

Notes to speak to QLDC DP Hearing 11:10am 29 June 2016

Background

My family and I have been holidaying in Arrowtown for approximately 40 years and I have been a ratepayer since that time. In 1992 my late husband and I purchased the section at 22 Wiltshire Street. At the time it was extremely overgrown and a complete eyesore. Over the ensuing years my family, including my partner Bob, have worked hard to get the section to the standard it is today. This was done at considerable cost to us.

I am representing both ourselves and David and Samantha Gent who share the same views as we do on the proposed scheduling of Tree 1002.

We are all fully aware and appreciate the aesthetic value that trees add to the Arrowtown landscape and agree that there have to be some measures in place to protect heritage trees but consideration should also be given to private property owners where the benefits of scheduling the tree are outweighed by the negative impacts that the tree is causing.

All of our concerns and photographic evidence have been documented in the 17 page submission lodged with the QLDC in October 2015 that I trust you have all read in full and are familiar with.

In summary we disagree with the scheduling of Tree 1002 - the Western Red Cedar on the boundary of 5 Berkshire Street and 22 Wiltshire Street for the following reasons:

1. This tree is located approximately 1 metre from The Gents house (refer photo 2 page 1 of my submission) and is causing damage to the house foundations and footpath of the property as detailed in the expert evidence and photos provided by Andrew Morris, Chartered Structural Engineer - refer Appendix 1 (page 8) of my submission. Mr Morris also clearly states "We also note due to the current size and the significant expected size the tree could grow to, the damage to the house at 5 Berkshire St will worsen and is expected to become significant both in terms of structure and durability in the long term." For this fact alone we believe the tree should not be scheduled.
2. At 16m in height this tree is considered juvenile and is already too large for its current location. The Western Red Cedar is not native to New Zealand and is commonly found on mountainsides and in forests in Western North America. It is a totally inappropriate tree to have on a residential section because of size alone. The growing conditions in Arrowtown mirror its natural environment and there is no reason to suggest that it won't reach its full growth potential of up to 70m in height. Please refer to Chris Brand's (Independent Arborist) report in Appendix 2 (page 12) of my submission endorsing these facts. Significantly the QLDC consultant arborist, Mr David Spencer, is silent in his evidence to our submission on this point. The fact is this Western Red Cedar tree will grow to more than 4 times its current size rendering our property useless as a residential section on which to build a residence.
3. The tree is seriously impacting the building platform on our section at 22 Wiltshire Street and the current 8 metre root protection zone extends to over half the width of our property (refer to photos on pages 2 and 3 of the submission). This root protection zone will only increase as the tree grows bigger. The fact that the building platform will be significantly decreased, plus the added hassle and expense

- of having to apply for discretionary resource consent (which is not guaranteed to be granted), will deter potential investors/buyers and greatly devalue our section.
4. This Western Red Cedar has never been listed as a significant landmark, notable, character or heritage tree and has never been captured as significant vegetation on any plan or register. It is noteworthy that the QLDC have both removed and consented to removal of 4 trees that were listed as significant vegetation in Plan 5 (page 4) in immediate proximity to this tree. Two of these trees were removed without notification or consent of the property owners, including ourselves. Please refer to pages 3-6 of my submission. None of these trees were causing damage to any residents property. Photos of all 4 of these trees can be viewed on pages 5 and 6 of my submission. Further to this matter I contacted the QLDC and traded emails with Craig Barr as to why the tree on our section had been removed and I refer to the last email I sent him dated Monday 22 June 2015

"Hi Craig

The question I would like answered is:

Does the Council require permission from the land owner to remove a tree from their property?

Regards
Kerry"

Craig's reply dated Monday 22 June 2015

"Hi Kerry

I cannot answer that because I don't know. I have contacted the parks team who manage trees on roads to see if they know about the willow tree that was removed.

My interest here is the recommended scheduling of the tree 1002.

Regards
Craig"

5. Under the QLDC Arborist STEM assessment (Appendix 4 - page 15) this tree reached an evaluation total of 138. The proposed District Plan does not demonstrate how trees have been identified as significant, which in itself is highly inappropriate. I forwarded my submission to Mr Allan Cubitt, Director of Cubitt Consulting, for his comments and he replied that 120 is a low score for a tree to be included in a plan. Mr Cubitt also informed me that under the operative Dunedin City District Plan a tree needs to reach 147 to become a significant tree. Given that Dunedin and Queenstown are in the same province you would think that the Councils would apply the same standards.

In summary it seems to us that the QLDC and their consultant arborist have not taken into account the full adverse effects this Western Red Cedar tree will have on these properties when fully grown. They have focused on the immediate and current values of the tree but have failed to account for the fact that this is a juvenile tree which is less than one quarter of its final size.

Even at its current size it is causing both land owners significant issues which warrant it being evaluated as inappropriate for its current location. When it is in a fully mature state it will render both sections completely useless as residential properties.

It seems to me, with all due respect to the council and their consultant, that they are putting community amenity values disproportionately ahead of those of the individual landowners.

After all the bottom line purpose of owning a residential property is to have the ability to build and maintain a residence now and into the future. While I understand the merits of having rules to protect significant vegetation this must not be at the expense of our fundamental rights as landowners to safely build and maintain a residence in perpetuity. In this case we believe these basic rights are being severely compromised by the current plan to schedule this tree.

We therefore request that this tree is not scheduled or protected as detailed in the proposed QLDC district plan.

I do not wish to have the Western Red Cedar (Tree 1002) on the boundary of my property at 22 Wiltshire Street and the neighbours (Sam and David Gent) property at 5 Berkshire Street scheduled for the following reasons:

- The tree roots are visibly damaging the footpath, embankment and foundations of the Gents adjoining property. Refer Photo 1 below.



Photo 1

- The close proximity (1m max.) to the neighbouring house means this damage will only increase as the tree grows larger. The girth is listed at 2600mm on the QLDC STEM Report (Appendix 4) and these trees grow in excess of 3000mm in diameter which translates to 9425mm girth. This means the trunk will hit the house in years to come. The branches are already in contact with the house and fill the spouting with leaves. Please refer Photo 2 below.



