

## 9. 201 MAIDSTONE ROAD - REDUCTION IN FEES FOR TREE REPLACEMENT

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

### PURPOSE OF REPORT

1. The purpose of this report is to obtain a decision on the reduction of fees incurred by the Council in replacing the Silver Birch tree located on the corner of Colina Street and Maidstone Road.

### EXECUTIVE SUMMARY

2. On 1 June 2010 the Riccarton/Wigram Community Board considered a report seeking approval for the potential removal of a Silver Birch street tree located outside the property at 201 Maidstone Road, on the corner of Colina Street and Maidstone Road in Avonhead.
3. The Board resolved to agree to the removal and replacement of the Silver Birch street tree at the property owner's cost. The replacement of the street tree is to be a PB95 grade tree and the work is to be completed by the Council's approved contractor.
4. The property owner has since approached the Transport and Greenspace Unit Manager and requested a reduction in charges on the following grounds:
  - (a) The Silver Birch was planted to replace a cherry tree that was damaged in a motor vehicle accident many years ago. At that time there was no consultation undertaken by the Council with him regarding replacement, therefore he had no input into either the species or as to whether or not a replacement tree would be planted.
  - (b) The property owner felt that consultation undertaken with residents over the current tree did not reflect the health issues associated with the tree.
  - (c) He would prefer no tree be planted to replace the existing Silver Birch.
5. Staff have obtained a cheaper rate to remove the tree and stump thereby reducing the overall cost to replace the tree (the original agreed cost was \$1,350, the revised cost is \$1,094). The property owner has verbally agreed to pay half of these costs ie agreed to pay \$547.
6. The property owner has been advised that the discretion to reduce the costs lies with the Riccarton/Wigram Community Board.

### FINANCIAL IMPLICATIONS

7. The quoted cost to remove and replace the tree with PB95 grade tree is \$1,094 (including the cost of establishment maintenance over the first three years). The property owner has agreed to pay half.

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

8. Yes.

### LEGAL CONSIDERATIONS

9. The Transport and 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".*

10. 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.*
11. 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.
12. An application to prune or remove the tree may be made to the District Court under The Property Law Amendment Act 1975.
13. The District Court can order the pruning or removal of a tree under the Property Law Amendment Act 1975.
14. 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?**

15. Yes, as per above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

16. Draft LTCCP 2009-19:  
Streets and Transport: Pg. 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.
17. Retention of the tree is consistent with the Activity Management Plan provided the tree is structurally sound and healthy.
18. 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?**

19. Yes, as per above.

**ALIGNMENT WITH STRATEGIES**

20. 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.
21. There is currently no policy for the pruning or removing of trees in public places. A draft Tree Policy is currently being developed.

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

22. Yes, as per above.

## CONSULTATION FULFILMENT

23. Since the Board resolution on 1 June 2010 no further consultation has been undertaken.

## STAFF RECOMMENDATION

It is recommended that Riccarton/Wigram Community Board:

- (a) Rescind the Riccarton/Wigram Community Board's resolution on 1 June 2010 (Clause 8 of the Board's minutes),

The Board resolved to agree to the removal and replacement of the Silver Birch street tree located outside the property at 201 Maidstone Road, on the corner of Colina Street and Maidstone Road at the resident's cost. The replacement of the street tree is to be a PB95 grade tree and the work is to be completed by the Council's approved contractor.

- (b) and replace with

That the Board agree to the removal and replacement of the Silver Birch street tree located outside the property at 201 Maidstone Road, on the corner of Colina Street and Maidstone Road at a cost to the property owner of \$547.00. The replacement of the street tree is to be a PB95 grade tree and the work is to be completed by the Council's approved contractor.

## BACKGROUND

24. The letter dated 19 February 2010 which was sent out to residents did not refer to health issues associated with the tree. This is an oversight as the reasons for requests to remove trees should, where appropriate, be included.

25. Results of consultation were:

<b>Birch Tree Removal</b>	<b>Number of Responses</b>	<b>Percentage</b>
<i>No – I do NOT support the removal of the Birch tree</i>	5	45%
<i>Yes – I do support the removal of the Birch tree</i>	6	55 %

While this figures indicate a small majority support the removal of the birch tree, the following issues were also identified:

- (a) Residents who did NOT support the removal of the tree were concerned that a tree could be removed when it is healthy and not posing a safety issue:  
"As the tree is in good health why remove it when so many residential trees and park trees have been removed of late"  
"I do not support the removal of any healthy tree"  
"I can't see that there's anything wrong with the tree, to warrant the trees removal"  
"We feel that if the tree is in good health and poses no immediate health and safety issues, then it shouldn't be removed"
- (b) Residents who did NOT support the removal of the tree liked the aesthetic value of this tree and others in the surrounding area:  
"The trees contribute to the aesthetics of the neighbourhood and we feel that the removal of the tree will not enhance the neighbourhood, but detract from it".  
"The continuous tree planting gives character to the street".

- (c) Residents who support the removal of this tree were concerned with the high number of birch trees in the area:  
 "There are too many Silver Birch trees in this street and neighbours property and the park in Colina Street".  
 "Please remove the same sort of tree on the corner of Highland and Colina".  
 "We have three Silver Birches on our boundary".
- (d) Residents who support the removal of this tree were also concerned with allergies from the birch tree:  
 "some people have health problems with them"  
 "Silver birch trees are renowned for causing allergy problems eg Asthma"  
 "My wife has always suffered from hay fever problems but this has now turned into a perpetual cough. This problem started last summer and she is now undergoing a series of tests at the Respiratory Department at the Christchurch Public Hospital".

## OPTIONS

- 26. (a) Decline the request for a reduction in fees to replace the tree from the Colina Street berm of the property situated at 201 Maidstone Road; and
- (b) Confirm the Riccarton/Wigram Community Board's resolution of 1 June 2010, namely –  
 The Board resolved to agree to the removal and replacement of the Silver Birch street tree located outside the property at 201 Maidstone Road, on the corner of Colina Street and Maidstone Road at the resident's cost. The replacement of the street tree is to be a PB95 grade tree and the work is to be completed by the Council's approved contractor.
- 27. (a) Rescind the Riccarton/Wigram Community Board's resolution on 1 June 2010, namely –  
 The Board resolved to agree to the removal and replacement of the Silver Birch street tree located outside the property at 201 Maidstone Road, on the corner of Colina Street and Maidstone Road at the resident's cost. The replacement of the street tree is to be a PB95 grade tree and the work is to be completed by the Council's approved contractor.
- (b) Pass a new resolution agreeing to charge the property owner half of the cost incurred by the Council to replace the tree of \$547.