

# Notification Report for an Application for Resource Consent under the Resource Management Act 1991

## Discretionary Activity

### 1. Application Description

<b>Council Reference</b>	LU230005 P109348
<b>Applicant</b>	Whangarei District Council - Parks and Recreation Department
<b>Description of Activity</b>	Removal of 34 public trees and replacement of the trees at a ratio of 3:1.
<b>Site Address</b>	Brentwood Avenue, Kamo, Whangarei
<b>Legal Description</b>	Road Reserve
<b>Relevant Interests on Title</b>	N/A
<b>Site Area</b>	N/A
<b>Zoning/ Precinct/ Development Area</b>	Whangārei District Plan Operative in Part 2022 – Open Space Zone, and General Residential Zone.
<b>Overlays</b>	N/A
<b>Other Notations</b>	Low Volume Access Road

### 2. Locality Plan



Figure 1: Site Location (Source: Whangarei District Council GIS)

## 3. The Proposal, Site and Locality Description

### 3.1 Proposal

Consent is being sought for the removal of 34 Public Trees from the Brentwood Avenue road reserve.

Of the Public Trees proposed for removal 33 are Magnolia trees and 1 is a Rewarewa tree. All removal works are proposed to be carried out by a suitably qualified contractor in accordance with industry best practice. All trees will be felled, and the root balls removed.

The application proposes to replace each of the trees at a ratio of 3:1, with each tree within the road reserve to be replaced and an additional 2 trees planted in the Brentwood Avenue Recreation Reserve, for every tree removed. A Street Tree Replacement Palette has been proposed as part of this application.

### 3.2 Proposal Background

It is understood the existing public trees which line Brentwood Avenue have resulted in a number of public safety and infrastructure issues, as a result of the trees' root systems uplifting pavements, kerbs, vehicle crossings, channels and pipes.

While temporary repairs have been undertaken by Whangarei District Council Roading Department over the years, the issue has not been resolved and issues continue to arise and worsen.

The proposal seeks the removal and replacement of these existing public trees with species that are more appropriate for a smaller berm to avoid this issue from arising in the future.

It is noted that of the 34 trees sought to be removed, only 30 of the trees meet the District Plan definition of a 'Public Tree'. Trees 3, 13, 14, 15 and 16 do not meet this definition based on their current height and girth measurement. They have been included in this consent to ensure that should these trees reach the requirements of the 'Public Tree' definition within the time spent preparing, processing, and implementing this consent, that they are also able to be removed. Until such time that these trees reach this requirement, they are able to be removed as a permitted activity.

### 3.3 Site and Surrounding Environment Description

Christine Niblock – Team Leader, Infrastructure Planning of Whangarei District Council has provided a description of the proposal and subject site on pages 2 – 6 of the Assessment of Environmental Effects (AEE) titled: Application for Resource Consent to Whangarei District Council Tree Removals – Brentwood Avenue.

Having undertaken a site visit on 9 February 2023, I concur with that description of the proposal and the site and note that during this site visit, evidence of tree root uplift and impact on the adjoining public and private property was observed.

## 4. Background

### 4.1 Specialist Input

The proposal has been reviewed and supported by the following specialist advice/reports:

- Arboricultural Report – prepared by John Redfern, Arborlab
- Tree Replacement Species List – reviewed by Paul Leyland, Technical Officer WDC Parks & Recreation Department
- Ecology Memo – prepared by Madara Vilde of Wild Ecology

### 4.2 Section 92 Request for Information

As part of the processing of this application further information was requested in relation to

- Further assessment with regard to the proposed replacement species and their appropriateness in avoiding this issue reoccurring, and amenity values
- Clarification around what is proposed to occur to roots within the ground, once the tree and tree ball area removed
- Further assessment around ecological effects referred to in the application.

This further information was provided by Christine Niblock on 23 March 2022.

## 5. Reasons for the Application

### 5.1 Land Use Consent (s9)

#### **Operative Whangarei District Plan**

The subject site is located within the road reserve and therefore in accordance with HPW-R6, the road is zoned the same as the adjoining land being Open Space and General Residential. The proposal requires consent for the following reason in accordance with this rule.

- **Rule TREE-R6 – Removal of any Public Tree** – The proposal seeks the removal of 34 public trees within the Brentwood Avenue road reserve for reasons other than that which is due to the trees being dead, emergency tree works, undertaken by a road controlling authority for the purposes of operation, maintenance or upgrade of overhead or underground network utilities. Resource consent is required as a Discretionary Activity.

### 5.2 Summary

The reasons for consent are considered together as a **Discretionary** Activity overall.

## 6. Public Notification Assessment (Sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

### 6.1 Step 1: Mandatory Public Notification in Certain Circumstances

Mandatory notification is required as:

- the applicant has requested that the application is publicly notified (s95A(3)(a))
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

### 6.2 Public Notification Conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

Under step 1, public notification is mandatory. The Applicant has requested the application be publicly notified.

Accordingly, I recommend that this application is publicly notified.



Holly Jenkins  
Senior Consultant Planner,  
RMA Consents

Date: 28 March 2023

## 7. Notification Determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under Sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed with public notification.



Kaylee Kolkman  
Team Leader,  
RMA Consents

Date: 29 March 2023