



NZ TRANSPORT AGENCY
WAKA KOTAHI

27 May 2010

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NOTICE OF SUBMISSION ON SELWYN DISTRICT COUNCIL PROPOSED PLAN CHANGE 18

Please find attached a submission from the NZ Transport Agency on Plan Change 18 of the Selwyn District Plan.

Regards,

Steve Higgs
Integrated Planning Manager
NZ Transport Agency

Selwyn District Council
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NOTICE OF SUBMISSION ON SELWYN DISTRICT COUNCIL PROPOSED PLAN CHANGE 18- PROTECTED TREES

Person making submission: NZ Transport Agency

Address: NZ Transport Agency
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1. **The NZ Transport Agency ("NZTA") wishes to make a submission on Proposed Plan Change 18 to the Selwyn District Plan**
2. **The specific provisions of the Proposed Plan Change that the NZTA submission relates to are as follows:**
 - Townships Volume
 - Part C, 3 Living Zone Rules – Heritage
 - 3.2.1.4 (c) – depth of works within 10 metres of a protected tree.
 - 3.2.1.4 (e) – Underground works
 - 3.2.2.1 – Controlled activity
 - Part C, 15 Business Zone Rules – Heritage
 - 15.1.1.4 (c) - depth of works within 10 metres of a protected tree.
 - 15.1.1.4 (e) - Underground works
 - 15.1.2.1 – Controlled activity
 - Rural Volume
 - Part E, 2 Rural Rules – Tree Planting and Removal of Heritage Trees
 - 2.3.1.4 (c) – depth of works within 10 metres of a protected tree.
 - 2.3.1.4 (e) – Underground works
 - 2.3.2.1 – Controlled activity

The submission relates to four issues which are consistent for the Living Zone Rules, the Business Zone rules and the Rural Zone Rules.

3. The NZTA's submission is:

- 3.1 The NZTA opposes the proposed plan change in its current form for the following reasons.
- 3.2 NZTA acknowledges the need for tree protection and therefore the submission has assumed robust heritage criteria have been used consistent with Section 6 matters of the Resource Management Act 1991. The NZTA have therefore confined submission points to how the rules affect the operation of the State Highway network.

- 3.3 The NZTA review of the schedule identifies approximately 14 heritage trees within or adjoining the highway road reserve. Many of these trees appear well clear of the highway reserve and will not be affected by highway improvements or maintenance. However there are approximately 6 trees that adjoin or intrude into the road corridor and maybe subject to the proposed rules as follows:

State Highway 75 – Tai Tapu (T33)

State Highway 1 – Dunsandel (T30)

State Highway 73 – Kirwee (T84), Sheffield Park (T31 and T32) and Springfield (T17).

- 3.4 These sections of the State Highway are not subject to significant improvement, other than on-going maintenance such as area wide treatments etc. It is therefore more likely that work will be undertaken on these protected trees where a hazardous situation exists.
- 3.5 A significant amount of maintenance work around trees includes the removal or modification to manage safety issues through the effects of trees (ie shading, strobing) or through the dangerous nature of trees, ie unstable limbs or trees.
- 3.6 It is noted that there are identical rules in the Living Zone and Business Zones of the Townships section and the Rural Zone in the Rural section. These same comments apply to all sets of rules.
- 3.7 Rules 3.2.1.4(c), 15.1.1.4 (c), and 2.3.1.4 (c). Works undertaken by the NZTA include maintenance activities such as swale clearance and area wide treatments that may encroach into the tree root structure. In our view 75mm is very shallow and not a practical working depth and NZTA's preference is for this to be increased to 150mm. Past swale maintenance will mean that it is unlikely that there are any major roots present within the top 150mm. Within the sealed area of the road corridor the density of material over the soil and a lack of moisture will result in a lack of tree roots under the seal.
- 3.8 Rules 3.2.1.4(e), 15.1.1.4 (e) and 2.3.1.4 (e). There should be an allowance for 'thrusting' underground cables past trees as most tree roots are in the top one metre of soil and a thrusting depth of 1.2m – 1.5m will have minimal impact. NZTA is installing a greater number of electronic signs that require power and phone etc. Underground thrusting for services is preferable to NZTA rather than 'over ground' cables, requiring additional poles etc which may need to be located within the safety clear zones of the State Highways.
- 3.9 It is considered that Rules 3.2.2.1, 15.1.2.1 and 2.3.2.1 are key rules for tree protection and the NZTA consider that a controlled activity to be an appropriate level for consent requirements. The concern is, however, that the consenting process should be conducted efficiently, particularly if an emergency arises and the tree must be removed or trimmed urgently to avoid a hazard.

4. The NZTA seek the following decision from the consent authority:

- That a working depth of 150mm is allowed rather than 75mm. (Rules 3.2.1.4 (c), 15.1.1.4 (c), 2.3.1.4 (c)).
- That a thrusting depth of 1.2m – 1.5m is allowed for (3.2.1.4(e), 15.1.1.4 (e) and 2.3.1.4).

- An efficient consenting process for a controlled activity so that works can occur during an emergency. (Rules 3.2.2.1, 15.1.2.1 and 2.3.2.1).

5. The NZTA wish to be heard in support of their submission.
6. If others make a similar submission the NZTA will consider presenting a joint case with them at the hearing.



 Steve Higgs
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 NZ Transport Agency
 As duly authorised agent for and on behalf
 of the NZ Transport Agency
 Date: 27 May 2010

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