



**FENDALTON/WAIMAIRI COMMUNITY BOARD**

**WORKS, TRAFFIC AND ENVIRONMENT COMMITTEE**

**AGENDA**

**MONDAY 26 MARCH 2007**

**AT 8.00 AM**

**BOARDROOM  
CHRISTCHURCH CITY COUNCIL FENDALTON  
CNR JEFFREYS AND CLYDE ROADS**

**1. APOLOGIES**

Mike Wall

**2. DEPUTATIONS BY APPOINTMENT**

Nil.

**3. 29 FARRINGTON AVENUE - TREE REMOVAL**

<b>General Manager responsible:</b>	General Manager City Environment DDI 941 8656
<b>Officer responsible:</b>	Transport and Greenspace Unit Manager DDI 941 6287
<b>Author:</b>	Graham Clark DDI: 941 8630

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's approval to carry out the operation to remove a manna ash tree, *Fraxinus ornus* located outside 29 Farrington Avenue to allow for the construction of a new vehicle crossing.

**EXECUTIVE SUMMARY**

2. In May 2006 Kevin Hampton approached the Council with a request to remove/prune one street tree manna ash, (*Fraxinus ornus*) on the berm at 29 Farrington Avenue.
3. The reason for the request is to allow the construction of a new vehicle crossing to service the newly constructed garage located on the front of the property, this garage can be clearly seen in the attached photographs. The Council has approved the construction of the new garage.
4. The tree which the applicant would like removed is a manna ash which is approximately 4m in height with a canopy spread of 3m. It is healthy and of reasonable size and form, though it does not show significant vigour or vitality. The tree is situated mid way across the grass berm in front of the property, hence it contributes to the amenity of the street landscape (photos of form and position in street are attached). It is located directly under a power supply pole but it is not expected to interfere with the pole in the immediate future.
5. The tree on the berm was not identified by the applicant in the application for building consents.
6. Photographs of the tree's location (copies enclosed) clearly indicate that the tree will interfere with the applicant's driveway access. There is one significant branch which will interfere with vehicular access. If this branch is removed the tree's form will be significantly affected with the tree losing its symmetry and approximately 20% of its current foliage. To correctly prune the tree, its form and symmetry should be retained therefore both of the lower branches would require removal, a loss of approximately 40% of the trees present foliage would result, a loss which would considerably stress the tree. Internationally accepted standards for amenity tree pruning recommend not to remove more than 30% of a tree's foliage.
7. It is possible to install the driveway adjacent to the tree, however there will be significant root damage and compaction expected from the installation of the vehicle crossing as planned. It is predicted that this shall also stress the tree considerably and would be almost impossible to avoid during the construction of the new vehicle crossing. The combined pruning and root damage that the tree would sustain in order to retain it within the location which it is growing will be such that it is most likely that the tree shall suffer significant stress resulting in reduced vigour.
8. It is possible that a joint driveway could be constructed in association with the owners of the property at 27 Farrington Avenue which would alleviate the problems associated with the tree. The crossing point would be located far enough away from the existing tree that no damage to the trees structure would occur during construction. This option would require that changes to the agreed development would have to be resubmitted to Council for approval.

### 3. Cont'd

9. The tree in question was assessed during the recent condition survey of all of the trees in the Waimairi area. The findings of this survey show the tree is of average condition. The Council will be recommending this tree for removal within the coming five years due to it lacking vigour and vitality. It is not predicted that there will be any significant growth of this tree should it be retained until programmed removal occurs. Taking this into account the Council is of the opinion that as good neighbours we should bring forward the removal of this tree to take account of the adjacent property owner's development.
10. Should the removal be approved in principal by the Community Board, the Council does not recommend replanting at the same location due to proximity of infrastructure. However the Council would want to carry out a replacement planting to replace the lost amenity value of the tree at an alternate more appropriate location as close as possible to the location of the existing tree. Recommended replacement tree is white ash, *Fraxinus americana*.
11. Adjacent and opposite neighbours will be notified prior to any work taking place.
12. This case does highlight a problem in the building/resource consent process in that the position of street trees have not always been 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 existing 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.
13. The whole process has been investigated by the Units concerned and procedures established to ensure 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. 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. Should this not be possible Council will then look at the feasibility of transplanting the tree within the existing berm area directly outside the property concerned. Should neither of the above prove possible or reasonable then any proposal to remove a street tree will still be subject to "Council" approval along with any conditions under the appropriate delegation.

