

8. TREE REMOVAL RADBROOK STREET FRONTAGE OF PROPERTY ADDRESS 42 RAVENNA STREET

General Manager responsible:	Jane Parfitt General Manager City Environment, DDI 941-8656
Officer responsible:	Michael Aitken, Manager Transport & Greenspace
Author:	Graham Clark / Shane Moohan

PURPOSE OF REPORT

1. Obtain the support from the Community Board for the removal of a Yoshino Cherry, *Prunus x Yedoensis*, from the roadside berm at the Radbrook Street frontage of number 42 Ravenna Street.

EXECUTIVE SUMMARY

2. The Council has received an application to remove the street tree to allow for a vehicle crossing to be constructed at the Radbrook Street frontage of number 42 Ravenna Street.

FINANCIAL IMPLICATIONS

3. The cost to remove the tree is \$400 (excluding GST).
4. The cost to remove and replace the tree with a pb95 grade tree is \$577 (excluding GST).
5. The valuation for the tree using STEM is: \$8800 (excluding GST).
6. STEM (A Standard Tree Evaluation Method) is the New Zealand national arboricultural industry standard for evaluating and valuing amenity trees by assessing their condition and contribution to amenity along with other distinguishable attributes such as stature, historic or scientific significance. STEM is used as a valuation tool by other Councils such as Auckland, Tauranga, Lower Hutt and Wellington.

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

7. The recommendation align with the current LTCCP budgets.

LEGAL CONSIDERATIONS

8. 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.”
9. While the Transport and Greenspace Manager has the delegation to remove the Yoshino Cherry tree 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.
10. 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.
11. Council is legally obliged to remove the tree. (See attached legal opinion)
12. 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
13. 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?

14. Council does not have the legal right to decline the application to remove the tree unless the Rules in the City Plan regarding vehicle crossings (Volume 3 Part 13 par 2.3.1-2.3.6) have not been satisfied (see attached legal opinion).
15. The District Court can order the pruning or removal of the tree under The Property Law Amendment Act 1975.
16. Council can legally require the applicant to cover the costs of the tree removal (see attached legal opinion).
17. Council cannot legally require the applicant to cover the costs of replacing the tree (see attached legal opinion).

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. Removing the tree for legal requirements is consistent with the current LTCCP as funding has been allocated in the Transport & Greenspace Unit tree maintenance budget.
19. Obtaining reimbursement from the applicant to remove and replace a structurally sound and healthy tree is consistent with the current LTCCP.
20. Removal and replacement of the tree is consistent with the Activity Management Plan.
21. Removing and not replacing the tree is not consistent with the Activity Management Plan.

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

22. Removing the tree does not support projects within the current LTCCP as the applicant is required to pay all costs associated with removal.
23. Replacing the tree without charging the applicant will support the Street Tree Capital Renewals Programme as Council will have taken the opportunity to replace an aging asset due for replacement in 2011.
24. Removing and replacing the tree supports the current level of service for vegetation within the immediate vicinity of Radbrook Street.

ALIGNMENT WITH STRATEGIES

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

CONSULTATION FULFILMENT

31. Residents within the affected area will be advised prior to its removal.

STAFF RECOMMENDATION

It is recommended that the Committee recommend that the Board:

- (a) Support the application to remove the tree from the berm at Radbrook Street frontage of number 42 Ravenna Street.
- (b) Resolve that the applicant pays \$400 (excluding GST) for the cost of removal of the existing tree.
- (c) Resolve that the applicant pays \$177 (excluding GST) for the cost purchase and planting of the replacement tree.
- (d) Resolve that the tree is replaced either
 - (i) within the same berm area; or
 - (ii) within the same street; or
 - (iii) within a park in the immediate vicinity.

BACKGROUND (THE ISSUES)

32. The first recorded contact with Mr Harrison was via a telephone call on 20 March 2007 requesting tree removal for access to a new dwelling.
33. A site visit and photographs were taken on 3 May 2007 by Graham Clark Council Arborist.
34. The reasons for the request are:
 - (a) To allow a sub-division which will through design provide an open living area which maximises the sunlight available to the property and keeps the open living area away from the adjacent electricity sub-station.

THE OBJECTIVES

35. The objectives of this report are to gain the support from the Board to:
 - (a) remove the tree; and
 - (b) retain the environmental and amenity benefits of the tree by replanting another tree either
 - (i) within the same berm area; or
 - (ii) within the same street; or
 - (iii) within a park in the immediate vicinity.

THE OPTIONS

Option 1: Remove the tree and replace it in the immediate vicinity. Costs for removal only are to be borne by the applicant.

37. This will ensure that the applicant has vehicle access to the property and that street and area vegetative character remain.

Option 2: Remove the tree and replace it in the immediate vicinity. Costs for removal and replacement planting are to be borne by the applicant.

38. This will ensure that the applicant has vehicle access to the property and that street and area vegetative character remain.

Option 3: Maintain the Status Quo.

39. Is not an option as Council has a legal obligation to provide vehicle access to this property.