

## PLAN CHANGE 14 – Chapter 6.10A - TREE CANOPY COVER / FINANCIAL CONTRIBUTIONS - 17-5-24

### DISTRICT PLAN AMENDMENTS

#### 1. Text Amendments as Notified by Council and included in Proposed Plan Change 14

For the purposes of this plan change, any unchanged text is shown as normal text, any text proposed to be added by the plan change as notified is shown as **bold underlined** and text to be deleted as **~~bold strikethrough~~**.

Text in **green** font identifies existing terms defined in Chapter 2 - Definitions. Where the proposed change contains a term already defined in Chapter 2 – Definitions, the term is shown as **bold underlined text in green** and that to be deleted as **~~bold strikethrough in green~~**. Proposed new definitions in a proposed rule are shown as **bold green text underlined in black**.

Text in **blue** font indicates links to other provisions in the District Plan and/or external documents. These will have pop-ups and links, respectively, in the on-line Christchurch District Plan. Where the proposed plan change contains a new link, it is shown as **bold underlined text in blue**. Where a link is proposed to be deleted, it is shown as **~~bold strikethrough text in blue~~**.

#### 2. Text as Recommended in s42A Reports

Text in **purple bold and underlined** indicates text recommended in the s42A report to be added and text in **~~bold purple strikethrough~~** text recommended in the s42A report to be deleted. Text in **normal black font with purple underline** indicates text that was proposed to be deleted in the notified PC14 and is recommended to be reinstated.

#### 3. Additional Text Amendments to s42A Reports in Response to Matters Raised During Hearings

Text in **bold dark orange underlined** indicates text recommended to be added.

Text in **~~bold dark orange strikethrough~~** indicates text recommended to be deleted.

Text in **bold orange text underlined in black** indicates text that was proposed to be deleted in the s42A report but is now recommended to be reinstated.

## Chapter 6 – General Rules and Procedures

*Following section 6.10 of the District Plan add the following new section for tree canopy cover / financial contributions as shown below:*

### **6.10A Tree Canopy Cover and Financial Contributions**

#### **6.10A.1 Introduction**

- a. **This Introduction is to assist the lay reader to understand what this chapter applies to and how the provisions work. It is not an aid to interpretation in a legal sense.**
- b. **Under section 77E of the Resource Management Act, the Council can require **financial contributions** to be charged for any class of activity other than a prohibited activity.**

- c. The provisions of this section seek tree retention or planting of trees, or the payment of financial contributions in lieu of planting, for residential subdivision and/or development to enhance tree canopy cover and help to address adverse effects of development on the city's environment and improve its resilience to climate change.
- d. These provisions, including those requiring financial contributions, align with other Council strategies and will help to achieve the target tree canopy cover recommended in the Council Urban Forest Plan.

## 6.10A.2 Objectives and Policies

### 6.10A.2.1 Objective – Urban tree canopy cover

- a. Tree canopy cover in areas of residential activities is enhanced through maintaining existing trees and/or planting new trees as part of new residential development to sequester carbon from emissions, reduce stormwater runoff, mitigate heat island effects, and improve the city's biodiversity and amenity.

#### 6.10A.2.1.1 Policy – Contribution to tree canopy cover

- a. Ensure that subdivision and/or development achieves the following tree canopy cover levels at maturity:
  - i. For residential subdivision and/or development in residential zones – 20% of the development site area;
  - ii. For subdivision and/or development in residential greenfield areas and brownfield sites subject to comprehensive residential development – as for (i), and an additional 15% of the future road area to be vested in Council.

#### 6.10A.2.1.2 Policy – The cost of providing tree canopy cover and financial contributions

- a. Ensure the cost of providing new trees to achieve the tree canopy cover required for the development site or the road corridor, preparing appropriate tree pits, providing the necessary land for planting, and the initial tree maintenance is met by those carrying out the subdivision and/or development;
- b. Require payment of financial contributions that are fair and proportional in lieu of providing the required on-site and/or on-road tree canopy cover to enable off-site tree planting by the Council, as close to the development site as practicable;
- c. No financial contribution shall be required where sufficient existing trees, able to achieve the required tree canopy cover at maturity, are retained on the development site or new trees are planted on the development site by the developer or the site owner to achieve the required tree canopy cover.