Photo 2

- Andrew Morris, a local Chartered Structural Engineer, was requested to assess the damage the tree is already causing to the dwelling at 5 Berkshire Street and the surrounds and his report (along with photos) can be found in Appendix 1.
- At 16m in height the tree is considered juvenile and is already too large for it's current location. The Western Red Cedar is not native to New Zealand and is commonly found on mountainsides and in forests in Western North America. It is a totally inappropriate tree to have on a residential section because of size alone. The growing conditions in Arrowtown mirror it's natural environment and there is no reason to suggest that it won't reach it's full growth potential of up to 70m in height. Please refer to Chris Brand's (Independent Arborist) report in Appendix 2 endorsing these facts.
- The tree is seriously impacting the building platform of my section at 22 Wiltshire Street and the 8 metre root protection zone (calculated at half the current height of the columnar tree – refer clarification details in Appendix 5) extends to over half the width of my property. This root protection zone will only increase as the tree grows bigger. Current building standards require a dwelling to be at least 3 metres from any boundary. Given that our section has an approximate 15 metre width that would give us 4 metres (from the root protection zone to the boundary) in the middle of our section on which to build. My partner and I drew an 8 metre half circle with bright orange dazzle from the base of the tree to highlight this fact. Please refer to Photos 3 and 4 below.



Photo 3

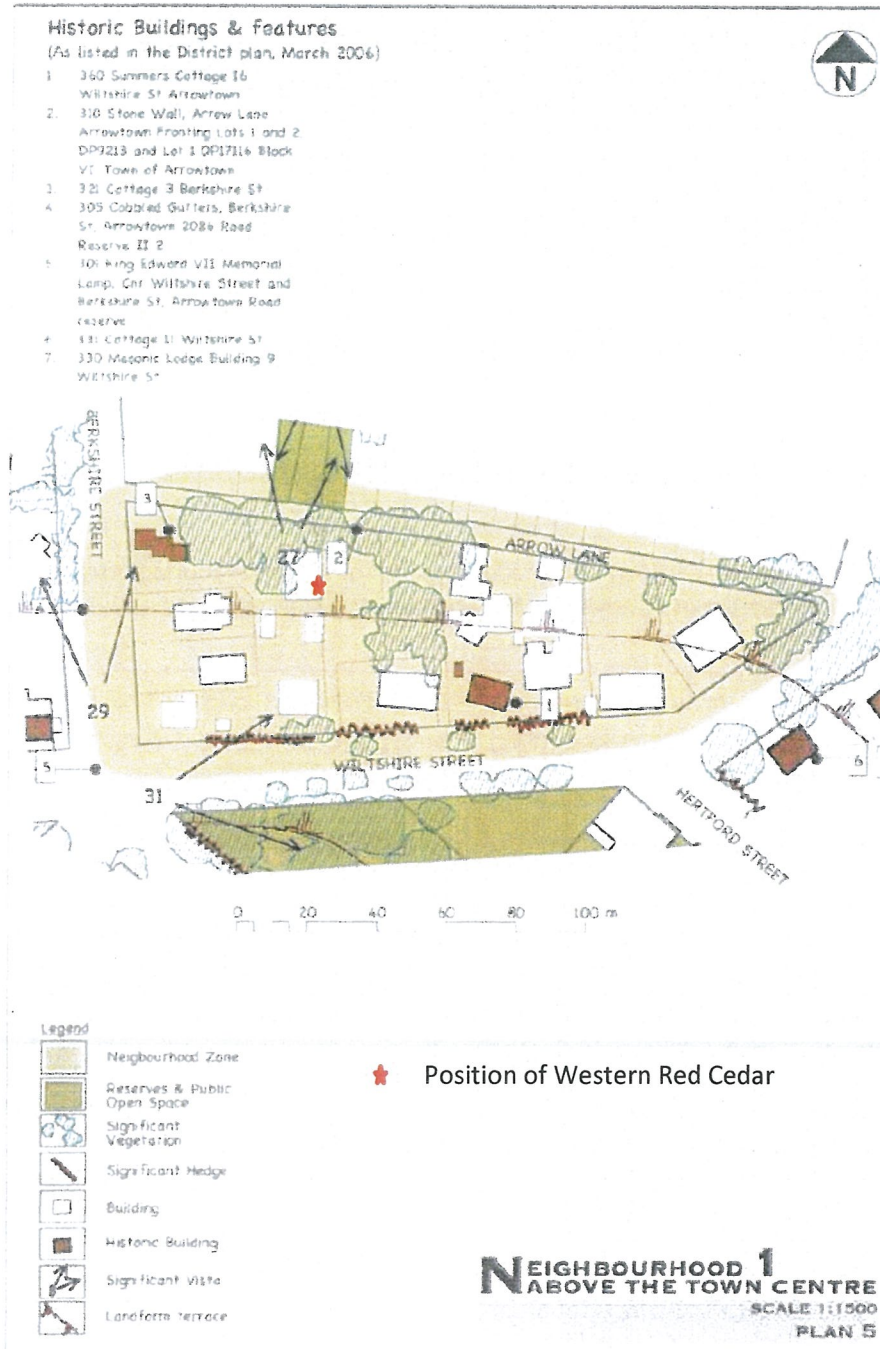
(Boundary of neighbours property shown as trench in foreground)



