



APPLICATION FORM FOR A RESOURCE CONSENT

PLEASE FILL IN ALL THE FIELDS

Application details

I/We Phillipa and Darren Bain

(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:

Remove Pin Oak T666 from the DCC 2GP District Plan. Remove Tree from property.

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: 27 King Street, Mosgiel

Legal description: Lot 11 Block IV Deeds plan 183

Certificate of Title: CFR OT 393/55 Ltd

Contact details

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

Address: 27 King Street, Mosgiel

Postcode: 9024

Phone (daytime): 027 5453193

Email: Pipeatelectrical.co.nz

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? Phillipa and Darren Bain

If the applicant is not the site owner, please provide the site owner's contact details:

Address:

Postcode:

Phone (daytime):

Email:

No Fee's apply.

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:

Detailed description of proposed activity

We purchased 27 King Street in February 2016. At this time the developer (Craig Horne) had advised he had an application in to remove the tree. Craig asked us to submit on the tree's removal which we did but it was a late submission. The removal was declined which we were not fazed about.

In 2020 we put an application in to have the tree pruned, this was accepted, so we arranged for Green Trees Ltd to do this at a cost of \$3168.00

The tree has had significant growth in the past 4 years, not only out but also the canopy height. The sheer size of this tree is too great for the environment it finds itself in.

The tree has become so large that we now feel unsafe and insignificant living underneath it. The tree is so big it takes out all sun exposure to our front yard, our living area and our children's bedrooms thus depriving us of enjoying our yard and having exposure to vitamin D.

Our biggest concern is the tree losing a limb or worse falling on our home. The tree grows to the North and our family home is on the North side a mere 6 mtrs away from this large Pin oak. Under this tree is our living room and our 10 year old daughter's bedroom. It gives us all anxiety in higher winds especially Sou'West and Nor'West winds as Mosgiel has a wind tunnel that our property sits in. The tree twists and creeks scaring our daughter and making her feel unsafe in her home.

We have an Elderly neighbour that lives in the home next door, this home was built on a portion of the original section at 27 King that Craig Horne developed. This home is also at risk of damage from falling limbs as it reaches over to this property also.

The power network is also at risk of damage from falling limbs. We are a corner property, we have a power junction on the corner of Bruce and King Street that feeds many Mosgiel houses. Damage to this line from limb failure will impact many people.

I have concerns about the structural integrity of our foundations and our homes plumbing from the tree's root system, these concerns also cross my mind for the neighbouring property, 27A King Street

We requested Green Trees Ltd to conduct a report on the tree at the sum of \$2760.00 as we are so concerned for our safety due to the sheer size of this tree. As part of the report it is highlighted that the tree does not meet the 147 STEM points to be a protected tree on the DCC 2GP district plan. We request that the tree is removed off the DCC 2GP district plan with this finding alone.

Green Trees Ltd conclusion of the report is to,

1. Prune & cable the Pin oak (T666) in order to maintain the tree for another 20 to 35 years of its potential life expectancy.
2. Remove the Pin oak (T666) from the DCC 2GP District plan

We as a family can not financially afford to pay for this tree to be cabled let alone on top of another costly prune.

We are not requesting for this removal for a financial gain as there is no financial gain to be had, it is solely for our safety and the potential / imminent damage to property.

4C Will Street, Abbotsford has just had Scheduled Tree (T1191) consented for removal from the DCC 2GP District plan for similar concerns as we have for our tree (T666)

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.

See letter attached.

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.

This is a family home, 2 Adults 2 Children and 1 dog reside here. The Section is roughly 700sqm. Tree T666 is in the front Section in the far corner, The house sits in the middle of the Section. There is a small back yard.

(Attach separate sheets if necessary)

District plan zoning

What is the District Plan zoning of the site? *General Residential 2*

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.

7.3.2 (3) Removal of a Scheduled tree.

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.

Very little effects on bird life as there is little bird activity in this Pin oak and no native birds visit it.

The risk to the power network would be eliminated as there will be no risk of limb failure.

We have 3 trees on our street burns and there is also a large section of pin oaks on Hogart Alexander Drive, so there is other such large trees in Mosgiel for

(Attach separate sheets if necessary) the community to enjoy.

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. **OBJECTIVE.**

Policy 7.2.1.1 section 333 of the Property law act 2007.

Policy 7.2.1.2-a. There is significant risk to personal/public safety or a risk to personal safety that is required to be managed under health and safety legislation.

7.2.1.2.c. There is moderate to significant risk to building.

7.2.1.2.d. The removal of the tree is necessary to avoid significant adverse effects to existing infrastructure and network utilities.

Assessment of non complying activities. 7.8.2

7.2.2.1 c. Avoid the removal of a scheduled tree (except as provided for Policy 7.2.1.1) unless.

- i. There is significant risk to personal/public safety or a risk to personal safety that is required to be managed under health and safety legislation.
- iii. There is a moderate to significant risk to building.
- iv. The removal of the tree is necessary to avoid significant adverse effects on existing infrastructure and network utilities.

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):



Date: 15.5.2024

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
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Received by: Counter Post Courier Other:

Comments:

(Include reasons for rejection and/or notes to handling officer)

Planning Officer:

Date:

I live at 27A King Street, Mosgiel

I am next door to 27 King Street and my house is very close to the large tree at number 27.

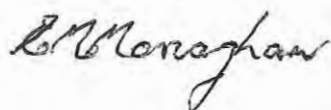
I am worried that if a large branch breaks off the tree, there is every possibility it will crash on to my roof, causing a lot of damage.

I am also concerned for my safety.

With the way the weather patterns are changing, a strong wind is very likely to cause this to happen.

A lot of leaves fall on to my property and the main concern is they will block up my drains. As I am an elderly person it is more than I can cope with on my own.

Elsie Monaghan.

A handwritten signature in cursive script, appearing to read 'E. Monaghan', written in dark ink.



**10mmØ Steel Cable
WWL 1 tonne
(working load limit)**

N.B. calculated on a 5+ safety factor

N.B. original document annotated 12.05.24
Unlisted Pin Oak H = 15m S = 15m DBH = 0.7mØ

Pruning & cabling treework above was completed in Mosgiel 26.03.15. Major leader & branch failure on the 21.03.23 left a 1.5 tonne piece hanging over a child's bedroom. The cables remained in tact allowing arborists to dismantle the broken leader from a bucket during the height of the a storm. This made the tree safe until the whole tree was felled the following day in fine weather.

Estimated cost of the 2015 cabling & pruning allowing for annualised inflation 3% p.a. to the present would be approximately \$4566.70 (gst incl).

Similar maintenance costs would likely be incurred over an 8 year cycle because the dynamic cable (braided polyester rope) only has a working life expectancy of 10 years maximum due to exposure to ultra-violet radiation from the sun, especially in deciduous trees. The above steel cabling system has 30 year life but is not used near electricity street wires.



RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy




R.W. Muir
Registrar-General
of Land

Identifier **728796**
Land Registration District **Otago**
Date Issued 27 April 2016

Prior References
OT393/55

Estate Fee Simple
Area 673 square metres more or less
Legal Description Lot 2 Deposited Plan 495976
Registered Owners
Darren Glen Bain and Phillipa Joy Bain

Interests
11160238.5 Mortgage to ANZ Bank New Zealand Limited - 11.7.2018 at 3:27 pm

