

9. BROWNLEE RESERVE CONCEPT PLAN

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PURPOSE OF REPORT

1. The purpose of this report is to seek Board approval of the amended concept plan for Brownlee Reserve (see attachment) including the felling of some trees as requested by a developer. Council approval is also sought to spend reserve contribution funds from the possible adjacent development on implementing the approved concept plan.

EXECUTIVE SUMMARY

2. At its meeting on 9 February 2005, the Board heard a deputation from Globe Holdings Ltd, regarding their proposed Clifton Heights residential development. Globe Holdings Ltd requested that 51 trees in a portion of the adjoining Brownlee Reserve be removed and replanted. They also offered to pay for the cost of the felling and replanting.

They believe the trees represent a potential threat to the proposed development for three main reasons - safety, shading and aesthetics and are prepared to meet the cost of the removal of the trees and the replanting of the area. The Board resolved to:

“wait for staff recommendations on the quality, removal and replanting of the trees and the community consultation process.”

3. As no current development concept plan exists for Brownlee Reserve, the Greenspace Unit prepared a plan for the whole reserve so the application could be considered as part of an overall plan.

The draft concept plan for Brownlee Reserve incorporating Globe Holdings Ltd's proposal was distributed to over 300 local households and stakeholders inviting feedback on the concept plan. 103 submissions were received. The draft concept plan, the application and submissions received have been assessed by the Council's Landscape Design Leader, City Arborist, a Port Hills Ranger, (a experienced local ornithologist) and the Senior Parks & Waterways Planner.

4. Three options relating to the proposed tree removal and replanting of Brownlee Reserve were identified and are assessed. These are as follows:
 - (a) Decline the application, with minimum pruning for safety of users and adjoining residents to Brownlee Reserve, as required.
 - (b) Limit tree removal proposed in the application to a maximum of 30m (falling distance) from the boundary of Brownlee Reserve.
 - (c) Allow removal of trees as shown on the Brownlee Reserve concept plan, incorporating immediate and potential health and safety risks of reserve users and adjoining residents and replanting with more sustainable native plants (the preferred option).
5. Having assessed all the options, it is recommended that option (c) allow removal of trees as shown on the concept plan for Brownlee Reserve. This would reduce the scale and cost of a large scale felling and replanting programme in the future, when the whole stand of similar aged pine trees in Brownlee Reserve begin to die and need to be felled as a large group.

The majority of submissions received supported some pine tree removal and native replanting and further enhancements on Brownlee Reserve. Tree felling and replacement is not supported normally by the Greenspace Unit unless an immediate hazard or nuisance exists. This situation is relatively unique in that the planting is an even aged monoculture and the opportunity to establish some more sustainable planting is supported.

If the subdivision proceeds, the developer will fund the tree removal and replanting proposed on their boundary. In addition reserve contribution funds from the development could be used to fund the other reserve enhancements identified on the concept plan.

If the residential development does not proceed the plan will be implemented as funds become available with tree management funded from operational funds.

FINANCIAL AND LEGAL CONSIDERATIONS

6. No funding has been allocated in the LTCCP for development works on Brownlee Reserve.
7. The pine tree removal and replanting proposed in the Brownlee Reserve concept plan would be funded by Globe Holdings Ltd only if the proposed residential at 116-118 Clifton Terrace proceeds. The estimated cost of the proposed works to Globe Holdings, as supplied by their landscape architects is \$98, 000.

In addition, the development is required to pay a reserve contribution (yet to be calculated) relating to the subdivision of the site. Additional works (outside of the application area) proposed in the Brownlee Reserve concept plan could be funded from this source if approved by the Council.

STAFF RECOMMENDATIONS

It is recommended that the Board:

1. Approve the attached development concept plan for Brownlee Reserve.
2. Approve Globe Holdings Ltd application to remove trees from their boundaries and associated native replanting as generally shown in the development concept plan for Brownlee Reserve subject to on site approval of the City Arborist and Design Leader (landscape). All costs to be met by the applicant.

It is recommended that the Council:

3. Approve the expenditure of reserve contribution funds from the development of 116-118 Clifton Terrace on implementing the Brownlee Reserve Development Concept Plan, subject to on site approval of the City Arborist and Design Leader (landscape).

