

# QUEENSTOWN LAKES DISTRICT COUNCIL

Hearing of Submissions on Proposed District Plan

Report 6

Report and Recommendations of Independent Commissioners Regarding  
Chapter 32 – Protected Trees

## Commissioners

Denis Nugent (Chair)

Calum MacLeod

Robert Nixon

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## 1. PRELIMINARY MATTERS

### 1.1. Terminology in this Report

#### 1. Throughout this report, we use the following abbreviations:

Act	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
ARHMZ	Arrowtown Residential Historic Management Zone
Clause 16(2)	Clause 16(2) of the First Schedule to the Act
Council	Queenstown Lakes District Council
DoC	Department of Conservation
ODP	The Operative District Plan for the Queenstown Lakes District as at the date of this report
PDP	Stage 1 of the Proposed District Plan for Queenstown Lakes District as publicly notified on 26 August 2015
RPS	The Operative Regional Policy Statement for the Otago Region dated October 1998
Proposed RPS	The Proposed Regional Policy Statement for the Otago Region Decisions Version dated 1 October 2016, unless otherwise stated
QTRA	Quantified Tree Risk Assessment
RMA	Resource Management Act 1991 as it was prior to the enactment of the Resource Legislation Amendment Act 2017, unless otherwise stated
STEM	Systematic Tree Evaluation Method

### 1.2. Topics Considered

2. The subject matter of this hearing was Chapter 32 of the PDP (Protected Trees). These recommendations deal with submissions made on the objectives, policies, and rules, and the submissions made on the listing of particular trees or groups of trees in Chapter 32.

### 1.3. Hearing Arrangements

3. Hearing of Chapter 32 was undertaken contemporaneously with the hearing of Chapter 26 (Historic Heritage) and was heard by the same panel of hearing commissioners, although Chapter 26 is the subject of a separate report<sup>1</sup> and set of recommendations.
4. The hearings on Chapter 32 were held on 27 – 28 July 2016 inclusive in Queenstown.

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<sup>1</sup> Report 5

5. The parties heard from on Chapter 32 were:

**Queenstown – Lakes District Council**

- Sarah Scott (Counsel)
- Rachael Law
- Philip Blakely
- David Spencer

**Real Journeys Limited<sup>2</sup>**

- Fiona Black

**Submitters appearing on own behalf**

- George Ritchie<sup>3</sup>
- Simon Beale<sup>4</sup>
- Kerry Hapuku<sup>5</sup>

1.4. Procedural Steps and Issues

6. Except where necessary, this report does not include reference to all individual submissions and submission points as these are contained in the summary of submissions and our recommendations as to whether these be accepted, accepted in part, or rejected, as contained in **Appendix 2** to these recommendations.

7. In our discussion of submissions, reference is made to the section within each chapter, or the objective/policy/rule numbers in the PDP as notified. Where text changes are proposed, reference is made to the section of the chapter or objective/policy/rule numbers as amended by these recommendations. Reference should be made to **Appendix 1**, which sets out the text changes resulting from our recommendations.

1.5. Background to the Hearing

8. The evidence of Ms Law focused primarily on the structure of the chapter, and the objectives, policies, and rules. The evidence of Mr Blakely focused on the submissions relating to ‘Character Trees’ within the ARHMZ, and that of Mr Spencer to submissions on Protected Trees.

9. Ms Law explained that the Council had carried over in part the Protected Trees provisions currently contained in the ODP, particularly as they affected listings. She outlined that the primary differences in approach compared to the ODP were as follows:

- a. a definition of what was meant by ‘significant trimming’ of protected and character trees;
- b. clarifying the difference between ‘maintenance’ and ‘trimming’ for trees and hedges respectively;
- c. provisions for the protection of the root zone of trees;
- d. ensuring protected trees were accurately surveyed or plotted on the planning maps;
- e. avoiding overlapping policy provisions;
- f. clarifying by survey the listing of trees using the Systematic Tree Evaluation Method (STEM). This system assesses trees according to their health, species, height and spread,

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<sup>2</sup> Submission 621, Further Submission 1341

<sup>3</sup> Submission 39

<sup>4</sup> Submission 365

<sup>5</sup> Submission 329

stature, visibility, proximity and role under a 'points system'. The Council has chosen to list any trees having an STEM score of 120 or more.

10. Assessment under the QTRA system, an internationally recognised tree risk assessment tool to determine the potential risk of a tree failure in terms of the safety of people nearby.
11. The introduction of 'Character Trees' in the ARHMZ recognising the contribution of trees to the unique character of Arrowtown.
12. As notified, protected trees were listed in a schedule under Section 32.8 of the PDP and were subject to the rules in Table 1, while Character trees were separately listed in a schedule under Section 32.7 of the PDP and subject to the rules in Table 3.
13. An important background issue is the result of amendments made to the RMA in 2009 which removed the ability for Councils to implement 'blanket' controls for tree protection. This was the model used in the ODP, which applied to the removal of *any* tree greater than 2.5m in height; or the pruning trimming or topping of trees more than 4m high, within the Residential Arrowtown Historic Management Zone, as a discretionary activity<sup>6</sup>.
14. However, the PDP does propose, within the ARHMZ, that any tree over 4m in height, which is *not* scheduled as a protected tree, and which is located *in streets and public places* is also protected, and subject to the rules in Table 2.
15. Altogether 27 submissions and further submissions, comprising 139 points of submission, were lodged<sup>7</sup>.
- 1.6. **Definitions**
16. Definitions play a critical part in the interpretation of rules applicable to any activities relating to protected trees. Definitions, and recommended additions or alterations to definitions arise during our recommendations.
17. At the time of the Stream 3 hearings, the Council officers were recommending that definitions specific to this chapter be included in the chapter. Subsequently, the Council officers reporting on Chapter 2 Definitions, recommended that all definitions be located in that chapter, and that Hearing Panels which had heard submissions on definitions, make their recommendations to the Hearing Stream 10 Panel, so that Panel could reconcile any differences in recommendations and make the ultimate recommendation to the Council.
18. Consequently, in the report, where we make recommendations on definitions, those recommendations are to the Stream 10 Hearing Panel, and we have separated the definitions we recommend be included in Chapter 2 into Appendix 3.

## 2. SECTION 32AA

19. Section 32AA was added to the RMA following amendments to the Act in 2013. It obligates Council to undertake a section 32 analysis of any changes it proposes to make in response to

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<sup>6</sup> ODP, Rule 7.6.3.3i.

<sup>7</sup> R Law, Section 42A Report paragraph 6.6.

submissions<sup>8</sup>. As an introductory comment, in making our recommendations we have broadly adopted the approach taken by the Hearings Panel (differently constituted) who heard submissions on Chapters 3, 4, and 6 of the PDP<sup>9</sup>.

20. The options considered by the Council included (1) status quo/no change – that is, retaining the provisions in the ODP; (2) amending the operative provisions; and (3) comprehensive changes, with the second option being selected. The assessment of trees for listing was undertaken in a very systematic manner, and affected owners were advised of the review undertaken of trees (although not the final outcome). The historic centre of Arrowtown is treated as a special case, which we consider is justified given its unique heritage and the contribution that trees make towards this heritage. The PDP also provided much better definition of important terms such as ‘significant trimming’, which we acknowledge is quite important as it is this activity which is most likely to be encountered between property owners and the regulatory functions of the Council with respect to works affecting trees.
21. The provisions are also less onerous than those in the ODP, although to a significant extent this is a result of the changes made to the RMA in 2009. Ms Law’s section 32 assessment relied to some extent on higher order documents, such as the proposed RPS, although the generality of this document with respect to protected trees is such that we consider it offers limited assistance.
22. The section 32 assessment undertaken for the Council asserted that the provisions chosen give effect to Section 5 of the Act, but the mitigation or avoidance of adverse effects (such as tree removal) has to be qualified by recognising the ability of people to provide for their economic and social welfare; this may have community benefits and benefits for tourism, but may also result in loss of development options, increased consenting costs and potentially damage to buildings and structures.
23. With respect to trees on private property, the rules make even significant trimming a fully discretionary activity, whereas the assessment matters are closely aligned to the effects on the trees themselves rather than broader matters. We have doubts that full discretionary activity status can be justified under section 32, but we accept the advice of the Council’s legal counsel Ms Scott, that there is no scope to reduce this to restricted discretionary activity status<sup>10</sup>.
24. We consider that the Council’s section 32 assessment also tends to emphasise that tree removal or significant trimming should be largely confined to circumstances where a tree is dead or diseased, or creates a hazard to life or property. This restrictive approach was strongly reflected in the position taken on submissions relating to individual listings. We consider that at least on a case-by-case basis, the removal of trees can also be justified where these are creating adverse effects in terms of damage to buildings, or seriously compromising the ongoing maintenance of buildings.
25. As a final point, in our decision we comment on the inherent tension between Chapter 32 and the protection of trees, and the provisions of Chapter 34 relating to wilding species. While we appreciate the latter is concerned with the *planting* of wilding species, rather than the protection of *existing* wilding species, it nevertheless has the potential to create conflict, as demonstrated with the submission relating to a large sycamore tree at Walter Peak which the

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<sup>8</sup> Section 32AA, subsection (1)(a)

<sup>9</sup> Refer Recommendation Report 3 on Chapters 3, 4, and 6, Section 1.6

<sup>10</sup> S Scott, Reply Legal Submissions, paragraph 3.12

notified PDP proposed be protected. The section 32 assessment does not address those circumstances in which it is entirely appropriate (which we accept) that existing wilding trees which contribute significantly to the amenity and heritage of the district be protected. We address this matter later in these recommendations as part of our Section 32AA assessment where we add policy provisions to clarify the relationship between Chapters 32 and 34.

