



Section 32 Evaluation Report

Wilding Exotic Trees

Contents

Section 32 Evaluation Report: Wilding Exotic Trees	2
1. Strategic Context	2
2. Statutory Context	2
3. Iwi Management Plans	4
4. Regional Planning Documents	4
5. Resource Management Issues	6
7. Purpose and Options	8
8. Scale and Significance Evaluation	11
9. Evaluation of proposed Objectives Section 32 (1) (a)	12
10. Evaluation of the proposed provisions Section 32 (1) (b).....	13
11. Efficiency and effectiveness of the provisions	17
12. The risk of not acting	17
References	17

Section 32 Evaluation Report: Wilding Exotic Trees

1. Strategic Context

Section 32 of the *Resource Management Act 1991* (the Act) requires objectives in plan change proposals to be examined for their appropriateness in achieving the purpose of the Act, and the policies and methods of those proposals to be examined for their efficiency, effectiveness and risk in achieving the objectives (MFE, 2014).

Accordingly, this report provides an analysis of the key issues, objectives and policy response to the wilding exotic tree chapters of the Proposed District Plan;

As required by section 32 of the RMA, this report provides the following:

- An overview of the applicable **Statutory Policy Context**
- Description of the **Non-Statutory Context** (strategies, studies and community plans) which have informed proposed provisions
- Description of the **Resource Management Issues** which provide the driver for proposed provisions
- An **Evaluation** against Section 32(1)(a) and Section 32(1)(b) of the Act, that is:
 - Whether the objectives are the most appropriate way to achieve the RMA's purpose (s32(1)(a)).
 - Whether the provisions (policies and methods) are the most appropriate way to achieve the objectives (S32(1)(b)), including:
 - identifying other reasonably practicable options for achieving the objectives,
 - assessing the efficiency and effectiveness of the provisions in achieving the objectives, and
 - summarising the reasons for deciding on the provisions.
- A **level of detail** that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal (s32(1)(c))
- Consideration of **Risk**

2. Statutory Context

Resource Management Act 1991

The purpose of the Act requires an integrated planning approach and direction, as reflected below:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
 - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

The assessment contained within this report considers the proposed provisions in the context of advancing the purpose of the Act to achieve the sustainable management of natural and physical resources. The

District's landscapes and natural environment are highly recognised and valued. 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.' And, 'The environment is revered nationally and internationally and is considered by residents as the area's single biggest asset.'

Section 31 states (relevant areas underlined to emphasise the provisions relevant to this evaluation):

31 Functions of territorial authorities under this Act

(1) Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:

- (a) the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*

The proposed wilding exotic tree provisions help to achieve integrated management by providing clear and simple provisions to help limit the spread of wilding exotic tree..

Local Government Act 2002

Section 14 - Principles relating to local authorities

Sections 14(c), (g) and (h) of the Local Government Act 2002 are also of relevance in terms of policy development and decision making:

(c) when making a decision, a local authority should take account of—

- (i) the diversity of the community, and the community's interests, within its district or region; and*
- (ii) the interests of future as well as current communities; and*
- (iii) the likely impact of any decision on the interests referred to in subparagraphs (i) and (ii):*

(g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region, including by planning effectively for the future management of its assets; and

(h) in taking a sustainable development approach, a local authority should take into account—

- (i) the social, economic, and cultural interests of people and communities; and*
- (ii) the need to maintain and enhance the quality of the environment; and*
- (iii) the reasonably foreseeable needs of future generations*

As per Part II of the RMA, the provisions 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.

Section 14(g) is of relevance in so far as a planning approach emphasising that halting the spread of wilding exotic trees is an important issue to the District.

3. 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.

The following iwi management plans are relevant:

The Cry of the People, Te Tangi a Tauria: Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008 (MNRMP 2008)

Section 3.3.17 '*Plant and Animal Pest Control*' notes the following as an issue:

- Impact of unwanted introduced plant and animal species (e.g. wilding pines; noxious weeds; possums) on indigenous flora and fauna.

