

**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 3 –
Chapter 32 Protected Trees

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

3 April 2017

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MAY IT PLEASE THE PANEL

Introduction

1. This memorandum is filed on behalf of Queenstown Lakes District Council (**Council**)¹ in response to the Hearing Panel's (**Panel**) minute of 22 March 2017 (**Minute**).

Annotations relating to Protected Trees Chapter 32

2. The Minute addressed the submission of the Council in its corporate capacity (Submission #383), on Chapter 32 Protected Trees (**Protected Trees chapter**) of the Proposed District Plan (**PDP**), which sought that a number of protected trees be deleted from the Planning Maps for various reasons. The Council, in its regulatory capacity recommended that the relief sought by the Council on this matter be accepted.
3. The Panel noted that, in examining the Council's submission in detail, it is not always clear whether a deletion sought on the planning maps also required a deletion in Schedule 32.8, or whether the fact that one or more trees in a group remains listed in the Schedule means the symbol(s) on the maps need not be deleted. The Panel sought specific clarification from the Council, in its regulatory capacity, as to a number of protected tree listings.
4. Ms Law, the s 42A report author for the Protected Trees chapter has assessed each of the Panel's queries and her response is recorded in the table at **Appendix 1** of this memorandum.

Annotations Relating to Plan Change 50 Provisions

5. The Panel's minute notes that the Council's corporate submission seeks the removal of the annotation of listing 198 from Planning Map 35 but the annotation does not appear on the map.
6. Listing 198 is located within the geographic area covered by Plan Change 50, Queenstown Town Centre, to the Operative District Plan (**PC50**). All PDP

¹ In its regulatory capacity.

provisions as they relate to the geographic area addressed by PC50 were withdrawn from the PDP under clause 8D of the First Schedule of the Resource Management Act 1991 in October 2015.² The annotations that relate to PC50 provisions were physically removed from the notified PDP maps 34, 35 and 36 in November 2015. However, listing 198 was inadvertently left in the schedule in Chapter 32.

7. The aspect of Submitter 383's submission that relates to tree listing 198 is therefore no longer "on" Stage 1 of the PDP as it has been withdrawn from the PDP, and there is no need for the Panel to make a recommendation on that submission point. However, the Council still needs to physically remove listing 198 from the PDP, and the Council respectfully requests that the Panel does not include the listing in its recommendations.

8. There are three other listings that fall into this category; 149, 151 and 214. These were all located on notified PDP maps 34, 35 and 36, but were withdrawn in October 2015 and the associated annotations withdrawn from the maps in November 2015. The Council will attend to removing these listings from Schedule 32.8 of the PDP, and also respectfully requests that the Panel does not include these listings in its recommendations.

DATED 3 April 2017



S J Scott/ K L Hockly
Counsel for Queenstown Lakes District
Council

² By Council resolution on 23 October 2015.

**APPENDIX 1
COUNCIL'S RESPONSE ON SPECIFIC PROTECTED TREE ITEMS
(using table from Minute as a base)**

Tree number	Issue	Council's Clarification as to recommendation
2	<p>The submission seeks the deletion of 2 trees, both <i>Eucalyptus cinerea</i>. The Schedule lists 6 trees under this number. Eight symbols are shown on the lake Hawea foreshore as Tree 2.</p> <p>Which symbols are to be removed?</p>	<p>The Council's corporate submission refers to the two symbols at the eastern end of Lakeview Terrace (highlighted with a red circle in the image below), which are both recommended to be removed as shown in the attached diagram. These trees are not included on the schedule, so no change is needed to the listings under number 2.</p> 
148	<p>The submission seeks the deletion of 2 trees with this number: 1 x <i>Acer psuedoplatanus</i> & 1 x <i>Chamaecyparis lawsoniana</i>.</p> <p>The Schedule lists 3 trees with this number: 1 x <i>Ulmus procera</i>, 1 x <i>Fraxinus excelsior</i> & 1 x <i>Acer psuedoplatanus</i>.</p> <p>Map 36 shows 3 tree symbols numbered 148.</p>	<p>The submission seeks the removal of two trees from Map 36, but no removals from the schedule.</p> <p>There are 3 tree annotations on Map 36 for tree item 148:</p> <ol style="list-style-type: none"> 1. The tree annotation on the bottom left (closest to the designation) relates to two trees that did achieve a STEM score of 120 and are in the schedule being, the <i>Ulmus procera</i> and the <i>Acer psuedoplatanus</i>. The annotation also represented a <i>Acer psuedoplatanus</i>, which did not achieve a STEM score of 120 and so was not

