

14. WESTBURN RESERVE - TREE REMOVAL REQUEST

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Acting Unit Manager Transport and Greenspace
Authors:	Tony Armstrong, Parks Arborist and Lorraine Correia, Consultation Leader

PURPOSE OF REPORT

1. The purpose of this report is to present a resident's request for the removal of one silver birch tree (*Betula pendula*) from Westburn Reserve and to make recommendation for the Board decision.

EXECUTIVE SUMMARY

2. A request has been received from the resident at 6 Braco Place for the removal of one silver birch tree within Westburn Reserve adjacent to their property, refer to **attachments 1, 2 and 3**.
3. The reasons given for the request are because of debris (leaves, seeds and catkins) blocking spouting, making a mess of paths and being invasive to the interior of the property. Also, that both residents suffer from medical conditions that are "made worse" by the silver birch trees.
4. An arboricultural assessment was carried out to evaluate the silver birch, and all other trees within Westburn Reserve. As a result of this assessment one of the silver birch trees was been identified for removal due to its poor condition. The other is deemed to be in good condition and hence is subject of this report.
5. It has not been proven that the birch tree is the sole cause of the applicants' medical condition. Mr Southen's letter dated 21 October 2009 states that his doctor says that "the silver birches almost certainly aggravate my wife's condition" (**Attachment 3**). A letter from Mrs. Southen's eye specialist which was also copied to us states 'It is highly likely this is related to Silver Birch seeds and pollen' (refer to **Attachment 4**). There are five other silver birches located in the reserve within 50 metres of the property.
6. Given the above and Council's direction of 14 August 2007 to staff regarding the removal of healthy silver birch trees, staff recommend that this tree be retained.

FINANCIAL IMPLICATIONS

7. The cost to remove the silver birch tree and replace it with a PB95 grade tree is estimated at \$1,225 (including watering and maintenance for one year following planting).
8. The STEM evaluation points total 84. The valuation for the tree using STEM is \$10,000.

STEM (A Standard Tree Evaluation Method) is the New Zealand national arboricultural industry standard for evaluating and valuing amenity tree by assessing their condition and contribution to amenity along with other distinguishable attributes such as stature, historic or scientific significance.

Do the Recommendations of this Report Align with LTCCP budgets?

9. Removing and replacing the tree without obtaining reimbursement from the applicant is inconsistent with the current LTCCP as funding has not been allocated in the Transport and Greenspace Unit tree maintenance budget for the removal of structurally sound and healthy tree that are not causing health and safety problems.
10. Obtaining reimbursement from the applicant to remove and replace structurally sound and healthy tree is consistent with the current LTCCP.

LEGAL CONSIDERATIONS

11. The Greenspace Manager has the following delegation with respect to tree:
 - (a) "In consultation with any other units affected and the relevant Community Board, authorise the planting or removal of tree from any reserve or other property under the Manager's control".
12. While the Transport and Greenspace Manager has the delegation to remove the silver birch tree current practice is that in most cases requests to remove healthy and structurally sound trees that are not causing other health and safety or infrastructure damage concerns are placed before the appropriate Community Board for a decision.
13. Under the delegations to Community Boards, the Board has the authority to "plant, maintain and remove tree on reserves, parks and roads" under the control of the Council within the policy set by the Council.
14. Protected trees can only be removed by a successful application under the Resource Management Act. The silver birch tree in question is not listed as protected under the provision of the Christchurch City Plan.
15. The following City Plan Policies may be of some benefit when considering the options –

Volume 2 : Section 4 City Identity

4.2.1 Policy: Tree Cover

To promote amenity values in the urban area by maintaining and enhancing the tree cover present in the City.

Tree cover and vegetation make an important contribution to amenity values in the City. Through the redevelopment of sites, existing vegetation is often lost and not replaced. The City Plan protects those tree identified as "heritage" or "notable" and the subdivision process protects other tree which are considered to be "significant". The highest degree of protection applies to a heritage tree.

Because Christchurch is largely built on a flat plain, tree and shrubs play an important role in creating relief, contributing to visual amenity and attracting native birds.

The amount of private open space available for new planting and to retain existing tree is influenced by rules concerning building density and setback from boundaries. The rules do not require new planting for residential development but landscaping is required in business zones.

4.2.2 Policy: Garden City

To recognise and promote the "Garden City" identity, heritage and character of Christchurch.

A key aspect of achieving this policy will be maintaining and extending environments and vegetation types which compliment this image. A broad range of matters influence and contribute to this image, including the following:

- (a) Tree-lined streets and avenues.
- (b) Parks and developed areas of open space.

14.3.2 Policy: "Garden City" image identity

To acknowledge and promote the "Garden City" identity of the City by protecting, maintaining and extending planting which compliments this image.