Kāi Tahu ki Otago Natural Resource Management Plan 2005 (KTKO NRMP 2005)

Section 5.6.2 '*Cultural Landscapes General Issues*' notes the following as an issue:

- The spread of exotic wilding trees and other woody weeds adversely affects cultural landscapes.

4. Regional Planning Documents

The Otago regional Pest management Strategy (RPMS)

The Otago Regional Council is the "lead pest management agency in terms of pests that justify a regional response" and its roles and responsibilities are outlined in section 3.3 of the RPMS.

The Pest Management Strategy for Otago identifies one exotic wilding conifer tree, Contorta Pine (*Pinus contorta*), as a pest plant, and contains the following rules for its management in part 4.7.4 of the RPMS.

- (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 operative⁶; and
 - (b) After 5 years of this Strategy becoming operative⁶, 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 applicable maps in Appendix 5 of the RPMS do not contain any land within the Queenstown Lakes District. Therefore, limb (i) of the above rule applies.

Otago Regional Policy Statement

The Regional Policy Statement 1998 (RPS) is the operative regional policy statement. In May 2015 the Proposed Regional Policy Statement was notified.

The District Plan (the Plan) must *give effect to* the operative RPS and must *have regard to* any proposed RPS.

Operative RPS 1998

The operative RPS contains a number of objectives and policies of relevance to wilding exotic species, 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 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 wilding tree species. The proposed plan change provisions are consistent with, and give effect to, the relevant operative RPS provisions.

Proposed RPS 2015

Section 74 of the Act requires that a District Plan must "*have regard to*" any proposed regional policy statement.

The Proposed RPS was notified for public submissions on 23 May 2015, and contains the following objectives and policies relevant to indigenous vegetation:

Proposed RPS 2015 Objective	Objectives	Policies	Relevance to the review of wilding exotic trees
Kai Tahu values, rights and customary resources are sustained	1.2	1.2.1, 1.2.2, 1.2.3	Provisions managing indigenous biodiversity can affect land that is of interest and value in terms of culture and practices, ancestral lands, water, site, wahi tapu and other taoka.
The values of Otago's natural and physical resources are recognised, maintained and enhanced	2.1	2.1.5, 2.1.6, 2.1.7	The uncontrolled spread of wilding exotic tree species can adversely affect indigenous vegetation and fuana habitat, reduce landscape values and Wilding trees can have adverse effects on soil values.
Otago's significant and highly-	2.2	2.2.1, 2.2.2,	The uncontrolled spread of wilding exotic

valued natural resources are identified, and protected or enhanced		2.2.3, 2.2.4, 2.2.5, 2.2.6, 2.2.12, 2.2.13, 2.2.14, 2.2.15. Schedule 4, Schedule 5	trees can impact on how the District Plan manages significant indigenous vegetation and significant habitats of indigenous fauna, outstanding natural features and landscapes and highly valued soil resources.
Otago's communities can make the most of the natural and built resources available for use	4.4	4.4.3	The uncontrolled spread of wilding exotic can impact on the efficient use of land can have detrimental effects on indigenous biodiversity values.
Adverse effects of using and enjoying Otago's natural and built environment are minimised	4.5	4.5.5	Controlling the introduction and spread of pest plants and animals.

5. Resource Management Issues

This review seeks to address a number of key issues (detailed below), whilst also strengthening the existing provisions by providing more targeted objectives and policies, making the Plan easier to understand and improving certainty to what activities are permitted in the zones and whether they require a resource consent.