26. A further important factor is that, like historic heritage, rules relating to the protection of trees have very specific application to individual landowners, in contrast to district plan rules having general application, such as bulk and location standards. We address our recommended amendments to Chapter 32 to the level of detail which is appropriate as part of each suite of provisions<sup>11</sup>.

### 3. CHAPTER 32.1 – 32.3: PURPOSE, OBJECTIVES AND POLICIES

#### 3.1. 32.1 - Purpose

27. Chapter 32 starts with Section 32.1 “Purpose” and is followed by Section 32.2 “Objectives and policies”. The purpose section is a brief general introduction explaining the basis for tree protection under the PDP and includes a note that Protected Trees rules, and Character Trees in Arrowtown, took immediate legal effect upon notification. There were no submissions on the Purpose Section. The note is unnecessary once the Council notifies the decisions on submissions, and we have accordingly deleted it.

#### 3.2. 32.2 Objective and Policies

28. As the objectives and policies have some bearing on the background to considering the rules on both protected and character trees, they are reproduced below:

##### 32.2.1 Objective

*Protect scheduled trees and groups of trees from avoidable removal or damage.*

##### Policies

32.2.1.1 *Identify and schedule in the District Plan the District’s protected trees.*

32.2.1.2 *Protect scheduled trees from avoidable removal, removal of the protected tree status or inappropriate trimming or destruction, recognising them as an important part of the character, amenity and heritage values of the District.*

32.2.1.3 *Recognise where genuine circumstances exist, the removal or significant trimming of protected trees may not be avoidable because the values of the tree for which it was protected have significantly deteriorated, or the tree is causing a hazard to life or property.*

32.2.1.4 *Permit works and maintenance to be undertaken on protected trees where the work will assist in maintaining the health of the tree.*

##### 32.2.2 Objective

*Protect trees in streets and public spaces within the Arrowtown Residential Historic Management Zone.*

##### Policies

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<sup>11</sup> Section 32AA (1) (d) (ii).

- 32.2.2.1 *Provide efficiencies to the Council where it is responsible for the conservation, maintenance and management of trees within streets and public spaces.*
- 32.2.2.2 *that trees within streets and public spaces provide a significant contribution to the amenity, heritage and biodiversity values of the Arrowtown Residential Historic Management Zone.*
- 32.2.2.3 *Protect trees within streets and public places in the Arrowtown Residential Historic Management Zone while acknowledging the primary function of streets and public spaces.*

32.2.3 Objective

*Protect and manage character trees and groups of trees within the Arrowtown Residential Historic Management Zone*

Policies

- 32.2.3.1 *Identify and schedule in the District Plan trees and groups of trees within the Arrowtown Residential Historic Management Zone that contribute to the zone's unique character and heritage values.*
- 32.2.3.2 *Protect or enhance Arrowtown's unique character and amenity by recognising the contribution trees and groups of trees make to Arrowtown's landscape, cultural identity and historic heritage values.*
- 32.2.3.3 *Acknowledge the important role trees and groups of trees have in contributing to the character and historic heritage of Arrowtown, despite that on an individual basis a tree or group of trees may not be significant in stature.*
- 32.2.3.4 *Have regard to the reasonable and efficient use of land anticipated in the Arrowtown Residential Historic Management zone, while ensuring the removal or modification of trees or groups of trees does not lead to the cumulative loss of Arrowtown's heritage character and amenity values.*

29. An initial point, which has arisen through other hearings including those on Historic Heritage, is that a number of objectives as notified require their format to be changed so that they actually *read* as objectives – that is, outcomes rather than intended actions. The latter is the proper function of a *policy*.

30. After considering Ms Law's suggested amendments in this respect, we recommend that the three objectives be amended as follows:

*32.2.1 Objective The protection of scheduled trees and groups of trees from avoidable removal or damage.*

*32.2.2 Objective The protection of trees in streets and public places within the Arrowtown Residential Historic Management Zone, recognising their contribution to the amenity and heritage values.*

*32.2.3 Objective The management and protection of Character trees and groups of trees within the Arrowtown Residential Historic Management Zone to ensure the amenity and heritage values of the zone are maintained.*

31. There were only six submission points on the Objectives and Policies Section, and four of these were fully in support of specified policies or objectives<sup>12</sup>. Another “supports in part” Policy 32.2.1.3<sup>13</sup>. We recommend that these submission points be accepted.
32. Jacqueline Sly<sup>14</sup> submitted on 32.2.3, Objective 3 (the wording of which is set out above) seeking amendments to the objective such that the Council will consult with landowners *in the ARHMZ* before giving protection to the trees in the zone. Ms Law stated in her right of reply that the owners of trees *already listed* under the ODP had been advised that the listing of these trees was being reviewed<sup>15</sup>. With respect to proposed *new listings*, Ms Law stated in her Section 42A Report that “informal consultation with private landowners” was already practised by the Council, and added that a letter was sent to all landowners with trees identified as potentially worthy of protection during the drafting stages of the PDP, informing the affected landowners that these trees were “going to be assessed”<sup>16</sup>. We understood this to apply to the scheduling of trees generally, not just those in the ARHMZ.
33. We expect that an owner should at least made aware that a tree on their property is or will be listed – and it appears that the Council has endeavoured to do so. However it remains uncertain as to whether affected landowners are aware of the potential *implications* of listing – for example, with respect to the nature of the resource consent procedures that would be required for removal or trimming. We hasten to add at this point that we do not consider it is a requirement that the owner’s *permission* be obtained for the listing of a tree or trees – rather they have a right to be aware of the listing and have the opportunity to be involved by way of submission. However as a matter of principle, we think consultation is at least desirable as a matter of policy.
34. The submission only relates to the ARHMZ, and seeks the amendment of Objective 32.2.3. We note however that an objective is an “outcome” and not an “action”, as discussed previously. Accordingly, we recommend that the submission point be accepted in part, by amending Policy 32.2.3.1 rather than Objective 32.2.3. We recommend that the wording of this policy be changed as follows:

*“Identify and schedule in the District Plan, after informing and consulting with the landowner affected, trees and groups of trees within the Arrowtown Residential Historic Management Zone that contribute to the zone’s unique character and heritage values”.*

### 3.3. 32.3 – Other Provisions and Rules

35. This section includes reference to District Wide provisions in other chapters (32.3.1) and a section headed “Clarification” (32.3.2). The second part is particularly significant, as it contains what are effectively a series of *definitions* which are very important in terms of the interpretation of the rules. It describes the meaning of the following terms:
  - a. Root protection zone
  - b. Significant trimming
  - c. Minor trimming
  - d. Minor trimming of a hedgerow
  - e. Works within the root protection zone

<sup>12</sup> Submissions 387.1 (Jacqueline Sly) and 45.1 – 45.3 (Marie Horlor)

<sup>13</sup> Submission 635.72 (Aurora Energy Ltd)

<sup>14</sup> Submission 387.2 (Jacqueline Sly)

<sup>15</sup> R Law, Reply Statement, paragraph 4.5

<sup>16</sup> R Law, Section 42A Report, paragraph 12.1

f. Public space

36. There were submissions on Section 32.3.2 from both the Council and network utility operators as discussed below. Both groups of submissions related to ‘clarification’ of the term ‘significant trimming’. Under 32.3.2.2, ‘significant trimming’ means the removal of more than 10% of the live foliage of the canopy of the tree or structural scaffold branches; ‘minor trimming’ being less than 10%. This rule is accompanied by two diagrams to illustrate further how this clarification is intended to work – one showing an example of a ‘*spreading canopy*’ and the other a ‘*columnar canopy*’. The former refers to a tree with a generally wide spreading or ‘ball shaped’ form, whereby the outer definition of the extent of the tree is defined as meaning the outer perimeter of the canopy at any point. A columnar canopy refers to a generally high tree with a narrower form, similar to a poplar, whereby the outer definition of the extent of the tree is defined (again for as being equivalent to half the height of the tree – which in practice means well beyond the perimeter of the (narrower) canopy, over adjoining land.
37. These ‘clarifications’ are fundamental to the application of the following rules:

Table 1

Protected trees

- a. determining what is ‘minor’ or ‘significant trimming’ (Rules 32.4.1, 32.4.2, and 32.4.5);
- b. determining whether works within the root protection zone (including lawnmowing, and gardening, which might alter ground levels, remove soil or cause damage to the tree root system (Rules 32.4.3, 32.4.5, 32.4.6 and 32.4.7).