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND ON BROWNLEE RESERVE CONCEPT PLAN

8. Globe Holdings Ltd requested approval from the Board to remove 51 trees on Brownlee Reserve as they believe the trees represent a potential threat to their proposed development on adjoining land at 116-118 Clifton Terrace. They site three main reasons – safety, shading and aesthetics and are prepared to meet the cost of the removal of the trees and the replanting of the area.
9. There is no current concept plan for Brownlee Reserve. It is zoned Open Space 1 in the City Plan and is mainly used by walkers and dog walkers with some informal and play opportunities.
10. The Christchurch City Council Parks Code of Practice 1993 comments on tree nuisances that “all proposals for tree planting on reserves shall take into account the provisions available to adjoining property owners under the common law of nuisance (trees actually encroaching/trespassing over neighbouring land) and Section 129C of the Property Law Amendment Act 1977.” “The Court shall not make an order under this section unless it is satisfied (a) that the tree or structure is causing or is likely to cause loss of or injury or damage to the applicant’s life or health or property, or the life or health of any other person residing with the applicant or (b) that the tree or structure is obstructing any view that an occupier of the applicant’s land would otherwise be able to enjoy, or is otherwise causing injury or loss to the applicant by diminishing the value of the property or reducing the enjoyment of it for residential purposes.” But also the Court “shall have regard to the following matters:
 - (a) The interests of the public in the maintenance of an aesthetically pleasing environment;
 - (b) The desirability of protecting public reserves containing trees;
 - (c) The value of the tree as a public amenity;
 - (d) The historical, cultural, or scientific significance (if any) of the tree;
 - (e) The likely effect (if any) of the removal or trimming of the tree on ground stability, the water table, or run-off.”

Therefore although the Christchurch City Council Parks Code of Practice 1993 does not comment on tree removal of existing trees directly, it does state that when assessing proposals for tree planting on reserves “*Account shall also be taken of possible impacts on adjoining properties arising from shading, loss of views, damage from wind blow debris, and damage to underground and/or overhead services.*”

11. Tree Considerations

The trees on the reserve and those affected by the Globe Holdings’ proposal consist of Monterey Pine (*Pinus radiata*) and several gum species mainly Tasmanian Blue Gum (*Eucalyptus globulus*) Mountain Ash (*E. regnans*) and *Eucalyptus leucoxydon*.

The Pines are estimated to be about 45 years old and have achieved quite good growth in the exposed conditions, many being about 30 metres in height. At an age of 45 years the pines have reached maturity as can be seen by the reduced growth of the leading shoots and the broadening of their crowns. From a public amenity tree viewpoint however, the pines are not in the over-mature category where the frequency of branch failure and wind-throw dictates that they have reached the stage where they all need to be removed in the interests of public safety or because they no longer make an attractive contribution to the landscape values of the reserve. There are however some pines that do need to be removed because they are malformed, suffering from die-back or have structural defects.

With regard to safety, irrespective of their condition, in extreme climatic events pines and other conifers on the hill reserves (and elsewhere in the city) have proved vulnerable to storm damage and wind throw. For this reason, over the past decade the Council has budgeted for and progressively removed pines and other trees growing along boundaries that were considered at risk of falling on to neighbouring land. The felled areas have been replanted with more suitable trees from a safety and sustainable environmental point of view. The pines removed in the triangle of land across the road from the park some years ago, which was followed by replanting, is an example of the work the Council has previously carried out in this respect. The proposal from Globe Holdings is therefore similar to what the Council has been doing elsewhere, except in this case, the applicant has offered to bear the full cost of the proposed work.

The problem of the reserve trees shading the development was another of the reasons cited by Globe Holdings for wanting the trees removed. The trees involved are mostly situated on the northern aspect of the site and being evergreen will have a high shading effect on the property. In mid winter when the sun only rises to an angle of 24 degrees at noon, shading of the site will start from about mid morning and remain for the rest of the day.

The removal of the amount of trees requested by the applicant will reduce the wind sheltering effect for the reserve user and the existing properties adjacent to the reserve. Remaining trees will also receive increased wind forces, particularly from the south west, making them more vulnerable to breakage or wind-throw until they have time to adapt to the changed conditions. Trees near Panorama Road properties adjacent to the north boundary of the reserve need to be considered in this respect.

