

4. TREE REMOVAL 106 WOODBURY STREET

General Manager responsible:	Jane Parfitt General Manager City Environment, DDI 941-8656
Officer responsible:	Michael Aitken, Manager Transport & Greenspace
Author:	Shane Moohan, City Arborist, DDI 941- 8030

PURPOSE OF REPORT

1. Obtain a decision on the removal or retention of a *Liquidambar styraciflua* (sweet gum) from the roadside on the Woodbury Street frontage of number 106 Woodbury Street.

EXECUTIVE SUMMARY

2. Ms McQuilken has been in contact with the Council since November 2004 over the trees on the street frontages of Woodbury and Ansonby Streets and also the tree outside 104 Woodbury Street. Requests have included both pruning and removing the trees.
3. The main concern has been over the shading caused to her property at 106 Woodbury Street. The Council has undertaken some pruning and also removed three trees, one tree from the Ansonby Street frontage of 106 Woodbury Street, one tree from outside 104 Woodbury Street and one tree from outside 103 Woodbury Street.
4. On 27 March 2007 the Council received a letter from Ms McQuilken requesting that the tree on her Woodbury Street frontage be removed. A copy of the letter was emailed to Mayor Garry Moore and Councillor Sally Buck.
5. The reasons for the request are –
 - Spends a lot of time clearing leaves from the gutter and sweeping them off the footpath;
 - Unsuitable tree because of its size;
 - Effects that the shading causes i.e. electricity bills and depression.
6. Council staff visited the site on 30 March 2007 and declined the request to remove the tree for reasons of shade.

FINANCIAL IMPLICATIONS

7. The cost to remove and replace the tree with a pb95 grade tree is \$748.00.
8. The valuation for the tree using STEM is: \$11,300.
9. 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?

10. The recommendations align with the current LTCCP budgets as provision for removing and replacing trees no longer considered as appropriate species or in their current position is provided for.

LEGAL CONSIDERATIONS

11. 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.”
12. While the Transport and Greenspace Manager has the delegation to remove the Liquidambar 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.

13. 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.
14. 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.
15. 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."
16. 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?

17. Council has the legal right to approve or decline the application to remove the tree.
18. 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

19. 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 & Greenspace Unit tree maintenance budget for the removal of structurally sound and healthy trees.
20. Obtaining reimbursement from the applicant to remove and replace a structurally sound and healthy tree 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 species or no longer appropriate in their current position.
22. Retention of the tree is consistent with the Activity Management Plan provided the tree is structurally sound and healthy.
23. Removal and replacement of the tree is consistent with the Activity Management Plan.
24. 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?

25. Removing and replacing the tree would support the Street Tree Renewals capital programme.

ALIGNMENT WITH STRATEGIES

26. Removing and replacing the tree would be consistent with the Living Streets Strategy and the New Zealand Biodiversity Strategy.
27. Removing and replacing the tree would be 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 and replacing the tree would be in keeping with the Garden City Image.
31. Removing and not replacing the tree would not be in keeping with the Garden City image.

CONSULTATION FULFILMENT

32. Letters were sent to 20 residents in Woodbury Street, Karnak Crescent and Ansonby Street outlining the request and asking what they thought of the tree and what they thought Council should do with it.

Results are as follows:

Number of respondents	11
Number of respondents who like the tree	10
Number of respondents who dislike the tree	1
Number who think the tree should be removed and not replaced	2
Number who think the tree should be removed and replaced	3
Number who think the tree should be retained	5

One respondent suggested the tree either be retained or removed and replaced.

A list of respondents and their comments are attached as Appendix "C".

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) decline the request to remove the Liquidambar tree from the berm outside of 106 Woodbury Street for reasons of shade; and
- (b) place Woodbury Street on the Street Tree Renewal Capital Programme and replace all of the Liquidambar trees in Woodbury Street that are planted in grass berms of less than 2 metres width;
- (c) that the remainder of Liquidambar trees in Woodbury Street be maintained to internationally recognised and accepted arboricultural standards and only be removed and replaced on a case by case basis.

