

7. SISSON PARK – SECOND CONSIDERATION

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Transport and Greenspace, Acting Unit Manager
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PURPOSE OF REPORT

1. The purpose of this report is to consider a resident's request for the removal of four trees (three Alders and a Eucalyptus) from Sisson Park, Casebrook.

EXECUTIVE SUMMARY

2. A request has been made to Council, from Mr and Mrs McCormack for 25 Applewood Place, to remove three trees (two Alders and a Eucalyptus) from Sisson Park. The Alders are located at the Applewood Place entrance, on the right (southern boundary) as you enter the reserve and the Eucalyptus along the northern boundary of the reserve.
3. As a result of the consultation, a request to remove another Alder tree has been received.



4. Mr and Mrs McCormack are neighbours to the reserve and are concerned that the trees, which are located on their northern boundary:
 - (a) Block sunlight to their property for most of the day, depending on the time of the year (lack of light/warmth, mossy lawn)
 - (b) Drop large amounts catkins and seed heads, which create lots of debris/litter and damage their property (blocked pool equipment, stained paintwork)
5. In order to determine the view of the wider community, feedback has been sought from 160 properties in the vicinity of Sisson Park. The majority of the affected residents support the removal of the three trees. Other residents used this consultation to seek the removal of an additional Alder from the park, which is shading their property.
6. An arboriculture assessment of the trees has been undertaken. This indicates that there are no arboriculture reasons to remove the trees in question, these being a large Eucalyptus and three medium sized Alder trees.
7. It is recommended that the Shirley/Papanui Community Board decline the request to remove either the Eucalyptus or the Alder trees.

FINANCIAL IMPLICATIONS

8. The cost to remove and replace the four trees is estimated at \$5,000 (including watering and aftercare maintenance for one year).
9. The STEM evaluation for the Eucalyptus tree is 126 points and 72 for each of the Alders.

10. The STEM valuation for the Eucalyptus tree is \$24,400 and the Alders combined is \$13,400 for each (\$40,200 combined).
11. STEM (A Standard Tree Evaluation Method) is the New Zealand national arboriculture industry standard for evaluating and valuing amenity trees by assessing their condition and contribution to amenity along with other distinguishable attributes such as stature, historic or scientific significance.
12. There is no funding allocated within the Transport and Greenspace Parks Maintenance budgets for the removal of healthy and structurally sound trees that are not causing infrastructure or property damage or do not have tree health and safety concerns.
13. Placing the reserve onto the capital renewals programme would mean that there would be at least a 3-year wait for work to commence as Council has existing city wide commitments programmed over that period.

Do the Recommendations of this Report Align with 2009-19 Long Term Council Community Plan (LTCCP) budgets?

14. The recommendation aligns with the current LTCCP budgets.

LEGAL CONSIDERATIONS

15. 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.”
16. 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.
17. A “protected” tree can only be removed by a successful application under the Resource Management Act. These trees are not listed as protected under the provisions of the Christchurch City Plan.
18. Consideration of the following City Plan Policies may be of some benefit –

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 trees identified as “heritage” or “notable” and the subdivision process protects other trees that are considered to be “significant”. The highest degree of protection applies to heritage trees.

Because Christchurch is largely built on a flat plain, trees 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 trees 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

- 19. 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?

- 20. Council has the legal right to approve or decline the application to remove the trees.
- 21. The District Court can order the pruning or removal of the trees under The Property Law Amendment Act 1975.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

- 22. Removing and replacing the trees without obtaining reimbursement from the applicant is inconsistent with the current Long Term Council Community Plan (LTCCP) as funding has not been allocated in the Transport and Greenspace Unit operational tree maintenance budget for the removal of structurally sound and healthy trees. Therefore obtaining reimbursement from the applicant to remove and replace a structurally sound and healthy tree is consistent with the current LTCCP.
- 23. Funding is available in the Transport and Greenspace Unit Street 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.
- 24. Retention of the trees is consistent with the Activity Management Plan provided the trees are structurally sound and healthy.
- 25. Removal and replacement of the trees is consistent with the Activity Management Plan.
- 26. Removing and not replacing the trees 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?

- 27. Yes, as per above.

ALIGNMENT WITH STRATEGIES

- 28. Social Wellbeing Policy - Engage citizens and communities in decision-making and policy implementation. Increase and maintain living standards sufficient to ensure everyone can participate in the life of the community and live lives they find fulfilling.
- 29. Removing and replacing the trees would be consistent with the Christchurch Urban Design Vision.
- 30. Removing and replacing the trees would be in keeping with the Garden City Image as per the City Plan.

31. Removing and not replacing the trees would not be in keeping with the Garden City Image as per the City Plan Volume 2 Section 14.3.2.
32. There is currently no overarching citywide strategy for vegetation management.
33. There is currently no policy for the pruning or removing of trees in public spaces. A Draft Tree Policy is being worked on.
34. If replacement trees are provided, removing the trees would be in keeping with the Garden City Image.

Do the recommendations align with the Council's strategies?