The resource management issues set out in this section have been identified from the following sources:

- The New Zealand Biodiversity Strategy February 2000;
- Wakatipu Wilding Conifer Control Strategy 2008 – 2012;
- Wakatipu Wilding Conifer Strategy 2013 – 2017;
- QLDC Consultation brochure on forestry and wilding trees (2012);
- Summary of feedback received on the consultation brochure on forestry and wilding trees (2012)
- Wilding Conifers in New Zealand: Beyond the Status Report. Prepared by Victoria Froude for the Ministry of Agriculture and Forestry. December 2011;
- Draft Proposed National Policy Statement on Indigenous Biodiversity;
- Proposed National Environmental Standard for Plantation Forestry;
- Memorandum from Briana Pringle, QLDC District Forester (2013);
- A Guide to Wilding Pines in the Queenstown Lakes District;
- Monitoring table of operative district plan provisions relating to forestry and trees with wilding potential;
- Decision Support System tool (DSS);
- Rural General Zone Monitoring Report 2009;
- Rural Living Zones Monitoring Report 2009;
- Otago Regional Council Regional Policy Statement 1998;
- Kai Tahu ki Otago Natural Resource Management Plan, 2005;
- Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008;
- Relevant case law including
 - Wakatipu Environmental Society Incorporated v Queenstown lakes District Council (2004) NZEnvC 190
 - NZEnvC 56 (2015) that involved whether the spread of self sown wilding conifers could be the subject of a rule under s76 of the RMA, and whether or not it is a use of land under S9 of the RMA.
- Relevant legislative changes enacted since the Plan became operative.

Consultation

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 in 2012. The brochure was also sent to the Department of Conservation, the Wilding Conifer Group and the Otago Regional Council.

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.

Council workshops and a meeting of the Council's Resource Management Focus Group were also held.

The key issues are:

Issue 1: Managing wilding tree spread through the District Plan.

1(a): Distinguishing between forestry and wilding tree spread

Having considered the feedback from the brochure series, it is recognised that commercial forestry is not the sole cause for wilding tree spread throughout the District. Furthermore, forestry may not necessarily use species that are prone to wilding, such as conifers. Furthermore, the District Plan has existing provisions to manage the potential adverse effects from forestry activities. These include adverse effects on the District's landscape resource, indigenous vegetation disturbance, soil erosion and sedimentation, heavy vehicle use and earthworks associated with harvesting.

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, these include private or small scale planting for firewood supply and plantings for shelter. Conifers are often preferred as a shelter planting in the District because they are evergreen, resilient and fast growing.

The operative District Plan's definition of forestry excludes land that is less than 0.5 hectares. There is potential for wilding tree spread from non-forestry plantings.

It is considered that forestry and wilding tree spread should be distinguished as two separate activities.

1(b): Reviewing the operative District Plan's list of controlled plants / wilding species

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. 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.

In addition, some zones (Low Density Residential Zone at Wanaka, Rural Residential Zone at Johns Creek) prohibit the planting of Eucalyptus varieties. It is preferred to have a single list of identified wilding species and apply it consistently across the district.

Should a species be considered undesirable for reasons other than wilding spread potential, such as shading in urban areas, or structural weaknesses, these should be managed by other provisions.

1(c) What is an appropriate class of activity for managing the planting of identified wilding tree species?

The existing controls on planting trees are listed in the monitoring table, attached as Appendix 1. Of most relevance to wilding trees are the rules for wilding trees in the Rural General zone which require a restricted discretionary resource consent for the following:

- Planting of tree species with wilding potential:
 - 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*)

Other vegetation, some of which are trees with wilding potential are listed as a prohibited activity within several of the urban zones.

Given the threat to the quality of the District's landscape, biodiversity and productive resources from wilding trees, and in the context of the efforts made by the Council, Department of Conservation, landowners and advocacy groups to reduce the spread of wilding conifers. It is considered that in order to effectively manage wilding tree spread there should not be any opportunity to obtain resource consent to plant trees with the potential for wilding spread.

1(d): Managing wilding tree species as a district wide rule.

