

**Community & Services Committee**  
**22 September 2022**

**Report for Agenda Item | Rīpoata moto e Rāraki take [1]**

**Department: Community Services**

**Title | Taitara: Requests for Removal of Council Trees**

**PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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- 1 To consider five requests to remove QLDC owned trees at various locations on QLDC reserve land.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That the Community & Services Committee:

1. **Note** the contents of this report and in particular;
  2. **Note** that the following four requests were considered in accordance with the QLDC Tree Policy 2022, including replacing any removed tree with two trees.
  3. **Approve** the request by the Queenstown Golf Club to remove approximately 137 Douglas Fir trees within their lease area on the Queenstown Golf Course Recreation Reserve, on the Kelvin Peninsula.
  4. **Decline** the request by St James Apartments, Queenstown to remove a group of Elm trees growing within council road reserve between Coronation Drive and the Eastern boundary of the St James Apartments.
  5. **Decline** the request by 6 Cascade Drive, Wanaka to remove three Oak trees growing on council road reserve that joins the Western boundary of the property.
- Decline** the request by 17 Stafford Street, Arrowtown to remove one Beech tree and one Oak tree growing on council road reserve that joins the South-East boundary of the property.

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8/09/2022

Reviewed and Authorised by:



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8/09/2022

## CONTEXT | HOROPAKI

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- 2 Council has received four requests to remove QLDC trees from QLDC reserves in Kelvin Peninsula, Arrowtown, Wanaka and Queenstown.
- 3 These applications have been processed in accordance with the recently adopted QLDC Tree Policy 2022 (Tree Policy). Each application has been individually assessed against the policy and subsequently are not supported by the councils Arboricultural Officer and Parks Manager, with the exception of the request submitted by the Queenstown Golf Club (QGC). Under the 2022 Tree Policy an applicant can appeal these decisions and the application for tree removal is then required to be assessed by the Community and Services Committee for a final decision.
- 4 None of the applications include Protected Trees under QLDC's District Plan, trees listed for potential protection in the Proposed District Plan, or Notable Trees from the NZ Tree Register.

## ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

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- 5 Council has recently updated the QLDC Tree Policy and it was adopted at the August 2022 Full Council meeting.
- 6 The following relevant tree removal policy guidelines were considered when assessing the applications:
  - 4.1 *Trees in a state of irreversible decline, dead and/or structurally unsound, as determined by a Council or technician arborist, may be removed as part of routine maintenance and renewal programmes, or sooner, if urgent action is required for public safety or to avoid damage to property.*
  - 4.2 *Trees that are unhealthy, dead and/or structurally unsound may be retained for ecological purposes if they do not pose an unacceptable risk to the public or property. This is established through the Tree Risk Management Procedure, described in Policy 2.13.*
  - 4.3 *Tree removal will be considered where the tree is causing, or likely to cause, significant damage to buildings, services or property (both public or privately owned), and the damage cannot be reasonably rectified or mitigated except by removing the tree. More suitable replacements will be sought and planted in the same location or vicinity if it can be achieved.*
  - 4.4 *Trees that are posing an unacceptable safety risk to the public and cannot be mitigated through pruning or other engineering solutions will be removed as per the tree replacement Policy 1.13.*
  - 4.5 *Trees that are impeding consented legal access will be removed only when all other alternatives have been explored and are not viable.*

*4.13. QLDC will not remove trees for the following reasons:*

- *To minimise obstruction of views*
- *To minimise obstruction of commercial or advertising signage*
- *To reduce leaf or fruit litter and other debris*
- *To reduce shading*
- *For contributing to allergenic or irritant responses*
- *When the risk posed by the tree meets the requirements of the Tree Risk Management.*

*4.18 Other - Requests for removal of tree(s) due to other issues will only be approved under exceptional circumstances and will be required to meet all the criteria below:*

