



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We

(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:

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:

Legal description:

Certificate of Title:

Contact details

Name: (☒ applicant ☐ agent (tick one))

Address:

Postcode:

Phone (daytime): Email:

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?

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.

Removal of scheduled tree T014, which is a Silver Beech tree. This will also require landscaping to fix the ground which is raised above the rest of the land where the tree is located.

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.

The existing site is located as part of an external dwelling which is used as a rental by the owners. Freehold apartment, 1 bedroom, 1 bathroom directly under the scheduled tree.

The property was consented for this use in the last 2 years. The tree is located in the yard of the property, taking up all of the space with a raised root bed that causes the land to slope back into the building. There is no outdoor activity able to be enjoyed in this area due to the tree.

The tree is less than 2 meters from the dwelling, with roots encroaching on the buildings foundations. The tree also overhangs a public sidewalk and road.

Please see attached photos in AEE report.

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? General residential

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.

Schedule tree T014 - silver beech

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.

Please see attached report.

(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.

This activity does not align with the objectives of the district plan relating to scheduled trees. However, we are offering an extra residential dwelling for use within the urban area. The scheduled tree is impacting that use by causing fear for those living under such a large tree. There is also the lack of enjoyment for the building and the outdoor area due to the vast size of the tree not allowing any sunlight through to the home and the tree's root system being so large that the outdoor area cannot be utilised at all.

As landlords, we need to provide a warm home that is free of danger and feels safe for our tenants. Our last tenants will testify that they felt unsafe under the silver beech and witnessed many branches dropping in high winds. The flooding event at the beginning of October also saw the land surrounding the dwelling flood due to inadequate drainage from the way the tree's root system slopes back towards the home and does not allow the excess water to escape. This contributed to the flooding of the dwelling and a large insurance bill, with our tenants then forced to move and now we have lost them to another property while the dwelling is being repaired (still on-going).

Our objective is to remove the tree, create a safe, warm home for future tenants and landscape the area where the tree was to aid drainage and enjoyment of the area. This is something I am sure all would understand is important when living in a property that they rent out, as it is very important to us as landlords.

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):

A O Byrne

Date: 21/11/2024

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:

Signature:

Email: aaoby9@gmail.com

Application for Resource Consent:
Mr and Mrs A O'Byrne
Assessment of Effects

1 Introduction

This statement of effects provides an assessment of the actual and/or potential effects on the environment of the proposed removal of scheduled tree T014 from 33 Preston Crescent, Belleknowes. This statement of effects accompanies and forms part of the resource consent application.

1.1 Description of the site

The 913m² rectangular site is located on the southern side of Preston Crescent, Belleknowes. The site rises gently from the front boundary, but towards the rear of the property falls steeply away to a gully below. There is an older style brick home located at the rear property, with a converted brick garage that is now a consented one-bedroom apartment in the northeast corner of the property. The scheduled tree, a silver beech, is also located in the northeast corner of the property and within the boundary of the apartment closest to the northern boundary. A site plan is attached to the application.

1.2 Description of the proposal

It is proposed to remove the tree from 33 Preston Crescent. This activity is permitted by the 2GP plan to reduce the perceived high health and safety risk and risk of further damage to the existing building. This is shown on the attached plans and arborist report.

1.3 Consultation

Consultation has been undertaken with all three surrounding neighbours and most importantly, our current tenants. Neither of the neighbours on each side expressed any concern regarding the proposed removal of the tree. Our current tenants have provided written evidence of the fear that they live in by being situated under such a large tree. The imposing nature, the dropping branches and lack of sunlight all contribute to their decreased enjoyment of the area in which they live.

2 Assessment of effects

A restricted discretionary activity consent is required. The plan identifies the following matters which are relevant:

» Sunlight/daylight admission

The site is located on the northern side of the road. Because the apartment is located directly under the tree, there is a significant loss of sunlight to naturally warm the apartment, as it is in the trees shade at all times of the day. This leads to a cold, damp property that requires an artificial heat source to become comfortable. Please refer to the attached picture 1 to show how the tree covers the dwelling at the front of the property. Removing the tree will dramatically improve the enjoyment of living in the dwelling as it will improve the natural light and heating, while reducing the need for using electricity to warm the rooms.