BACKGROUND (THE ISSUES)

33. The first recorded contact with Ms McQuilken over the trees on the berm was 29 November 2004. The request was to prune the tree on the Woodbury Street frontage and the two trees on the Ansonby Street frontage for vehicle clearance and light.
34. A second request from Ms McQuilken was received the same day to prune the tree in front of 104 Woodbury Street.
35. Both requests were held over for action until general ward maintenance scheduled for March 2005.
36. On 10 May 2005 Ms McQuilken phoned Council asking why only some of the trees in Woodbury and Ansonby Streets had been pruned and not the ones outside her property. The Council's tree maintenance contractor had undertaken what they considered to be urgent health and safety work for low hanging branches and had rescheduled the remainder for October 2005.
37. On 23 May 2005 Ms McQuilken contacted Council requesting that the tree outside 104 Woodbury Street and the tree outside her property on the Woodbury Street frontage be removed. The reason for the request was shade.
38. Council staff visited the site on 26 May 2005 and agreed to remove the trees outside 104 and 103 Woodbury Street. The reason for this was structural integrity – included unions and previous failure of the tree outside 104 Woodbury Street. The removal of the smaller of the two trees on the Ansonby Street frontage was also agreed to due to poor form and overcrowding on the berm. The tree outside 104 Woodbury Street was not replaced as the resident did not want another tree to be planted.
39. This work was completed in January 2006.
40. On 27 March 2007 Council received a letter from Ms McQuilken requesting that the tree on the Woodbury Street frontage be removed. A copy of the letter was emailed to Mayor Garry Moore and Councillor Sally Buck. (Appendix "A" attached)
41. The reasons for the request are –
 - (a) Spends a lot of time clearing leaves from the gutter and sweeping them off the footpath;
 - (a) Unsuitable tree because of its size;
 - (a) Effects that the shading causes i.e. electricity bills and depression.
42. Council staff visited the site on 30 March 2007 and declined the request to remove the tree as the amount of nuisance caused by the shading was not viewed as sufficient to warrant removing the tree. Ms McQuilken was informed that we would review the tree again when the kerb and channel required replacing.
43. On 1 April 2007 Cr Buck contacted Council staff via email and attached several photographs of the tree taken between 8.15am and 3.39pm and the effects of shading on Ms McQuilken's property. (Appendix "B" attached)
44. A site meeting was conducted on 11 April 2007 to view the problem and hear Ms McQuilken's concerns. Present were Ms McQuilken, Cr Buck, Mike Wall, Val Carter and Shane Moohan.
45. It was agreed that Ms McQuilken would present her case to the Works and Traffic Committee at the next available meeting where a report would most likely be asked for from staff.
46. At the site visit on 30 March 2007 staff undertook the following steps as part of their assessment of the request –

