



District Plan Review

Section 32 Analysis

Forestry and Trees with Wilding Potential

(applies to all zones of the District Plan)

March 2013

1. INTRODUCTION

Section 79 of the Resource Management Act (the Act) requires that a local authority must commence a review of those district plan provisions that have not been a subject of a plan change during the previous 10 years). To meet this requirement of the Act, Queenstown Lakes District Council (QLDC) has undertaken a review of the Operative Queenstown Lakes District Plan, 2003 (the Operative Plan). A description of the statutory requirements underpinning this process together with a description of the overall approach undertaken in preparing this Review is available in the Section 32 Analysis: Overview Report.

This report is an evaluation of the proposed objectives, policies and methods relating to the management of new forestry plantations and wilding spread across the whole District under section 32 of the Resource Management Act. Management of trees with wilding potential (which may be planted separately from a forestry plantation) is also included.

‘Wilding’ is the term used for the natural regeneration (seedling spread) of introduced trees that occurs in unintended locations and is not managed for forestry purposes.

2. POLICY CONTEXT

Statutory Policy Context:

There are currently no national policy statements directly applicable to the management of the new forestry plantations and wilding spread.

There is a New Zealand Biodiversity Strategy (February 2000) (refer Document Library Reference “85”) which contains a series of principles that are set out below.

The following principles (in no particular order) are fundamental to the conservation and sustainable use of New Zealand’s biodiversity. They establish important underlying premises, values and approaches as a basis for the Strategy and its implementation. The principles are not ends in themselves, but will provide guidance on how the goals and objectives of the Strategy should be achieved and on resolving conflicts that may arise during this process. The principles will have primary bearing on Parts Three and Four of the Strategy.

Principle One — Governance

The Government is responsible for providing the direction and leadership to ensure the conservation and sustainable use of New Zealand’s biodiversity as a matter of national importance.

Principle Two — Treaty of Waitangi

The special relationship between the Crown and Maori as reflected in the Treaty of Waitangi should be recognised and provided for in the conservation and sustainable use of biodiversity, including kaitiakitanga, customary use and matauranga Maori.

Principle Three — Collective and Ethical Responsibilities

All New Zealanders depend on biodiversity and have a responsibility for its conservation and sustainable use beyond their own needs:

- to the needs of future generations; and
- to other species, life forms and ecosystems which have intrinsic value and warrant respect.

Principle Four — Working Together

The conservation and sustainable use of New Zealand’s biodiversity require individuals and public agencies to work together in a coordinated manner, to share

knowledge, costs and benefits, to be clear about their different roles and responsibilities and to have the capability and resources to contribute.

Principle Five — Respect for Property Rights

Respect for property rights, as well as their scope and associated responsibilities, is essential to ensure a collaborative partnership is developed between resource owners and users and public agencies to sustain and conserve biodiversity.

Principle Six — Recognise Variable Capacity to Respond

In designing mechanisms to support biodiversity conservation, management agencies should recognise the variable capacity of individuals and local communities to implement these mechanisms.

Principle Seven — Internalising Environmental Costs

Where an activity imposes adverse effects on biodiversity, the costs of mitigating or remedying those impacts should be borne by those benefiting from the activity.

Principle Eight — In situ Conservation

Biodiversity is best conserved in situ by conserving ecosystems and ecological processes to maintain species in their natural habitats. Ex situ measures will be important to support the conservation of some species, however (see Glossary).

Principle Nine — Indigenous Biodiversity Priorities

Priority should be given to conserving indigenous species over introduced species, when making management decisions.

Principle Ten — Sustainable Use

Conserving biodiversity is a priority, but does not preclude its use, where this use is ecologically sustainable and does not result in the long-term decline of biodiversity.

Principle Eleven — Management Actions

Biodiversity management requires a comprehensive approach that recognises all levels of biodiversity (ecosystem, species and genetic). Management actions should identify, and prevent and mitigate the causes of biodiversity loss and in doing so should:

- address all key threats;
- be based on the best and most current information and knowledge available;
- be adaptive, aiming for continual improvement as new knowledge is gained; and
- be focused on the priority needs; and
- be cost-effective.

Principle Twelve — Precautionary Decision Making

Management actions to conserve and sustainably use biodiversity should not be postponed because of a lack of knowledge, especially where significant or irreversible damage to ecosystems can occur or indigenous species are at risk of extinction.

Principle Thirteen — Focus on the Future

Our actions in the past reflect the understanding and conditions of those times; while we can learn from our mistakes, the way forward will not be assisted by apportioning blame for the unsustainable practices of the past.

A National Environmental Standard for plantation forestry is under development by the Ministry for the Environment, but at the time of preparing this section 32 report, only a discussion document is available (refer Document Library Reference “96”). A proposed National Policy Statement on Indigenous Biodiversity was also issued for consultation purposes in January 2011 (refer Document Library Reference “95”). No final version has been issued.

The Regional Policy Statement for Otago contains broad policies relating to landscape and nature conservation values. Those that are most applicable to the topic of forestry and trees with wilding potential are set out below:

5.4 Objectives

5.4.1 To promote the sustainable management of Otago's land resources in order:

- (a) To maintain and enhance the primary productive capacity and life-supporting capacity of land resources; and***
- (b) To meet the present and reasonably foreseeable needs of Otago's people and communities.***

5.4.2 To avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource.

5.4.3 To protect Otago's outstanding natural features and landscapes from inappropriate subdivision, use and development.

5.4.4 To ensure that public access opportunities exist in respect of activities utilising Otago's natural and physical land features.

5.4.5 To promote the sustainable management of Otago's mineral resources in order to meet the present and reasonably foreseeable needs of Otago's communities.

5.5 Policies

5.5.4 To promote the diversification and use of Otago's land resource to achieve sustainable landuse and management systems for future generations.

5.5.6 To recognise and provide for the protection of Otago's outstanding natural features and landscapes which:

- (a) Are unique to or characteristic of the region; or***
- (b) Are representative of a particular landform or land cover occurring in the Otago region or of the collective characteristics which give Otago its particular character; or***
- (c) Represent areas of cultural or historic significance in Otago; or***
- (d) Contain visually or scientifically significant geological features; or***
- (e) Have characteristics of cultural, historical and spiritual value that are regionally significant for Tangata Whenua and have been identified in accordance with Tikanga Maori.***

10.4.1 To maintain and enhance the life-supporting capacity and diversity of Otago's biota.

10.4.2 To protect Otago's natural ecosystems and primary production from significant biological and natural threats.

10.4.3 To maintain and enhance the natural character of areas with significant indigenous vegetation and significant habitats of indigenous fauna.

10.5.3 To reduce and where practicable eliminate the adverse effects of plant and animal pests on Otago's communities and natural and physical resources through:

- (a) Developing strategies to effectively manage Otago's plant and animal pests; and***

- (b) Educating about the responsibilities of all parties in the management of Otago's plant and animal pests; and**
- (c) Adopting the most practicable method of pest control while safeguarding the environment.**

The Regional Pest Management Strategy for Otago 2009 (refer Document Library Reference "92") contains the following objectives and rules:

4.7.2 Objectives

- (i) The total control of any *Pinus contorta* outside of the Contorta Containment Areas shown in Appendix 5.
- (ii) The total control of any spread of *Pinus contorta* from within these Contorta Containment Areas, shown in Appendix 5.
- (iii) The progressive control of all *Pinus contorta* within Contorta Clearance Areas shown in Appendix 5, so that these areas are felled within 5 years of this Strategy becoming operative.

4.7.4 Contorta pine rules

- (i) Occupiers must destroy all *Pinus contorta* on their land, except within the Contorta Clearance Areas and Contorta Containment Areas defined in Appendix 5.
- (ii) Occupiers within a Contorta Clearance Area defined in Appendix 5 must progressively destroy all *Pinus contorta* within that Contorta Clearance Area so that:
 - (a) The whole of the land occupied by them in that Area is clear of *Pinus contorta* within 5 years of this Strategy becoming operative; and
 - (b) After 5 years of this Strategy becoming operative, occupiers must ensure that all *Pinus contorta* in a Contorta Clearance Area are destroyed prior to them producing cones.
- (iii) Occupiers within a Contorta Containment Area defined in Appendix 5 must ensure that no coning-age *Pinus contorta* tree is in a position where its seed could spread beyond the boundaries of that Contorta Containment Area.

