the owner should have primary say over which trees etc should be removed especially when health and safety concerns are involved.

On private property people should come first.

P.S. We are surprised the tree hasn't already been removed

PLEASE TURN OVER

Please attach other pages as required

I seek the following decision from the Council [give precise details, including the parts of the application you wish to have amended and the general nature of any conditions sought]:

Please attach other pages as required

Note: If you have a right of appeal under section 120 of the Resource Management Act 1991, you may appeal only respect of a matter raised in your submission (excluding any part of the submission that is struck out).

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 presenting a joint case with them at a hearing

Yes ☒ No ☐ (tick one)

I request, pursuant to section 100A of the Resource Management Act 1991, 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 close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

Signature of submitter: G. Woodell
(or person authorised to sign on behalf of submitter)

Date: 20 Nov 2023

Notes to Submitter:

Closing Date: The closing date for serving submissions on the Dunedin City Council is [Friday], **15 December 2023 at midnight**. 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 4C Will Street, Green Island, Dunedin 9018.

Electronic Submissions: A signature is not required if you make your submission by electronic means. Submissions can be sent by email to resconsent.submission@dcc.govt.nz

Privacy: Please note that submissions are public. Your name, contact details and submission will be included in papers that 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 purpose of the limited notified resource consent process.

Strike Out: Please note that your submission (or part of your submission) may be struck out if the Council is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- It is frivolous or vexatious.
- It discloses no reasonable or relevant case.
- It would be an abuse of the hearing process to allow the submission (or the part) to be taken further.
- It contains offensive language.
- It is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

APPENDIX 3:
COUNCIL OFFICER EVIDENCE

Memorandum

TO: Jane O’Dea, Associate Senior Planner

FROM: Luke McKinlay, Landscape Architect

DATE: 16-February-2024

SUBJECT LUC-2023-346- 4c Will Street- LA comments

Kia ora Jane,

This memorandum is in response to your request for comment on the above application to remove a scheduled tree at 4C Will Street (T1191 – Ash).

The original STEM assessment, which was conducted in 2001, resulted in a score of 162, which is above the required 145 threshold for inclusion on the schedule.

I undertook a site visit to the area surrounding the subject tree on 13 November, 2023 to determine the likely effect of the proposed removal of T1191 on existing visual and landscape amenity values and to reassess the existing STEM evaluation. Photographs taken at this time are appended to this report as Attachment 1.

The Proposal

The applicants request to remove the scheduled tree, T1191. The reasons provided in the application for the tree’s removal are:

- Safety concerns due to proximity of the tree to the house and risk of falling branches;
- Damage to paths caused by roots;
- Potential damage to dwelling caused by roots.

Site Context

Will Street is a cul-de-sac in Abbotsford, accessed off Severn Street. The surrounding area is zoned General Residential 1 and contains a mixture of stand-alone dwellings and blocks of flats. The surrounding streetscape is characterised by vegetated front yards with either hedges, mixed informal amenity planting and/or mature trees lining the street-front boundaries. Where present, front boundary fences tend to be low.

There are no street trees on Wills Street, however, there are several scheduled trees on private properties in the surrounding area (T1190 (Oak) & T1189 (Southern Rata), which are both on Wills St, and T1193 (Kowhai) & T1008 (Lancewood) on Severn St.

The subject tree is located near the street front boundary of this property and close to the northern corner of the dwelling at this address.

STEM Assessment

There are three broad evaluation categories to a STEM report – condition (health), amenity (community benefit) and notable evaluation features. This memo is restricted to considering amenity related matters only. There are no notable evaluation features identified for this tree.

The 2001 council STEM assessment of T1191, resulted in a total amenity 'score' of 81.

It is considered that the amenity evaluation remains largely unchanged from the 2001 assessment, with the exception that the stature of the tree has increased.

My re-evaluation of the 2001 STEM is as follows:

- Stature: The height of T1191 was recently re-measured by Council's consultant arborist, Mark Roberts. He assessed the height at 27 meters. As such, the stature assessment of the STEM increases from the 2001 assessment, when it was measured in the range 21-26m (27 points).
- Visibility: T1191 is visible from a distance of at least 1km (9 points).
- Proximity: While T1191 dominates several smaller neighbouring trees, it is reasonable to assess that this is not a solitary tree, but part of a small cluster - Group 3+ (21 points).
- Role: This criterion assesses a tree or trees' value in a setting or as part of a composition. It is considered that T1191 makes an important contribution to the amenity of the surrounding area, both at the streetscape level and as part of the treescape associated with this neighbourhood of Abbotsford. Due to its stature and location near the street front boundary, T1191 is a primary focal feature of the immediate surrounding streetscape. In the absence of street trees on this street, it provides an important counterpoint to the surrounding built environment. (Important: 15 points).
- Climate: The value of large trees in the urban environment is well established. Both at a micro climatic scale (the benefits of shade, shelter) and at a wider city-scale (air purification, carbon sequestration, stormwater absorption) trees such as T1191 have multiple climatic benefits. Even if only considered at a micro climatic level, the impact of a large deciduous tree such as T1191 is important (15 points).