» Visual impact

The silver beech tree is a visually striking tree. It is very large, well above the height of any other tree along the street. The tree has not been maintained well, with the last consented maintenance completed in 2017, so it does appear unkempt as detailed in the attached report. In saying this, such a large tree being located next to the one-bedroom apartment, only 2 metres away from the bedroom is significantly imposing for those living under it. Please again refer to the attached picture 1 as an overview to see the scale of the tree on the property. The tree does block the views of houses to the west of Preston Crescent, so having it removed may add to the enjoyment of these properties.

» Landscape impact

The tree has a very large, raised root bed at the base of the tree. This raises to a metre above the existing ground and slopes towards the existing building. During the record rain on the 3-4th of October, this landscape

contributed to the flooding of the apartment due to water running off the roots of the tree towards the building and not having anywhere else to go. The tree in its current position does not allow for any quality landscaping to be completed to aid drainage and enjoyment of the land. It also contributes to decreasing public safety due to the number of branches this tree drops. This cannot always be mitigated by the owners due to how big the tree is, the cost for upkeep on a poorly maintained tree and the positioning of the tree so close to a home and public walkway and road. This is evident in landscape pictures in attachment 3.

As noted in the arborist report, the root system has also impacted the existing concrete foundations of the building. This will only get worse if the tree remains on the property due to how close it is to the building. This will impact the future ability to house anyone in the building and impact the owners financially. The silver beech trees are known for their shallow root system. By not removing the tree, this root system will greatly impact the dwelling and likely cause extensive damage. This has the potential to impact the owners financially when the damage occurs, if it hasn't already.

The removal of the tree would allow landscaping to the apartments existing outdoor area to improve drainage and to increase the use of the area. It will also enable the owners to assess the current root damage, while further eliminating the risk of more root damage to the existing dwelling.

» Compromises a known vegetative feature

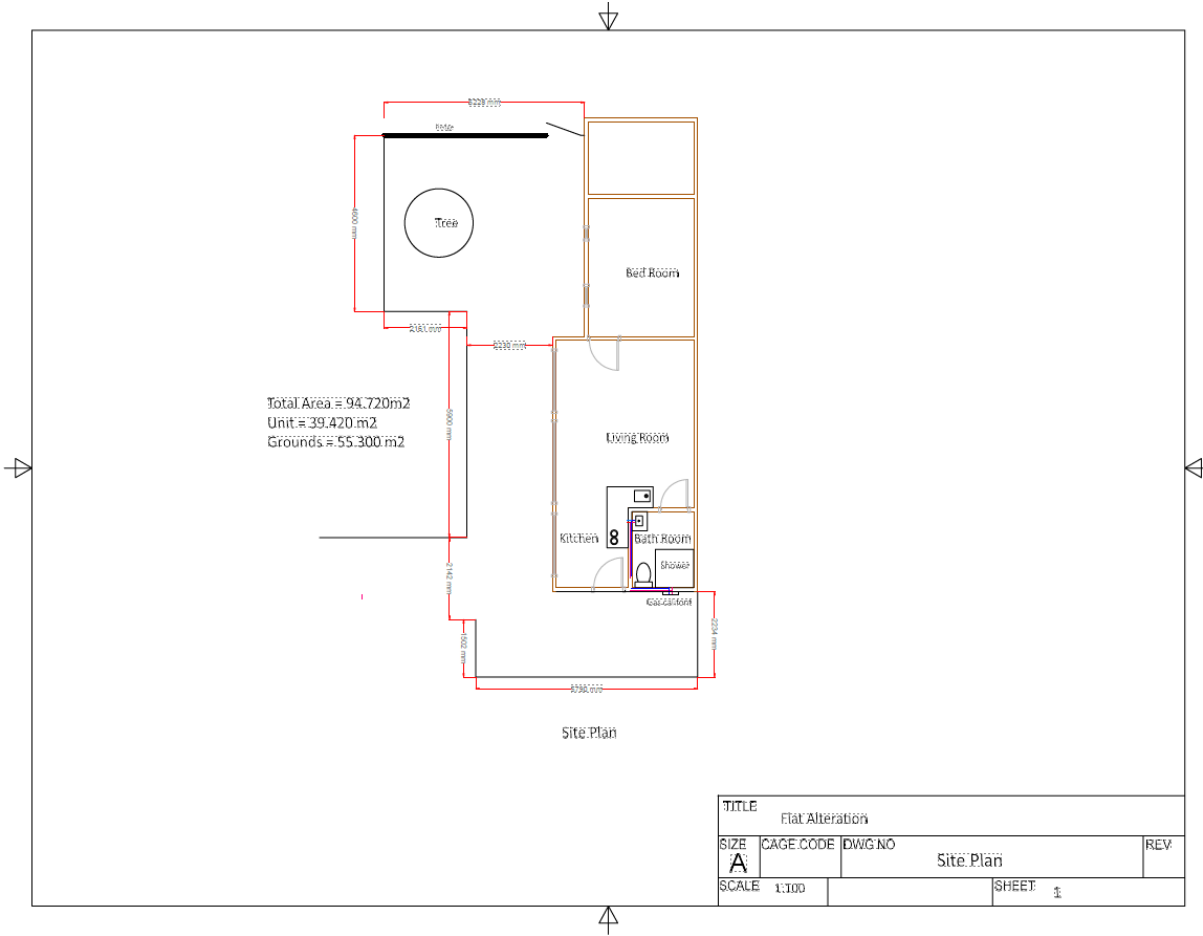
The large tree is a significant feature of the vegetative landscape; however, it is in a well populated area for vegetation for an urban environment. There are another three large trees on the same property to provide a natural habitat for birds and insects. The removal of the tree would allow the owners to landscape the area to provide drainage and extra planting of small shrubs and plants to suit the small outdoor area, which will provide a habitat for insects and birds to enjoy. The silver beech is also not a threatened species of tree and are commonly found in forests, not urban landscapes due to their size. They are also used for timber through sustainable forestry practices throughout New Zealand.