### FINANCIAL AND LEGAL CONSIDERATIONS

14. Any healthy street tree can only be removed with approval from the appropriate Community Board and any 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.
15. 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 operational budget for the removal of healthy trees to allow for vehicle crossings.
16. Obtaining reimbursement from the applicant to remove and replace the tree is consistent with the current LTCCP.
17. Funding is available in the Transport & Greenspace Unit operational budget under Street Tree Maintenance for the removal and replacement of trees which are no longer appropriate in their current position.
18. The actual cost to remove the tree and replace it with pb95 grade trees is :
  - Removal of tree                      \$200 excl GST
  - Replacement planting      \$215 excl GST

**3. Cont'd**

19. The valuation for the Manna ash tree (CCC. Tree ID No 17067) using STEM is: \$3700
20. STEM (A Standard Tree Evaluation Method, by Ron Flook, 1996, ISBN 0-473-04039-5) is the NZ 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.
21. STEM valuation on the tree concerned is detailed on the attached valuation sheet.

**STAFF RECOMMENDATION**

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

- (a) Removal and replacement, costs shared between applicant and the Council. Remove the manna ash tree (CCC Tree ID No 17067) from the berm outside 29 Farrington Avenue and replace the loss in amenity value of the removed tree through the replanting of a replacement tree at an alternate location in Farrington Avenue. Costs to be shared by the Council and the applicant as follows:

Applicant to pay for replacement planting	Total Cost \$215 excl GST
Christchurch City Council to pay for removal	Total Cost \$200 excl GST

- (b) STEM valuation in this case is not to be applied as the Council would have removed the tree during programmed works over the coming five year period.

### 3. Cont'd

#### OPTIONS

##### Option A

20. Remove the manna ash tree (CCC. Tree ID No 17067) from the berm outside 29 Farrington Avenue. All costs to be borne by the applicant including the cost of removing the tree, the STEM valuation and replacement planting:

Total Cost \$4115 excluding GST

##### Option B

21. Maintain the status quo. Do not approve the removal of the tree. Applicant to re-evaluate their planning application. The tree will be left to grow true to form and will be maintained by Council to internationally accepted arboricultural standards.

##### Option C

22. Removal and replacement, costs shared between applicant and Council. Remove the manna ash tree (CCC Tree ID No 17067) from the berm outside 29 Farrington Avenue and replace the loss in amenity value of the removed tree through the replanting of a replacement tree at an alternate location in Farrington Avenue. Costs to be shared by Christchurch City Council and the applicant as follows

Applicant to pay for replacement planting	Total Cost \$215 excl GST
Christchurch City Council to pay for removal	Total Cost \$200 excl GST

23. STEM valuation in this case is not to be applied as Council would have removed the tree during programmed works over the coming five year period.

##### Option D

24. Prune the roots and canopy of the manna ash tree (CCC. Tree ID No 17067) located on the berm outside 29 Farrington Avenue to facilitate the construction and utilisation of the newly approved vehicle crossing. All costs to be borne by the Applicant. Total Cost \$200 excl GST.

#### PREFERRED OPTION

##### Option C

25. Remove the manna ash tree (CCC. Tree ID No 17067) from the berm outside 29 Farrington Avenue and replace the loss in amenity value of the removed tree through the replanting of a replacement tree at an alternate location in Farrington Avenue. Costs to be shared by Christchurch City Council and the applicant as follows

Applicant to pay for replacement planting	Total Cost \$215 excl GST
Christchurch City Council to pay for removal	Total Cost \$200 excl GST

STEM valuation in this case is not to be applied as Council would have removed the tree during programmed works over the coming five year period.

