

3. TREE REMOVAL REQUEST – WATERLOO NO. 2 RESERVE

General Manager responsible:	Jane Parfitt, General Manager City Environment DDI 941 8656
Officer responsible:	Michael Aitken, Manager Transport & Greenspace
Author:	Tony Armstrong

PURPOSE OF REPORT

1. The purpose of this report is to obtain a decision on the removal or retention of three (pine) trees situated in a Council-owned reserve. Photographs of the trees are **attached** for Committee members' information.

EXECUTIVE SUMMARY

2. Waterloo No. 2 Reserve is a local park situated in an industrial area between Waterloo Road, Halwyn Drive and Carmen Road.
3. In the north-west corner of the reserve there is a group of three pine trees situated adjacent to three neighbouring (industrial) properties. These trees are a remnant of shelterbelt planting from previous land use.
4. The Council has received a request from one of the owners of these sites to have the trees removed, due to problems experienced with fallen and windblown debris affecting the stormwater system of the building.
5. The trees have been assessed and the problem witnessed and discussed with the owner. The options regarding tree removal are outlined in this report and a recommendation given in order to obtain a decision.

FINANCIAL IMPLICATIONS

6. The cost to remove and replace the trees with pb95 grade trees is estimated at \$3,000.
7. The valuation for the trees using STEM (Standard Tree Evaluation Method) is: \$21,000.
8. STEM (A Standard Tree Evaluation Method) is the New Zealand national arboricultural industry standard for evaluating and valuing amenity trees by assessing their condition and contribution to amenity along with other distinguishable attributes such as stature and historic or scientific significance. STEM is used as a valuation tool by other Councils such as Auckland, Tauranga, Lower Hutt and Wellington.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

9. The recommendations align with the current LTCCP budgets as provision for removing and replacing trees no longer considered as appropriate species or in their current position, is provided for in the capital works park tree renewals budget.

LEGAL CONSIDERATIONS

10. 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."
11. While the Transport and Greenspace Manager has the delegation to remove the tree, 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.

12. A 'protected' tree can only be removed by a successful application under the Resource Management Act. The subject tree is not listed as protected under the provisions of the Christchurch City Plan.
13. Council has a responsibility under the Health and Safety in Employment Act 1992 to provide a healthy and safe environment. This extends to public spaces under its administration and ownership.
14. City Plan Volume 2 Section 14.3.2 Policy: "Garden City" Image Identity states:
"To acknowledge and promote the "Garden City" identity of the city by protecting, maintaining and extending planting which compliments this image."
15. An application to prune or remove the tree may be made to the District Court under The Property Law Amendment Act 1975.

Have you considered the legal implications of the issue under consideration?

16. Council has the legal right to approve or decline the application to remove the tree.
17. The District Court can order the pruning or removal of the tree under The Property Law Amendment Act 1975.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. Removing and replacing the trees without obtaining reimbursement from the applicant is inconsistent with the current LTCCP as funding has not been allocated in the Transport & Greenspace Unit tree maintenance budget for the removal of structurally sound and healthy trees.
19. Obtaining reimbursement from the applicant to remove and replace a structurally sound and healthy tree is consistent with the current LTCCP.
20. Funding is available in the Transport & Greenspace Unit Park Tree Capital Renewals budget for the removal and replacement of trees which are no longer appropriate species or no longer appropriate in their current position.
21. Retention of the trees is consistent with the Activity Management Plan provided the trees are structurally sound and healthy.
22. Removal and replacement of the trees is consistent with the Activity Management Plan.
23. Removing and not replacing the trees is not consistent with the Activity Management Plan.
24. There is no current management plan for the reserve.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

25. Removing and replacing the trees would support the Park Tree Renewals capital programme.

ALIGNMENT WITH STRATEGIES

26. Removing and replacing the tree would be consistent with the New Zealand Biodiversity Strategy.
27. There is currently no city-wide strategy for vegetation management.

28. There is currently no policy for the pruning or removing of trees in public spaces. A Draft Tree Policy is being worked on.
29. Removing and replacing the trees would be in keeping with the Garden City Image.
30. Removing and not replacing the trees would not be in keeping with the Garden City image.

CONSULTATION FULFILMENT

31. No formal consultation process has been entered into given the low significance of the issue to the wider community. The trees are situated in a relatively inaccessible reserve within an industrial zone. One of the neighbouring properties is vacant and recently has had many similar trees removed. The two directly affected persons/properties, being Mr Allpress and Graham Rule of Straitfreight Ltd, are requesting their removal.

STAFF RECOMMENDATION

It is the staff's opinion that the (three pine) trees be removed and replaced this winter planting season.

BACKGROUND (THE ISSUES)

