

**BEFORE THE HEARINGS PANEL
FOR THE QUEENSTOWN LAKES PROPOSED DISTRICT PLAN**

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Hearing Stream 2 –
Rural, Rural
Residential, Rural
Lifestyle, Gibbston
Character, Indigenous
Vegetation and
Biodiversity, and
Wilding Exotic Trees
chapters

**MEMORANDUM OF COUNSEL ON BEHALF OF THE QUEENSTOWN LAKES
DISTRICT COUNCIL PROVIDING REQUESTED FURTHER INFORMATION**

16 May 2016

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MAY IT PLEASE THE PANEL

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**) in response to the Hearing Panel's (**Panel**) requests for further information, made during the presentation of the Council's opening during the Rural Hearing of the Proposed District Plan (**PDP**).
2. The Panel requested further information relating to a number of matters. Where explanation is required, that is set out below.

Indigenous vegetation – Chapter 33

3. The Panel requested that the Council propose wording for a rule permitting the clearance of indigenous vegetation on land within the Ski Area Sub Zones that is managed by the Department of Conservation (**DOC**), in the circumstances that appropriate approval has been granted by DOC. Council officers have drafted rule 33.4.4 and it is reproduced in **Schedule 1**. This rule does not form part of the Council's current position, but is provided in response to the Panel's directions, to assist the Panel and submitters.
4. The Panel requested a flow diagram demonstrating the interrelationship of the rules contained within Chapter 33, and examples and/or photo representations of vegetation to which the rules contained within Chapter 33 would and would not apply. Council officers have collated this information and it is included in **Schedules 2 and 3**.

Rural Residential and Rural Lifestyles Zones – Chapter 22

5. In relation to the setbacks sought by the New Zealand Transport Agency, the Panel requested:
 - (a) maps showing the location of State Highway 6 and the roads identified as Arterial Roads in the Operative District Plan; and
 - (b) traffic numbers at various locations on State Highway 6 and the Arterial Roads identified in the Operative District Plan.

6. This information will be filed by separate cover, tomorrow 17 May 2016.

DATED this 16th day of May 2016

A handwritten signature in blue ink, appearing to read 'C. J. Scott', is centered on the page.

J G A Winchester / S J Scott
Counsel for the Queenstown Lakes District Council

SCHEDULE 1

Proposed rule 33.3.4.4 – provided as directed by the Panel

33.3.4 Exemptions

- 33.3.4.1 Any area identified in the District Plan maps and scheduled as a Significant Natural Area that is, or becomes protected by a covenant under the Queen Elizabeth II National Trust Act, shall be removed from the schedule and be exempt from rules in Table 3.
- 33.3.4.2 Indigenous vegetation clearance for the operation and maintenance of existing and in service/operational roads, tracks, drains, utilities, structures and/or fence lines, but excludes their expansion.
- 33.3.4.3 Indigenous vegetation clearance for the construction of walkways or trails up to 1.5 metres in width provided that it does not involve the clearance of any threatened plants listed in section 33.7 or any tree greater than a height of 4 metres.

33.3.4.4 Indigenous vegetation clearance within the Ski Area Sub Zones on land administered under the Conservation Act 1987 is exempt from Rules 33.4.1 and 33.4.3 where the relevant approval has been obtained from the Department of Conservation, providing that:

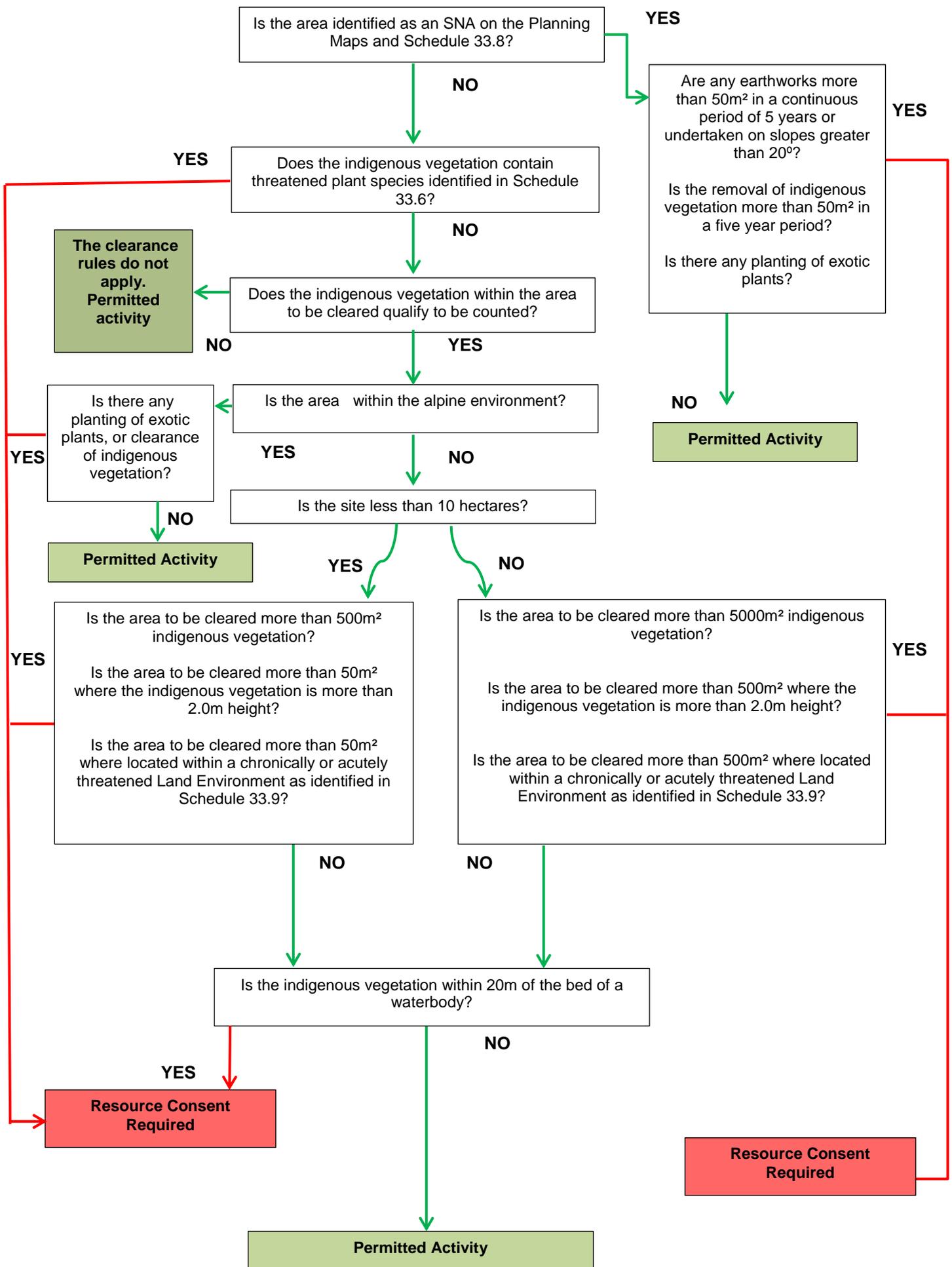
- (a) The indigenous vegetation clearance does not exceed the approval by the Department of Conservation;
- (b) Prior to the clearance of indigenous vegetation, persons shall provide to the Council the relevant application and the approval from the Department of Conservation; and
- (b) The Council is satisfied that the application information submitted to the Department of Conservation adequately identifies the indigenous vegetation to be cleared and the effects of the clearance.

33.4 Rules – Clearance of Indigenous Vegetation

Table 1	Any activity involving the clearance of indigenous vegetation shall be subject to the following rules:	Non-Compliance
33.4.4	The clearance of indigenous vegetation complying with all the standards in Table 2 shall be a permitted activity.	D
33.4.5	Activities located within Significant Natural Areas that comply with all the standards in Table 3 shall be a permitted activity.	D
33.4.6	Activities located within alpine environments (any land at an altitude higher than 1070m above sea level) that comply with Table 4 shall be a permitted activity.	D

SCHEDULE 2

**Flow diagram demonstrating the interrelationship of the rules contained within
Chapter 33**



Clearance of indigenous vegetation flow diagram. Information for the Hearings Panel 17 May 2016.

