

**9. REMOVAL OF STREET TREE 2 MAYO PLACE**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Transport and Greenspace Manager
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**PURPOSE OF REPORT**

1. The purpose of this report is to obtain a decision on the future of a silver birch tree located on the berm at 2 Mayo Place (Corner Mayo Place and Ballymena Drive).

**EXECUTIVE SUMMARY**

2. The residents at 2 Mayo Place have contacted Council (Deputy Mayor Norm Withers) by email in September 2009 (refer **attached**) and November 2009 (refer **attached**) requesting the removal of the silver birch.(refer **attached** map)
3. Reasons for removal are health issues (allergens), roots lifting footpath, roots encroaching into private property, tree blocking street light, debris from tree blocking spouting and causing rust.
4. An arboricultural assessment showed that the tree is reasonably healthy with no tree health and safety reasons that would require its removal.
5. The tree has a moderate form. This is a direct result of being inappropriately pruned by the resident, without the consent of the Council.
6. For this reason staff recommend that the tree be replaced at the applicants' cost.

**FINANCIAL IMPLICATIONS**

7. The cost to remove and replace the tree with PB95 grade tree is estimated at \$1,300 (including the cost of watering and mulching the tree over the first 3 years) which equates to 11% of the value of the asset.
8. The STEM evaluation score is 102 points. The STEM evaluation without the negative influences is 114 points. The STEM evaluation had the tree not been inappropriately pruned would be 120 to 126 points.

The STEM valuation is \$12,000.

- a) *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.*

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

10. Obtaining reimbursement from the applicant to remove and replace structurally sound and healthy trees is consistent with the current LTCCP.

**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 Birch trees, 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. Under the delegations to Community Boards, the Board has the authority to “plant, maintain and remove trees on reserves, parks and roads” under the control of the Council within the policy set by the Council.
14. 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 provision of the Christchurch City Plan.
15. The following City Plan Policies may be of some benefit when considering the options:

#### **VOLUME 2: SECTION 4 CITY IDENTITY**

##### **4.2.1 POLICY: TREE COVER**

**To promote amenity values in the urban area by maintaining and enhancing the tree cover present in the City.**

- 1) Tree cover and vegetation make an important contribution to amenity values in the City. Through the redevelopment of sites, existing vegetation is often lost and not replaced. The City Plan protects those trees identified as “heritage” or “notable” and the subdivision process protects other trees which are considered to be “significant”. The highest degree of protection applies to heritage trees.
- 2) Because Christchurch is largely built on a flat plain, trees and shrubs play an important role in creating relief, contributing to visual amenity and attracting native birds.
- 3) The amount of private open space available for new planting and to retain existing trees is influenced by rules concerning building density and setback from boundaries. The rules do not require new planting for residential development but landscaping is required in business zones.

##### **4.2.2 POLICY: GARDEN CITY**

**To recognise and promote the “Garden City” identity, heritage and character of Christchurch.**

- 1) A key aspect of achieving this policy will be maintaining and extending environments and vegetation types which compliment this image. A broad range of matters influence and contribute to this image, including the following:
  - tree-lined streets and avenues
  - parks and developed areas of open space

##### **14.3.2 POLICY: “GARDEN CITY” IMAGE IDENTITY**

**To acknowledge and promote the “Garden City” identity of the City by protecting, maintaining and extending planting which compliments this image**

#### **Volume 3: Part 8 Special Purpose Zone**

##### **14.3.5 Street Trees**

- 1) Nearly half the length of streets within the city contains street trees, but the presence of very high quality street trees which add considerable presence to streets and neighbourhoods is confined to a relatively small proportion of the road network. These streets add particular character and amenity of the city, either in the form of avenues which form points into the city, or an important part of the local character of particular streets.
16. An application to prune or remove the tree may be made to the District Court under The Property Law Amendment Act 1975.
17. The District Court can order the pruning or removal of a tree under the Property Law Amendment Act 1975.

18. The removal and replacement of the tree is to be completed by a Council approved contractor.

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

19. Yes, as per above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

20. Draft LTCCP 2009-19:

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- (a) Governance – By enabling the community to participate in decision making through consultation on plans and projects.
- (b) City Development – By providing a well-designed, efficient transport system and attractive street landscapes.

22. Retention of the tree is consistent with the Activity Management Plan provided the tree is structurally sound and healthy.

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 2009-19 LTCCP?**

25. yes, as per above.