Photo 4

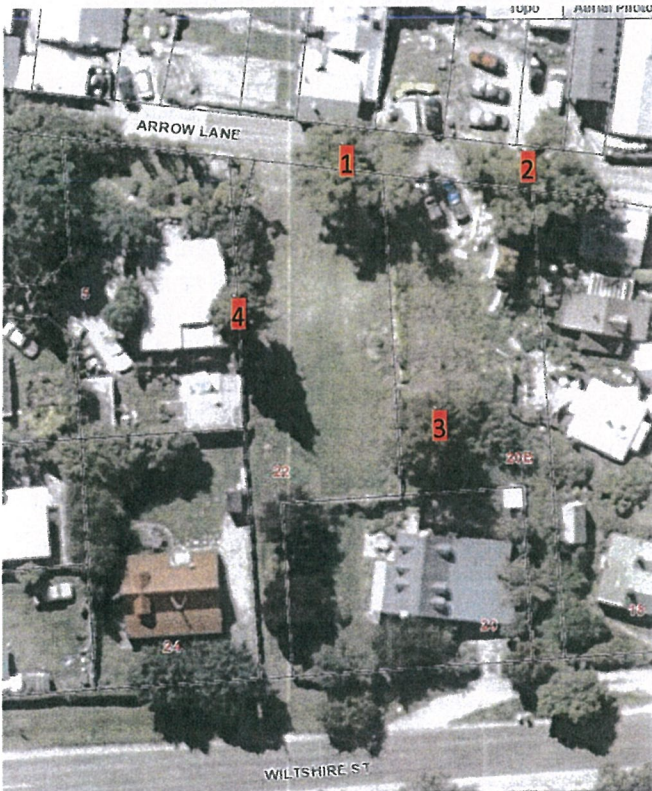
- The fact that the building platform will be significantly decreased will deter potential investors/buyers and greatly devalue our section.
- Because of its size the tree causes significant afternoon shading to both of the neighbouring properties shown in the photo (taken late morning) above and would have an even greater impact on any structure erected on my property.
- The health and safety of the occupants of any future dwelling and the neighbours, and their social and economic wellbeing must be considered. This includes effects in terms of loss of sunlight, falling debris, the costs of installing gutter guards and other maintenance work, and damage to property.
- On the Arborist STEM Report (Appendix 4) building is listed as a Potential Conflict. I don't know anyone who buys a section and pays rates if it is not with the intention of building.
- Arborlab produced the STEM Report (Appendix 4) on behalf of the QLDC and they have described the function of this tree as useful. I challenge how a tree can be described as useful when it is positioned so closely to a residential property and is clearly causing damage. The STEM Report has only dealt with the state of the tree and not the damage it is causing to its surrounds.
- I also note that under the QLDC Arborist STEM assessment (Appendix 4) for this tree that it reached an evaluation total of 138. While the proposed District Plan does not seem to demonstrate how you have identified trees as significant, which I find highly inappropriate, I note that under the operative Dunedin City District Plan, a tree needs to reach 147 to become a significant tree.
- This Western Red Cedar has never been listed as a significant landmark, notable, character or heritage tree and has never been captured as significant vegetation on any plan or register.

- In the Arrowtown Design Guidelines 2006 – Precinct C Old Town Residential Plan 5 on page C-6 (screen print of Plan 5 below) the tree on the boundary of 22 Wiltshire and 5 Berkshire Streets is not included as significant vegetation.
- The Council have removed all of the significant vegetation bordering Arrow Lane without any resource consents or consultation with the property owners which includes myself and Michael Martin. The significant vegetation (ie large tree) showing on the neighbouring property was a tree that Michael Martin followed the QLDC resource consent process to have removed. All of these trees were well over 2.5 metres, were protected under the District Plan and are listed on Plan 5 as significant vegetation.

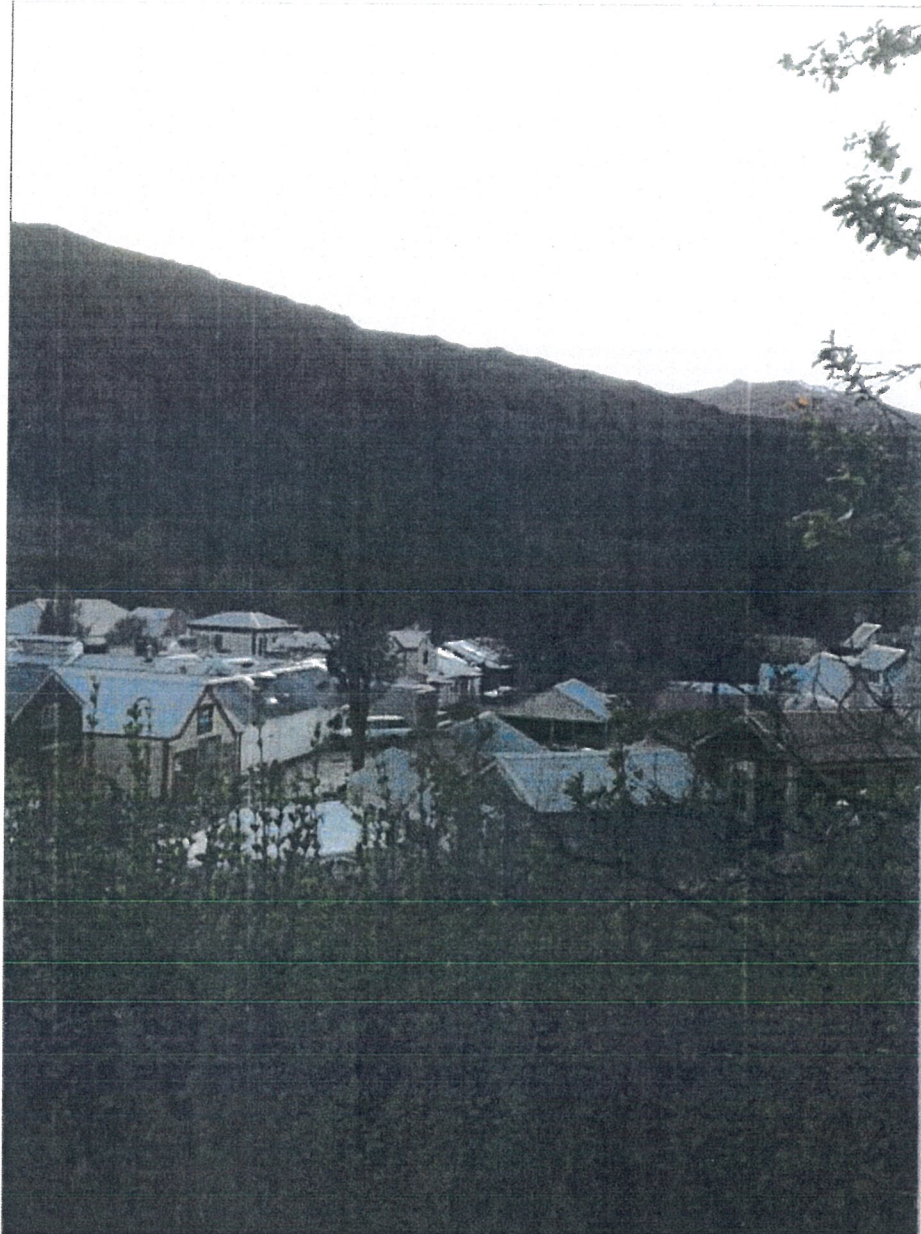




The above photo features the 2 large Willows listed as significant vegetation on the previous map that were removed by the Council without resource consent or consultation with the property owners.

