

Queenstown Lakes District Proposed District Plan – Stage 1

Section 42A Hearing Report For Hearing commencing: 2 May 2016

Report dated: 6 April 2016

Report on submissions and further submissions
Chapter 34 Wilding Exotic Trees

File Reference: Chp. 34 S42A

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I also have referred to, and relied on the following evidence filed alongside this section 42A report:

Mr Glenn Davis, Ecologist – statement dated 6 April 2016; and
Dr Marion Read, Landscape – statement dated 6 April 2016.

1. EXECUTIVE SUMMARY

- 1.1. The framework, structure and majority of provisions in the Proposed District Plan (**PDP**) Wilding and Exotic Trees Chapter 34 (**notified Chapter**) should be retained as outlined and supported in the section 32 (**s32**) assessment (**Appendix 3**).
- 1.2. Some changes are considered appropriate, and these are shown in the Recommended Revised Chapter (**Revised Chapter**) as attached in **Appendix 1** to this evidence. A number are minor changes, or wording changes that provide better expression. Some of the changes are to the policies. In terms of the rules, the key change recommended is a move from the prohibited status of any planting of *Pinus radiata* to a discretionary activity status, therefore allowing consent to be obtained to plant this species. I have assessed this change in terms of section 32AA of the RMA (see **Appendix 4**).
- 1.3. I consider that the Revised Chapter is more effective and efficient than the notified Chapter 34, and also than the further changes sought by submitters that I have rejected. I consider that the Revised Chapter better meets the purpose of the Resource Management Act 1991(**RMA**). The key reasons for this conclusion include:
 - a. The objective, policies and rules in the Revised Chapter specify the activities and class of wilding species that are prohibited, and that can be planted subject to a discretionary resource consent. This is a more appropriate platform than the ODP to manage the spread of wilding exotic trees and better protect the District's landscapes from visual and biodiversity degradation, and the productive values of the soil resource that wilding spread threatens; and
 - b. The Revised Chapter framework and style is concise and accessible.

2. INTRODUCTION

- 2.1. My name is Craig Alan Barr. I am employed by the Council as a senior planner and I am a full member of the New Zealand Planning Institute. I hold the qualifications of Bachelor of Science and Master of Planning from the University of Otago. I have been employed in planning and development roles in local authorities and private practice since 2006. I have been employed by the Queenstown Lakes District Council (including former regulatory provider Lakes Environmental Limited) since 2012, in both district plan administration and policy roles.

3. CODE OF CONDUCT

- 3.1. Although this is a Council hearing, I confirm that I have read the Code of Conduct for Expert Witness contained in the Environment Court Practice Note and that I agree to comply with it. I confirm that I have considered all the material facts that I am aware of that might alter or

detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.

3.2. I am authorised to give this evidence on the Council's behalf.

4. SCOPE

4.1. My evidence addresses the submissions and further submissions received on the notified Chapter. The key issues raised in submissions can be grouped under the following broad topics:

- a. The prohibited activity status of all trees with wilding potential is considered too stringent; and
- b. The list of prohibited trees with wilding potential is not considered to be comprehensive enough.

4.2. Where I recommend substantive changes to provisions I assess those changes in terms of Section 32AA of the RMA (see **Appendix 4**). The Table in **Appendix 2** outlines whether individual submissions are accepted, accepted in part, rejected, considered to be out of scope or deferred to another hearing stream.

4.3. Although this evidence is intended to be a stand-alone document and also meet the requirements of section 42A of the RMA, a more in-depth understanding can be obtained from reading the Wilding Exotic Trees s32 report which is attached at **Appendix 3**. The s32 report also contains further Appendices and these, along with Monitoring reports can be found on the Council's website at www.qldc.govt.nz.

4.4. Some submissions that are associated with PDP Rural provisions will also be heard in the Rural hearing stream and are discussed in the appropriate chapters' section 42A report. Appendix 2 indicates whether a submission or further submission has been deferred to another hearing stream.¹

4.5. I have read, referred to and relied on the evidence of Mr Glenn Davis, and that of Dr Marion Read both dated 6 April 2016.

¹ For example, submissions 386 and 461.

