

#### 4. 50 CROFTON ROAD - PROPOSED TREE REMOVAL

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

1. The purpose of this report is to recommend that the Works, Traffic and Environment Committee recommend to the Community Board that the request to remove two silver birch trees outside 1-50 Crofton Road be declined.

#### EXECUTIVE SUMMARY

2. A request has been made to the Fendalton/Waimairi Community Board, from Beverley Goodall, the owner of number 1-50 Crofton Road, to consider the removal of both the silver birch trees outside this property (refer **attachment 1**).
3. The request is in relation to birch pollen allergy.
4. The Council's records show the trees were planted in October 1972.
5. An arboricultural assessment was carried out to evaluate the health, condition, value and hazard rating of the trees. Both of these trees are in a good condition and are typical of other silver birch trees in the area, with no health and safety issues, and only minor damage to the footpath.
6. There are 67 trees in Crofton Road of which 47 are silver birch. There are a further six silver birch in the reserve opposite 1-50 Crofton Road. Silver birch pollen is distributed by wind therefore it is doubtful that removing these two trees would have any significant effect.
7. 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:
  - (a) "...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 New Zealand 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."
8. The Council direction to staff in August 2007 was:
  - (a) "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 basis and only to be removed for tree health and safety reasons, with them being replaced by another tree species".
7. Given paragraphs 5, 6, 7 and 8, staff recommend that the request to remove the two silver birch trees be declined.

#### FINANCIAL IMPLICATIONS

8. The cost to remove both the silver birch trees and replace them with a PB95 grade tree is estimated at \$4,232 (including three years watering and mulching).

9. The collective evaluation for the trees using STEM is 234 points (including nuisance value) and 257 points (excluding nuisance value).

The collective valuation (including nuisance value) using STEM is \$33,600.

The collective valuation (excluding nuisance value) using STEM is \$36,160.

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.

10. The cost to remove and replace all of the silver birch trees in Crofton Road (excluding the reserve) is estimated at \$95,000.

### **Do the Recommendations of this Report Align with LTCCP budgets?**

12. Yes.

### **LEGAL CONSIDERATIONS**

13. The Greenspace Manager has the following delegation with respect to trees:
  - (a) "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".
14. While the Transport and Greenspace Manager has the delegation to remove the silver 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.
15. 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.
16. Protected street trees can only be removed by a successful application under the Resource Management Act. The silver birch trees in question are not listed as protected under the provision of the Christchurch City Plan.
17. 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.**

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.

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.

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.**

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:

- (a) Tree-lined streets and avenues
- (b) 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**

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.

- 18. An application to prune or remove the trees may be made to the District Court under the Property Law Amendment Act 1975.
- 19. The District Court can order the pruning or removal of a tree under the Property Law Amendment Act 1975.
- 20. Any work carried out in relation to the Silver Birch trees are to be completed by a Council approved contractor.

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

- 21. Yes, as per above.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

- 22. Draft LTCCP 2009-19:
  - Streets and Transport – Page 81
  - (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.
- 24. Retention of the trees is consistent with the Activity Management Plan provided the trees are structurally sound and healthy.
- 25. Removal and replacement of the trees is consistent with the Activity Management Plan.
- 26. Removing and not replacing the trees is not consistent with the Activity Management Plan.

**Do the recommendations of this report support a level of service or project in the Draft 2009-19 LTCCP?**

27. Yes, as per above.

**ALIGNMENT WITH STRATEGIES**

28. Removing and replacing the trees would be consistent with the following strategies:
- (a) Christchurch City Council Biodiversity Strategy
  - (b) Christchurch Urban Design Vision
  - (c) Garden City Image as per the City Plan.
29. 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?**

30. Yes, as per clause 28 above.

**CONSULTATION FULFILMENT**

31. In January 2010 a letter and a feedback form was delivered to eight properties neighbouring 50 Crofton Road, providing an opportunity for the community to indicate their preference along with any additional comments or feedback.
32. The consultation period was open from 26 January to 12 February 2010, submissions received until 17 February 2010 were also accepted and were included in the consultation document. The Consultation document has been circulated separately to the Board members.
33. The consultation resulted in eight responses (a 100 percent response rate) and community feedback was strongly in favour of the removal of both trees with one submitter also indicating they had mixed views:
- (a) Six submitters (75 percent) responded "I support the removal of both Silver Birch trees".
  - (b) One submitter (12.5 percent) responded "I support the removal of only the large tree".
  - (c) Two submitters (25 percent) responded that they had "Mixed views/some concerns".
  - (d) There were no submitters who responded "I do not support the removal of the trees".
34. The submitter who indicated only the large tree also had mixed views and empathised with the resident however she also raised the question as to the pollen from the other nearby silver birches and what difference it would make to the resident.
35. One submitter indicated that if the trees were removed they would prefer to see them replaced with a smaller tree.
34. The resident at 1-50 Crofton Road has offered to pay for a small replacement tree if both the silver birch trees are removed.
35. All respondents have been sent a final letter advising them of the results of the consultation, a copy of the comments received from this consultation process together with staff comments and information that the Board report would be presented for their approval.
36. Details of the Fendalton/Waimairi Works, Traffic and Environment Committee meeting (date, time and venue) were provided to enable residents to make a deputation to the Board prior to a decision being made.

### **Arboricultural Assessment**

37. Both trees are in a healthy condition and show no signs of immediate failure which would warrant their removal for tree health and safety concerns. Silver birch trees are known to be a strong structural tree with good branch attachments. This has resulted in low silver birch tree failure rates in Christchurch City.
38. Staff carried out an inspection for damage to the footpath and kerb and channel. At present there is no significant damage to infrastructure that would warrant the removal of either trees or the programming of future work.
39. The two trees are to the north-west of the property at number 1-50 Crofton Road. Typically shading issues arise when trees are to the north of a particular property as the sun rises in the east, moves to the north and sets to the west. Silver birch trees 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.

### **STAFF RECOMMENDATION**

It is recommended that the Fendalton/Waimairi Works, Traffic and Environment Committee recommends to the Board:

- (a) That the request to remove either of the two silver birch trees outside number 1-50 Crofton Road be declined; and
- (b) That the trees continue to be maintained to internationally recognised and accepted arboricultural practices, standards and procedures.

## BACKGROUND

40. The first recorded contact with Mr and Mrs Goodall was on 29 May 2002. Mr Goodall requested that the two trees be removed. The trees were not removed owing to no tree health and safety concerns at the time.
41. A second request to the Council was received on 30 May 2007 from Mr Goodall, advising that the footpath was beginning to crack possibly due to Council owned tree roots. The trees were inspected by the Council's tree contractor City Care Limited. City Care Limited commented on the customer services record saying that there are several slight cracks in the pavement radiating from the base of the tree. There was damage to the asphalt in the private drive but it is inconclusive as to whether this was caused by the street tree or the neighbour's shrubs.
42. The next recorded contact was in a letter from Mrs Goodall to the Fendalton/Waimairi Community Board Chairperson dated 27 July 2009 (refer **attachment 2**).
43. The Council records show that the Silver Birch trees outside number 1-50 Crofton Road, were planted in 1972.
44. Consultation has resulted in requests to remove all of the silver birches in Crofton Road as well as those in the reserve next to 47 Crofton Road and opposite 1-50 Crofton Road.
45. There are a further six silver birches in the reserve plus some other species that have similar or higher allergen ratings to that of silver birch.
46. 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.
47. The advice from the District Health Board 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.
48. 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).
49. There are 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.