

Selwyn District Council – Summary of Submissions on Plan Change 39 Tree Shading Provisions

Sub No.	Submitters Name	Submitters Details	Summary of Submission	Relief Sought	Support/ Oppose	Wish to be Heard?
1.	Donald Wright	503 Wrights Road, Sheffield, 7580	<p>The submitter is disappointed to see the notification of plan change 39. The shading rules were put in place many years ago by forward thinking councillors who understood the increasing risk to all road users resulting from uncontrolled tree planting.</p> <p>Plan Change 39 sends the wrong signals to the community about a widespread and serious problem in our district.</p> <p>The submitter understands the importance of shelter for livestock, and that this is achievable with the use of modern tree topping equipment. It is possible to cut to a sensible height, and to bevel cut the tops for better sun angle onto the road.</p>	That the rules be retained as an enforcement option where serious danger exists, and where an educational approach to this aspect of road safety has failed.	Oppose	Yes
2.	Judith & Neil Walker	3117 Coaltrack Road, Coalgate 7673	<p>The submitters would like to see plan Change 39 rules on tree shading retained in the District Plan. The submitters feel this is a huge problem in the Selwyn District and one that needs to be looked at by the Council.</p> <p>There are so many shaded areas on roads around Selwyn by landowners planting shelter trees far to close to roads which then in winter causes the roads to be treacherous for driving on causing accidents that sadly sometimes are fatal.</p> <p>There is no need for landowners to plant trees so close to the road they could be planted either so far</p>	Retain the tree shading rules in the District Plan.	Oppose	No

			<p>back so no shading occurs or to be kept at a height that they don't shade the roads.</p> <p>Landowners need to be provided with rules to planting trees close to roads and if the rules are not adhered to the trees will have to be removed.</p> <p>The council could ask for public help with this by putting notices in Council Call asking if you know of any trees shading roads and then take action from there.</p>			
3.	Paul Keith Jarman	201 Essendon Road, RD 1 Darfield 7571	<p>The rules are needed to emphasise the risks to public road safety caused by tree shading.</p> <p>These risks cause accidents and deaths on our roads.</p> <p>The submitter does not accept that uncertainties about the age of trees is a valid reason not to be enforcing the rules.</p> <p>The cost of gritting roads is an increasing expense to the ratepayers.</p> <p>It is not possible to effectively mitigate the risk on large areas of roads by gritting.</p> <p>The rules are necessary as a backup for what should primarily be an educational approach to this problem.</p> <p>It is remiss of the Council not to have included this aspect of road safety in the work done by its road safety employees.</p>	Retain the rules on tree shading and encourage landowners to respect these.	Oppose	Yes

4.	Stuart Stokes	409 Dalethorpe Road, Sheffield 7580	The Selwyn district Council in the past identified the real risk to life and damage to roads by ice and shading caused by trees. This rule needs enforcing not removing from the plan.	To have more education and enforcement of this problem by the Council.	Oppose	Yes
5.	Bill Woods	5509 West Coast Road, Springfield RD1 7681	The submitter opposes the removal of the tree shading the road rules from the rural volume of the Selwyn District Plan.	Retain the provisions in the Plan as the submitter is not convinced the alternatives will be any more effective as they are not being used at the moment.	Oppose	Yes
6.	New Zealand Transport Agency (NZTA)	PO Box 1479, Russley, Christchurch 8140	<p>The submitter is in support of retaining the relevant overarching objectives and policies in Part B2 Physical Resources and Part B3 Peoples Health, Safety and Values in the Selwyn District Plan.</p> <p>The submitter opposes the plan change for the following reasons:</p> <ul style="list-style-type: none"> • Council and the NZTA have powers to control tree shading under the Government Roding Powers Act 1989 (GRPA). However, the existing Plan provisions have the benefit of providing a clear indication to the public of what is acceptable shading making it efficient to enforce; • The Council has a responsibility under the RMA to control the use of land to avoid or mitigate natural hazards; • The Council still needs to manage tree shading issues regardless of whether it does so under the RMA or GRPA so the cost savings are likely to be negligible; • Removal of the rules relating to tree shading means there is no longer a method to achieve the objectives and policies that are being retained 	That the existing tree shading rules in Part C – Rural Rules in the Selwyn District Plan be retained.	Opposes in part	Yes

7.	Federated Farmers of New Zealand	PO Box 20448, Bishopdale, Christchurch 8543	<p>The submitter supports Council's efforts to manage adverse effects of tree shading or other adverse effects resulting from encroachment of trees on the road network.</p> <p>In general, the submitter supports the proposed removal of tree shading rules from the District Plan and they agree the current management framework is unenforceable.</p> <p>It is often impossible to tell when trees began to create shading problems, and therefore whether or not existing use rights for lawfully established activities apply. In any case, the more severe problems are often caused by older, more established trees, with shading issues that predate the operative plan.</p> <p>Unenforceable rules, or rules that have no legal weight, lead to a mistaken impression that the issue can be effectively addressed within the District plan alone. This leads to confusion with other existing regulatory tools that are available to the Council.</p> <p>Despite the submitters support, it is considered inappropriate to rely entirely on reference to the alternative methods of enforcement available through the Local Government Act 1974, Transit New Zealand Act 1989, and Property law Act 2007 to remedy the issue. At a minimum this legislation should be supported by a by-law, which identifies what is considered an inappropriate adverse effect</p>	<ul style="list-style-type: none"> • Note the support of the North Canterbury Province of Federated Farmers for the removal of the tree shading rules; • That the District Plan rules controlling shading by trees are not removed until a bylaw has been prepared to address the adverse effects of trees encroaching on roads; • Include a new method to require the use of education and proactive communication to ensure the community is fully informed of its responsibilities to prevent encroachment of trees on the road network and associated adverse effects, and is aware of the consequences. 	Support in part	Yes

			<p>what is expected to remedy it and costs or consequences that may result if the Council has to act to remedy problems with trees.</p> <p>The overall approach should be supported by education and communication to the community of the consequences of failure to responsibly manage encroachment of trees on roads, and to make clear why the community and the Council needs to work together to prevent unacceptable danger to users of the road network.</p>			
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