

**BEFORE THE ENVIRONMENT COURT  
I MUA I TE KOOTI TAIAO O AOTEAROA**

IN THE MATTER of the Resource Management Act 1991  
AND of an appeal under Clause 14 of the First  
Schedule of the Act  
BETWEEN ROYAL FOREST AND BIRD  
PROTECTION SOCIETY OF NEW  
ZEALAND INCORPORATED  
(ENV-2018-CHC-133)  
Appellant  
AND QUEENSTOWN LAKES DISTRICT  
COUNCIL  
Respondent

Environment Judge J J M Hassan – sitting alone pursuant to s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 18 October 2019

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**CONSENT ORDER**

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A: Under s279(1)(b) of the Resource Management Act 1991, the Environment Court,  
by consent, orders that:

- (1) the appeal is allowed to the extent that the Queenstown Lakes District Council is directed to amend Chapter 34 of the Proposed Queenstown Lakes District Plan, as set out in Appendix 1, attached to and forming part of this order;
- (2) the appeal otherwise remains extant.

B: Under s285 of the Resource Management Act 1991, there is no order as to costs.



## REASONS

### **Introduction**

[1] This proceeding concerns an appeal by the Royal Forest and Bird Protection Society of New Zealand Incorporated against parts of a decision of the Queenstown Lakes District Council on Chapter 34 of the proposed Queenstown Lakes District Plan – Stage 1. In particular, it relates to Topic 4A (Wilding Trees).

[2] The court has now read and considered the consent memorandum of the parties dated 14 June 2019, which proposes to partially resolve this appeal.

### **Other relevant matters**

[3] The following parties have given notice of their intention to become a party to the parts of this appeal in Topic 4A under s274 of the Resource Management Act ('the RMA') and have signed the memorandum setting out the relief sought:

- (a) Federated Farmers of New Zealand Incorporated;
- (b) Otago Regional Council; and
- (c) Remarkables Park Limited.

[4] The parties have confirmed that the agreement recorded in the consent memorandum settles all of the appeal points allocated to Topic 4A.

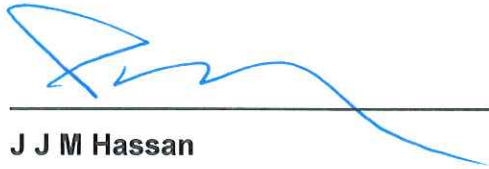
### **Orders**

[5] The court makes this order under s279(1) RMA, such order being by consent, rather than representing a decision or determination on the merits pursuant to s297. The court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and



- (b) all parties are satisfied that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the RMA including, in particular, pt 2.



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**J J M Hassan**  
**Environment Judge**



**APPENDIX 1**

**(amendments shown in underline and ~~strikethrough~~ text)**



## 34 Wilding Exotic Trees

### 34.1 Purpose

The purpose of these 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, and reduce water yield. The spread of wilding trees has left other areas vulnerable to landscape and biodiversity degradation.

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

### 34.2 Objective and Policies

#### 34.2.1 Objective – Protection of the District's landscape, biodiversity, water and soil resource values from the spread of wilding exotic trees.

#### Policy

- 34.2.1.1 Avoid the further spread of identified wilding tree species by prohibiting the planting of identified species.
- 34.2.1.2 Ensure that any planting and ongoing management of Radiata pine (*Pinus radiata*) is effective and can be practicably managed to avoid the adverse effects of the spread of wilding trees and degradation to the landscape.
- 34.2.1.3 That any proposal for the planting and ongoing management of Radiata pine (*Pinus radiata*) shall consider the following to ensure the spread of wilding trees can be contained:
- The location and potential for wilding take-off, having specific regard to the slope and exposure to wind;
  - The surrounding land uses and whether these would reduce the potential for wilding spread;
  - The ownership of the surrounding land and whether this would constrain the ability to manage wilding spread;
  - Whether management plans are proposed for the avoidance or containment of wilding spread;
  - Whether a risk assessment has been completed and the results are favourable to the proposal.

### 34.3 Other Provisions and Rules

#### District Wide

Attention is drawn to the following District Wide chapters.



# WILDING EXOTIC TREES 34

1 Introduction	2 Definitions	3 Strategic Direction
4 Urban Development	5 Tangata Whenua	6 Landscapes and Rural Character
25 Earthworks	26 Historic Heritage	27 Subdivision
28 Natural Hazards	29 Transport	30 Energy and Utilities
31 Signs	32 Protected Trees	33 Indigenous Vegetation
35 Temporary Activities and Relocated Buildings	36 Noise	37 Designations
Planning Maps		

### 34.3.2 Interpreting and Applying the Rules

34.3.2.1 The rules in Chapter 34 apply to all parts of the District, including formed and unformed roads, whether zoned or not.

## 34.4 Rule – Planting of wilding exotic trees

Rule	Table 1: Planting of wilding exotic trees	Activity Status
34.4.1	Planting of the following: a. Radiata pine ( <i>Pinus radiata</i> )	Discretionary
34.4.2	Planting of the following: a. Contorta or lodgepole pine ( <i>Pinus contorta</i> ); b. Scots pine ( <i>Pinus sylestris sylvestris</i> ); c. Douglas fir ( <i>Pseudotsuga menziesii</i> ); d. European larch ( <i>Larix decidua</i> ); e. Corsican pine ( <i>Pinus nigra</i> ); f. Bishops pine ( <i>Pinus muricate</i> ); g. Ponderosa pine ( <i>Pinus Ponderosa</i> ); h. Mountain pine ( <i>Pinus mugo 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.



# WILDING EXOTIC TREES 34

## 34.4.3 Exemption

For avoidance of doubt, this rule does not require the felling or removal of any tree identified and scheduled in the District Plan as a protected tree.

## 34.5 Rules – Non-Notification of Applications

The provisions of the RMA apply in determining whether an application needs to be processed on a notified basis. No activities in this chapter have been identified for processing on a non-notified basis.

