

## Section 32AA analysis - Additional alternative options for the provision of tree canopy cover (TCC) in residential zones and/or financial contribution (FC) provisions

### Option 1

<b>Adopt the FC / TCC provisions largely in their current form</b> , while 'tidying up' the provisions in response to specific submissions (for example, ensuring it is clear there will be no 'double dipping')	
<b>Costs</b>	<b>Benefits</b>
<b>Efficiency and effectiveness</b>	
<p>Cost benefits, efficiency and effectiveness analysis, as outlined in the Section 32 evaluation<sup>1</sup>.</p> <p>In summary, tree canopy cover on development sites would be providing direct benefits for the immediate environment by sequestering carbon emissions, more effective stormwater management on the site, mitigating heat island effects created by the development on the site and improving the amenity and biodiversity on the development site and the adjacent environment. This would improve the site's resilience to climate change effects.</p> <p>The tree canopy cover in Christchurch is decreasing and is the lowest among the three major NZ cities. The UFP tree canopy cover targets for residential zones and the city overall are likely to be met with the proposed provisions.</p> <p>The proposal would meet the higher order and strategic directions, the District Plan objectives and address the issues identified in the s32 evaluation, s2.2, page 11.</p> <p>Additional benefits of better clarity of provisions achieved from minor redrafting of Rule 6.10A.4.1.1. This was done in response to submissions concerned about the potential for 'double-dipping' whereby contributions could be sought both for an overall site before it is subdivided, then also for each dwelling development on a newly subdivided site within that original site.</p>	

### Option 2

<p>The fundamental scheme, where <b>TCC/FC permitted activity standard applies to all residential development</b> in Christchurch allowing the developer to either provide on-site TCC or pay FCs, is retained. To address concerns about the potential onerous nature of the provisions, amendments to rules could:</p> <ol style="list-style-type: none"> <li>a. <b>reduce the amount of FC</b> payable to only reflect the cost of the tree/s, planting and maintaining the tree/s on Council land; <b>and / or</b></li> <li>b. <b>remove the consent notice</b> requirement.</li> </ol>	
<b>Costs</b>	<b>Benefits</b>
<ul style="list-style-type: none"> <li>- Planting of FC trees on Council land, beyond Council's Urban Forest Plan (UFP) targets for parks, would lead to encroachment on open spaces needed for recreation and related purposes within the parks. (social, cultural, environmental)</li> <li>- The cost of purchasing additional land for tree planting would fall on the Council and</li> </ul>	<ul style="list-style-type: none"> <li>- Less onerous provisions for developers. (economic, social)</li> <li>- Considerably lesser cost to the applicant if land price element is removed from FC. (economic)</li> <li>- Less administration and cost for the Council associated with land valuations, calculating</li> </ul>

<sup>1</sup> Section 32 Evaluation, Part 7, para 5.4.6, page 41 <https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Tree-canopy-Financial-Contributions-with-no-appendices.pdf>

<p>ratepayers and may lead to rates rises. (economic, social)</p> <ul style="list-style-type: none"> <li>- The Council would likely seek to purchase cheaper land to minimise its/ratepayer costs and the land is unlikely to be in the residential areas near the development. (environmental, social, climate change resilience)</li> <li>- The tree planting on Council land may not be close enough to the development site to effectively mitigate the adverse effects of that development in terms of carbon sequestration, stormwater retention, heat island effects mitigation or biodiversity. (environmental, social, climate change resilience)</li> <li>- Loss of benefits of trees in building climate change resilience of residential development. (social, environmental, climate change resilience)</li> <li>- Removal of consent notice requirement would make the provisions less effective in protecting the trees planted on site long term and may result in poor maintenance, tree removal, lesser tree canopy cover over time and put additional demands on CCC enforcement. (environmental, social, administrative)</li> <li>- Potential for not achieving the UFP 20% residential and the overall city canopy cover targets. (environmental, biodiversity, social, climate resilience)</li> <li>- The financial incentive to retain or plant trees on development sites to avoid FC costs would be gone. (environmental, economic, social)</li> </ul>	<p>FCs and enforcement. (administrative, economic)</p> <ul style="list-style-type: none"> <li>- Potentially easier provisions to use and fewer resource consents. (administrative, economic)</li> <li>- Greater clustering of trees in parks may have biodiversity and ecosystem benefits for the city, if not for the development sites. (biodiversity, environmental)</li> </ul>
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**Efficiency and effectiveness**

In administrative terms, this option is potentially more efficient than Option 1.