- *The issue caused by the tree has a significant effect on the applicant's day to day living*
- *The tree is the sole cause of the issue*
- *The issue is not able to be mitigated through general maintenance by the applicant (e.g., clearing gutters of leaves)*
- *The issue caused by the tree cannot be mitigated by pruning*
- *No reasonable engineering solution can mitigate the issue caused by the tree.*

**7 St James Apartments, Coronation Drive, Queenstown**

- 8 The application is for the removal of a row of large mature Elm Trees that are growing within a narrow strip of road reserve between Coronation Drive and the eastern elevation of the St James Apartments. The reasons specified for the removal of the trees is due to leaf drop and general detritus, as well as branches touching the apartment rooves. There was also a concern that the trees pose a risk to health and safety.
- 9 These trees are shown below in Figures 1 and 2 below. Although the trees appear to be located within the private property, they are located within the Coronation Drive road reserve. The St James Apartments are located in close proximity to the road boundary.



Figure 1: Aerial view of the trees that are sought to be removed



Figure 2: Photo of three of the trees proposed to be removed

10 Council’s Arborist has inspected the trees and identified that the trees appear to have been repeatedly crown lifted over the road and buildings and they have now formed large amounts of epicormic growth, which is a normal growth response produced by Elm trees. There were no obvious signs of visual faults, both structural and physiological. Overall, there was no sign that the trees present a hazard to the apartments or the road.

11 Based on the above, the trees are not considered to currently be in a state of irreversible decline, dead, unhealthy or structurally unsound (Policies 4.1 and 4.2). There is no identified damage to buildings, services or property (Policy 4.3). No unacceptable safety risk to the public has been identified (Policy 4.5) and the trees are not impeding legal access (Policy 4.5).

12 The Applicant has not identified any health and safety reasons that would require the removal of the trees (Policy 4.16) and there is no current evidence of property damage (Policy 4.17).

13 Policy 4.18 allows consideration of other matters as follows:

*“Other - Requests for removal of tree(s) due to other issues will only be approved under exceptional circumstances and will be required to meet all the criteria below:*

- *The issue caused by the tree has a significant effect on the applicant’s day to day living*
- *The tree is the sole cause of the issue*
- *The issue is not able to be mitigated through general maintenance by the applicant (e.g., clearing gutters of leaves)*
- *The issue caused by the tree cannot be mitigated by pruning*
- *No reasonable engineering solution can mitigate the issue caused by the tree.”*

14 Given the good health of the trees, the leaf litter and branches touching the roof of the apartments are not considered to be exceptional circumstances.

15 The trees are scheduled for assessment and any necessary maintenance by Council’s arboricultural contractor when they are next operating in the area, and every 3 years thereafter. In the short term, it is recommended that the trees be pruned away from the roofs of the buildings and the epicormic growth removed from the main stems. This will allow for increased light into the buildings.

## 16 **6 Cascade Drive, Wanaka**

17 An application has been received by the residents of 6 Cascade Drive, Wanaka, to remove the two Pin Oak trees located within the road reserve in front of their property.

