

7. STREET TREE REMOVAL – 57 ROSSALL STREET

General Manager responsible:	General Manager City Environment, DDI: 941-8656
Officer responsible:	Greenspace Manager
Author:	Rod Whearty, Parks and Waterways Advocate & Graham Clark, Arborist,

PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the removal of a two street trees situated on the grass berm outside number 57 Rossall Street, for the purposes of sub-division re-development including constructing a new vehicle access to supply the proposed new dwellings. The report also contains a recommendation seeking compensation for the removal of the two trees.

EXECUTIVE SUMMARY

2. Sub-division consents (RMA/20022015) have been granted for the sub-division at 57 Rossall Street. Information supplied by the applicant did not indicate that there would be issues in relation to street trees at the time of lodging the consent.
3. Building Consent BA5 Project No 10062658 for removal of dwelling has been granted. Information supplied by the applicant did not indicate that there would be issues in relation to street trees at the time of lodging the consent.
4. Approval is now sought for the removal the two birch trees located in the berm outside the property, to allow for the removal of the existing building and the construction of the new vehicle access. It must be noted that in the Highets application for sub-division it was stated that "There will be very minimal extra effects on the plants and animals or their habitats in the vicinity of this site as a result of this proposal, over and above the potential effects of permitted residential activities that could be carried out without this sub-division going ahead" and as these proposals involve the removal of a minimum of three medium to large trees (Two trees being the property of Christchurch City Council, with the other tree(s) being the Highets property) this is clearly not the case.
5. The property owner has submitted a letter dated 7th March 2006 to Council which clearly states that they assumed they would be able to remove all trees concerned at the outset of this planning process (copy attached) based on an unconfirmed assumption that this had occurred at a neighbouring address.
6. The two Christchurch City Council trees in question are both *Betula pendula* planted in 1980 and are identified as trees No 19297 & 19298 on Christchurch City Council asset register. They can presently be described as follows:
 - Tree No 19297 is the poorer of the two trees with its form having been affected by the large *Liquidambar styraciflua* located in the gardens of 57 Rossall Street, the tree is growing out towards the carriageway. This tree is very healthy with an approximate height of 4.3 metres, crown spread of 2.3 metres and a diameter at 1.4 metres height above ground level of approximately 19cm. This tree has been crown lifted in the past to allow for pedestrian and vehicular traffic under the canopy.
 - Tree No 19298 is the more open grown of the two berm trees and has good vigorous growth characteristics although its form is slightly affected by the neighbouring *Betula pendula* growing in the private residence of 57 Rossall Street. The tree is approximately 4.75 metres in height, crown spread of 2.5 metres and has a diameter of approximately 24 cm at 1.4 metres above ground level. This tree has been crown lifted in the past to allow for pedestrian and vehicular traffic under the canopy.
7. Failing any major events (storms, vehicle damage etc), a future life expectancy of fifteen plus years would not have been unreasonable for these particular trees. The removal of both trees will create a significant gap in the *Betula pendula* plantings in this section of Rossall Street.
8. The relocation of the existing driveway as detailed in the sub-division plan will result in the removal of tree No 19298. Driveway construction will destroy and/or compromised many of the trees feeding roots and potentially some of the structural and anchorage roots within that part of the trees root zone to such an extent that the stability of this tree will become unpredictable. If the driveway is to be constructed in the location detailed in the sub-division plan the tree must be removed.

9. At time of sub-division consent the large Liquidambar styraciflua located towards the roadside of the sub-division was placed under protection via sub-division. Although this tree is of a significant size and stature in the local area, the tree contains several structural flaws in the form of poor branch union through out the canopy and is a marginal case for protection.