The following sections of Part 2 of the RMA are considered to be particularly relevant to the management of the new forestry plantations and wilding spread:

Section 6 – Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:***
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development***

Section 7 – Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (b) *the efficient use and development of natural and physical resources.***
- (c) *the maintenance and enhancement of amenity values.***

- (f) ***maintenance and enhancement of the quality of the environment.***

Non-statutory Policy Context

The following non-statutory documents are broadly relevant to the management of the new forestry plantations and wilding spread:

- Wakatipu Wilding Conifer Strategy 2008 – 2012

3. BACKGROUND REPORTS AND SUPPORTING INFORMATION:

The following table lists the technical work and reports which have been used to inform the review in relation to the management of the new forestry plantations and wilding spread:

Documents	How have these been used	Link No.
The New Zealand Biodiversity Strategy February 2000	Principles referred to as part of preparing section 32 report.	<u>85</u>
Wakatipu Wilding Conifer Control Strategy 2008 - 2012	Referred to in order to understand the wilding problem in the Wakatipu. Effectively a monitoring report for the extent of wilding spread in the Wakatipu.	<u>86</u>
Consultation brochure on forestry and wilding trees	Was sent to a wide range of persons involved in forestry and wilding tree matters, inviting feedback on issues and options.	<u>87</u>
Summary of feedback received on the consultation brochure on forestry and wilding trees	Summarises the feedback received from the brochure on forestry and wilding trees	<u>88</u>
Monitoring table of forestry consents in the Queenstown Lakes District.	Used to review the number and extent of consents for forestry in the Queenstown Lakes district	<u>89</u>
Environment Court decision C190/2004	Decision on section 293 application that added rules in relating to wilding control. Also the decision that directs changes to Policy 1.17.	<u>90</u>
Environment Court decision C53/2005	Decision on section 293 application that retains 'forestry' as a discretionary activity and inserts assessment matters for forestry.	<u>91</u>
Otago Regional Council Regional Pest Management Strategy	Identifies one wilding tree, <i>Pinus contorta</i> , as a pest plant, and contains rules for its management.	<u>92</u>
Wilding Conifers in New Zealand: Beyond the Status Report. Prepared by Victoria Froude for the Ministry of Agriculture and Forestry. December 2011	Summarises key components of the primary report and evaluates current and future wilding conifer management in the context of the broader pest management system including the <i>Pest Management: National Plan of Action</i> .	<u>93</u>
Environment Court decision	Recent case relating to wilding	<u>94</u>

C262/2012 Mount Field Limited	conifers	
Proposed National Policy Statement on Indigenous Biodiversity	Reviewed in terms of potential for wilding control to be used as a biodiversity offset.	95
Proposed National Environmental Standard for Planation Forestry	Reviewed in terms of potential content of a future NES, should one be issued.	96
Memorandum from Briana Pringle, QLDC District Forester	Provides technical advice on forestry matters	97
A Guide to Wilding Pines in the Queenstown Lakes District	Explains what wilding pines are, and provides guidance on how to assess wilding risk.	98
Monitoring table of operative district plan provisions relating to forestry and trees with wilding potential	Used to identify inconsistencies in operative provisions.	99
Decision Support System tool (DSS)	Used to assess the risk of wilding spread, and referred to in proposed provisions	100
Environment Court Case [2011] NZEnvC 387 – relating to Mackenzie District Council	Interim decision that considers the issue of whether letting wilding trees establish on land is a ‘use’ of land under section 9 of the RMA	101

4. CONSULTATION

In accordance with the requirements of the RMA and the processes outlined in the District Plan Review Consultation Strategy, consultation has been undertaken with the local community, landowners and other stakeholders. The consultation undertaken is summarised as follows:

1. A consultation brochure titled ‘Forestry and Wilding Trees – Issues and Options’ was sent to a wide range of forestry companies, forest owners and consent holders of forestry activities. The brochure was also sent to the Department of Conservation, the Wilding Conifer Group and the Otago Regional Council. The brochure sought feedback on the identified issues and options as well as any other matter. A copy of the brochure and a summary of the feedback received is available as part of the Document Library (refer “87” and “88”). In terms of the proposed prohibition on planting in ‘urban type’ zones, it was not possible to consult all landowners in these zones, although this proposed change was clearly stated in the forestry brochure. An email was sent to the owners of the majority of the Remarkables Park Special Zone, because while it was identified as an ‘urban’ zone, most of the zone is still used for farming purposes at present.
2. Consultation brochures for the Meadow Park Special Zone, Quail Rise Special Zone, Resort Special Zone and the Bendemeer Special Zone also specifically proposed rules to address the planting of trees with wilding potential in those zones. Changes for the Meadow Park Special Zone and the Bendemeer Special Zone have already been reviewed by the Strategy Committee, however this agenda item proposes some further changes to ensure a consistent list of trees is used across the district.

3. Public drop-in sessions on the District Plan Review were held in Queenstown on 9 August 2012 and Wanaka on 26 July 2012, where any matter related to the District Plan could be discussed including forestry and trees with wilding potential. Tents were also staffed at the 2012 Wanaka and Lake Hayes A & P shows, where any issue relating to the District Plan review could be raised.
4. Consultation via email was sought with Te Ao Marama Inc and Kai Tahu Ki Otago Ltd. No response has been received at the time of writing this report.

Following feedback from the public consultation, drafting of the Section 32 report and associated provisions commenced.

5. RESOURCE MANAGEMENT ISSUES FOR THE MANAGEMENT OF NEW FORESTRY PLANTATIONS AND TREES WITH WILDING POTENTIAL

Section 4 of the Operative District Plan 'District Wide Issues' identifies issues that broadly related to forestry and wilding spread. These issues may not specifically refer to new plantation forestry or wilding spread from new plantation forestry, but are directly related, and are set out below under the headings of:

1. Nature Conservation Values
2. Landscape and Visual Amenity

5.1 Nature Conservation Values

i Nature Conservation Values

The nature conservation values within the District, namely the indigenous flora and fauna and the natural character of the lakes and rivers and other natural features are continuing to be modified.

The District is subject to pressures from growth, development and everyday living.

The quality of life in the District cannot be sustained unless the protection of the natural resources from which that quality derives are protected.

Despite continuing modification since the arrival of humans, the District has a diverse range of habitats - forests, shrubland, alpine herbfields, tussock grasslands, lakes and rivers - supporting an array of indigenous plants and animals.

The upland areas to the west still contain many areas dominated by indigenous vegetation. Near the main divide beech forest predominates with snow tussocks on the upper slopes above the bush line, and alpine plants on the tops. Many of these upland areas to the west of the District form part of Mount Aspiring National Park. Other mountainous areas such as the lower McKerrow Range and the Dingle Burn area adjacent to Lake Hawea are also in Department of Conservation stewardship. There are no major threats to the beech forest or alpine ecosystems in these areas although adverse influences are exerted on individual species by introduced pests such as deer, possums, and rodents.

To the east, the downland lake basins have undergone more extensive modification. Maori settlement did occur around the inland lake basin areas and also during this time much of the original podocarp and beech forests in the basins were destroyed by fire. The arrival of European settlers and the introduction of sheep in the 1860's led to major burning of native vegetation and scrub to enable stock to graze. Settlers began planting a wide variety of exotic trees such as firs, larch, pines, poplar, willow, hawthorn, gorse and broom. However, there are some significant remaining pockets of indigenous vegetation, particularly dominated with Kanuka.

Generally areas above 1070m are among the least modified environments in the District. Due to thin and infertile soils and severe climatic factors, establishment and growth rates in plant life are slow, and these areas are sensitive to modification. In addition, these areas have high natural character and are frequently visually vulnerable.

The braided riverbeds of the District are important as habitat to fish, including trout and salmon, and birdlife, such as the rare banded dotterels, wrybill plover and black fronted terns. All these birds nest on the riverbeds. The National Water Conservation (Kawarau) Order (which includes Lake Wakatipu and its tributaries) recognises the outstanding ecological, scenic, and recreational characteristics of these lakes and rivers.

