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# DECISION OF THE QUEENSTOWN LAKES DISTRICT COUNCIL

# UNDER s104 RESOURCE MANAGEMENT ACT 1991

Applicant:	Gem Lake Limited	
RM reference:	RM140223	
Application:	Application under Section 88 of the Resource Management Act 1991 (RMA) to remove a protected heritage tree	
Location:	113 & 117 Lakeside Road, Wanaka	
Legal Description:	Section 1 – 2 Block X Town of Wanaka held in Computer Freehold Register OT5C/807	
Zoning:	High Density Residential	
Activity Status:	Discretionary	
Notification Decision:	Publicly Notified	
Delegated Authority:	Blair Devlin – Manager, Resource Consenting	
Final Decision:	GRANTED SUBJECT TO CONDITIONS	
Date Decisions Issued:	6 June 2014	

# SUMMARY OF DECISIONS

 Pursuant to Section 104 of the RMA, consent is **GRANTED SUBJECT TO CONDITIONS** outlined in **Appendix 1** of this decision imposed pursuant to Section 108 of the RMA. <u>The consent only</u> <u>applies if the conditions outlined are met</u>. To reach the decision to grant consent the application was considered (including the full and complete records available in Council's TRIM file and responses to any queries) by Blair Devlin, Manager, Resource Consenting, as delegate for the Council.

#### 1.0 PROPOSAL AND SITE DESCRIPTION

The section 42A report prepared for Council (attached as Appendix 2) provides a full description of the proposal and the site and surrounds.

#### 2.0 NOTIFICATION AND OBLIGATION TO HOLD A HEARING

The application was publicly notified on 17 April 2014. Thirty one submissions were received in support. The applicant does not seek to be heard at a hearing. No submitters have indicated they wish to be heard if a hearing is held and the consent authority does not consider a hearing is necessary.

A decision under section 100 of the Act to not hold a hearing was made by Mr Blair Devlin (Manager, Resource Consenting) on 4 June 2014.

#### 3.0 THE RELEVANT STATUTORY PROVISIONS

#### 3.1 DISTRICT PLAN CONSENT REQUIREMENTS

The site is zoned High Density Residential under the District Plan.

The purpose of the High Density Residential Zone is to make provision of the continuation and establishment of higher density residential and visitor accommodation activities in recognition of these areas proximity to the town centres, entertainment, shopping facilities and the transport routes which provide a link to attractions elsewhere in the District.

The proposal requires the following resource consent:

• A **discretionary** activity resource consent pursuant to Rule 13.2.3.2 (iii)(a) which relates to the removal of a protected heritage tree.

This application must be considered in terms of Section 104 of the Resource Management Act 1991. Section 7 of the S42A report outlines S104 of the Act in more detail.

#### 4.0 THE PRINCIPAL ISSUES THAT WERE IN CONTENTION

The principal issues in contention are the effects on the environment by allowing the removal of the protected heritage tree.

The findings relating to this principal issue of contention are outlined in Section 8 of the attached S42A report.

#### 5.0 SUMMARY OF EVIDENCE HEARD

This is not applicable in this case as there has not been a hearing.

#### 6.0 S104 ASSESSMENT

#### 6.1 EFFECTS (s104(1)(a))

Section 8 of the S42A report prepared for Council provides a full assessment of the application. A summary of conclusions of that report following a full assessment are outlined below:

- The arborist assessments relating to the subject tree conclude while there is no immediate safety threat from the tree, this is likely to change and in the future the tree will be vulnerable to failure given its size and multi limb composition.
- A STEM (RNZIH Tree Evaluation System) analysis of the subject tree has given the tree a STEM score of 120. A 120 STEM score is a starting point when considering if a tree should be protected.

- The arborist assessments conclude that this tree is not a good example of a Eucalyptus species and whilst it is large and readily visible it does not have outstanding cultural, heritage or botanical values (based on the STEM analysis) and is not worthy of protection as a heritage item.
- Submissions received relating to this application strongly indicates that the public do not recognise this tree as a feature that holds significant character or amenity values to the Wanaka town. Thirty one submissions were received supporting the trees removal.
- On the basis of public submissions, the STEM analysis and the trees declining health any effects as a result of the trees removal on the character and amenity of the site and its surrounds are not likely to be significant or adverse.