This option would be as efficient as Option 1 in providing funding directly for trees to be planted by Council but ineffective in providing funds for land needed for tree planting.

Option 2 would be less efficient and less effective than Option 1 in addressing the loss of tree canopy cover in residential zones due to intensification and would likely result in insufficient new tree planting to meet the recommended canopy cover targets for Christchurch.

Option 2 would be less efficient and effective than the Option 1 in addressing adverse environmental effects of new development such as increased carbon emissions, heat island effects, excessive stormwater runoff, loss of biodiversity and diminishing amenity, and addressing the issues identified in the s32 report.

Potentially inequitable if trees in lieu of the canopy cover required cannot be planted in the vicinity of the development/ neighbourhood, therefore less effective in mitigating the related adverse effects locally.

Likely less effective in the long-term protection of trees, as the bespoke consent notice scheme would not be utilised and would likely require more enforcement to monitor the on-site tree cover thus affecting the efficiency of the rules and increasing the administration costs.

Would not be as effective as the Option 1 in achieving the Plan objectives, the UFP targets and mitigating the adverse effects of development at source.

**Option 3**

Introduce a s80E ‘related provision’ for **TCC/FC applicable to development of four or more units only**, which is proposed to be a restricted discretionary activity (RDA) by default in Chapter 14, with associated matters of discretion if the 20% tree canopy cover or FCs are not provided. Chapter 6.10A rules would need to be adjusted to apply to 4+ unit developments only.

Costs	Benefits
<p>The likelihood of achieving:</p> <ol style="list-style-type: none"> <li>1) the purpose of the provisions (mitigating the effects of development on the environment where they need to be mitigated and improving our climate change resilience (NPS UD objectives)); and</li> <li>2) meeting the Urban Forest Plan (UFP) targets, i.e. implementing the Council strategy,</li> </ol> <p>would be much diminished because:</p> <ul style="list-style-type: none"> <li>- the TCC requirement would only apply to a little over 50% of new residential developments<sup>2</sup> therefore considerably reducing the amount of TCC in residential zones (environmental, social, health, climate resilience);</li> <li>- an RDA would provide the developers with a pathway to argue against providing any or full canopy amount (and/or FCs if we decide to keep them as an alternative), and evidence shows that 90% plus consents are granted (environmental, social, health, climate resilience);</li> <li>- to achieve the target 20% residential TCC, the Council would need to compensate and plant TCC not provided by developers, both for developments up to 3 units where no TCC would be required under this option and the development of 4 or more units where no TCC or insufficient TCC is provided on development sites. (environmental, economic, social, climate resilience);</li> </ul>	<ul style="list-style-type: none"> <li>- Less onerous for developments up to three residential units. (economic, administrative)</li> <li>- No additional cost to developers of 1-3 units developments. (economic)</li> <li>- Potentially fewer consents (administrative, economic)</li> <li>- Potentially less restrictive to the layout of units on the site. (economic)</li> <li>- Less administration and cost for the Council associated with land valuations, calculating FCs and enforcement. (administrative, economic)</li> <li>- Greater clustering of trees in parks (planted by the Council to compensate for no TCC on 1-3 units developments) may have more biodiversity and ecosystem benefits for the city, even if not for the development sites. (biodiversity, environmental)</li> <li>- No perceived potential conflict with MDRS/RMA. (legal)</li> </ul>

<sup>2</sup> Refer to Attachment B below for a breakdown of numbers of dwellings and consent issued in 2023.

