17. PROPOSED TREE POLICY FOR TREES ON PUBLICLY OWNED LAND OR SPACES

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

The purpose of this report is:

1. To present the Proposed Tree Policy for adoption.

2. To present the Memorandum from the Tree Policy Working Party on tree and vegetation issues that were outside of the Proposed Tree Policy Working Party scope.

EXECUTIVE SUMMARY

3. Workshops with Councillors were held in June and September 2008 to discuss suggested changes to the current tree delegations.

4. The Combined Community Board Chairs Forum on 13 October 2008 requested that a working party made up of both staff and one nominated member from each Community Board be formed to work through issues relating to a City wide Tree Policy.

5. Since then the Tree Policy Working Party has met five times to prepare the attached Proposed Tree Policy document. Issues that arose during these discussions that were outside of the scope of the Working Party are documented in the attached Memorandum.

6. The Proposed Tree Policy encompasses suggested changes to the current delegations as well as operational issues for planting, maintaining and removing trees. It does not cover future direction for trees in Christchurch as this would be more appropriately addressed in a strategic document.

7. On 16 October 2009 the Combined Community Board Chairs Forum recommended:

    (a) That the attached Proposed Tree Policy be presented to the Council for adoption.

    (b) That the Working Party Memorandum be presented to the Council for consideration.

FINANCIAL IMPLICATIONS

8. Adoption of the Proposed Tree Policy is not expected to have significant effects on operational or capital budgets.

9. The Proposed Tree Policy suggests that there is a "user pays" process for some tree planting (3.3.1 Commemorative Trees), some tree pruning (3.7 Pruning Trees in Public Spaces) and some tree removals (3.4 Removal of Trees in Public Spaces, 3.5 Requests to Remove Trees in Public Spaces, 3.6 Cost of Removal of Trees in Public Spaces). This involves the actual cost to complete the work and the cost incurred in gathering sufficient information for Community Boards to make an informed decision.

10. The Proposed Tree Policy also suggests that for some tree removals that applicants pay for the value of the tree (3.6 Cost of Removal of Trees in Public Spaces). The value of the tree is based on the Standard Tree Evaluation Method (STEM) which is the nationally recognised system for evaluating and valuing trees (see "Definitions" in Proposed Tree Policy).

11. Should the suggested "user pays" process for tree removal and pruning be adopted, this will have financial implications for some members of the public.

12. Should the suggested user pays system be adopted this will need to be incorporated into the Council's Fees and Charges Schedule under Section 12 Local Government Act 2002.

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

13.   The recommendations align with the current LTCCP budgets.

LEGAL CONSIDERATIONS

14.   Alignment with principal legislation:

    (a)   Resource Management Act 1991:

        (i)   Banks Peninsula District Plan
        (ii)   City of Christchurch City Plan

    (b)   Reserves Act 1977

    (c)   Biosecurity Act 1993

    (d)   Health and Safety in Employment Act 1992 plus amendments and regulations

    (e)   Electricity Act 1992 plus regulations

    (f)   Telecommunications Act 2001

    (g)   Property Law Act 2007

    (h)   Public Works Act 1981

    (i)   Local Government Act 1974 and 2002

    (j)   Christchurch City Council Parks & Reserves Bylaw 2008.

15.   The following Council Policies will need to be rescinded:

    (a)   Tree Planting in Streets Policy

    (b)   Banks Peninsula District Council Tree and Vegetation Policy Resolutions 98/178 and 97/404

    (c)   Banks Peninsula District Council Tree Trimmings (Private Plantings) Policy Resolution 94/636

    (d)   Banks Peninsula District Council Tree Planting on Reserves Policy Resolution 99/236

    (e)   Banks Peninsula District Council Wildling Trees – Removal from Road Reserve Resolution 98/178.

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

16.   The Council has the legal right to adopt the Proposed Tree Policy.

17.   Irrespective of Council Policies and Strategies the District Court can order the pruning or removal of trees under The Property Law Act 2007.

18.   Irrespective of Council Policies and Strategies some pruning and removal of protected trees may require a Resource Consent be granted prior to work to being undertaken.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

19.   Recommendation aligns with current LTCCP and Activity Management Plans.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

20.   Supports the following Levels of Service:

   (a)   6.0 Neighbourhood Parks 6.06 Planted areas and trees

   (b)   6.1 Sports Parks 6.1.8 Maintain planted areas and trees

   (c)   6.2 Garden and Heritage Parks 6.2.9 Planted areas and trees

   (d)   6.3 Regional Parks 6.3.2 Protecting biodiversity values

   (e)   6.4 Cemeteries 6.4.8 Maintain planted areas and trees

   (f)   6.5 Waterways and Land Drainage 6.5.3 Cost of maintaining waterways and land drainage system

   (g)   10.0 Road Network 10.0.11 Road landscaping and street trees.

21.   Supports the Capital tree replacement programmes for street and park trees.

ALIGNMENT WITH STRATEGIES

22.   There is currently no overarching city wide policy for vegetation management. In the attached Memorandum from the Tree Policy Working Party it is suggested that funding for the commencement of a City wide policy be included for consideration in the next LTCCP.

23.   The Proposed Tree Policy aligns with the following Strategies:

   (a)   New Zealand Biodiversity Strategy

   (b)   Christchurch Biodiversity Strategy 2008-2035

   (c)   Climate Smart Strategy.

24.   The Proposed Tree Policy aligns with Council Policies:

   (a)   Traffic Calming Policy

   (b)   Sponsorship of Trees and Other Plantings on Reserves

   (c)   Proposed central City Street Tree Plan

   (d)   Central City Streetscape Plan

   (e)   Consultation Policy.