5. BACKGROUND – STATUTORY AND NON-STATUTORY DOCUMENTS

5.1. The Wilding and Exotic Trees s32 is attached as Appendix 3 and provides a detailed overview of the higher order planning documents applicable to the Wilding and Exotic Trees Chapter on pages 2 to 6. In summary, the following documents have been considered in the preparation of this chapter:

- a. **The RMA** – in particular the purpose and principles in Part 2, which emphasise the requirement to sustainably manage the use, development and protection of the natural and physical resources for current and future generations, taking into account the ‘four well beings’ (social, economic, cultural and environmental).
- b. **The Local Government Act 2002** – in particular section 14, Principles relating to local authorities. Sub-sections 14(c), (g) and (h) emphasise a strong intergenerational approach, considering not only current environments, communities and residents but also those of the future. They demand a future focussed policy approach, balanced with considering current needs and interests. Like the RMA, the provisions also emphasise the need to take into account social, economic and cultural matters in addition to environmental ones.
- c. **Iwi Management Plans** – when preparing or changing a district plan, Section 74(2A)(a) of the RMA states that Council’s must “*take into account*” any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district. Two iwi management plans are relevant:
 - *The Cry of the People, Te Tangi a Taurira*: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008); and
 - *Kāi Tahu ki Otago* Natural Resource Management Plan 2005 (KTKO NRMP 2005).
- d. **Operative Otago Regional Policy Statement 1998 (Operative RPS)** – Section 75(3) of the RMA requires that a district plan prepared by a territorial authority must “*give effect to*” any regional policy statement. The Operative RPS contains a number of objectives and policies of relevance to exotic species with wilding potential, specifically Objectives 5.4.1 to 5.4.3 (Land) and related policies which, in broad terms promote the sustainable management of Otago’s land resource by:

- Maintaining and enhancing the primary productive capacity and life supporting capacity of land resources;
- Avoid, remedy or mitigate degradation of Otago's natural and physical resources resulting from activities utilising the land resource;
- Protect outstanding natural features and landscapes from inappropriate subdivision, use and development.

Issue 10.3.2 of the RPS has specific regard to pest species and is '*Plant and animal pests threaten the diversity and productivity of Otago's natural ecosystems and primary production*'. Objective 10.4.1 is '*To maintain and enhance the life-supporting capacity and diversity of Otago's biota*'. Objective 10.4.2 is '*To protect Otago's natural ecosystems and primary production from significant biological and natural threats*'.

These objectives set a basis to manage tree species with wilding potential.

- e. **Proposed Otago Regional Policy Statement 2015 (PRPS)** – Section 74(2) of the RMA requires that a district plan prepared by a territorial authority shall "have regard to" any proposed Regional Policy Statement. The PRPS was notified for public submissions on 23 May 2015, and contains the following objectives relevant to the control of trees with wilding spread potential:

- Objective 2.1 – *the values of Otago's natural and physical resources are recognised and maintained and enhanced; and*
- Objective 2.2 – *Otago's significant and highly-valued natural resources are identified, and protected or enhanced.*

These objectives set a basis to manage tree species with wilding potential. The hearing of submissions for the PRPS was held in November 2015 and, at the time of preparing this evidence, the Hearing Panel were deliberating the submissions. A decision on the submissions has not yet been issued.

- f. **Wakatipu Wilding Conifer Strategy 2013-2017:**__This document recommends management options for control areas, estimating both the costs² and best methods³ to be used to effectively and efficiently bring wilding spread to a manageable level in the Wakatipu Basin. Council uses this non-statutory document to manage existing wilding trees. The District Plan also has a role in reducing the potential for wilding tree spread by controlling the planting of wilding potential species.

² Refer to the Wakatipu Wilding Conifer Strategy 2013-2017 Page 11 for figures on the total spend on wilding spread management in the District.

³ Refer to the Wakatipu Wilding Conifer Strategy 2013-2017 pages 23-24 Table 4: *Management Unites, operations and costs for the 2013-2017 strategy work programme.*

- g. **Council's Economic Development Strategy 2015:** The Council's Economic Development Strategy 2015 states:

*'The outstanding scenery makes the District a highly sought after location as a place to live and visit.'*⁴ And, *'The environment is revered nationally and internationally and is considered by residents as the area's single biggest asset.'*⁵

The Queenstown Lakes District is one of the fastest growing areas in New Zealand⁶ and a strategic policy approach is considered essential to manage future growth pressures in a logical and coordinated manner to promote the sustainable management of the valued landscape resource. The proposed Wilding and Exotic Trees Chapter's provisions aid in managing the sustainable development of this important resource.

- h. **Otago Regional Pest Management Strategy (RPMS):** The Pest Management Strategy for Otago identifies one exotic conifer tree with wilding potential: Contorta pine (*Pinus contorta*). As a pest plant, and requires through Rule 4.7.4(i) that all landowners within the QLDC District destroy all *Pinus contorta* on their land.

