

### 3. 1 ARUNDEL GATE - TREE REMOVAL

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Manager Transport & Greenspace
<b>Author:</b>	Shane Moohan, City Arborist

#### PURPOSE OF REPORT

1. The purpose of the report is to obtain a decision from the Board on the removal or retention of an alder tree from the roadside at 1 Arundel Gate, Hyde Park.

#### EXECUTIVE SUMMARY

2. Mr and Mrs Wilson approached the Council in August 2006 to remove an alder tree from the roadside outside their property.
3. The reason for the request is their concern over the effect the tree's roots have on their lawn and the neighbours' driveway.

#### FINANCIAL IMPLICATIONS

4. The cost to remove the tree is \$552.
5. The cost to remove and replace the tree is \$1,188.

#### Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

6. The recommendation partially aligns with the current LTCCP budgets as Council would recover the cost to remove the tree from the applicants but would fund the cost of replacement.

#### LEGAL CONSIDERATIONS

7. The Greenspace Manager has the following delegation with respect to trees:
  - "In consultation with any other units affected and the relevant Community Board, authorise the planting or removal of trees from any reserve or other property under the Manager's control."
8. While the Transport and Greenspace Manager has the delegation to remove the tree current practice is that in most cases where health and safety is not a concern requests to remove healthy and structurally sound trees are placed before the appropriate Community Board for a decision.
9. Protected street trees can only be removed by a successful application under the Resource Management Act. This tree is not listed as protected under the provisions of the Christchurch City Plan.
10. An application to prune or remove the tree may be made to the District Court under the Property Law Amendment Act 1975.

#### Have you considered the legal implications of the issue under consideration?

11. The Council has the legal right to approve or decline the application to remove the tree.
12. The District Court can order the pruning or removal of the tree under The Property Law Amendment Act 1975.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. Removing the tree without obtaining reimbursement from the applicant is inconsistent with the current LTCCP as funding has not been allocated in the Transport and Greenspace Unit tree maintenance budget for the removal of structurally sound and healthy trees unless for health and safety concerns.
14. Obtaining reimbursement from the applicant to remove a structurally sound and healthy tree is consistent with the current LTCCP.
15. Funding is available under the Street Tree Capital Renewals programme to remove and replace trees no longer considered appropriate in their position.
16. Retention of the tree is consistent with the Activity Management Plan provided the tree is structurally sound and healthy.
17. Removing and not replacing the tree on the same berm is consistent with the Activity Management Plan as there is a water line which restricts tree planting along this side of the street.

#### **Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?**

18. Although the Council does not have this tree recorded on its asset inventory removing and not replacing the tree would not support the current level of service for street tree provision in Arundel Gate.
19. Removing and replacing the tree within Arundel Gate would support the current level of service for street tree provision in the street.
20. Replacing the tree in Avonhead Park would support the level of service for tree provision within the immediate area of Hyde Park. Replacement tree to be planted at the Council's cost.

#### **ALIGNMENT WITH STRATEGIES**

21. Removing and replacing the tree would be consistent with the Living Streets Strategy and the New Zealand Biodiversity Strategy.
22. Removing and replacing the tree would be consistent with the Christchurch Urban Design Vision
23. There is currently no overarching city wide strategy for vegetation management.
24. There is currently no policy for the pruning or removing of trees in public spaces. A Draft Tree Policy is being worked on.
25. Removing and replacing the tree would be in keeping with the Garden City Image.
26. Removing and not replacing the tree would not be in keeping with the Garden City image.

#### **CONSULTATION FULFILMENT**

27. There has been no consultation undertaken to date.

#### **STAFF RECOMMENDATION**

It is recommended that the Board approve the removal of an alder tree from the roadside at 1 Arundel Gate and replace it with another species firstly and where possible within the road reserve of Arundel Gate, or secondly, inside Avonhead Park and charge the applicants the cost of \$552 to remove the tree.