The Operative District Plan contains rules to manage selected trees and vegetation, many of which are identified as wilding trees through separate zones. There are inconsistencies between the zones and many prohibit the planting of certain trees where they are not recognised as wilding species (*Eucalyptus* varieties for example).

It is considered significantly more efficient to manage species with the potential for wilding spread through a district wide rule. Bespoke provisions for separate zones would not be likely to be in accordance with the provisions of the Strategic Directions chapter that provide a clear directive for the management of wilding tree species.

7. Purpose and Options

The purpose of the wilding tree provisions is to prevent the spread of wilding exotic trees. 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.

The District values and relies on its distinctive landscapes, open spaces and rural productive land for its social, cultural and economic wellbeing. 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.

The Council manages existing wilding trees via the non-statutory document 'The Wakatipu Wilding Conifer Strategy'. The District Plan also has a role in reducing the potential for exotic plant spread by controlling the planting of wilding species.

Strategic Directions

The following objectives and policies from the Strategic Directions chapter are relevant to this assessment:

Objective 3.2.4.4 - Avoid Exotic vegetation with the potential to spread and naturalise.

Policy

3.2.4.4.1 That the planting of exotic vegetation with the potential to spread and naturalise is banned.

Objective 3.2.5.1 - Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.

Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.

Determining the most appropriate methods to resolve the issues identified will enable the Plan to give effect to the Otago RPS, the relevant parts of the Strategic Directions chapter, and ultimately meet the purpose of the RMA.

As required by section 32(1)(b) RMA, the following section considers various broad options considered to address each issue, and makes recommendations as to the most appropriate course of action in each case.

Broad options considered to address issues

Issue 1: Managing wilding tree spread through the District Plan

Option 1: Retain the operative provisions that allow a resource consent to be acquired to plant exotic wilding species.

Option 2: Make most wilding trees prohibited except for identified species with less potential/vigour for wilding spread.

Option 3: Comprehensive modification to the operative provisions, making all exotic wilding trees prohibited **(Recommended)**

	Option 1: Status quo/ No change	Option 2: Retain opportunity for some identified species with wilding potential to be established.	Option 3: Comprehensive changes
Costs	- The operative District Plan objectives and policies are not consistent with the Proposed Strategic Directions chapter. - There are inconsistencies across the differing zones with no clear rationale as to why. - A more proactive response to exotic wilding tree management is sought from the Council. The operative rules retain the ability to apply for resource consent.	- Potential for wilding trees to be planted and not to be managed appropriately which could exacerbate the wilding exotic tree problem. - The ability to apply for a resource consent does not support the Conifer Control Group or QLDC commitment to addressing wilding exotic tree spread in the District's outstanding natural landscapes. - The identified deficiencies and absence of a connection with the strategic directions chapter would be likely to remain.	- Loss of opportunity for persons to plant wilding exotic trees that are often favoured because they are resilient and fast growing. These could include forestry, domestic or commercial firewood supply, shelter. - Loss of opportunity for any person who wishes to plant an identified wilding species that would become prohibited.
Benefits	- Retains the established approach which parties are familiar with. - Low cost for Council. - Retains the ability for persons to apply for a resource consent to plant trees with wilding potential.	- Retaining but improving the existing provisions may reduce some of the current ambiguity with the application of the existing rules. - Benefit to persons who can still apply for and obtain resource consent for identified wilding trees.	- Strengthens linkages with the proposed Strategic Directions chapter. - Removes identified inconsistencies and inefficiencies with the existing provisions. - Significantly improves the effectiveness of District Plan rules to manage wilding trees.
Ranking	3	2	1

8. Scale and Significance Evaluation

The level of detailed analysis undertaken for the evaluation of the proposed objectives and provisions has been determined by an assessment of the scale and significance of the implementation of the proposed provisions. In making this assessment, regard has been had to the following, namely whether the objectives and provisions:

- Result in a significant variance from the existing baseline.
- Have effects on matters of national importance.
- Adversely affect those with specific interests.
- Involve effects that have been considered implicitly or explicitly by higher order documents.
- Impose increased costs or restrictions on individuals, communities or businesses.