## 3. Cont'd

## ASSESSMENT OF OPTIONS

## The Preferred Option

26. Option C: Removal and replacement, costs shared between applicant and Council.

	Benefits (current and future)	Costs (current and future)
<b>Social</b>	<p>Tree is removed and Council recovers the cost of replacement planting. The lost amenity value of the tree removed will be replaced over time. Replacement tree is deciduous and any shading that occurs in future will not be for 12 months of the year.</p> <p>Council will be seen as acting in the spirit of good neighbourliness.</p> <p>Applicants proposed garage development can proceed through the Councils planning unit approval system with the tree issue having been resolved.</p>	<p>Cost of compliance may be offset by an increase in the applicants property value.</p> <p>Possibility of future shading and leaf fall issues.</p>
<b>Cultural</b>	Garden City image is maintained.	No costs identified
<b>Environmental</b>	Replacement of the tree with newly planted White ash will mitigate the effects of removal of the tree and over time maintain the general streetscape appearance.	Possibility of future shading and leaf fall issues.
<b>Economic</b>	There is no cost to Council to replace the tree as this cost is borne by the applicant.	Future general maintenance costs for the tree planted.
<p><b>Extent to which community outcomes are achieved:</b>            Primary alignment with community outcomes:            "... a place where people enjoy living"            "... a thriving, healthy environment"            "... the most attractive city in New Zealand"</p> <p><b>Impact on Council's capacity and responsibilities:</b>            No impacts on council's capacity and responsibilities have been identified.</p> <p><b>Effects on Maori:</b>            No specific effects on Maori identified.</p> <p><b>Consistency with existing Council policies:</b>            Consistent with Urban Renewal Policy, Parks and Open Spaces Activity Management Plan</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b>            Removal and replacement may or may not be supported by the adjacent neighbours. Council has not engaged in consultation.</p> <p><b>Other relevant matters:</b>            Nil</p>		

## 3. Cont'd

**Maintain The Status Quo (If Not Preferred Option)**

27. Option B: Maintain the status quo

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	Nil	Council may be seen as unreasonable. Tenants/owners may not be able to use the secondary access therefore more cars will be parked on the street. Tenants/owners may be forced to drive over the kerb, grass berm and footpath to access the existing driveway
<b>Cultural</b>	Garden City image maintained.	Nil
<b>Environmental</b>	Tree to remain on site and continue to contribute the overall amenity value of the streetscape.	Streetscape looks 'unplanned' as there is a driveway 'leading to nowhere'. Kerb, grass berm and footpath are at risk from vehicles illegally accessing driveway by driving directly over them. Trees will have their amenity value affected due to compaction from vehicles driving over existing root system causing decline in vigour and vitality.
<b>Economic</b>	Nil	Possibility of future kerb, grass berm and footpath repairs from driveway illegal use.  Future general maintenance of trees

**Extent to which community outcomes are achieved:**

Primary alignment with community outcome

"... 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:**

Removal and replacement required by the adjacent neighbour, which does not support this option. Council has not engaged in consultation.

**Other relevant matters:**

Nil

## 3. Cont'd

## Option A

28. All removal and replacement costs including the STEM value of the tree are to be borne by the applicant. Total Cost \$4115 excl GST. (If not the preferred option)