18 The trees are shown in Figures 3 and 4 below.

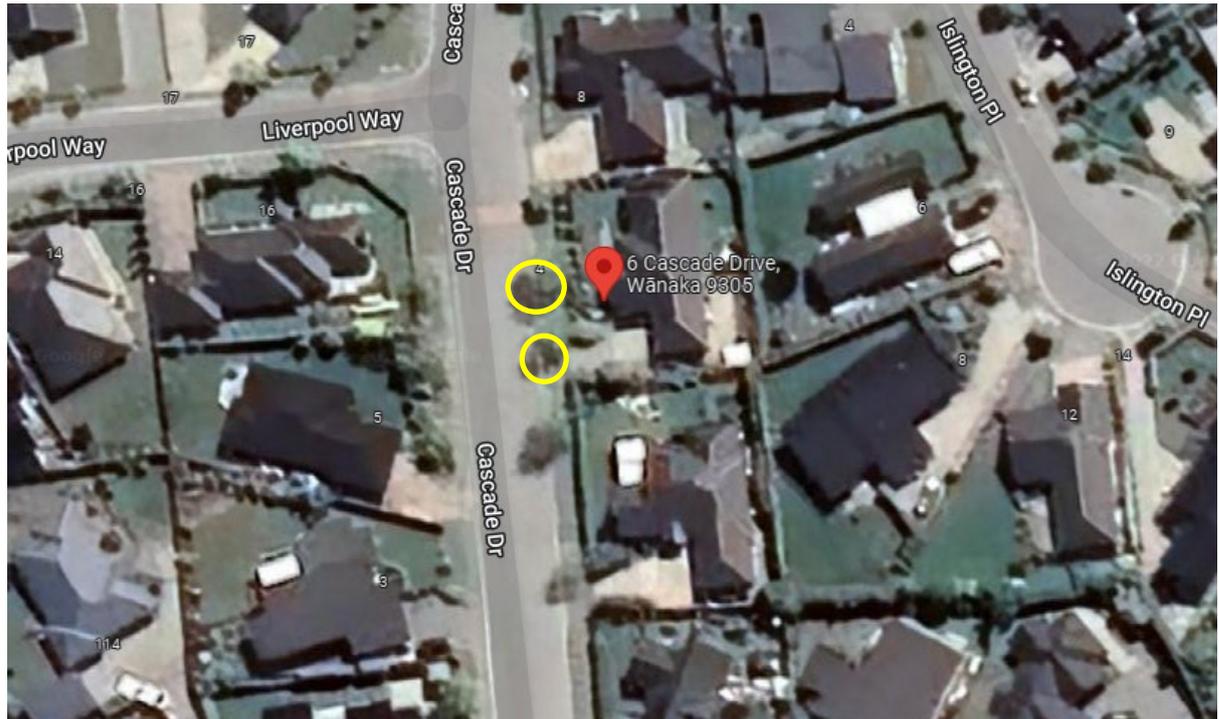


Figure 3: Location of the trees that are sought for removal



Figure 4: View of the trees from the north

19 The reasons for removal are as follows:

- They extend into the property (3.4 metres over the fenceline boundary)

- The trees are causing cracks along the front landscape wall / fence as the tree roots are pushing it upwards. These are shown in Figures 5 – 7 below.



*Figure 5: View of the front stone wall*



*Figure 6: Example of cracks in the front wall*



*Figure 7: Example of cracks in the front wall*

- The southern tree will crack the driveway in time.
- The trees are affecting the growth within the front garden bed causing stunted growth.
- With an expectation of growing to 15 to 20m tall, the applicant thinks the trees may become a safety issue.
- The two trees are malformed as their trunks bend towards the property. This is shown in Figure 8 below.



*Figure 8: Photo of one of the Pin Oaks as viewed from across the road*

- 20 Council's Arborist assessed the trees and identified them as being in overall good form and condition and considered that they provide important amenity values for the neighbourhood and the wider community.
- 21 It was noted that there is not sufficient evidence to ascertain whether the damage to the rock wall is as a result of the trees and what specifications the wall was constructed to. It is considered that a landscape wall constructed to acceptable industry standards should be capable of withstanding fluctuations in soil levels due to the presence of tree roots.
- 22 Based on the assessment of the Council Arborist, the trees are not considered to be in a state of decline, dead, unhealthy or structurally unsound (Policies 4.1 and 4.2). No unacceptable safety risk to the public has been identified (Policy 4.5) and the trees are not impeding legal access (Policy 4.5).
- 23 In terms of Policies 4.3 and 4.17, the adjoining property owner has raised the issue of damage to the landscape rock wall, however as outlined above it is questioned whether this wall is of suitable construction. Furthermore, there is no identified damage to buildings and services.