The level of detail of analysis in this report is moderate-high. The landscape and biodiversity values are of importance to the District and managing the containment of wilding exotic trees is fundamental to this.

9. Evaluation of proposed Objectives Section 32 (1) (a)

The objective is considered to be the most appropriate method of achieving the purpose of the Act, as it provides a clear direction of the management of the spread of wilding trees.

<i>Proposed Objective</i>	<i>Appropriateness</i>
34.2.1 – Protect the District's landscape, biodiversity and soil resource values from the spread of wilding exotic trees.	The objective is the most appropriate to meet the purpose of the RMA because it would directly restrict the future planting of identified trees with wilding spread potential and avoid the need for ongoing management associated with the potential for wilding exotic spread. The objective meets the purpose of the RMA by protecting natural resources, including in this case the District's landscapes and the soil resource (Section 5 RMA) The proposed objective is the most appropriate way to achieve the purpose of the Act because it recognises the importance of the landscape resource to the District and that the adverse effects of activities on the District's landscapes are avoided, remedied or mitigated (S5(2)(c) RMA). The objective recognises and provides for the protection of the landscape resource in terms of S6(b) of the RMA. The Objective has regard to the following parts of Section 7 of the RMA: (aa) the ethic of stewardship: (c) the maintenance and enhancement of amenity values: (f) maintenance and enhancement of the quality of the environment: (g) any finite characteristics of natural and physical resources: <i>Objective 3.2.4.4 - Avoid Exotic vegetation with the potential to spread and naturalise.</i> <i>Policy</i> <i>3.2.4.4.1 That the planting of exotic vegetation with the potential to spread and naturalise is banned.</i> <i>Objective 3.2.5.1 - Protect the natural character of Outstanding Natural Landscapes and Outstanding Natural Features from subdivision, use and development.</i> <i>Objective 3.2.5.2 - Minimise the adverse landscape effects of subdivision, use or development in specified Rural Landscapes.</i> Gives effect to RPS objective 4.4.5 (Manawhenua).

	Gives effect to RPS objectives 5.4.1, 5.4.3 and policies 5.5.1, 5.5.2, 5.5.3 and 5.5.6 (Land). Has regard to Proposed RPS 2015 Objective 4.5 : Adverse effects of using and enjoying Otago's natural and built environment are minimised and related policy 4.5.5: <i>Controlling the introduction and spread of pest plants and animals</i>.
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10. Evaluation of the proposed provisions Section 32 (1) (b)

The following tables consider whether the proposed provisions are the most appropriate way to achieve the relevant objectives. In doing so, it considers the costs and benefits of the proposed provisions and whether they are effective and efficient. For the purposes of this evaluation the proposed provisions are grouped by the resource management issue.

Issue 1: Managing wilding tree spread through the District Plan

32.2.1 – Protect the District's landscape, biodiversity and soil resource values from the spread of wilding exotic trees.

Summary of proposed provisions that give effect to these objectives:

Policy:

Avoid the further spread of identified wilding tree species by prohibiting the planting of identified species.

Rule 1:

- Make the planting of the following wilding tree species a prohibited activity, district wide.
 - (a) Contorta or lodgepole pine (*Pinus contorta*)
 - (b) Radiata pine (*Pinus radiata*)
 - (c) Scots pine (*Pinus sylvestris*)
 - (d) Douglas Fir (*Pseudotsuga menziesii*)
 - (e) European larch (*Larix decidua*)

- (f) Corsican pine (Pinus nigra)
- (g) Bishops Pine (Pinus muricata)
- (h) Ponderosa Pine (Pinus Ponderosa)
- (i) Mountain Pine (Pinus mugo)
- (j) Maritime Pine (Pinus pinaster)
- (k) Sycamore
- (l) Hawthorn
- (m) Boxthorn

Exemptions:

- Trees scheduled as a protected tree, while acknowledging that these trees would have existing rights.