SCHEDULE 3

**Examples and photo representations of vegetation to which the rules contained in
Chapter 33 would and would not apply**



Plant Community:

Short tussock grassland (Hard tussock)

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3: Yes, the indigenous vegetation is in the tallest stratum and exceeds 20% coverage (Rule 33.3.3.2).

Area is within a chronically or acutely threatened Land Environment: Yes

Site less than 10ha: No

Vegetation over 2.0m: No

Permitted Removal: 500m²

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

On hill slope: Kanuka and grey shrubland comprising coprosma and corokia cotoneaster.

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3:

Yes, the indigenous vegetation is in the tallest stratum and exceeds 20% coverage (Rule 33.3.3.2).

Area is within a chronically or acutely threatened Land Environment: Yes

Site less than 10ha: No

Vegetation over 2.0m: Yes

Permitted Removal: 500m²

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

Cushionfield

SNA: No

Threatened Plants present: Yes

Cushion Pimelea

Pimelea sericeovillosa subsp. pulvinaris

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3: N/A

Area is within a chronically or acutely threatened Land Environment: Yes

Site less than 10ha: Yes

Vegetation over 2.0m: Yes

Permitted Removal: None. Threatened Plant in Schedule 33.8

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

Short tussock grassland

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3:

No, the indigenous vegetation is in the tallest stratum but does not exceed 20% coverage (Rule 33.3.3.2).

Area is within a chronically or acutely threatened Land Environment: Yes

Site less than 10ha: No

Vegetation over 2.0m: No

Permitted Removal: No limits, the indigenous vegetation does not qualify in terms of Rule 33.3.3.2.

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

Foreground area on the flat dominated by briar, hierarcium and St Johns Woth (Exotic) and occasional hard tussock.

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3:

No, the native hard tussock is not in the tallest stratum, and does not attain 30% coverage so does not qualify in terms of Rule 33.3.3.3.

Area is within a chronically or acutely threatened Land Environment: Yes

Site less than 10ha: Yes

Vegetation over 2.0m: No

Permitted Removal: No limits, the indigenous vegetation does not qualify in terms of Rule 33.3.3.2.

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

Exotic pasture grasses with occasional hard tussock.

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3:

No, the indigenous vegetation is not in the tallest stratum, and does not exceed 30% coverage (Rule 33.3.3.3).

Area is within a chronically or acutely threatened Land Environment: Yes

Site less than 10ha: No

Vegetation over 2.0m: No

Permitted Removal: No limits. The area does not qualify as containing indigenous vegetation with a coverage that qualifies in terms of 33.3.3.2 and 33.3.3.3.

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

Bracken fern growing over exotic pasture grasses.

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3: Yes, the indigenous vegetation is in the tallest stratum and exceeds 20% (Rule 33.3.3.2).