6. BACKGROUND – OVERVIEW OF THE ISSUES

- 6.1. The District's landscapes are of significant conservation, economic and intrinsic value to the District.⁷ The notified Chapter manages the protection of these values from potential wilding spread.
- 6.2. "Wilding" is the term used for the natural regeneration or seedling spread of exotic trees, occurring in unintended locations and not managed for forestry production. Trees with wilding potential are spreading across parts of the District and have visually degraded parts of the landscape,⁸ biodiversity values and can threaten the productive values of the soil resource.⁹ The spread of trees with wilding potential has left other areas vulnerable to landscape and biodiversity degradation.
- 6.3. The ODP framework for managing potential wilding exotic tree spread uses zone specific rules. There are inconsistencies in the level of regulation adopted in various zones, in that rules range from restricted discretionary through to prohibited activity status for planting of

⁴ QLDC Economic Development Strategy, 2015, Page 10 paragraph 5.

⁵ QLDC Economic Development Strategy, 2015, Page 10 paragraph 4.

⁶ Bird, C (2016). Statement of Evidence of Clinton Arthur Bird on Behalf of Queenstown Lakes District Council, Urban Design. Page 6 paragraph 4.2.

⁷ See evidence of Mr Glenn Davis dated 6 April 2016, Section 12 and Dr Marion Read for Strategic Direction and Landscape hearing dated 19 February 2016.

⁸ See evidence of Dr Marion Read dated 6 April 2016, Section 12.

⁹ See evidence of Mr Glenn Davis dated 6 April 2016, Section 12.

exotic trees with wilding potential in various zone chapters.¹⁰ The ODP objectives and policies direct both avoidance of the establishment of trees with wilding potential,¹¹ yet also encourage the planting of wilding trees¹² depending on the particular issue or objective in the chapter. Overall the ODP in my view fosters confusion for both the public and professionals (i.e. planners) regarding trees with wilding potential.

6.4. In considering the ODP framework and considering alternatives, the s32 report found that the most appropriate method to manage potential wilding spread was to create a district wide provision prohibiting the planting of trees identified with wilding potential in all zones. The s32 report concludes that this approach provides consistency and certainty throughout the District and addresses the issue of identifying trees with wilding potential. The resulting PDP as notified, does however deny the ability to apply for resource consent to plant trees with wilding potential for any purpose. This last matter presents issues for residents as they are now unable to plant trees with wilding potential for shelter belts or firewood sections among other rural-based activities.

6.5. The following specific issues identified with the ODP framework (and included is the desired response sought through the PDP):

a. Lack of consistency and certainty –

- Consistency in listing the controlled species with wilding potential is desired – some of the chapters in the ODP list some potential wilding species, others list none, and some list trees that are not wilding exotic.¹³ For example the Rural General zone allows for planting of 6 species of pines with wilding potential, while the Rural Living zone prohibits the same wilding species and all eucalypts (which are not recognised as having wilding potential) with the exception of the Ferry Hill Rural Residential sub-zone in which eucalypts are permitted, and the Bob's Cove Rural Residential sub-zone in which broom, gorse and lupins (which are not trees) are also prohibited; and
- Appropriate class of activity for managing spread is required – throughout the ODP there are different activity statuses for various species with wilding potential. For example the Rural General zone classes wilding trees as restricted discretionary whilst the Rural Living classes these same trees as prohibited.

b. Lack of differentiation between forestry and potential wilding spread – it is recognised that commercial forestry is not the sole cause for wilding tree spread throughout the

¹⁰ See s32 report **Appendix 1**.

¹¹ ODP Chapter 4 District Wide Issues: 4.1 Natural Environment 4.1.4 Objectives and policies 1.5; 4.2 Landscape and Visual Amenity 4.2.5 Objectives and Policies 16 Wilding Trees.

¹² ODP Chapter 4 District Wide Issues: 4.5 Energy 4.5.3 Objective 1.8; 4.1 Natural Environment 4.1.4 Objectives and policies 1.17.

¹³ See s32 report - **Appendix 1**.

District. Wilding is the term used for the natural regeneration or seedling spread of exotic trees, occurring in unintended locations and not managed for forestry production. Wilding therefore, has the potential to occur from activities other than forestry. Such activities include private or small scale planting for firewood supply and plantings for shelter.

7. ANALYSIS OF SUBMISSIONS BY ISSUE

- 7.1. 58 submissions or further submissions with 69 points of submission were received on the Notified PDP Chapter 34 (noting that some of the submission points are on the location of landscape lines or rural provisions and not on a specific part of notified Chapter 34).
- 7.2. The RMA, as amended in December 2013, no longer requires a report prepared under s42A or the Council decision to address each submission point but, instead, requires a summary of the issues raised in the submissions. Some submissions contain more than one issue, and will be addressed where they are most relevant within this evidence.
- 7.3. The following key issues have been raised in the submissions and I first address these in broad terms:
- a. Issue 1 – Allow for Wilding Trees with Control Measures;
 - b. Issue 2 – Rule 34.4.1 Prohibited Species
 - c. Issue 3 – Delete Policy 34.2.1.1
 - d. Issue 4 – wilding spread is visually and ecologically degrading
 - e. Issue 5 – wilding spread affects water yield
 - f. Issue 6: require removal of wilding trees
- 7.4. Following the above, an analysis of the key issues identified by submitters is provided for each objective and related policy and the one prohibited activity rule in 34.4.1. Where a policy has not been submitted on or where the submission is without any coherent basis the policy or submission point is not directly discussed (although a recommendation for the latter is set out in **Appendix 2**).

