

**Community & Services Committee
6 April 2017**

Report for Agenda Item 1

Department: Property & Infrastructure

**Request for Approval to Remove Two Poplar Trees Growing Within QLDC
Road Reserve – Panorama Terrace, Queenstown**

Purpose

- 1 To consider whether to grant approval for Mr. David Jerram (representing his client Mr. Kenneth Butt, 68 Panorama Terrace) to remove two established Poplar trees growing on QLDC road reserve.

Recommendation

- 2 That the Community & Services Committee:
 1. **Note** the contents of this report and in particular;
 2. **Approve** the removal of the two established Poplar trees growing on QLDC road reserve outside 68 Panorama Terrace, Queenstown, subject to
 - a. Mr. Kenneth Butt (owner of 68 Panorama Terrace) being responsible for all costs associated with the removal of the trees.

Prepared by:



Tim Errington
Arboricultural Officer

22/03/2017

Reviewed and Authorised by:



Stephen Quin
Parks and Reserves Planning
Manager

22/03/2017

Background

- 3 A request to remove the two poplar trees was submitted to QLDC as a RFS (Request for Service – Reference No: TR16/0176 / Dated: June 16 2016). This request was submitted by Mr. David Jerram on behalf of his client and owner of 68 Panorama Terrace, Mr. Kenneth Butt.
- 4 Following receipt of the RFS, a site visit was made by the QLDC Arboricultural Officer (the Arborist) on Tuesday 28 June 2016 in order to inspect and assess the

subject trees. It was determined that the trees were unlikely to have been planted by QLDC and that their location was inappropriate for such a large growing, vigorous species of tree. This opinion was based on the estimated eventual mature size combined with the close proximity of the road and associated infrastructure.

- 5 Whilst on site, it was noted the presence of a concrete style crib wall that appeared to be lending support to the road and embankment. The portion of this supporting structure in the vicinity of the poplar trees is currently in a poor condition as a result of the trees basal stems and buttress roots exerting direct pressure as they inevitably increase in size when laying down annual incremental growth.
- 6 Mr. Jerram was informed of these observations and support for the complete removal of the trees was indicated as it was the opinion of the Arborist that this was the most prudent option when considering the future management of the Poplar trees in this confined location.
- 7 Mr. Jerram was advised that his client would be responsible for all costs associated with the removal of the poplar trees and that Council's arboricultural contractor (Asplundh) shall be appointed to oversee and complete the tree removal works and organise suitable traffic management.
- 8 Further advice was given to Mr. Jerram that in accordance with the [QLDC District Tree Policy 2010](#), prior to the commencement of any works he is required to consult and seek the agreement of those properties considered to be directly affected as a result of the removal of the trees.

Policy 4.3.1.2 (e)

Requests for tree works will only be considered after consultation, the level of which will be commensurate with the level of significance of the tree and landscape (see Section 4.4: Consultation and Dispute Resolution). Requested tree removals involving previously consulted design tree plantings will require a full public consultation process involving the wider community.

- 9 At that stage, it was identified that the following properties could potentially be affected as a result of the tree removal works, as directly viewing the trees:
 - 65 Panorama Terrace
 - 69 Panorama Terrace
 - 2 Maxwell Place
- 10 This information was passed to Mr. Jerram with instruction to seek the written agreement of these property owners.
- 11 On the 10/10/2016, 31/10/2016 and 17/03/2017 Mr Jerram responded with the written agreement of the three identified property owners and the following additional property owners:
 - 66 Panorama Terrace

- 71 Panorama Terrace
- 4 Maxwell Place
- 7 Maxwell Place



- 12 On Monday 10 October 2016, Mr Jerram was informed that the Arborist was satisfied with the consultation process and that he could now instruct his client that he may proceed with the tree removal works.
- 13 On Monday 16 January 2017 the Arborist was informed by Asplundh that when notifying residents of the impending tree works in order to manage residents car parking around the trees and allow unrestricted access to the trees, Mr Arie Kleinjan of 20 Maxwell Place disagreed with the tree removal works. Asplundh were instructed to cancel the tree removal works until further notice.
- 14 The Arborist offered to meet Mr Kleinjan on site to discuss the works and explain the reasons behind his support for the removal of the trees. Mr Kleinjan has to date not taken up on this offer to meet.
- 15 Subsequent to Mr Kleinjan's disagreement to the tree removal it was decided to widen the public consultation process to a radius of 100m from the trees (see plan below). Mr Jerram was informed of this further consultation requirement and was advised that he seek the additional support from the identified property owners.



