

9. TREE REMOVAL - 44 BAY VIEW ROAD, MONCKS BAY

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Manager Transport and Greenspace
Author:	Graham Clark, Arborist

PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the removal of a large red flowering gum (*Eucalyptus ficifolia*). There are now two reasons for the removal request, the first being as per the original Board report of 11 October 2006 for the purpose of installation of a new vehicle crossing and the second being that following pruning for electrical services clearance the tree will no longer provide significant amenity value and replacement with an alternate tree would significantly improve the amenity value of the street as a whole.

EXECUTIVE SUMMARY

2. The executive summary detailed in the original Board report for the removal of this tree remains applicable to this report, see extract below:

"EXECUTIVE SUMMARY - REPORT 11 OCTOBER 2006

2. *In June 2006 Clifton Stemmer (then property owner) approached the Council with a request to remove the red flowering gum tree on the berm at 44 Bay View Road to allow a new vehicle crossing to be constructed. Since the approach was made the property has been sold on to Sally MacDonald and Alan Butts who are redeveloping the property and also require the removal of the red flowering gum to facilitate their project.*
3. *The proposed new vehicle crossing location for the new dwelling and garage directly conflicts with the location of the street tree.*
4. *Building consent for the construction of a new dwelling with attached garage and associated vehicle crossing was applied for on 7 July 2006 and granted by Council on 3 August 2006. The trees on the berm were not identified by the applicant on the design plans submitted.*
5. *The red flowering gum has good vigour and vitality, is of large size (approximately 7.4 metres in height with a canopy spread of 6.6 metres) and moderate form. The tree is situated mid-way across the grass berm in front of the property and contributes to the amenity of the street landscape (photos attached).*
6. *Following a site inspection it was discovered that the tree in question will require significant pruning in order to achieve electrical line clearance from the powerlines located directly above the tree (canopy of the tree currently encapsulates the service lines). This pruning will seriously affect the aesthetic appearance of the tree. If the tree is retained there will be significant future costs associated with ensuring overhead services clearance is maintained.*
7. *Should the removal be approved in principal by the Community Board, staff would like to replace the lost amenity value of the removed tree by planting a replacement pohutukawa tree close to the existing tree.*
8. *Adjacent and opposite neighbours will be notified prior to any work taking place.*
9. *This case does highlight a problem in the building/resource consent process in that the position of street trees 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.*

10. *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."*
3. Since the original report was submitted Council have received and actioned a Cut & Trim Notice (separately circulated) from Orion New Zealand Ltd who are the authority responsible for the power line which the tree affected. The tree was brought to their attention via a newspaper article in the Bay Harbour News (issue dated Wednesday 8 November 2006), a copy of which is also circulated. The Cut & Trim Notice details the extent of pruning which Council have had to action in respect to the gum tree outside 44 Bay View Road. This notice also details the timeframe within which the operation must be completed (45 working days from receipt of the notification).
 4. Council have completed power line clearance operations in accordance with the Cut & Trim Notice received from Orion NZ Ltd and current legislation (a copy of the Electricity (Hazards from Trees) Regulations 2003 is tabled). As was alluded in the original Board report and is clearly shown in the arboricultural report (separately circulated) the structure of the red flowering gum tree has been severely affected by the clearance pruning (see **attached** photographs).
 5. It must be noted that the STEM valuation submitted in the original report has now been revised following the pruning of the tree. The new valuation takes into account the effect the electrical pruning operation has had on the tree. The new value reached via STEM is \$4,700, this is a reduction in value of \$1,500. The revised calculation is separately circulated.
 6. It is the opinion of the Council Transport and Greenspace Unit Arboricultural Section that the tree's structure has now been compromised to such an extent that it no longer adds significantly to the streetscape in Bay View Road, nor will its future growth following pruning, again this was detailed in the original Board removal report. Staff therefore recommend that the conclusions from the Board report submitted on 11 October 2007 be applied in this instance.
 7. As requested by the Board adjacent and opposite neighbours have been consulted about the removal of the tree. The results of these consultations can be summarised as follows:
 - In support of the tree removal 6 responses
 - Against the tree removal 12 responses
 - A summary of all of the submissions received is also separately circulated for information.
 8. Should the removal be approved in by the Board, staff would like to replace the lost amenity value of the removed tree by planting a replacement pohutukawa tree approximately two metres to the east of the existing tree.
 9. Adjacent and opposite neighbours will be notified prior to any work taking place.