8. ISSUE 1 – ALLOW FOR WILDING TREES WITH CONTROL MEASURES

- 8.1. A number of submitters (9, 117, 286, 332, 386, 458, 600, 784, 829, FS1209)¹⁴ have submitted that the objective and policy are too restrictive, in particular the fact that all

¹⁴ 9 (Terry Drayron), 117 (Maggie Lawton), 286 (Urs & Rosalie Metzger), 332 (Rachel Brown), 386 (Lisa & Greg Johnston & Inwood), 458 (Simon Beale), 600 (Federated Farmers of New Zealand), 784 (Jeremy Bell Investments Limited), 829 (Anderson Branch Creek Ltd) and FS1209 (Richard Burton).

identified species with wilding potential would be banned/prohibited. The submitters advocate to allow for some trees with wilding potential to be planted within the District, with appropriate management through a resource consent process. The reasons include allowing plantings to provide for firewood stocks, shelter belt planting, and commercial planting.

8.2. Submission 386 (Lisa Johnston and Greg Inwood) focuses more on forestry activities than wilding spread. The reasons included in the submissions (332, 386, 600, 784, and FS1209) for managing wilding spread as opposed to an outright ban are:

- a. The planting of shelter belts is important to enable wind protection for rural activities or for domestic or commercial firewood supply; and
- b. Plantings of a small geographical area in low risk conditions (including setbacks from boundaries) should be able to be requested by resource consent.

8.3. I consider that this submitter's request for the use of management plans has merit, which I return to below.

8.4. First, I refer to the evidence of Dr Read, which is that wilding trees are a significant problem within the District from a landscape perspective. She states that wilding trees displace indigenous vegetation and pasture, which has the effect of homogenising the landscape, therefore reducing the subtle changes in the colour and texture of vegetation that give visual cues as to the underlying topography and hydrology. Dr Read's evidence is also that the most striking effect of the spread of wilding vegetation is the change in character which it produces (see section 12 of Dr Read's evidence).

8.5. Mr Davies' evidence from an ecological perspective, points out the detrimental impact that wilding tree species will have on indigenous ecosystems and species in New Zealand, in particular the impact of wilding conifers on low stature indigenous vegetation, alpine ecological communities, south island drylands, and native forest. His evidence is that without sufficient and effective intervention, there is a high risk of major vegetative change from further spread of wilding trees in the South Island high country and a number of other areas with low stature indigenous vegetation (see section 12 of Mr Davies' evidence).

8.6. Submitter 784 (Jeremy Bell Investments Limited) states that: *[m]anaging the effects of wilding trees more adequately satisfies the requirement of sustainable management than an outright ban.* This view is further reinforced in submission 386 (Lisa Johnston and Greg Inwood), which highlights that management plans could include techniques as follows for controlling trees with potential for wilding spread, including:

- a. planting a buffer of non-spreading trees;

- b. removing wilding trees within a specified radius of the site; and
 - c. collaborating with neighbouring properties to develop a sustainable management strategy.
- 8.7. It is recognised in the s32 report that exotic trees with wilding potential are often favoured to native species or a number of other exotic trees with non-wilding potential for various activities. This is because exotic trees with wilding potential are generally more resilient, evergreen and fast growing. The s32 evaluation supported, and the resultant notified chapter included, prohibited activity status for the following reasons:
- a. To counter the threat to the quality of the District's landscapes, biodiversity and productive resources from trees with wilding potential;
 - b. To continue efforts made by Council, the Department of Conservation, landowners and advocacy groups to reduce the spread of wilding trees; and
 - c. To remove the inconsistencies within existing provisions in the ODP.
- 8.8. I agree that the management of exotic trees with a lower potential for wilding vigour has benefits in terms of shelter, firewood or commercial forestry, although I note that remediation or mitigation measures would be required. I consider such measures should include allowing plantings of a small geographical area in low risk conditions, removing wilding trees within a specified radius of the site and collaborating with neighbouring properties to develop a sustainable management strategy. These measures would contribute toward avoiding the wilding risk identified.¹⁵
- 8.9. Submitter 458 (Simon Beale) states that *Pinus radiata* *should be exempt as it is less invasive than the other species listed under Rule 34.4.1 as it is an important species to the farming community for shelterbelts and for timber.*
- 8.10. As set out in Mr Davis' evidence in Section 12, ten introduced conifer species are responsible for most wilding conifers within New Zealand, and in his view these wilding conifer species require active management to control their spread, and he opines that the planting of these species should remain prohibited given the associated wilding risk. *Pinus radiata* is one of these species, but Mr Davis' acknowledges that this species has a lower risk of spreading vigour, and that a specific consenting regime could therefore be introduced into the PDP. Although it is a very fast growing species with wilding potential, it is accepted to be less invasive than other species. This species has a long history throughout the country and in the District as being a useful tree for shelterbelt planting and forestry uses.