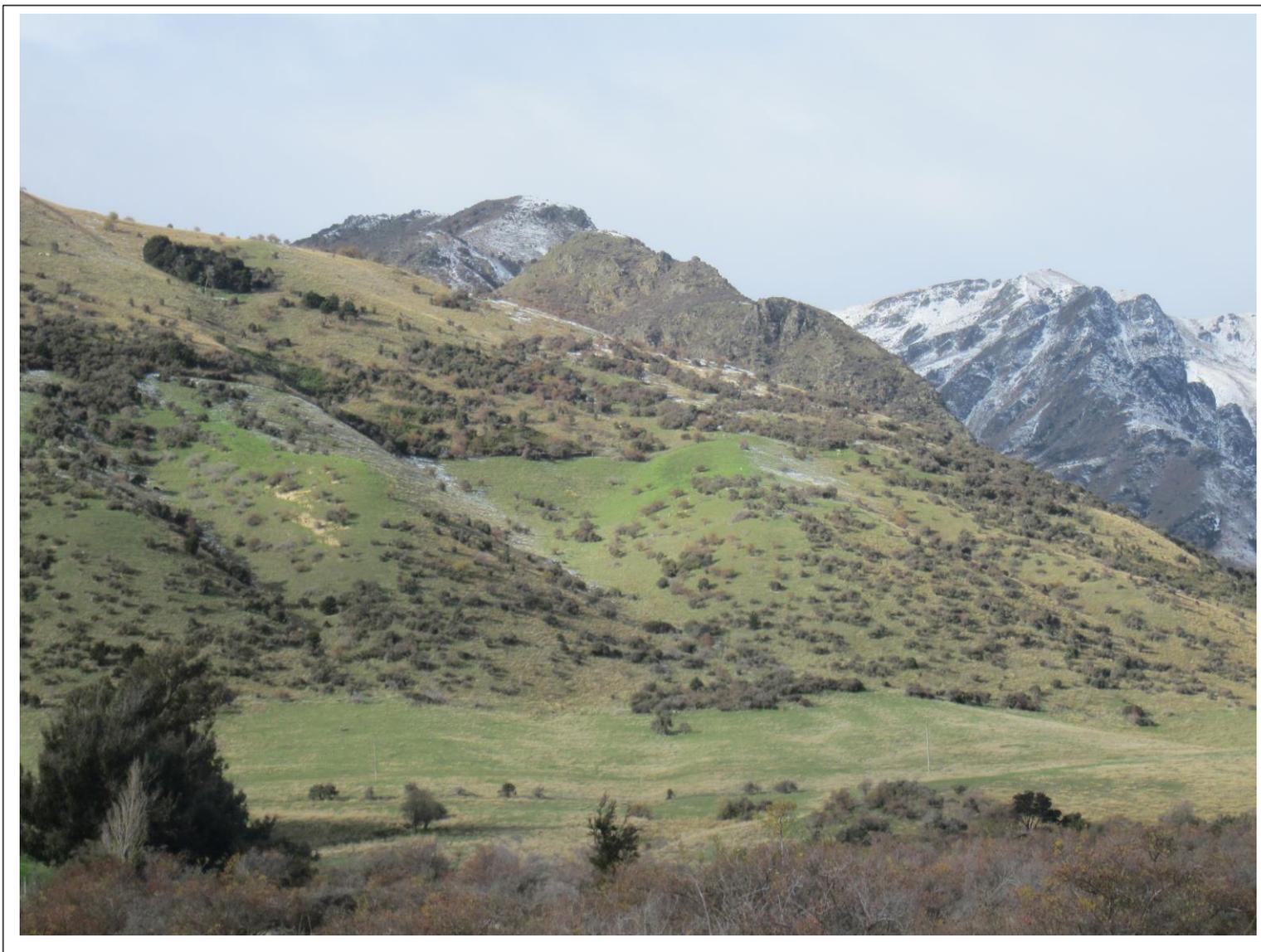
Area is within a chronically or acutely threatened Land Environment: No

Site less than 10ha: No

Vegetation over 2.0m: No

Permitted Removal: 5000m²

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

Hillside area: Grey Shrubland and occasional scattering of kowhai.

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3: Yes, the indigenous vegetation is in the tallest stratum and exceeds 20% (Rule 33.3.3.2).

Area is within a chronically or acutely threatened Land Environment: No

Site less than 10ha: No

Vegetation over 2.0m: Yes

Permitted Removal: 500m²

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an



Plant Community:

Hard tussock, Coprosma and bracken fern, exotic pasture grasses

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3: Yes, the indigenous vegetation is in the tallest stratum and exceeds 20%.

Area is within a chronically or acutely threatened Land Environment: No

Site less than 10ha: No

Vegetation over 2.0m: No

Permitted Removal: 5000m²

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

Exotic pasture grasses

SNA: No

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3: No

Area is within a chronically or acutely threatened Land Environment: Yes

Site less than 10ha: Yes

Vegetation over 2.0m: No

Permitted Removal: No limits. There is no indigenous vegetation

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Figure 4: Photo showing beech forest grading into broadleaved indigenous hardwood vegetation.