FINANCIAL AND LEGAL CONSIDERATIONS

10. At the time of seeking building consent and resource consent the developer did not indicate the presence of the street trees or any proposal to prune or remove these street trees. Now with the Demolition (Removal) and Sub-division consents being approved it is apparent that this work will affect these trees and also tree(s) on the property of 57 Rossall Street. It must be noted that there was no requirement at time of application to state that the proposed Sub-division and Demolition Consents would affect the street trees which belong to Christchurch City Council in an adverse manor.
11. The applicant has already, post receiving approval for the relocation of the existing dwelling sold this building to a third party who is expecting delivery of the relocated building by 21st May 2006. This information was received verbally from the applicant (Mrs Joanne Hight) on Friday 28th April 2006 at the site meeting held to discuss associated issues, Rod Whearty, PaWAA, C.C.C. also in attendance.
12. This particular case does highlight a problem in the building / resource consent process in that the position of street trees, whether these trees are protected or not under Council / Statute Law, or are those protected under the City Plan Special Purpose (Road) Zone rules etc., are not always considered in relation to the building layout on the site and in particular the alignment of the garage and driveway crossing that is likely to affect them. Consent for buildings and driveway crossings may therefore be granted without having regard to the tree. The ability of community boards to make decisions under their delegated authority on the removal/retention of street trees is therefore pre-empted and/or compromised by these initial consents. This is also the case when it comes to Demolition (House Removal/Relocation) Consents where the approval does not take into consideration the street trees which, will be directly affected by the property removal operations.
13. The whole process is however currently being investigated by the Units concerned with a view to establishing a procedure that ensures that the preservation of existing street trees is considered from an early planning stage. It is proposed that the accurate position of street trees will be shown by any applicant developer on all consent applications and plans. At this early stage, every reasonable effort will be made by the Council, in consultation with the developer, to position a driveway sufficiently clear of an affected tree and to construct it in a manner that ensures the tree's preservation in a safe and healthy condition. If this is not possible for some reason, any proposal to remove a street tree will still be subject to "Council" approval along with any conditions under the appropriate delegation.
14. Costs in relation to the tree removal and replacement planting will be the applicants responsibility as part of the new vehicle crossing construction / Demolition (Removal) Consent. The potential loss of these particular trees may have been avoidable had the Council been given correct and accurate information at the time of lodging the consent. There is also an issue of environmental compensation to recognise the loss of the street tree that needs to be considered.
15. In relation to Demolition (Removal) Consents the costs must also be born by the applicant as per paragraph 12 above.
16. One of these conditions is proposed to be monetary compensation for the loss of a tree. A valuation system has now been devised to determine the amount of compensation to be paid for the loss of a Council tree and is intended to be applied henceforth. The Greenspace Arborist has recently completed an evaluation of these particular trees to assess the trees value and this is contained in Attachment 1.
17. Part 1 Sections 16.3 and 16.4 of the Christchurch City Council Civil Engineering Construction Standard Specifications contains stringent specifications for ground works in the vicinity of street trees, whether protected or not, and if adhered to, should provide sufficient protection for all affected trees.
18. Irrespective of the proposed procedures above, any healthy street tree can only be removed post approval from the appropriate Community Board and any protected street tree can only be removed by a successful application under the Resource Management Act.

OPTIONS

19. Removal of both Christchurch City Council trees located on the berm to facilitate the development of the site as per submitted plans with the applicant paying for both the removal costs of the trees and the costs for two replacement plantings. Applicant to also contribute to take account of the loss in amenity/environmental value from the removal of the trees in question. Liquidambar styraciflua recently protected remains on section.
20. Applicant redesigns their proposals to ensure the longevity and well being of the C.C.C. and protected trees concerned. No further action required by Christchurch City Council.
21. House is removed to the north of the section, Liquidambar styraciflua and Betula pendula (CCC Tree No 19298) are removed. Applicants plans are redesigned to ensure driveway is not relocated and therefore C.C.C. tree ID 19298 remains intact on site and potentially large Betula pendula on private residence also remains intact.
22. Removal of both Christchurch City Council trees located on the berm to facilitate the development of the site as per submitted plans with the applicant paying for the removal costs of the trees and the costs for two large tree transplants to replace "like with like" in regards to the trees removed. Liquidambar styraciflua recently protected remains on section. This is a narrow berm and therefore a difficult and expensive option on a very busy road.

Note. All options presume that Christchurch City Council will carry out all required arboricultural operations in respect to the trees which are the property of Christchurch City Council.

STAFF RECOMMENDATIONS

- (a) That the Fendalton/Waimairi Community Board approve the removal of the Betula pendula trees outside number 57 Rossall Street and that the applicant be responsible for all costs as per option 1.
- (b) That the Fendalton/Waimairi Community Board request the Environmental Services Manager to implement procedures that will identify potential conflicts between street trees and new vehicle entrances at the point when a Building Consent or Resource Consent is lodged.
- (c) That the applicant be charged \$1782.34 for Tree ID 19297 and \$1920.88 for Tree ID 19298 as detailed in Attachment 1, in recognition of environmental / amenity compensation for loss of the mature trees and removal of the existing trees which includes the cost of replacement trees as per option No1.