

REPORT

TO: Chief Executive
FOR: Council Meeting
FROM: David Smith – Team Leader Strategy & Policy
DATE: 12 February 2014
SUBJECT: **Selwyn District Plan Change 38: Tree Shading Provisions**

1. RECOMMENDATION

That the Council:

- Resolves to notify Plan Change 38: Tree Shading Provisions

2. PURPOSE

The purpose of the report is to seek Council's approval to notify Plan Change 38.

3. SIGNIFICANCE ASSESSMENT/COMPLIANCE STATEMENT

The recommendations have been assessed against the Council's Significance Policy. The decision to notify this Plan Change is assessed as being of low significance under the terms of that policy. The Plan Change will require the usual public consultation as required under the Resource Management Act 1991 and public input into any decision making will be incorporated at that time.

4. HISTORY/BACKGROUND

Council has, in the past several years, received a number of complaints regarding tree shading in rural areas around the District. The partially operative District Plan (Rural Volume) deals with shading both along roads and property boundaries. There are no provisions in the Townships Volume of the Plan and these matters appear to have been dealt with in other ways. To determine the success of the current Plan provisions, in dealing with the issue of tree shading in the District, a review of the existing rules, previous complaints and resource consents has been undertaken. The Council resolved on 24 August 2011 to prepare a plan change removing the tree shading rules but keeping the objectives and policies in the Plan.

5. PROPOSAL

This Plan Change seeks to make changes to the Rural Volume of the Selwyn District Plan (the Plan). These changes concern the provisions of the Plan related to the planting of trees where they may grow to shade either adjoining properties or roads.

It is proposed to remove the tree shading rules from the Plan entirely but retain the relevant overarching objectives and policies. It is also proposed to correct a small number of minor errors within Part C Chapter 2 of the Rural Volume of the Plan where rule numbering has created inconsistencies between provisions and cross referencing with other sections of the Plan requires consequential updating.

6. OPTIONS

The Council can:

- 1) Proceed with the notification of the Plan Change,
- 2) Seek amendment to the Plan Change or,
- 3) Choose not to proceed with the Plan Change.

Given that this issue has been discussed at Council on a number of occasions, and a resolution passed by the Council to prepare the plan change, it is considered that the option of not proceeding with a Plan Change is unlikely to be favoured.

The option of amending the Plan Change is open to the Council. However depending on the extent and nature of the amendment it may require that the Resource Management Act 1st Schedule consultation be repeated.

For the above reasons it is recommended that the Council resolve to notify the Plan Change.

7. VIEWS OF THOSE AFFECTED/CONSULTATION

A Plan Change, if considered necessary, will require the usual public consultation as required under the Resource Management Act 1991 and public input into any decision making will be incorporated at that time. The pre-notification 1st Schedule RMA consultation did not elicit any responses.

Maori implications

No impacts on Maori are anticipated.

8. RELEVANT POLICY/PLANS

Selwyn District Plan

9. COMMUNITY OUTCOMES

A living environment where the rural theme of Selwyn is maintained by providing a District Plan which recognises protects and enhances the natural environment while allowing appropriate development.

10. NEGATIVE IMPACTS

The Issues and Options report that was prepared discussed the positives and negatives of the various options. The Council resolved to prepare a plan change.

11. LEGAL IMPLICATIONS

There are no legal considerations outside of the RMA process.

12. FUNDING IMPLICATIONS

There is budget provision in the 2013/14 Annual Plan for this work to be undertaken.

13. HAS THE INPUT/IMPACT FROM/ON OTHER DEPARTMENTS BEEN CONSIDERED?

Discussions have been held with the Resource Consent team and the Strategy & Policy team and the Planning portfolio has been briefed regularly on this matter.

David Smith
TEAM LEADER STRATEGY & POLICY

ENDORSED FOR AGENDA

Tim Harris
PLANNING MANAGER

John Christensen
ENVIRONMENTAL SERVICES MANAGER

ATTACHEMENT 1: Plan Change Documentation