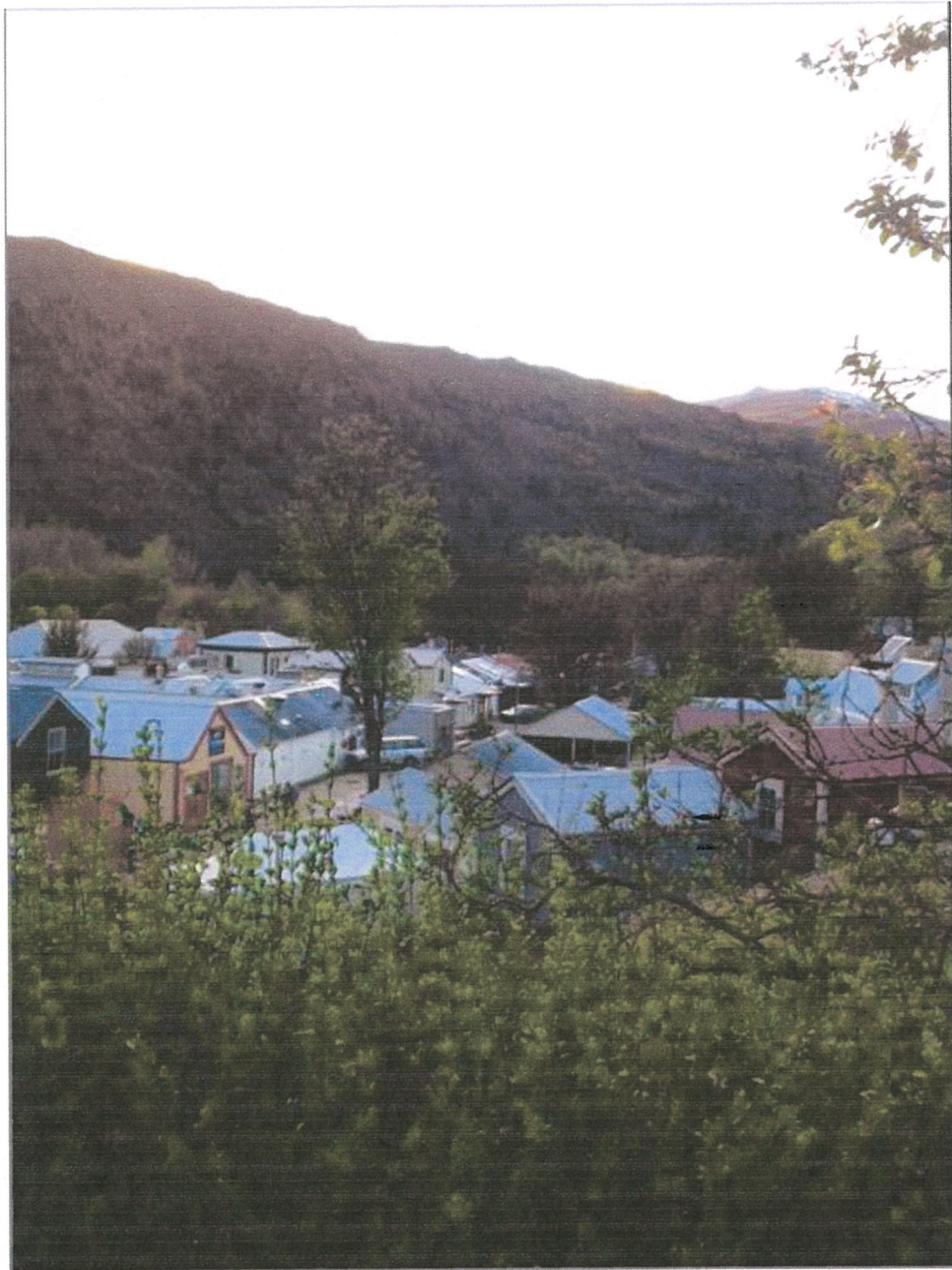


1. Large willow tree (listed in Plan 5 as significant vegetation) removed by QLDC.
2. Large willow tree (listed in Plan 5 as significant vegetation) removed by QLDC.
3. Large tree (listed in Plan 5 as significant vegetation) removed by Michael Martin through QLDC Resource Consent process.
4. Western Red Cedar (not listed in Plan 5 as significant vegetation).



The above photo shows a large tree that was removed from Arrow Lane (positioned immediately to the right of Tree 2 in previous photo) as recently as 8 October 2015 by Don Spary. It obviously was not considered significant enough to schedule and yet was listed in the Arrowtown Design Guidelines 2006 – Precinct C Old Town Residential Plan 5 as significant vegetation.

- Also of concern is the proximity of the main Arrowtown sewer pipe/line that runs the length of my section from Wiltshire Street to Arrow Lane and is a mere 1 metre from the base of the tree and the boundary. Please refer to the easement on the property at 22 Wiltshire Street in Appendix 3.
- 5 Berkshire Street has an 100 year old wall facing Arrow Lane which is currently on the QLDC Inventory of Protected Features (A3-17) and is possibly being compromised by the root structure of this tree. Refer photo below.



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The photo above shows the proximity of the 100yr old wall (in foreground) from the tree (in background)

Appendix 1 - Structural Engineer's Report

From: Andrew Morris [<mailto:andrew@hadleys.co.nz>]
Sent: Wednesday, 12 August 2015 10:42 a.m.
To: Hapuku, Kerry (NZAS)
Subject: 5 Berkshire St Tree Damage Assessment

Hi Kerry,

Further to our discussions and your request we confirm we inspected 5 Berkshire St & 22 Wiltshire St, Arrowtown on 11 August 2015 to review and assess any structural issues the Western Red Cedar (*Thuja plicata*) tree is causing to the house and property at 5 Berkshire St. 22 Berkshire St is currently undeveloped. We report on our findings from site as follows;