Overall, the proposed activity is not likely result in adverse effects on the environment.

#### 6.2 RELEVANT DISTRICT PLAN PROVISIONS (s104(1)(b)(vi))

As outlined in detail in Section 8.3 of the S42A report, the proposal is not contrary with the relevant heritage tree objective in the District Plan but is inconsistent with some of the associated policies which aim to protect heritage trees from avoidable loss or destruction. Although the proposal is inconsistent with some of the relevant policies, the removal of the protected heritage tree is considered appropriate in the context of the relevant objective and the effects assessment that concludes the proposal will not result in any adverse effects.

#### 6.3 PART 2 OF THE RMA

In terms of Part 2 of the RMA, the proposal is considered to be in accordance with the purpose of the Resource Management Act 1991 as outlined in further detail in Section 8.4 of the S42A report.

#### 7.0 DECISION ON LAND USE CONSENT PURSUANT TO SECTION 104 OF THE RMA

Section 104 of the Act directs that when considering an application for resource consent and any submissions received in response to it, the Consent Authority must, subject to Part 2, have regard to the actual and potential effects on the environment of allowing the activity and the relevant provisions of the District Plan. The following decision is made following the assessment in accordance with 104 of the RMA:

Consent is **granted** subject to the conditions outlined in *Appendix 1* of this decision report imposed pursuant to Section 108 of the RMA.

#### 8.0 OTHER MATTERS

#### Local Government Act 2002: Development Contributions

This proposal is not considered a "Development" in terms of the Local Government Act 2002 as it will not generate a demand for network infrastructure and reserves and community facilities.

#### Administrative Matters

The costs of processing the application are currently being assessed and you will be advised under separate cover whether further costs have been incurred.

Should you not be satisfied with the decision an appeal may be lodged with the Environment Court, Justice Department, PO Box 2069, Christchurch, telephone 03 9624170 and all parties, not later than 15 working days from the date this notice is received.

You are responsible for ensuring compliance with the conditions of this resource consent found in Appendix 1. The Council will contact you in due course to arrange the required monitoring. It is

suggested that you contact the Council if you intend to delay implementation of this consent or reschedule its completion.

This resource consent is not a consent to build under the Building Act 2004. A consent under this Act must be obtained before construction can begin.

Please contact the Council when the conditions have been met or if you have any queries with regard to the monitoring of your consent.

This resource consent must be exercised within five years from the date of this decision subject to the provisions of Section 125 of the RMA.

If you have any enquiries please contact Ian Greaves on phone (03) 441 0499 or email ian.greaves@qldc.govt.nz.

Report prepared by

Torleaves

lan Greaves SENIOR PLANNER

Decision made by

Blair Devlin MANAGER, RESOURCE CONSENTING

**APPENDIX 1 –** Consent Conditions **APPENDIX 2 –** Section 42A Report

# **APPENDIX 1 – CONSENT CONDITIONS**

#### General Conditions

- 1. That the development must be undertaken/carried out in accordance with the plans:
  - 'Existing Site Plan' by Assembly Architects Limited.

#### stamped as approved on 3 June 2014

and the application as submitted, with the exception of the amendments required by the following conditions of consent.

- 2a. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.
- 2b. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991 and shall pay to Council an initial fee of \$100. This initial fee has been set under section 36(1) of the Act.
- 3. The removal of the tree is to be undertaken by a qualified arborist, in line with accepted arboricultural practice.
- 4. Prior to commencing works on site, the consent holder shall obtain and implement an approved traffic management plan from Council if any parking or traffic will be disrupted, inconvenienced or delayed during the trees removal.

# APPENDIX 2 – SECTION 42A REPORT



	FILE REF: RM140223	
то	Blair Devlin, Manager Resource Consents	
FROM	Ian Greaves	
SUBJECT	Report on a publicly notified consent application.	
SUMMARY		