16. An application to prune or remove the tree may be made to the District Court under The Property Law Act 2007.

17. The District Court can order the pruning or removal of a tree under the Property Law Act 2007.
18. Any work carried out in relation to the silver birch tree is to be completed by a Council approved contractor.

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

19. Yes, as per above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. LTCCP 2009-19

Parks, Open Spaces and Waterways – Pg. 117

- (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.
21. Funding is available in the Transport and 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. However, the current LTCCP programme (2010-13) is fully allocated and it is not anticipated that funding will become available for this project until 2013-16 period.
 22. Retention of the tree is consistent with the Activity Management Plan provided the tree is structurally sound and healthy.
 23. Removal and replacement of the tree is consistent with the Activity Management Plan.
 24. 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?

25. Yes, as per above.

ALIGNMENT WITH STRATEGIES

26. 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.
27. There is currently no policy for the pruning or removing of tree in public places. A Draft Tree Policy is being presented to Council on 10 December 2009.

Do the recommendations align with the Council's strategies?

28. Yes, as per above.

CONSULTATION FULFILMENT

29. In November 2009 a letter and a feedback form were delivered to nine properties beside and overlooking the Silver birch trees at Westburn Reserve, providing an opportunity for the community to indicate their preference along with any additional comments or feedback.

30. The consultation received five responses (a 55.5% response rate) and community feedback was in favour of the removals of the Silver Birch trees (please refer to the full schedule of community feedback and project team responses circulated separately to Board members):
 - (a) All five submitters (55.5%) responded "I support the removal of both the silver birch trees".
 - (b) One submitter also responded they had "mixed views/some concerns".
31. The submitter that also had mixed views indicated that although she was in support of the removal of the silver birch trees she would only like to see them removed if there was a genuine/proven health issue.
32. All respondents have been sent a final letter advising them of the results of the consultation, a copy of the comments received from this consultation process together with staff comments and information that the board report would be presented to the Fendalton/Waimairi Works, Traffic and Environment Committee for their approval. Details of the meeting (date, time and venue) were provided to enable residents make a deputation to the Board prior to a decision being made.

ARBORICULTURAL ASSESSMENT

33. Westburn Reserve is a small to medium sized (1.1 ha) residential reserve that links Memorial Avenue and Westburn Terrace. It is classified as sports park. There are currently 66 established trees planted in this reserve, comprising mostly of mature, mixed exotic deciduous species. The predominant species is silver birch of which there are twenty i.e. approximately thirty percent of the park's trees.
34. The silver birch which is subject of this report is approximately ten metres in height with a canopy spread of approximately eight metres, of which one to two metres overhangs the boundary of number 6 Braco Place. It is a mature tree showing typical form and condition for a tree of such species and age. There are no tree health and safety issues apparent which would warrant its removal for tree health and safety concerns.
35. The tree is situated to the east of 6 Braco Place and its location alongside the residential boundary contributes to the general amenity and landscape of the reserve by providing screening of building, and to a lesser extent shade and shelter. Other trees (cypress and ginkgo) are located within ten to twenty metres and other silver birch exist approximately thirty metres away to the south east.
36. Council has recently received two Customer Service Requests (CSR) relating to these trees. CSR 90995577 was received in August 2009 advising of the residents medical condition and the problem with debris and requested that the trees be removed on those grounds. A subsequent letter (dated 4 September) was received accompanied by a medical certificate from Southern Eye Specialists stating that the resident had problems associated with allergy and that this was "highly likely (to be) related to Silver Birch seeds and pollen". This letter was logged along with CSR 91012208 and referred to the Community Board Secretary for the resident to make a deputation to the Community Board.
37. The topic of tree allergy problems, especially as it relates to silver birch trees, has been considered by Council and determined Council's direction to staff in August 2007 as -

"There is to be no city wide removal and replacement of silver birches for supposed health associations. The removal of silver birches or similar, are to be evaluated on a case by case basis and only to be removed for tree health and safety reasons, with them being replaced by another tree species."
38. If the decision is made to remove the silver birch tree it would be appropriate to replace the tree with another species. The resident states that they would willingly pay for more suitable replacements, however, further consultation would be required on specific costs, choice of species and location for planting.

OPTIONS

39. Decline the request to remove the silver birch tree and continue to maintain the tree to internationally recognised and accepted arboricultural practices, standards and procedures.
40. Remove and replace the silver birch tree. Costs of \$1225 are to be borne by the applicant. All work is to be carried out by an approved Council tree contractor.
41. Remove and replace the silver birch tree. Place on the capital works park tree replacement programme for the period 2013-16 and continue to maintain the tree to internationally recognised and accepted arboricultural practices, standards and procedures, in the interim.

STAFF RECOMMENDATION

It is recommended that the Board decline the request to remove the silver birch tree and continue to maintain the tree to internationally recognised and accepted arboricultural practices, standards and procedures.