**ALIGNMENT WITH STRATEGIES**

26. Removing and replacing the tree would be consistent with the following strategies:

- (a) Biodiversity Strategy.
- (b) Christchurch Urban Design Vision.
- (c) Garden City Image as per the City Plan.

27. There is currently no policy for the pruning or removing of trees in public places. A draft Tree Policy is being worked on.

**Do the recommendations align with the Council's strategies?**

28. Yes, as per above.

**CONSULTATION FULFILMENT**

29. The Consultation Leader contacted the applicant to advise that a Board report was being prepared regarding the street tree outside his property. One of the options seeks a financial contribution from the applicant for the removal, replacement and establishment of the tree. He advised that he will not provide any money for this work as he is of the view that the rates he pays should cover this work. Further to this he advised that, in his view, a replacement tree should not go back in this location due to damage to the footpath and obstruction of the street light. The applicant was advised that he would receive a letter confirming the Board meeting date and information about how to seek speaking rights at this meeting.

30. Should approval to replace the tree be forthcoming residents will be advised two weeks prior to the removal of the tree.

**STAFF RECOMMENDATION**

It is recommended that the Shirley/Papanui Community Board approves the removal and replacement of the silver birch at 2 Mayo Place, and that the cost of \$1,300 is borne by the applicant.

#### CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

#### Background

31. First recorded contact with the resident was in November 2007 when he requested the tree be removed. The reasons were allergies, roots disturbing the footpath and tree covering the street light. The tree was pruned by Council as a result of the call.
32. Since then the applicant (by his own admission – refer **attached** email dated 1 November 2009) has disfigured the tree leaving it in a moderate form (shape).
33. The tree is medium sized, and although some debris would be generated by the tree, the amount of debris can not be considered excessive.
34. There is minor footpath damage on Ballymena Drive that is likely to have been caused by roots from the tree. Previous footpath repairs have occurred within the immediate vicinity of the tree on Mayo Place. Footpath repairs commonly occur throughout the City where lifting and cracking is caused by tree roots as part of routine maintenance.
35. The tree is currently well clear of the street light.
36. In regard to removing silver birches and the effect it would have on the issue the Canterbury District Health Board have advised staff the following –  
  
*“...when it comes to intervention the main problem is that the lack of research in this area, so it comes down to theorising. Obviously if there were no birch trees in NZ no-one would become allergic to them (assuming no immigration/emigration) - what is unclear is how many would then become allergic to something else, and whether their symptoms would be more or less severe. This scenario is also obviously entirely theoretical, and once you move to an actual practical situation things become even more complex. ....the arguments about selecting new trees for planting based on allergenicity are probably stronger in scientific terms than the arguments for removing existing plantings”*
37. Silver birch pollen is very small, is dispersed by wind, and therefore can travel a considerable distance. The pollen is produced at the time of year that coincides with perennial ryegrass pollen and Canterbury's naturally windiest period.
38. The advice from the DHB is that it is unknown as to whether or not a lack of silver birch trees would mean that people become allergy free or whether they are allergic to something else and continue to suffer.
39. Grass pollen is a well known allergen because of the amount of pollen it produces. Perennial ryegrass is considered among the worst. Christchurch is surrounded by large amounts of perennial ryegrass which results in heavily pollen laden air in spring and summer. This is due to the amount of pollen that grass produces combined with the strong winds that naturally occur in Canterbury at the time the pollen is produced. The pollen producing season is longer than that of silver birch (early spring to late autumn) and overlaps the birch pollen season at both ends. This means that people who think they may be allergic to silver birch may in fact be allergic to grass pollen (or another tree or shrub).
40. There is a significant number of common trees and shrubs (both native and exotic) that have a similar or worse allergen rating to that of silver birch. Included are Christchurch's five most commonly planted street and park trees along with most of Christchurch's iconic trees. Similarly, there are many shrubs in both street and park gardens, as well as private gardens, that have similar or worse allergen ratings to that of silver birch.
41. Council direction to staff in August 2007 was –

*“There is to be no city wide removal and replacement of silver birches for supposed health associations. The removal of Silver Birches or similar, are to be evaluated on a case by case*

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*basis and only to be removed for tree health and safety reasons, with them being replaced by another tree species”.*

**Options**

42. Decline the request to remove the silver birch tree outside 2 Mayo Place and continue to maintain the tree to internationally recognised and accepted arboricultural practices, standards and procedures.
43. Remove and replace the silver birch tree. Costs of \$1,300 are to be borne by the applicant. All work is to be carried out by an approved Council tree contractor.