Applicant:	Gem Lake Limited	
Location:	113 & 117 Lakeside Road, Wanaka	
Proposal:	To remove a protected tree	
Legal Description:	Section 1 – 2 Block X Town of Wanaka held in Computer Freehold Register OT5C/807	
Zoning:	High Density Residential	
Public Notification Date:	17 April 2014	
Closing Date for Submissions:	20 May 2014	
Submissions:	31	
The following submissions have been received in support of the application:		
<ol> <li>G Vallance – 153 Warren Street, Wanaka</li> <li>D Hudson – 3 Sunrise Bay Drive, Wanaka</li> <li>B Kennedy – 118 Rob Roy Lane, Wanaka</li> <li>J Hallum – 209 Mt Aspiring Road, Wanaka</li> <li>R Gardiner – 149 Stone Street, Wanaka</li> <li>B Ecroyd – 5 Cliff Wilson Street, Wanaka</li> <li>D Orton – 50 Youghal Street, Wanaka</li> <li>P Marsden – 38 Haliday Road, Wanaka</li> <li>A Campbell – 133 Lakeside Road, Wanaka</li> <li>A Campbell – 133 Lakeside Road, Wanaka</li> <li>M Barton – 76 Roche Street, Wanaka</li> <li>M Barton – 76 Roche Street, Wanaka</li> <li>N Vallance – 153 Warren Street, Wanaka</li> <li>N Vallance – 153 Warren Street, Wanaka</li> <li>J Clarke – 600 Lake Hawea – Albert Town Road, Wanaka</li> <li>J Clarke – 600 Lake Hawea – Albert Town</li> <li>G King – 13 Frye Crescent, Albert Town</li> <li>G King – 13 Frye Crescent, Albert Town</li> <li>R McGregor – 9 Clutha Place, Wanaka</li> <li>K Wilson – 67 Grandview Road, Lake Hawea</li> <li>F Cleveland – 16 Greenbelt Place, Wanaka</li> <li>A Armstrong – 20 Kingan Road, Wanaka</li> <li>A Armstrong – 20 Kingan Road, Wanaka</li> <li>J Deodeding – 17 Frye Crescent, Albert Town</li> <li>S Donnelly – 36a Matai Road, Wanaka</li> <li>J Caughey – 150 Cardrona Road, Wanaka</li> </ol>		

A late submission was received from:

- 26. Gill Lucas 64 Warren Street, Wanaka
- 27. P Ecroyd 52 Lismore Street, Wanaka
- 28. S Pinfold 1/71 Heritage Park, Wanaka
- 29. J Rowley 617 Mount Barker Road, Wanaka
- 30. G McDonald 259 Beacon Point Road, Wanaka
- 31. G Winslow 34 Ardmore Street, Wanaka

\* No submitters have indicated that they wish to speak at a hearing

#### **Implications For:**

i)	Policy	No
ii)	Annual Plan	No
iii)	Strategic Plan	No

# RECOMMENDATION

Pursuant to Section 37 it is recommended that the late submissions be received.

The application be GRANTED pursuant to Section 104 of the Resource Management Act 1991 for the following reasons:

- 1. It is considered that the adverse effects of the activity will be minor.
- 2. The proposal is not contrary with the relevant heritage tree objective in the District Plan but is inconsistent with some of the associated policies which aim to protect heritage trees from avoidable loss or destruction. Although the proposal is inconsistent with some of the relevant policies, the removal of the protected heritage tree is considered appropriate in the context of the relevant objective and the effects assessment that concludes the proposal will not result in any adverse effects.
- 3. The proposal will promote the overall purpose of the Act.

These conclusions are discussed in detail in the following report.

# REPORT

#### 1.0 INTRODUCTION

My name is Ian Christopher Greaves. I hold the qualification of Bachelor of Applied Science (Environmental Management (Hons)) from the University of Otago. I am associate member of the New Zealand Planning Institute.

I hold the position of Senior Planner at Queenstown Lakes District Council. I have approximately seven years experience as a planner in roles with Opus International Consultants (NZ), the Environment Agency (UK) and Queenstown Lakes District Council (formerly Lakes Environmental Limited). This experience includes four years based in the Queenstown Lakes District where I have been involved with a wide variety of resource management matters.

#### 2.0 SITE & ENVIRONMENT

The subject site contains 'Wanaka Bakpaka' which is an established visitor accommodation facility. Three buildings are established within the site to provide for this activity. The site overlooks Lakeside Road and Lake Wanaka to the south west. A large car parking area is situated on the south western boundary of the site and contains the protected tree which is subject to this application. While Appendix 3 of the District Plan states that the subject tree is located in the Lakeside Road reserve, the applicant has supplied information confirming that the base of the tree is within the subject property

The surrounding area is consistent with the High Density Residential Zone with a number dwellings and apartments on surrounding sites.