Table 2

Protected trees in streets and public places within the ARHMZ (trees over 4m in height, and which are not scheduled as Protected trees)

- a. determining what is ‘minor’ or ‘significant trimming’ of trees within streets and public places within the ARHMZ and which are not scheduled as protected trees (Rules 32.4.8, 32.4.9, 32.4.11 32.4.12, and 32.4.13);
- b. determining whether works are within the root protection zone of trees (Rules 32.4.10, 32.4. 32.4.14).

Table 3

Trees identified as a ‘Character Tree’ in the ARHMZ in Section 32.7 and identified on the planning maps.

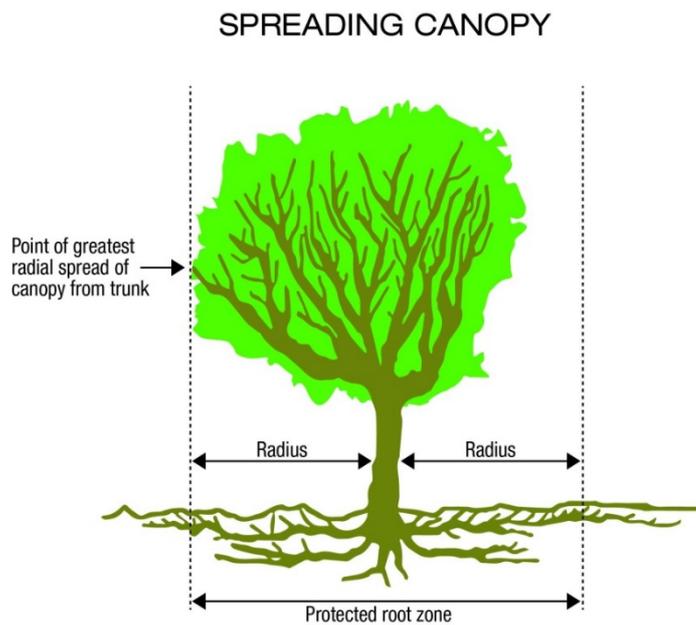
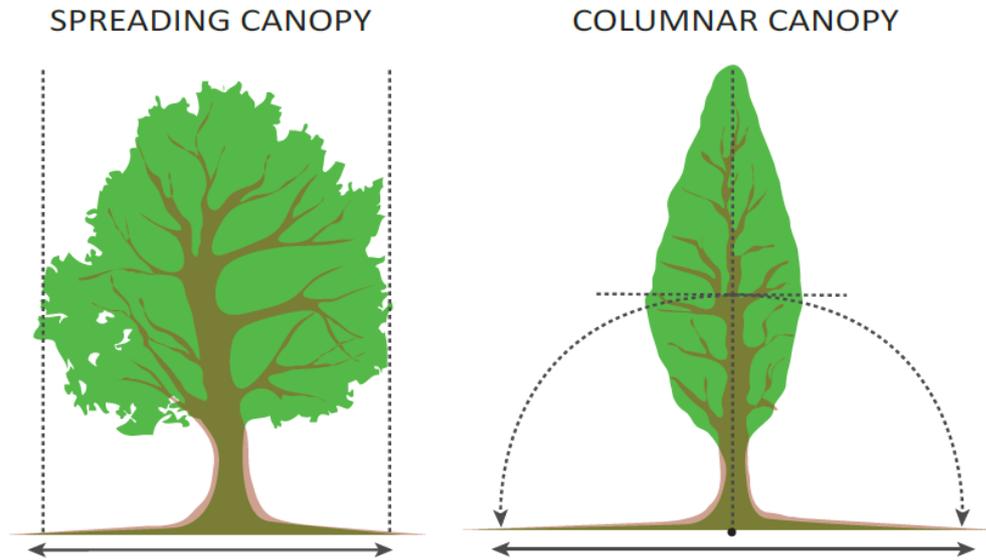
- a. determining what is ‘minor’ or ‘significant trimming’ (Rules 32.4.16, 32.4.17, and 32.4.21)
- b. determining whether works are within the root protection zone, including building, excavations or trenching for underground services, whether on the same site or not (Rules 32.4.18, and 32.4.19).

38. The rules themselves are quite complicated, particularly as they affect the historic centre of Arrowtown.
39. The Council have submitted to amend the diagram<sup>17</sup>. They have sought an amendment only to the diagram relating to trees having a spreading canopy. Recognising that some such trees will have a more extensive canopy on one side than the other, they have sought that the extent of the rules be changed to a perimeter defined by the radius of the *outermost* extent of the

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<sup>17</sup> Refer to QLDC Submission 809.6

canopy. In practical terms, this will have the effect of increasing the potential extent of protection over a wider area, including land beyond parts of the canopy. The amendments sought by the Council are shown in the diagrams below. The top diagram shows the two diagrams as notified, the bottom diagram shows the replacement diagram in relation to Spreading Canopy sought by the Council.



40. In contrast, Vodafone New Zealand<sup>18</sup>, Chorus New Zealand Limited<sup>19</sup>, Spark Trading New Zealand Limited<sup>20</sup>, and 2 Degrees Mobile Ltd<sup>21</sup> have submitted seeking the following identical amendment:

*“means for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at ground level from the surface of the trunk, with the radius to the outermost extent of the spread of a tree’s branches, and for a columnar tree means the area beneath the canopy extending to a radius 2m beyond the outermost extent of the spread of trees branches ~~half the height of the tree~~. As demonstrated by the diagrams below”.*

41. Relying on the advice of Mr Spencer, Ms Law contended that changing the definition in the manner sought by network utility operators would result in an inadequate root protection zone.
42. We are well aware of the difficulties in crafting rules for tree protection, while at the same time providing reasonable certainty. These challenges include how to define what would be a ‘reasonable’ level of trimming; the actual root zone of different species of trees; and defining (in some cases) whether a tree is a spreading or columnar tree. No entirely objective answer is possible.
43. We did not hear any expert evidence on behalf of network utility operators which may have assisted us on this point. For her part, Ms Law cited examples of other councils with similar definitions of root zones, including that proposed in the Auckland Unitary Plan. In addition, the rules in Tables 2 and 3 only apply to trees in historic Arrowtown. We accept the iconic status of Arrowtown in terms of its historic centre (with a special suite of rules applying to development in that area) and the contribution that trees make to its character. The regulatory environment relating to protected trees over the rest of the District is comparatively much more liberal. Were the three layers of tree protection applying in historic Arrowtown to be applied throughout the district, we would have entertained serious concerns about the regulatory impact of such a regime, and the ability to provide the necessary resources to administer it.
44. We note that the Independent Hearings Panel’s decision on the definition of “Dripline” for spreading canopy and columnar canopy trees in the Christchurch District Replacement Plan is consistent with the relief sought by the Council in this case<sup>22</sup>. On the basis of the evidence available to us, we recommend that the Council’s submission point 809.6 be accepted, and that the submissions by network utility operators be rejected. As a consequence, the amended diagram for a spreading tree is recommended to replace the diagram as notified.
45. With regard to section 32AA, we are satisfied that the amended diagram identifying the root zone, although adding a small additional regulatory impact in terms of the potential area of land within the dripline of a tree, is a more physically sound basis for identifying the root zone of trees, and would be a more efficient and effective means for protecting the root systems of trees. The alternative scenario put forward by the utility providers was not elaborated on at

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<sup>18</sup> Submission 179.32

<sup>19</sup> Submission 781.30

<sup>20</sup> Submission 191.30

<sup>21</sup> Submission 421.24

<sup>22</sup> Christchurch Replacement District Plan, Chapter 2, Definition of ‘Dripline’, Decision 44, page 98

the hearing, and did not appear to be consistent with the technique adopted in a number of recent district plan reviews. As well as being less effective in protecting the root systems of trees, if adopted, any beneficial effects of a reduced area of regulatory control under this alternative approach would not be significant.

3.4. Location of Clause 32.3.2

46. Consistent with our position with respect to a similar section in Chapter 26 (Historic Heritage), we consider that the contents of this section of the Chapter are effectively ‘definitions’ associated with the operation of the particular rules in the chapter. Accordingly, as a formatting change, we recommend to the Stream 10 Panel that these definitions be located in Chapter 2.