Lake Hawea has no Council reserve land as the raising of the lake for electricity purposes has submerged the previous Crown land strips. Nevertheless, provision exists for walking between the low and high water marks when lake levels permit. The margins of the rivers, streams, lakes and wetlands are recognised as being critical areas, not only in providing habitat, but also acting as a buffer to the lakes and rivers from land use activities.

The Council has a responsibility under the Act to recognise and provide for the protection of significant indigenous vegetation and significant habitats of indigenous animals. The Council wishes to protect and maintain these areas as having significant nature conservation value so that they may be enjoyed by future generations.

5.2 Landscape and Visual Amenity

4.2.4 Issues

The District's landscapes are of significant value to the people who live, work or visit the District, and need to be protected from inappropriate subdivision, development and use. Increasing development and activity makes the District's landscape particularly vulnerable to change.

The landscapes of the district broadly fall into three separate categories - outstanding natural landscapes and features, visual amenity landscapes and other landscapes. The following significant resource management issues in respect of landscape generally, and by category, have been identified:

(1) General Landscape Issues

The landscape provides both a backdrop to development as well as the economic base for much activity. Because of the quality of the landscape and the important role it plays in the District's economy it is necessary to ensure that subdivision, development and associated activities are managed to avoid, remedy or mitigate any adverse effects resulting from the pattern of development and the location, siting and appearance of buildings.

The visual effect of subdivision, development and associated activities may be increased when the form and colour of structures contrast with the surroundings and when they are located in visually sensitive areas. The demand for housing and other developments in the rural area is growing and poor location, siting and appearance of these developments threaten to increase the level of inappropriate modification of the rural landscape. The hill and mountain slopes surrounding the lakes assume greater importance because of their role in providing a setting for the lakes. Likewise the views from roads within the District assume increasing importance as they give visual access to the mountains, lakes and landscape that, in turn, are integral to the economic wellbeing of the District, and provide a sense of place to both visitors and residents.

(2) Protection of Outstanding Natural Landscapes and Features

The outstanding natural landscapes are the romantic landscapes - the mountains and the lakes - landscapes to which Section 6 of the Act applies. The key resource management issues within outstanding natural landscapes are their protection from inappropriate subdivision, use and development, particularly where activity may threaten the landscapes openness and naturalness.

(3) Maintenance and Enhancement of Visual Amenity Landscapes

The visual amenity landscapes are the landscapes to which particular regard is to be had under Section 7 of the Act. They are landscapes which wear a cloak of human activity much more obviously - pastoral (in the poetic and picturesque sense rather than the functional sense) or Arcadian landscapes with more houses and trees, greener (introduced) grasses and tend to be on the District's downlands, flats and terraces. The extra quality that these landscapes possess which bring them into the category of 'visual amenity landscape' is their prominence because they are:

- adjacent to outstanding natural features or landscapes; or
- landscapes which include ridges, hills, downlands or terraces; or
- a combination of the above

The key resource management issues for the visual amenity landscapes are managing adverse effects of subdivision and development (particularly from public places including public roads) to enhance natural character and enable alternative forms of development where there are direct environmental benefits.

(4) Other Rural Landscapes

The other rural landscapes are those landscapes with lesser landscape values (but not necessarily insignificant ones) which do not qualify as outstanding natural landscapes or visual amenity landscapes.

5.3 Rural General zone

The following issues are identified in the Operative District Plan for the Rural General zone (section 5 of the Operative District Plan). The following issues have been identified as being relevant to new plantation forestry and wilding trees.

i The Management of the Effects of Rural Activities on the Environment

By their nature, rural activities may have both beneficial and adverse effects. It is desirable to create conditions where beneficial effects (such as productive effects, employment, enhancement of the amenity/visual values, development of pleasant built form and soil retention) are maintained, developed and enhanced. It is also necessary to balance any adverse effects of these activities (such as noise from bird scaring or frost fighting devices) in order to maintain development and productive potential, while also supporting the life-supporting capacity of the air, water, soil, ecosystems and minerals.

ii Sustaining the Life-Supporting Capacity of Soils and Vegetation

The life-supporting capacity of soils in the rural area can be lost or reduced as a result of intensive subdivision and building development or inappropriate land uses that significantly deplete, degrade or cover over the soil.

iii Protecting the Rural Amenity Values

All Rural Zones have particular amenity and environmental values, which are important to rural people. These include privacy, rural outlook, spaciousness, ease of access, clean air and, at times, quietness. However, because of the range of

activities that necessarily occur in a rural area, there are levels of noise, dust, traffic generation and smell that are an integral part of rural amenity values. Provided that these effects do not constitute a genuine nuisance or a health risk, they must be accepted as anticipated components of rural amenity values.

Where activities in a Rural Zone do cause a genuine nuisance or a health risk it is the role of Council to assist in mitigating any adverse effect that these activities may potentially create.

iv Safeguarding Water Resources

The quality and quantity of water and irrigation scheme infrastructure are essential for the cultural, social and economic well being of the District. However water resources are vulnerable to change because of the diversity of activities occurring in rural areas. Whilst the management of the quality and quantity of water resources is principally the responsibility of the Otago Regional Council, the Council considers it has a role in the integrated management of the effects of land-use activities to ensure the life-supporting capacity of water is safeguarded. The supply of irrigation water to users in the district is carried out by private companies, for example the Arrow Irrigation Company. The Council has a role in the integrated management of effects of land use activities to ensure that the supply of water resources and the irrigation infrastructure is not adversely affected by land use activities.

5.4 Summary with regard to Identification of Issues

While the issues identified above in sections 4 and 5 of the Operative Plan do not specifically refer to new plantation forestry and trees with wilding potential, they do cover issues that can arise from inappropriately located new plantation forestry and the potential for wilding spread (particularly issue i for the Rural General zone).

To more specifically identify the issues arising from wilding spread from new plantation forestry, and wilding spread not directly related to plantation forestry but from other new plantings, the following issues are identified. The unwanted wilding spread of introduced trees raises a number of issues and can threaten the following values when the wilding spread reaches a certain density:

- Landscape – dense wilding spread disrupts views of existing open and often treeless natural landscapes.
- Conservation – dense wilding spread dominates and eventually replaces native flora / fauna and habitat.
- Production – dense wilding spread shades out grazing species.
- Recreation – dense wilding spread can affect tramping, walking cycling and running.
- Water – dense wilding spread lowers the water yield.
- Historic – dense wilding spread can damage or hide archaeological and historic sites.
- Property – dense wilding spread increases fire intensity due to the presence of increased fuel. The risk of fire remains unchanged.

6. PROBLEMS IDENTIFIED WITH THE OPERATION OF THE PROVISIONS FOR FORESTRY AND TREES WITH WILDING POTENTIAL IN THE OPERATIVE DISTRICT PLAN

The following ten issues have been identified in relation to the operative provisions for the sustainable management of the new forestry plantations and wilding spread.

Issues were generally identified from analysis of the operative plan provisions (refer Document Library “99”), monitoring of resource consents for plantation forestry and wilding trees (refer Document Library “89”), public consultation (refer Document Library “87” and “88”) and from the Council's database of identified errors and alterations with the district plan.

1. Review of the list of wilding species / inconsistent lists throughout the district plan

Analysis of the operative District Plan provisions indicated that the list of trees with wilding potential that is used throughout the district plan is inconsistent (refer Document Library “99”). In some zones, certain trees are listed, and in other zones they are not, e.g. some species listed are not trees but rather weeds or plants such as broom and gorse. It would be desirable to have a single list of trees and apply it consistently across the district.

The options to address this issue are:

1. Leave the current inconsistent lists of wilding trees as they are.
2. Review the list and ensure consistency across the plan.

2. Activity status for planting of trees with wilding potential in more urban zones

Monitoring indicated that the rules for trees with wilding potential are used inconsistently in urban zones throughout the district plan (refer Document Library Reference “99”). For example in the Wanaka Low Density Residential zone, planting of trees with wilding potential is a prohibited activity, whereas in the Queenstown Low Density Residential zone, it is permitted. While not frequently planted in urban areas, it would be desirable to have a standard approach for the planting of trees with wilding potential in urban zones.

The options to address this issue are:

1. Leave the current inconsistent activity statuses of wilding trees as they are.
2. Review the activity status treatment of trees with wilding potential and seek consistency across the plan.