	Benefits (current and future)	Costs (current and future)
<b>Social</b>	<p>The lost amenity value of the tree removed will be replaced over time.</p> <p>Replacement tree is deciduous and any shading that occurs in future will not be for 12 months of the year. Residents in other streets will be consulted on species prior to commencement of any new tree planting.</p> <p>Council will be seen as acting in the spirit of good neighbourliness</p> <p>Applicants proposed garage development can proceed through the Councils planning unit approval system with the tree issue having been resolved.</p>	<p>Street amenity that the current tree gives will be diminished as a smaller tree will be planted as a replacement.</p> <p>Possible shade and leaf fall issues of future planting(s).</p> <p>Council may be seen as unreasonable asking for \$4115 (Excl GST) for this tree.</p>
<b>Cultural</b>	<p>Garden City image is enhanced through new tree planting.</p> <p>Opportunity is there to increase native biodiversity.</p>	No costs identified
<b>Environmental</b>	<p>Replacement of the tree with newly planted White ash will mitigate the effects of removal of the tree and over time maintain the general streetscape appearance.</p> <p>Council can take the opportunity to improve the street environment in neighbouring streets/parks.</p>	
<b>Economic</b>	<p>Tree is removed and replaced at no cost to Council.</p> <p>Council can use funds received from the removal of the tree to increase street/park amenity within the immediate area.</p>	Future maintenance costs associated with new trees.
<p><b>Extent to which community outcomes are achieved:</b></p> <p>Primary alignment with community outcomes :</p> <p>"... a place where people enjoy living"</p> <p>"... a thriving, healthy environment"</p> <p>"... the most attractive city in New Zealand"</p> <p><b>Impact on Council's capacity and responsibilities:</b></p> <p>This option would result in a reduction of the ability of Council to carry out its responsibilities as monies utilised could have been spent on alternate more appropriate street tree operations</p> <p><b>Effects on Maori:</b></p> <p>Nil</p> <p><b>Consistency with existing Council policies:</b></p> <p>Inconsistent with Urban Renewal Policy, Parks and Open Spaces Activity Management Plan.</p> <p><b>Views and preferences of persons affected or likely to have an interest:</b></p> <p>Removal and replacement required by the adjacent neighbour, whom supports this option. Council has not engaged in consultation.</p> <p><b>Other relevant matters:</b></p> <p>Nil</p>		



**3. Cont'd****Option D**

29. Remedial pruning to allow development to proceed. Applicant to pay the costs (\$200)

	<b>Benefits (current and future)</b>	<b>Costs (current and future)</b>
<b>Social</b>	<p>Tree is pruned to allow development to continue.</p> <p>Applicants proposed garage development can proceed through the Councils planning unit approval system with the tree issue having been resolved</p> <p>Council will be seen as acting in the spirit of good neighbourliness</p>	

**4. QUARRYING ACTIVITY**

<b>General Manager responsible:</b>	General Manager Peter Mitchell, DDI 941-8549
<b>Officer responsible:</b>	Inspections & Enforcement Manager
<b>Author:</b>	Julie Burgess & Richard Purdon (Environment Canterbury)

**PURPOSE OF REPORT**

1. To provide the Board with a report on quarrying issues in the vicinity of Miners Road.

**FINANCIAL AND LEGAL CONSIDERATIONS**

2. Not required

**STAFF RECOMMENDATION**

It is recommended that the Committee receive the information.