Photograph sourced from B15B Field report. Refer to Mr Glenn Davis's evidence.

Plant Community:

Beech forest gullies and broadleaved shrubland and Manuka woodland.

SNA: Yes (PDP B15B Mt Albert Station)

Threatened Plants present: No

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3: Yes

Area is within a chronically or acutely threatened Land Environment: No

Site less than 10ha: No

Vegetation over 2.0m: Yes

Permitted Removal: 50m² in any five year period Clearance within an SNA.

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.



Plant Community:

Short tussock grassland and cushionfield

SNA: Yes (PDP E18B)

Threatened Plants present: Yes.
Raoulia Beauverdi and Pimelea sericeovillosa subsp. pulvinaris

Alpine Environment: No

Qualifies in terms of Rules 33.3.3.2 and 33.3.3.3: Yes, indigenous vegetation is the tallest stratum and exceeds 20%.

Area is within a chronically or acutely threatened Land Environment: Yes

Site less than 10ha: No

Vegetation over 2.0m: no

Permitted Removal: None. The area contains threatened plants.

Note. The identification of plant species and communities is to provide examples of a range of scenarios where the indigenous vegetation rules would be applied and are not intended to identify all plants within any photograph. The calculation of 20% and 30% coverage from the photo is only an illustration and not an exact quantification.

Key

Road type

Red: Roads identified as Arterial Roads in Appendix 6 of the Operative District Plan (the Proposed District Plan Transport Chapter and roading hierarchy has not been notified and is programmed for Stage 2 of the District Plan Review).

Blue: State Highway 6.

Traffic numbers

- Shows average daily traffic counts on QLDC roads derived from QLDC Road Assessment Maintenance Management (RAMM) data collected from 2010-2016.

Annual Average Daily Traffic (AADT) numbers

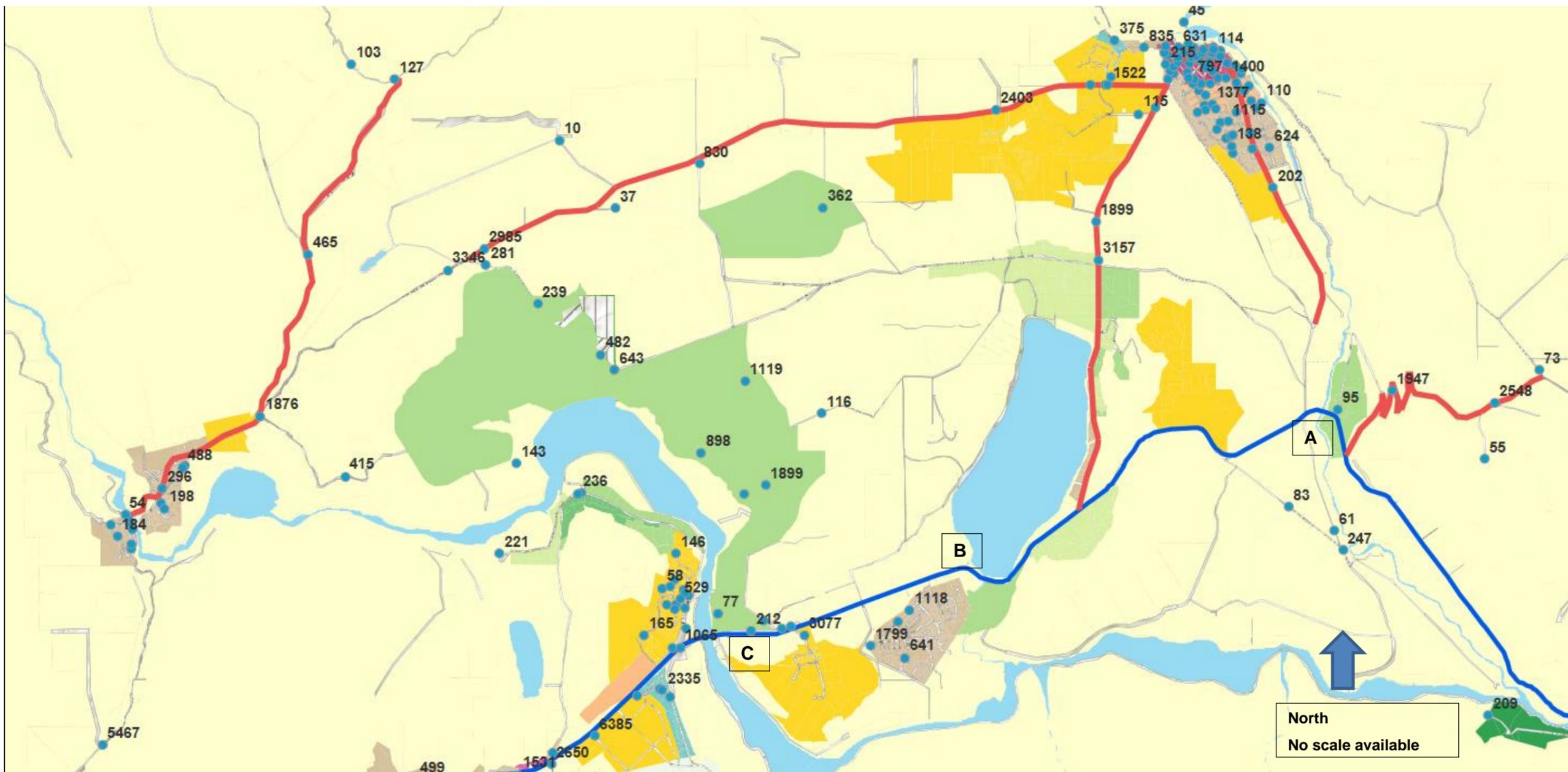
All AADT numbers shown are for the year 2015 and are derived from New Zealand Transport Agency State Highway AADT Data Booklet 2011-2015