3. Wording of the Rural General site standard for wilding species

Lakes Environmental have experienced difficulty with the wording of the site standard in the Rural General zone for trees with wilding potential. The site standard states *“there shall be no planting of the following tree species”*. This sounds like a prohibited activity, but in fact an application can be made as it is only a restricted discretionary activity which must be processed on a non-notified basis unless special circumstances exist (refer below).

The options to address this issue are:

1. Leave the current rule wording as it is.
2. Amend the rule wording to reflect it is not a prohibited activity

4. Non-notification of consent applications for wilding species

The Rural General chapter contains a specific rule stating applications for planting trees with wilding potential must be processed on a non-notified basis unless special circumstances exist. This rule, combined with the restricted discretionary activity status, can lead to applicants assuming consent will be granted, as it is unusual to refuse a consent on a non-notified basis.

The options to address this issue are:

1. Leave the current non-notification rule as it is.
 2. Remove the non-notification rule for planting of trees with wilding potential.
 3. Clarify the non-notification rule to ensure it is clear consents may be granted or declined on a non-notified basis.
5. Use of wilding trees for landscape treatment on new houses, or the retention of wilding conifers to screen new development

Trees with wilding potential are sometimes proposed to be retained as part of the screening or mitigation landscaping package for new development. This is an issue in order to prevent new sources of wilding spread being created, and so that trees with wilding potential are not protected by conditions of a resource consent.

The options to address this issue are:

1. Do nothing. Trees with wilding potential will occasionally be used / retained to screen new development.
 2. Amend the assessment matters to make it clear that permanently retaining trees with wilding potential to screen new development is not encouraged.
6. Activity status of planting above 1070m

Under the operative district plan, a site standard triggers the need for a restricted discretionary consent if planting of exotics is to occur at an altitude greater than 1070 metres above sea level. Consideration could be given to whether a stronger activity status is necessary in order to protect these particularly sensitive areas above 1070m.

The options to address this issue are:

1. Retain existing restricted discretionary consent if planting of exotics is to occur at an altitude greater than 1070 metres above sea level.
 2. Strengthen activity status and / or assessment matters so that wilding spread is better assessed and controlled.
7. Specificity of objectives and policies

There is a lack of focus with regard to the objectives and policies for forestry and trees with wilding potential in terms of preventing spread from *new* plantation forestry.

The options to address this issue are:

1. Retain existing objectives and policies that relate to forestry and trees with wilding potential.
 2. Amend the objectives and policies to give more direction.
8. Policy 1.17 from 'District Wide' chapter, 'Natural Environment' heading

This policy is to *"To encourage the retention and planting of trees, and their appropriate maintenance"*. Environment Court decision C190/2004 (refer Document Library Reference **"90"**) states *"One further issue relating to tree planting, and identified in decision C180/99, remains to be resolved. It relates to the wording of Policy 1.17, which is intended to implement objective 1 of Part 4.1.4 of the revised plan. Decision C180/99 noted that the wording of that policy - encouraging the retention and planting of trees and their maintenance - appears to support the*

protection of existing wilding trees. That appearance should be dispelled and it is the understanding of the Court that the council intends to amend the wording of Policy 1.17 at some future date. It would be desirable if this issue was resolved sooner rather than later". It is therefore proposed to amend Policy 1.17 to address this comment of the court.

The options to address this issue are:

1. Retain existing unclear policy.
2. Amend the policy as per the Environment Court direction.

9. Whether the unintended growing of wilding trees can /should be managed as a landuse activity

A recent interim decision of the Environment Court (2011/387) determined that *"it is within a local authority's power to impose not only rules as to what tree species may be planted, but also to managing the spread of wilding trees"*. This interim decision is under appeal. It is appropriate to monitor the outcome of the appeal and understand the implications for the District Plan review.

The options to address this issue are:

1. Consider outcome of the final decision

10. Addition of reference to a new Decision Support System (DSS) tool to assess wilding risk

A new Decision Support System (DSS) tool has been developed to assess the risk of wilding spread (refer Document Library Reference **"100"**). The DSS tool encapsulates several of the existing assessment matters.

The options to address this issue are:

1. Retain the existing assessment matters which are covered under the new DSS tool.
2. Adopt the DSS tool as an assessment matter for assessing the risk of wilding spread, and delete the existing assessment matters that are covered by the tool.

7. EVALUATION

7.1 Appropriateness of Objectives to achieve purpose of RMA s32(1)(a)

The existing objectives and policies for the management of the new forestry plantations and trees with wilding potential are set out below:

From 'District Wide' chapter, 'Landscape & Visual Amenity' heading:

Objective:

Subdivision, use and development being undertaken in the District in a manner which avoids, remedies or mitigates adverse effects on landscape and visual amenity values.

Policies:

1 Future Development

- (a) *To avoid, remedy or mitigate the adverse effects of development and/or subdivision in those areas of the District where the landscape and visual amenity values are vulnerable to degradation.*
- (b) *To encourage development and/or subdivision to occur in those areas of the District with greater potential to absorb change without detracting from landscape and visual amenity values.*
- (c) *To ensure subdivision and/or development harmonises with local topography and ecological systems and other nature conservation values as far as possible.*

2 Outstanding Natural Landscapes (District-Wide/Greater Wakatipu)

- (a) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- (b) *To avoid subdivision and development in those parts of the outstanding natural landscapes with little or no capacity to absorb change.*
- (c) *To allow limited subdivision and development in those areas with higher potential to absorb change.*
- (d) *To recognise and provide for the importance of protecting the naturalness and enhancing amenity values of views from public roads.*

3. Outstanding Natural Landscapes (Wakatipu Basin)

- (a) *To avoid subdivision and development on the outstanding natural landscapes and features of the Wakatipu Basin unless the subdivision and/or development will not result in adverse effects which will be more than minor on:*
 - (i) *Landscape values and natural character; and*
 - (ii) *Visual amenity values*
 - *recognising and providing for:*
 - (iii) *The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor, which in the context of the landscapes of the Wakatipu basin means reasonably difficult to see;*
 - (iv) *The need to avoid further cumulative deterioration of the Wakatipu basin's outstanding natural landscapes;*
 - (v) *The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads.*
 - (vi) *The essential importance in this area of protecting and enhancing the naturalness of the landscape.*
- (b) *To maintain the openness of those outstanding natural landscapes and features which have an open character at present.*
- (c) *To remedy or mitigate the continuing effects of past inappropriate subdivision and/or development.*

4. Visual Amenity Landscapes

- (a) *To avoid, remedy or mitigate the adverse effects of subdivision and development on the visual amenity landscapes which are:*
 - *highly visible from public places and other places which are frequented by members of the public generally (except any trail as defined in this Plan); and*
 - *visible from public roads.*
- (b) *To mitigate loss of or enhance natural character by appropriate planting and landscaping.*
- (c) *To discourage linear tree planting along roads as a method of achieving (a) or (b) above.*

5. Outstanding Natural Features

To avoid subdivision and/or development on and in the vicinity of distinctive landforms and landscape features, including:

- (a) *in Wakatipu; the Kawarau, Arrow and Shotover Gorges; Peninsula, Queenstown, Ferry, Morven and Slope hills; Lake Hayes; Hillocks; Camp Hill; Mt Alfred; Pig, Pigeon and Tree Islands;*
- *unless the subdivision and/or development will not result in adverse effects which will be more than minor on:*
 - (i) *Landscape values and natural character; and*
 - (ii) *Visual amenity values*
- *recognising and providing for:*
 - (iii) *The desirability of ensuring that buildings and structures and associated roading plans and boundary developments have a visual impact which will be no more than minor in the context of the outstanding natural feature, that is, the building etc is reasonably difficult to see;*
 - (iv) *The need to avoid further cumulative deterioration of the outstanding natural features;*
 - (v) *The importance of protecting the naturalness and enhancing the amenity values of views from public places and public roads;*
 - (vi) *The essential importance in this area of protecting and enhancing the naturalness of the landscape.*

11. Forestry and Amenity Planting

Subject to policy 16, to maintain the existing character of openness in the relevant outstanding natural landscapes and features of the district by:

- (a) *encouraging forestry and amenity planting to be consistent with patterns, topography and ecology of the immediate landscape.*
- (b) *encouraging planting to be located so that vegetation will not obstruct views from public roads and discouraging linear planting near boundaries of public roads.*

16. Wilding Trees

To minimise the adverse effect of wilding trees on the landscape by:

- *supporting and encouraging co-ordinated action to control existing wilding trees and prevent further spread.*

17. Land Use

To encourage land use in a manner which minimises adverse effects on the open character and visual coherence of the landscape.