#### 3.0 PROPOSAL

Consent is sought to remove a protected heritage tree (reference 573 Appendix 3 of the District Plan). The protected tree is a large Blue Gum-Eucalyptus Globules that is located in the south western corner of the subject site. The tree contains five separate trunks and reaches a maximum height of approximately 26 metres.

#### 4.0 SUBMISSIONS

#### 4.1 SUBMISSIONS

Thirty one submissions were received in support of the application. The common theme amongst the submissions was the tree represents a safety hazard and the protection of an exotic tree is unwarranted.

# 4.2 LATE SUBMISSIONS

Under Section 37 of the Resource Management Act 1991 the Consent Authority may waive the requirement to make a submission within the required time period provided Section 37A(1) is considered.

Section 37A(1) states:

A consent authority or local authority must not extend a time limit or waive compliance with a time limit, a method of service, or the service of a document in accordance with section 37 unless it has taken into account -

- (a) The interest of any person who, in its opinion, may be directly affected by the extension or waive; and
- (b) The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement or plan; and
- (c) Its duty under section 21 to avoid unreasonable delay.

The issues raised in the late submissions are generally covered in other submissions and relate to public safety.

It is therefore recommended that the submissions be received and accepted pursuant to the above section of the Act.

#### 5.0 CONSULTATION AND WRITTEN APPROVALS

The following persons have provided their written approval and as such adverse effects on this person have been disregarded (s95D(e)):

Person			
(owner/occupier)	Address (location in respect of subject site)		
Diane Maxwell	121 Lakeside Road, Wanaka (property directly north west		
	of the subject site).		

#### 6.0 DISTRICT PLAN PROVISIONS

#### 6.1 THE DISTRICT PLAN

The site is zoned High Density Residential under the District Plan.

The purpose of the High Density Residential Zone is to make provision of the continuation and establishment of higher density residential and visitor accommodation activities in recognition of these areas proximity to the town centres, entertainment, shopping facilities and the transport routes which provide a link to attractions elsewhere in the District.

The proposal requires the following resource consent:

• A **discretionary** activity resource consent pursuant to Rule 13.2.3.2 (iii)(a) which relates to the removal of a protected heritage tree.

#### 7.0 STATUTORY CONSIDERATIONS

This application must be considered in terms of Section 104 of the Resource Management Act 1991.

Subject to Part 2 of the Act, Section 104 sets out those matters to be considered by the consent authority when considering a resource consent application. Considerations of relevance to this application are:

- (a) any actual and potential effects on the environment of allowing the activity; and
- (b) any relevant provisions of:
  - (i) A national environmental standards;
  - (ii) Other regulations;
  - (iii) a national policy statement
  - (iv) a New Zealand coastal policy statement
  - (v) a regional policy statement or proposed regional policy statement
  - (vi) a plan or proposed plan; and
- (c) any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Following assessment under Section 104, the application must be considered under Section 104B of the Act. Section 104B states:

After considering an application for a resource consent for a discretionary activity or noncomplying activity, a consent authority –

- a) may grant or refuse the application; and
- b) if it grants the application, may impose conditions under section 108.

The application must also be assessed with respect to the purpose of the Act which is to promote the sustainable management of natural and physical resources. Section 8.4 of this report outlines Part 2 of the Act in more detail.

Section 108 empower the consent authority to impose conditions on a resource consent.

#### 8.0 ASSESSMENT

#### 8.1 EFFECTS ON THE ENVIRONMENT

#### 8.2.1 The Permitted Baseline

The consent authority **may** disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect. In this case there is no applicable permitted baseline because the removal of heritage trees requires resource consent as a discretionary activity.

#### 8.2.2 Actual and Potential Effects on the Environment

The relevant assessment matters relating to discretionary activities for the removal of heritage trees are listed below and are taken into consideration in the following assessment:

#### iv Discretionary Activity - Heritage Trees

- (a) whether the applicant has the ability to undertake a permitted activity without removal or any major trimming of the tree.
- (b) the condition of the tree including any potential hazard.
- (c) the effect of any trimming, or disturbance of the root system, of the tree on its appearance or health.
- (d) the effect of any building on the visibility of the tree from a road or public place.
- (e) whether the tree or trees are currently causing, or likely to cause, significant damage to buildings, services or property, whether public or privately owned.
- (f) the provisions of Section 129(c) of the Property Law Act.
- (g) whether the tree or trees seriously restrict the development.
- (h) any substitute or compensating tree planting or landscaping proposed.

