

10. TREE REMOVAL BANGOR STREET

General Manager responsible:	General Manager City Environment, DDI 941- 8656
Officer responsible:	Manager Transport & Greenspace
Author:	Graham Clark, Arborist, Street Tree Asset

PURPOSE OF REPORT

1. The purpose of the report is to consult the Board regarding the removal of 19 trees in Bangor Street prior to the Transport and Greenspace Manager making a decision. The trees comprise:

Nine Pin Oaks, *Quercus palustris*,
Three Cherries, *Prunus spp*,
Five Cabbage trees, *Cordyline australis*,
One Alder, *Alnus spp* located on private land but appears to be in street garden area
One Elm, *Ulmus spp*
2. The removal of these trees from the roadside landscape planting and immediately adjacent to Walnut Tree Park, will allow the remaining trees to achieve their full potential. This thinning out operation is required to reduce competition for light, nutrients and canopy space allowing retained trees to grow to their correct form and stature. The removal will also allow greater light penetration to the street. However, as the trees retained continue to grow and develop full canopies this will over time, be reduced to a degree.

EXECUTIVE SUMMARY

3. Shading issues from the trees in Bangor Street were brought to the Council's attention by Mr Ross Edgar, of 410 Oxford Terrace in a letter sent to Mayor's office on 2 November 2006 (CSR90605431). The issue that Mr Edgar has is that the adjacent Pin Oaks are shading his property making it cold and damp. He is particularly concerned with the trees located nearest his property.
4. Staff responded to Mr Edgar's request by visiting the street to assess the trees for shading of his property. Photographs were taken (attached) and the following recommendations are the result of the completed tree assessment.
5. In respect to the density of planted trees in Bangor Street, staff are recommending the removal of a total of 19 trees in Bangor Street to alleviate the over crowding issue. We are of the opinion that it is essential to remove these trees to ensure that the remaining trees can reach their full stature and form. If all the trees are retained then the tree form of the majority of the larger trees in the street will be compromised over time. In particular, the canopy structure of many of the trees in Bangor Street will become misshapen, due to competition for light from adjacent closely planted trees.
6. In respect to the shading of Mr Edgar's property at 410 Oxford Terrace by adjacent Council street tree planting, we are recommending that only the trees of poor form at the northern end of Bangor Street be removed. It is our opinion that the removal of further trees at this location will not resolve the shading issue due to shading from other privately owned trees at this location, including a Rimu tree on Mr Edgar's property.
7. The five northern most Pin Oaks located at the Oxford Terrace end of Bangor Street are located in the Oxford Terrace Special Purpose Road Zone. The removal any of these trees will require consent under the Resource Management Act (RMA) as they are protected under the provisions of the Christchurch City Plan. Also there are the five trees with which Mr Edgar has an issue of shading.

FINANCIAL IMPLICATIONS

8. It is our estimate that the removal costs will be approximately \$10,000.

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

9. The recommendations align with the current LTCCP budgets, as provision for removing and replacing trees no longer considered as appropriate in their position are provided for in the Street Tree Maintenance Programme.

LEGAL CONSIDERATIONS

10. The Council has granted delegated authority to the Greenspace Manager:

"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."
11. While the Transport and Greenspace Manager has the delegation to remove the trees identified current practice is that in most cases, requests to remove healthy and structurally sound trees are placed before the appropriate Community Board for a decision.
12. Protected street trees can only be removed by a successful application under the Resource Management Act (RMA). The five northern most Pin Oaks located at the Oxford Terrace end of Bangor Street are located in the Oxford Terrace Special Purpose Road Zone. The removal any of these trees will require consent under the RMA as it they are protected under the provisions of the Christchurch City Plan. Consent will be sought to remove one of these tree as identified in the tree assessment.
13. The Council has a responsibility under the Health and Safety in Employment Act 1992 to provide a healthy and safe environment. This extends to public spaces under its administration and ownership.
14. City Plan Volume 2 Section 14.3.2 Policy: "Garden City" Image Identity states –

"To acknowledge and promote the "Garden City" identity of the City by protecting, maintaining and extending planting which compliments this image
15. An application to prune or remove the trees 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?

16. The Council has the legal right to approve or decline the application to remove these trees.
17. Protected street trees can only be removed by a successful application under the Resource Management Act (RMA). The five northern most Pin Oaks located at the Oxford Terrace end of Bangor Street are located in the Oxford Terrace, Special Purpose Road Zone. Removal of any of these trees will require consent under the RMA.
18. The District Court can order the pruning or removal of these trees under The Property Law Amendment Act 1975.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19. Removing and replacing any trees which are in addition to those which the Council is recommending for removal as part of the City Street Tree Maintenance 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 reasons.
20. Obtaining reimbursement from the applicant to remove and replace structurally sound and healthy trees is consistent with the current LTCCP.
21. Funding is available in the Transport & Greenspace Unit Street Tree Capital Renewals budget for the removal and replacement of trees which are no longer appropriate in their current position.
22. Retention of trees which are appropriate in their current position is consistent with the Activity Management Plan provided the trees are structurally sound and healthy.

