

## OFFICER RESPONSE TO MINUTE 2 QUESTIONS

### Question

#### In response to Horticulture NZ

In light of NPS-HPL Policy 9, is there any downside to adding a further matter of discretion to the Rural Lifestyle subdivision rule SUB-R2.6, with wording such as:

- c. The management of reverse sensitivity effects on land-based primary production activities undertaken on highly productive land.

#### Officer response:

***NPS-HPL Policy 9: Reverse sensitivity effects are managed so as not to constrain land-based primary production activities on highly productive land.***

I refer to the Subdivision Restricted Discretionary Rules (SUB-R2).

In relation to rural zones, the 'avoidance of potential reverse sensitivity' is a matter of discretion in the Rural Production Zone (SUB-R2-8a.ii and SUB-R2-9c.ii).

There are no reverse sensitivity matters of discretion in the other rural zones (General Rural, Rural Lifestyle, or Settlement).

A policy of the General Rural Zone chapter (GRUZ-P5) and the Settlement Zone (SETZ-P5) seeks to avoid, remedy or mitigate adverse effects of subdivision on people's health and safety and the character of the rural environment. A criteria is:

- *Require sites to be of a minimum lot size, except where the Council is satisfied that the subdivision and likely future land use will not change the general character of the area, and that the likely future uses will be compatible with the effects generated by existing neighbouring land uses, especially to avoid any potential for reverse sensitivity issues arising;...*

Although the policies contained within the Rural Lifestyle Zone are not specific about reverse sensitivity, there is reference to the need of protecting productive capability and versatility of Rural Production Zone land in RLZ-P2:

- *Require minimum lot sizes for rural subdivision to protect the productive capability and versatility of land from irreversible loss and to actively encourage lifestyle development in the Rural Lifestyle Zone close to the urban fringe and protect rural productive capacity of the Rural Production Zone.*

It is therefore considered appropriate to add a matter of discretion regarding reverse sensitivity in relation to highly productive land in the Subdivision Restricted Discretion rules for the Rural Lifestyle Zone, Rural General Zone, Rural Production Zone and Settlement Zone to manage the reverse sensitivity effects on land-based primary production activities undertaken on highly productive land.

It is recommended that a matter of discretion regarding reverse sensitivity in relation to highly productive land in the Subdivision Restricted Discretion rules for the Rural

Lifestyle Zone, Rural General Zone, Rural Production Zone and Settlement Zone as seen below.

In accordance with Schedule 1 Clause 10(2)(b) of the Resource Management Act 1991, consequential amendments to numbering and text for consistency across the rural zones have been made

<p><b>SUB-R2</b></p>	<p>...</p> <p>6. Subdivision in the Rural Lifestyle Zone.</p> <p>Council restricts its discretion to:</p> <p>a. The ability of sites to:</p> <ul style="list-style-type: none"> <li>i. be independently serviced for stormwater and wastewater.</li> <li>ii. Maintain or enhance rural lifestyle character.</li> </ul> <p>b. <u>The management of reverse sensitivity effects on land-based primary production activities undertaken on highly productive land.</u></p> <p>7. Subdivision in the Settlement Zone.</p> <p>Council restricts its discretion to:</p> <p>a. The ability of sites to:</p> <ul style="list-style-type: none"> <li>i. be independently serviced for stormwater and wastewater.</li> <li>ii. Maintain or enhance rural lifestyle character.</li> </ul> <p>b. <u>The management of reverse sensitivity effects on land-based primary production activities undertaken on highly productive land.</u></p> <p>8. Subdivision in the Rural Production Zone provided that, for subdivision located within the National Grid Subdivision Corridor the identified Building Platform shall be located outside the National Grid Yard.</p> <p>Council restricts its discretion to:</p> <p>a. The ability of sites to:</p> <ul style="list-style-type: none"> <li>i. Be independently serviced for stormwater and wastewater;</li> <li>ii. Maintain or enhance rural character <del>and to avoid potential reverse sensitivity;</del></li> </ul> <p>b. <u>The management of reverse sensitivity effects on land-based primary production activities undertaken on highly productive land.</u></p> <p>c. Loss of <u>highly</u> productive land.</p> <p>d. Impact of the operation, maintenance...</p>	<p><b>RDIS</b></p> <p><b>(Restricted Discretionary)</b></p>
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9. Subdivision in the Rural Production Zone to create one allotment with a minimum site area of 5000m<sup>2</sup> and a maximum site area of one hectare site area provided that:

- i. The site proposed for subdivision, legally existed at the 21st March 2016;
- ii. The balance site area is at least 10 hectares, and
- iii. For subdivision located within the National Grid Subdivision Corridor the identified Building Platform shall be located outside the National Grid Yard.