FINANCIAL AND LEGAL CONSIDERATIONS

10. Any healthy street tree can only be removed with approval from the appropriate Board and any protected street trees can only be removed by a successful application under the Resource Management Act. These trees are not listed as protected under the provisions of the Christchurch City Plan.
11. Removing and replacing 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 operational budget for the removal of healthy trees to allow for vehicle crossings.
12. Obtaining reimbursement from the applicant to remove and replace the trees is consistent with the current LTCCP.

13. Funding is available in the Transport and Greenspace Unit operational budget under Street Tree Maintenance for the removal and replacement of trees which are no longer appropriate in their current position.
14. The actual cost to remove the tree and replace it with a pb95 grade tree is:
 - Removal of Eucalyptus \$500 excl GST
 - Replacement planting \$215 excl GST
15. The original valuation for the tree using STEM was: \$6,200 (pre clearance pruning)
The revised valuation for the tree using STEM is: \$4,700 (post clearance pruning)
16. STEM is the national arboricultural industry standard for evaluating and valuing amenity trees. STEM is used as a valuation tool by other Councils such as Auckland, Tauranga, Lower Hutt and Wellington.
17. STEM valuations on the tree concerned are detailed on the valuation sheets.
18. All tree work will be carried out by Council's Street Tree Maintenance Contractor.

STAFF RECOMMENDATIONS

It is recommended that the Board adopts Option (B) and approves:

- (a) That the red flowering gum tree located on the Bay View Road berm outside No 44 be removed to allow for a new vehicle crossings to be constructed.
- (b) That the red flowering gum removed is replaced with another tree, pb95 grade pohutukawa, as close to the original tree's location as is practicable.
- (c) That the Council pays the removal costs of \$500 excl GST.
- (d) That the applicant is charged for the replacement planting cost of \$215 excl GST (which includes the purchase cost for the tree).
- (e) That the Council does not apply STEM valuation in this case as the removal would have been recommended as part of the regular maintenance cycle for the city's tree asset (the tree's location and condition do not warrant its retention).

CHAIRPERSON'S RECOMMENDATION

For discussion.

OPTIONS

Option (A)

- 19. Remove the red flowering gum tree from the berm outside 44 Bay View Road, Moncks Bay. All costs to be borne by the applicant including the cost of removing the tree, replacement planting and the STEM valuation:
- 20. Actual cost of \$715 excl GST to remove and replace the tree is borne by the applicant.
 - (a) Applicant to be charged the full STEM valuation for the red flowering gum tree of \$4,700.
 - (b) Total cost of \$5,415 excl GST.
 - (c) STEM valuation monies received will be utilised to enable planting of new trees both within the Bay View Road and the immediate neighbourhoods streets and parks.

	Benefits (current and future)	Costs (current and future)
Social	Tree is removed and Council recovers the lost amenity value of the tree removed. Council utilises the monies received under the STEM valuation to enhance the street tree planting both within Bay View Road and the immediate neighbourhood's streets and parks. This will improve local area character and identity. Replacement tree to be a pohutukawa which will compliment and enhance the current planting in the street.	Cost to the applicant may be considered as unreasonable given the size of the tree and their proximity to the overhead power lines. Should the tree remain Council will be required to undertake remedial pruning that will have a detrimental effect on the tree's amenity value. Cost of compliance may be offset by an increase in the applicant's property value.
Cultural	Pohutukawa is a New Zealand icon tree.	No costs identified.
Environmental	Replacement of the tree with a newly planted pohutukawa will mitigate the effects of removal of the existing tree and over time maintain the general streetscape appearance. This is one of the few areas in the City where pohutukawa trees can thrive and prosper and thus the new planting will enhance the biodiversity of the city. STEM valuation monies recovered will allow council to further enhance the amenity planting within the immediate neighbourhood.	Possibility of future shading and leaf fall issues.
Economic	There is no cost to Council to remove or replace the tree as all costs are borne by the applicant. STEM valuation from flowering gum tree allows further planting to occur within the immediate neighbourhood at a reduced cost to Council.	Future general maintenance costs for the trees planted.