From 'District Wide' chapter, 'Takata Whenua' heading:

Objective(s) 4 - Mahika Kai

- 1 *The retention of the high quality of the mountain waters, and the retention and improvement of the water quality of the tributaries and water bodies of the District through appropriate land management and use.*
- 2 *The limitation of the spread of weeds, such as wilding trees.*

From 'District Wide' chapter, 'Energy' heading:

Objective 1 - Efficiency

The conservation and efficient use of energy and the use of renewable energy sources.

Policies

Under Objective relating to 'Efficiency':

- 1.8 *To promote "carbon sinks" by encouraging the retention of remaining areas of indigenous forest vegetation and minimising the restrictions on the plantings of exotic trees to those necessary to avoid any significant adverse visual effects on the environment.*

From 'District Wide' chapter, 'Natural Environment' heading:

Objective 1 - Nature Conservation Values

The protection and enhancement of indigenous ecosystem functioning and sufficient viable habitats to maintain the communities and the diversity of indigenous flora and fauna within the District.

Improved opportunity for linkages between the habitat communities.

The preservation of the remaining natural character of the District's lakes, rivers, wetlands and their margins.

The protection of outstanding natural features and natural landscapes.

Policies

- 1.17 *To encourage the retention and planting of trees, and their appropriate maintenance.*

Discussion of Objectives

The objectives (and associated policies identified above) are themselves subject to review as part of the District Wide or Rural General chapters. The discussion of the

objectives (and associated policies below) focuses on those objectives and policies that specifically relate to plantation forestry and trees with wilding potential. Monitoring identified issues with these objectives and policies. Policy 1.17 states:

1.17 To encourage the retention and planting of trees, and their appropriate maintenance.

Environment Court decision C190/2004 (refer Document Library Reference “90”) states “One further issue relating to tree planting, and identified in decision C180/99, remains to be resolved. It relates to the wording of Policy 1.17, which is intended to implement objective 1 of Part 4.1.4 of the revised plan. Decision C180/99 noted that the wording of that policy - encouraging the retention and planting of trees and their maintenance - appears to support the protection of existing wilding trees. That appearance should be dispelled and it is the understanding of the Court that the council intends to amend the wording of Policy 1.17 at some future date. It would be desirable if this issue was resolved sooner rather than later”.

To give effect to this decision of the Environment Court, it is therefore proposed to amend policy 1.17 as follows (proposed changes to are set out below in **bold underline**). This will make it clear that exotic trees with wilding potential should not be retained or planted.

*1.17 To encourage the retention and planting of trees, and their appropriate maintenance **(excluding exotic trees with wilding potential)**.*

Policy 16 below relating to wilding trees is a re-active policy, rather than pro-actively trying to prevent wilding spread from new forestry plantations. An amendment to the policy that elaborates on the existing terms “to prevent further spread” relating to forestry plantations is required, one that seeks to avoid wilding spread from new plantation forestry, rather than just in relation to “existing wilding trees”. Proposed changes to are set out below in **bold underline** and ~~striketrough~~:

16. Wilding Trees

*To minimise the adverse effect of wilding trees on the landscape **and nature conservation values** by:*

- (a) **avoiding wilding spread from new plantation forestry through the use of consent conditions; and***
- (b) **ensuring resource consent applicants for new plantation forestry are responsible for the full costs associated with controlling resultant wilding spread***
- (c) **avoiding identified trees with wilding potential being permanently retained through resource consents in order to screen new development***
- (d) **supporting and encouraging co-ordinated action to control existing wilding trees and prevent further spread.***

The proposed additions are necessary in order to clarify that wilding trees affect not just landscape values but also nature conservation values. Part (a) of the policy is necessary to clarify that the Council’s policy is to avoid wilding spread from new plantation forestry. The operative policy does use the term ‘minimise’ which suggests some wilding spread might be acceptable, however by adding in (b), it is recognised that wilding spread from existing wilding plantations will continue, but that wilding spread from new plantation forestry should be avoided. In terms of (c), this recognises that some resource consent applications have sought to retain trees with wilding potential for screening purposes, which should be avoided as this protects the tree in perpetuity.

Policy 1.8 under the 'Energy' heading, and the Objective relating to 'Efficiency', states:

- 1.8 To promote “carbon sinks” by encouraging the retention of remaining areas of indigenous forest vegetation and minimising the restrictions on the plantings of exotic trees to those necessary to avoid **wilding spread and any other** significant adverse visual effects on the environment.*

This policy remains largely appropriate, because the unwanted spread of wilding trees is already likely to be covered as a “*significant adverse visual effect on the environment*”: However the policy could be enhanced by removing any doubt as to whether wilding spread is a significant adverse visual effect.

The policy from the 'Takata Whenua' section of the District Wide' chapter will be addressed separately in the District Plan Review section 32 report on Takata Whenua matters.

The objectives (and where relevant associated policies) are considered in terms of Part 2 matters below:

RMA Provision	Evaluation
Section 5(2)(a)	The existing objectives set out above from the District Wide chapter and the Rural chapter (as they generally relate to forestry plantations and trees with wilding potential) specifically seek to sustain the potential of natural and physical resources (including the landscape and nature conservation values) to meet the reasonably foreseeable needs of future generations
Section 5(2)(b)	The existing objectives set out above from the District Wide chapter and the Rural chapter (as they relate to forestry plantations and trees with wilding potential) seek to avoid adverse effects from wilding spread on the environment which includes air, water, soil and ecosystems.
Section 5(2)(c)	The objectives (and associated policies) set out above are relevant to this part of the RMA. The revised Policy 1.17 (under Objective 1 – Nature Conservation Values) and revised Policy 16 (under Objective 1 for Landscape and Visual Amenity) specifically seeks to ensure the adverse effect of wilding spread on the environment from new plantation forestry is avoided.
Social wellbeing	The existing objectives (and revised Policies 1.17, Policy 16 and Policy 1.8) provide for the communities social wellbeing through better controlling wilding spread from new plantation forestry, and emphasising it is not wilding trees that should be retained. This enables the community to provide for social well being through enjoyment of the golden native tussock landscape and through certainty that planting is to be encouraged but not those plantings with wilding potential.
Economic wellbeing	The existing objectives provide for economic well being to a degree in that forestry is enabled provided adverse effects such

	as from wilding spread are managed. Farm woodlots are also enabled.
Cultural wellbeing	The objectives do not explicitly or implicitly provide for cultural wellbeing.
Health and safety	The objectives do not explicitly or implicitly address health and safety (although the assessment matters do).
Section 6	<p>The objectives recognise and provide for the following:</p> <p>S6(a) the preservation of the natural character of wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.</p> <p>S6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.</p> <p>S6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</p> <p>S6(d) the maintenance and enhancement of public access to and along the lakes, and rivers.</p> <p>S6(f) the protection of historic heritage from inappropriate subdivision, use, and development.</p> <p>As identified in the issues associated with wilding spread from new plantation forestry, section 6 matters (a)-(d) and (f) are achieved through the amended objectives and policies.</p>
Section 7	<p>The objectives and policies have particular regard to:</p> <p>s7(b) the efficient use and development of natural and physical resources</p> <p>s7(c) the maintenance and enhancement of amenity values:</p> <p>s7(f) maintenance and enhancement of the quality of the environment</p>

7.2 Identification of Other Reasonably Practical Options to Achieve Objectives **s32(1)(b)(i)**

In determining the most appropriate way to achieve the objectives identified above the following were considered reasonably practical options.

7.2.1 Option 1: Status quo/ No changes

Leaving the management of the new forestry plantations and trees with wilding potential as they are, and simply re-notifying them for public submission. This would not address the ten identified issues.

7.2.2 Option 2: Retain and Improve

Retain the majority of the operative objectives, policies and rules for the management of the new forestry plantations and trees with wilding potential but amend where appropriate to address the identified issues.

