

Protect Private Ownership of Trees Society

Resource hearing number, LUC-2024-171

Removal of a Pin Oak (T666) on account of Phillipa and Darren BAIN, 27 King Street, Mosgiel. Hearing held in the Public Art Gallery, Friday September 6 at 9.30am.

POTS has spent considerable time over the case of T666, currently growing on the Bain property. It has come to the conclusion the entire business is totally, socially unfair and unjust to the Bains.

This hearing is about people, not a tree. These are good citizens that by having a Schedule 25 heritage tree have been abused under the Resource Management Act (RMA), by the way it has been applied by the Dunedin City Council.

If T666 is removed, as indeed it should be, then the Electricity Hazard from Trees regulations amendment must apply. The Bains have been treated in appalling way in regard to T666. These are good upright, rate paying citizens. The RMA and the way the city council bureaucrats have applied its tree rule can only be interpretive as gross bullying.

This couple have had to jump over earlier hearing of **April, 1/2016** for the removal of T666, only to be turned down by the hearing panel of Councillors Vandervis, Noone, Whilely and Feather. Did the April first date influence the commissioner's execrable decision? The Bains were told that Delta would prune T666 at no cost to them, but from then on they would pay all the associated cost of the tree.

The choice of the tree to be included into the DCC schedule 25-3 is a dubious proposition with regard to the rate payer's position. POTS is of the opinion that the Bain's treatment to date amounts to social bullying. If the Baines wish to contest a decision to keep the tree then the entry cost to take a case to the Environment Court is \$500.

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A decision against the removal of T666, for whatever reason, is simply a financial smack in the Bains wallet. The tree is not a native, nor a great beauty admired by many passing citizens for free.

All the STEM (Standard Tree Evaluation Method) as it is applied to T666 is 'pure Tommy Rot!' This is because it is strictly a human issue-item that should be removed. In all things it is the people that matter! The Bain case has them captured by a huge, well endowed council.

Unless it is agreed that T666 should be gone, all other decisions would be unacceptable to POTS. It knows absolutely that rate paying people don't care about the tree because so few have made a submission, or turned up to this hearing

Jim Moffat, POTS secretary-advocate, *J. Moffat*

Notes: People might ask where are some POTS members at this hearing? The answer is – Working!

This hearing has taken two months to be held.

The STEM by the DCC staff members unreadable signature = 156.

Peter Waymouth, arborist = 138.

POTS appraisal (based on 22 years advocacy)= 84