#### 6.10A.2.1.3 Policy – Tree health and infrastructure

- a. Ensure that **trees** on a **development site** are planted in a position appropriate to the **tree type** and in sufficient soil volume, width and depth to maximise the **tree's** healthy growth while minimising future nuisance effects and avoiding adverse effects on strategic infrastructure.
- b. Where subdivision consents associated with the development of sites for new residential units are granted, use consent notices registered against the relevant titles to ensure that the **tree canopy cover** levels required are achieved and maintained.
- c. Ensure the planting of **trees** in the future **roads** of residential **greenfield** subdivisions or **brownfield sites** subject to **comprehensive residential development** is carried out in accordance with:
  - i. good arboricultural practice to **provide sufficient soil volume and avoid damage to the surrounding infrastructure**; and
  - ii. the needs and requirements of the future **road** controlling authority, including approval of **tree** species and their placement by the **Council** arborist.

**Advice note:**

- 1. Refer to the **Council's Infrastructure Development Standards** and to the **Construction Standard Specifications** for guidance on good arboricultural practice, **tree** pit requirements, and **landscape construction standards**.

**6.10A.3 How to interpret and apply the rules**

- a. The **tree canopy cover** and **financial contribution** rules that apply to subdivision and development activities resulting in one or more new **residential units** or **allotments** in the residential zones and **brownfield sites** subject to **comprehensive residential development** in the Christchurch City area of the **Christchurch District** are contained in:
  - i. Rule **6.10A.4.1** - Activity Status Tables; and
  - ii. Rule **6.10A.4.2** - Rules – Tree canopy cover and financial contributions standards; and
  - iii. Rule **6.10A.5** - Matters of discretion; and
  - iv. Rules **8.3**, **8.5.1** and **8.7.12** - Subdivision; and
  - v. Rules **14.4.2** – **14.11.2** – Residential Built Form Standards.
- b. The activity status tables and standards in the applicable zone chapters and the following chapters also apply to activities subject to **tree canopy cover** and **financial contributions** rules:
  - [4 Hazardous Substances and Contaminated Land;](#)
  - [5 Natural Hazards;](#)
  - [6 General Rules and Procedures;](#)
  - [7 Transport;](#)
  - [8 Subdivision, Development and Earthworks;](#)
  - [9 Natural and Cultural Heritage;](#)
  - [11 Utilities and Energy.](#)
- c. For guidance on **tree** species, their canopy size at **maturity**, and planting and maintenance requirements refer to the **Council's**:
  - i. [Infrastructure Design Standard \(Parts 2 and 10\) https://ccc.govt.nz/consents-and-licences/construction-requirements/infrastructure-design-standards/download-the-ids/;](https://ccc.govt.nz/consents-and-licences/construction-requirements/infrastructure-design-standards/download-the-ids/)  
and

- ii. [Construction Standard Specifications \(Part 7\)](https://ccc.govt.nz/assets/Documents/Consents-and-Licences/construction-requirements/CSS/Download-the-CSS-2020/CSS-PART-7-LANDSCAPES-2019.pdf)  
<https://ccc.govt.nz/assets/Documents/Consents-and-Licences/construction-requirements/CSS/Download-the-CSS-2020/CSS-PART-7-LANDSCAPES-2019.pdf> .

**6.10A.4 Rules – Tree canopy cover and financial contributions**

- a. **The following rules apply in the Christchurch City area of the Christchurch District to:**
  - i. **development resulting in one or more new ground floor residential units in residential zones; and**
  - ii. **subdivision in residential zones where one or more allotments are proposed to or able to contain a ground floor residential unit; and**
  - iii. **development and subdivision containing or able to contain one or more ground floor residential units in a brownfield site subject to comprehensive residential development where new roads have been/will be created.**

**6.10A.4.1 Activity status tables**

**6.10A.4.1.1 Permitted activities**

- a. **The activities listed below are permitted activities if they meet the activity specific standards for tree canopy cover and/or financial contributions set out in this rule, and the tree canopy cover and financial contributions standards, including calculations, specified in Rule 6.10A.4.2.**
- b. **Activities may also be controlled, restricted discretionary, discretionary, non-complying or prohibited as specified in Rules 6.10A.4.1.2, 6.10A.4.1.3, 6.10A.4.1.4, 6.10A.4.1.5, and 6.10A.4.1.6.**