23. Removal of trees which are no longer appropriate due to competition with the preferred climax street trees in their current position, is consistent with the Activity Management Plan.
24. The thinning out of poor quality trees to ensure that the remaining desired tree asset can achieve its natural form and stature is consistent with the Activity Management Plan.

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

25. Removing and replacing the trees would support the Street Tree maintenance programme.

ALIGNMENT WITH STRATEGIES

26. Removing and not replacing poor quality trees to ensure that the remaining desired tree asset can achieve its natural form and stature is consistent with the Living Streets Strategy and the New Zealand Biodiversity Strategy.
27. Removing and not replacing poor quality trees to ensure that the remaining desired tree asset can achieve its natural form and stature is consistent with the Christchurch Urban Design Vision.
28. There is currently no overarching city wide strategy for vegetation management.
29. There is currently no policy for the pruning or removing of trees in public spaces. A Draft Tree Policy is being worked on.
30. Removing the trees identified to allow the remaining trees to achieve their natural form and stature would be in keeping with the Garden City image.

CONSULTATION FULFILMENT

31. No consultation has been carried out in respect to this proposal at this stage.
32. Staff will send a letter out to all residents in Bangor Street at least two weeks prior to commencement of operations informing them of the proposed tree works and explaining why the removals are required.

STAFF RECOMMENDATION

It is recommended that the Board note that the Greenspace Manager has the delegated authority to:

- (a) Authorise the removal of 19 trees in Bangor Street to alleviate the issues of over crowding and inappropriate planting locations.
- (b) Lodge an application for a Resource Management Consent to remove one Pin Oak at the end of Bangor Street.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND (THE ISSUES)

33. Bangor Street was redesigned around 1985 when then current streetscape was planted. The predominant species being Pin Oaks and Cherries with some supplemental planting occurring around 1990. The initial planting densities being much higher than is now required to maintain the desired streetscape.
34. In 1989 several of the Pin Oaks were transplanted to Victoria Park as even at this stage it was recognised that the planting density in the street was too great.
35. Mr Edgar has stated that he discussed the issue approximately five years ago with Walter Fielding Cotterill, City Arborist at that time. The City Arborist informed Mr Edgar that there was little he could do to resolve the issue.
36. Staff are of the opinion that even with the removal of all of the adjacent Council planted street trees the issue of shading on Mr Edgar's property will not be resolved. This is due to two facts, the first being that there are two large Ash trees planted on the private property at 406 Oxford Terrace which are of a similar size to the Council street trees (Pin Oaks) located between them and Mr Edgar's property and even after the removal of the Oaks the ash will continue to shade the property to a similar extent to that occurring at present. The second issue being the medium sized Rimu tree located in Mr Edgar's front garden contributes significantly to the amount of shading his property receives. Staff do not recommend the removal of any of the specimen Pin Oaks located adjacent to Mr Edgar's property as the removal of these trees would not be in keeping with the original planting scheme for Bangor Street. The Pin Oaks are providing exactly the type and quality of landscape they were planted to achieve and their removal would significantly reduce the aesthetic appeal of Bangor Street.

THE OBJECTIVES

37. The objective of this report is ;
 - (a) To place Mr Edgar's case before the Hagley/Ferrymead Community Board for a decision on the future of the trees.
 - (b) To authorise the removal of a total of 19 trees in Bangor Street, to alleviate the over crowding issue and inappropriate plantings and allow the Bangor Street tree asset to develop as the streetscape design intended.

THE OPTIONS

Option 1

38. Maintain the status quo. Do not remove any of the trees. Continue to maintain all trees to internationally accepted arboricultural standards. Continue to monitor the trees for their ongoing health and structural integrity.

Option 2

39. Remove only the 19 trees as recommended and allow the streetscape to develop as the street design intended.

Option 3

40. Remove any Pin Oaks which in the opinion of Mr Edgar are shading his property.

THE PREFERRED OPTION

Option 2

41. Remove only the 19 trees as recommended and allow the streetscape to develop as the street design intended.

ASSESSMENT OF OPTIONS

The Preferred Option Option 2

42. Remove only the 19 trees as recommended by Council and allow the streetscape to develop as the street design intended.

	Benefits (current and future)	Costs (current and future)
Social	Local area character and amenity is improved . Street amenity improves over time.	Initial impact on street amenity as larger trees are removed. Some sections of the community may take exception to the removal of large trees and not replacing them. Mr Edgars shading issue is not addressed and he remains aggrieved at the outcome. Mr Edgar could take the Council to court in an attempt to have the tree shading issue resolved
Cultural	Garden City image is enhanced.	
Environmental	The remaining large trees have through reduced competition the ability to fully mature in both form and stature.	Short term loss of environmental benefits that large trees produce until remaining trees fill the space provide through thinning out.
Economic	Funding for removal of street tree plantings is within current LTCCP. Real estate values may increase. Reduced future maintenance costs	The Council may be perceived as wasting funds on removing healthy trees.