1. The tree is approximately 16m high with a base diameter of approximately 0.8m We note this tree could grow to a height in excess of 50m and a diameter in excess of 3m.
2. The tree is located near the boundary of 5 Berkshire St and 22 Wiltshire St. The existing house on 5 Berkshire St which was constructed around 1963 is located approximately 1m from the tree.
3. The existing house has a masonry foundation system along the east elevation, adjacent the tree and boundary to 22 Wiltshire St. There is also a basement under part of the house located less than 2m from the tree.
4. There is a concrete footpath adjacent the tree which has been raised and tilted over 150mm as a result of the tree growth. This damage creates a trip hazard on the access route from the backyard and sleepout to the house.
5. There is also damage to the house foundations adjacent the tree. The masonry foundation has cracked opposite the tree and is approximately 2mm wide measured along the masonry. There is also approximately 3mm movement across measured into the masonry. We believe this movement is due to the tree and it's associated root system creating additional pressure onto the side of the masonry foundations. Additional movement across is apparent in the masonry adjacent the crack though this was not feasible to measure without specialist equipment.
6. The remainder of the foundations along the east elevation appear in sound condition.
7. The tree and surrounding uplift on the ground has resulted in a reduced step down from internal floor level to external ground level and fall towards the house, both of these will eventually create long term durability issues.
8. Select site photos are attached for reference.

Currently there is significant damage to the footpath and minor damage to the house foundations which we believe are a direct result of the adjacent Western Red Cedar. We also note due to the current size and the significant expected size the tree could grow to, the damage to the house at 5 Berkshire St will worsen and is expected to become significant both in terms of structure and durability in the long term.

This report has been written for the specific purpose of the brief given to us and we accept no responsibility for the use of this report for any other purpose, or in any other context by any third party without prior review and agreement.

Please let us know if you have any questions or require further information.

Regards,
Andrew Morris
Chartered Structural Engineer

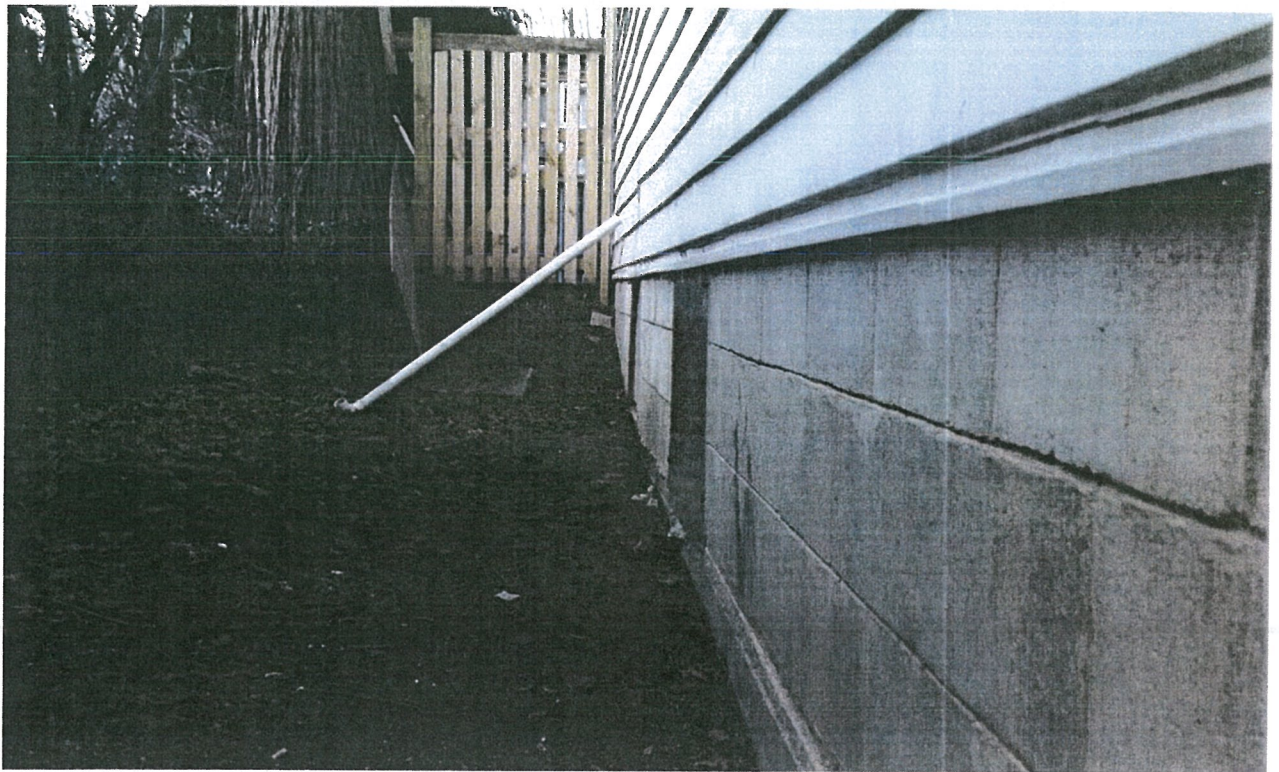
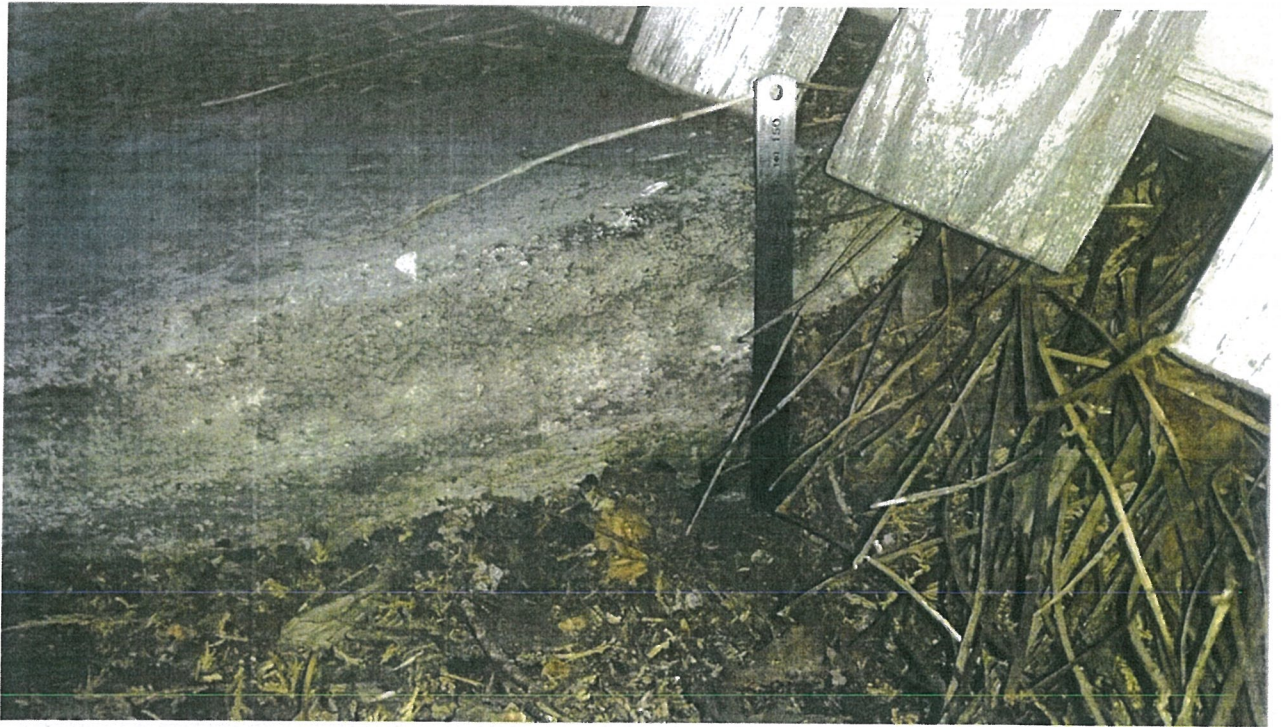
44 Robins Road
PO Box 1356
Queenstown 9348

