

Get out of the road – planning to avoid reverse sensitivity

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Reverse Sensitivity

Romantic vision v. working rural environment

Definition: –

“Reverse sensitivity is the legal vulnerability of an established activity to complaint from a new land use.”

(Pardy et al, 1999)

Reverse Sensitivity

Recent cases

- EDS v Taupo District Council (2009)
- Ngatarawa Development Trust v Hastings District Council (2008)

“Better to incur occasional relatively minor adverse effects than to impose controls on adjoining sites owned by others”.

Case Study 1 – Major Infrastructure

- Wind farm
- Rural environment
- Priority rules – *Central Plains Water Trust v Ngai Tahu Properties* (2008)

Questions:

- Should priority rules apply?
- Do we need legislative reform?

Case Study 2 – Rural activities and controls

- Purpose of rural zone
- Mechanisms to reduce potential conflict
 - Buffer zones
 - No complaints covenants
- Use of minimum lot sizes for subdivision
- Bird scaring devices and wind machines
- Early engagement with all parties