24 The Applicant has not identified any health reasons that would require the removal of the trees (Policy 4.16).

25 Policy 4.18 allows consideration of other matters as follows:

***“Other - Requests for removal of tree(s) due to other issues will only be approved under exceptional circumstances and will be required to meet all the criteria below:”***

- *The issue caused by the tree has a significant effect on the applicant’s day to day living*
- *The tree is the sole cause of the issue*
- *The issue is not able to be mitigated through general maintenance by the applicant (e.g., clearing gutters of leaves)*
- *The issue caused by the tree cannot be mitigated by pruning*
- *No reasonable engineering solution can mitigate the issue caused by the tree.”*

26 None of the above exceptional circumstances are considered to apply to the two trees.

27 It is noted that Pin Oaks are no longer listed in the Policy as a preferred species for street tree planting, although there are many in the district. Notwithstanding, the trees are considered to be in good health and provide amenity within the streetscape. It is therefore recommended that they be retained.

## 28 17 Stafford Street, Arrowtown

29 An application has been made by the residents of 17 Stafford Street, Arrowtown, to remove two trees located outside their property. The trees are an Oak and a Beech tree. As can be seen in Figure 9 below, the trees are located on the corner of Stafford Street and Denbigh Street.



Figure 9: Aerial view of the trees



Figure 10: Photo of the trees as viewed from Stafford Street

- 30 The request to remove the trees is on the basis that they are very large and out of control (applicant's position). The boughs extend over the roof of the house and the power lines and are hazardous. The roots of the trees are encroaching on to the property and causing damage to the foundations of the house. The Oak tree also shades the house.
- 31 If the trees cannot be removed, the owners of 17 Stafford Street would like them trimmed away from the house.
- 32 The Council Arborist has undertaken a visual inspection of the trees and states that there are no obvious visual faults or defects, structural or physiological that would suggest that the trees present an unacceptable risk to the property or road. The trees are in overall good condition and form and provide amenity values to the wider community.
- 33 Based on the assessment of the Council Arborist, the trees are not considered to be in a state of decline, dead, unhealthy or structurally unsound (Policies 4.1 and 4.2). No

unacceptable safety risk to the public has been identified (Policy 4.5) and the trees are not impeding legal access (Policy 4.5).

34 In terms of Policies 4.3 and 4.17, the property owner has raised the issue of damage to the house however no evidence of this has been supplied which identifies that the trees are the cause of any damage.

35 The Applicant has not identified any health reasons that would require the removal of the trees (Policy 4.16).

36 Policy 4.18 allows consideration of other matters as follows:

*“Other - Requests for removal of tree(s) due to other issues will only be approved under exceptional circumstances and will be required to meet all the criteria below:*

- *The issue caused by the tree has a significant effect on the applicant’s day to day living*
- *The tree is the sole cause of the issue*
- *The issue is not able to be mitigated through general maintenance by the applicant (e.g., clearing gutters of leaves)*
- *The issue caused by the tree cannot be mitigated by pruning*
- *No reasonable engineering solution can mitigate the issue caused by the tree.”*

37 None of the above exceptional circumstances are considered to apply to the two trees.

38 It is noted that the trees are programmed for assessment and scheduled maintenance by Council’s arboricultural contractor in May 2023 (and on a 3 year maintenance cycle thereafter). Scheduled maintenance pruning of council trees consists of a detailed visual assessment by the lead arborist followed by the removal of any dead, diseased or damaged branches, trimming of low branches over the road and trimming of any branches that are directly interfering with property or infrastructure. With regard to these trees, the arboricultural contractor has been instructed to also raise the height of the crown which will allow an increase in light under the trees canopy when they are onsite.

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#### 40 Kelvin Peninsula – Queenstown Golf Course

41 This application is for the removal of approximately 137 mature Douglas firs (*Pseudotsuga Menziesii*) from the Queenstown Golf Course (QGC). These tree removals are in addition to the 290 trees that were approved by the Community and Services Committee on 18 August 2022.