Proposed provisions	Costs	Benefits	Effectiveness & Efficiency
Policy 1 identified above: Rule 1 identified above:	Environmental - Restrictions on planting wilding trees for fast growing shelter. However this is mitigated by the ability to plant non-wilding species. Economic - Economic cost through a loss of potential investment in forestry operations using wilding species. - Associated cost through loss of ability to plant wilding species to derive benefits from the emissions trading scheme. However this would be mitigated by planting of, or entering non-wilding trees into the emissions trading scheme. Social & Cultural - Cost to those who wish to plant wilding	Environmental - Assists with the reduction of wilding tree spread throughout the District. - Recognises that wilding tree spread is a significant risk to the District's landscapes, biodiversity and productive soil resource values and that the District Plan is taking proactive measures to control wilding tree spread. - No ability for allowing plantings through retrospective applications for resource consent. Economic - Reduction of wilding trees through the prohibition of planting will assist with reducing future costs associated with wilding tree management.	- Establishing a prohibited status for identified wilding tree species confirms that the planting and establishment of these trees is not appropriate in any circumstances and the risk of adverse effects significantly outweigh any potential positive outcomes associated with the planting and establishment of these trees. - It would not be efficient to require a resource consent is required to plant the majority of identified wilding species because it is unlikely any application would be supported. - There are alternative options to plant non-wilding species, or to apply for resource consent to plant Pinus radiata, which has lower propensity to spread

	trees as ornamental specimens. • Cost associated with loss of ability to plant prohibited items for firewood, despite these identified wilding conifers being fast growing and resilient species.	• Will promote the maintenance and enhancement of the District's landscapes. Providing economic benefits associated with tourism. • Prohibited activity status of identified wilding species mean that no application for resource consent can be made. This will reduce costs for applicants that would have otherwise gone through a resource consent process. The simple alternative is to plant non-wilding tree species. • Assists with the QLDC's and volunteer groups efforts to reduce wilding conifer spread. • Accords with the financial commitment made by the QLDC, DoC and other stakeholders to reduce and contain the spread of wilding exotic trees. Social & Cultural • Supports the wider community's aspirations to maintain the Districts landscapes. • Promotes the maintenance and protection of landscape values, providing a social and cultural benefit. • Supports the work undertaken by community based/volunteer wilding conifer control groups. • Sends a clear message as to what not to	than other identified wilding trees. • The provisions will be effective with regard to Regional Council statutory documents (RPS, Pest Management Strategy) and would assist with protecting Outstanding Natural Landscapes and Features and reducing pest plants.
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		plant. Avoids potential for unnecessary process and costs associated with retrospective resource consent applications.	
Alternative options considered less appropriate to achieve the relevant objectives and policies:			
Option 1: Include the unintentional self-seeding of wilding tree species as a land use and subject to the rules?		• <i>Imposing rules on the management of the unintended growing of wilding pine tree could impose onerous and unexpected compliance or enforcement actions on landowners with wilding tree spread.</i> • <i>Compliance and application of the rule would not be efficient or effective. It would be difficult to ascertain whether the trees were established prior to the date the rule is operative.</i> • <i>A more appropriate rule that requires management irrespective of the planting/establishment being deliberate or otherwise would be the Otago Regional Pest Management Strategy.</i>	

11. Efficiency and effectiveness of the provisions

The above provisions will be effective at reducing the occurrence and spread of exotic wilding trees throughout the District. They are efficient in that they do not entice persons to make an application that may not be supported. Enforcement processes would not be constricted by retrospective applications for resource consent. This is frustrating and expensive for both the applicant and Council.