- (a) Inspect the tree for health and safety concerns. Liquidambar trees are well known within the arboricultural industry for structural failure. This occurs as a result of a genetic problem with the original seed imported into New Zealand. Medium to large Liquidambar trees can have structural failure problems with large branches being shed because of weak branch attachments and also from summer branch drop (Matheny and Clarke, Evaluation of Hazardous Trees in Urban Areas, p81). This can make them a hazard when placed in high or frequently used areas. Studies at the Waikato Institute of Technology show that 52% of Liquidambars surveyed had suffered from structural failure. Because of this Liquidambars are no longer considered a suitable species for streets or some areas in parks. This particular tree does not show sufficient signs of problems with structural integrity to warrant its removal for health and safety reasons.
- (b) Inspect the damage to the kerb and channel. The kerb and channel has been replaced at least once and has started to crack again. The Council's Pavement Maintenance Team Leader has advised that the crack is not bad enough to repair at this point in time and there are other situations in Christchurch of higher priority, including some in Woodbury Street itself. He does not expect to have to repair this section for another five years. The cost for repairs is approximately \$600.00. In view of this, a decision to remove the tree based on damage to infrastructure was not considered as appropriate. The Council would revisit the decision whether to remove or retain the tree when the kerb and channel required replacing. In the period between, the tree would continue to contribute the environmental and amenity benefits that medium to large trees provide.
- (c) Assess the amount of nuisance that the tree is causing and attempt to alleviate the concerns. The Council has pruned the tree to the point where it is considered that further thinning or crown lifting may have a detrimental affect on the tree's health. Photographs supplied by Cr Buck show that the tree does not start to cause shade until approximately 2.26pm. The shading from 8.15am until approximately 12.26pm is caused by the position from which the sun rises and sets, the positioning of the dwelling in relation to the sun and the size of the eaves. Liquidambars are a deciduous tree. A benefit of deciduous trees is that they cool through the summer months and let light and warmth through in the winter months when they have lost their leaves. There is a period throughout Autumn, which is normally a cooler time of year, where they still have most of their leaves and can cause some nuisance through shading. The request to remove the tree because of shading was declined as it was considered that the degree of nuisance being caused was not sufficient to warrant removal along with the fact that the tree is deciduous and will lose its leaves thereby letting through winter sun.

- 47. Council records show that the Liquidambars in Woodbury Street were planted in 1969.
- 48. This particular problem with trees versus kerb and channel is indicative of many sites throughout Christchurch where large growing trees have been planted seemingly without much thought given to the consequences in future years.
- 49. The Council may wish to consider a city wide strategy to remove and replace trees which are no longer considered as appropriate for planting in streets (e.g. Liquidambar, claret ash, silver birch) and include in future LTCCP rounds.

THE OBJECTIVES

- 50. The objectives of this report are to -
 - (a) Place Ms McQuilken's case before the Community Board for a decision on the future of the tree.
 - (b) Provide the Community Board with sufficient information to enable Board Members to make a decision on the future of the tree.

THE OPTIONS

Option 1: Maintain the status quo

51. Do not remove the tree immediately but reconsider removal when the kerb and channel requires replacing. Continue to maintain the tree to internationally recognised and accepted arboricultural standards. Continue to monitor the tree for ongoing health and structural integrity.

Option 2

52. Remove the tree and do not replace it.
 - (a) Do not charge the applicant for removal.
 - (b) Charge the applicant the cost of removal only. Cost of removal only is \$300.00.

Option 3

53. Remove the tree and replace it with another species.
 - (a) Do not charge the applicant cost of removal or replacement.
 - (b) Charge the applicant the cost for removal and replacement. Cost for removal and replacement is \$748.00.
 - (c) Charge the applicant the STEM value of the tree. Use the funds received from the removal of this tree to remove and replace other trees in Woodbury Street and/or Ansonby Street (17 trees).

Option 4

54. Decline the request to remove the tree because of shading but place Woodbury Street on the Street Tree Renewal Capital Programme and replace all of the Liquidambar trees in Woodbury Street that are planted in grass berms of less than 2 metres width. The remainder of Liquidambar trees will be maintained to internationally recognised and accepted arboricultural standards and only removed and replaced on a case by case basis.

THE PREFERRED OPTION

55. Decline the request to remove the tree because of shading but place Woodbury Street on the Street Tree Renewal Capital Programme and replace all of the Liquidambar trees in Woodbury Street that are planted in grass berms of less than 2 metres width. The remainder of Liquidambar trees will be maintained to internationally recognised and accepted arboricultural standards and only removed and replaced on a case by case basis.

ASSESSMENT OF OPTIONS

The Preferred Option

56. Decline the request to remove the tree because of shading but place Woodbury Street on the Street Tree Renewal Capital Programme and replace all of the Liquidambar in Woodbury Street that are planted in grass berms of less than 2 metres width. The remainder of Liquidambar trees will be maintained to internationally recognised and accepted arboricultural standards and only removed and replaced on a case by case basis.