Council restricts its discretion to:

- a. The ability of the development to be serviced by on-site means with regard to effluent and stormwater disposal;
- b. Impact on the rural character of the surrounding area, and to avoid potential reverse sensitivity;
- c. Loss of highly productive land;
- d. Impact on the operation, maintenance, upgrade and development of the National Grid, including:
- e. Compliance with NZECP34:2001;
- f. The location and orientation of identified Building Platforms relative to the National Grid;
- g. The nature and location of any vegetation proposed to be planted in the vicinity of the National Grid; and
- h. Access to the National Grid.
- i. Risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- j. The management of reverse sensitivity effects on land-based primary production activities undertaken on highly productive land.

10. Subdivision in the Rural General Zone provided that, for subdivisions located within the National Grid Subdivision Corridor the identified Building Platform shall be located outside the National Grid Yard.

Council restricts its discretion to:

- a. The ability of sites to:
  - i. Be independently serviced for stormwater and wastewater;
  - ii. Maintain or enhance rural lifestyle character.
- b. Loss of highly productive land;
- c. The management of reverse sensitivity effects on land-based primary production activities undertaken on highly productive land.
- d. Impact of the operation, maintenance,...

## Question:

### In response to Horizons RC

In relation to recommended NFL-PT-S3, it may be difficult to provide photographic evidence of intended tree works. Would it be appropriate to instead word NFL-PT-S3 as follows:

#### NFL-PT-S3

- a. An arborist's description of any intended destruction, removal, pruning or maintenance of any protected tree shall be submitted to Council a minimum of 10 days prior to any such works commencing; and
- b. Photographic evidence of the completed works shall be submitted to Council within 10 days of the completion of the works.

### **Possible consequential amendment (RMA Schedule 1 clause 10(2)(b))**

Standard NFL-PT-S1.1 refers to "Minimum Industry Standards". In your "Officer Comment" number 3 under the Horizons RC submission summary, you refer to The New Zealand Arboricultural Association's Minimum Industry Standards.

The Arboricultural Association's webpage (<https://www.nzarb.org.nz/safety-and-guidelines>) advises that the following Guideline documents produced by the Association are currently under review; Trees on Development Sites, Tree Protection Fencing, and Amenity Tree Pruning Guide.

It goes on to advise that in the absence of NZ specific standards, the New Zealand Arboricultural Association supports and recommends the use of several applicable international standards.

Consequently, would it provide clarity and assist users of the District Plan if NFL-PT-S1.1 was amended as follows (or similar wording):

All works will comply with Minimum Industry Standards, including Tree Care Guidelines produced, supported or recommended by the New Zealand Arboricultural Association, for:

- a. ...

## Officer response:

Accurate record keeping is important for the protection of the scheduled Protected Trees in Appendix C of the District Plan. Photographic evidence provides visual clarity to a description of the tree, and visually references any changes over time.

An assumption had been made that providing a photograph of the tree prior to intended works would not be overly onerous.

The requirement of an arborist's description of any intended destruction, removal, pruning or maintenance of any protected tree to be submitted to Council a minimum of 10 working days prior to any such works commencing is supported. If there is no photographic evidence with the description, this timeframe will allow for Council to assess the subject tree and confirm compliance.

Timely photographic evidence within 10 working days of the completed works will allow for the monitoring of completed works and maintenance of accurate records of protected tree.

It is therefore considered appropriate to amend the standards for protected tree as follows:

**NFL-PT-S3**

- a. An arborist's description of any intended destruction, removal, pruning or maintenance of any protected tree shall be submitted to Council a minimum of 10 working days prior to any such works commencing; and
- b. Photographic evidence of the completed works shall be submitted to Council within 10 working days of the completion of the works.

The aim of the proposed standard for works on protected trees, was to achieve compliance with the New Zealand Arboricultural Association's Approved Codes of Practice.

As some of the current industrial standards are under review, the Association recommends the use of several applicable international standards in their absence.

It is therefore recommended that the standard NFL-PT-S1 reflects this with the following:

**NFL-PT-S1**

All works will comply with Minimum Industry Standards, including Tree Care Guidelines produced, supported or recommended by the New Zealand Arboricultural Association, for:

- a. Tree pruning;
- b. Tree care on construction/development sites;
- c. Utility line clearance;
- d. Tree protection zones.