By simplifying the objectives, policies and rules (the provisions), the subject matter becomes easier to understand for users of the Plan both as applicant and administrator (processing planner). Removal of technical or confusing words and phrases also encourages correct use and interpretation. With easier understanding, the provisions create a more efficient consent process by reducing the number of consents required and by expediting the processing of those consents.

12. The risk of not acting

Section 32(c) of the RMA requires an assessment of the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions. It is not considered that there is uncertain or insufficient information about the subject matter of the provisions.

The issues identified and options taken forward are the most appropriate way to achieve the purpose of the RMA. If these changes were not made there is a risk the District Plan would fall short of fulfilling its functions.

References

1. Memorandum from the QLDC District Forester 2013 - [link](#)
2. A guide to wilding pines in the Queenstown Lakes District - [link](#)
3. NZEnvC 56 (2015) - [link](#)
4. Summary table of wilding conifer provisions in the operative District Plan - [link](#)
5. Wakatipu Wilding Conifer Strategy 2013 – 2017 - [link](#)
6. Wilding conifers in NZ: Beyond the status report FINAL Dec2011 V A Froude Pacific Eco-Logic - [link](#)

Appendix 1.

A Basic Summary of Rules relating to Trees with Wilding Potential in the Queenstown Lakes District Plan, Includes Forestry Rules for Reference.

ZONE	PERMITTED	CONTROLLED	RESTRICTED DISCRETIONARY	DISCRETIONARY	NON-COMPLYING	PROHIBITED
Rural General	Up to 0.5ha if not wilding species		xii Alpine Environments On any land with an altitude higher than 1070m above sea level:: There shall be no exotic tree or shrub planting xiii Planting of tree species with wilding potential There shall be no planting of the following tree species: • Contorta or lodgepole pine (Pinus contorta) • Scots pine (Pinus sylestris) • Douglas fir (Pseudotsuga menziesii) • European larch (Larix decidua) • Corsican pine (Pinus nigra) • Radiata Pine (Pinus Radiata) vii Forestry and Shelterbelt Planting (a) No forestry activity shall be undertaken within 20m of the boundary of a neighbouring property. (b) No forestry activity or shelterbelt planting shall be undertaken in an alpine area with an altitude greater than 1070m.	Forestry Activities		
Ski Area Sub-Zone	Up to 0.5ha if not wilding species		xiii Planting of tree species with wilding potential There shall be no planting of the following tree species: • Contorta or lodgepole pine (Pinus contorta) • Scots pine (Pinus sylestris) • Douglas fir (Pseudotsuga menziesii) • European larch (Larix decidua) • Corsican pine (Pinus nigra) • Radiata Pine (Pinus Radiata) vii Forestry and Shelterbelt Planting	Forestry Activities		

			(a) No forestry activity shall be undertaken within 20m of the boundary of a neighbouring property. (b) No forestry activity or shelterbelt planting shall be undertaken in an alpine area with an altitude greater than 1070m.			
Queenstown Airport MUZ	Permitted					
Low Density Residential	Permitted except for in Wanaka					ii It is a prohibited activity in the <u>Wanaka Residential Zone</u> to plant the following trees: (a) Pinus radiata (b) Pinus muriata (c) Pinus contorta (d) Pinus ponderosa (e) Pinus sylvestris (f) Pinus nigra (g) Douglas Fir (h) All Eucalyptus varieties
High Density Residential	Permitted					
Residential Arrowtown Historic Management				The following shall be Discretionary Activities provided that they are not listed as a Prohibited or Non-Complying Activity and they comply with all of the relevant Zone Standards. i Trees The removal of any tree greater than 2.5m high and the pruning, trimming or topping of any tree greater than 4m high.		
Rural Lifestyle	None					
Rural Living	Permitted except for in Johns Creek and Ferry Hill Rural					The following shall be Prohibited Activities: ii It is a prohibited activity in the Johns Creek Rural