33 Preston Crescent is also located less than 500 meters from the town belt, which is known for the vast number of trees and vegetation. The owners do not feel as though the removal of this tree will impact the vegetative landscape at all.

Picture 1



Picture 2



Attachment 3









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

Adam O'Byrne

Tree owner

adamobyrne1@gmail.com

Locations

33 Preston Crescent
Belleknowes
Dunedin

Introduction

Eco Tree Care LTD was asked by Adam O’Byrne from 33 Preston Crescent, Belleknoves to conduct a visual ground inspection and provide an arborist report for the protected silver beech tree (*Lophozonia menziesii*) located in the section of 33 Preston Crescent near the front left side of the driveway and to the right of the front dwelling (Figure 1). The reason for this report is that the tree owner is concerned about the potential damage the large tree is causing to the foundation of the front dwelling due to its roots, the possible contribution to flooding, and the risk if any to the occupants of the flat . A certified arborist provided by Eco Tree Care was tasked to provide an assessment of the tree in question and procedures if any on preservation or removal of the silver beech tree.

Inspection

Upon initial inspection by the arborist, there is one tree in total identified on site that is the main cause of concern. The inspection was carried out on the 16th of October 2024 on a calm overcast, cool day. The tree is in close proximity and overhanging the front flat of 33 Preston Crescent surrounded by a concrete sidewalk, asphalt road, asphalt driveway, power lines and a concrete footpath all within the structural root zone of the tree (figure 1). The base of the tree is slightly more elevated than the front flat below (figure 5). There is root girdling present (figure 2) and some roots exposed above the surface past the root flare (figure 3). There is evidence that the root system is starting to raise the footpath along the side of the flat (figure 4).

The root flare of the tree is present and in good health with no signs of fungal bracket commonly found on mature native beech trees (figure 5). Roughly 1.5M up from the root flare the tree has developed two main stems (figure 5) which appear to have formed codominantly and with possible included bark but further inspection is needed to determine the extent as there is a thick layer of debris in the union of the two stems (figure 6).