#### 4. Cont'd

##### **BACKGROUND ON 137 MINERS ROAD & QUARRYING ENFORCEMENT ACTIVITY**

3. In June 2006 the Yaldhurst Rural Residents Association raised concerns about a contracting activity operating without resource consent from 137 Miners Road. The situation was investigated and an abatement notice issued imposing a number of conditions on the company concerned and requiring them to cease further activity, pending the outcome of their resource consent application.
4. Environment Canterbury also took enforcement action by way of an abatement notice, as they too had issues with the non-consenting activity at 137 Miners Road and we worked closely with them to resolve the matter.
5. The resource consent application was withdrawn late November because the company making the application had gone into liquidation.
6. New abatement notices were issued to 137 Miners Road in early December, in light of the fact that the site was to be sold, those notices required any new owner to restore the site to as close as practicable, it's natural state.
7. Ongoing monitoring of 137 Miners Road has been maintained and at the date of writing this report we have been advised that the new owner (through his solicitor) has taken over the abatement notice and has undertaken to apply to the Council for consent on his proposed activities. Monitoring to date has determined there are no non-compliance issues in relation to current activity at 137 Miners Road.
8. Two meetings were held with the Yaldhurst Rural Residents Association, the first at their behest, the second arranged by the Council to update the residents on what action was being taken and/or being considered.
9. In parallel with that process and in conjunction with Environment Canterbury the Enforcement Team undertook to investigate issues related to quarrying activity in the Christchurch area.
10. That investigation revealed there were issues around extraction, backfilling and stockpiling of materials (clean fill and hard fill), on numbers of the quarry sites.
11. Letters have now been sent to nine quarrying sites requesting that they self-audit and self-rectify any non-consenting activity by the end of June 2007 with a further three sites still to be contacted. Some of the sites have already undertaken surveys. In some instances a resource consent will be required to enable them to rectify some of the issues identified. Regular ongoing monitoring will continue until compliance is achieved. Should compliance not be achieved by the end of June 2007, consideration will then be given to what, if any, enforcement action will be taken against any site found to still be in breach.
12. The Yaldhurst Rural Residents Association has been provided with an update on the steps that are being taken in relation to the Council management of the quarrying activity.

##### **GROUNDWATER CONTAMINATION – RICHARD PURDON, ENVIRONMENT CANTERBURY**

13. All recorded groundwater quality data for hard fills in the Recharge Zone has been assessed by an Environment Canterbury groundwater scientist; he concluded there is evidence to suggest the hard fills have raised aesthetic parameters (e.g. hardness), but other than the faecal coliform counts, there is no evidence to date indicating health parameters are being exceeded and threatening drinking water quality. He has concluded that because the faecal values are relatively low and vary greatly, the hard fills are not seen as the most probable source. More likely sources include seepage, animal faeces, and sampling error. It is for this reason no additional sampling, other than that required by the resource consents, has been carried out.

**4. Cont'd**

14. I have also been working with the Christchurch City Council Monitoring team in regard to the filling of quarries to 1m above highest groundwater to fulfil our desire to protect groundwater and meet City Plan requirements, this is progressing well. All quarries have made some movement towards this and some are well on the way to achieving it. Continued vigilance is required and we may well consider joint enforcement action if compliance is not achieved.
15. Constant checking of the depth of quarry excavations in the future will also be required by regulatory officers to ensure excavations do not go below the 1m above highest groundwater when groundwater levels are lower.

**5. FENDALTON PARK – LEASE TO BOWLS CANTERBURY INCORPORATED**

<b>General Manager responsible:</b>	General Manager City Environment, Jane Parfitt DDI 941 8656
<b>Officer responsible:</b>	Michael Aitken Manager Transport & Greenspace DDI 941 6287
<b>Author:</b>	Deborah Harris, Property Consultant

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's approval to issue a Lease to Bowls Canterbury Incorporated over the area of Fendalton Park currently leased by the Fendalton Bowling Club.

**EXECUTIVE SUMMARY**

2. Fendalton Park is a Recreation Reserve vested in the Council under the provisions of the Reserves Act 1977.
3. In 2006 Bowls Canterbury Incorporated (BC) sought new premises from which to operate. Following discussions directly with the existing Lessee, Fendalton Bowling Club (FBC), BC made application to the Council to assign the FBC lease to it. FBC have confirmed in writing that they are supportive of any assignment.
4. BC spent some \$96,000 upgrading the building to accommodate their needs and in September 2006 shifted into the building. BC did this on the misunderstanding that Council had undertaken the necessary steps to approve an assignment.
5. Consequently, BC is occupying an area of Fendalton Park without the approval of the Council, and have spent considerable funds to upgrade the building. Now realising the implications of its actions, BC is anxious to either receive an assignment or negotiate a new lease for the reserve occupied by the building and the adjoining bowling green.
6. The Department of Conservation has raised some concerns about issuing BC with an assignment, or new lease as the case may be, on the basis of administration functions being undertaken on a park. However BC facilitate a number of recreational based activities on the site for example interclub competitions, training academy for coaches, umpires and green keepers, public introductions to the sport, and secondary and intermediate school programs promoting the sport and competition. It is therefore considered that administration is just one aspect of the operation.
7. It is recommended that a new lease is issued to BC, as opposed to an assignment of lease, subject to public notification of the intention to grant a lease occurring in accordance with the provisions of the Reserves Act 1977, and the consent of the Department of Conservation being obtained.
8. The Transport and Greenspace Unit has recommended that the lease be granted for 11 years with two rights of renewal of 11 years each making a total term of 33 years. Renewal of the lease at the expiry of each 11 year term will be subject to BC being in a strong financially viable position, and the area occupied not being required for a more important recreational use in the Council's opinion.