The gums are smaller trees than the pines and from the extent of die-back and branch breakage, the site conditions have obviously not been favourable for their growth or health. They have not thrived on this site and it is reasonable to assume that their condition is unlikely to improve. There are a few gums that were not identified but given that the plantings on the reserve were not intended to be a botanical collection, they were probably obtained as bulk grown nursery stock and are therefore not of any particular rarity value.

Although retaining the trees around the proposed development site would screen the development to some degree, with the foliage on the trees generally being above park users' angle of vision, the proposed development would still be quite visible from anywhere in its vicinity.

Some residents have raised questions as to fire risk on the reserve particularly with regard to the gums. In the particular conditions that exist on the reserve, the risk of crown fires occurring in the larger trees is extremely small. For crown fires to take hold requires a good deal of combustible material to be present on the ground. Grass fires occurring naturally pass through quite quickly with relatively little heat radiated, leaving taller trees like gums growing in natural situations, mostly unscathed. Frequent fires in grass or shallow forest litter keep the combustible material at a low level and it is often in areas where there has been human intervention in preventing such fires, that the material on the ground has built up and provided sufficient fuel and heat to cause and sustain major crown fires. Therefore although grass and minor tree litter fires could occur, the conditions on Brownlee Reserve are not such that highly dangerous, uncontrollable crown fires are likely to take place.

Replacement planting is proposed to consist mainly of native plants with a few deciduous exotic trees (Ash). Native deciduous plants such as Ribbonwood or Lacebarks could be used instead of Ash if the residents so desired.

Planting a wider range of species in the park would also ensure that infection by serious, host specific diseases known to affect pines and gums, that have entered the country from time to time, would never result in large scale tree losses and amenity values on the reserve.

In addition to the obvious benefits for the future occupiers of the land to be developed, the proposal before the Board would enable a start to be made in renewing the plantings and redesigning the landscape of the reserve, work that can be continued progressively over the years. This will ensure that the reserve will not be devastated by massed felling or an extreme climatic events at any future point in time. There would always be well established multi aged trees and other vegetation present on the reserve as replacements for any trees that need to be removed.

12. **Landscape Considerations**

Brownlee Reserve is an important open space on the Clifton Hill ridgeline it is a prominent feature of the lower Port Hills and for the immediate area particularly from Sumner.

The existing pine trees contribute to the reserves prominence through their size and dark foliage. The pine trees also define some interesting spaces and character within the reserve.

Removal of some of the pines along the south eastern boundary would have an impact, however, most of these trees are below the ridgeline on lower slopes except for a small cluster at the top of the reserve.

The views from the reserve are impressive especially towards the Kaikoura's and Sumner head, unfortunately most of these are no longer visible from the Reserve or walking tracks. Removing some of the trees at the top of the reserve and on the northern face would significantly improve views from the Reserve towards the north and east. New seating and some track realignment would then take full advantage of the new vistas.

Any replacement trees should be positioned to help reinforce open spaces between the tree groupings and to maintain the spatial qualities of the reserve. A wider variety of tree species used would also add interest.

Over the years native plantings have become more dominant in the area for both private and public plantings. The Council recently removed pines from a reserve on the corner of Panorama Road and Clifton Terrace and replaced them with native plants they are now growing well and having an impact.

Proposed native plantings on the lower steeper northern and eastern edges of the reserve would extend the native plantings up from the valley to the reserve. The plantings would also screen rough, difficult to maintain banks and provide a more pleasant margin to the reserve. It is recommended that the new plantings be supplied with a irrigation system that would see the plants through the establishment stages.

The native planting theme could then be expanded further into the Reserve as large clumps of plants on the western and southern boundaries, these plantings could be established over time as either under plantings to existing trees or replacement plants as some of the larger pines need to be removed.

The open space at the top of the reserve is well contained by large pine trees. This space should be retained and overtime additional tree species introduced to preserve the open space and provide some protection from the prevailing winds.

An existing small quarry has been put to good use as a play area however a lot more could be made of the natural rock outcrops and quarry faces to make it more interesting and unique feature of the reserve.

There are three entrances to the park all in different stages of repair and contribute little to its outward appearance. The northern and eastern entrances on Panorama Road and Clifton Terrace are pedestrian only and the combination of new native plantings and stone work would improve them hugely.

The western entrance on Panorama Road has vehicle access and provides a more gentle approach to the top of the reserve. This entrance should be developed as the main entrance with a possible map and interpretation board highlighting some of the history to the reserve and surroundings. Any themes established at the entrances would be carried through into the reserve to include seating and paths.