Extent to which community outcomes are achieved:

Primary alignment with community outcomes:

- "... a place where people enjoy living".
- "... a thriving, healthy environment".
- "... the most attractive city in New Zealand".

Impact on Council's capacity and responsibilities:

No impacts on Council's capacity and responsibilities have been identified.

Effects on Maori:

No specific effects on Maori identified.

Consistency with existing Council policies:

Consistent with Urban Renewal Policy, Parks and Open Spaces Activity Management Plan

Views and preferences of persons affected or likely to have an interest:

Following consultation with immediate and opposite neighbours a brief summary of opinions is as follows:

- In support of the tree removal 6 responses
- Against the tree removal 12 responses

Other relevant matters:

Following receipt on 30 November 2006 of a Cut & Trim Notice from Orion NZ Ltd, Council staff have completed power line clearance operations in accordance with current legislation and accepted international arboricultural standards. This pruning operation has, in the opinion of staff, seriously compromised the aesthetic appearance and the environmental value of the tree.

Option (B)

21. Remove the red flowering gum tree from the berm outside 44 Bay View Road, Moncks Bay. All costs for removal to be borne by the Council (\$500 excl GST) as we would have recommended the removal of the tree in the course of normal maintenance operations. Applicant to pay for replacement planting for amenity value.
22. Applicant is not to be charged the full STEM valuation for the red flowering gum tree due to trees condition and location.
 - (a) Total Cost to Applicant \$215.

	Benefits (current and future)	Costs (current and future)
Social	Red flowering gum is removed and Council recovers a proportion of the lost amenity value of the tree removed with the replacement planting being undertaken. Replacement tree is a pohutukawa and will enhance the current street tree planting in this area. It is in the mutual interest of both Council and the applicant to have the tree removed.	Cost of compliance may be offset by an increase in the applicant's property value.
Cultural	Pohutukawa is a New Zealand icon tree.	No costs identified.
Environmental	Replacement of the red flowering gum tree with newly planted pohutukawa tree will mitigate the effects of the tree removal and over time improve the general streetscape appearance. This is one of the few areas in the City where pohutukawa trees can thrive and prosper and thus the new planting will enhance the biodiversity of the city.	Possibility of future shading and leaf fall issues.
Economic	Council cost benefit achieved through reduced cost incurred by Council to provide a replacement tree. Applicant to pay purchase and replanting costs for replacement tree. Applicant can complete development operations on site with greater ease and reduced cost.	General maintenance costs for new tree planted.
<p>Extent to which community outcomes are achieved: Primary alignment with community outcomes: "... a place where people enjoy living". "... a thriving, healthy environment". "... the most attractive city in New Zealand".</p> <p>Impact on Council's capacity and responsibilities: No impacts on Council's capacity and responsibilities have been identified.</p> <p>Effects on Maori: No specific effects on Maori identified.</p> <p>Consistency with existing Council policies: Consistent with Urban Renewal Policy, Parks and Open Spaces Activity Management Plan.</p> <p>Views and preferences of persons affected or likely to have an interest: Following consultation with immediate and opposite neighbours a brief summary of opinions is as follows: In support of the tree removal 6 responses Against the tree removal 12 responses</p> <p>Other relevant matters: Following receipt on 30 November 2006 of a Cut & Trim Notice from Orion NZ Ltd, Council staff have completed power line clearance operations in accordance with current legislation and accepted international arboricultural standards. This pruning operation has, in the opinion of staff, seriously compromised the aesthetic appearance and the environmental value of the tree.</p>		

Option (C)

- 23. Remove the red flowering gum tree from the berm outside 44 Bay View Road, Moncks Bay. All costs for the removal and replacement planting to be shared by the applicant and the Council on a 50/50 basis.
 - 24. Actual cost of \$715 excl GST to remove and replace the red flowering gum tree is borne jointly by Council and the applicant.
 - 25. Applicant is not to be charged the full STEM valuation for the red flowering gum tree due to trees condition and location.
- (a) Total cost to applicant \$357.50.

