

11. REMOVAL REQUEST FOR TWO STREET TREES - 264 MAIREHAU ROAD

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager Transport and Greenspace
Author:	Martin Gohns, Arborist

PURPOSE OF REPORT

1. The purpose of this report is to obtain a decision from the Board on the future of two silver birch trees located on the Chartwell Street berm of number 264 Mairehau Road.

EXECUTIVE SUMMARY

2. The residents at 264 Mairehau Road have contacted the Council by letter in July and August 2007 requesting the removal of two silver birch trees. The trees are situated in the berm adjacent to the west boundary of their property on Chartwell Street.

In 2007 they requested that the two trees be removed because they were causing health problems and enclosed a medical certificate to this effect. Subsequent to this, staff replied declining the request to remove the trees, advising that the Council's direction is that silver birches are not to be removed for perceived health associations.

The Council has received a further letter dated 16 April 2010 stating that one of the applicants still suffers allergic reactions to the trees and suffered a heart attack in March 2010.

3. In addition to the letter of 16 April 2010, the Council has received a letter from the Queen Elizabeth II Medical Centre dated 2 August 2010. The medical practitioner confirms the time of the heart attack and states that the person concerned continues to suffer ill effects from the trees and that they (the medical practitioner) fear the impact of another season of allergic symptoms.

The medical practitioner's letter mentions that the person concerned is affected by the birch trees but has not provided any medical evidence to confirm that their allergic reactions are solely related to the trees, nor have they provided any factual evidence as to the extent of impact the trees will have on their future health, should the trees remain.

4. The residents at 264 Mairehau Road have stated they are willing to pay for the cost of the removal and replacement of the trees in a letter dated 16 April 2010.
5. An arboricultural assessment of the trees completed by City Care on 9 August 2007 showed that the trees were reasonably healthy with no health and safety issues that would require removal.

There is scope for replacement planting in this location, however this will mean a change in species to reflect the restricted site conditions.

6. For the reasons given in paragraphs 6, 8 and 39 to 42, staff recommend that the request to remove the trees, be declined.

FINANCIAL IMPLICATIONS

7. The cost to remove and replace the two trees with PB95 grade trees is estimated at \$4,472 (including the cost of watering and mulching the trees over the first three years) which equates to 14 per cent of the value of the asset. A quoted price will be obtained should the Burwood/Pegasus Community Board pass a resolution to remove and replace the trees at the applicant's cost.
8. The STEM evaluation including the nuisance factor, is 108 for each tree.
9. The STEM evaluation without the nuisance factor, is 120 for each tree.

10. The STEM valuation including the nuisance factor, is \$14,400 per tree.
11. The STEM valuation without the nuisance factor is \$15,800 per tree.
 - (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?

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

LEGAL CONSIDERATIONS

13. 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”.
14. 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.
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. These trees 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.

18. 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.
19. 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.
20. 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.

21. 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

22. 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.
23. An application to prune or remove the tree may be made to the District Court under the Property Law Amendment Act 1975.
24. The District Court can order the pruning or removal of a tree under the Property Law Amendment Act 1975.
25. 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?

26. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

27. 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.
28. Retention of the trees is consistent with the Activity Management Plan provided the trees are structurally sound and healthy.
29. 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 2009-19 LTCCP?

30. Yes, as above.

ALIGNMENT WITH STRATEGIES

31. Removing and replacing the trees would be consistent with the following strategies:

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

32. 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?

33. Yes, as above.

CONSULTATION FULFILMENT

34. There has been no consultation undertaken. Should approval to remove the trees be forthcoming, residents will be advised two weeks prior to the removal of the tree.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board consider adopting the following resolution:

- (a) To decline the request to remove the silver birch trees from the Chartwell Street berm of 264 Mairehau Road noting that there is no medical evidence to confirm that the applicant's allergic reactions are solely related to the trees, nor any evidence as to the extent of impact the trees will have on the applicant's future health, along with the advice from the Canterbury District Health Board (paragraph 39), the presence of other allergens in the atmosphere at the same time as silver birch (paragraph 40) and the Council's direction to staff (paragraph 42); and
- (b) To continue to maintain the trees to internationally recognised and accepted arboricultural practices, standards and procedures.

BACKGROUND

35. The residents at 264 Mairehau Road contacted the Council by letter in July and August 2007 requesting the removal of two silver birch trees. The trees are situated in the berm adjacent to the west boundary of their property on Chartwell Street.

In 2007 they requested that the two trees be removed because they were causing health problems and enclosed a medical certificate to this effect. Subsequent to this, staff replied declining the request to remove the trees, advising that the Council's direction is that silver birches are not to be removed for perceived health associations.

The Council has received a further letter dated 16 April 2010 stating that one of the applicants still suffers allergic reactions to the trees and suffered a heart attack in March 2010.

36. In addition to the letter dated 16 April 2010, the Council has received a letter from the Queen Elizabeth II Medical Centre dated 2 August 2010. The medical practitioner confirms the time of the heart attack and states that the person concerned continues to suffer ill effects from the trees and that they (the medical practitioner) fear the impact of another season of allergic symptoms.

The medical practitioner's letter mentions that the person concerned is affected by the birch trees but has not provided any medical evidence to confirm that their allergic reactions are solely related to the trees, nor have they provided any factual evidence as to the extent of impact the trees will have on their future health, should the trees remain.

37. The trees were inspected and found to be in good health and average form. Minor damage was noted to the footpath in proximity to the trees which is likely to have been caused by tree roots. Both trees were clear of the carriageway and footpath and were within Christchurch City Council specification for street trees.
38. The trees were re inspected by Council Arborists on 2 August 2010 and no deterioration in condition was noted with any visible defects present or health and safety issues that would require remedial works or removal.
39. In regard to removing silver birches and the affect it would have on the issue, the Canterbury District Health Board (DHB) 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 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".

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.

40. 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.

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).

41. 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.

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

Options

43. (a) Decline the request to remove the silver birch trees from the Chartwell Street berm of 264 Mairehau Road noting that there is no medical evidence to confirm that the applicant's allergic reactions are solely related to the trees, nor any evidence as to the extent of impact the trees will have on the applicant's future health, along with the advice from the District Health Board (paragraph 39), the presence of other allergens in the atmosphere at the same time as silver birch (paragraph 40) and the Council's direction to staff (paragraph 42); and

(b) Continue to maintain the trees to internationally recognised and accepted arboricultural practices, standards and procedures.

44. Remove the two silver birch trees and replace with another species. Actual costs to remove and replace the trees are to be borne by the applicant. Estimated cost to remove and replace the trees is \$4,472. A quoted price will be obtained should the Burwood/Pegasus Community Board pass a resolution to remove and replace the trees at the applicants' cost. All work is to be carried out by the Council's approved tree contractor.