

24. JAMES CONDON PARK OAK TREES

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Corporate Plan Output :Local Park Tree Maintenance and Felling	

The purpose of this report is to obtain a Board decision in response to a request from Mr T Hinckley for two Oak trees in James Condon Park to be removed and the Council pay for damage to his property allegedly caused by the trees.

BACKGROUND/HISTORY

Mr Hinckley lives at No. 34b Prestons Road which is adjacent to James Condon Park. For some years Mr Hinckley has complained to the Council about the general nuisance and damage claimed to have been caused his property by the two large oak trees in the park near his boundary.

The complaints relate to the following problems:

1. Blocked roof spouting and drain pipes.
2. Need to clear leaves and other tree debris from property generally.
3. Shading effect on garden plant growth.
4. Sticky honeydew secreted by aphids on the oaks causing messy, unsightly deposits on roofs of house and garage with periodic cleaning costs of over \$200 a time.

To alleviate these problems to date, the Council has previously removed two large oak trees, carried out extensive pruning on the remaining two large oaks and another smaller oak nearby, and carried out a building cleaning operation at its expense.

In July last year, both large oaks were again extensively pruned, reducing their height and removing all branches actually encroaching over Mr Hinckley's boundary.

A new aphid control treatment has also been carried out on the two large oaks which has proved to be successful in ridding the trees of the pests.

The operations described above which have largely been for the benefit of Mr Hinckley have cost the Council in the region of \$5000 to date.

The matter was previously reported to the Board in May 1998. As a result approval was given for the removal of two of the oaks, extensive pruning on the remaining trees and new planting in the park.

Following further complaints of the same nature, the matter was again referred to the Board on the 5th September 2001. It was decided to defer a decision on the trees pending the outcome of an inspection of the trees by Board members. The tree inspection was carried out on 19 September 2001 after which there was a delay in proceedings due to the local body elections.

CONDITION OF TREES

The two oaks are over 100 years old and originally formed part of farm hedgerow plantings prior to the area being subdivided for residential development. The trees are about 18 metres in height, their trunks being situated 3.0 metres from the park boundary with Mr Hinckley's property. Despite their age, both oaks are in a healthy and sound condition. The crowns of the oaks are now somewhat one sided due to the amount of pruning required to shorten the branches clear of Mr Hinckley's property. However viewed from the park side, the crown imbalance is not apparent. These large trees make a significant contribution to the landscape of the park and neighbourhood.

LEGAL OPINION

We have received an opinion from the Legal Services Unit on this matter and attach it in the public excluded part of this report.

PROPOSED WORK

It has been several years since the buildings in Mr Hinckley's property were last cleaned of honeydew by the Council and there would have been some build up of aphid residue up to the control operation in October last year. It is proposed to carry one more cleaning operation at the Council's expense. After that an ongoing annual programme of the same aphid treatment should keep the oaks free of the insect. Other than the one honeydew cleaning operation, no further work is proposed to be carried out on Mr Hinckley's property at this stage. The oak trees will however be pruned periodically to prevent further branch encroachment across the park boundary.

CONCLUSION

The Parks and Waterways Unit receives a great many complaints of this nature requesting that trees on parks and streets be removed for the sort of reasons stated by Mr Hinckley.

As with the case in question, it has always been the policy of the Council to take all reasonable steps to alleviate problems caused to residents by trees on Council land, therefore being a good neighbour. The Council similarly endeavours to meet it's legal obligations. However, in dealing with requests to remove large, healthy trees it is imperative that the Council also consider the greater landscape and general amenity values provided by trees in our parks, streets and other public places.

For those who have chosen to purchase properties near reserves obviously containing existing large trees, the sort of problems stated previously are a commonly known fact of nature and something that any impending purchaser should reasonably be expected to be aware of . For the Council to attempt to resolve the thousands of similar complaints it receives by removing trees on request or carrying out work on private properties, would result in burdening the ratepayer with huge costs and the loss of much of the essential "Garden City" character of Christchurch.

Recommendation: That the Council decline to remove the two oak trees subject to carrying out the proposed work prescribed above.

For discussion.