
Minutes of the Hearings Committee Meeting of
the Waimate District Council held in the Local
Government Centre, Queen Street, Waimate on
Wednesday 23 April 2007 at 10.00am



Present

Councillors M. Henderson, P.F. McIlraith, J.O. Rayner

Chairman

Cr Henderson chaired the meeting

In Attendance

Glennys Robinson and Ralph Douglas (Applicant)
Resource Planner (K.J. Tiffen)

Note: The submitter in opposition, S.K. and I.G. Emerson, did not appear at the hearing even though they had indicated that they wished to be heard in their submission. There was no advice given to Council that they would not appear after they had received advice of the date of the hearing and a copy of the planners report.

Limited Notified Application For Land Use Consent: RM 061226 -
Consent To Plant Trees Within 15m Of Neighbours Boundary -
Back Line Road, Waimate - Sections 1 & 2 SO 18564 Blocks XII XVI
Nimrod - Surewood Forest Joint Venture (Forest Bliss Ltd)

Council considered an application for resource consent under the Resource Management Act 1991 in respect of the proposal to plant trees within 15m of the neighbour's boundary.

The application was publicly notified on a limited notification basis and originally attracted two submissions in opposition to the proposal. The application was due to be heard in July 2006 but was postponed. Since then one submitter has withdrawn their submission. The remaining submission is from S.K. and I.G. Emerson.

The applicant, Glennys Robinson presented the proposal on behalf of herself and her partner, Ralph Douglas who is also involved in the Surewood Forest Joint Venture. She outlined the history behind acquiring the forestry site in the first place and the re-alignment of the fence next to part of the boundary shared with the submitter, S.K. and I.G. Emerson (Otaio Gorge Station). She also explained the reasoning for changing

the tree species (to be planted) to Pinus Radiata rather than Redwoods as stated in the original application. She provided her assessment of the effects of the planting within 15m of the boundary covering the impact of shading, landscape effect, fire hazard and control of pests.

Glennys Robinson confirmed that a 5m setback from the boundary for the planting of the trees as recommended in the Planners report was appropriate as this still allowed sufficient width between the trees and the boundary for access around the forestry block.

The Committee asked questions of the applicant.

Council's Resource Planner reported a correction to his report where it states that the area of planting affected by this application equates to approximately 6,000m² or 1.2% of the total site area of the subject site. The area and percentage should read 2,500m² or 0.5%.

The Committee adjourned the meeting at 10.50am to make a site visit.

The meeting resumed at 268 Maytown Road, Waimate on Saturday 28 April 2007 at 11.05am with those present being M. Henderson (Chair), P.F. McLraith and J.O. Rayner with the Resource Planner (K.J. Tiffen) 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 CONSENT TO ALLOW THE PLANTING OF TREES ON THE SUBJECT SITE (SECTIONS 1 AND 2 SO 18564 BLKS XII XVI NIMROD) LOCATED AT BACK LINE ROAD, WITHIN 15M OF THE BOUNDARY WITH THE OTAIO GORGE STATION (RS 41883 BLKS XII XVI NIMROD) 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 IN RESPECT OF THE COMMON BOUNDARY WITH OTAIO GORGE STATION, THIS BOUNDARY SHALL BE LEGALLY DEFINED FOR THAT PART OF THE BOUNDARY BETWEEN THE OLD AND NEW FENCE. ONCE THE BOUNDARY LINE IS ESTABLISHED, THE PLANTING AUTHORISED UNDER THIS CONSENT (OR TREE TRUNKS) SHALL BE LOCATED 5M FROM THE TRUE BOUNDARY LOCATED ENTIRELY WITHIN THE SUBJECT SITE.
- C) 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.

- D) 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 EFFECTS OF ALLOWING THE PROPOSED PLANTING WITHIN 15M OF THE BOUNDARY WITH THE OTAIO GORGE STATION WILL BE NO MORE THAN MINOR.
2. THE COMMITTEE AGREED THAT ANY DISPUTE OVER THE FENCE OR BOUNDARY LINE IS A PRIVATE MATTER BETWEEN THE APPLICANT AND THE SUBMITTER AND IS BEYOND THE CONTROL OF THE COMMITTEE. HOWEVER, THE COMMITTEE DID NOTE THAT THE UPPER PORTION OF THE FENCE LINE NEAR THE GATEWAY IS ACTUALLY ADJOINING A STRIP OF UNFORMED LEGAL ROAD AND IS NOT THE BOUNDARY WITH THE OTAIO GORGE STATION.
3. UNDER THE DISTRICT PLAN, IT STATES THAT THE PURPOSE OF THE TREE PLANTING SETBACK IS TO PREVENT SHADING WHICH RESULTS IN THE ICING OF ROADS AND TO PREVENT SHADING OF NEIGHBOURING PROPERTIES, TREE ROOTS GROWING ONTO NEIGHBOURING PROPERTIES AND DAMAGE OF FENCING ETC RESULTING FROM THE HARVEST OF TREES ON OR CLOSE TO THE BOUNDARY. IN THIS RESPECT, THE COMMITTEE CONSIDERED THAT THE ICING OF THE STRIP OF UNFORMED LEGAL ROAD IS NOT AN ISSUE HERE. AS FAR AS THE LAND OWNED BY THE OTAIO GORGE STATION IS CONCERNED, THE COMMITTEE WERE OF THE VIEW THAT NO ADVERSE SHADING EFFECT OR TREE ROOT INTERFERENCE OR DAMAGE TO FENCING DURING HARVEST WILL RESULT PROVIDED THE CONDITION REQUIRING THE TREE TRUNKS BEING 5M FROM THE TRUE BOUNDARY IS COMPLIED WITH.
4. TAKING INTO ACCOUNT, THE SMALL AREA OF THE TREE PLANTING SOUGHT IN THIS APPLICATION RELATIVE TO THE TOTAL AREA OF THE EXISTING FORESTRY THE COMMITTEE CONSIDERED THE ADDITIONAL PLANTING IS UNLIKELY TO MAKE A SIGNIFICANT DIFFERENCE TO THE HABITANT OF PESTS FROM WHAT ALREADY EXISTS. ALSO, ANY LANDSCAPE AND VISUAL EFFECTS OF THE ADDITIONAL PLANTING IS CONSIDERED TO BE INSIGNIFICANT DUE TO THE SMALL AREA INVOLVED AND THAT THE EXISTING FORESTRY FORMS A BACKDROP TO ANY NEW PLANTING PROPOSED.
5. THE COMMITTEE ALSO HAD REGARD TO ENVIRONMENT CANTERBURY'S NATURAL RESOURCES REGIONAL PLAN WHERE PLANTING OF TREES IS ENCOURAGED IN RESPECT OF HILL COUNTRY AND SOIL CONSERVATION AND IN RESPECT OF WATER QUALITY. THE APPLICATION DOES NOT INVOLVE ANY ADDITIONAL TRACKING OR EARTHWORKS.
6. IN ADDITION, THE COMMITTEE CONSIDERED THE PROPOSAL IS NOT 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 AND ENABLES PEOPLE AND COMMUNITIES TO PROVIDE FOR THEIR SOCIAL, ECONOMIC, AND CULTURAL WELL BEING AND FOR THEIR HEALTH AND SAFETY, NOW AND IN THE FUTURE.

Moved Cr Mcllraith / Sec Cr Rayner

Carried

The meeting concluded at 11.10am.

Confirmed at a meeting of Council held
This 19th day of June 2007

Mayor