7.2.3 Option 3: Comprehensive Review

Complete review of the entire approach to the management of the new forestry plantations and trees with wilding potential provisions.

The costs and benefits of these different options have been assessed and as follows:

	Option 1: Status Quo / No changes	Option 2: Retain and Improve	Option 3: Comprehensive Review
Costs (socio-economic and environmental)	Does not address identified issues, and risks the provisions becoming further out of date and inconsistent. Responsibility for wilding spread from new plantation forestry remains limited.	Has costs associated with going through the District Plan Review process (but this is required by legislation).	Would impose a cost when monitoring has shown that most objectives, policies and rules are effective and this is not necessary.
Benefits (socio-economic and environmental)	Retains the established approach which parties are familiar with. Low cost for Council.	Retains established approach but improves where necessary to update and assist implementation. Addresses identified issues while retaining basis of established approach.	Would allow a comprehensive fresh look all provisions relating to forestry and wilding spread, but monitoring suggests the majority of provisions are effective and this is not considered necessary.
Ranking	2	1	3

The principle aims of the District Plan review are to simplify the plan where appropriate and to provide greater clarity and certainty around development matters in the District. It is anticipated that this will remove some of the uncertainties that can restrict potential economic growth and associated employment provision.

In accordance with these aims and based on the assessment above, Option 2: Retain and Improve is considered the most practicable option. This recognises that some of the objectives and policies and rules are effective, but that a number of changes could be made to address identified issues and better achieve the purpose of the Act.

7.3 Assessment of Provisions (Policies, Rules and other methods) s32(1)(b)(ii)

It has been established that the Objectives are the most appropriate way of achieving the purpose of the Act. This section will consider whether, having regard to their efficiency and effectiveness, the proposed Policies are the most appropriate way to achieve the Objectives. The Policies may relate to more than one Objective.

The following table provides an assessment and summary of the reasons for deciding on the policies.

- (a) The assessment of the efficiency and effectiveness of provisions is based on the assessment of costs and benefits, risk and any other relevant matter identified.
- (b) **[s32(2)(a)]** The assessment of relevant benefits and costs is undertaken in terms of environmental, economic, social and cultural matters. This will include opportunities for economic growth that are anticipated to cease to be available **[s32(2)(a)(i)]** and employment anticipated to be provided or lost where relevant **[s32(2)(a)(ii)]**. If practical the benefits and costs will be quantified **[s32(2)(b)]**.
- (c) The assessment of the risk of acting or not acting will only be undertaken if there is uncertain or insufficient information about the subject matter or provisions **[s32(2)(d)]**.

Policies for achieving Objectives relating to Nature Conservation Values and Landscape and Visual Amenity as they relate to Forestry and trees with Wilding Potential

From 'District Wide' chapter, 'Natural Environment' heading:

1.17 To encourage the retention and planting of trees, and their appropriate maintenance (excluding exotic trees with wilding potential).

From 'District Wide' chapter, 'Landscape & Visual Amenity' heading:

16. Wilding Trees

To minimise the adverse effect of wilding trees on ~~the~~ landscape and nature conservation values by:

- (a) avoiding wilding spread from new plantation forestry through the use of resource consent conditions; and
- (b) avoiding identified trees with wilding potential being permanently retained through resource consents in order to screen new development; and

~~(a)(c)~~ supporting and encouraging co-ordinated action to control existing wilding trees and prevent further spread.

17. To ensure holders of resource consent for new plantation forestry are responsible for the full costs associated with controlling resultant wilding spread over the lifetime of the plantation forest.

<p>From 'District Wide' chapter, 'Energy' heading, and the Objective relating to 'Efficiency', states:</p> <p>1.8 To promote "carbon sinks" by encouraging the retention of remaining areas of indigenous forest vegetation and minimising the restrictions on the plantings of exotic trees to those necessary to avoid <u>wilding spread</u> and any <u>other</u> significant adverse visual effects on the environment.</p>			
Efficiency and Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk acting/ not acting ^(c)
The amended policy 1.17 is both effective and efficient because it gives effect to a clear direction from the Environment Court to clarify the application of the policy to trees with wilding potential.	No confusion over the application of Policy 1.17 to trees with wilding potential.	None, other than potentially trees with wilding potential are not encouraged by this policy.	There is no uncertainty regarding the proposed addition to Policy 1.17.
<p>The amendments to Policy 16 are considered to be the key changes to the policy direction for managing trees with wilding potential. The changes are considered to be both effective and efficient because they address identified issues and existing gaps in the District Plan policy framework.</p> <p>In terms of (a), it is considered effective to confirm that the Council's policy is to 'avoid' wilding spread from new plantation forestry. This in turn should result in the efficient removal of wilding spread from new plantation forestry. This avoids confusion as to what Council's policy is.</p> <p>In terms of (b), it is considered effective to have a clear policy that the permanent retention of trees with wilding potential for screening purposes should be avoided.</p>	<p>Avoids confusion as to what Council's policy is with regard to avoiding wilding spread from new plantation forestry. Will ensure wilding spread from new plantation forestry is 'avoided' and will therefore not have adverse effects on landscape, visual amenity and nature conservation values.</p> <p>Avoids confusion as to what Council's policy is with regard to the permanent retention of trees with wilding potential for screening purposes, which should be avoided. Should ensure trees with wilding potential are not permanently retained (and protected through consent conditions) to screen new development.</p> <p>Combined the amendments should assist in preventing wilding spread from new plantation forestry and from screening of</p>	Will impose a cost in that developers of new plantation forestry will have to account for the costs associated with wilding spread from the plantation forestry. Currently this cost is not always borne by the developer of the plantation forestry.	There is no uncertainty regarding the proposed additions to Policy 16.

<p>While this is relatively rare, there are consent applications that rely on trees with wilding potential to screen development. This avoids confusion as to what Council's policy is.</p> <p>In terms of (a), (b) and (c), these additions will be efficient at ensuring wilding spread from new plantation forestry is sustainably managed so that effects on landscape and visual amenity, and nature conservation values, are avoided.</p>	<p>new development.</p>		
<p>In terms of new Policy 17, it is considered effective to confirm that the Council's policy is to ensure the costs for wilding control resulting from new plantation forestry are borne by forestry plantation developers, rather than ratepayers. This ensures the adverse effect of wilding spread is addressed by the creator of the effect, and avoids confusion as to what Council's policy is.</p>	<p>Avoids confusion as to what Council's policy is with regard to the costs associated with wilding control from new plantation forestry, and that these should be borne by forestry plantation developers, rather than ratepayers.</p>	<p>Will impose a cost of developers of new plantation forestry to control the adverse effects of resultant wilding spread over the lifetime of the forest.</p>	<p>There is no uncertainty regarding the proposed addition of new policy 17.</p>
<p>In terms of Policy 1.8, it is considered both effective and efficient to clarify that wilding spread is a significant adverse effect resulting from exotic forest plantations.</p>	<p>Clarifies that wilding spread is a significant adverse visual effect arising from planting of exotic trees.</p>	<p>No specific costs because wilding spread was probably already considered as a significant adverse effect. There is a new cost imposed if it was previously deemed that wilding spread was not a significant adverse effect.</p>	<p>There is no uncertainty regarding the proposed additions to Policy 1.8.</p>

7.4 Rules and Other Methods

It was established above that the Objectives are the most appropriate way of achieving the purpose of the RMA. This section will consider whether, having regard to their efficiency and effectiveness, the proposed amendments to rules and other methods are the most appropriate for achieving the objectives. The rules may relate to a number of Objectives.

The following tables provide an assessment and summary of the reasons for deciding on the provisions.