25.   The Proposed Tree Policy aligns with the following sections of the Christchurch City Plan:

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 which 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

Volume 3: Part 8 Special Purpose Zone

14.3.5   Street Trees

Nearly half the length of streets within the city contains street trees, but the presence of very high quality street trees which add considerable presence to streets and neighbourhoods is confined to a relatively small proportion of the road network. These streets add particular character and amenity of the city, either in the form of avenues which form points into the city, or an important part of the local character of particular streets.

CONSULTATION FULFILMENT

26.   All 8 Community Boards appointed representatives to the Tree Policy Working Party to ensure their Ward's views and concerns were represented.

27.   On 16 October 2009 the Combined Community Board Chairs Forum recommended that the Proposed Tree Policy be presented to Council for adoption.

28.   No public consultation has been undertaken as this document is intended for internal use.

STAFF RECOMMENDATION

It is recommended that the Council:

1. Receive the Working Party Memorandum dated 6 October 2009, and ask staff to report back on the three recommendations contained in the memorandum.

2. Rescind the following Policies:

    (a) Tree Planting in Streets Policy

    (b) Banks Peninsula District Council Tree and Vegetation Policy Resolutions 98/178 and 97/404

    (c) Banks Peninsula District Council Tree Trimmings (Private Plantings) Policy Resolution 94/636

    (d) Banks Peninsula District Council Tree Planting on Reserves Policy Resolution 99/236

    (e) Banks Peninsula District Council Wildling Trees – Removal from Road Reserve Resolution 98/178.

3. That the following delegations be rescinded:

    Greenspace Manager:

    "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. (CR 23.10.96)"

    Community Boards:

    "To plant, maintain and remove trees on reserves, parks and roads under the control of the Council within the policy set by the Council. (CR 13.12.07)"

4. That the Proposed Tree Policy as attached be adopted.

5. That the following delegations for the policy be made:

    (a) The Transport and Greenspace Manager on the recommendation of the City Arborist and relevant infrastructure Manager, where appropriate, has delegated authority for the planting of trees under Section 3.3 (Planning & Planting of Trees in Public Spaces) and the removal of trees under Section 3.4 (Removal of Trees in Public Spaces) and the pruning of trees under Section 3.7 (Pruning Trees in Public Spaces) of this policy.

    (b) The relevant Community Board has delegated authority in consultation with the Transport and Greenspace Manager and relevant infrastructure Manager to decide on any tree matter that either falls outside of the Transport and Greenspace Manager's delegation or, after consultation with affected parties, has remained contentious and is unable to be resolved by the Transport and Greenspace Manager.

    (c) In emergency situations, the Transport and Greenspace Manager or the City Arborist have full delegated powers to negate immediate danger.

BACKGROUND

29.   On 12 June 2008 a workshop was held to discuss potential changes to the tree delegations.

The current delegations are as stated:

Greenspace Manager:

"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. (CR 23.10.96)"

Community Boards:

"To plant, maintain and remove trees on reserves, parks and roads under the control of the Council within the policy set by the Council. (CR 13.12.07)"

30.   Changes were suggested to enable:

(a)   Clear parameters over what decisions staff can make

(b)   Greater clarity over when decisions are to be made by Community Boards

(c)   Timely and pragmatic decisions for residents requesting tree removals.

31.   As a result of this meeting a Memorandum was issued to the Mayor, Councillors and Community Board Members on 1 August 2008 outlining the current tree delegations for the Community Boards and the Greenspace Manager, suggesting changes to the delegations, the reasons why the changes were being suggested, and safeguards.

32.   On 29 September 2008 a further workshop was held providing an outline of issues faced by the arborists. These included:

(a)   Removal, replacement, removing otherwise healthy trees

(b)   Pruning trees under power lines causing disfigurement to the tree

(c)   Removing trees which are overcrowded

(d)   Removing trees of poor shape

(e)   Removing trees which pose a health and safety risk.

33.   Proposals to clarify staff delegations were mainly around tree removal and tree planting. Some guidelines around staff decisions on tree removal and planting were suggested. These included the significance of the tree to be removed and the agreement of affected parties. Guidelines around tree planting included aligning to strategies or plans or direction, maintaining design integrity (e.g. Living Streets), maintaining existing levels of service for provision of street and park trees, and agreement of affected parties.

34.   On 13 October 2008 the Combined Community Board Chairs forum requested that a working party made up of both staff and one nominated member from each Community Board be formed to work through issues relating to a tree policy.

35.   The Working Party was made up of the following Community Board Members –

Paula Smith	Lyttleton/Mt Herbert (Chairperson)
Matt Morris	Shirley/Papanui (Deputy Chairperson)
Tim Carter	Hagley/Ferrymead
Mike Mora	Riccarton/Wigram
Val Carter	Fendalton/Waimairi
Stewart Miller	Akaroa/Wairewa
Linda Stewart	Burwood/Pegasus
Karolyn Potter	Spreydon/Heathcote
Tim Scandrett	Spreydon/Heathcote (proxy)

36. The following Terms of Reference were drawn up to guide the Working Party in its discussions:

   (a) Clarify understanding around proposed changes to the tree delegations

   (b) Clarify staff and Community Board roles in tree maintenance i.e. business as usual vs pruning for views or shade or light and cost recovery with pruning for views or shade or light

   (c) Clarify staff and Community Board roles in tree planting and removals and cost recovery with tree removal and replacement planting

   (d) Consider the application of STEM (Standard Tree Evaluation Method) in its application to tree maintenance and removal decision making

   (e) Recommend any changes to existing delegations or the implementation of a Tree Policy following on from discussions over the above.

37. During Working Party discussions matters that were outside of the scope were raised. These are detailed in the attached Memorandum from the Working Party.