Extent to which community outcomes are achieved:

Environment

"A City of people who value and protect the natural environment"

The Council will be seen as protecting, enhancing and restoring the street environment

City Development

"An attractive and well designed City"

The Council will be seen as providing attractive neighbourhoods with lifestyles enhanced by the urban environment

Governance

"A Well-Governed City"

The Council will be seen as utilising LTCCP funds responsibly, responding to current needs and planning for future needs for the street environment.

Impact on the Council's capacity and responsibilities:

Assists with delivering the LTCCP

Effects on Maori: None identified.

Consistency with existing Council policies:

Consistent with Corporate Environmental Policy, Public Transport Policy, Traffic Calming Policy, Urban Renewal Policy

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

No consultation has been carried out in respect to this proposal at this stage.

The Board to recommend that a letter be sent out to all residents in Bangor Street at least two weeks prior to commencement of operations informing them of the proposed tree works and explaining why the removals are required.

Other relevant matters: None

Maintain the Status Quo – Option 1

43. Do not remove any of the trees. Continue to maintain all trees to internationally accepted arboricultural standards. Continue to monitor both trees for their ongoing health and structural integrity.

	Benefits (current and future)	Costs (current and future)
Social	Visual amenity that these trees provide will remain.	Mr Edgar’s problem with shading will continue. Overall street amenity does not improve.
Cultural		Garden City image may be affected as the chance to improve this section of the Waimairi Stream is not taken.
Environmental	Trees will continue to provide environmental benefits	Chance to enhance the streetscape through the removal of poor quality trees and inappropriate trees not taken. Quality of the form and stature of the street tree planting will reduce over time as competition for light causes growth deformities
Economic	Short term maintenance costs are reduced.	Trees will require increased ongoing monitoring and future maintenance due to potential for growth deformities as trees compete for available light and canopy space.
<p>Extent to which community outcomes are achieved:</p> <p>Environment “A City of people who value and protect the natural environment” Council may be seen as protecting trees not worthy of protection. The Council may be seen as not enhancing and maintaining the street environment</p> <p>City Development “An attractive and well designed City” The Council may be seen as not providing attractive neighbourhoods with lifestyles enhanced by the urban environment</p> <p>Governance “A Well-Governed City” The Council may not be seen as utilising LTCCP funds responsibly, responding to current needs and planning for future needs for the street or riparian environment.</p> <p>Impact on the Council’s capacity and responsibilities:</p> <p>The Council may be seen as not supplying Mr Edgar with a healthy environment.</p> <p>Effects on Maori:</p> <p>None identified.</p> <p>Consistency with existing Council policies:</p> <p>Inconsistent with Corporate Environmental Policy and Urban Renewal Policy. Consistent with Public Transport Policy, Traffic Calming Policy.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>No consultation has been carried out in respect to this proposal at this stage.</p> <p>Other relevant matters: None.</p>		

Option 3

44. Remove any Pin Oaks which in the opinion of Mr Edgar are shading his property.

	Benefits (current and future)	Costs (current and future)
Social	Mr Edgars concerns over shading are fully addressed.	Loss of visual amenity that these trees give. The Council may be seen as removing trees unnecessarily. Residents with similar problems may reasonably expect to receive favourable consideration for tree removal requests Residents may view the Council as unable/unwilling to provide protection for public trees.
Cultural		Garden City image may be affected. Contribution to local area character that the tree provides is lost. Residents with similar problems may reasonably expect to receive favourable consideration for tree removal requests. This would result in a reduction in the public tree canopy for Christchurch City which may negatively affect the Garden City image.
Environmental		Chance to maintain and enhance the streetscape is not taken. Loss of environmental benefits that large trees produce. Residents with similar problems may reasonably expect to receive favourable consideration for tree removal requests. This would result in a reduction in the public tree canopy for Christchurch City and could have a negative impact on Christchurch's environment.
Economic	Future maintenance costs for the larger trees are not needed	Residents with similar problems may reasonably expect to receive favourable consideration for tree removal requests. This would result in a reduction in the public tree canopy for Christchurch City and may negatively affect property values, increase costs for regulating temperatures in winter and summer for private residences.
<p>Extent to which community outcomes are achieved:</p> <p>Not achieved.</p> <p>Impact on the Council's capacity and responsibilities:</p> <ul style="list-style-type: none"> ▪ The Council will be seen as supplying Mr Edgar with a healthy environment. ▪ The Council is not enhancing the Garden City image. ▪ The Council can still deliver the LTCCP in other areas of the City. <p>Effects on Maori: None.</p> <p>Consistency with existing Council policies:</p> <p>Inconsistent with Corporate Environmental Policy and Urban Renewal Policy, Public Transport Policy and Traffic Calming Policy.</p>		

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

No consultation has been carried out in respect to this proposal at this stage.

If this option is chosen then recommend that all residents and property owners in Bangor Street and the residents and property owners of all properties located in Oxford Terrace for 200m either side of the Bangor Street and Oxford Terrace intersection also be consulted.

Other relevant matters: None.