Combined STEM amenity subtotal: **87**

This reassessment confirms that T1191 retains amenity values that support its place on the scheduled tree register.

In general, it is considered that T1191 is a prominent natural feature visible from various surrounding locations on Will Street and nearby parts of Abbotsford, including the hill slopes to the east of the site and parts of Green Island. Due to its stature and close proximity to the street front boundary, T1191 is a primary focal feature of the immediate surrounding area. While a multi-stemmed tree, T1191 has a broad, symmetrical form and appears in good health.

When considered in the context of the surrounding area, it is noted that there are several small clusters of tall trees, and individual trees which collectively contribute to the amenity of the neighbouring area (refer figure 1). As such, the removal of T1191 may not be as noticeable in this context, when compared to a situation where a lone tree or one of only few remaining tall trees was subject to removal. However, it is considered that the loss of this distinctive and prominent tree would have moderate-high adverse effects on existing amenity values. At approximately 100 years of age, this tree is likely a well-known landmark and forms a strong natural counterpoint to surrounding built development.

Kā mihi,

Luke McKinlay
Landscape Architect

Attachment 1: Site Photographs

Figure 1. View towards T1191 from west of the site on Will Street



Figure 2. View towards T894 from east of the site on Will Street



Figure 3. Close proximity view of T1191.

Jane O'Dea

From: Mark Roberts
Sent: Thursday, 28 September 2023 02:28 p.m.
To: Finn Campbell
Subject: Re: LUC-2023-346

Hi Finn - I went out to take a look at this tree last week.

In response to your request for comment:

1. [Is the tree in terminal decline?](#) - **No.** Although not fully in leaf at the time of my assessment, I saw nothing to suggest that the tree had reduced vigour or was declining
2. [Does the tree present significant threat to property or human health?](#) - **No.** The risk posed by this tree is currently low, but the potential consequences of complete or partial failure onto the house and/or those within the house are catastrophic. It is a massive tree very close to the house (a house what was allowed to be built under the tree). The tree has a history of branch failure (as in branches have fallen off it previously) there are similar branches present and it is a species (ash) that is known to drop limbs.
3. [Could remedial work address the issues indicated by the applicant?](#) - **No.** Its a massive tree and the pruning required to reduce the perceived risk would result in the tree being basically cut in half (which would make it unsafe shortly there after and reduce its form to less than that required to make it onto the scheduled tree list)

[The applicant has indicated the roots have lifted some paths, interfered with the shed such that the door needed adjusting](#) - I am confident that that is true, and that it is likely that are also roots under the house that have the potential to cause structural damage to it (allowing the house to be built under the tree was ill-considered). [that some branches fall onto the roof and frighten the applicant such that they sleep in the lounge during high winds](#), I am confident that that is also true, their bedroom in directly under the tree (as to is much of their lounge) [and there is claims of damage to the foundations of the house](#). As above *it is likely that are also roots under the house that have the potential to cause structural damage to it.*

As it stands, the risk of significant harm or damage within the next 2 or 3 years is low - but it is probable that it will cause minor damage in the short term and significant damage in the long term.

From an arboricultural perspective there is no immediate need to remove the tree (in terms of risk and tree health), but there should be sufficient concern to consider approving the application based on a combination of likely outcomes.

My thoughts

Mark

Mark Roberts



Roberts Consulting Ltd | +64 21 508 255

The collective knowledge of qualified arborists

- Industry professionals
- Trained and registered tree risk assessors

On 28/09/2023, at 13:21, Finn Campbell <Finn.Campbell@dcc.govt.nz> wrote:

Hi Mark,

Just following up on this and LUC-2023-347. Is there and update to when I can expected the comments back?

Cheers,

[Finn Campbell](#)

Graduate Planner

Resource Consents

P 03 477 4000 | DD 03 474 3448 | finn.campbell@govt.dcc.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz

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If this message is not intended for you please delete it and notify us immediately; you are warned that any further use, dissemination, distribution or reproduction of this material by you is prohibited..