4. CHAPTER 32.4 – RULES

4.1. Notified Rules

47. The great majority of submissions lodged on Section 32.4 of the PDP were by the Council itself in the form of corrections and amendments; or from network utility operators. To provide context for our discussion of these matters, the rules as notified are set out below:

<b>Table 1</b>	<b>Protected Trees Activities involving protected trees listed in Schedule 32.8 shall be subject to the following rules.</b>	<b>Non- compliance</b>
32.4.1	Minor trimming of a protected tree and minor trimming of a protected hedgerow.	P
32.4.2	Significant trimming, removal, damage or destruction of a protected tree or hedgerow.	D
32.4.3	Any works within the root protection zone of a protected tree.	D
32.4.4	Maintenance of protected hedgerows comprising the trimming of not greater than 50% of the canopy provided such work is supervised by a qualified arborist first approved by the Queenstown Lakes District Council.	P
32.4.5	The removal or significant trimming of a protected tree where the tree is dead, diseased or damaged and likely to cause an imminent hazard to life or property. Prior to the removal or significant trimming, persons must provide to the Council a report from a qualified arborist outlining the reasons for removal or significant trimming. Works must not commence prior to the Council confirming the permitted activity status of the removal or significant trimming of a protected tree.	P
32.4.6	Maintenance of the ground within the root protection zone such as lawn mowing or gardening, provided that the maintenance does not alter the ground levels, remove soil or cause damage to the tree root system.	P
32.4.7	Any works to a protected tree or activity within the root protection zone not provided for in Table 1.	D

<b>Table 2</b>	<b>Trees in streets and public spaces within the Arrowtown Residential Historic Management Zone. Not Scheduled as a Protected Tree.</b>	<b>Non-compliance</b>
	<b>Works by the Council or its agent</b>	
32.4.8	Removal or significant trimming where the tree is dead, diseased or damaged and likely to cause an imminent hazard to life or property.	P
32.4.9	Tree trimming carried out by the Council or its agent.	P
32.4.10	Any works within the root protection zone of a tree.	P
32.4.11	The removal or significant trimming of any tree less than 4m in height.	P
32.4.12	The removal or significant trimming of any tree greater than 4m in height.	D
	<b>Works by any other person or party</b>	
32.4.13	Significant trimming or removal.	D
32.4.14	Any works within the root protection zone of a tree.	D

<b>Table 3</b>	<b>Trees and groups of trees within the Arrowtown Residential Historic Management Zone identified on the planning maps and scheduled as a character tree in Part 32.7.</b>	<b>Non-compliance</b>
32.4.15	Significant trimming, removal, destruction or damage of a tree or hedgerow.	RD
32.4.16	Minor trimming of a tree or hedgerow.	P
32.4.17	Any works within the root protection zone of a tree or hedgerow, whether on the same site not.	RD
32.4.18	Any building, excavations or trenching for underground services within the root protection zone of a tree or hedge, whether on the same site not.	RD
32.4.19	Maintenance of a character hedgerow comprising the trimming of not greater than 50% of the canopy, provided such work is carried out under the authority and supervision by a qualified arborist first approved by the Queenstown Lakes District Council.	P
32.4.20	<p>The removal or significant trimming of a character where the tree is dead, diseased or damaged and likely to cause an imminent hazard to life or property.</p> <p>Prior to the removal or significant trimming, persons must provide to the Council a report from a qualified arborist outlining the reasons for removal or significant trimming. Works must not commence prior to the Council confirming the permitted activity status of the removal or significant trimming of a character tree.</p>	P

4.2. Submissions on the rules generally

48. The Council have sought that the third column under each table be titled ‘activity status’ rather than ‘non-compliance’ status<sup>23</sup>. This would make the column headings consistent with other chapters and the submission point is recommended to be accepted. Marie Horlor supports the rules on protected trees<sup>24</sup>. As some amendments are being made to these rules in response to other submission points (see below), her submission points are recommended to be accepted in part.

4.3. Rule 32.4.1

49. The Council has sought that this rule be amended such that minor trimming of a protected tree or hedgerow take place no more than once in a single calendar year<sup>25</sup>. Ms Law, supported by Mr Spencer, initially concluded that the relief sought was unnecessary, given that Rule 32.4.2 already made significant trimming a discretionary activity. We also raised this matter by way of a question, given that there may be a ‘loophole’ that could be exploited whereby a tree might be subject to sequential ‘minor trimmings’ taking advantage of the 10% rule. If this were to occur, the cumulative effects of ongoing trimmings might result in a tree being gradually diminished to the point where its protection would be rendered ineffective – a process described in the hearing as ‘death by 1000 cuts’.

50. On further consideration, Ms Law concurred that this was a potential weakness in the rules, and in her reply statement supported the inclusion of a rule restricting tree trimmings to an annual cycle. We fully understand that adding this qualification to the rule would be challenging to enforce, and may possibly still enable a determined (or unscrupulous) tree owner, a degree of latitude. However a condition limiting such trimming to no more than once in a calendar year is likely to be more effective than having no restriction at all. Based on discussions with Mr Spencer, Ms Law recommended that the frequency of trimmings should be a single calendar year in the case of a tree, and five years in the case of a hedgerow<sup>26</sup>. For these reasons, we resolved that the submission point be accepted and the definition of minor trimming amended as follows:

*“Minor trimming means the removal of not more than 10% of the live foliage from the canopy of the tree or structural scaffold branches within a single calendar year”.*

and:

*“Minor trimming of a hedgerow means the removal of not more than 50% of the live foliage within a single five year period”.*

51. No changes are required to Rule 32.4.1 (or consequentially to Rule 32.4.16) as a specified time limit is included in the recommended definition of ‘minor trimming’. In terms of section 32AA we are satisfied that this amendment will improve the administration of the rules by providing a greater element of certainty around determining whether the frequency of trimming has resulted in a loss of branches and foliage which is more than ‘minor’ in scale or alternatively ‘significant’ in scale.

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<sup>23</sup> Submission 383.79

<sup>24</sup> Submissions 45.4 and 45.5

<sup>25</sup> Submission 809.7

<sup>26</sup> R Law, Reply Statement, paragraph 6.2

- 4.4. Rules 32.4.4, 32.4.5, 32.4.19, and 32.4.20
52. These permitted activity rules concern protected trees, protected hedgerows (allowing trimming up to 50% of the canopy of a hedgerow) and character trees, subject to such work being supervised by a qualified arborist approved by the Council. The Council (through its Parks Team) has sought that the wording be changed to require such an arborist to be “experienced in the management of amenity trees”; make provision for removal of dead disease or damaged trees; and address situations where there is a hazard to life or property<sup>27</sup>. Further submissions in support were lodged by Aurora Energy Ltd<sup>28</sup>. These submission points do not relate to rules affecting trees *in streets and public places* within Arrowtown.
53. Ms Law’s Section 42A Report supported the relief sought through the submission point, but suggested it be reworded to read “*a suitably qualified professional arborist experienced in the management of amenity trees*”. Essentially the issue being raised was the need for a degree of specialised *experience* in dealing with protected trees, as well as an appropriate technical qualification. We are sympathetic to the difficulty raised by this issue for the Council, but are of the view that more certainty could be achieved through the incorporation of a definition in the PDP.
54. We consider the appropriate approach is to incorporate a definition of a ‘*technical arborist*’ for the purposes of these rules which provides both for a minimum level of technical qualification and of experience. A suitable model for this can be found in the ‘Definitions’ contained in the Independent Hearings Panel’s decision on the Christchurch Replacement District Plan<sup>29</sup>. Although the CRDP provisions are more refined, we consider a simplified and amended version would be appropriate for adoption into the PDP. We therefore recommend to the Stream 10 Hearing Panel that the following definition be included in Chapter 2:
- “Technical arborist means a person who:*
- a. by possession of a recognised arboricultural degree or diploma and on-the-job experience is familiar with the tasks, equipment and hazards involved in arboricultural operations; and*
  - b. Has demonstrated proficiency in tree inspection and evaluating and treating hazardous trees; and*
  - c. Has demonstrated competency to Level 6 NZQA Diploma in Arboriculture standard or Level 4 NZQA Certificate in Horticulture (Arboriculture) standard (or be of an equivalent arboricultural standard)”.*
55. The Council’s suggested wording amendments also sought to provide a more liberal rules framework where trees required removal on the basis that they were dead, diseased, or damaged, which we consider to be appropriate given that as ‘living organisms’, decay or death is inevitable at some point. However, the amendments sought by the Council would require that in addition to demonstrating that a tree was dead, diseased, or damaged, the applicant would also be required to demonstrate that the tree was creating an imminent hazard to life or property. We consider this conjunctive test is excessive, and that the word “and” be replaced by the word “or”.

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<sup>27</sup> Submissions 809.8 809.9, 809.13, and 809.14

<sup>28</sup> FS1121.43 – 1121.45

<sup>29</sup> Christchurch Replacement District Plan, Chapter 2, Definitions of ‘Technician arborist’ and ‘Works arborist’, Decision 44, page 98

56. An additional point was raised by the Council’s Parks Team under their submission point 809.9. This sought a change to Rule 32.4.5 to include the following wording or similar:

*“Should it be identified that a tree represents an imminent hazard, any work that is considered necessary to immediately abate the hazard may proceed at once, though evidence shall be submitted to the Council identifying the urgency for the works”.*

57. Ms Law responded by drawing attention to the provisions of section 330 of the RMA “emergency works and power to take preventative or remedial action”, which she contended provided ample powers to undertake the urgent removal of a dangerous tree. We note that this section confers powers both on a district council or a network utility operator, and provides for them to undertake the necessary works, particularly under subsection (1)(f) of section 330. She added that section 330A specifically provides that a network utility operator notify the Council within seven days that the works have been undertaken. In her view no change to the rules were required.