¹⁵ See evidence of Mr Glenn Davis dated 6 April 2016, Section 13.

While there are a number of non-wilding alternatives¹⁶ it is acknowledged that *Pinus radiata* is known and useful to residents in the District.

- 8.11. I have considered the submissions on Issue 1 as well as Mr Davis's evidence, and accept that a species such as *Pinus radiata* that has lower wilding vigour could be appropriately managed through the discretion applied through the resource consent process. I therefore accept the submissions identified above and in particular the relief sought by Mr Beale.
- 8.12. The s32 evaluation concluded that a similar management regime be discarded. On further consideration of the submissions and Mr Davis's evidence, I consider that, with appropriate management, the threat that this species with wilding potential poses can be avoided, remedied or mitigated while allowing for the resource benefits of the species in meeting the present and future community needs. Policies are recommended below that enable the planting of *Pinus radiata* on the basis it would avoid or remedy adverse effects on wilding spread and landscape values.
- 8.13. The proposed new policies and recommended changes to the rules are set out below. Assessments of the recommended changes pursuant to s32AA of the RMA are attached in **Appendix 4**.

Recommended new Policy 34.2.1.2

Ensure that any planting and ongoing management of Radiata pine (*Pinus radiata*) is effectively and practicably managed to avoid the adverse effects of the spread of wilding trees and degradation to the landscape.

Recommended new Policy 34.2.1.3

That any proposal for the planting and ongoing management of Radiata pine (*Pinus radiata*) shall satisfy the following to ensure the spread of wilding trees can be contained:

- a. The location and potential for wilding take-off, having specific regard to the slope and exposure to wind.
- b. The surrounding land uses and whether these would reduce the potential for wilding spread.
- c. The ownership of the surrounding land and whether this would constrain the ability to

¹⁶ **Native examples:** Toetoe (*Cortaderia richardii*), Flax (*Phormium tenax* and *P. colensoi*), Lemonwood (*Pittosporum eugenioides*) and black matipo (*Pittosporum tenuifolium*), Broadleaf (*Griselinia littoralis*), Golden Akeake (*Olearia paniculata*), Kowhai (*Sophora microphylla*), Ribbonwood (*Plagianthus regius*), Manuka (*Leptospermum scoparium*), Kanuka (*Kunzea ericoides*), Narrow-leaved Lacebark (*Hoheria angustifolia*).

Non-native examples: Macrocarpa/monterey cypress (*Cupressus macrocarpa* strathallan seedlot less prone to cypress canker) Himalayan Cedar (*Cedrus deodara*) Lombardy Poplar (*Populus nigra 'Italica'*) Shining Gum (*Eucalyptus nitens*) Cider Gum (*Eucalyptus gunnii*) Eucalyptus (*Eucalyptus pulverulenta* 'Baby Blue') Tasmanian Snow Gum (*Eucalyptus coccifera*) Swamp Gum (*Eucalyptus ovata*) Silver Wattle (*Acacia dealbata*).

manage wilding spread.

d. Whether management plans are proposed for the avoidance or containment of wilding spread.

e. Whether a risk assessment has been completed and the results are favourable to the proposal.

Recommended new Rule

34.4.2	Planting of the following: a) <u>Radiata pine (<i>Pinus radiata</i>)</u>	<u>Discretionary</u>
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8.14. Submitters 332 (Rachel Brown), 600 (Federated Farmers of New Zealand), 784 (Jeremy Bell Investments Limited), and FS1209 (Richard Burdon) submit that the notified Chapter is too restrictive in that it limits the possible activities anticipated in the Rural Zone. The submitters argue that the framework is too strong in terms of restricting future use and management of the District's land resources and may foreclose the opportunity for proposals that its adverse effects can be appropriately remedied or mitigated. Contrarily, several submissions (19, 21, 85, 95, 290, 620, 740, 373, 72, 458, 339, 706 and 817)¹⁷ were received that supported the prohibited activity status. This serves to demonstrate the differing views on this issue throughout the District.

8.15. The prohibited status is a more certain and efficient management regime, and advances the efforts undertaken by QLDC, the Department of Conservation, landowners and advocacy groups to control the spread of trees with the potential to spread and naturalise.