	Which are to be removed?	<p>scheduled. This is the <i>Acer psuedoplatanus</i> that the submission seeks to be deleted from the planning maps. Because of the scale of the planning maps, at times the tree annotations can be so close together that it is not possible to clearly annotate them individually on the maps. This is one such case. As there isn't a specific annotation on the notified PDP map for the <i>Acer psuedoplatanus</i> that did not achieve a STEM score of 120 there is nothing to remove.</p> <p>Despite the above recommendation, I note that the <i>Acer psuedoplatanus</i> that did achieve a STEM score of 120 and is listed in the schedule is located slightly to the south of the annotation (as shown in the image below as the yellow cross). Accordingly, a new annotation should be added in that location. This would result in there being two separate annotations, the existing annotation representing the scheduled <i>Ulmus procera</i> and a new annotation representing the scheduled <i>Acer psuedoplatanus</i>. I consider scope for this change derives out of the submission of the Council (#383) that requests amendments to ensure the schedule and the maps are consistent.</p> <ol style="list-style-type: none">2. The middle tree annotation (highlighted with a red circle in the image below) represents the <i>Chamaecyparis lawsoniana</i>, which did not reach the required STEM score and is not scheduled. Therefore the annotation should be removed as per the submission.3. The top right annotation represents the <i>Fraxinus excelsior</i>, which is included in the schedule. Accordingly, this annotation should remain.
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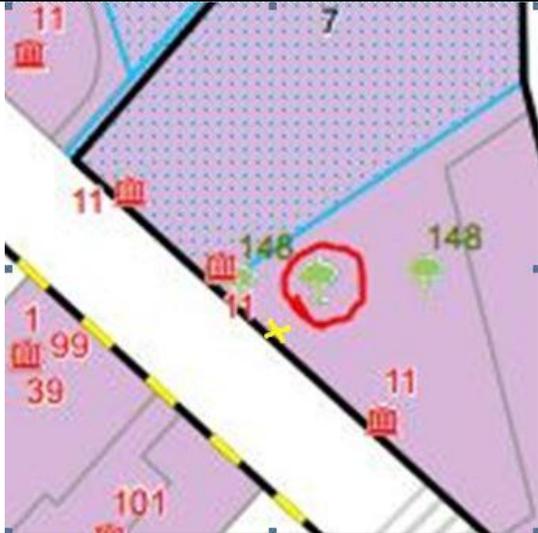
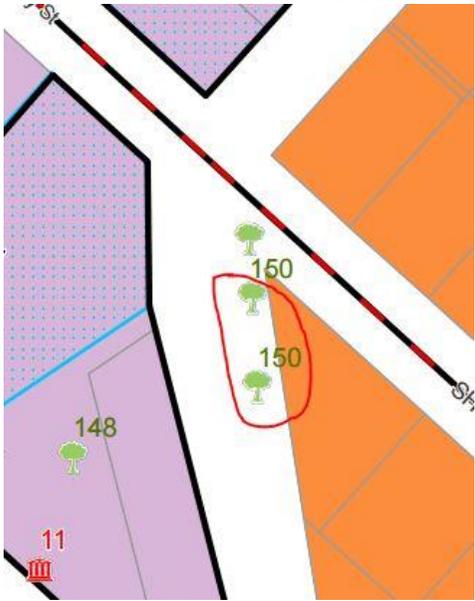
		
198	<p>The submission seeks the deletion of a Cedrus deodara on the basis that it has been removed. The Schedule lists three trees of that species under this number.</p> <p>The submission suggests it is shown on Map 35, but it is not obvious.</p> <p>Please identify where it is and whether all three are to be removed, or no amendment to the Schedule or Maps is required.</p>	<p>Listing 198 is no longer shown on Map 35 as it was removed in November 2015 in accordance with the withdrawal of the PC50 provisions from the PDP. Therefore this submission point is no longer "on" Stage 1 of the PDP and the Panel is not required to make a recommendation on it. However, as noted in the body of the memorandum the Council will attend to removing listing 198 from the Schedule as a consequence of the withdrawal, and the Council respectfully requests that the Panel also delete the listing from its recommended version of the chapter as well.</p>



Figure 1: PC50 area shown in notified PDP maps prior to withdrawal of PC50 provisions from the PDP (on Maps 34, 35 and 36)

