

12. 254 MEMORIAL AVENUE - PARK TREE REMOVAL

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Transport and Greenspace Manager
Author:	Shane Moohan, City Arborist, Transport and Greenspace

PURPOSE OF REPORT

1. The purpose of this report is to recommend to the Board that the two pin oak trees in the reserve bordering the property at 254 Memorial Avenue be removed and replaced.

EXECUTIVE SUMMARY

2. On 16 July 2010 correspondence (**Attachment 2**) was received from Mr and Mrs G Denijs regarding their concerns about trees outside their property in Memorial Avenue.

Their concerns are:

- (a) little choice in species at the time of planting – oaks or birches;
 - (b) would prefer smaller growing shrubs that they can control;
 - (c) leaves messy both inside and outside the property;
 - (e) trees blowing over in high winds;
 - (f) they have no roof as their house is a dome;
 - (g) trees have grown large.
3. The trees are situated in a small unfenced reserve between the applicants' property and Memorial Avenue and therefore are not protected through the Special Purpose (Road) Zone section of the Christchurch City Plan (**Attachment 1**).
 4. Following staff advice and discussion, the Board decided "that a report be submitted regarding the trees outside Mr and Mrs Denijs' property, taking into account the health and safety issues of the trees in question, to the September Board meeting".
 5. An arboricultural assessment shows –
 - (a) Both trees appear reasonably healthy (can be deceptive without leaves on) however both trees have faulty branch unions which, while not considered an immediate risk will, as the trees grow and the branches become heavier, become points where the trees could shed limbs.
 - (b) There is no evidence to suggest that either tree is likely to fall over.
 6. For the reasons given in 5(a) staff recommend that the trees be removed and replaced with two *Fagus sylvatica* 'Dawyck Purpurea'.

FINANCIAL IMPLICATIONS

7. The cost to remove and replace the trees with 2 PB95 grade trees is estimated at \$3,700 (including the cost of watering and mulching the tree over the first 3 years).
8. The STEM evaluation including the nuisance factor is 111 for each tree
9. The STEM evaluation without the nuisance factor is 117 for each tree
10. The STEM valuation including the nuisance factor is \$14,800 per tree
11. The STEM valuation without the nuisance factor is 15,400 per tree

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

12. Yes.

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 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 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

18. To promote amenity values in the urban area by maintaining and enhancing the tree cover present in the City.
 - (a) 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.
 - (b) 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.
 - (c) 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

19. To recognise and promote the "Garden City" identity, heritage and character of Christchurch.
 - (a) 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:
 - (i) Tree-lined Streets and avenues;
 - (ii) Parks and developed areas of open space.

14.3.2 Policy: "Garden City" image identity

20. 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

21. 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.
22. An application to prune or remove the tree may be made to the District Court under The Property Law Amendment Act 1975.
23. The District Court can order the pruning or removal of a tree under the Property Law Amendment Act 1975.
24. 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?

25. Yes, as per above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

26. 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.
27. Retention of the tree is consistent with the Activity Management Plan provided the tree is structurally sound and healthy.
28. 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?

29. Yes, as above.

ALIGNMENT WITH STRATEGIES

30. Removing and replacing the tree would be consistent with the following strategies:
 - (a) Christchurch City Biodiversity Strategy.
 - (b) Christchurch Urban Design Vision.
 - (c) Garden City Image as per the City Plan.
31. 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?

32. Yes, as above.

CONSULTATION FULFILMENT

33. No consultation has been undertaken at this point in time. Consultation will be undertaken two weeks prior to the trees' removal.

BACKGROUND

34. The two trees were planted by the Waimairi District Council in 1975.
35. The vegetative theme along Memorial Avenue is red to symbolise the blood of fallen soldiers. The trees concerned are pin oaks which have red leaves in Autumn and therefore are consistent with this theme.
36. There are eight small reserves between the road and private properties along this section of Memorial Avenue with seven of these having trees planted in them. Species include silver birch, pin oak and scarlet oak.
37. In response to resident concerns staff advise:
- (a) Little choice in species at the time of planting – oaks or birches

As the trees were planted in 1975 by the Waimairi District Council staff are unable to confirm this.
 - (b) Would prefer smaller growing shrubs that they can control:

There is no funding available in the LTCCP for new Street gardens. Memorial Avenue is a wide road and a main entrance into the City. To create a boulevard effect Council needs to plant large or tall growing trees.
 - (c) Leaves messy both inside and outside the property:

Every tree or shrub sheds leaves, flowers etc. It is a normal part of nature's life cycle. Irrespective of whether or not trees are evergreen or deciduous Council has discussions with residents about leaf fall. Memorial Avenue is a wide road and a main entrance into the City. To create a boulevard effect Council needs to plant large or tall growing trees.
 - (d) Trees blowing over in high winds:

An inspection of the trees shows that they are showing no signs which would indicate that they are likely to blow over.
 - (e) Trees have grown large:

These trees are currently considered as medium sized but can be reasonably expected to grow 1.5 – 2 times their current height.
38. To retain the theme of blood and fallen soldiers it is recommended that the replacement species be *Fagus sylvatica* 'Dawyck Purpurea':

These are deciduous columnar trees with red foliage and will not encroach over the residents' boundary and will require very little maintenance. They are slow growing trees which, at this site, can be expected to reach a height of 20 metres over a period of 70 – 80 years. As they grow in height they will have the visual effect of columns of blood and are therefore consistent with the Memorial Avenue theme.

OPTIONS

39. Decline the request to remove the two pin oaks and continue to maintain them to internationally recognised and accepted arboricultural practices, standards and procedures.
40. Remove and replace the two pin oaks and replace them with two *Fagus sylvatica* 'Dawyck Purpurea'.

STAFF RECOMMENDATION

It is recommended that the Fendalton/Waimairi Community Board –

- (a) Approve the removal and replacement of the two pin oak trees from the reserve adjacent to 254 Memorial Drive; and
- (b) That two replacement trees be planted; and
- (c) Replacement species is *Fagus sylvatica* 'Dawyck Purpurea' to be consistent with the Memorial Avenue theme of blood and fallen soldiers.