	<b>Activity</b>	<b>Activity specific standards – Tree canopy cover</b>
<b>P1</b>	<p><b>a. Any residential development or subdivision where no new roads to vest in Council are created, except for extensions or accessory buildings to existing residential units, in the Christchurch City area of the Christchurch District, that results in one or more ground floor residential units on an allotment or a development site in:</b></p> <ul style="list-style-type: none"> <li><b>i. a residential zone, or</b></li> <li><b>ii. a residential greenfield site or a brownfield site, or a brownfield site subject to comprehensive residential development where no new roads to vest in Council are created.</b></li> </ul>	<p><b>a. A minimum tree canopy cover of 20% of the development site area shall be provided on the development site through:</b></p> <ul style="list-style-type: none"> <li><b>i. Retaining existing trees on the development site that will provide a minimum 20% tree canopy cover at maturity; or</b></li> <li><b>ii. Planting new trees on the development site to provide a minimum 20% tree canopy cover at maturity; or</b></li> <li><b>iii. Providing a combination of existing and new trees to achieve a minimum 20% of on-site tree canopy cover at maturity; and</b></li> <li><b>iv. Providing sufficient soil volume and tree root area dimensions for all trees in accordance with the tree size class requirements specified in the Rule 6.10A.4.2.1, Table 1.</b></li> </ul> <p><b>b. Financial contributions shall be paid, in accordance with Rule 6.10A.4.2.2, if the on-site tree canopy cover requirement or part of the requirement specified in (a) above is not met.</b></p>

**Commented [AH1]:** During the hearing the Panel requested that Rule 6.10A.4.1.1 P1 and P2 be reviewed to potentially make it clearer that the rule applies to allotments within a subdivision and not to the original 'parent' lot before it is subdivided. That is to avoid any potential for "double-dipping" (Submissions 728.3 Sutherlands Estates Limited; 819.7 Benrogan Estates Ltd; 820.10 Knights Stream Estates Ltd; 903.3 Danne Mora Limited; 914.8 Davie Lovell-Smith Ltd; 916.5, 914.21 Milns Park Limited). The rule was reviewed and some minor amendments, including in its layout, are proposed as a result to make the application of the rule clearer.

Activity	Activity specific standards – Tree canopy cover
<p>b. <u>Rule P1(a) does not apply to extensions to or accessory buildings for existing residential units.</u></p> <p>c. <u>This rule applies to the Christchurch City area of the Christchurch District.</u></p>	<p><u>Advice note:</u></p> <p>1. <u>Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</u></p>
<p>P2</p> <p>a. <u>Any residential development or subdivision where new roads to vest in Council have been or will be created, except for extensions or accessory buildings to existing residential units, in the Christchurch City area of the Christchurch District, that results in one or more ground floor residential units on an allotment or a development site in:</u></p> <p>i. <u>a residential zone, or</u></p> <p>ii. <u>a residential greenfield site or a brownfield site, or a brownfield site subject to comprehensive residential development where new roads to vest in Council have been or will be created.</u></p> <p>b. <u>Rule P2(a) does not apply to extensions to or accessory buildings for existing residential units.</u></p> <p>c. <u>This rule applies to the Christchurch City area of the Christchurch District.</u></p>	<p>a. <u>A minimum tree canopy cover of 20% of the development site area, excluding the road corridor area, shall be provided on the development site through:</u></p> <p>i. <u>Retaining existing trees on the development site that will provide a minimum 20% tree canopy cover at maturity; or</u></p> <p>ii. <u>Planting new trees on the development site to provide a minimum 20% tree canopy cover at maturity; or</u></p> <p>iii. <u>Providing a combination of existing and new trees to achieve a minimum 20% of on-site tree canopy cover at maturity; and</u></p> <p>iv. <u>Providing sufficient soil volume and tree root area dimensions for all trees in accordance with the tree size class requirements specified in the Rule 6.10A.4.2.1, Table 1.</u></p> <p>b. <u>The tree canopy cover area may be located on any part of the development site and does not need to be associated with each residential unit.</u></p> <p>c. <u>Additional tree canopy cover of 15% of the road corridor area shall be provided in the road corridor in the subdivision through:</u></p> <p>i. <u>Planting new trees in the future road to be vested with the Council to provide a minimum 15% tree canopy cover at maturity, and</u></p> <p>ii. <u>Providing sufficient soil volume and tree root area dimensions for all trees in accordance with the tree size class requirements specified in the Rule 6.10A.4.2.1, Table 1.; and</u></p> <p>iii. <u>Meeting the needs and requirements of the Council as the future road owner/manager, including approval of tree species, their location and tree pit construction by the Council arborist.</u></p> <p>d. <u>Financial contributions shall be paid where the 20% on-site and/or 15% road corridor tree canopy cover requirements specified in (a - c) above are not met.</u></p>