58. We accept that sections 330 and 330A provide councils and network utility operators clearly specified powers to undertake work such as the removal of protected trees in circumstances where there was a hazard to life or property. However we also take the view that it would be appropriate that a cross reference be made to these provisions at the conclusion of the rules Section 32.4. We recommend that a note be added reading as follows:

*“Note:*

*Attention is also drawn to the provisions of sections 330 and 330A of the Resource Management Act 1991, which provides for the removal of a protected or character tree or hedgerow listed in the Schedule, or a tree or hedgerow within a street or public place within the ARHMZ, by the Council or a network utility operator, where this is likely to cause loss of life, injury or serious damage to property”.*

59. We note that the evidence we had on Rule 32.4.5 was that of Ms Law, and in the absence of alternate evidence we feel obliged to recommend the wording of this rule as in her reply evidence. However, we have concerns that the rule creates an opportunity for land owners to avoid their obligations by removing the tree prior to justification of the need for removal. We recommend that the Council review this rule and consider whether amendment is required.

60. Having regard to the foregoing assessment, we recommend that the wording of the following rules be amended as follows:

*“32.4.4 - Maintenance of protected hedgerows comprising the trimming of not greater than 50% of the canopy provided such work is supervised by a technical arborist first approved by the Queenstown Lakes District Council.*

*32.4.5 - The removal or significant trimming of a protected tree where the tree is dead, diseased or damaged, or likely to cause an imminent hazard to life or property, subject to the following activity standards:*

- a. Notification of the removal or significant trimming shall be made to the Council prior to commencing the works;*
- b. Following the works a report must be provided to the Council from a technical arborist outlining that the tree was dead, diseased or damaged, or likely to cause an imminent hazard to life or property.*

32.4.19 - *Maintenance of a character hedgerow comprising the trimming of not greater than 50% of the canopy, provided such work is carried out under the authority and supervision of a technical arborist first approved by the Queenstown Lakes District Council.*

32.4.20 - *The removal or significant trimming of a character tree where the tree is dead, diseased or damaged, or likely to cause an imminent hazard to life or property, subject to the following activity standards:*

a. *Notification of the removal or significant trimming is required to be made to the Council prior to commencing the works.*

b. *Following the works are report must be provided to the Council from a technical arborist outlining that the tree was dead, diseased or damaged or likely to cause an imminent hazard to life or property”.*

61. Taking into account the relief sought through these submission points, and the amendments made to the rules and the additional ‘definition’, we recommend that they be accepted in part.

#### 4.5. Rule 32.4.6

62. The Council’s Parks Team lodged a submission<sup>30</sup> to correct a typographical error in this rule by seeking that the word ‘roof’ be replaced by the word ‘root’. We recommend that the submission point be accepted.

#### 4.6. Rule 32.4.9

63. Vodafone New Zealand<sup>31</sup>, 2 Degrees Mobile Ltd<sup>32</sup> (both supported by Aurora Energy Ltd<sup>33</sup>), Chorus New Zealand Limited<sup>34</sup> and Spark Trading New Zealand Limited<sup>35</sup>, submitted on this rule which relates to tree trimming carried out by the Council or its agent within streets or public places within the ARHMZ. They seek that such trimming also be able to be carried out as a permitted activity by network utility operators and their agents. Rule 32.4.9 is one of a group of five rules (32.4.8 – 34.4.12) which apply to works by the Council or its agent within the ARHMZ.

64. We note that the rule as notified simply relates to “trimming” – whether minor or significant – which adds an element of ambiguity.

65. This rule relates only to street trees and trees on public land within the very confined area of the ARHMZ, not to scheduled protected or character trees throughout the district generally. Ms Law contended that as the Council was primarily responsible for the management of trees in these locations, and had an interest in their conservation, that it was inappropriate to provide for the relief sought by the submitters. However, she considered it would be appropriate that ‘minor’ trimming be provided for as a permitted activity<sup>36</sup>.

66. Given the extremely confined geographical extent of the area within which this rule applies, and the iconic significance of historic Arrowtown, we consider that constraints over tree

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<sup>30</sup> Submission 809.10

<sup>31</sup> Submission 179.33

<sup>32</sup> Submission 421.25

<sup>33</sup> FS1121.41 and 1121.42

<sup>34</sup> Submission 781.31

<sup>35</sup> Submission 191.31

<sup>36</sup> R Law, Section 42A Report, paragraph 9.4

trimming in that context are justified. This can be readily distinguished from rules that might involve significant administration and compliance costs for both the Council and utility operators if it were to apply to the district as a whole.

67. We concur – with one reservation as outlined below – with the proposals of Ms Law that ‘minor’ trimming be a permitted activity in terms of a proposed new Rule 32.4.13. The existing rules already use the term “*any other person or party*” and while we can see logic in terms of this exception applying to network utility operators, it would appear broad enough to include private property owners who might want to trim trees that are fully or partly on Council land or road reserves or which partly overhang private property. We are unsure whether this was the intention behind notified Rules 32.4.13 and 32.4.14 in the ARHMZ, and the proposed new rule. However as these trees are owned by the Council, its consent as landowner would be required, with the exception of any parts of those trees which under the rules could be subject to minor trimming where it overhangs private property. The addition of a *new rule* (to be numbered 32.4.13) enabling minor trimming of trees and hedgerows by network utility operators and others as a permitted activity would however achieve at least in part, the relief sought by these submitters. Accordingly their submission points and a further submission, are accepted in part. A consequential effect of this is that existing rules numbered 32.4.13 onwards have to be consequentially renumbered (refer paragraph 72 below).
68. A remaining issue that needs to be cleared up is that the current wording of Rule 32.4.9 would otherwise remain inconsistent with the rules framework, as the word “trimming” is not qualified. As a consequential amendment, we recommend that the rule be amended to read “*minor trimming carried out by the Council or its agent*”.
- 4.7. Rules 32.4.10 and 34.4.12
69. These rules are confined to trees in streets and public places within the ARHMZ, and only to works undertaken by the Council or its agent. Rule 32.4.10 allows for any works within the root protection zone of ‘a tree’ to be a permitted activity, while Rule 32.4.12 as notified provides that the significant pruning or removal of any tree greater than 4m in height is a discretionary activity. The Council’s Parks Team have sought that Rule 32.4.10 be qualified such that works within the root protection zone of the tree be permitted only if it is *less than 4m in height*, and that Rule 32.4.12 be qualified so that so that the removal, significant trimming *and works within the root protection zone* of any tree greater than 4m in height require consent as a discretionary activity<sup>37</sup>.
70. We accept that there is a distinct element of ambiguity and duplication in these two rules. It would appear that the intention of the rules with respect to minor or substantial trimming, works within the root protection zone, or removal, are not to apply to trees less than 4m high. Rule 32.4.10 simply applies permitted activity status to “*any*” works within the root protection zone of “*a tree*” no matter how high it is. Rule 32.4.12 as currently worded does not make it clear that works within the root protection zone of a tree greater than 4m in height is a discretionary activity. Rule 32.4.11 allows for the removal or significant trimming of any tree less than 4m in height to be a permitted activity which would defeat the purpose of any other controls over trees less than this height.
71. Ms Law’s report recommended that no change was needed to Rule 32.4.10, and the relief sought could be largely achieved through the amendment requested to Rule 32.4.12.

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<sup>37</sup> Submission points 809.11 and 809.12 respectively

72. In reality, the Council as *landowner* has full control over the fate of any trees on streets and within public places in the ARHMZ. This raises questions about the need for the PDP as notified to include any of the rules (32.4.8 – 32.4.13) in Table 2 at all. It may be that the Council has incorporated these rules both by way of example, and for consistency, by applying the same consenting standards to itself as it does to other parties and private landowners. Even then, however, we struggle to understand why trees on public land within the ARHMZ need to be protected at all, when there are other mechanisms under the Local Government Act which would appear to be far more efficient than cumbersome resource consenting processes. However there is no scope in submissions to remove the rules under Table 2 in their entirety.

73. Having considered these submissions and Ms Law’s response to them, we have concluded that these rules be reworded to read as follows:

*32.4.10- any works within the root protection zone of any tree less than 4m in height (P).*

*32.4.12- the removal, significant trimming, or works within the root protection zone of any tree greater than 4m in height (D).*

74. The resulting amendments do not produce particularly elegant rules, but are considered a pragmatic response within the scope of the submissions that have been lodged. We recommend that the submission points made by the Council on these two rules be accepted.