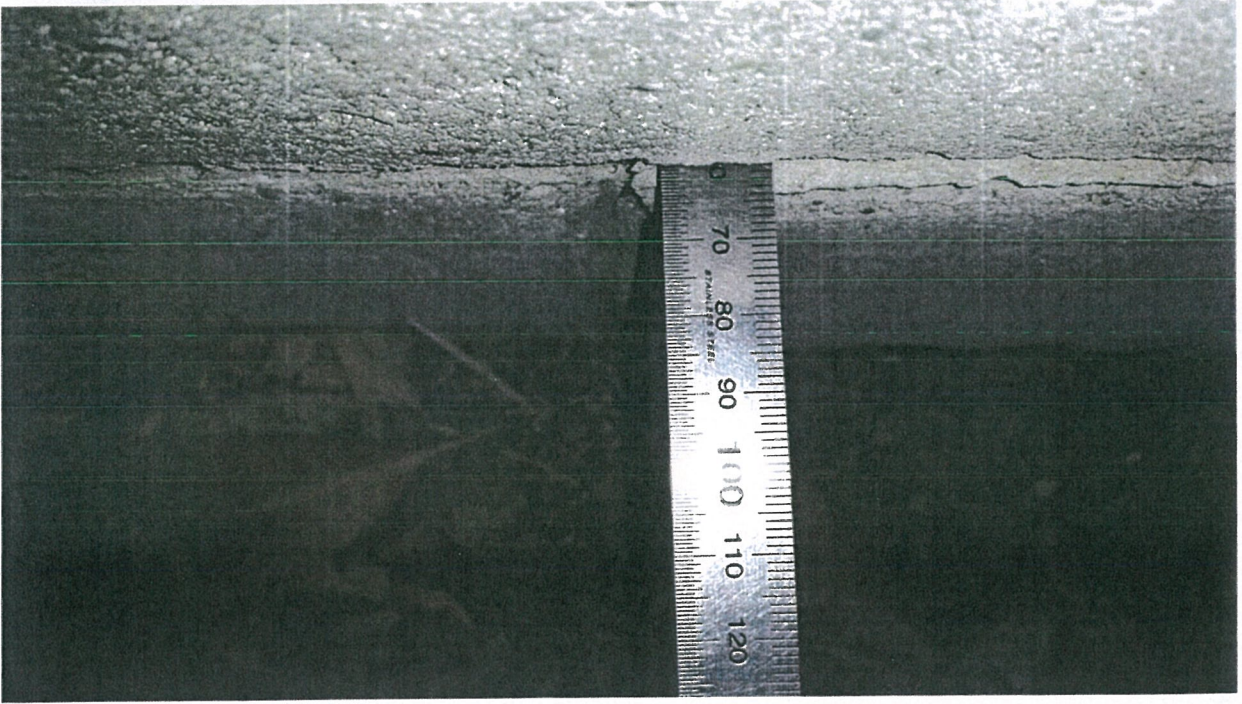
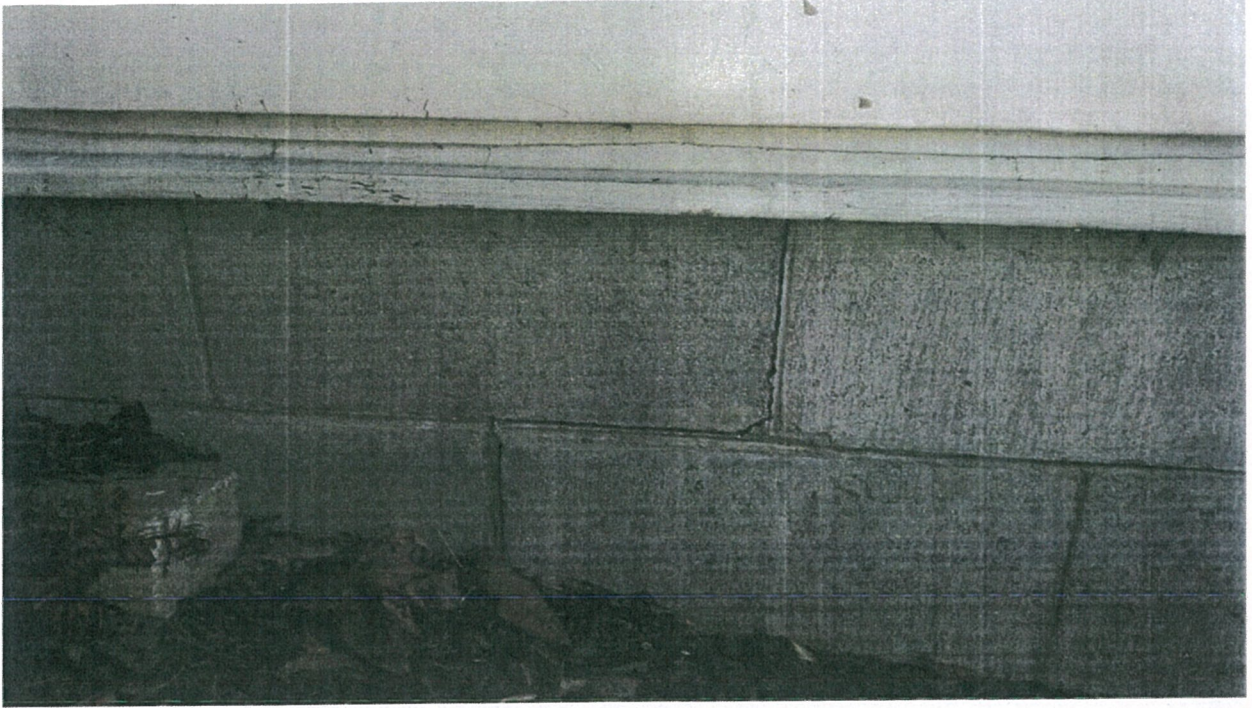
64 3 450 2140
www.hadleys.co.nz



