

2. STREET TREE REMOVAL – 97 TOTARA STREET

On behalf of the Greenspace Unit, Rod Whearty (Parks and Waterways Area Advocate) was in attendance to present his report, in which he sought Board approval for the removal of a street tree situated on the grass berm outside no. 97 Totara Street, for the purposes of constructing a new vehicle access to a new dwelling.

The report also included a recommendation seeking compensation for the removal of the tree.

Other officers in attendance were:

- Geoff Stuart, Area Development Officer, Sockburn
- Weng Kei Chen, Asset Policy Engineer
- Walter Fielding-Cotterell, Arborist

BACKGROUND

From the extensive report:

- 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 Council's 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.
- 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.
- The property owner has lodged a resource consent application to remove existing tree.
- The tree has some pre-existing signs of stress and displays a general lack of vigour.
- This particular tree is not the best example. This particular tree is not significantly different to any of the others in the street. Those factors alone would not have justified or necessitated the removal of this tree.
- 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.
- 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 stability of this tree is now unpredictable.
- The tree will not survive this latest work and there is no option other than to remove the tree.
- The tree is protected under the City Plan, Special Purpose Road zone rules. The rule requires resource consent for pruning or removal only.
- 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.
- 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.
- 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.

- 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.
- 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.

The staff recommendations were:

- To seek the removal of the tree, and that the applicant be responsible for all costs, estimated at \$1,686.78.
- That the Environmental Services Manager establish procedures to mitigate such events from happening again.

A letter from the developer was read to the meeting.

BOARD CONSIDERATION

There was discussion on the current process and the need to address these situations in the future, the desirability of placing a penalty on applicants who have not provided the correct information in respect to berm trees, the legality and enforcement of any financial penalties.

It was then moved *“that this matter lie upon the table, for further consideration at the next meeting of the Board (Monday 14 November 2005)”*. On being put to the meeting the motion was declared **lost** on division no. 1, by three votes to four, the voting being as follows:

Against (4): Lesley Keast, Peter Laloli, Bob Shearing and Tony Sutcliffe.

For (3): Neville Bennett, Helen Broughton and Mike Mora

It was then moved *“that the Board send a delegation, of three members, to meet with the General Manager Regulation and Democracy Services (Peter Mitchell) to ask for tighter procedures between the Greenspace Unit and Environmental Services Unit”*. On being put to the meeting the motion was declared **lost** on division no. 2, by three votes to four, the voting being as follows:

Against (4): Lesley Keast, Peter Laloli, Bob Shearing and Tony Sutcliffe.

For (3): Neville Bennett, Helen Broughton and Mike Mora

The Board **resolved**:

- (a) To approve the removal of the fraxinus excelsior outside no. 97 Totara Street and that the applicant be responsible for all costs.
- (b) To request the Environmental Services Manager to establish procedures that will identify future potential conflicts between street trees and new vehicles entrances at the point when a building consent or resource consent is lodged. Also, that the Board be advised of the new procedures, and when they will become operative.
- (c) That the applicant be charged \$1,686.78 (as detailed in Attachment 1 to the report) in recognition of environmental compensation for damage and removal of the existing tree, which includes the cost of a replacement tree.

These resolutions were **carried**, on division no. 3, the by four votes to three, the voting being as follows:

For (4): Lesley Keast, Peter Laloli, Bob Shearing and Tony Sutcliffe.

Against (3): Neville Bennett, Helen Broughton and Mike Mora