#### 4.8. Rules 32.4.15 and 32.4.18

75. We note that in the case of restricted discretionary activity Rules 32.4.15 and 32.4.18 as notified (now 32.4.16 and 32.4.18 as renumbered), the matters to which the Council’s discretion has been limited is set out separately from the rules under section 32.5 as notified (Rules – Assessment Matters). Consistent with the format of Chapter 26 (Historic Heritage), we recommend that the format of Chapter 32 be amended so that the matters of discretion are attached to the two restricted discretionary activity Rules 32.4.16 and 32.4.18. As a result of this transfer, we recommend Section 32.5 be deleted and subsequent clauses renumbered.

76. As an additional matter, we note that Rule 32.4.17 and 32.4.18 duplicate each other. Accordingly, we recommend that Rule 32.4.17 be deleted, and a minor modification be made to Rule 32.4.18 so that the virtually identical matters covered by each rule are combined into one rule. (It can be noted that the addition of a new Rule 32.4.13 has the consequential effect of requiring existing Rules 32.4.13 – 32.4.16 to be renumbered as 32.4.14 – 34.4.17 respectively. However, the elimination of existing rule 32.4.17 results in the notified numbering system for Rules 32.4.18 – 32.4.20 being retained and continued).

## 5. CHAPTER 32.5 RULES: ASSESSMENT MATTERS

77. As noted above, the assessment matters originally contained in Section 32.5 as notified have now been incorporated under the rules Section 32.4 for those rules where an activity is restricted discretionary in status. In practice this only affects two rules, these being 32.4.16 and 32.4.18. However, there have been a number of submissions from the Council’s Parks Team to alter these assessment matters as they currently stand. We have discussed the merits of these submission points below, but where they have been accepted they have been included under these rules in Section 32.4.

78. The Council's Parks Team<sup>38</sup> sought a number of detailed wording changes to five of the assessment matters, and the addition of a further one.
79. The assessment matters in Clauses 32.5.1.1 – 32.5.1.6 addressed significant trimming, removal, destruction or damage to character trees or hedgerows. The matters of discretion can only apply to restricted discretionary activities, which in turn, are only provided for under Table 3, the application of which is confined to the ARHMZ.
80. Clause 32.5.1.2 required assessment of whether the works would enable the efficient use of land and resources including allowing reasonable sunlight into dwellings, and for building maintenance. The submission sought to qualify the wording such that it provided allowance for "reasonable unrestricted natural light where practicable" and "sufficient clearance to allow for routine property maintenance". We consider these amendments would be entirely appropriate.
81. Clause 32.5.1.4 required consideration of any substitute or compensating tree planting and landscaping; the submission point called for this to be changed to the 'merits' of any proposed mitigation tree planting measures or landscaping. It would appear that there is some discomfort on the part of the Council with respect to the word "compensating", but it is clear that the intention of the assessment matter was to contemplate the repair planting of replacement trees (to substitute or compensate for) existing character trees that a prospective applicant is seeking to remove.
82. Again, having considered the wording sought in the submission point and that of Ms Law (which was to simply add the word 'proposed' in front of substitution) we recommend that the wording of Clause 32.5.1.4 be amended to enable consideration of any proposed tree planting and landscaping as a mitigation or compensatory measure.
83. As part of her assessment of the Council's Parks Team's submission, Ms Law noted that:
- "upon further reflection I agree with the Parks Team that the assessment matters could potentially allow for more removals and significant trimmings of protected trees than intended".*
84. She then went on to explain that she had recommended a number of changes to the assessment matters (for tree removal or significant trimming) to address these concerns<sup>39</sup>. One of these changes was to add a new assessment matter 32.5.1.6 reading as follows:
- "The effects on the health and structural stability of the tree or hedgerow from any significant trimming's and the possibility of any viable alternatives, as well as whether best practice methods will be adhered to."*
85. Although she did not expand on the basis for this additional assessment matter in more detail in her evidence, we agree that it would more effectively address issues associated with significant trimming of trees and hedgerows as part of any resource consent process, as well as complementing the assessment matters for works within the root protection zone. Accordingly, we recommend that her suggested wording be adopted with minor grammatical amendments.

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<sup>38</sup> Submission 809.15

<sup>39</sup> Section 42A Report, paragraph 13.17

86. The Council's Parks Team sought a new Clause 32.5.1.6 to address another matter – this being the consideration of whether the removal of a tree or trees would have a potentially adverse effect on nearby trees. While we consider this is an entirely valid factor to assess, we agree with Ms Law that it is already covered under Clause 32.5.1.5.
87. Clauses 32.5.1.6 – 32.5.1.8 as notified related to works within the root protection zone of character trees in the ARHMZ. Clause 32.5.1.6 required assessment of potential effects on the health or stability of the tree or hedgerow; the Council Parks team have sought to qualify this by reference to “structural” stability and both “in the short and long-term”. We agree with Ms Law's recommendation that the word ‘structural’ be added, but also consider there is merit in the original submission point in that adverse effects on root systems may not be apparent in the short or medium term and these factors are both relevant assessment matters.
88. Clause 32.5.1.7 as notified required an assessment of whether best practice methods would be used, and the submission point sought that this be further refined to refer to “arboricultural industry recognised and accepted best practice”. Ms Law's report recommended an additional clause concerning best practice and methods, but attached to the assessment matters for significant trimming and removal. The use of the term ‘best practice’ can be problematic if it is attached to a rule as opposed to a matter of discretion, as it can be uncertain as to what this concept requires. However it is an acceptable provision as a matter of discretion, as it is directed at assessing the likely quality of the work to be undertaken.
89. Clause 32.5.1.8 as notified required assessment of whether any alternatives (to works within the root protection zone) would be available. The Council Parks Team have sought that this be qualified by the words “viable and practicable”. We consider this is a pragmatic and sensible request, as it would be unreasonable to expect an applicant to demonstrate that he/she has considered *all* alternatives, whether feasible or otherwise.
90. Although the relief sought by the Council's Parks Team related to separate assessment matters, they have all been summarised under a single submission point, whereas we have recommended that some of these changes be accepted, accepted in part, or rejected. For that reason, we recommend that the submission point as a whole (809.15) be accepted in part.
91. As a formatting change, Ms Law recommended that the assessment matters make specific reference to the rule from which they are derived (e.g. trimming and removal pursuant to Rule 32.4.16). This has in fact been achieved by combining the assessment matters with the rules relating to activities which are a restricted discretionary in status.
92. We are of the view that ‘significant trimming’ would be better classified as a restricted discretionary activity than a discretionary activity. The scope of matters to be considered is relatively narrow, while at the same time restricted discretionary status would enable the Council to refuse consent if necessary. However, there is insufficient scope within submissions to enable such a change – while a submission point by Manor Park Holdings was broad in scope, it was limited specifically to their own property<sup>40</sup>. More importantly, we considered that applications arising from rules relating to major or trimming would best be identified as being processed on a non-notified basis, but there is no scope within submissions to make this amendment either.

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<sup>40</sup> Submission 359, paragraph 4.11

93. As outlined in our discussion above, we consider that the assessment matters in Section 32.5, which only apply to Rules 32.4.16 and 32.4.18, should be incorporated with these respective rules in Section 32.4. This will also make the format of Chapter 32 consistent with the format adopted for Chapter 26 (Historic Heritage). Incorporating the amendments sought through the submissions from the Council's Parks Team as discussed above, the following assessment matters are recommended to be incorporated under Rules 32.4.16 and 32.4.18 respectively:

*32.4.16 - Significant trimming, removal, destruction or damage of a tree or hedgerow.*

*Discretion is restricted to:*

- a. the character, cultural and amenity value of the tree(s) or hedgerow;*
- b. whether the works are reasonably necessary to enable the land and buildings to be used efficiently, including provision for reasonable sunlight admission and sufficient clearance to allow for routine property maintenance;*
- c. whether the works proposed would significantly compromise the values for which the tree or hedgerow is protected;*
- d. whether any tree planting or landscaping is proposed, and the extent to which this would mitigate or compensate for any tree/hedgerow removal or trimming sought through the application;*
- e. whether the removal of the tree or group of trees/hedgerow, would create a cumulative adverse effect due to previous tree/hedgerow removals, whether on the same property or not;*
- f. the effect of the works on the health and structural stability of the tree or hedgerow resulting from any significant trimming, and the possibility of viable alternatives, as well as whether arboricultural or industry recognised and accepted best practice methods will be adhered to.*

*32.4.18 - any works, including building, excavations or trenching for underground services within the root protection zone of a tree or hedgerow, whether on the same site or not.*

*Discretion is restricted to:*

- a. the potential effects on the health or structural stability of the tree or hedgerow both in the short and long-term;*
- b. whether arboricultural or industry recognised and accepted best practice methods will be adhered to;*
- c. whether any viable and practicable alternatives are available.*

94. We additionally recommend a number of minor grammatical changes to improve the wording of particular provisions. These include Rules 32.2.13, 32.4.10, 32.4.14 (as renumbered) 32.4.18, and 32.4.20. In addition, the assessment matters above have been clarified to refer to both trees and hedgerows. These do not alter the application of these provisions and are considered to fall within the ambit of Clause 16(2).

