



Federated Farmers of New Zealand

Submission on Proposed Plan Change 9 (Tree Shading in Rural Areas) to the Selwyn District Plan

Tuesday 22nd July 2014

SUBMISSION TO SELWYN DISTRICT COUNCIL ON PLAN CHANGE 9 (TREE SHADING IN RURAL AREAS) TO THE SELWYN DISTRICT PLAN

Form 5

Submission on publicly notified proposal for policy statement or plan
Clause 6 of First Schedule, Resource Management Act 1991

To: Selwyn District Council
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Name of submitter: Federated Farmers of New Zealand

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This is a submission proposed on amendments to the Selwyn District Plan through Plan Change 9 (Shading in Rural Areas).

Federated Farmers could not gain an advantage in trade competition through this submission.

The specific provisions of the proposal that our submission relates to and the decisions we seek from Council are as detailed on the following pages.

Federated Farmers does wish to be heard in support of its submission.

1. INTRODUCTION

- 1.1 Federated Farmers welcomes the opportunity to submit on proposed Plan Change 9 to the Selwyn District Plan (the Plan Change).
- 1.2 Federated Farmers of New Zealand is a primary sector organisation that represents over 17,000 farming and other rural businesses. Federated Farmers has a long and proud history of representing the needs and interests of New Zealand farmers.
- 1.3 The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:
 - Our members may operate their business in a fair and flexible commercial environment;
 - Our members' families and their staff have access to services essential to the needs of the rural community; and
 - Our members adopt responsible management and environmental practices

2. GENERAL SUBMISSIONS

- 2.1 Federated Farmers supports the Council in its efforts to manage the adverse effects of tree shading or other adverse effects resulting from encroachment of trees on the road network. The Federation has received numerous complaints over the years of significant stretches of road unable to thaw following frosts, or of ageing and dangerous trees causing disruption and endangering road users during and after adverse weather events.
- 2.2 In general, Federated Farmers supports the proposed removal of tree shading rules from the District Plan. We agree that the current management framework is unenforceable.
- 2.3 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.
- 2.4 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.
- 2.5 Despite its support, the Federation considers that adverse effects of trees on roads is a very serious issue that needs to be addressed. Therefore, despite our 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 bylaw, which identifies what is considered an inappropriate adverse effect, what is expected to remedy it, and costs or consequences that may result if the Council has to act to remedy problems with trees.
- 2.6 The overall approach should also 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 it clear why the community and the Council needs to work together to prevent unacceptable danger to users of the road network.

Decision Sought

- 2.7 Note the support of the North Canterbury Province of Federated Farmers for the removal of the tree shading rules.**
- 2.8 Despite its support, the Federation seeks that 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. It is not considered appropriate to rely entirely on the Local Government Act 1974, Transit New Zealand Act 1989, and Property Law Act 2007.**
- 2.9 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 if these matters are not addressed.**

Michael Bennett



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On behalf of the North Canterbury Province of Federated Farmers