This has been prepared and reviewed only to the extent stated. It will not be used for any other purpose. You must not rely on it for any other purpose. The liability of the hadley consultants LTD is limited to the amount stated in the contract. This is not a contract. It is a statement of work. It is not a contract. It is a statement of work. It is not a contract. It is a statement of work.







Appendix 2 - Independent Arborist Report

From: chrisbrand@hotmail.com

To: kerryhapuku@hotmail.com

Subject: Western Red Cedar (Thuja plicata)

Date: Thu, 13 Aug 2015 21:35:51 +1200

To Whom it may concern

The Thuja plicata is a large to very large member of the Cypress family and can grow up to 70m in height and 13 ft in diameter, Native to Western North America commonly found on mountainsides and in forests .

As a fully qualified Arborist it is of my opinion that the tree in question situated on the boundry of 5 Berkshire and 22 Wiltshire Streets in Arrowtown should be removed .

Western Red Cedars are indeed beautiful trees and I am not disputing the health of the tree in question but this is a case of wrong tree in the wrong place. As a juvenile tree being 16m in height (of a possible 70m) it is too large and to dangerous posing significant risk to residents and the public which cannot be ignored , this tree is already damaging property with its extensive root system which can and will develop a dense network.

The Western Red Cedar is also know for developing dead tops which in high winds will pose yet another signifiant risk.

More than 200 fungi are found on this species and they are known to develop root ,butt and trunk rot which once again poses a hazzard as time goes on.

As an Arborist it is my job to protect and look after amenity trees which i have done over the last 12 years , in this case the hazzards and risks that this tree poses and the damage that it is causing far out ways any reason for the tree to stay .

Regards Chris Brand

Appendix 3 - Easement on Property at 22 Wiltshire Street



COMPUTER FREEHOLD REGISTER UNDER LAND TRANSFER ACT 1952



Search Copy

R. W. Muir
Registrar-General
of Land

Identifier OT8D/144
Land Registration District Otago
Date Issued 10 March 1981

Prior References

OT8A/1369

Estate Fee Simple
Area 743 square metres more or less
Legal Description Part Lot 2 Deposited Plan 16609

Proprietors
Kerry Janer Hapuku

Interests

516389 Notice imposing Building Line Restriction

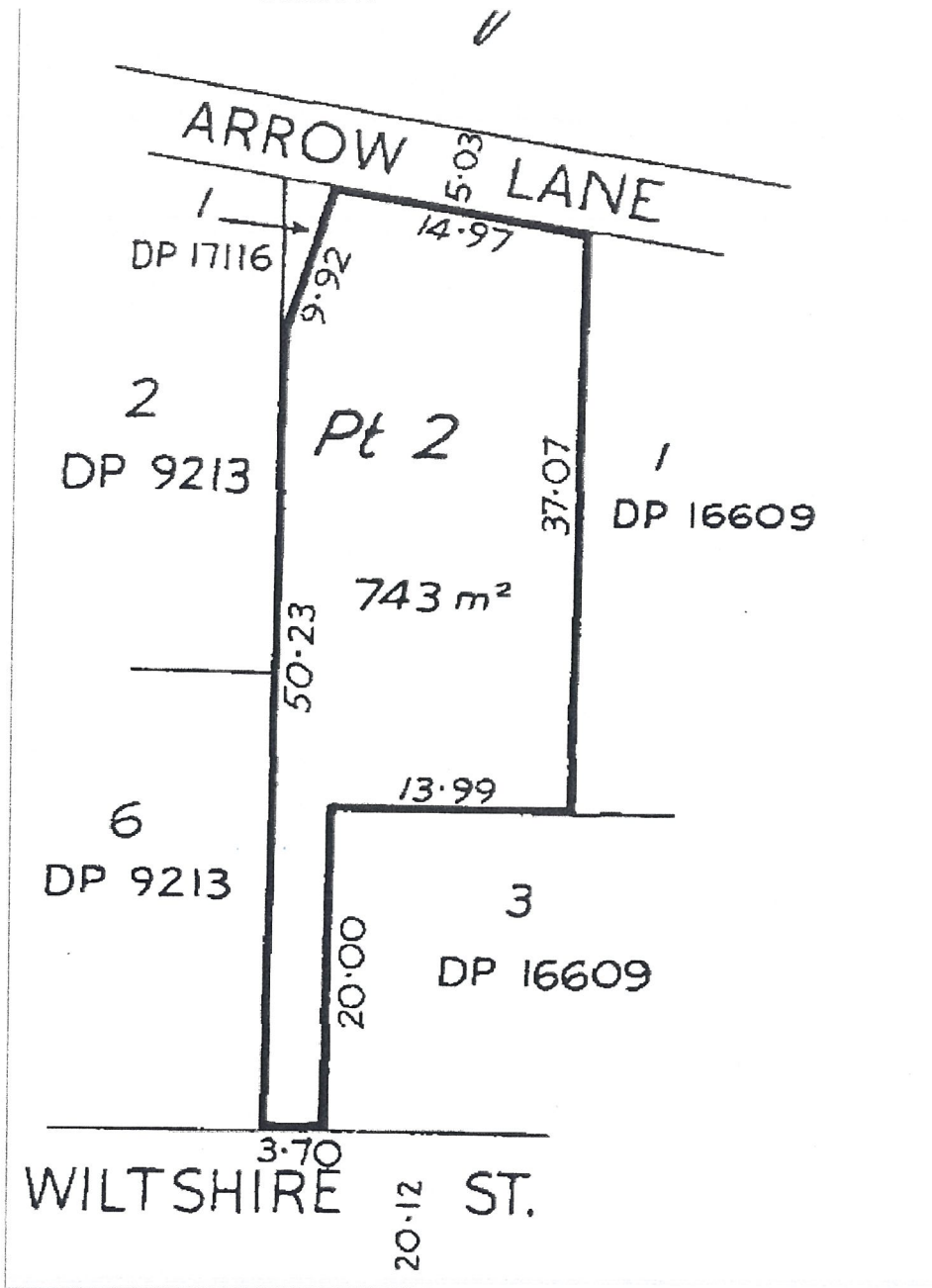
576236.1 Transfer creating the following easement - 26.5.1982

