

Introduction:

Kia Ora

My name is Anna O'Byrne and this my husband Adam.

The applicant's presentation:

Thank you, Chairperson and members of the panel, for the opportunity to speak today.

We, the applicants, are here to seek resource consent for the removal of a significant tree – identified as T014 – from our property at 33 Preston Crescent.

While the technical and legal aspects of our submission will be presented by our Counsel, I would like to take a few minutes to offer some personal context and outline the path that brought us to this application.

My husband Adam and I first fell in love with Dunedin in 2015, when we spent eight months here while on long service leave from our jobs in Western Australia. I'm originally from Southland, and like many Kiwis, I had spent time living and working in Australia, which is where I met Adam.

I had always wanted to return home, and our time in Dunedin confirmed for both of us that this was the right place make home and raise our children. In 2021, we were finally able to make that move, returning with our family to start our next chapter here.

Later that year, we found our "forever home" at 33 Preston Crescent. One of the key features that attracted us to the property was the converted garage studio at the front of the section, which had been operating as a short-term rental. While we had no intention of using it for accommodation, we saw its potential as a self-contained unit that could provide long-term accommodation and help us offset our mortgage.

In early 2023, we undertook the necessary, fully consented work to formally establish the unit. We then leased it to a young couple as long-term tenants.

Shortly after they moved in, our tenants raised concerns about the large volume of debris falling from the tree—T014—and the unsettling noise it made during high winds. These concerns prompted us to have the tree's health assessed and apply for tree maintenance, which was subsequently approved. We obtained quotes from qualified local arborists to carry out the recommended work.

However, in October 2024, a major rainfall event led to severe flooding of the flat. This caused significant damage and forced our tenants to move out while repairs were

undertaken. Unfortunately, due to the three-month duration of those repairs, they were unable to return and had to find new permanent accommodation.

The flooding investigation revealed that the drainage around the flat was inadequate and perhaps was always inadequate for its prior uses. We sought professional advice on improving the drainage, thinking that this was our only option due to the protected nature of the tree. However, we learned that the only effective long-term solution would require work within the structural root zone of T014. In other words, protecting the flat from future flooding risks would necessitate works that would critically affect the tree's root system.

It was at this point that we made the difficult decision to apply for the tree's removal.

Throughout this process, Adam and I have acted in good faith. We have engaged openly and cooperatively with council representatives and complied with all requests and recommendations from the relevant experts.

Unfortunately, during this time, we have also experienced distressing behaviour from a small number of neighbours. I want to note, however, that we have never reacted or responded to this and have remained focused on following the correct process.

We acknowledge and accept the importance of the tree for its visual amenity which has come through the various submissions. We appreciate its amenity too. However, it is us, not the submitters who must deal with the consequences of the damage that has been caused to our property. Unfortunately, the only feasible way of protecting our property is to carry out works within the critical root zone and impact the tree. That leaves the only option of having it removed. Despite the significant opposition to its removal, we have not received any advice from submitters or the Council which would give us an alternative to this outcome.

Adam and I love our home and our neighbourhood. We absolutely understand the environmental and aesthetic importance of significant trees, including T014. This application is not something we have taken lightly.

But in this case, we face a very real and measurable risk to our property, and we are left with no viable alternative to adequately protect it from future flooding without removing the tree.

We trust that our application will be assessed on the objective evidence and expert assessments presented, and we respectfully ask that the panel grant our request for resource consent.

Thank you for your time and consideration.