32. In October 2006 Mr Peter Allpress, of Helepete Holdings Ltd, contacted Council via the Call Centre and logged a request to have three pine trees in the reserve adjacent to his property (at 106G Carmen Road) inspected with a view to having them removed.
33. In November the trees were inspected by City Care Ltd who advised that there were no apparent 'health and safety issues' that warranted their removal but noted previous pruning (to clear back branches from the building) and the need for further remedial pruning work.
34. In December, Mr Allpress acted on this advice and wrote to Council formally requesting the removal of the trees. In his letter he cites the reasons for removal being the effect on the stormwater system of his property and that of his neighbours (Straitfreight Ltd). He also notes the overhang of the canopy over his property and another property, being Versacold logistics (presently vacant).
35. The trees are a remnant of a shelterbelt from previous land use and are situated at the southern end of this line. The majority of the line were on the vacant site and have been felled, leaving only a few standing, along with these three now remaining in one group within the reserve.
36. Upon further inspection of the trees the remedial pruning option was offered as a solution to the problem but this was rejected and the request to remove them was re-confirmed.
37. The property has been inspected with the owner to witness the debris collecting in the guttering and downpipes of the building. It was apparent that debris, mostly pine needle with some small diameter twigs and cones, was deposited in gutters and along roof flashings. It is probable that this debris has been collecting since the building was completed within the last two years and, in my opinion, due to the amount of debris, has originated from the whole shelterbelt which has since been removed.
38. It was noted that there was no gutter guard or similar protection system installed and that the storm water system was 'closed' at ground level.
39. There was evidence of recent flood/leaking on internal walls of the building but no apparent damage to stored goods or infrastructure.
40. The owner has sought advice on a solution to remedy the problem but has concluded that removal of the trees is the only viable long term solution.
41. Originally Mr Allpress offered to contribute towards the removal and/or replacement planting of the trees but since has requested that Council reimburse him for the costs of clearing out his gutters. Mr Allpress has been advised that Council does not carry out maintenance on private property but it is responsible for works carried out on public land.
42. The reserve itself lacks a cohesive landscape and trees are planted sporadically throughout with varying size, species and condition. It is understood that the ground (soil) conditions are not necessarily conducive to optimum tree growth and development, being a partially reclaimed and modified site.
43. Public access is limited with only one entrance and the layout does not maximise use of open space.
44. There is an opportunity to review the tree planting and landscape of this reserve as part of the capital works tree renewal programme and this is currently budgeted for but as a low priority. It is probable that as part of this exercise the removal and replacement planting of the pines would have been recommended.
45. The request by Mr Allpress has brought forward the issue to the attention of Council.

THE OBJECTIVES

46. The objective of this report is to obtain a decision on the removal or retention of three (pine) trees situated in a Council-owned reserve.

Option 1: Maintain the status quo (retain the trees) and do nothing.

47. This is not a feasible option as Council has an obligation to maintain the trees on the reserve/leased land. Although Council has the legal right to approve or decline the application to remove the trees, in effect by declining the request and doing nothing, Council will potentially expose itself to the legal and financial risk of the neighbouring property owners requesting an order from the District Court to remove or prune the trees under the Property Law Amendment Act 1975.

Option 2: Maintain the status quo (retain the trees) and carry out maintenance and monitoring.

48. This is the minimum standard, in order to minimise the risk, nuisance and potential hazard. However, current operational budgets are limited to reactive levels of service for health ie for health and safety reasons or as a matter of maintenance where the significance of the issue warrants.
49. Under the circumstances this case would qualify and maintenance would be pruning limited to the removal of deadwood, low and overhanging (lateral) branches and remedial pruning of previous work in order to restore the canopy form and prevent further problems developing. An annual inspection would be required for monitoring the health and condition of the trees and to assess changes in situation. In the event of tree decline, removal would be required.

Option 3: Remove the trees and do not replace them.

50. (a) Do not charge the applicant for removal.
- (b) Charge the applicant(s) the cost of removal only. Cost of removal only is estimated at \$2,000.

Option 4: Remove and replant replacement trees (in an alternative location within the reserve).

51. (a) Do not charge the applicant cost of removal or replacement.
- (b) Charge the applicant the cost for removal and replacement. Cost for removal and replacement is estimated at \$3,000.
- (c) Charge the applicant the STEM value of the tree. Use the funds received from the removal of the trees to remove and replace other trees in Waterloo No. 2 Reserve.

THE PREFERRED OPTION

52. It is the staff's opinion that the preferred option is option 4(a) as a mutually beneficial outcome for all parties.

ASSESSMENT OF OPTIONS

The Preferred Option

Option 4: Remove and replant replacement trees (in an alternative location within the reserve).

(a) Do not charge the applicant cost of removal or replacement.

	Benefits (current and future)	Costs (current and future)
Social	The social benefits are the satisfaction of two neighbouring persons/properties and the resolution of an outstanding problem which is at cost to them.	The costs are the potential for person(s) unknown to object to the removal. This is not anticipated given the trees and site history.
Cultural	The cultural benefit is consistent with maintaining the "Garden City" image of Christchurch by improving the potential landscape quality of the reserve.	The cost is the loss of a remnant planting from a previous land use.
Environmental	The environmental benefit is the sustainability of removal and replacement of ageing tree population.	The cost is the short term loss of an amenity tree and wildlife habitat (bird roost).
Economic	The economic benefit is the elimination of a potentially ongoing maintenance and liability (nuisance) issue including administration.	The cost is the short term cost of removal and replacement planting.
<p>Extent to which community outcomes are achieved:</p> <p>Environment "A City of people who value and protect the natural environment" Council will be seen as protecting, enhancing and restoring the street environment.</p> <p>City Development "An attractive and well designed City" Council will be seen as providing attractive neighbourhoods with lifestyles enhanced by the urban environment.</p> <p>Governance "A Well-Governed City" Council will be seen as utilising LTCCP funds responsibly, responding to current needs and planning for future needs for the street environment.</p> <p>Impact on the Council's capacity and responsibilities:</p> <p>Assists with delivering the LTCCP.</p> <p>Effects on Maori:</p> <p>None identified.</p> <p>Consistency with existing Council policies:</p> <p>No current tree policy or vegetation.</p> <p>Views and preferences of persons affected or likely to have an interest:</p> <p>See Consultation Fulfilment.</p> <p>Other relevant matters: None identified.</p>		