	Residential zones					Residential zone to plant the following tree species: •Pinus radiata •Pinus muriata • Pinus contorta • Pinus ponderosa • Pinus sylvestris • Pinus nigra • Douglas Fir • All Eucalyptus varieties lii It is a prohibited Activity in the Ferry Hill Rural Residential sub-zone to plant those species listed in Rule 8.2.2.5(ii) above, with the exception that Eucalyptus varieties shall be permitted in this sub-zone. Iv It is a prohibited activity in the Bob's Cove Rural Residential Zone to plant the following tree species: •Pinus contorta (Lodgepole) •Pinus radiata •Corsican Pine (Pinus Nigra) •Douglas Fir •Gorse • Pinus muriata •Pinus ponderosa •European Larch •All Eucalyptus varieties • Broom •Sycamore •Hawthorn •Boxthorn •Lupin
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						•Pinus Sylvestris
Townships						The following shall be a Prohibited Activity: (ii) It is a Prohibited Activity in the Hawea Township to plant the following tree species: •Pinus radiata •Pinus muriata •Pinus contorta •Pinus ponderosa •Pinus sylvestris •Pinus nigra •Douglas Fir •All Eucalyptus varieties
Town centres	None.					
Business	None					
Industrial	None					
Resort – Millbrook	None					
Resort – Waterfall Park	None					
Resort – Jacks Point				(e) Anywhere within the zone, the planting and/or growing of the following tree species: •Pinus muriata; or •Pinus contorta; or •Pinus nigra.		
Rural Visitor Penrith Park	None			(a) There shall be no planting of the following tree species: • Pinus radiata; • Pinus muriata; • Pinus contorta; • Pinus ponderosa; • Pinus sylvestris;		

				- Pinus nigra; or - Douglas fir (b) The planting of any other tree species shall meet the following requirements: i No hedge or boundary trees are to exceed 2 m in height.		
Bendemeer	None					
Remarkables Park	None					
Hydro Generation	None					
Quail Rise				Iv Tree Removal and Topping (a) The removal or topping of any tree from Activity Area G, except for the following wilding species: •Radiata pine (Pinus Radiata); •Contorta or Lodgepole pine (Pinus contorta); •Scots pine (Pinus sylvestris) •European larch (Larix decidua); •Corsican pine (Pinus nigra); and •Pseudotsuga menziesii (Douglas fir). (b) The removal or topping of any tree from the G (DUE), R2, R2 (A)-(D) or R2 (Design Urban Edge) Activity Areas, except such removal as approved by a resource consent (land use or subdivision). (c) Within the R2 (A) Activity Area the erection of any building in respect of: (i) External appearance; and (ii) Access and earthworks; and (iii) Interior and exterior lighting (iv) Landscaping, including the protection of any existing or proposed		

				trees; and (v) Natural hazard mitigation, including the ongoing requirement to maintain the water race in the respective area above the proposed development.		
Meadow Park					Any tree planting or solid fencing within OS-MR(E) that is not approved as part of a landscaping plan approved pursuant to 12.17.3.3(ix).	
Frankton Flats A	None					
Mount Cardrona Station						ii. Planting of the following tree species: •Pinus radiata •Pinus muriata •Pinus contorta •Pinus ponderosa •Pinus sylvestris •Pinus nigra •Douglas Fir •All Eucalyptus varieties
Ballantyne Road MUZ	None					
Three Parks					Deferred commercial core subzone: The Planting of the following wilding tree species: • 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)	
Kingston Village						12.28.3.5 Prohibited Activities The following shall be a Prohibited Activity: ii. The planting of the following tree species: •Pinus radiata •Pinus muriata •Pinus contorta •Pinus ponderosa •Pinus sylvestris •Pinus nigra •Douglas Fir •All Eucalyptus varieties
Open Space – Landscape Protection					lii Forestry activities (except for the removal of wilding tree species)	20.2.2.6 Prohibited Activities vii Planting of any wilding tree species