## **6. 32.7 SCHEDULE OF CHARACTER TREES IN ARROWTOWN RESIDENTIAL HISTORIC MANAGEMENT ZONE**

95. The Schedule contains a list of 66 protected 'character trees', a category of protection which did not exist under the ODP, but a new classification which has been sought for inclusion within the PDP. There were three submissions relating to character trees.

6.1. Character Tree 4

96. This item is, in fact, a hawthorn hedge extending along the street boundary of 9 and 11 Berkshire Street. The submitter, Mr Jim Schmidt<sup>41</sup> has sought the removal of the hedge from the planning maps and the plan text insofar as it relates to his property at 11 Berkshire Street. The submission was received (by email dated 18 December 2015) after the closing date of 23 October 2015 for submissions on Stage 1 of the PDP. The submission was received out of time, as was acknowledged by the submitter.
97. In a decision dated 2 February 2016, the Chair of the Hearings Panel waived the time for lodgement of this submission pursuant to section 37 of the Act.
98. Mr Schmidt stated that the hawthorn is classified as a noxious plant in the region, is very high maintenance, prickly, causes punctures to tyres and flesh, and is known to cause tetanus. He added that in the summer it harbours fleas and other small insects and is barren in the winter. In his submission, he said he was prepared to plant a more suitable hedge on the site.
99. Mr Philip Blakely prepared evidence on this and other site specific submissions on behalf of the Council. We note that he is an experienced landscape architect in private practice, and has lived in or near Arrowtown for over 30 years. He has extensive involvement in planning issues involving the ARHMZ and was engaged by the Council in 2014 to assess trees and hedges within the ARHMZ that were considered appropriate to be classified as character trees or hedges<sup>42</sup>. In his evidence he noted that hawthorn is probably the most common hedge type in the zone, and is a key feature of the streetscape in the town.
100. It was apparent to us that hawthorn hedges are a significant feature in the historic core of Arrowtown, albeit they are also commonplace elsewhere in the Wakatipu Basin. Undoubtedly opinions will be mixed as to their appearance, particularly in the winter season, and their thorny character, which we accept does not lend itself to easy maintenance. We acknowledge that hawthorn is also on the list of wilding exotics, the planting of which is proposed to be prohibited in the PDP<sup>43</sup>. We go on to discuss this particular issue later in these recommendations as there is a clear tension between the 'message' the PDP is sending with the prohibition on the planting of wilding species on one hand, and the protection of wilding species, including hawthorn, on the other - particularly in Arrowtown.
101. Despite the less than appealing aspects of hawthorn as a hedge (its appearance in winter, and its prickly character) it would be unfortunate that a hedge in this very prominent position on the western entrance to the town were replaced, for example, with a utilitarian paling fence. Such frontage fencing is becoming a common occurrence in suburban areas throughout New Zealand, but would be a particularly undesirable outcome in historic Arrowtown. In that context, we note that the submitter has made a constructive suggestion with respect to an offer to replace the hedge with another hedge of a different species.
102. Given the condition of the hawthorn hedge on the submitter's frontage, we might well be persuaded that its removal could be justified, were there a binding mechanism which ensured that the hedge was not replaced by a utilitarian fence. Ordinarily, we would not accept the officer's argument that this is a matter for a later resource consent, but given the absence of any other suitable mechanism, we have concluded that the hedge should remain, at least in the meantime. This is not a reflection on the intentions of the current owner, but if the

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<sup>41</sup> Submission 1361.2

<sup>42</sup> P Blakely, EIC, paragraphs 1.1 – 1.4

<sup>43</sup> Chapter 34 of PDP, Rule 34.4.1 (I).

removal of the current hedge were to be undertaken, the nature of its future replacement can be assessed and if necessary enforced by way of a condition on a resource consent with respect to the current, or any future owner. Its removal, if that were to occur, would also have to be considered in conjunction with the listing of the hawthorn hedge on the adjoining property. On balance therefore, we have come to the conclusion that the listing of this hedge should remain and the submission point be rejected.

## 6.2. Character Tree 6

103. This is also a hawthorn hedge, which is located along the adjoining frontages of 16 and 18 Wiltshire Street, Arrowtown. The land behind the hedge is used as a preschool. Spruce Grove Trust<sup>44</sup> has opposed the listing of the hedge. The site concerned is relatively close to the western commercial centre of Arrowtown, and the submitter is supporting options within the PDP for limited commercial use of their land between Arrow Lane and Wiltshire Street, a matter dealt with through other chapter hearings. However part of this wider submission stated that *“the submitter opposes the protection of the subject hawthorn hedge as this protection will provide an undue limitation to the site”*. The submitter did not attend the hearing to further elaborate on this.

104. Mr Philip Blakely stated that this 2m high example was very old and dated back to early plantings in Arrowtown, and he considered its removal would be detrimental to the streetscape and even the ARHMZ as a whole, a position accepted by Ms Law in her report.

105. Unfortunately we heard no further evidence from the submitter as to how the retention of this hedge would reduce or obstruct the development potential of the property. We were conscious that the nature of its possible replacement could significantly detract from the character of Wiltshire Street. We also acknowledge that the hedge is very old and contributes to the historic character of Arrowtown, a factor which was apparent from our site visit. These factors, in combination with the lack of contrary evidence, has led us to conclude that the listing of the hedge should remain, and that the submission point be rejected.

## 6.3. Character Tree 34/ Protected Tree 1005

106. This character group comprises two trees – a copper beech and a walnut tree located near the intersection of Anglesey and Merioneth Streets, on the Merioneth Street frontage. Alan Stewart<sup>45</sup>, who represents the trustees who own the property, has opposed the listing of these trees as character trees under Schedule 32.7 – submission point 49.1; however, he has also opposed the protected tree listing of one of these trees (the copper beech tree) as Item 1005 under Schedule 32.8 – submission point 49.2. The latter submission point is dealt with later in Section 7.10.

107. The Character Tree listing 34 specifies the address as being 24 Anglesea Street and Lot 4 DP 7794; the legal description is consistent with that given for the protected tree, and the submission has been summarised by the Council under both character trees and protected trees. However this apparent duplication does not appear to have been carried over into the officer’s report. Our clear understanding is that the listing of character trees in Arrowtown is intended to complement the listing of protected trees but that the character trees are to be listed separately, and not under both categories. Listing under both categories also creates a difficulty as the activity status for works carried out to character and protected trees is different – for example significant trimming of a protected tree is a fully discretionary activity, whereas for a character tree it is restricted discretionary in status. The submitter was not

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<sup>44</sup> Submission 560.2

<sup>45</sup> Submissions 49.1 and 49.2

represented at the hearing and there was no further written elaboration on the reasons for requesting the removal of the listing.

108. The evidence of Mr Blakely was that the trees were deciduous and typical of tall canopy trees which contributed to character and amenity, and in the case of the walnut are typical and representative of early Arrowtown. We concur with this view having viewed the site and the relatively large property on which they are located. Again, in considering these factors, in combination with the lack of contrary evidence, we recommend that the listing of the two trees as *character trees* should remain. However this still leaves us with the conundrum of a double listing with respect to the copper beech tree – a matter we deal with subsequently in Section 7.10 below.
109. Given this situation, and bearing in mind there is a submission in opposition, we consider it is appropriate to confine the listing of the copper beech tree to that of a character tree (Item 34) to which there is a slightly more liberal regulatory regime. On this basis, submission point 49.1 is rejected.

## 7. 32.8 SCHEDULE OF PROTECTED TREES DISTRICT WIDE

### 7.1. Submissions Seeking Corrections to Schedule

110. This Schedule of Protected Trees lists specimens in columns by a tree reference number, the botanical name, the legal description, the parcel ID, and whether it is located on a road or water margin. Protected trees are listed over the entire district. It is noted that there is no corresponding addresses or map number reference.
111. The Council have sought that Schedule 32.8 and the planning maps be consistent<sup>46</sup>. The Council have sought the removal from the planning maps of 80 trees carried over from the ODP. These include trees further assessed by the Council's arborist at the request of landowners, or which were subsequently deemed to be of insufficient merit for ongoing listing.
112. The 80 trees that the Council has sought be removed from the planning maps were specifically identified and listed under individual submission points<sup>47</sup>. There were no further submissions either supporting or opposing the removal of these trees, and we recommend that all of the submission points be accepted.
113. The Council has also sought the addition of five trees to Schedule 32.8 as follows:
  - a. Tree 210<sup>48</sup>
  - b. Tree 208<sup>49</sup>
  - c. Tree 590<sup>50</sup>
  - d. Tree 204<sup>51</sup>
  - e. Tree 255<sup>52</sup>

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<sup>46</sup> Submission 383.124

<sup>47</sup> Submissions 383.126 – 383.173, 383.175 – 383.190, 383.193 – 383.198, and 383.200 – 383.209

<sup>48</sup> Submission 383.125

<sup>49</sup> Submission 383.174

<sup>50</sup> Submission 383.191

<sup>51</sup> Submission 383.192

<sup>52</sup> Submission 383.199

114. There were no further submissions supporting or opposing the listing of these additional specimens. We understood from the Section 42A Report<sup>53</sup> that these five trees were shown on the Planning Maps but not included in the Schedule. On the basis that these are errors to be corrected, we recommend that the submission points be accepted.