42 Of the 137 trees for which approval to remove is sought, 100 are located in a single group and were inadvertently left off the report for the 18 August meeting. The remaining 37

are located in several places around the golf course and the QGC consultant arborist advises that their retention would expose them to excessive wind loading and removal is a better option.

- 43 Douglas fir are classified as noxious wilding conifers. In addition, their large, shallow roots damage turf quality, as mature trees they consume excessive water and, in high winds, throw branches, some large, that are hazardous.
- 44 Replacement planting will be two for one in accordance with the Tree Policy and species selection and location will be carried out under advice from the Whakatipu Reforestation Trust. Council's arborist is in support of the Douglas fir tree removals. This is in accordance with policy:

*4.11 Wilding exotic trees will be strategically removed where they are determined to be a threat as a pest species or cause a nuisance in a particular location, to manage or prevent the spread of pests and diseases. This includes the removal or poisoning of pest trees.*

- 45 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:
- 46 Option 1 Approve the tree removal application at the Kelvin Heights Golf Course and decline the tree removal applications at St James Apartments, Stafford Street and Cascade Drive.

Advantages:

- 47 Wilding Conifers will be removed at Kelvin Peninsula and replaced with more appropriate species, predominantly natives, removing an invasive pest and improving biodiversity.
- 48 Mature healthy trees will be retained in the streetscapes in Coronation Drive (St James Apartments) Stafford Street and Cascade Drive, and will continue to provide amenity, shade and wildlife habitat in those areas.

Disadvantages:

- 49 The tree canopy will be further reduced on Kelvin Peninsula until such time as mature trees can re-establish.
- 50 A loss of carbon reduction in the interim although longer term the carbon reduction will be doubled.
- 51 The residents of St James Apartments, 17 Stafford Street and 6 Cascade Drive will be dissatisfied that their applications are declined and there is no further avenue for appeal.

Option 2 Decline the application for additional tree removals at the QGC and approve the applications for the tree removals at St James Apartments, Stafford Street and Cascade Drive.

Advantages:

52 The residents of St James Apartments, 17 Stafford Street and 6 Cascade Drive will be able to proceed with the tree removals as applied for to the benefit of their individual properties.

Disadvantages:

53 The additional Douglas fir trees will continue to negatively impact the QGC turf.

54 The additional wilding conifers will not be removed and will continue to spread and threaten biodiversity.

55 Coronation Drive (St James Apartments), Stafford Street and Cascade Drive will lose mature healthy trees, shade and wildlife habitat that contributes to the amenity of the surrounding areas.

56 This report recommends Option 1 for addressing the matter because mature healthy trees will be retained, amenity and wildlife habitat will be protected and wilding conifers will be removed, and council will be acting in accordance with the Tree Policy 2022.

## **CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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### **> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA**

57 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because it involves a high level of community interest (trees).

58 The persons who are affected by or interested in this matter the residents/ratepayers of the Queenstown Lakes district community, visitors to the Kelvin Peninsula and the residents of St James Apartments, Stafford Street and Cascade Drive.

## **RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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59 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating.

60 The approval of the recommended option will support the Council by allowing us to retain the risk at its current level.

**FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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61 There are no operational and capital expenditure requirements.

**COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA**

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

- ‘Deafening Dawn Chorus’ Vision Beyond 2050: <https://www.qldc.govt.nz/vision-beyond-2050/>
- QLDC Tree Policy 2022
- QLDC Climate & Biodiversity Action Plan 2022
- Otago Regional Council Pest Management Plan 2019
- Parks and Open Space Strategy 2021
- Otago Regional Council Pest Management Plan 2019

Refer to online documents here: <http://www.qldc.govt.nz/policies>

63 The recommended option is consistent with the principles set out in the named policy/policies.

64 This matter is not included in the Ten Year Plan/Annual Plan and there is no expenditure required.

**LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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65 The recommended option:

- Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act;
- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- 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.

**ATTACHMENTS | NGĀ TĀPIRIHANGA**

A	Queenstown Golf Club Tree, Removals Map
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