Further up, the tree branches into multiple stems and limbs with an overall canopy width of roughly 15 M wide and height of the tree being approximately 17M tall. The canopy has a normal amount of foliage with minor defects of wounds present on limbs visible from the ground (figure 7) a moderate amount of medium size deadwood present with the largest pieces being roughly 200MM in diameter (figure 7.1, figure 7.2). There are several hangers (broken branches) throughout the tree. The tree has been professionally pruned in the past for clearance of the tree owner's front flat, powerlines, roadside and removal of deadwood. There has been no signs of topping of the tree and previous pruning cuts show normal signs of reaction wood sealing over older pruning cuts (figure 8). There is the presence of cabling done to support one of the lower limbs but the material used to cable the limb is insufficient and appears the wrong material was used. The rope used is now falling apart (figure 9) and attached to the tree incorrectly (figure 10) and I believe was not installed correctly. Overall, the tree is in fair health with the only concern being the co-dominant stems, deadwood, and hangers throughout the canopy.

Discussion

The goal of this report is to inform the tree owner about the state of the tree and any possible management that can be carried out. As stated above the tree does have two codominant stems with possible included bark. A codominant stem is when 2 or more main stems emerge from the same location on the main trunk. As the tree gets older the stems remain the same size without any of them becoming dominant in size. This structural weakness can have a higher potential of failure in extreme weather events as the two stems are not properly formed. Due to this codominant growth there has been debris built up and trapped between the two stems as they both grow larger. There is a potential for decay in this area due to these issues but from a visual ground inspection there is no way to tell the extent or if any decay has started to form. As stated before the tree has been pruned professionally for clearance of the amenities which in turn has been beneficial for the tree by reducing end weight of the larger limbs and branches.

There has been the issue raised of flooding occurring in the flat due to the close proximity of the tree and its roots which have been brought up by an insurance company. Due to the surrounding area being elevated and compacted by hard surfaces, there is a possibility that the root system is contributing to the funneling of some rainfall towards the front flat. Since the footpath next to the front flat is being raised by the roots of the tree there has been the concern raised of the roots damaging or interfering with the foundations.

In order to determine if there is any damage or risk to the foundation of the front flat a root inspection is required. Additionally since there are large limbs present over the front flat there has been concerns raised of potential risk to the previous and future occupants of this flat. Even though the tree has been assessed previously by a qualified arborist and a TRAQ report showing an overall low risk rating, there is no way I can quantify the legitimate feelings of fear and concern expressed by the tree owner.

Proposed plan

Tree works will be performed by trained and qualified arborists only. There are a few recommendations that I can suggest which can benefit the tree's health. Firstly it is recommended that the tree be continuously monitored by an arborist every 3 years or after an extreme weather event to assess any movement or signs of decay in the codominant stems and overall health of the tree. Secondly an arborist should perform a remedial maintenance prune and end weight reduction every 3-5 years. Lastly a cabling support system can be installed to further secure the stems affected and help mitigate the risk of large scale failure.

Conclusion

Eco Tree Care trusts that the information provided will be used to preserve the tree listed above or if deemed necessary to remove, replaced with a tree suitable for the area to help negate any negative environmental effects. Additionally, I hope that this report has all the information you require. If there are any questions or concerns, please contact me.

Best regards,

William Hagendorn, ISA ON 1905-A

William Hagendorn



Figure 1 showing the location of the tree and the amount of tree overhanging the front flat (to left of tree)



Figure 2 showing the presence of root girdling



Figure 3 showing exposed roots



Figure 4 showing the uneven footpath next to the house where there are roots present



Figure 5 showing the main trunk of the tree, its root flare and proximity to the front flat



Figure 6 showing the main union where the codominant stems form with debris and a small coprosma growing from the debris



Figure 7 There is a noticeable wound on one of the large limbs overhanging the driveway with poor signs of reaction wood present to seal the wound



Figure 7.1 showing medium size deadwood throughout the canopy



Figure 7.2 showing deadwood overhanging the front flat and over extended limbs



Figure 8 an old pruning cut with the normal amount of reaction wood sealing over the cut



Figure 9 The rope is now falling apart and is most likely not bearing any weight of the limb it is attached too



Figure 10 A single strop is used which offers no protection to the cambium of the tree