

## 5. REMOVAL OF A PROTECTED NOTABLE GUM TREE - ACORN CLOSE, OPAWA

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The purpose of this report is to seek the Board's decision as to an application from Jill and Neil Clark of 6 Acorn Close for the removal of a protected notable gum tree situated on Council reserve land adjacent to their property (see attached). The Board has delegated authority to decide on the removal or retention of trees on local reserves.

### BACKGROUND

A request has been received from a resident whose property adjoins the reserve. The residents' concerns are outlined in the attached letters to the Board and Parks & Waterways Unit, both dated 28 February 2004. Their concerns have arisen as a result of a branch falling from the Eucalyptus Globulus tree (Tasmanian Blue Gum) situated on the reserve. The branch penetrated the concrete tile roof and the soffit of their four-year old dwelling. The residents are concerned for their safety and the safety of others using the reserve.

Before any decision is made to remove the tree, the Board may need to consult with the local residents, as the reserve was purchased at the time of the subdivision, mainly to protect the gum tree and a number of other large trees on the site. It is situated on Acorn Reserve on the east side of Acorn Close which is near the intersection of Fifield Terrace with Ensors Road. It has been protected since the transitional Christchurch City Plan became operative in 1986.

In 1996 the land (government owned) was subdivided. At the time of subdivision, knowing that creating a residential section under or in very close proximity to the gum was going to result in on-going complaints about the tree and requests for its removal from the future occupants, the gum was included in a reserve area created from land taken as reserve contribution. In designing the subdivision and reserve area, every effort was made to create a reasonably safe distance from the gum to the private property boundary. However, from the time the section at 6 Acorn Close was developed and occupied by Mr and Mrs Clark in 1999/2000 they have made several complaints about the gum relating to shading, tree litter and safety. In response to these complaints the gum has been pruned to alleviate these problems. In the latest incident, a dead branch broke off the tree in the January 2004 gales and damaged the roof on the Clark's house, which led to this current request for the tree to be removed.

### THE TREE

The gum tree in question is a very large Tasmanian blue gum (*Eucalyptus globulus*) that is listed as a protected notable tree under Part 10 of the proposed City Plan.

One of the largest gums in the City, this tree has always been an imposing feature of the landscape of the area, hence its protection. The tree is estimated as being over 130 years old and, along with the protected oaks on the site, represents some of the earliest plantings in the Opawa area.

### LEGAL SITUATION AND PROCESS

Decisions relating to the removal of trees other than those considered to be immediately dangerous to persons or likely to cause immediate significant damage to buildings, services or property, whether public or privately owned, is under the delegated authority of the area community board. The gum tree, the subject of this report, is not considered to be an *immediate* risk to persons or property.

However, as this tree is protected as a notable tree under the proposed City Plan, should the Board resolve to support the Clarks' application for the gum to be removed, an application for the removal of the tree would still have to be made for resource consent in accordance with the provisions and rules of the Plan and the Resource Management Act 1991. This will initially involve a decision under the delegated authority of the Council's Resource Management Officer Subcommittee. The Council may decide that the application be publicly notified.

The applicant could apply themselves for Resource Consent to remove the tree, but the Council as owner of the tree would still be able to object to the tree being removed as part of the mandatory Resource Consent process. Any such application is likely to be publicly notified.

The applicants could apply directly to the District Court for an order for the tree to be removed; should the Court so order, the decision would override the Council's tree protection rules and the tree would have to be removed.

## **HEALTH AND CONDITION**

In common with gums of this species throughout New Zealand, the tree suffers badly from continuing attacks from several major insect pests of gum trees. These insects severely defoliate branches, often causing them to die, as can be seen from the dead branched, "stag headed" gum trees, characteristic of much of Canterbury's landscape. These dead branches are prone to breakage and, ideally, dead wood pruning on an annual basis is required to prevent this. Unfortunately, with the huge demands for pruning city-wide, it is difficult to devote this degree of attention to the tree and dead branches have often remained in the crown for longer periods than this.

In the past, the height of the gum and its crown spread would have been considerably larger than it is now. The branch die-back and overall crown reduction pruning from the late 1970s onwards has left the tree with a shorter, narrower profile and, consequently less crown volume receiving the forces of the wind (wind sail effect).

An inspection of the upper parts of the tree found some main limbs with die-back of the bark running up the sides and tops of some of the branches and exposed dead wood. Apart from some surface decay, however, the rest of the wood in these bare areas appeared to be sound. With the branch length/weight reduction pruning that has taken place over the years, the wind forces and the weight loading on these major limbs is now much reduced and consequently the risks of breakage.

There are dead branches throughout the crown that need to be removed.

The main trunk of the tree is particularly massive and shows no sign of structural defects. The roots appear to be well structured, providing good soil anchorage.

No part of the gum actually overhangs the Clarks' property and only in strong wind conditions are broken branches likely to fall onto it.

## **PROPOSED WORKS**

Should it be decided to retain the gum, the following works to alleviate the problems experienced by Mr and Mrs Clark and improve the health and safety of the tree are proposed:

- (i) Remove all dead branches
- (ii) Reduce length and end-weight on major limbs
- (iii) Treat tree with insecticide to control insect infestation
- (iv) Schedule pruning work and health and safety inspections on an annual basis

## **Costs**

The estimated annual costs of the above work would be in the region of \$600.

The estimated costs of felling the gum would be in the region of \$5000.

## **CONCLUSION**

In addition to its imposing presence in the landscape of Acorn Reserve, the tree is also a well-known landmark feature in the wider landscape of the area. With regard to the latter, from the local public interest shown in the site and its trees at the time of development, any moves to remove the gum is likely to result in stiff opposition from concerned members of the public. The Greenspace Unit is always prepared to assist the public wherever possible in taking reasonable action to alleviate problems caused by trees on neighbouring land. Felling is only considered as a last resort where there are no other remedial options available. With the implementation of the works proposed above, the tree can be made safer and the litter problem to the Clarks' property alleviated.

It is also fair to say that, when choosing to purchase properties next to reserves containing large trees, there is some responsibility on the would-be purchaser to assess the situation thoroughly to decide whether the conditions are going to be tenable for them.

**Staff**

**Recommendation:** That the Board decline to support the Clarks' application for the removal of the gum, subject to the works proposed in the report being implemented.

**Community**

**Advocate's Comment:** Should the Board resolve to remove the tree, pursuant to its delegated power, Council officers would be requested to initiate an application for the required resource consent in accordance with the provisions of the Resource Management Act and the Rules of the proposed City Plan.

**Chairperson's**

**Comment:** It has been suggested that Board members visit this reserve. It seems that if the dead wood pruning programme had been carried out, this situation may not have arisen. At this point, the staff recommendation is a sensible compromise.