	Benefits (current and future)	Costs (current and future)
Social	Ms McQuilken's concerns over shading and debris are initially addressed. Local area character and amenity is improved. Street amenity improves over time.	Initial impact on street amenity as larger trees are removed and replaced with smaller trees. New trees may over time create shade and debris problems.
Cultural	Garden City image is enhanced. Council may be viewed as not removing trees based on shade alone.	
Environmental	Council replaces a species of tree which has known health and safety issues. As the new trees grow the environmental benefits they produce will increase.	Initial loss of environmental benefits that large trees produce.
Economic	Funding for removal and establishment of plantings is within current LTCCP. Real estate values may increase. Need for kerb and channel repair may be alleviated by proactively replacing trees in small berms.	Future maintenance costs of trees.
<p>Extent to which community outcomes are achieved:</p> <p>Environment "A City of people who value and protect the natural environment". Council will be seen as protecting, enhancing and restoring the street environment.</p> <p>City Development "An attractive and well designed City" Council will be seen as providing attractive neighbourhoods with lifestyles enhanced by the urban environment</p> <p>Governance "A Well-Governed City". Council will be seen as utilising LTCCP funds responsibly, responding to current needs and planning for future needs for the street environment.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>Assists with delivering the LTCCP.</p> <p>Effects on Maori:</p> <p>None identified.</p> <p>Consistency with existing Council policies:</p> <p>Consistent with Corporate Environmental Policy, Public Transport Policy, Traffic Calming Policy, Urban Renewal Policy.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>See Consultation Fulfilment.</p> <p>Other relevant matters: None identified</p>		

Maintain the Status Quo

57. Do not remove the tree immediately but reconsider removal when the kerb and channel requires replacing. Continue to maintain the tree to internationally accepted arboricultural standards. Continue to monitor the tree for ongoing health and structural integrity.

	Benefits (current and future)	Costs (current and future)
Social	Visual amenity that the tree provides will remain.	Ms McQuilken's problem with shade and debris will continue. Council may be seen as unreasonable by not removing the tree.
Cultural	Garden City image will be retained. Council may be viewed as not removing trees based on shade alone.	
Environmental	Tree will continue to provide environmental benefits.	Chance to immediately replace with a more appropriate species is not taken.
Economic	Future maintenance costs for new plantings are not needed.	Tree will require ongoing monitoring and future maintenance Kerb and channel will require repairing in 5 years.
<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.</p> <p>City Development "An attractive and well designed City". Council may be seen as continuing to provide an attractive neighbourhood however may be viewed as not providing well designed plantings.</p> <p>Governance "A Well-Governed City". 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>None identified.</p> <p>Effects on Maori:</p> <p>None identified.</p> <p>Consistency with existing Council policies:</p> <p>Consistent with Corporate Environmental Policy and Urban Renewal Policy.</p> <p>Consistent with Public Transport Policy, Traffic Calming Policy.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>See Consultation Fulfilment.</p> <p>Other relevant matters:</p> <p>None identified.</p>		

58. Remove the tree and do not replace it.

	Benefits (current and future)	Costs (current and future)
Social	Ms McQuilken's concerns over shading and debris are fully addressed.	Loss of visual amenity that this tree gives. 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 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		Loss of environmental benefits that large trees produce. Chance to replace with a more appropriate species is not taken. 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 this tree is 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: Not achieved.</p> <p>Impact on the Council's capacity and responsibilities: Council is not enhancing the Garden City image. Council can still deliver the LTCCP in other areas of the City.</p> <p>Effects on Maori: None identified.</p> <p>Consistency with existing Council policies: Inconsistent with Corporate Environmental Policy and Urban Renewal Policy, Public Transport Policy and Traffic Calming Policy.</p> <p>Views and preferences of persons affected or likely to have an interest: See Consultation Fulfilment.</p> <p>Other relevant matters: None identified.</p>		