Groups of Rules or other methods

Adopting a prohibited or non-complying activity status for planting of trees with wilding potential in 'urban zones' that currently do not have rules relating to trees with wilding potential – refer proposed provisions attachment. Zones include:

- ***Queenstown Airport Mixed Use Zone***
- ***Low Density Residential*** (only applies to Queenstown – Wanaka LDR already has a prohibited activity status)
- ***High Density Residential***
- ***Residential Arrowtown Historic Management Zone***
- ***Rural Residential***
- ***Rural Living***
- ***Townships***
- ***Town Centres***
- ***Business***
- ***Industrial A***
- ***Industrial B***
- ***Rural Visitor***
- ***Penrith Park*** (already approved for a Prohibited Activity status through Penrith Park s.32 report)
- ***Bendemeer*** (already approved for a Prohibited Activity status through Bendemeer s.32 report)
- ***Remarkables Park***
- ***Quail Rise***
- ***Meadow Park*** (already approved for a Prohibited Activity status through Meadow Park s.32 report)
- ***Frankton Flats A***

- **Mt Cardrona Station**
- **Ballantyne Road Mixed Use**
- **Kingston Village**
- **Shotover Country**

Efficiency and Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk acting/ not acting ^(c)
Adopting a prohibited activity status for planting of trees with wilding potential in 'urban zones' that currently do not have rules for trees with wilding potential, is considered to be effective at preventing the spread of seed from the urban zones into surrounding open and rural areas. It is also effective to have a consistent approach to the planting of trees with wilding potential across urban zones, and across the District Plan generally, as the existing approach is very inconsistent.	<p>Will prevent the spread of seed from trees with wilding potential in urban zones into the Rural environment.</p> <p>Will ensure a more consistent approach to the planting of trees with wilding potential across those urban zones that currently have no rules.</p> <p>Will avoid adverse effects on residential amenity values from some of the trees listed which are often not appropriate in an urban context.</p>	<p>Will impose a cost in that residents are not able to plant the following trees as ornamental specimens or for any other reason in those 'urban' zones that currently do not have any rules relating to wilding trees:</p> <ul style="list-style-type: none"> • Contorta or lodgepole pine (Pinus contorta) • Scots pine (Pinus sylvestris) • Douglas fir (Pseudotsuga menziesii) • European larch (Larix decidua) • Corsican pine (Pinus nigra) • Radiata Pine (Pinus Radiata) • Bishops pine (Pinus muricata) • Ponderosa pine (Pinus ponderosa) • Mountain Pine/Dwarf Mountain pine (Pinus mugo) • Maritime pine (Pinus pinaster) • Sycamore • Hawthorn • Boxthorn <p>While the cost is acknowledged, it is considered that these trees are not regularly planted in an urban context due to the height that they reach which can be inappropriate in an urban context.</p>	There is no uncertainty regarding the proposed prohibited activity rule for planting of trees with wilding potential in those urban zones that currently do not have any rules for wilding trees.

Groups of Rules or other methods			
<i>Amendments to the list of trees with wilding potential – refer proposed provisions attachment</i>			
Efficiency and Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk acting/ not acting ^(c)
<p>Currently the operative District Plan contains a wide range of lists of trees with wilding potential. The full list from the existing plan (set out below) contains plants such as gorse and broom that are not trees:</p> <ul style="list-style-type: none"> (a) Contorta or lodgepole pine (<i>Pinus contorta</i>) (b) Scots pine (<i>Pinus sylvestris</i>) (c) Douglas fir (<i>Pseudotsuga menziesii</i>) (d) European larch (<i>Larix decidua</i>) (e) Corsican pine (<i>Pinus nigra</i>) (f) Radiata Pine (<i>Pinus Radiata</i>) (g) <i>Pinus muriata</i> (h) <i>Pinus ponderosa</i> (i) All Eucalyptus varieties (j) Gorse 	<p>The removal of ‘All Eucalyptus species’ from the list because they have a low spreading vigour and are not a wilding issue in the Lakes district.</p> <p>The removal of gorse and broom from the list. These are not wilding trees and are dealt with under the Otago Regional Council RPMS (refer Document Library Reference “92”).</p> <p>The addition of Mountain Pine / Dwarf mountain pine (<i>Pinus Mugo</i>) to the list, which is spreading in the Queenstown Lakes District (e.g. at Muddy Creek) and which poses a wilding threat to the Queenstown Lakes district landscape.</p> <p>The addition of Maritime Pine (<i>Pinus pinaster</i>) to the list, which is recorded in the National Status</p>	<p>The majority of trees listed are already identified in the operative district plan and are therefore deemed to give effect to the purpose of the Act. The addition of Mountain Pine / Dwarf mountain pine (<i>Pinus Mugo</i>) and Maritime Pine (<i>Pinus pinaster</i>) to the list will create a cost in terms of additional species that cannot be planted without a resource consent and associated risk assessment, or in some cases, not in any circumstances.</p>	<p>There is no uncertainty regarding the addition of Mountain Pine / Dwarf mountain pine (<i>Pinus Mugo</i>) and Maritime Pine (<i>Pinus pinaster</i>) to the list, and the removal of Eucalypts, gorse and broom from the list.</p>

(k) Broom (l) Sycamore (m) Hawthorn (n) Boxthorn (o) Lupin It is both effective and efficient to review this list, remove any unnecessary specimens, update it and apply it consistently across the district.	Report as having moderate spreading vigour and which poses a wilding threat to the Queenstown Lakes district landscape.		
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Groups of Rules or other methods			
<i>Amendment to rule for the Rural General zone to remove the words “There shall be no planting of....” from the site standard..</i>			
Efficiency and Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk acting/ not acting ^(c)
Feedback from Lakes Environmental is that they have experienced difficulty with the wording of the site standard in the Rural General zone for trees with wilding potential. The site standard states <i>“there shall be no planting of the following tree species”</i> . This sounds like a prohibited activity, but in fact an application can be made as it is only a restricted discretionary activity which must be processed	Avoids confusion from the site standard sounding like a prohibited activity.	None, the site standard remains unchanged in that planting of the listed trees requires a restricted discretionary consent.	There is no uncertainty regarding the deletion of the words <i>“there shall be no planting of...”</i> from the start of the site standard.

on a non-notified basis unless special circumstances exist. It is both effective and efficient to avoid confusion from the site standard sounding like a prohibited activity.			
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Groups of Rules or other methods			
<i>Deletion of the non-notification rule 5.3.4 which specifies that consent applications under site standard 5.3.5.1 (xiii) will not be publicly notified unless special circumstances exist.</i>			
Efficiency and Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk acting/ not acting ^(c)
It is both effective and efficient to amend this rule so that applications for trees with wilding potential can be processed on a notified basis where the effects are likely to be more than minor. While consent may be granted or declined on a non-notified basis, this is rare under the RMA and can lead applicants to assume consent will be granted.	<p>Dispels the assumption that because an application is to be processed on a non-notified basis it will be granted.</p> <p>Allows applications for trees with wilding potential that will have adverse effects that are more than minor to be processed on a notified basis.</p>	Potentially applications could already be notified if 'special circumstances' exist. However deleting the non-notification rule will mean it is probably more likely that an application could be publicly notified than if the non-notification rule remained, as the use of 'special circumstances' is also rare. The greater likelihood of notification will result in a financial cost to those persons proposing to plant trees with wilding potential. The costs of a notified resource consent are \$4700 to lodge the application, and approximately \$10,000 - \$30,000 to go through a hearing process (costs vary depending on the number of submissions and the complexity / sensitivity of the case). However notification would only be likely if the DSS calculator showed a high risk of wilding spread that could not be avoided through consent conditions.	There is no uncertainty about deleting the non-notification rule.

Groups of Rules or other methods			
<i>Amendments to Assessment matter xviii – Discretionary Activity – Forestry</i>			
Efficiency and Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk acting/ not acting ^(c)
<p>It is both efficient and effective to replace some of the assessment matters with reference to the latest DSS document, which is a dedicated assessment tool for wilding spread.</p> <p>It is both efficient and effective to consider, as an assessment matter, whether management plans are proposed for the eradication and/or control of wilding spread over the lifetime of the forest (and whether the management plan will be registered on the certificate of title).</p> <p>It is both efficient and effective to consider, as an assessment matter, whether legal and physical access is available to the area where wilding spread is likely to occur.</p>	<p>The latest DSS tool provides a more accurate assessment of the wilding risk.</p> <p>Enables removal of reference to assessment matters that are covered in the DSS2 tool, including the tree species, the location of the site and surrounding landuse.</p> <p>Clarifies that the management plan should be for the lifetime of the forest.</p> <p>Asks the question of whether the management plan will be registered on the certificate of title, so that future owners are aware of the management obligations and costs associated with managing wilding spread.</p> <p>Asks the question of how accessible the land is that wilding spread is to be carried out on.</p>	<p>Costs will arise if the management plan is registered on the certificate of title (although the requirement for a management plan is an operative provision).</p>	<p>There is no uncertainty about replacing some of the assessment matters that are covered in the DSS2 tool.</p>

Groups of Rules or other methods			
<i>Amendments to Assessment matter xxx – Site Standard – Planting of trees with wilding potential</i>			
Efficiency and Effectiveness ^(a)	Benefits ^(b)	Costs ^(b)	Risk acting/ not acting ^(c)
It is both efficient and effective to replace some of the assessment matters with reference to the latest DSS tool, which is a dedicated assessment tool for wilding spread.	Gives a relatively simple quantitative assessment of the risk of wilding spread, so that where the risk is low, forestry plantations can occur, and where the risk is high, management plans can be developed and costed to manage that risk.	Time cost associated with completing the assessment, however many of the matters covered in the latest DSS tool are already identified as assessment matters.	There is no risk or uncertainty associated with adopting the latest DSS tool into the District Plan.