From: Finn Campbell
Sent: Wednesday, 13 September 2023 11:59 a.m.
To: mark@robertsconsulting.co.nz
Subject: LUC-2023-346

Hi Mark,

Another tree for you. This is an application for removal of Tree 1191 at 4C Will Street.

Please get in touch if you have any questions.

All the best,

Finn Campbell

Graduate Planner

Resource Consents

P 03 477 4000 | **DD** 03 474 3448 | finn.campbell@govt.dcc.nz

Dunedin City Council, 50 The Octagon, Dunedin

PO Box 5045, Dunedin 9054

New Zealand

www.dunedin.govt.nz

Roberts Consulting Ltd
 p: +64 21 508 255
 e: info@robertsconsulting.co.nz
 w: www.robertsconsulting.co.nz



November 30, 2023

RE: Summary of events regarding the ash tree T1191

Finn Campbell
 City Planning
 Dunedin City Council
 PO Box 5045
 Dunedin 9058

Dear Finn

As per your request, I have put together a summary of visits and assessment that I have made to the ash tree T1191 at 4a Will Street, Dunedin.

I have assessed this tree four (4) times between April 2021 and November 2023. As noted in my November 6 email to you; *'... from an arboricultural perspective the tree is fine, but the risks are real (as opposed to perceived) and therefore the question for the Council is; what level of risk and/or hardship can the Council impose on a tree owner (knowing that the Council doesn't own the tree or pay to manage it).'*

In terms of risk, I am in agreement with William Hagendorn's (Eco Tree Care Ltd) October 27, 2023 report that, *the tree is in good overall health with a risk rating of low to moderate.*

- The risk of harm is low but the risk of damage moderate

Mr Hagendorn points out that the tree owners (Mr and Mrs Bell) bedroom is in the portion of the house directly beneath the tree, and during high winds, the Bell's choose to sleep elsewhere in the house from fear of a larger branch dropping and possibly injuring them.

Although unlikely, if limb failure were to occur it is improbable that the house would offer sufficient protection to prevent harm from being caused to anyone in that part of the house at the time.

Mr Hagendorn also notes that there is the potential for the roots of the tree to be interfering with the foundations of the house. I also suspect this to be true. The house was allowed to be built inside the active root zone, directly under the canopy of the tree. I am unsure what if any actions or considerations were taken in relation to the tree during the consenting of 4a and 4b Will Street, but I saw nothing to indicate that root barriers have been installed.

From my point of view, the risks associated with this tree are real as opposed to perceived. The protection offered by the house (the physical structure between the tree and those inside the house) is insufficient to prevent harm if limb failure occurred and there were people there at the time. There are no protection factors for the house, based on the size of the limbs and/or the distances branches that could fail would fall, damage to the house would be considerable.

From an arboricultural perspective, there is nothing wrong with the tree. The decision to grant consent and remove the tree will need to be based on other factors or left to the will and understanding our elected officials.

As per your request, I have provided a relatively concise report. If you require an explanation of any of the recommendations provided or documentary evidence to support any of the content in this report please do not hesitate to ask.

Yours sincerely



Mark Roberts
Roberts Consulting Ltd

Summary of visits and assessments:

November 6, 2023 at the request of Finn Campbell. RE memorandum for STEM assessment

Further to this, if possible, may I please have the following clarified?

1. Does the tree present a moderate or significant risk to buildings?
There is a risk of structural damage from the roots and impact damage from branches falling - but the choice of words is really important, I cannot confirm if the likelihood is moderate or significant without knowing the scale and/or your definition of the terms. In this instance, from a Council's perspective I would say that the risk posed by this tree on the building is not tolerable (i.e. it is not tolerable for the Council to impose the risk associated with this tree on the tree owner).
2. Is the removal of the tree necessary to avoid significant adverse effects on existing infrastructure and network utilities?
Yes and No, depending on what the Council believes is reasonable to impose on a tree owner... In regards to network utilities this concern is covered by the Tree Regulations (2003) and the Electricity Act (1992) - technically the tree is outside the zones of management, therefore the risk it poses to network is up to the network to decide. Because it has been pruned and not removed it is likely that network does not consider the risk sufficient. But that a network question. As for adverse effects on existing infrastructure you would need to confirm which and what existing infrastructure you are talking about and then define adverse.

April 13, 2023 at the request of Phil Marshall RE inspection of T1191 with regards to options.