Activity	Activity specific standards – Tree canopy cover
	<p>e. <u>The financial contributions will be calculated to include the cost of the tree(s) needed to achieve the required on-site and on-road tree canopy cover, and the cost of land required for tree planting as specified in Rule 6.10A.4.2.2 below.</u></p> <p><u>Advice note:</u></p> <p><u>1. Vegetation to be planted around the National Grid should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.</u></p>

#### 6.10A.4.1.2 Controlled activities

- a. There are no controlled activities.

#### 6.10A.4.1.3 Restricted discretionary activities

- a. The activities listed below are restricted discretionary activities.
- b. Discretion to grant or decline consent and impose conditions is restricted to the matters of discretion set out in Rule 6.10A.5, or as specified, as set out in the following table.

Activity	The Council's discretion shall be limited to the following matters:
<p><u>RD1</u></p> <p>a. <u>Activities that do not meet one or more of the activity specific standards in Rule 6.10A.4.1 P1 and P2, and/or tree canopy cover and financial contributions standards in Rule 6.10A.4.2.</u></p> <p>b. <u>Any application arising from this rule shall not be limited or publicly notified.</u></p>	<p>a. <u>Tree canopy cover and financial contributions - Rule 6.10A.5.1</u></p>
<p><u>RD2</u></p> <p>a. <u>Providing the minimum 15% street tree canopy cover required in Rule 6.10A.4.1.1 P2 by retaining existing and/or planting new trees within an alternative area of the subdivision that is not set aside for reserves contribution.</u></p> <p>b. <u>Any application arising from this rule shall not be limited or publicly notified.</u></p>	<p>a. <u>Tree canopy cover and financial contributions - Rule 6.10A.5.1</u></p>

#### 6.10A.4.1.4 Discretionary activities

- a. There are no discretionary activities.

#### 6.10A.4.1.5 Non-complying activities

a. There are no non-complying activities.

**6.10A.4.1.6 Prohibited activities**

a. There are no prohibited activities.

**6.10A.4.2 Tree canopy cover and financial contributions standards**

**6.10A.4.2.1 Tree canopy cover standards and calculations**

a. Where planting trees on the development site, and/or the future road corridor in a residential greenfield subdivision or brownfield site subject to comprehensive residential development, calculate the number of trees required as shown below or follow this link to the online calculating tool:

- i. Calculate the area in square metres of the tree canopy cover required by Rule 6.10A.4.1.1 P1 or P2; and
- ii. Select trees for planting from the list in the Infrastructure Design Standards and note their size class; then

**Advice Note:** Where a plant is not listed, an application may be made to the Council for it to be added at the discretion of the Council arborist.

- iii. Using Table 1 below, determine the tree’s projected canopy size corresponding to its size class; then
- iv. Calculate the remaining required area to meet the tree canopy cover required, by subtracting the tree canopy size/s of the tree/s chosen for planting or of the existing trees to be retained from the square meters area calculated in (i) above. The area remaining should be less than 10m<sup>2</sup>. Where the result is between 5m<sup>2</sup> to 9.9m<sup>2</sup> of canopy required, the number shall be rounded up to 10m<sup>2</sup> and one small tree added to the number of trees required to be planted or retained. Where the calculation results in less than 5m<sup>2</sup>, the number shall be rounded down to zero.
- v. Where the tree canopy cover area calculated in (i) above is not achieved in full or in part through retaining existing trees and/or planting new trees, the remaining tree canopy cover requirement will be achieved through the payment of financial contributions in lieu of tree planting in accordance with Rule 6.10A.4.2.2.

**Table 1 - Tree size classes with their corresponding height and projected canopy size:**

<b>Tree size classes</b>	<b>Tree height (m)</b>	<b>Projected tree canopy cover at maturity (m<sup>2</sup>)</b>	<b>Land area (m<sup>2</sup>) and soil volume (m<sup>3</sup>) required*</b>	<b>Minimum dimension of planting area/ berm</b>
Small	0-5	10	3.8 *	1.5m
Medium	6-12	67	25.5 *	2m
Large	13-20	186	70.8 *	2.5m

Very Large	20+	250	95.4 *	3m
Average tree size	-	130	50.0 *	n/a

\* Soil volume required for a tree/tree roots (m<sup>3</sup>) equals the land area (m<sup>2</sup>) x 1m depth.

