

BEFORE THE HEARING PANEL

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of the Proposed Plan Change 9 to the Operative Hamilton
City District Plan

**STATEMENT OF JULIE NELSON ON BEHALF OF THE WISE TRUST
BOARD
23 May 2023**

MAY IT PLEASE THE COMMISSIONERS

- 1 My name is Julie Nelson, I am the executive chair of the Wise Trust Board (**the Trust**), the registered owner of the property at 293 Grey Street.
- 2 The Trust's head office, Kakariki House, is at 293 Grey Street.

Protected Tree Root Zone

- 3 The proposed Protected Root Zone of T8.6 extends over the eastern boundary onto 293 Grey Street.
- 4 The tree outside Kakariki House is poorly maintained. Dead branches fall from the tree regularly onto the footpath and the Trust's property. When we have attempted to engage with Hamilton City Council to get large branches and limbs of the tree pruned due to health and safety concerns, Hamilton City Council has stipulated that it is the Trust's responsibility.
- 5 The Trust is required to carry out constant roof maintenance due to leaf matter and additional expenses. The Trust has had to install gutter guards at Kakariki House to catch the leaves from the Notable Tree. These guards have already had to be replaced because they have rusted over.
- 6 A network utility power transformer which supplies power to Kakariki House and other properties nearby is within the Protected Root Zone. There are also other network utility services in the Protected Root Zone along the footpath that service businesses and homes in the vicinity. Regular maintenance of notable trees is vital to ensure this infrastructure is not impacted or compromised. The Trust is unsure what checks are planned or undertaken in this area by Hamilton City Council.
- 7 The roots of the Protected Root Zone have significantly damaged the footpath and created an uneven and unsafe surface for pedestrians. We are concerned that the damage will restrict the accessibility to Kakariki House, in particular for people with disabilities, visibility issues or mothers with prams and small children.
- 8 We dispute that we should be responsible for maintaining a Notable Tree that is not within our property but has roots, branches and leaves that do ingress into our property. This is and should be the responsibility of Hamilton City Council to maintain regularly. The Trust submits that Hamilton City Council needs to be more responsive and be held accountable for having regular scheduled maintenance of notable trees.

Maintenance Plans

- 9 We are concerned that the points in our submission regarding financial obligations were considered to be outside of the scope of Plan Change 9. Financial obligations must be addressed to clarify exactly who has responsibility for the trees. There should be no ambiguity between Council and landowners on this matter. If they are not going to be addressed at this time then the trees and their root zones should not be scheduled for protection.
- 10 We submit that the regular maintenance of the Notable Trees and Protected Tree Roots should be an important part of ensuring that the health of the trees are protected and public safety is maintained.
- 11 The Trust is concerned that without a sufficient maintenance plan in place, the damage will continue to worsen and will eventually affect the network utilities in the Protected Root Zone impacting on Kakariki House and adjacent properties.

Conclusion

- 12 The Trust seeks that the Panel recommends that Hamilton City Council prepare maintenance plans that clearly set out who has financial responsibility for maintaining Notable Trees and associated Protected Root Zones.

Dated 23 May 2023

Julie Nelson

Executive Chair of the Wise Trust Board