8.16. In paragraphs 8.9-8.13 above I address the potential for enabling a specified tree (*Pinus radiata*) with wilding potential to be planted through including a discretionary rule in the PDP. Whilst I have accepted this submission point, I continue to recommend that the planting of the remaining identified trees with wilding potential continue to be classed as prohibited with no opportunity to obtain resource consent to plant them.

9. ISSUE 2 – RULE 34.4.1 PROHIBITED SPECIES

9.1. Some submitters (501, 289, 281, 339, 373, 706, and FS1255)¹⁸ submit that Rule 34.4.1 overlooked various wilding potential species and that either additional species should be included, or listed species excluded from the prohibited activity rule. I have recommended

¹⁷ 19 (Kain Fround), 21 (Alison Walsh), 85 (Gillian Flahive), 95 (Albert Town Community Association), 290 (Christine Ryan), 620 (Ballantyne Investments Ltd), 740 (Wakatipu Wilding Conifer Control Group), 373 (Department of Conservation), 72 (Kelvin Pinnisula Community Association), 458 (Simon Beale), 339 (Evan Alty), 706 (Forest & Bird) and 817 (Te Ao Marama).

above, a specific discretionary rule that applies to the planting of Radiata pine (*Pinus radiata*), and consequently I accept that *Pinus radiata* should be removed from the list of prohibited species.

9.2. Submitters 501 (David Broomfield) and FS1255 (Arcadian Triangle Limited) seek that hawthorn be removed from the prohibited list. The justification in Mr Broomfield's submission is that:

- a. There are a number of cultivars of the Hawthorn laevegata species that are sterile and pose no risk in terms of wilding spread;
- b. These trees...can continue the historically relevant appearance of Hawthorn hedging into the future, while avoiding any problems in relation to unwanted spread; and
- c. The most common of these sterile cultivars are Crataegus laevegata "Pauls Scarlet", Crataegus laevegata "Plena", and Crataegus laevegata "Rosea flora plena".

9.3. The relief sought by Mr Broomfield includes that the rule be updated to exclude from the prohibited list such varieties of hawthorn that are sterile. While the exclusion of sterile species would allow for the continuing use of these species in the District, I rely on the evidence of Mr Davis (in Section 13) where he supports the inclusion of hawthorn on the prohibited list. From a practical standpoint it is difficult to prove that a particular cultivar of hawthorn is sterile. I do not consider it practicable or manageable for proponents, or for QLDC to administer such a rule to prove that the cultivars they seek to plant are sterile. On this basis I cannot support an exemption as requested. Dr Read's evidence in section 12 is also that Hawthorn obscures many of the rock faces of Peninsula Hill and of Malagans Ridge. I recommend that this submission point is rejected.

9.4. Submitters 281, 289, 339, 373 and 706¹⁹ requested that Mountain pine *Pinus uncinata*, buddleia, Grey willow *Salix cinereal*, Crack willow *Salix fragilis*, Cotoneaster *Simonsii*, Spanish heath *Erica lusitanica* and Rowan *Sorbus aucuparia* be added to the prohibited list.

9.5. In particular, submitters 281, 289, 339, and 706 (Wakatipu Reforestation Trust, A Brown, Evan Alty, Forest and Bird) submit that Buddleia should be added because:

- a. Buddleia is a highly invasive exotic shrub that particularly thrives in the stony shores of lakes and river beds (289); and
- b. Buddleia is found in scrub and forest margins, cliffs, bluffs and riverbeds (339 and 706).

¹⁸ 501 (David Broomfield), 281 (Wakatipu Reforestation Trust), 289 (A Brown), 339 (Evan Alty), 373 (Department of Conservation), 706 (Forest and Bird), FS1255 (Arcadian Triangle Limited)

¹⁹ 281 (Wakatipu Reforestation Trust), 289 (A Brown), 339 (Evan Alty), 373 (Department of Conservation) and 706 (Forest and Bird).

- 9.6. Furthermore submitters 339 and 706 (Evan Alty and Forest and Bird) state that Grey willow, Crack willow, Cotoneaster and Rowan should be added and 281 (Wakatipu Reforestation Trust) requests the addition of Spanish heath on the basis that these species are also exotic with threats to the District's landscapes through spread. The Department of Conservation (373) requests the introduction of Mountain pine onto the prohibited tree list.
- 9.7. As buddleia is a species which primarily affects the beds and shores of lakes and rivers, I consider the submission to prohibit them will achieve Strategic Directions Objective 3.2.4.5 (which is concerned with protecting the District's natural character of the beds and margins of the waterways) and Strategic Directions Objective 3.2.4.4 (which is concerned with avoiding the spread of wilding vegetation as it endangers nature conservation values). Mr Davis's evidence dated 6 April 2016 is also that buddleia should be included into Rule 34.4.1 (see section 13 of his evidence). I support their inclusion in the list of prohibited plants in Rule 34.4.1 and recommend that the submissions to prohibit the planting of Buddleia are accepted. I note that Mr Davis also recommends the inclusion of the following in Rule 34.4.1:

Grey Willow (*Salix cinerea*), Crack Willow (*Salix xfragilis*), Cotoneaster (*Cotoneaster simonsii* and *C. glaucophyllus*), Rowan (*Sorbus aucuparia*), Spanish heath (*Erica lusitanica*) and Russell lupin (*Lupinus polyphyllus*).