<ul style="list-style-type: none"> <li>- with potentially insufficient or no FCs (if we opt for no FCs), the Council would need to pay themselves (ratepayer money) for planting trees not planted by developers (economic);</li> <li>- planting these ‘replacement’ TCC trees in Council parks would have the effect of potentially significantly reducing the amount of open space left in them for recreation and related activities<sup>3</sup> (social, health);</li> <li>- to provide more land for planting, the Council would need to rely on ratepayer money to fund such purchases – could lead to rates rises therefore the cost of development/TCC pushed onto ratepayers, and the Council would likely opt for cheaper land, i.e. not residential. (economic, social, environmental, amenity);</li> <li>- the TCC planting would likely be too far away from the development to effectively mitigate the effects on the environment of that development (environmental, climate resilience, social);</li> <li>- insufficient funds and/or park capacity may lead to less tree planting and not meeting the 20% residential TCC target (economic, environmental, social, health, climate resilience);</li> <li>- no specific incentive to retain existing trees during development or to plant new trees on development sites of up to 3 residential units (about 43% of all developments in 2023) (environmental, social/amenity);</li> <li>- more opportunities to introduce more impervious surfaces at the cost to open soil areas on development site (environmental, climate resilience);</li> <li>- less consistent with higher order and strategic documents’ directions<sup>4</sup> (environmental, climate resilience, social, cultural)</li> </ul>	
<p><b>Efficiency and effectiveness</b></p>	

<sup>3</sup> Attachment A to this evaluation - T Chapman, Reduction in residential land tree canopy cover - impact on Council park land

<sup>4</sup> Section 32 Evaluation, Section 2.1, page 4 <https://www.ccc.govt.nz/assets/Documents/The-Council/Plans-Strategies-Policies-Bylaws/Plans/district-plan/Proposed-changes/2023/PC14/Section-32/Plan-Change-14-HBC-NOTIFICATION-Section-32-Tree-canopy-Financial-Contributions-with-no-appendices.pdf>

In administrative terms, this option is potentially more efficient than Option 1 as it would apply to fewer residential developments (In 2023, about 57% of new dwellings were in 4+ multi-unit developments, however, these constituted only 18% of all building consents issued<sup>5</sup>).

Option 3 would be less efficient and effective than Options 1 and 2 in addressing the loss of tree canopy cover in residential zones through intensification and would result in insufficient new tree planting to meet the recommended UFP canopy cover target for Christchurch residential zones.

This option would be significantly less effective in ensuring that the costs of mitigating adverse effects of development are met by those responsible for the development.

Ineffective in ensuring the costs of providing land for off-site tree canopy planting is met by the developers of 1-3 units in particular but likely the developers of 4 plus units as well.

Option 3 would be significantly less efficient and effective than the Options 1 and 2 in mitigating adverse environmental effects of new development such as increased carbon emissions, heat island effects, excessive stormwater runoff, loss of biodiversity and diminishing amenity, and addressing the issues identified in the s32 report<sup>6</sup>.

Potentially inequitable if the trees planted by Council to compensate for the canopy cover not required on developments of 1 to 3 units cannot be planted in the vicinity of the development/ in the neighbourhood, therefore less effective in mitigating relevant environmental adverse effects.

Would not be as effective as the Option 1 in achieving the Plan objectives, the UFP targets and mitigating adverse effects of development at source.

## Recommendation

**Option 1** is the preferred option and is recommended as the most effective and efficient option of the alternatives considered.

The recommended Option 1 proposal addresses the issues identified in the s32 report. The benefits of the proposed Option 1 amendments outweigh the costs. The notified proposal provides alternative mechanisms for developers to contribute appropriately to tree canopy cover across the city while providing a strong incentive to use the cheaper option of planting trees on site. The proposed solutions to the issues identified are considered more effective than Options 2 and 3.

The proposal is considered to be more effective and efficient in achieving the relevant higher order directions, District Plan objectives, UFP objectives/targets and the desired outcomes.

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### Rule 6.10A.4.1.1 P1 and P2 - minor changes

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. The proposed amendments are shown below in **dark orange**.

