

**In the Matter of**

**The Resource Management Act  
1991**

**And**

**In the Matter of**

**Proposed Whangarei District  
Council Plan Change 129**

**HEARD BY**

**Whangarei District Council  
03 December 2018**

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**STATEMENT OF EVIDENCE OF MICHAEL DAY**

**On behalf of the Northland Regional Council**

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**Dated: 22 November 2018**

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## **Introduction**

- (i) My name is Michael Day. I am a qualified planner, holding the qualifications of a Bachelor of Arts from Otago University and a Masters in Regional and Resource Planning, also from Otago University. I have approximately 13 years planning experience in local government. I have been employed by the Northland Regional Council (the NRC) since September 2008. My current position is 'Natural Resources Policy Manager'. Part of this role involves co-ordinating submissions on district plan changes and resource consent applications of interest to the council. The purpose of these submissions is to promote sustainable management as well as effective and efficient planning processes in Northland.
  
- (ii) I would also like to introduce Joseph Camuso (Natural Hazards and Rivers Manager), who is here to assist with this evidence and answer questions. Joe has been employed by the NRC in this role for 10 years. Part of his role involves the scoping and review of all flood modelling and flood mapping projects undertaken for the NRC under the Priority Rivers Project as well as general management of the Natural Hazards and Rivers team. Joe holds a Masters of Science in Environmental Engineering and a Bachelor of Science in Civil Engineering and has over 20 years engineering experience with the last 10 years concentrated on river management.
  
- (iii) This evidence is presented on behalf of the council under delegated authority. I have read the Section 42A report and associated material and the following evidence is in response to the conclusions and recommendations therein.

## **Proposed Plan Change 129 (Notable and Public Trees) Discussion**

- (iv) As outlined in our original submission, the NRC has overall responsibility for managing rivers and streams in the Northland region and is the "catchment board" for Northland<sup>1</sup>. It is the function of every catchment board to minimise and prevent damage within its area by floods and erosion.
  
- (v) The council's submission sought amendments to section NPT 1.5 (1.c and 4.c) to essentially 'permit' the regional council or their authorised representative to undertake emergency tree works and sought the inclusion of a new 'permitted activity' clause to allow the regional council to undertake tree work when trees

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<sup>1</sup> Pursuant to s126 of the Soil Conservation and Rivers Control Act 1941

compromise the performance of flood schemes or cause of exacerbate flooding or streambank erosion.

- (vi) These amendments were sought because trees, when in close proximity to rivers, can cause or exacerbate flooding issues and/or cause river-bank erosion. It is considered beneficial to have the ability to 'pro-actively' remove trees/parts of trees (in controlled situations), as opposed to undertaking remedial/un-controlled work (such as after a tree has fallen into a river and/or removing tree blockages after flooding).
- (vii) The reporting officers Section 42A report has recommended rejecting the relief sought by the NRC because of 'insufficient evidence to justify the change' and because the proposed wording is 'too broad and open to interpretation'<sup>2</sup>.
- (viii) The NRC maintains our position that there may be circumstances where pruning and/or removal of trees may be urgently required (specifically to protect property from potential effects of flooding or erosion) and considers that there is a justified need to be able to pro-actively undertake these works as a 'permitted' activity.

### **Relief Sought**

- (ix) Include a new clause in rule NPT 1.5 (4 – Public trees) as follows – Pruning or removal of any public tree defined in NPT.1.10.1 by the Northland Regional Council or their authorised representative, where such works are considered necessary to mitigate the risk of harm from flooding or erosion caused by the tree(s).



Michael Day  
Natural Resources Policy Manager  
Northland Regional Council

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<sup>2</sup> See paragraph 264 of Section 42A Hearing Report