- vi. All trees shall be not less than 1 metre high at the time of planting.
  - vii. All trees required by Rule 6.10A.4.1.1 shall be maintained and if dead, diseased or damaged, shall be replaced with a tree of the same species or another species able to achieve the same tree canopy cover at maturity.
  - viii. No more than 20% of the land area required for tree roots, as per Table 1 above, may be covered with any impervious surfaces.
- b. The tree canopy cover area may be located on any part of the development site and does not need to be associated with each residential unit.

#### 6.10A.4.2.2 Financial contribution standards and calculations

- a. If the tree canopy cover requirements specified in Rule 6.10A.4.1.1 are not met, the payment of financial contributions for trees and land is required, calculated according to the following (or follow this link to the online calculating tool for the following calculations):
  - i. The financial contribution shall be \$2037.00 (plus GST) per tree;
  - ii. To calculate the number of trees for which a financial contribution is required, subtract from the square metres area/s of the development site and/or the road corridor area calculated in Rule 6.10A.4.2.1(a)(i) above, any tree canopy cover area that will be provided by existing trees to be retained or by new trees, as per Rule 6.10A.4.2.1(a)(ii) - (iii) above, and divide the result by 130m<sup>2</sup> (the average tree canopy size). The result may include a fraction, e.g. 2.45 trees.
  - iii. Multiply the number of trees required calculated in (a)(ii) above by \$2037.00 (financial contribution per tree).
  - iv. To calculate the land value for which a financial contribution is required follow the steps below (or use the online calculating tool):
    - A. Multiply the number of trees required (as per (a)(ii) above) by 50m<sup>2</sup> (land area required to support an average size tree) to establish the amount of land needed for the tree/s; and  
 Advice note: 50m<sup>2</sup> has been determined through this formula ((Canopy area ÷ 0.092) x 0.975) ÷ 27.55.
    - B. Request the Council to instruct an independent registered valuer to assess the current market value of the area of the subject development site calculated in (a)(iv)(A) above, in accordance with the applicable professional standards and guidelines. The person requesting the valuation will pay the cost of the valuation before it is started.



- c. The total amount of the financial contribution payable shall be the cost of trees (refer to (a)(iii) above) plus the value of land (plus GST) required for tree planting (as per (a)(iv)(B) above).
- b. Financial contributions**, as set out in Rule 6.10A.4.1.1, will be required to be paid prior to the issue of any certificate pursuant to section 224 of the [Resource Management Act 1991](#) or code compliance certificate pursuant to sections 91 and 95 of the [Building Act 2004](#).

#### **6.10A.4.2.3 Consent notice**

- a.** Where tree canopy cover is provided in full or in partial fulfilment of [Rule 6.10A.4.1.1](#) and [6.10A.4.2.1](#), a consent notice shall be registered on the title of the relevant allotment in accordance with [Rule 8.3.4](#).

#### **6.10A.5 Matters of discretion**

##### **6.10A.5.1 Tree canopy cover and financial contributions**

- a.** Whether the non-compliance or the amount of the contribution is appropriate to its context taking into account:

  - i.** Whether the benefits of tree canopy cover in building resilience to climate change effects, including carbon sequestration, stormwater infiltration, and reducing heat island effects, as well as improving residential amenity, can be achieved by the developer by retaining or planting the required tree canopy cover on another part of the subdivision/ private site in the vicinity (other than publicly owned land);
  - ii.** Whether a reduction in financial contribution, due to provision by the developer of partial tree canopy cover elsewhere in the vicinity of the development site, is justified;
  - iii.** Whether the site or development has unique or unusual characteristics which mean that planting of the required tree canopy cover is not possible and a financial contribution in lieu of the tree planting is unnecessary or inappropriate;
  - iv.** The extent to which the built development is designed to minimise or mitigate adverse effects on resilience to climate change effects or on the amenity values of the surrounding area.
- b.** Whether scheduling or staging of financial contributions payments is appropriate.
- c.** Whether taking of land instead of monetary financial contribution is appropriate and whether the Council will, at its discretion, accept land for the purpose of tree canopy cover planting instead of cash for financial contributions for land. If the Council or developer identify opportunities for land to be taken in lieu of cash financial contributions for the land for tree planting, this will be progressed if agreeable to both parties. Such land cannot be the same as the land taken for reserves through development contributions.