The ash (T1191) at 4a Will St, is nice but is beginning to cause problems. Their initial concern was the roots, and then the mess, then risk - all of which is real to them to a point. There is nothing obviously wrong with the tree. They don't want it gone but they also don't want it to lift their house - I left them with getting some prices, which will help them decide what or if something can be done

October 12, 2021 at the request of Lily Burrows Re LUC-2021-573 which was a request for trimming around the powerlines

At the time of the inspection the tree looked to be in good health and exhibited vitality within the normal range for the species and age. I saw no obvious issues to suggest that whole or partial tree failure was imminent or likely in the near future for either tree

April 21 2021 at the request of Nic Jepson RE a dead tree at 4B Will Street.

I went to site yesterday and assessed the tree at 4b Will Street, there was no body there at the time. The tree is dead and has been dead for several years (image attached). I don't think it will fall over in the short term but it needs to go

While I was there I spoke to the people at 4c about their ash tree (T1191),

APPENDIX 4:

2001 STEM ASSESSMENT

STANDARD TREE EVALUATION FORM

Date	1.8.2001		
Tree	Ash		
Address	4 Wills Street		
	1189		
Height (m)	24	Radius (m)	Circumference (m) @ 1.2m

CONDITION EVALUATION

Points	3	9	15	21	27	Score
• Form	Poor	Moderate	Good	Very Good	Specimen	15
* Occurrence	Predominant	Common	Infrequent	Rare	Very Rare	9
* Vigour & Vitality	Poor	Some	Good	Very Good	Excellent	15
* Function	Minor	Useful	Important	Significant	Major	21
* Age (Yr)	10 Yrs+	20 Yrs +	40 Yrs +	80 Yrs +	100 Yrs+	21
Subtotal Points						81

AMENITY EVALUATION

Points	3	9	15	21	27	Score
* Stature (m)	3-8	9-14	15-20	21-26	27+	21
* Visibility (km)	0.5	1.0	2.0	4.0	8.0	9
• Proximity	Forest	Parkland	Group 10+	Group 3+	Solitary	21
• Role	Minor	Moderate	Important	Significant	Major	15
• Climate	Minor	Moderate	Important	Significant	Major	15
Subtotal Points						81

NOTABLE EVALUATION

Recognition Points	Local 3	District 9	Regional 15	National 21	International 27	Score
Stature						
• Feature						
• Form						
Historic						
• Age 100+						
• Association						
• Commemoration						
• Remnant						
• Relict						
Scientific						
• Source						
• Rarity						
• Endangered						

Subtotal Points

Total Points

162

B. B. B. Arborist
Peter Lumsden

4 Will Street



Fraxinus sp. (Ash)
26.01.01

Tree No 1189

APPENDIX 5:

2GP VISUAL AUDIT T1191



LJ Hooker
For Sale
Dunedin
03 470 1370
Jason Hynes
021 225 5527



APPENDIX 6:
DRAFT CONDITIONS

1. *The proposed activity must be undertaken in general accordance with the information provided with the resource consent application received by the Council on 11 September 2023; and further information received on 28 October 2023, except where modified by the following conditions.*
2. *The removal of the tree shall be undertaken by a suitably qualified person and in accordance with arboricultural best practice.*

Conditions to be met prior to site works commencing

3. *The consent holder must supply to the Council at rcmonitoring@dcc.govt.nz in writing at least five (5) working days prior to the works commencing the following information:*
 - (a) *The contractor who will be undertaking the works including the contact details of the contractor;*
 - (b) *The date the tree is to be removed.*
4. *At least five (5) working days prior to the works commencing, the consent holder must advise the owners and occupiers of 4 and 4B Will St of the date the tree is to be removed.*
5. *Prior to commencement, the consent holder must obtain any necessary permit or 'close approach' consent from the network utility operator responsible for the powerlines adjoining the site.*

Conditions to be met at commencement of, or during, site works

4. *All waste generated by the removal works shall not cause a nuisance and shall be suitably disposed of within 7 days of the completion of the removal works.*
5. *The person exercising this consent shall take all reasonable measures to ensure the use of machinery for the removal of T1191 shall be limited to the times set out below and shall comply with the following noise limits (dBA);*

Time Period	Weekdays		Saturdays	
	(dBA)		(dBA)	
	Leq	L _{max}	Leq	L _{max}
0730-1800	75	90	75	90
1800-2000	70	85	45	75

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

7. *No work is to be undertaken on Sundays or Public Holidays, nor between 8.00pm to 7.30am Weekdays or Saturdays.*

Advice Notes:

General

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. 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 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.
4. The lapse period specified above may be extended on application to the Council pursuant to section 125 of the Resource Management Act 1991.