As a discretionary activity, the matters for the Council's consideration are not restricted to the above criteria. However, the criteria do provide relevant guidance in the determination of whether the activity will have or is likely to have adverse effects on the environment.

#### Safety

The applicant commissioned Mr David Glenn (Arborist) of Asplundh to assess the health of the subject tree and provide advice on potential effects associated with its removal. Mr Glenn notes that several of the trees five stems are showing signs of included bark and stem separation. This represents a weak point in the trees structure. This weakness in conjunction with the trees size and multiple stems causes Mr Glenn to conclude that one or more of the stems is likely to fail at some point in the future.

A peer review of the Asplundh report was commissioned by Mr Mark Roberts (Arborist) of Thought Planters. Mr Roberts is less concerned that the subject tree poses a safety risk. Mr Roberts comments 'I do not believe that the tree is currently hazardous but due to the species, size, and the tree or trees configuration that possibility of part or complete failure in the future is likely'.

Council holds three additional arborist reports relating to this tree that were submitted with a previous resource consent application (RM120354). The conclusions of these reports are similar to those made by Mr Glenn and Mr Roberts and suggest there is no immediate safety threat posed by the subject tree but its composition and size do make it vulnerable to failure in the future.

Overall, whilst the expert evidence suggests the tree is not an immediate safety threat this is likely to change and in the future the tree will be vulnerable to failure.

#### Character and Visual Amenity

The size, stature and location of subject tree make it a dominant feature of Lakeside Road. The tree is visible for a long stretch of Lakeside Road and is also visible for a considerable stretch of the Wanaka Lake front making it a notable feature, see photo 1 below.



Photo 1: Looking north east from the intersection of the marina access and Lakeside Road

The District Plan has listed specific heritage trees or groups of trees 'because they have either outstanding cultural/heritage values, botanical values or high amenity values. The subject tree falls into the later category and offers amenity value to its location on Lakeside Road and more broadly the Lake Wanaka landscape when viewed from the Wanaka foreshore in the vicinity of the town centre.

Queenstown Lakes District Council (QLDC) Tree Policy (September 2010) recommends the use of the RNZIH Tree Evaluation System (STEM) to assess the health and condition of trees within Council land. The STEM analysis is a standardised method of evaluating the health and intrinsic quality of trees using ten different criteria. Whilst the STEM evaluation system is not referenced in the District Plan it provides a helpful methodology for assessing the character and amenity values of the subject tree. Both Mr Glenn and Mr Roberts have undertaken a STEM analysis of the subject tree and given the tree a STEM score of 120. A 120 STEM score is a starting point when considering if a tree should be protected. The main contributing factor to this score was the trees amenity valuation relating to stature, visibility and proximity.

Both Mr Glenn and Mr Roberts agree that this tree is not a good example of a Eucalyptus species and whilst it is large and readily visible it does not have outstanding cultural, heritage or botanical values (based on the STEM analysis) and therefore in their opinion is not worthy of protection as a heritage item.

In my view the removal of this tree will represent a significant change to this environment and will undoubtedly change the character and amenity values of its location and surrounds. Trees of this stature are uncommon within residential areas and do contribute to residential character and amenity values. However, it is also important to recognise that trees of this size can conflict with residential expansion and cause nuisance effects. Trees are a finite resource and do have varying life spans. The proposed tree is estimated to be in excess of 100 years of age and, as outlined above, the arborist assessments have provided advice indicating that the subject tree at some point in the future could fail in part. Therefore the amenity values associated within this tree will decline in conjunction with its state of health.

It is acknowledged that the tree was listed in the District Plan as a result of a public submission. The specifics of which are discussed in Section 3.2 of the application report submitted in support of the application by Southern Planning Group dated 1 April 2014. Submissions received relating to this application strongly indicate that the public do not recognise this tree as a feature that holds significant character or amenity values to the Wanaka town. A common theme contained in the submissions was that the tree is not native to New Zealand and therefore its protection is not proportionate to the value it would have if it was a native tree of this size or stature. On the basis of public submissions, the STEM analysis and the trees declining health I consider any effects as a result of the trees removal on the character and amenity of the site and its surrounds are not likely to be significant or adverse.