## BACKGROUND (THE ISSUES)

28. The first recorded contact with Mr and Mrs Wilson was on 28 August 2006.
29. The Wilsons were concerned about the roots in the lawn and the affect they were having on the neighbours' driveway.
30. To our knowledge we have had only one contact with the Wilsons' neighbours regarding the tree. This was on 28 May 2007. The content of discussion is unknown as the sole note is to refer to the current service request.
31. On 6 August 2007 Cr Sally Buck advised that the Wilsons do not mind the tree but they do not wish to upset their neighbour who has asked them to deal with the problem
32. On 11 September 2006 City Care Ltd were asked to inspect the tree and advise whether root pruning and putting root barriers in place were viable options.
33. City Care Ltd responded on 26 September 2006 advising that neither root pruning nor root barriers were a viable option as the tree is 9 metres tall and is situated too close to the kerb and channel and driveway.
34. Council staff visited the site on 7 March 2007. The tree is of reasonably poor form and has been planted far too close to the kerb and channel and storm water sump and had already caused some damage to the road and driveway (see appendix C). The damage was minimal – no trip hazards and no water was pooling. It is unlikely that repairs would be seen as a priority.
35. The tree is not listed on Council's asset register (all the other Council trees within the road reserve are) and is likely either resident planted or left there from the time of subdivision.
36. Mr Wilson was advised that as the tree was healthy we should report to the Community Board requesting their approval to remove the tree. Mr Wilson was also informed that as this was not considered a priority case it would probably take two months before we could get the report to the Board for their consideration. It was also highly likely that the process could take longer than two months due to staff time and other tree issues that may arise.
37. Mr Wilson was also advised that staff would be recommending to the Board that the tree is removed but that he is charged the cost of removal.
38. The recommendation to remove the tree would be based on the following –
  - not on the Council's asset register and highly likely resident planted
  - of reasonably poor form and not a desirable specimen tree
  - has been planted too close to the kerb and channel and storm water sump
  - has started to damage the road and driveway (this was not considered a reason on its own to remove the tree as the damage was not great and could be repaired).
39. Mr Wilson was not happy with the prospect of waiting longer for a decision as he had already been waiting for seven months.
40. As a compromise it was suggested that the Wilsons could remove the tree themselves. Mr Wilson requested that Council pay for the cost. The request was declined.
41. The compromise was put forward as –
  - they had been waiting for seven months already for the Council processes to take place
  - we would be recommending the tree be removed for the reasons stated in 39 above
  - The Transport and Greenspace Manager has the delegation to remove the tree
42. On 25 June 2007 Mrs Wilson phoned to say they were not prepared to pay for the tree to be removed.

## **THE OBJECTIVES**

43. The objectives of this report are to -
- (a) Place Mr and Mrs Wilsons' case before the Board for a decision on the future of the tree
  - (b) Obtain the Board's support for charging the Wilsons the cost of removing the tree
  - (c) Obtain the Board's support for replacing the tree within the immediate vicinity of Arundel Gate

## **THE OPTIONS**

### **Option 1: Maintain the status quo**

44. Do not remove the tree immediately but reconsider removal when the kerb and channel requires replacing. Maintain the tree to internationally recognised and accepted arboricultural standards. Monitor the tree for ongoing health and structural integrity.

### **Option 2**

45. Remove the tree and do not replace it.
- (a) Do not charge the applicants for removal.
  - (b) Charge the applicants the cost of removal. Cost of removal is \$552.

### **Option 3**

46. Remove the tree and replace it with another species firstly and where possible within the road reserve of Arundel Gate, or secondly, inside Avonhead Park -
- (a) Do not charge the applicants the cost of removal or replacement, or
  - (b) Charge the applicants the cost for removal and replacement. Cost for removal and replacement (including cost to supply pb95 grade tree, planting, three years after care maintenance) is \$1188.

### **Option 4**

47. Remove the tree and replace it with another species firstly and where possible within the road reserve of Arundel Gate, or secondly, inside Avonhead Park and charge the applicants the cost of \$552 to remove the tree. Replacement tree to be planted at the Council's cost.

## **THE PREFERRED OPTION**

48. The preferred option is Option 4.