Type	Servient Tenement	Easement Area	Dominant Tenement	Statutory Restriction
Drain foul sewage	Part Lot 2 Deposited Plan 16609 - herein	A DP 16609	Lot 3 Deposited Plan 16609 - CT OT8A/1370	Section 351E(1)(a) Municipal Corporations Act 1954

948554.2 Mortgage to Countrywide Banking Corporation Limited - 29.5.1998 at 11.22 am

Identifier

OT8D/144



Appendix 4 – QLDC Arborist STEM Report

Tree Number: 1002

latitude	-44.9390410304006
longitude	168.831567317247
geometry	POINT (168.831567317247 -44.9390410304006)
tree_number	1002
botanical_name	Thuja plicata
botanical_name_other	
height_m	16
girth_mm	2600
crown_spread_radius_ew_m	5
crown_spread_radius_ns_m	5.0
health	Good
age_class	Mature
form	Very Good
form_calculator	21
occurrence	Common
occurrence_calculator	9
vigour	Very Good
vigour_calculator	21
function	Useful
function_calculator	9
age_years	40 - 79
age_calculator	15
condition_evaluation_total	75
stature_m	
stature_calculator	15
visibility_km	1.0
visibility_calculator	9
proximity	Solitary
proximity_calculator	27
role	Moderate
role_calculator	9
climate	Minor
climate_calculator	3

amenity_evaluation_total	63
stature_feature	
stat_feature_calculator	0
stature_form	
stat_form_calculator	0
historic_age_100	
hist_age_calculator	0
historic_association	
hist_assoc_calculator	0
historic_commemoration	
hist_commem_calculator	0
historic_remnant	
hist_remnant_calculator	0
historic_relict	
hist_relict_calculator	0
scientific_source	
scien_source_calculator	0
scientific_rarity	
scien_rarity_calculator	0
scientific_endangered	
scien_endang_calculator	0
notable_evaluation_total	0
further_heritage_assessment_required	no
stem_evaluation_total	138
full_access_achieved	yes
tree_worthy_of_scheduling	yes
potential_conflicts	Building
potential_conflicts_other	
resident_comments	
comments	

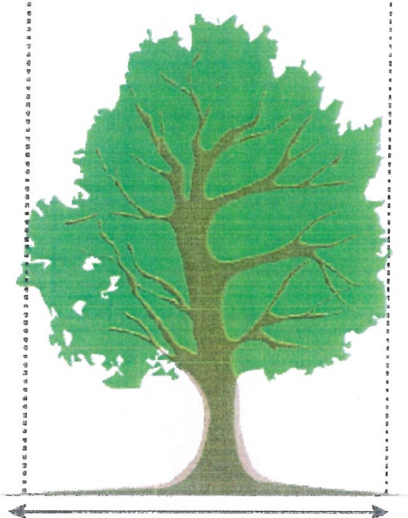
Appendix 5 – Root Protection Zone

Clarification

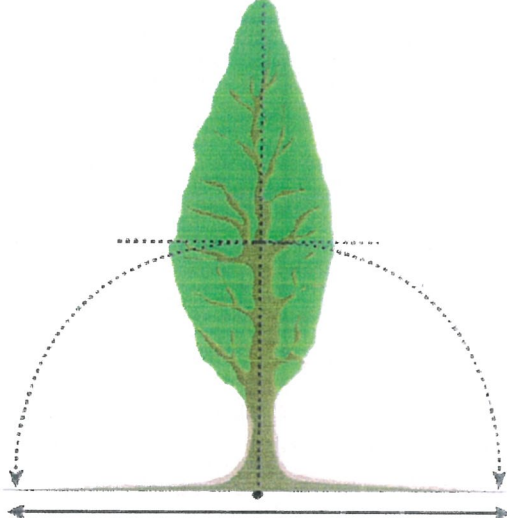
The following are the recommended matters for clarification:

- **Root protection zone**; means for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at ground level from the surface of the trunk, with a radius to the outer most extent of the spread of the tree's branches, and for a columnar tree, means the area beneath the canopy extending to a radius half the height of the tree. As demonstrated by the diagrams below.

SPREADING CANOPY



COLUMNAR CANOPY



From: Craig Barr [mailto:Craig.Barr@qldc.govt.nz]

Sent: Monday, 22 June 2015 11:04 a.m.

To: Hapuku, Kerry (NZAS)

Subject: RE: Tree 1002 Kerry Hapuku

Hi Kerry

I cannot answer that because I don't know. I have contacted the parks team who manage trees on roads to see if they know about the willow tree that was removed.

My interest here is the recommended scheduling of the tree 1002.

Regards

Craig

Craig Barr | Senior Planner | Planning & Development

Queenstown Lakes District Council

DD: +64 3 443 0121 | P: +64 3 441 0499

E: craig.barr@qldc.govt.nz



QUEENSTOWN
LAKES DISTRICT
COUNCIL

www.qldc.govt.nz

From: Hapuku, Kerry (NZAS) [mailto:KERRY.HAPUKU@pacificaluminium.com.au]

Sent: Monday, 22 June 2015 9:50 AM

To: Craig Barr

Subject: RE: Tree 1002 Kerry Hapuku

Hi Craig

The question I would like answered is:

Does the Council require permission from the land owner to remove a tree from their property?

Regards

Kerry

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