- 9.8. Taking into account the expert evidence by Mr Davis dated 6 April 2016, I consider that there is valid reason to add these species to the wilding exotic tree species prohibited in Rule 34.4.1. I recommend that the submissions from submitters 281 and 706 are accepted.

Recommended changes to Rule 34.1.2

Rule	Table 1: Planting of wilding exotic trees	Activity Status
34.1.1	Planting of the following: a. Contorta or lodgepole pine (<i>Pinus contorta</i>) b. Radiata Pine (<i>Pinus radiata</i>) be. Scots pine (<i>Pinus sylestris sylvestris</i>) cd. Douglas fir (<i>Pseudotsuga menziesii</i>) de. European larch (<i>Larix decidua</i>) ef. Corsican pine (<i>Pinus nigra</i>) fg. Bishops pine (<i>Pinus muricata</i>) gh. Ponderosa pine (<i>Pinus Ponderosa</i>) h. Mountain pine (<i>Pinus uncinata</i>) i. Dwarf Mountain pine (<i>Pinus mugo</i>) j. Maritime pine (<i>Pinus pinaster</i>) k. Sycamore (<i>Acer pseudoplatanus</i>) l. Hawthorn (<i>Crataegus monogyna</i>) m. Boxthorn (<i>Lycium ferocissimum</i>) n. Buddleia (<i>Buddleja davidii</i>) o. Grey willow (<i>Salix cinereal</i>) p. Crack willow (<i>Salix fragilis</i>) q. Cotoneaster (<i>Simonsii</i>) r. Rowan (<i>Sorbus aucuparia</i>) s. Spanish heath (<i>Erica lusitanica</i>)	Prohibited No application for resource consent can be accepted.

10. ISSUE 3 – DELETE POLICY 34.2.1.1

- 10.1. Submitter 684 (Michael Ramsay) requests that Policy 34.2.1.1 which is "*Avoid the further spread of identified wilding tree species by prohibiting the planting of identified species*" be deleted. The reasons for this submission point largely relate to the process and cost of existing wilding removal. The matter of *removing* existing wilding trees is not covered by chapter 34. It instead focuses on controlling the *future* planting of trees with wilding potential. I therefore do not consider the submission raises valid reasons for deletion of the policy.
- 10.2. The submitter also raises the point that the Council's financial commitment to the removal of wilding trees is paid for by rates. Although this is correct the Council's spending decisions are made under the Annual Plan and Long Term Plan processes set out in the Local Government Act and are not a matter for consideration as part of the PDP. This part of the submission is considered to be out of scope.
- 10.3. Submitter 684 mentions that trees with wilding potential can be useful for various agricultural activities. New policies 34.2.1.2 and 34.2.1.3 and Rule 34.4.2 recommended above enable planting of Radiata pine as a discretionary activity, but in appropriate locations to limit the potential wilding spread. These policies/new rule allow for the planting of Radiata pine for potential agricultural activities, while ensuring the potential adverse effects of wilding tree spread are appropriately managed.
- 10.4. Submitter 684 goes on to state that there are other plant and animal pests that create issues in the District, e.g. gorse, rosehip and rabbits. While this is accepted, the evidence relied on in this report shows that the spread of wilding trees has specific impacts on the District's ecology and landscape.²⁰ As outlined in the hearing on Chapter 6, Landscape, the landscape is a very important feature of the District. The sustainable management of the Landscape is one of the main reasons behind this chapter. Generally no person would seek to plant gorse or rosehip, whereas plantation forestry is established in the District, and further plantations of trees with wilding potential is possible and therefore a legitimate 'landuse' matter.
- 10.5. For these reasons I recommend this submission point is rejected. However I note that by introducing policies 34.2.1.2 and 34.2.1.3, the planting of wilding trees in controlled locations is allowed as a discretionary activity, which may answer some of submitter 684's concerns.

11. ISSUE 4 – WILDING SPREAD IS VISUALLY AND ECOLOGICALLY DEGRADING

²⁰ See evidence of Mr Davis, dated 6 April 2016, and the evidence of Dr Read, dated 6 April 2016.