16 On Monday 13 February 2017 Mr Kleinjan delivered objections to the removal of the poplar trees from residents of the following properties:

- 13 Maxwell Place
- 12 Maxwell Place
- 6 Maxwell Place
- 18 Maxwell Place
- 20 Maxwell Place
- 71 Panorama Terrace
- 57 Panorama Terrace
- 45 Panorama Terrace
- 43 Panorama Terrace
- 40 Panorama Terrace
- 4 Hensman Road
- 48 Peninsula Road, Kawarau Falls
- 24 Shoreline Road
- 15 Stewart Street, Frankton
- 59 Howards Drive
- 104 Hallenstein Street
- 28 Remarkables Crescent, Remarkables Park
- 13 Panners Way

- Tuckers Beach Road (address not specified)
- 10 Morning Star Terrace, Arthurs Point
- 136 Alpine Retreat Road

17 On Tuesday 28 February 2017 Mr Jerram advised that he had received support for the removal of the poplar trees from residents of the following properties in proximity the poplars:

- 62 Panorama Terrace
- 63 Panorama Terrace
- 72 Panorama Terrace
- 8 Maxwell Place
- 20 Maxwell Place
- 20 Peregrine Place
- 10 Longwood Place
- 33 Earnslaw Terrace
- 71 Panorama Terrace (received on 17/03/2017)

18 OPUS International Consultants were engaged to assess the poplar trees from a safety perspective. The OPUS report (Attachment D) states:

“It is recommended to remove both trees from the road reserve. The removal of the trees would be beneficial to user safety by improving sight distances, reducing the chance of icy surfaces, and removing the possibility of collision with the trees”

19 As set out in the QLDC District Tree Policy 2010, the final decision regarding the removal of a Council tree under appeal by a resident shall be determined by the Community Services Committee.

Policy 4.4.1.4(c)

The process by which a resident can appeal a decision concerning the maintenance of trees under Community Services Department’s jurisdiction is:

The resident should raise the matter, in writing, with the Parks Manager. Where tree maintenance issues involve significant local or community interest the Council will enter into a consultation process to ensure that the wider community interest is considered.

If the resident is not satisfied with the Parks Manager’s decision they may then take the matter to Council, in writing, through the Community Services Committee, which will determine a response in line with adopted policy. No tree work is permitted until a decision is made.

Options

20 Option 1 Do nothing

Advantages:

21 No loss of habitat or environmental impact.

Disadvantages:

22 Trees increase in size and eventually fail due to restrictions on the size of their root plates.

23 Trees increase in size and council decides to remove them at a later date (estimated \$8000).

24 Option 2 Reduce / Top trees

Advantages:

25 None

Disadvantages:

26 Ongoing maintenance commitments.

27 Trees become unsound as a result of the ingress of decay fungi and wood digesting insects and have to be removed eventually.

28 Topped trees decrease their visual amenity.

29 Option 3 Remove trees

Advantages:

30 Cost of tree removal works paid for by resident (\$5779.29).

31 Future damage to the road and infrastructure avoided.

32 Possible future failure of tree avoided.

Disadvantages:

33 Loss of habitat and environmental impact.

34 This report recommends Option 3 for addressing the matter as it is considered to be the most prudent option providing good value for money and ensuring the future integrity of Council's infrastructure.

Significance and Engagement

35 This matter is of low significance as determined by reference to the Council's Significance and Engagement Policy because the impact of the potential loss of trees is limited to surrounding residents.

Risk

36 This matter does not have significant risk. The risk is noted as OR010c as documented in the Council's risk register. The risk is classed as moderate. The

risk is because the trees may cause damage to the surrounding infrastructure or to property. This risk would be avoided by allowing for the removal of the trees.

Financial Implications

37 There are no financial implications to the recommended option as the trees will be removed at no cost to Council.

Council Policies, Strategies and Bylaws

38 The following Council policies, strategies and bylaws were considered:

- QLDC District Tree Policy 2010

39 The recommended option is consistent with the principles set out by the Tree Policy.

40 This matter is not included in the 10-Year Plan/Annual Plan

Local Government Act 2002 Purpose Provisions

41 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses by removing two large vigorous growing exotic trees at no cost to council before these trees can have a detrimental effect on councils infrastructure.
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

42 The persons who are affected by or interested in this matter are residents/ratepayers of the Queenstown Lakes District community.

43 The Council has not consulted any persons regarding this matter. All consultation has been undertaken by Mr Jerram and Mr Kleinjan.

Attachments

A Maxwell Place & Panorama Terrace Intersection – Tree Safety Assessment