35. Yes, as per above.

BACKGROUND

Consultation Process

36. The Consultation Leader discussed the resident's request with members of the Community Board, on site on 18 August 2009, prior to public consultation.
37. The consultation period was from 19 August - 2 September 2009. A letter was sent to 160 properties in the vicinity of the park (an area bounded by Sawyers Arms Road, Veitches Road, Northfield Road and Northcote Road). This letter outlined a summary of the issues, a plan and a request to contact the Consultation Leader with feedback about the proposal. Also included was an offer to meet onsite, if requested. Submitters were also advised of the upcoming decision date, the decision making process and how they could be involved in this and the expected timeline for the project. All calls and emails were replied to by the Consultation Leader.

Consultation Outcome

38. There were 26 respondents, who indicated the following:
 - (a) 23 sought the removal of some or all of the trees - due to the nuisance/potential risk to neighbours and view that the trees were inappropriately large for this reserve. Submissions were received from most of the residents directly affected by the Eucalypt and two Alders and they all noted that they were a nuisance and would like to see them removed.
 - (b) 2 did not indicate a preference (but instead sought the removal of street trees)
 - (c) 1 indicated that they would like the Eucalyptus tree to stay
39. Residents also asked staff to consider two other trees in the park. A large Alder is shading the property at 34 Brogar Place and the Board is asked to consider its removal as part of this proposal. A resident has also noted that a small shrub is damaging the fence of 31 Northfield Road – this will be investigated by staff.
40. The full schedule of community feedback and project team responses will be circulated separately to Board members.
41. This consultation clearly indicates that the majority of local residents that responded to this proposal support the removal of trees in the park. This is because they consider them to be a nuisance or an inappropriate species in this setting.
42. These trees are healthy specimens and are considered by staff to be entirely appropriate in their current setting. The Eucalyptus tree is one of a few large trees growing within the immediate area and as such its loss would have a detrimental affect not only on the reserve but also the local landscape. Parks are one of the few remaining open spaces available for large tree planting.

General

43. Council has received a number of requests from residents bordering Sisson Reserve to prune back trees and shrubs over several years. These requests have been actioned by either removal or pruning of shrubs with some tree pruning also being undertaken.
44. Records show that staff have been in discussions with Mr McCormack over the trees and shrubs bordering his property at 25 Applewood Place since March 2008. The shrubs in the garden were pruned off the fence line as a result of this.
45. The Eucalyptus tree is healthy and structurally sound with no history of branch failure and is approximately 14m distance from Mr and Mrs McCormack's fence and 22m distance from their dwelling. Given the distance from the property staff do not consider that it would cause a sufficient amount of shade to warrant its removal.
46. The two Alder trees bordering Mr and Mrs McCormack's property are small to medium in height and while they will shed some debris and cast a small amount of shadow staff do not consider that it is appropriate for these trees to be removed for these reasons.
47. Mr and Mrs McCormack have a solid brick wall running the length of their boundary with the reserve. This casts a solid shadow over the lawn and pool area all year round whereas the trees' shadow is affected by sun angle and leaf fall (the two Alders are deciduous). There are also some trees in the property at 33 Brogar Place that will have a shading and debris effect on the McCormack's property.
48. The Alder tree that is affecting 34 Brogar Place has been pruned to reduce it off the boundary of 38 Brogar Place. While it will cause some shade to the resident at 34 Brogar Place staff do not consider that the amount of shade is inappropriate and therefore do not consider this a reason for its removal.
49. It is noted that of the signatories to the original petition only two properties would be affected by shade – 25 Applewood Place and 33 Brogar Place. The residents on the north side of the trees have not previously raised concerns over them.

Options

50. (a) Decline the request to remove the Eucalyptus and three Alder trees from Sisson Reserve
and
(b) Continue to maintain the trees to internationally accepted arboriculture standards, practices and procedures and continue to monitor the trees for ongoing health and structural integrity.
51. Approve the request to remove the Eucalyptus and three Alder trees from Sisson Reserve and charge the applicants \$5,000 for the cost of removal and replacement. All work is to be undertaken by Council's park tree contractor.
52. Approve the request to remove the Eucalyptus only from Sisson Reserve and charge the applicants for the cost of removal and replacement. All work is to be undertaken by Council's park tree contractor.
53. Approve the request to remove the Alders only from Sisson Reserve and charge the applicants for the cost of removal and replacement. All work is to be undertaken by Council's park tree contractor.
- 5.4 The views of three residents were sought on cost sharing the replacement of trees. Only one has agreed to share the cost of removal and replacement with shrubs. Two have declined any cost sharing.

STAFF RECOMMENDATION

55. It is recommended that the Shirley/Papanui Community Board –

(a) Decline the request to remove the Eucalyptus and three Alder trees from Sisson Reserve
and

(b) Continue to maintain the trees to internationally accepted arboriculture standards, practices and procedures and continue to monitor the trees for ongoing health and structural integrity

CHAIRPERSON'S RECOMMENDATION

For discussion.