
Minutes of the Hearings Committee of the
Waimate District Council held in the Local
Government Centre, Queen Street, Waimate on
Tuesday 18th October 2005 at 2.00pm



Present

Councillors J.S. Gibson, A.M. Townend, J.O. Rayner

Chairman

RESOLVED THAT COUNCILLOR GIBSON CHAIR THE MEETING

Mov Cr Rayner / Sec Cr Townend

Carried.

In Attendance

B.L. Reekie (Applicant)
T.J. & K.M. Ritchie (Submitter)
Manager – Planning & Regulatory (B.W. Donaldson)
Resource Planner (K.J. Tiffen)
Councillors M.J. Balchin, P.F. McIlraith

Notified Application for Resource Consent Land Use RM051186 –
Consent to plant trees within 15m of neighbours boundary – 135
Esk Bank Road, St Andrews – Lot 1 DP 83887 – C. & B. Reekie

The Committee considered an application for resource consent under the Resource Management Act 1991 in respect of a proposal by Chris and Brigid Reekie to plant boundary trees on their rural property.

The application was publicly notified on a limited notification basis and attracted a submission in opposition to the proposal.

Mrs Reekie presented the proposal on behalf of herself and her husband. Mrs Reekie stated that they have no access to their own firewood (there have been difficulties in getting permission to obtain firewood from others), that the species of gums will likely be 'nitens' as they are suitable for coppicing, that the gums would screen the neighbour's untidy site, and gums are preferred to avoid hayfever/allergies. Mrs Reekie also acknowledged that some shading is likely to be caused by the trees but it was considered to be minimal.

Mr and Mrs Ritchie presented their submission opposing the proposal. Mr Ritchie stated that they want to plant olive trees adjoining the proposed trees which are considered by the Ritchie's to be ideally suited to this bank area behind the subject

property. These trees are intended to be planted in October 2006. They were concerned with the effects of direct shading, the creation of a frost zone and moisture depletion of the ground as a result of the proposed gum trees. They also considered that there is plenty of firewood in the District to avoid the planting of the gum trees but did suggest that trees could be planted in series of rows across the subject site.

The Committee asked questions of both the applicant and submitters.

The Committee adjourned the meeting at 2.50pm and reconvened following a site visit.

The meeting reconvened in the Local Government Centre, Queen Street, Waimate on Friday 21 October 2005 at 9.32am with those present being J.S. Gibson (Chair), A.M. Townend, J.O. Rayner and with the Manager – Planning & Regulatory (B.W. Donaldson) in attendance.

The Committee reached the following decision after considering the application under the statutory framework of the Resource Management Act 1991.

RESOLVED THAT PURSUANT TO SECTIONS 34(1) AND 104B OF THE RESOURCE MANAGEMENT ACT 1991, THE WAIMATE DISTRICT COUNCIL GRANTS CONSENT TO A DISCRETIONARY ACTIVITY, FOR A LAND USE TO ALLOW THE PLANTING OF TREES WITHIN 15M OF THE BOUNDARY AT 135 ESK BANK ROAD, ST ANDREWS (AND LEGALLY DESCRIBED AS LOT 1 DP 83887) SUBJECT TO THE FOLLOWING CONDITIONS IMPOSED UNDER SECTION 108 OF THE ACT:

- A) THAT THE ACTIVITY SHALL BE UNDERTAKEN IN GENERAL ACCORDANCE WITH THE INFORMATION SUBMITTED WITH THE APPLICATION.
- B) THAT THE HEIGHT OF THE GUM TREES SHALL NOT EXCEED 12M.
- C) THAT THE TRUNK OF THE GUM TREES SHALL BE PLANTED A MINIMUM OF 2M FROM THE BOUNDARY.
- D) THAT THE CONSENT HOLDER SHALL PAY THE COUNCIL AN ADMINISTRATIVE CHARGE PURSUANT TO SECTION 36 OF THE RESOURCE MANAGEMENT ACT 1991 FOR THE CARRYING OUT BY COUNCIL ITS FUNCTIONS IN RELATION TO MONITORING AND ADMINISTERING THIS RESOURCE CONSENT. THE REASONABLE COSTS OF COMPLIANCE OF ALL REQUIREMENTS AND CONDITIONS OF THIS CONSENT SHALL BE MET BY THE CONSENT HOLDER.
- E) THE CONSENT HOLDER MAY APPLY TO THE WAIMATE DISTRICT COUNCIL UNDER SECTION 127 OF THE RESOURCE MANAGEMENT ACT 1991 TO CHANGE OR CANCEL ANY CONDITIONS OF THE RESOURCE CONSENT AT ANY TIME WITHIN FIVE YEARS OF THE GRANTING OF THIS CONSENT.

The reasons for this decision are:

1. The Committee was satisfied on the evidence produced and the site visit to the subject site that the environmental affects of allowing the trees will be no more than minor. the Committee came to this conclusion after considering several factors such as the particular density and purpose of the proposed gum trees (coppicing), the orientation of the single row of proposed trees, the overall topography of the land concerned and the limited extent of flat land on

the adjoining site between the boundary and toe of the sloping bank behind the site that could be directly affected by shading and soil moisture deletion.

2. The Committee considered that the single row of trees will only cause partial shading of the flat area as the trees will still allow sunlight especially considering the trees are to be coppiced, where there will be a series of gaps between the trees and varying heights for the trees. This partial shading of the adjoining land may actually be beneficial to the adjoining land by providing some shade during dry summer weather.
3. The Committee acknowledged that the adjoining owner intends to plant olive trees on the flat land and sloping bank behind the subject site. In that respect, the Committee took into account that any olive trees planted closer than 15m from the boundary would similarly require resource consent and without that consent would leave only a small strip of flat land able to be planted in front of the sloping bank. The Committee was satisfied that the proposed trees would have minimal shading effect, if any, on any future plantings on the actual sloping bank itself. The Committee also acknowledged that some existing shading occurs (with the existing tall trees behind the applicant's house) and further shading could occur as these existing trees and other trees in the immediate vicinity of the existing house are permitted by the District Plan next to the boundary as they constitute 'amenity tree planting' under the definitions in the district plan and which are exempted from the 15m tree setback under rule 6i(iv) in the rural zone.
4. The desire of the applicants to plant their southern rear boundary in association with the other boundaries was understood by the Committee and seems logical in this circumstance especially on this small rural site where the insistence of a 15m tree planting setback in respect of this southern rear boundary would seriously affect the usefulness of this small site. Similarly, the effect of trees or a shelter belt limited to 4m in height as suggested by the submitter would appear to be an excessive restriction having regard to the topography and limited area that would be directly affected by the partial shading and any moisture depletion. It was understood by the Committee that the other adjoining owner (i.e. on the western boundary) has agreed to the proposed tree planting along that particular boundary so the continuity of the tree type, spacing and height seems logical.
5. Having regard to the relevant objectives and policies of the Waimate District Plan, the Committee are satisfied the application is not contrary to Objective 5, Policy 5d as the proposal will not create an unacceptable unpleasant living or working conditions for the District's residents or visitors, nor a significant deterioration of the quality of the rural environment. Similarly, the proposal will have no precedent effect on the integrity of the District Plan. Regard was also given to any relevant Regional Policy Statement but it was noted that the application relates to land outside that covered by the Land and Vegetation Regional Management Plan.
6. In addition, the proposal is not considered to be contrary to Part II Matters of the Resource Management Act 1991, and in particular the purpose, which seeks to promote the sustainable management of natural and physical resources in a way which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, now and in the future.

Mov Cr Rayner/ Sec Cr Townend

Carried

The meeting concluded at 9.50am.

Confirmed at a meeting of Council held
This 15th day of November 2005

Mayor