No substitute or compensating tree planting is proposed. It is the case that replacing this tree with a replacement tree is unlikely to offer any valuable mitigation given the size and nature of the subject tree.

# 8.3 OBJECTIVES AND POLICIES

The relevant objectives and policies relating to heritage trees and found in Section 13.1.3 of the District Plan and are listed below:

# **Objective 2 - Heritage Trees**

# The protection of trees and groups of trees which contribute significantly to the District's amenity and/or heritage

# **Policies:**

- 2.1 To identify and draw to the public attention heritage trees that are in public and private ownership and to protect them from avoidable loss or destruction.
- 2.2 To protect particularly notable specimens and groups of mature trees from avoidable loss or destruction, recognising them as an important character element in maintaining and enhancing the environment of the District.

This objective promotes the protection of trees which contribute significantly to the District's amenity and/or heritage. The removal of the subject tree will represent a change to this environment and will undoubtedly change the character and amenity values of its location and surrounds. Therefore, the proposal on face value is not in accordance with this objective because it proposes removing a protected heritage tree that on some level contributes to the amenity values of its location and surrounds. However, the objective specifically refers to 'trees or groups of trees which <u>contribute significantly</u> to the District's amenity and/or heritage' (emphasise added). It is my opinion based on the above assessment that the subject tree does not contribute significantly to the District's amenity and/or heritage and therefore is not contrary to this objective.

In terms of Policies 2.1 and 2.2 the proposal is not protecting the subject tree from avoidable loss or destruction and therefore is inconsistent with these policies.

As a result of this assessment I conclude that proposal is not contrary to the above objective but does not meet the intent of the associated policies.

# 8.4 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

Part 2 of the Resource Management Act 1991 details the purpose of the Act in promoting the sustainable management of natural and physical resources. Sustainable management is defined as:

managing the use, development and protection of natural and physical resources in a way or at a rate which enables people and communities to provide for their social, economic and cultural well being and for their health and safety while:

- (a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations: and
- (b) Safeguarding the life-supporting capacity of air, water, soil and ecosystems: and
- (c) Avoiding, remedying, or mitigating any adverse effect of activities on the environment.

The removal of the heritage tree will enable the applicant to better utilise the site for its intended residential or visitor accommodation purposes which will provide for their social and economic well being. The proposed development adequately avoids, remedies or mitigates adverse effects on the surrounding environment.

Under Part 2 of the Act, regard must be had to the relevant matters of Section 7 – Other Matters, including:

- (c) the maintenance and enhancement of amenity values:
- (f) the maintenance and enhancement of the quality of the environment:

Whilst the proposed development will not maintain or enhance amenity values I consider that the removal of the proposed heritage tree is compatible with the surrounding environment and will not inappropriately undermine the amenity values of the surrounding area.

Overall, I consider the proposal promotes the overall purpose of the Act.

# 9.0 CONCLUSION

Consent is sought to remove a protected heritage tree (reference 573 Appendix 3 of the District Plan).

Section 8 of this report considers the proposal in relation to:

- (i) Effects on the Environment;
- (ii) The District Plans Objectives and Policies;
- (iii) Part 2 of the Act.

I have come to the overall view, as outlined in this report, that the removal of the subject tree will not adversely affect the character and amenity values of the site and its surrounds. This conclusion is reached as a result of the supporting public submissions and the expert arborist advice which has provided evidence that the tree is vulnerable to future failure and does not have outstanding cultural, heritage or botanical values (based on the STEM analysis)

I conclude that proposal is not contrary to the relevant objective contained in the District Plan relating to heritage trees but is inconsistent with the associated policies. Although the proposal is contrary with some of the relevant policies, the removal of the protected heritage tree is considered appropriate in the context of the relevant objective and the effects assessment that concludes the proposal will not result in any adverse effects.

In terms of Part 2 of the Act, the proposal is considered to represent sustainable development consistent with the primary purpose of the Act.

Having regard to Section 104 I recommend that resource consent is granted to remove the protected heritage tree.

Prepared by:

Reviewed by:

Terleaves

lan Greaves SENIOR PLANNER

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Blair Devlin MANAGER, RESOURCE CONSENTS

Report Dated: 4 June 2014

