

## Proposed Timaru District Plan

### Hearing B Rural Zones



#### Written reply

Commissioner Solomon asked, "What measures could farmers have in place before they choose to subdivide their land so that down the track reverse sensitive effects can be avoided?"

The instruments that provide for subdivision largely sit with council itself. As per s11 of the RMA:

#### **11 Restrictions on subdivision of land**

(1) No person may subdivide land, ..., unless the subdivision is —

(a) first, expressly allowed by a national environmental standard, a rule in a district plan as well as a rule in a proposed district plan for the same district (if there is one), or a resource consent; and second, is shown on one of the following:..

The landowner can volunteer a no-complaints covenant as a condition of the consent.

No-complaints instruments make a new use conditional on the occupiers not complaining about the adverse effects emanating from a nearby activity. No-complaints conditions run with the land, but covenants or easements are also registered on the certificate of title to ensure that successors in title have notice of the restrictions.

Isaac Stewart's paper in the Canterbury Law Review<sup>1</sup>, looks at the topic of reverse sensitivity.

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<sup>1</sup> Stewart, Isaac --- "[Reverse sensitivity: an environmental concept to avoid the undesirable effects of nuisance remedies](#)" [2006] CanterLawRw 1; (2006) 12 Canterbury Law Review 1 (nzlii.org)