## 5. Cont'd

9. Consideration has not been given to the eventuality of Department of Conservation declining to grant consent to a new lease. If that was to occur negotiations and alternative solutions would need to be sought.
10. Appendix 1 outlines the history to this matter in detail.

### FINANCIAL IMPLICATIONS

11. BC will be:
  - (a) Charged an appropriate annual rental, and the starting basis for determining the rental will be as set out in the Council's Sports Leasing Policy. In addition to that there are benefits accruing to BC due to their administrative function being located on a reserve and this will be factored into a final rent calculation. The Corporate Support and Transport and Greenspace Unit Managers will be given the delegated authority to approve the annual rent.
  - (b) Responsible for meeting all costs associated with Council's compliance under the Reserves Act 1977, and the preparation and execution of any lease.

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

12. Not applicable.

### LEGAL CONSIDERATIONS

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

13. The Community Board has delegated authority to approve the granting of a lease under Section 54 of the Reserves Act 1977. A new lease is not able to be issued until such time as the requirements of the Reserves Act have been met, as discussed below.
14. Section 54 of the Reserves Act 1977  
This section of the Act enables the Council to issue leases in respect of recreation reserves with the consent of the Minister of Conservation.
15. Section 119 of the Reserves Act 1977  
Relates to publicly notifying the subject matter, in this case the Council's intention to issue a lease.
16. Section 120 of the Reserves Act 1977  
This Section provides for a public notification period of not less than one month from the date of publication of the notice, to allow the public the right of objection and of making submissions.

### ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

17. Page 124 of the LTCCP, level of service under parks, open spaces and waterways.

### ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

18. Not applicable.

## 5. Cont'd

### CONSULTATION FULFILMENT

19. Public consultation to issue a new lease to BC is required. The procedure for consultation is set out in the Reserves Act 1977. The Act requires the Council to publicly notify its intention to issue a lease. The public has one month from the date of publication of the notice in which to make an objection or submission.
20. If objections to the proposal are received and are unable to be satisfied, then these are heard by a hearings panel of the Council. The Department of Conservation retains a prior right to approve or decline the lease following the outcome of the hearings panel process.

### STAFF RECOMMENDATION

It is recommended that:

1. The Board approve a lease to Bowls Canterbury Incorporated of 2790m<sup>2</sup> of Fendalton Park for a term of 11 years with two rights of renewal of 11 years each, for the purposes of promoting and of playing bowls, training and administration subject to:
  - (a) Public notification under the Reserves Act 1977 and no sustainable objections being received.
  - (b) The approval of the Department of Conservation being obtained.
  - (c) The Fendalton Bowling Club agreeing to surrender the existing lease.
  - (d) The applicant meeting all costs associated with the granting of the new lease.
2. The Corporate Support and Transport and Greenspace Unit Managers be given delegated authority to negotiate and agree the annual rental.

## 6. MANAGEMENT PLAN FOR BURNSIDE PARK

Eric Banks, Parks and Waterway Planner will be in attendance to update the Board on Progress and seek feedback from members on this project.