

3. STREET TREE REMOVAL – 97 TOTARA STREET

General Manager responsible:	General Manager City Environment
Officer responsible:	Michael Aitken, Greenspace Unit Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek approval for the removal of a street tree situated on the grass berm outside number 97 Totara Street, for the purposes of constructing a new vehicle access to a new dwelling. The report also contains a recommendation seeking compensation for the removal of the tree.

EXECUTIVE SUMMARY

2. Resource and Building consents have been granted for the construction of two new dwellings at 97 Totara Street. Information supplied by the applicant under Section 2 of the Councils BA 3 application form indicated that there were no issues in relation to street trees at the time of lodging the consent. Subsequently, approval is now sought to remove the tree to allow the construction of the driveway access.
3. The applicant has already commenced construction and formation of a vehicle entrance across the berm very close to an existing *Fraxinus excelsior* (Common Ash) street tree.
4. The property owner has lodged a Resource Consent Application to remove existing tree. See additional information under the heading "Legal and Financial Considerations".
5. The tree has some pre-existing signs of stress and displays a general lack of vigour. In addition to this there are a number of cavities and areas of decay in many of the main branches of the tree. These cavities are primarily a result of severe pruning practices earlier in the trees life.
6. "Topping" trees was once common practice. Today this type of radical pruning is only used in very limited or unique situations. It is no longer accepted as "best practice" or carried out as a standard arboricultural pruning technique due to the long term detrimental impact on a tree.
7. This particular tree is not be the best example of this species by any stretch of the imagination. The vast majority of Ash trees in Totara Street are displaying the detrimental results of the earlier pruning regime to varying degrees. However, this particular tree is not significantly different to any of the others in the street and on that basis, those factors alone would not have justified or necessitated the removal of this tree. Failing any major events (storms, vehicle damage etc), the future life expectancy of twenty plus years would not have been unreasonable for this particular tree.
8. Prior to the development, the tree was situated in a grass berm that had sealed areas on three sides. An existing driveway to number 99 Totara Street comes to within approximately 500 millimetres of the trunk. The presence of the existing driveway is likely to be a significant factor relating to the tree's current appearance of being under stress and in decline. Driveway construction would have destroyed or compromised many of the tree's feeding roots and potentially some structural and anchorage roots within that part of the tree's root zone.
9. Given the tree's current condition, any further loss or damage to the tree's root system would be irreversible, from which the tree could not survive. The applicant has already commenced construction of their vehicle entrance. The associated earthworks have removed most of the remaining feeder roots and some significant structural and anchorage roots.
10. Staff from the Greenspace Unit have assessed and inspected the tree following the latest work. Our immediate concerns related to the anchorage and stability of the tree. External mechanical force demonstrated an unacceptable level of movement in and around the area of the tree's root system. The stability of this tree is now unpredictable.

11. While staff believe there is no “immediate” danger of the tree falling over at this stage, the situation is not static. As the tree comes into leaf the situation will deteriorate and the risk of failure will increase significantly over time. If left, the tree will eventually fail. Many factors influence how long it will take for this to occur and it can be difficult to predict with any degree of accuracy. Severe weather events can have a significant influence on this.
12. The tree will not survive this latest work and there is no option other than to remove the tree. Any deterioration or change in the current situation will require staff to act immediately to meet the Council’s Health and Safety obligations and responsibilities.

FINANCIAL AND LEGAL CONSIDERATIONS

13. The tree is protected under the City Plan, Special Purpose Road zone rules. The rule requires resource consent for pruning or removal only. At the time of seeking building consent and resource consent, the developer did not indicate the presence of the street tree or any proposal to prune or remove the tree. With the construction of the driveway, it is now apparent that this work is likely to undermine the health and stability of the tree. This in itself does not require resource consent because the driveway is not pruning or removing the tree, although eventually removal will be the end result. Now that the tree is proposed to be removed, resource consent is required to be obtained but given the state of the tree it is difficult to justify its retention.
14. This particular case does highlight a problem in the building /resource consent process in that the position of street trees, including those protected under the City Plan Special Purpose (Road) Zone rules, are not always 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 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.
15. The whole process is, however, currently being investigated by the Units concerned with a view to establishing a procedure that ensures that 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. At this early stage, 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. If this is not possible for some reason, any proposal to remove a street tree will still be subject to Council approval along with any conditions under the appropriate delegation.
16. Costs in relation to the tree removal and replacement planting will be the responsibility of applicants as part of the new vehicle crossing construction. The loss of this particular tree may have been avoidable had the Council been given correct and accurate information at the time of lodging the consent. There is also an issue of environmental compensation to recognise the loss of the street tree that needs to be considered.
17. One of these conditions is proposed to be monetary compensation for the loss of a tree. A valuation system has now been devised to determine the amount of compensation to be paid for the loss of a Council tree and is intended to be applied henceforth. The Greenspace Arborist has recently completed an evaluation of this particular tree to assess its value, and this is contained in Attachment 1.
18. Part 1 Sections 16.3 and 16.4 of the Christchurch City Council Civil Engineering Construction Standard Specifications contains stringent specifications for ground works in the vicinity of street trees, whether protected or not, and if adhered to, should provide sufficient protection for all affected trees.
19. Irrespective of the proposed procedures above, any protected street tree can only be removed by a successful application under the Resource Management Act.

OPTIONS

20. There is no safe option other than to remove this tree.

STAFF RECOMMENDATIONS

- (a) That the Riccarton Wigram Community Board approve the removal of the Fraxinus excelsior outside number 97 Totara Street and that the applicant be responsible for all costs.
- (b) That the Riccarton Wigram Community Board request the Environmental Services Manager to establish procedures that will identify future potential conflicts between street trees and new vehicle entrances at the point when a Building Consent or Resource Consent is lodged.
- (c) That the applicant be charged \$1686.78 as detailed in Attachment 1, in recognition of environmental compensation for damage and removal of the existing tree which includes the cost of a replacement tree.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted, and that (in relation to recommendation (b)), the Environment Services Manager advise the Board of the new procedures, and when they will become operative.