11.1. Submitter 386 (Lisa Johnston & Greg Inwood) have submitted that the purpose of the notified Chapter focuses on the visual degradation of the environment and the threat to biodiversity from potential wilding tree spread. In contrast, the submitter considers that the wilding trees have added to the landscapes aesthetically and environmentally and have the potential to be productive as well.

11.2. The purpose of the notified Chapter states:

Wilding trees are spreading across parts of the District and have visually degraded parts of the landscape, biodiversity values and can threaten the productive values of the soil resource. The spread of wilding trees has left other areas vulnerable to landscape and biodiversity degradation. (my emphasis added).

11.3. I have emphasised that the purpose states that *parts of the landscape* have been visually degraded. I recognise that in some areas, in particular around Queenstown Hill and the Skyline Gondola, the presence of the trees provides a nice backdrop to the town. Unfortunately, the issue is that the trees do not stop at the backdrop to Queenstown, and are spreading into landscapes that are recognised as being ecologically vulnerable to introduced species as well as being aesthetically pleasing for their open and natural character. That character would be drastically changed with the continued spread of the trees with wilding potential, not just visually but also ecologically.²¹

11.4. Having read and adopted the evidence of Mr Davis and Dr Read, I reject the submission point that trees with wilding potential do not threaten the District's landscapes visually or ecologically. I recommend the Purpose of Chapter 34 remains as notified.

12. ISSUE 5 – WILDING SPREAD AFFECTS WATER YIELD

12.1. Submitters including 339 (Evan Alty) and 706 (Forest and Bird) have submitted that the purpose and Objective 34.2.1 of the notified Chapter omit the obligation of the Council to consider the effects of potential wilding tree spread on water yield.

12.2. The relief sought by the submitters is to incorporate into the purpose at 34.1 and Objective 34.2.1 that potential wilding tree spread affects the District's landscape, biodiversity, soil and water resources. These submissions have some merit in that the Council, as a territorial authority, does have to adhere to s31(1)(a) of the RMA, in which territorial authorities are required to have policies, objectives and methods to "achieve integrated management" of the effects on land and the natural and physical resources of the District.

²¹ See evidence of Mr Davis, dated 6 April 2016, and the evidence of Dr Read, dated 6 April 2016.

12.3. However, I consider that effects on water yield are more relevant to forestry (defined in chapter 2 of the PDP as: *the use of land primarily for the purpose of planting, tending, managing and harvesting of trees for timber or wood production in excess of 0.5ha in area* (emphasis added)). The purpose of Chapter 34 is to manage the wilding spread potential of identified exotic trees. Notwithstanding that trees with wilding potential could have an impact on water yield, the objective and provisions do not envisage nor intend to manage deliberate plantings of a scale that would impact on this resource. Any plantings over 0.5ha would require resource consent pursuant to PDP Rule 21.4.22 for Forestry, and I consider that this is the appropriate activity and PDP provision to manage this matter.

12.4. Therefore I recommend that the submission to include water yield into the purpose 34.1 and Objective 34.2.1 is rejected on the basis that any plantings of trees with wilding potential large enough to affect water yield would come under a forestry activity under the PDP.

13. ISSUE 6: REQUIRE REMOVAL OF WILDING TREES

13.1. Submitter 514 (Duncan Fea) proposed a new policy to require the removal of established wilding exotic trees as part of the consent for subdivision, use or development of land in the Residential or Rural Living Zones.

13.2. I believe that this point has merit. The resource consent process does provide an opportunity to remove existing trees with wilding potential in the zones Mr Fea identifies. This will assist in reducing seed spread into the Outstanding Natural Landscapes of the District. However, this chapter has been drafted to only deal with the *planting* of trees with wilding potential. If the policy was inserted into Chapter 34, there is a risk it could be missed by applicants and council officers dealing with subdivisions and developments in the Residential and Rural Living zones. On balance, I consider that this potential policy would be better suited in the Subdivision and Development Chapter (27) and the specific chapters for Residential (7-11) and Rural Living zones. This submission point is accepted in part and deferred to the Hearings on Chapters 21, (Rural) 22 (Rural Residential and Rural Lifestyle) and 27 (Subdivision and Development)..

14. CONCLUSION

14.1. On the basis of my analysis within this evidence, I recommend that the changes within the Revised Chapter in **Appendix 1** are accepted.

14.2. The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan and Strategic Direction goals in an effective and efficient

manner, and give effect to the purpose and principles of the RMA. The recommended framework is more enabling than the notified version due to the introduction of the policies 34.2.1.2 and 34.2.1.3 and the rule 34.4.2, allowing for the planting of Radiata pine as a discretionary activity.



Craig Barr
Policy Planner
6 April 2016

Appendix 1. Recommended Revised Chapter

Appendix 2. List of Submitters and Recommended Decisions

Appendix 3. Section 32 Report

Appendix 4. S32AA Evaluation