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<sup>5</sup> Refer to Attachment B below for a breakdown of numbers of dwellings and consent issued in 2023.

<sup>6</sup> Section 32 Evaluation, Section 2.2, page 11

<p><b>P1</b></p>	<p><b>a.</b> <u>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:</u></p> <p><b>i.</b> <u>a residential zone, or</u></p> <p><b>ii.</b> <u>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.</u></p> <p><b>b.</b> <u>Rule P1(a) does not apply to extensions to or accessory buildings for existing residential units.</u></p> <p><b>c.</b> <u>This rule applies to the Christchurch City area of the Christchurch District.</u></p>	<p><b>a.</b> <u>A minimum tree canopy cover of 20% of the development site area shall be provided on the development site through:</u></p> <p><b>i.</b> <u>Retaining existing trees on the development site that will provide a minimum 20% tree canopy cover at maturity; or</u></p> <p><b>ii.</b> <u>Planting new trees on the development site to provide a minimum 20% tree canopy cover at maturity; or</u></p> <p><b>iii.</b> <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><b>iv.</b> <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>b.</b> <u>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.</u></p> <p><b>Advice note:</b></p> <p><b>1.</b> <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><b>P2</b></p>	<p><b>a.</b> <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><b>i.</b> <u>a residential zone, or</u></p> <p><b>ii.</b> <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>a.</b> <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><b>i.</b> <u>Retaining existing trees on the development site that will provide a minimum 20% tree canopy cover at maturity; or</u></p> <p><b>ii.</b> <u>Planting new trees on the development site to provide a minimum 20% tree canopy cover at maturity; or</u></p> <p><b>iii.</b> <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><b>iv.</b> <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>b.</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><b>b. <u>Rule P2(a) does not apply to extensions to or accessory buildings for existing residential units.</u></b></p> <p><b>c. <u>This rule applies to the Christchurch City area of the Christchurch District.</u></b></p>	<p><b>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></b></p> <p><b>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></b></p> <p><b>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.;</u></b> <b>and</b></p> <p><b>iii. <del>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.</del></b></p> <p><b>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></b></p> <p><b>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></b></p> <p><b><u>Advice note:</u></b></p> <p><b>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></b></p>
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Section 32AA requires a further evaluation of changes made to the provisions as a result of submissions. The scale and significance of such changes will dictate the extent of the additional evaluation. In the case of this amendment, the s32AA evaluation summary is shown in the table below. In evaluating the effects of the changes in accordance with 32AA, the following questions have been considered. Do the changes recommended:

- a. make a significant difference to the conclusions of the s32 evaluation?
- b. have significant effects on their own or in combination with the other amendments?
- c. address the identified problems?

Further evaluation under s32AA shows that the changes to the proposed rules do not affect the conclusions of the s32 evaluation. The purpose of plan change is still the most appropriate way to achieve the purpose of the RMA and the proposed amended provisions are the most appropriate way to achieve the objectives of the District Plan and the purpose of the Act.

## s32AA evaluation of changes recommended to Rule 6.10A.4.1.1 P1 &amp; P2

Changes to PC14 proposed amendments	Effects and evaluation of changes
<p><b>6.10A.4.1.1 Permitted activities, P1 and P2</b></p> <p>The changes rearrange the permitted activity descriptions in P1 and P2 to make it easier to follow without changing the effect of the rule. The addition of 'subdivision' to subclause (a) will address the submissions (listed above) concerned about the possibility of Council double dipping by charging FCs on the 'parent' site proposed to be subdivided and later also on the subdivided individual allotments and roads within the approved subdivision. The proposed amendments should clarify that the rules apply to individual sites in the subdivision where residential development has or will occur and result in one or more ground floor residential units.</p> <p>The IHP were concerned about the lawfulness of the activity standard in P2(c)(iii). The standard is recommended to be deleted as Rule 6.10A.3 'How to interpret and apply the rules' refers to/provides a link to planting and maintenance requirements in the Council's Infrastructure Design Standards and Construction Standard Specifications.</p>	<p>No significant effect in terms of s32 evaluation.</p> <p>The changes simplify the rules and clarify their application without changing their original intent.</p> <p>The changes are relatively minor and ensure better consistency with Objective 3.3.2 'Clarity of language and efficiency'.</p> <p>The proposed change does not create any additional transaction costs.</p> <p>Overall, the provisions will be more efficient by eliminating possible misunderstandings.</p> <p>There is no change in effectiveness of the tree canopy cover/ FC rules.</p>