The reserve has had little attention over the years and a landscape development plan needs to be prepared for the reserve to ensure as much of its potential is taken advantage of and its development is done in a well managed way.

13. **Impact on Bird Life**

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14. **Public Consultation Response**

In response to this request, the proposal, a draft concept plan for Brownlee Reserve incorporating Globe Holdings Ltd's proposal was prepared and distributed to over 300 local households and stakeholders inviting feedback on the concept plan. 103 submissions were received as summarised below:

Removing Identified Pine Trees

Support	70 submissions
Don't support	20 submissions

Native replanting

Support	77 submissions
Don't support	16 submissions

Exotic Tree planting

Support	65 submissions
Don't support	26 submissions

Enhancing Brownlee Reserve

Support	81 submissions
Don't support	11 submissions

Some of the issues raised via written submissions were:

- The effect of tree removal on bird life
- The benefits of native planting, especially for birds
- Not wanting design for Brownlee Reserve to be developer driven – a holistic approach is required
- Proposal will maximise profits for developer at community expense
- That Brownlee Reserve is perfect as it is, including its ungroomed look, it provides a forest for walking in and its mature trees are nice to look at
- Support for improving "scruffy" look and regain views and sun
- Suggestions to limit tree felling to those that pose a risk only or prune, thin or top of trees instead
- Request for more tree removal, including gums which cause concern during high winds or because of a fire risk although some suggest that they are noteworthy
- Concern over the loss of wind protection value provided by pine trees
- Wanting trees or native plants to screen properties from reserve or proposed development
- Concerns with the consultation process, too short submission period, too simple feedback form, not posted on website
- Suggestions for maintenance, more open space, car parks, seats, play facilities and bike tracks

15. **OPTIONS**

From the information gathered through the technical assessments and community consultations three options relating to the proposed tree removal, replanting and general development of Brownlee Reserve were identified and are assessed. These are as follows:

- (a) Decline the application, with minimum pruning for safety of users and adjoining residents to Brownlee Reserve, as required.
- (b) Limit tree removal proposed in the application to a maximum of 30m (falling distance) from the boundary of Brownlee Reserve.
- (c) Allow removal of trees as shown on the Brownlee Reserve concept plan, incorporating immediate and potential health and safety risks of reserve users and adjoining residents and replanting with more sustainable native plants (the preferred option).

16. PREFERRED OPTION

Having assessed all the options it is recommended that option be approved: (c). Allow removal of trees as shown on the Brownlee Reserve concept plan, incorporating immediate and potential health and safety risks of reserve users and adjoining residents and replanting with more sustainable native plants (the preferred option).

This would reduce the scale and cost to Council of a large scale replanting programme in the future when the stand of similar aged pine trees in Brownlee Reserve begin to die and need to be felled as the developer would fund the identified tree removal and replanting. The majority of submissions received supported some pine tree removal and native replanting and further enhancements on Brownlee Reserve.

ASSESSMENT OF OPTIONS

The Preferred Option (C)

Allow removal of trees as shown on the Brownlee Reserve concept plan, incorporating immediate and potential health and safety risks of reserve users and adjoining residents and replanting with more sustainable native plants.

	Benefits (current and future)	Costs (current and future)
Social	Will reduce a health and safety risk posed by trees when they enter the rapid decline stage Reclaims views from Brownlee Reserve	Reduced amenity value and wind protection afforded by mature trees
Cultural	No benefits identified	No costs identified
Environmental	Allows room and funding for native plants to be planted and enhancing opportunities for bird life by planting food producing species	Loss of some large trees which provide habitat value for bird life (exotic) Removes wind protection provided by pine trees
Economic	Removal of trees, including those that will pose a health & safety risk in the future, and replanting at no cost to Council	Costs to Globe Holdings of \$98,000

Extent to which community outcomes are achieved:
 Primary alignment with community outcome: *“Our City’s natural resources, biodiversity, landscapes, and ecosystem integrity are protected and enhanced.”*
 Also contributes to *“Our City’s infrastructure and environment are managed effectively, are responsive to changing needs and focus on long-term sustainability”*

Impact on Council’s capacity and responsibilities:
 Would reduce the scale and cost to Council of a large scale replanting programme in the future when the stand of similar aged pine trees in Brownlee Reserve begin to die and need to be felled and replaced, as the developer would fund the identified tree removal and replanting.