<https://www.nzta.govt.nz/assets/resources/state-highway-traffic-volumes/docs/2011-2015-AADT-Booklet2.pdf>

Notified Proposed District Plan zones

Proposed DP Zones 2015 (as Published)

-  Low Density Residential (LDR)
-  Medium Density Residential (MDR)
-  High Density Residential (HDR)
-  High Density Residential (Operative) (HDR_OP)
-  Large Lot Residential (LLR)
-  Residential Arrowtown Historic (RAH)
-  Township (TNS)
-  Arrowtown Town Centre (ATC);
Queenstown Town Centre (QTC);
Wanaka Town Centre (WTC)
-  Local Shopping Centre (CSC)
-  Mixed Business Use (MBU)
-  Business (BUS)
-  Business (Operative) (BUS_OP)
-  Industrial A (INDA)
-  Industrial B (Operative) (INDB)
-  Airport Mixed Use (AMU)
-  Rural Area (RGN)
-  Rural General (Operative) (RGN_OP)
-  Rural Residential (RRS)
-  Rural Residential (Operative) (RRS_OP)
-  Rural Lifestyle (RLF)
-  Ferry Hill Rural Residential (RRS)
-  Gibbston Character (GIB)
-  Open Space
-  Deferred Rural Lifestyle (DRLZ)
-  Deferred Rural Lifestyle Buffer (DRLBZ)
-  Special Zones
-  Road / Parcel Boundary
-  Water



Map 1. Wakatipu Basin

Arterial Roads shown on Map 1 (Appendix 6 of ODP)

WAKATIPU RURAL	
Arrowtown Junction Rd	State Highway 6 to 50kmph sign Arrowtown
Arthurs Point Rd	Gorge Rd to 100 kmph sign Littles Rd
Coronet Peak Rd	Malaghan Rd to Skippers Rd
Lake Hayes Arrowtown Rd	SH6 to Arrowtown
Malaghans Rd	Coronet Peak Rd to Lake Hayes Arrowtown Rd

