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Corporate Plan Output: Sports Park Tree Maintenance and Felling City Wide	

The purpose of this report is to resolve a situation where a large pine tree in Ferrier Park is claimed to be detrimentally affecting neighbouring properties.

BACKGROUND

In 1991, following a request from some residents in Wittys Road, the Riccarton/Wigram Community Board approved the removal of seven closely planted, large *Pinus radiata* trees growing in the park at the rear of their properties.

The reason for consenting to the removal of the pines group was that they cast an excessive degree of shade in the Wittys Road properties, particularly during winter when frost tended to persist on the ground until well after midday.

The pine in question, which was separate, and to the east of the main group was considered for removal at this time. However, as the tree had quite an attractive crown form and (at that time) there were no houses in the immediate vicinity, it was decided to retain the tree.

Since then the sections immediately adjacent to the tree have been developed. In March 1994 the Parks Unit received a request from residents for the pine to be removed, which was declined, along with subsequent requests.

CONDITION OF PINE

The pine is aged about 50 years being 21 metres in height and 15 metres in crown diameter.

Despite having lost three branches on the south side of the crown the tree still makes an attractive contribution to the landscape of the south east corner of the park and is the only significant evergreen for some distance.

The pine has a sturdy trunk and there is no evidence of disease, structural defects or lack of root anchorage that would render the tree liable to breakage or windthrow.

There is no safety amenity or park management reason why the Parks Unit should wish to remove the pine.

EFFECT ON NEIGHBOURING PROPERTIES

The pine is situated approximately 16.0 metres from the south boundary and 7.0 metres from the east boundary of the park. At 21 metres in height the pine could fall over any one of the four adjacent properties. However, the risk of the tree falling or breaking at the trunk is no greater than for any other healthy tree in the park, many of which are situated near roads or property boundaries.

No part of the pines crown actually encroaches over the park boundary, however.

It was noted that just before midday on 12 July the flat at number 16 Wittys Road on the south side of the tree was being shaded a good deal, but with some dappled sunlight.

The property to the east of the pine, 37 Avonhead Road, was in full sunlight at that time. It is estimated that each property would be shaded by about 1.5 hours each day during the winter time.

Winds could carry pine needles onto all the nearby properties and needle deposits could be seen in the guttering in the vee of the roof of 37 Avonhead Road.

In choosing to purchase property next to parks containing large trees, the sound of wind through foliage and branches is something residents can reasonably expect to happen. Even if the pine were to be removed the noise would continue due to the close proximity of other large trees.

Although pines produce large quantities of pollen, bouts of asthma in susceptible persons can be caused by a wide range of trees, herbaceous flowers and grasses at certain times of the year, particularly when the pollens are mixed. Choosing to live next to parks which contains such vegetation is obviously likely to cause problems for certain asthma sufferers.

LEGAL SITUATION

There is no direct legal requirement to remove trees, which are claimed to be injuriously affecting residential land. The Property law Act provides for applications to be made to a District Court for trees to be removed depending on the circumstances involved. In addition to any problems claimed to be experienced by the applicant the Court is also required to have regard for considerations such as the following.

“The time the applicant became the occupier of the land in relation to the time the wrong commenced.”

“The desirability of protecting reserves containing trees.”

“The value of the tree as a public amenity.”

The Act also provides that “Every order made under this Section shall provide the reasonable cost of carrying out any work necessary to give effect to the order be borne by the applicant.”

DISCUSSION

The Parks Unit receives many requests for trees to be removed in Parks and other public places, particularly where new development has taken place in the vicinity of large trees.

It is fair to comment that anyone contemplating living in property next to public land containing large trees should first evaluate the situation taking into account the natural consequences such as shading, leaf litter, pollen deposits etc.

Despite this, as demonstrated with the previous removal of the group of large pines in Ferrier Park some years ago, the Parks Unit is always prepared to take reasonable action to alleviate excessive problems experienced by residents also bearing the substantial costs of the work. However, where a point is reached where the landscape and general amenity values of the park are in danger of being eroded by individual residents requests to remove trees for reasons of no great hardship, it is also reasonable that in the wider public interest, such applications be declined.

Recommendation: That the application to remove the remaining Ferrier Park pine tree be declined.

The above report was before the August meeting of the Riccarton/Wigram Community Board. At that meeting the Board decided to **recommend** to the Parks and Recreation Committee that the sole pine tree in Ferrier Park be retained.

Chairman's

Recommendation: That the recommendation of the Riccarton/Wigram Community Board be adopted.