### Reduction in residential land tree canopy cover - impact on Council's park land.

A high level analysis of the ability for the Council to offset tree canopy cover from residential land in Council's park land has been undertaken. The tables below outline how much additional area within the Council's parks would be required to allow the Council to meet the targets as set out in the Urban Forest Plan.

Table 1: This table represents the percentage of canopy cover and land area that would be required in parks (bottom two rows) if the canopy cover within Residential land (top row) was reduced. The green column reflects the current targets set within the Urban Forest Plan. Should the residential canopy cover target decrease or remain at current levels, the parks canopy cover target would need to increase in compensation to achieve the 20% target. This would also require more park land to be dedicated to tree planting.

If the current canopy cover within residential land (measured 2018/2019) were to remain unchanged at 13% and the Council wanted to achieve the 20% residential target cover by offsetting the remaining 7% on Council land, the parks canopy target would need to increase to 48% and require an increased area of land (4361ha) for tree planting in parks, as shown below in the last, grey column.

Table 1

	UFP target	Target Change	Target Change	Target Change	Current canopy cover (2018/2019) <sup>1</sup>
Residential canopy cover target %	20%	↓10%	↓5%	↓0%	13%
Canopy cover target change in parks by %	40%	↑52%	↑58%	↑64%	↑48%
Parks by area (Ha)	3653	↑4733	↑5273	↑5812	↑4361

<sup>1</sup>Canopy cover within residential land as of 2018/2019

Table 2: This table represents the area remaining as open space within a park if it was required to offset tree planting not undertaken on residential land. This table takes into account the space left within our parks once things such as sport fields, water bodies, buildings and existing canopy cover commitments are removed. The remaining area (bottom two rows) reflects the space that would be available for other activities such as playgrounds or open space.

The last column (current 2018/19 cover) shows open space left after the Council has offset the remaining 7% of the 20% UFP residential target by planting the 7% tree cover on Council parks.

Table 2

Remaining open space area	UFP target	Target Change	Target Change	Target Change	Current canopy cover (2018/2019)
Residential Canopy Cover Area	20%	↓10%	↓5%	↓0%	13%
Open space available in parks (Ha)	2543.15	1463.58	923.79	384.00	1834.95
Open space available in parks %	28%	16%	10%	4%	20%

## RESIDENTIAL BUILDING CONSENTS ISSUED AND DWELLING NUMBERS IN 2023

<b>Building Consents Issued</b>				
<b>Note that multiple dwellings can be consented in a single consent. The numbers below are counts of the building consent only.</b>				
<b>Number of dwellings</b>	<b>Multi Unit</b>	<b>Stand Alone Dwelling</b>	<b>Total</b>	<b>Grand Total</b>
1		1192	1192	74%
2	89		89	6%
3	45		45	3%
sub-total			1326	82%
4	91		91	6%
5+	193		193	12%
sub-total			284	18%
<b>Grand Total</b>	<b>418</b>	<b>1192</b>	<b>1610</b>	<b>100%</b>

<b>Net new dwellings</b>				
<b>Net new dwellings are the total number of dwellings in a consent minus demolitions</b>				
<b>Number of dwellings</b>	<b>Multi Unit</b>	<b>1-3 units</b>	<b>Total</b>	<b>Grand Total %</b>
1		1071	1071	35%
2		150	150	5%
3		106	106	3%
Sub total		1327	1327	43%
4	285		285	9%
5+	1453		1453	47%
Sub total	1738		1738	57%
<b>Grand Total</b>	<b>1738</b>	<b>1327</b>	<b>3065</b>	<b>100%</b>