8. DESCRIPTIVE TEXT FORMERLY IN THE DISTRICT PLAN

8.1 Issues

8.2 Monitoring

Monitoring of the extent of wilding spread in the Queenstown Lakes District is undertaken every five years as part of the Wakatipu Wilding Conifer Control Strategy. The current document (2008 – 2012) is currently being reviewed, and monitoring of the extent of wilding spread will be undertaken for the updated strategy.

Consent monitoring for new forestry resource consent applications will continue to be undertaken on a case by case basis.

8.3 Environmental Results Anticipated

The existing Environmental Results Anticipated from the District Wide section of the District Plan (that are particularly relevant to forestry and trees with wilding potential) are set out below. Those directly related to forestry and trees with wilding potential have been highlighted:

Natural Environment

4.1.5 Environmental Results Anticipated

- (i) No increase in areas of erosion or contamination.
- (ii) The management of the location of land use activities to ensure the maintenance and protection of water availability and quality.
- (iii) Enhancement of lakes and rivers and their margins as ecological and amenity assets.
- (iv) Limitations on the effects of emission to air as a result of the control of land use activities which are generators of pollutants.
- (v) Protection and enhancement of the range and quality of natural ecosystems and the environment supporting them.
- (vi) The survival of indigenous plants and animals in their natural habitats.
- (vii) Maintenance of the natural character and landscape amenity of the rural area.
- (viii) Retention of geological features of value.
- (ix) Reduced exposure to risk of safety and property damage from natural hazards and a density of development consistent with the degree of risk from hazards prevailing in areas where development can take place.
- (x) Enhanced quality of the lakes and river margins and the recreational experience and public access opportunities this brings.
- (xi) Improved public awareness of the unique and valuable natural areas and assets of the District.
- (xii) Retention and enhancement of the life-supporting capacity of soils, including a robust, diverse and intact vegetation cover.

Landscape and Visual Amenity

4.2.6 Environmental Results Anticipated

Implementation of the policies and methods relating to Landscape and Visual Amenity will result in:

- (i) The protection of outstanding natural landscapes and features from inappropriate subdivision, use and development.
- (ii) Maintenance and enhancement of openness and naturalness of outstanding natural landscapes and features.
- (iii) Strong management of the visual effects of subdivision and development within the visual amenity landscapes of the District.
- (iv) Enhancement of natural character of the visual amenity landscapes.
- (v) A variety in the form of settlement pattern within visual amenity landscapes based upon on the absorption capacity of the environment.
- (vi) Protection of the visual and landscape resources and values of the rivers and lakes.
- (vii) Improved public awareness and acceptance of the fundamental importance and value of the landscape to the well being of the District.

(viii) Management of wilding spread from new plantation forestry

An additional 'Environmental Result Anticipated' has been added to the District Wide section on Landscape and Visual Amenity to reflect the changes to Policy 16 of that section.

The existing Environmental Results Anticipated from the Rural Areas section of the District Plan are set out below.

5.2.1 Environmental Results Anticipated

The following environmental results are anticipated in the Rural General zones:

- (i) The protection of outstanding natural landscapes and features from inappropriate subdivision, use and development.
- (ii) Maintenance and enhancement of openness and naturalness of outstanding natural landscapes and features.
- (iii) Strong management of the visual effects of subdivision and development within the visual amenity landscapes of the district.
- (iv) Enhancement of natural character of the visual amenity landscapes.
- (v) A variety in the form of settlement pattern within visual amenity landscapes based upon on the absorption capacity of the environment.
- (vi) Retention and enhancement of the life-supporting capacity of the soil and vegetation.

- (vii) The continued development and use of land in the rural area.
- (viii) Avoid potential land uses and land management practices, which create unacceptable or significant conflict with neighbouring land based activities, including adjoining urban areas.
- (ix) Maintenance of a level of rural amenity, including privacy, rural outlook, spaciousness, ease of access and quietness, consistent with the range of permitted rural activities in the zone.
- (x) Retention of the amenities, quality and character of the different rural environments within the District, and development and structures which are sympathetic to the rural environment by way of location and appearance.
- (xi) Retention of a range of recreation opportunities.
- (xii) Utilisation of mineral resources within the District, providing that the scale of each operation and its effects, both short and long-term, are appropriate to its environment.

These Environmental Results Anticipated are considered to remain valid and appropriate, although do not specifically identify the management of wilding spread from new plantation forestry.

8.4 Explanation and Principal Reasons for Adoption

The 'explanation and principal reasons for adoption' for the District Wide objectives and policies for Landscape and Visual Amenity currently states:

Explanation and Principal Reasons for Adoption

The landscape is outstanding and is vital to the wellbeing and economy of the District, the region and the nation. Sustainable management must be undertaken in a manner which gives priority to ensuring the protection of the landscape and visual amenity.

The landscape policy provisions are carried through in other sections of the Plan relating to subdivision, use and development. It is the purpose of these policies to ensure that all development has an overriding regard to those wider visual and landscape considerations which are fundamental to the sustainable management of the District's natural and physical resources and the way in which the community provides for its social, cultural and economic well being.

In a District of the size and topographical diversity of Queenstown-Lakes there are always pressures on the physical environment due to growth, development and everyday living. However, the quality of this development and activity will not be sustained unless the protection of the District's natural resources and in particular the visual and landscape values of those resources can be assured. This is because the quality of life and development in the District is in large part dependent upon the quality of the visual and landscape character within which it operates and from which it benefits.

The 'explanation and principal reasons for adoption' for the District Wide objectives and policies for Nature Conservation Values currently states:

Explanation and Principal Reasons for Adoption

The District is fortunate to have many areas which are of particular nature conservation value, some of which harbour nationally significant species.

The Council recognises the need to include rules to control activities which may have adverse effects on areas or sites that contain indigenous ecosystems, or geological features, of significant value to the District. Activities involving vegetation clearance, land disturbance through earthworks, and the planting of trees can destroy indigenous plants and animals directly, or indirectly through the modification of habitat.

The Council also considers that rules are necessary to control activities which occur on the District's riverbeds and margins, so the habitats of birds, trout, salmon and indigenous fish species occupying these areas and their natural character are protected. In addition, the process of setting aside marginal strips, and esplanade reserves or strips is likely to continue with subdivision.

The Council recognises that, in some instances, activities will require resource consents from both the District and Regional Councils. In order to avoid duplication of processes and inconvenience to land occupiers and owners, it may in some instances be practical to transfer the power to administer the consents to the one authority.

Identification of appropriate trees for different urban environments would help promote retention of indigenous ecosystems and ensure that potential tree planters make an informed and educated decision when planting trees. Further, information of appropriate maintenance would avoid situations requiring removal of trees that have grown too large.

These objectives and policies have been reviewed and are considered to remain valid in terms of forestry and wilding trees. No changes are proposed, however the District Wide and Rural General chapters of the District Plan are themselves subject to review, and changes may occur through that review.

8.5 Implementation Methods

The primary implementation methods for the management of the new forestry plantations and wilding spread are rules in the District Plan. The use of rules does not need to be listed as a separate implementation method. An existing guidance brochure on Wilding Pines (refer Document Library Reference “98”) will require updating as it uses a different evaluation method to that proposed in the changes to the assessment matters (the adoption of the latest DSS tool).