

**BEFORE THE HEARING PANEL APPOINTED ON BEHALF OF
DUNEDIN CITY COUNCIL**

Under	The Resource Management Act 1991 (the Act)
In the Matter	of an application for Resource Consent for the removal of a significant tree, T014
Between	ADAM O'BYRNE AND ANNA O'BYRNE Applicant
And	DUNEDIN CITY COUNCIL Local Authority

BRIEF OF EVIDENCE OF MICHAEL SMAILL

DATED 4 JULY 2025



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BRIEF OF EVIDENCE OF MICHAEL SMAILL

Introduction

1. My name is Michael (Mike) Smaill, Director of J G Smaill Limited, residing at Dunedin.
2. I have over 30 years' experience in plumbing and drain laying. I am certified with the Plumbers, Gasfitters and Drainlayers Board (registration number 14558) which is publicly accessible on the registry. I am also a director at J G Smaill Ltd, a plumbing and drain laying business based in Dunedin that recently celebrated 50 years in business.

Scope of Evidence

3. I have been engaged by Mr Adam and Mrs Anna O'Byrne to provide an expert opinion on drainage issues and opportunities related to a minor dwelling at their property at 33 Preston Crescent.
4. I understand that the O'Byrne's have sought resource consent to remove a significant tree that adjoins their property and that the application was heard on 13 June 2025. I also understand that the hearing was adjourned pending further information as set out in a series of questions by the hearing Panel in its Minute 1 dated 18 June 2025.
5. That minute includes a series of questions related to drainage issues, which is within my expertise. Since the hearing, the O'Byrne's have asked for my expert opinion on those questions to assist the panel in making its determination on this application.
6. In preparing this evidence I attended a site visit to the property on 25 June 2025. The purpose of the visit was to assess drainage issues and evaluate potential solutions for the minor dwelling, with particular consideration given to avoiding impact on the Structural Root Zone (SRZ).

Question 2

The site is sloping and it is natural for water to run downhill. The rain event in October 2024 result in Dunedin's wettest day on record. Without the presence of the tree, would the minor dwelling have avoided flood damage during this event and why?

7. The primary drainage issue for the minor dwelling is the height of the surrounding ground level. This is contributed by the location of the nearby tree and its root system. In rainfall events, water flows across the heightened ground level and falls towards the minor dwelling rather than being diverted around it. Furthermore, the stairs that surround the dwelling act operate as a dam which does not help with the flow path.
8. A commonly used solution to this issue would be to install a sump. Installing a sump would require trenching between the tree and minor dwelling to direct any surface water from around the dwelling out into the stormwater system at the street. A trench, as the name suggests, would require digging through the area, which would include any roots located therein.
9. If the tree was not in this area, then the sump solution would be readily available to install and would likely have avoided the flooding from October 2024.

Question 6

Could you please identify any other methods which could resolve the drainage issues for the site and which would also avoid the Structural Root Zone (i.e. cut off drains upslope of the minor unit) etc

Trenchless Method

10. My expertise extends to trenchless methods for installing drainage solutions, which I have considered in this instance.
11. Trenchless installation would have the potential to address drainage concerns while minimising damage to tree roots.

12. This technique requires the drilling an underground horizontal hole through which a new stormwater pipe would be installed. The obvious risk in this instance is that the drilling may occur through the trees root system which could cause damage to the tree. I defer to the expertise of others as to whether this damage would be irreparable.
13. Unfortunately, we cannot be certain whether the drilling will have a fatal impact on the tree. For that reason, it is not clear whether this method would be viable.

Cut-off drains upslope

14. Another form of trenching is “Cut-off trenches” which are both viable and common in this type of scenario.
15. However, a cut-off trench is only as good as the stormwater drain laid to drain the cut-off trench. Here, installing a cut-off trench would require a new connection to the Council network with an appropriately sized drain to the back of the minor dwelling.
16. The stormwater network is in the road shoulder adjoining the property and would be upslope from any sump. Draining upslope would require a stormwater pipe to be installed alongside the tree, which would have the same issues of not being able to avoid the SRZ.

Summary

17. There are a series of options which would address the drainage issues for the ancillary residential building, including:
 - (a) Installing an adequate stormwater management system.
 - (b) Lowering existing ground levels to improve runoff and comply with the building code.
 - (c) Installing a new stormwater connection to the street.
 - (d) Excavating areas to lower ground to improve site grading and water flow.

18. In my opinion, these solutions would not be viable unless they could avoid the SRZ, which seems doubtful in this instance.
19. In my opinion, there are no fully effective solutions to prevent future flooding without some degree of impact within the SRZ.

Dated 4 July 2025

Mike Smaill