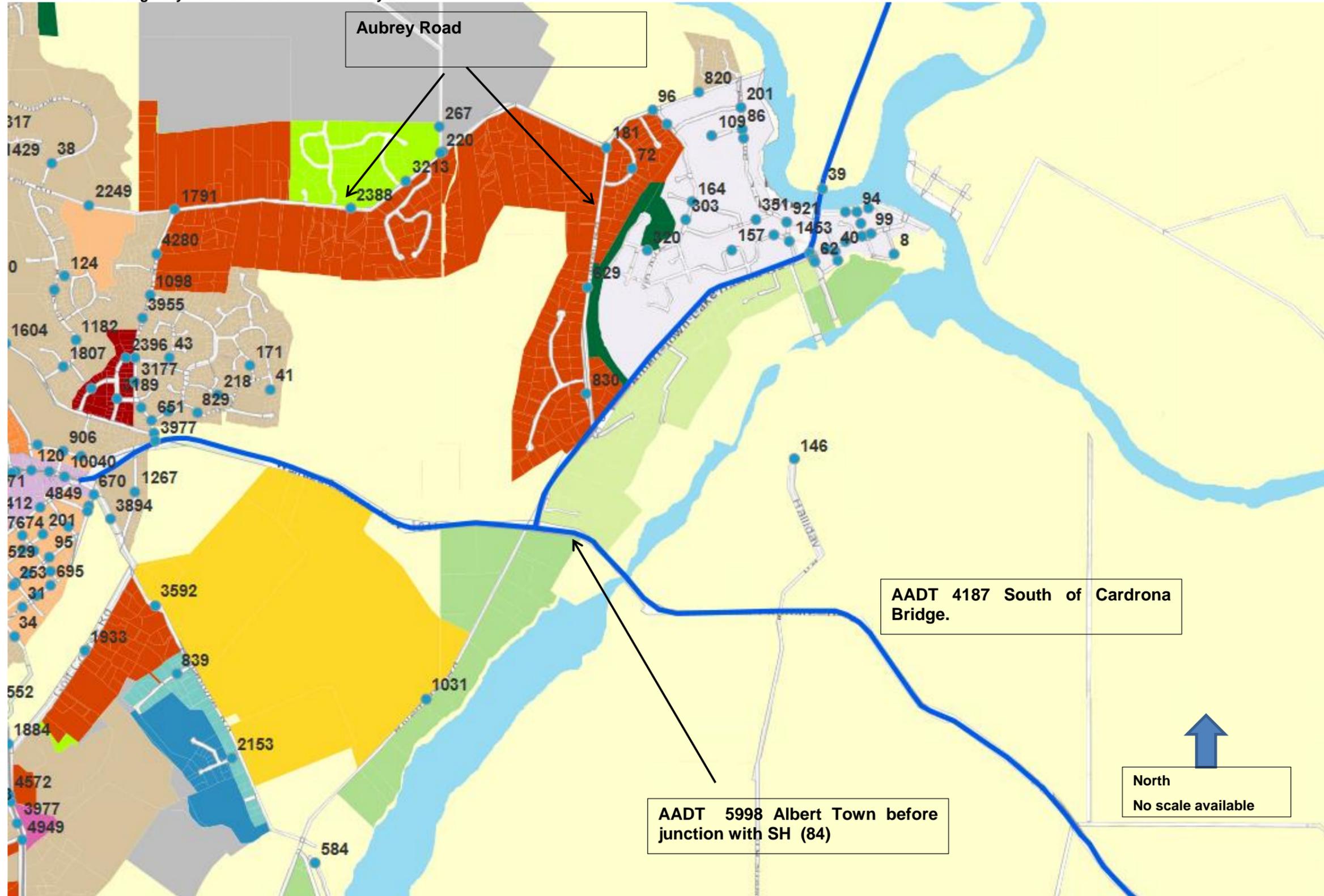
Traffic numbers on State Highway 6 shown on Map 1 (AADT 2015)

State Highway 6	Location	AADT 2015
A	Crown Range on Arrow River Bridge	6625
B	East of Strains Road	9733
C	Shotover – before Lower Shotover Road	12622



Map 2. Luggate

Location of State Highways and Arterial Roads – 17 May 2016



Map 3. Wanaka