	Benefits (current and future)	Costs (current and future)
Social	Red flowering gum is removed and Council recovers 50% of the costs to remove and replant. It is in the mutual interest of both Council and the applicant to have the tree removed. Replacement tree is a pohutukawa and will compliment the existing street tree planting.	Cost of compliance may be offset by an increase in the applicant's property value. Applicant's proposed garage development can proceed with greater ease and reduced associated development costs.
Cultural	Pohutukawa is a New Zealand icon tree.	No costs identified.
Environmental	Replacement of the red flowering gum tree with newly planted pohutukawa tree will mitigate the effects of the tree removal and over time improve the general streetscape appearance. This is one of the few areas in the City where pohutukawa trees can thrive and prosper and thus the new planting will enhance the biodiversity of the city.	Possibility of future shading and leaf fall issues.
Economic	Council costs reduced by 50% in respect of removal and replanting therefore better use of Council funding.	Future general maintenance costs for new tree planted.
<p>Extent to which community outcomes are achieved: Primary alignment with community outcomes: "... a place where people enjoy living". "... a thriving, healthy environment". "... the most attractive city in New Zealand".</p> <p>Impact on Council's capacity and responsibilities: No impacts on Council's capacity and responsibilities have been identified.</p> <p>Effects on Maori: No specific effects on Maori identified.</p> <p>Consistency with existing Council policies: Consistent with Urban Renewal Policy, Parks and Open Spaces Activity Management Plan.</p> <p>Views and preferences of persons affected or likely to have an interest: Following consultation with immediate and opposite neighbours a brief summary of opinions is as follows : In support of the tree removal 6 responses Against the tree removal 12 responses</p> <p>Other relevant matters: Following receipt on 30 November 2006 of a Cut & Trim Notice from Orion NZ Ltd. Council has completed power line clearance operations in accordance with current legislation and accepted international arboricultural standards. This pruning operation has, in the opinion of staff, seriously compromised the aesthetic appearance and the environmental value of the tree.</p>		

Option (D)

26. Status quo. Do not remove the red flowering gum tree. Tree is to be maintained to accepted international arboricultural standards and pruned for power-line legal clearance. Approved development is to take account of the fact that the tree is to be retained and all operations around the tree must be undertaken in such a fashion as to not damage the trees structure either above or below the ground.

	Benefits (current and future)	Costs (current and future)
Social	Nil.	Council may be seen as unreasonable. Council may be viewed as a bad neighbour.
Cultural	Nil.	Nil.
Environmental	Trees remain on site and continues to contribute the overall amenity value of the streetscape albeit in a significantly reduced quantity and quality.	The tree will have its amenity value affected due to power line clearance operations required under NZ law. Tree will be misshapen and of very poor form as a result of the pruning required.
Economic	Nil.	Future general maintenance of tree.
<p>Extent to which community outcomes are achieved: No community outcomes are achieved.</p> <p>Impact on Council's capacity and responsibilities: No impacts on Council's capacity and responsibilities have been identified.</p> <p>Effects on Maori: No specific effects on Maori identified.</p> <p>Consistency with existing Council policies: Consistent with Urban Renewal Policy, Parks and Open Spaces Activity Management Plan.</p> <p>Views and preferences of persons affected or likely to have an interest: Following consultation with immediate and opposite neighbours a brief summary of opinions is as follows: In support of the tree removal 6 responses Against the tree removal 12 responses</p> <p>Other relevant matters: Following receipt on 30 November 2006 of a Cut & Trim Notice from Orion NZ Ltd, Council staff have completed power line clearance operations in accordance with current legislation and accepted international arboricultural standards. This pruning operation has, in the opinion of staff, seriously compromised the aesthetic appearance and the environmental value of the tree.</p>		