Effects on Maori:
 No local Maori were identified as being affected by this proposal.

Consistency with existing Council policies:
 Consistent with the Environmental Policy and specifically: *“Open Spaces and Planting - The Council will manage and maintain the open spaces of the City in ways that enhance amenity, avoid adverse effects and minimise maintenance requirements”.*
 Consistent with the general policy on nuisance trees in the Christchurch City Council Parks Code of Practice

Views and preferences of persons affected or likely to have an interest:
 Not supported by the Clifton Neighbourhood Committee, was supported by approximately 70% of those households who returned submissions.

Other relevant matters:

Maintain The Status Quo

- (a) Decline the application, with minimum pruning for safety of users and adjoining residents to Brownlee Reserve, as required.

	Benefits (current and future)	Costs (current and future)
Social	Trees continue to provide amenity value and wind protection to reserve users and viewers	Trees will pose a health and safety risk in the future when they enter the rapid decline stage No views regained from Brownlee Reserve
Cultural	No benefits identified	No costs identified
Environmental	Some trees continue to provide habitat value to bird life	No space or funding for native plantings
Economic	No benefits identified	Will result in Council needed to budget for a large scale replanting programme in the future when the stand of similar aged pine trees in Brownlee Reserve begin to die and need to be felled and replaced

Extent to which community outcomes are achieved:

Primary alignment with community outcome *“Our people enjoy and value our natural environment and take responsibility for protecting and restoring it.”*

Impact on Council’s capacity and responsibilities:

Will result in Council needed to budget for a large scale replanting programme in the future when the stand of similar aged pine trees in Brownlee Reserve begin to die and need to be felled and replaced.

Effects on Maori:

No local Maori were identified as being affected by this proposal.

Consistency with existing Council policies:

Consistent with the Environmental Policy and specifically: *“Open Spaces and Planting - The Council will manage and maintain the open spaces of the City in ways that enhance amenity, avoid adverse effects and minimise maintenance requirements”.*

Views and preferences of persons affected or likely to have an interest:

Was supported by the Clifton Neighbourhood Committee and approximately 25% of those households who returned submissions.

Other relevant matters:

Option (b)

Limit tree removal proposed in the application to a maximum of 30m (falling distance) from the boundary of Brownlee Reserve.

	Benefits (current and future)	Costs (current and future)
Social	Trees that will pose a health & safety risk in the future could be removed will remaining trees continue to provide amenity value to reserve users and viewers	No views regained from Brownlee Reserve Removes wind protection provided by pine trees & puts remaining pine trees more at risk of wind throw May only occur over time as Council funding allows
Cultural	No benefits identified	No costs identified
Environmental	Provides some space for native replanting via a staged replacement programme	Loss of some trees which provide habitat value for bird life
Economic	If adjoining residential development proceeds with allow for the removal of trees those that will pose a health & safety risk in the future and replanting at no cost to Council	Developer may not proceed with residential developer or seek to not fund removal if less trees than requested are approved for removal, or staged, thereby generating less or no external funding for the tree removal or replanting.
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome: <i>“Our City’s natural resources, biodiversity, landscapes, and ecosystem integrity are protected and enhanced.”</i> Also contributes to <i>“Our City’s infrastructure and environment are managed effectively, are responsive to changing needs and focus on long-term sustainability”</i>.</p> <p>Impact on Council’s capacity and responsibilities: May have to be part of wholly funded by Council in stages through the LTCCP if agreement could not be reached with developer.</p> <p>Effects on Maori: No local Maori were identified as being affected by this proposal.</p> <p>Consistency with existing Council policies: Consistent with the Environmental Policy and specifically: <i>“Open Spaces and Planting - The Council will manage and maintain the open spaces of the City in ways that enhance amenity, avoid adverse effects and minimise maintenance requirements”</i>. Consistent with the general policy on nuisance trees in the Christchurch City Council Parks Code of Practice</p> <p>Views and preferences of persons affected or likely to have an interest: May be a basis for further consultation with stakeholders and local residents. Was not presented as an option on the feedback form, but many people made reference to supporting limited tree removal, pruning thinning etc.</p> <p>Other relevant matters:</p>		