150	<p>The submission seeks the deletion of a two <i>Sorbus acuparia</i> (points 152 & 160). The Schedule also lists a single <i>Sorbus acuparia</i> under this number.</p> <p>On Map 36 there are three symbols for this</p>	<p>Figure 2: Current PDP Maps following withdrawal of PC50 provisions (on Maps 34, 35 and 36)</p> <p>The schedule lists tree 150 which scored over 120 on the STEM score, and is annotated as the tree in the upper most corner of Coronation Drive and Stanley Street (shown on the maps as almost in Stanley Street).</p> <p>The submission refers to the other two annotations shown on planning map 36. These two trees did not meet the STEM score requirement and therefore were not included in the</p>

	<p>number.</p> <p>Which symbols are to be removed?</p> <p>Does the Schedule remain unaltered?</p> <p>Point 160 refers to Map 12. Is that reference in error?</p>	<p>schedule, but were annotated on Map 36 in error. Therefore there is no need to amend the schedule, but the two mapping annotations for 150, located furthest away from Stanley Street, should be removed.</p> <p>It appears that Submission Point 160 should refer to map 36 rather than map 12, as the latitude/longitude references given in the submission show the tree located on Coronation Drive.</p> <p>In summary, the two lower annotations for tree 150 should be removed.</p> 
11	<p>The submission seeks the deletion of an <i>Aesculus hippocastanum</i> from Map 35.</p> <p>The Schedule lists under this number an <i>Ulmus glabra</i> 'horizontalis'.</p>	<p>Listing 11 scored over 120 on the STEM score, and is annotated as the tree in the upper most corner of Church Street and Camp Street.</p> <p>The second annotation on Planning Map 36 did not meet the STEM score requirement and therefore was not included in the schedule, but was annotated on Map 36 in error. The submitter is seeking that one annotation relating to tree 11 be deleted, which is located in the</p>

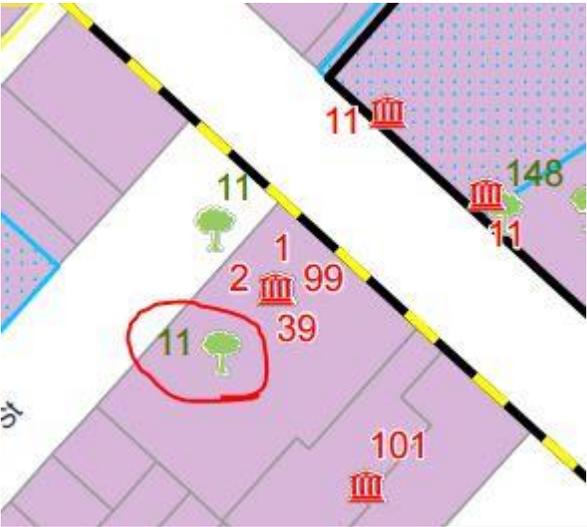
	<p>Tree 11 is not obvious on Map 35. Please identify where it is and what is to be removed.</p>	<p>centre of the site and circled in red below.</p> 
<p>181</p>	<p>The submission seeks the deletion of a Juglans regia.</p> <p>The Schedule lists a Juglans regia under this number.</p> <p>It appears there is only 1 symbol in relation to 181.</p> <p>Is the Schedule to be changed or the Map remain unchanged?</p>	<p>The number 181 appears twice on Planning Map 29. The red dot circled in yellow below in the first figure, is the location of Listing 181, which meets the STEM score.</p> <p>The red dot circled in green in Figure 1 below is the location of a tree 181 which did not meet the STEM score, and was subsequently not scheduled. It however was still annotated on the planning map, in error.</p> <p>The two numerical annotations for tree 181 on map 29 do not appear to be located exactly where the trees themselves are (their actual location is shown in yellow and green circles, in the Figure 2 below).</p> <p>As there are many protected trees along this stretch of road and it is not clear which annotation relates to which tree, I consider that the relief sought by the submission would be achieved through removing the second numerical annotation for tree 181 (as shown crossed in red in Figure 2 below) but that no tree symbol should be removed.</p>



Figure 1



Figure 2

<p>163</p>	<p>The submission seeks the deletion of 9 Poplars under this number. The Schedule contains a single poplar under the same number.</p> <p>Is the intention that a single symbol remain and a single tree remain protected?</p>	<p>The schedule lists the sole tree 9 that scored over the required 120 STEM score. The other 9 trees were annotated in error and need to be removed. The actual locations of the trees that are to be removed from planning map 39a are shown by the red dots within the green circles below. The yellow circle shows the location of the tree to be retained on the maps/schedule.</p>  <p>Sometimes the trees can be so close together that it is not possible to annotate them individually on the maps. This is one such case in the notified planning map. The annotations circled in green represent the 9 trees that were not scheduled and are to be removed as per the submission. The annotation circled in yellow should remain.</p>
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