7.2. **Protected Tree 189**

115. Tree 189 is a Douglas fir tree, the listing of which was opposed by Te Anau Developments Ltd<sup>54</sup>. Both this tree, and tree 193 below, were unfortunately listed under a single submission point. Both of the relevant species are listed as a wilding species, the planting of which is prohibited under Chapter 34 of the PDP. We were uncertain as to the precise location of this tree 189 which was listed in Schedule 3.8 in the notified version of Chapter 32, but was shown as deleted in the amended Schedule attached to Ms Law's evidence in the response to submissions dated 6 July 2016. This part of the submission point has been addressed in the Council's recommendations. On the basis that no evidence has been provided in support of its scheduling, we recommend that Tree 189 be removed from the Schedule and the relevant Planning Map.

7.3. **Protected Tree 193**

116. This tree is a sycamore located adjacent to Walter Peak station on the southern side of Lake Wakatipu on Crown land located between the lake shore, and the land owned by Te Anau Developments Limited. The submitter<sup>55</sup> has sought the removal of tree 193 from the list of protected trees. Sycamore (*Acer pseudoplatanus*) is listed as a wilding species in Chapter 34 of the PDP<sup>56</sup>.

117. Ms Fiona Black gave evidence for the submitter, stating that the Beach Bay Recreation Reserve at Walter Peak and adjoining Te Anau Developments land had recently been subject to wilding tree clearance. She said that disturbed or short stature vegetation (that is, post clearance) is likely to be most at risk from sycamore invasion as a result of seed spread. She said that the removal of the tree was supported by the Department of Conservation. She also claimed that sheep on the property would be likely to spread seeds.

118. In her reply, Ms Law claimed that these concerns were unfounded on the basis that it may be possible to manage the risk of wilding potential in rural environment such as this, and cited (with photographic evidence) examples from Flock Hill Station in Canterbury which she said supported the conclusion that grazing significantly reduced the risk of wilding spread.

119. We accept that this is a significant specimen, which in the absence of other factors would justify listing on the basis of its stature and condition. We readily accept that wilding species may well possess significant heritage and amenity value, and their listing *may* be appropriate, even in rural locations. However, in this case it appeared quite clear that the Department of Conservation considered it important to clear wilding species from the adjacent reserve, as did the submitter with respect to their own land. We are not convinced that in an exposed rural location like this, the protection of this tree can be justified in circumstances where the management regime is clearly one of removing wilding species. If the management of wildings were simply a matter of implementing a grazing regime, as suggested by the officers, this would seriously call into question the integrity of the provisions in Chapter 34 concerning

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<sup>53</sup> Section 10.1, p.16

<sup>54</sup> Submission 607.32

<sup>55</sup> Submission 607.32

<sup>56</sup> PDP, Rule 34.4.1(k).

wilding species. We also conclude it would be inefficient and unreasonable to expect the landowner to go through a resource consent process in this context.

120. Accordingly, we do not agree with the officer's conclusions in this case. We note that Tree 189 and 193 are listed under the same submission point. We recommend that the submission point be accepted.

#### 7.4. Relationship Between Chapters 32 and 34

121. As a postscript to the recommendation above, we feel obliged to note that there is a gap in the plan provisions with respect to the Council's overall policy towards wilding trees (the planting of which is prohibited under Chapter 34, Rule 34.4.1). We acknowledge that Chapter 34 is targeted at the *planting* of wilding trees, not the eradication of those that already exist, including protected trees. We accept the officer's overall conclusions that there are wilding trees (and hedges) which add significantly to the heritage and amenity of the District, particularly in urban areas and especially in and around Arrowtown. Nevertheless there is at least a perceived tension between protecting selected wilding trees under Chapter 32, while at the same time (in principle) promoting their eradication under Chapter 34.

122. Two submitters on Chapter 34 have specifically sought that the eradication policy for wildings be extended to existing trees<sup>57</sup> and one of these, the Wakatipu Wilding Conifer Control Group, have stated that the:

*"Council continue setting the example by being a good neighbour by removing all wildings from Council reserves and Council land". However another submitter has supported managing the spread of exotic species, ".....but oppose current eradication techniques and policies. There is inconsistency between some of these policies and protection provisions within Chapter 32 on Protected Trees"<sup>58</sup>.*

123. We note that that the ongoing protection of a select group of wilding trees in the context of their contribution to heritage and amenity values is an established fact through character and protected tree listings in Chapter 32 of the PDP. Although one chapter deals with the protection of existing trees including wildings, and the other a prohibition on the planting of new wildings, the Kiddle submission does provide scope for the introduction of policies which harmonise the directions taken by the two chapters.

124. On this basis, we recommend the addition of the following two new policies, for protected trees, and for character trees in Arrowtown respectively:

*"32.2.1.5 To schedule for protection examples of existing wilding tree species and hedgerows, in those circumstances where they add substantially to amenity and heritage values, and where it is practicable to manage them so as to avoid their spread in accordance with Objective 34.2.1.*

*32.2.3.5 To schedule for protection existing examples of wilding tree species and hedgerows which add substantially to the amenity and heritage character of historic Arrowtown, and where it is practicable to manage them so as to avoid their spread in accordance with Objective 34.2.1".*

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<sup>57</sup> Submission 514 on Chapter 34 (Duncan Fea) and 740 on Chapter 34 (Wakatipu Wilding Conifer Control Group)

<sup>58</sup> Submission 187 on Chapter 34 (Nicolas Kiddle).

125. As these recommended policies are new, we are obliged to consider the provisions of Section 32AA of the RMA. In that respect, we are satisfied that they do not impose any additional regulatory burden either on the Council or land owners within the District. In terms of the latter, although the protection of a wilding species, such as a hawthorn hedge, may seem to sit uncomfortably with the provisions of Chapter 34, the protection of trees can have some impact on private property rights whether they are wildings or not. The proposed policies recognise in policy terms the existing reality that in some circumstances, wilding species are protected for their heritage and/or amenity values, particularly in urban situations.

126. The ongoing protection of identified wilding specimens however is subject to the ability to manage their spread in accordance with the overall Objective 34.2.1. The policies are considered to be efficient and effective in that they require a judgement to be made as to the circumstances where such management would be effective – more commonly the case in an urban area, but in some circumstances in rural areas. In circumstances where wildings contribute significantly to heritage and amenity – and hence tourism – this is a factor which can be weighed against the potential costs of management to an affected owner through any necessary resource consent process. The regulatory impact of wilding protection is limited to a small number of individual specimens, and particularly to the very narrow geographical extent of historic Arrowtown.

#### 7.5. Protected Trees 206 and 209

127. These listings have been the subject of a submission<sup>59</sup> by W. and M. Grant prepared by LM Consulting Ltd. The listing of Tree 206 was opposed under part 2.2(d) of the notice of submission, while that of Tree 209 was opposed under item 3(d) of the notice of submission. Under the reasons for the submission, it stated:

*“(xi) the submitter requests that the protected tree feature 209 as shown on the PDP is removed from the planning maps as it no longer exists on the site”.*

128. Ms Law’s report surmised that the submitter was in fact referring to Tree 206, a macrocarpa, which was listed in the ODP, but had since been physically removed and was not listed in the PDP. ‘Tree’ 209 comprises a group of protected Lombardy poplar trees located on both sides of Speargrass Flat Road between Dalefield Road and Lower Shotover Road. We agree with Ms Law that there may have been an error in the drafting of this submission. In her evidence she stated that she sought clarification of the intent of the submitter from their consultant, but no response was received.<sup>60</sup> The trees listed under 209 do not appear to have any obvious relationship to the submitter’s land.

129. Complicating this matter was a further submission purportedly lodged by the Hansen Family Partnership in support of the Grant submission<sup>61</sup>. This further submission supported the original submission *“subject to a consistent zoning regime being applied to the land north of an adjoining State Highway 6 between Hanson Road and Ferry Road”*. We cannot see any linkage between this further submission and the relief sought with respect to the removal of Protected Tree 206 - which as discussed above, no longer exists anyway. No evidence was presented to the hearing by this submitter either. It may be that this part of the further submission was lodged in error.

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<sup>59</sup> Submission 455.4

<sup>60</sup> R Law, Section 42A Report, paragraph 10.15

<sup>61</sup> Further submission 1270.5

130. Given this background, we concur with Ms Law’s recommendation that the submission point and further submission be rejected. If the submission was in fact referring to Tree 206 in the ODP, the submitters concerns have already been addressed.

7.6. Protected Tree 240

131. This is in fact a group of two eucalyptus trees, in a visually prominent position adjacent to the main highway into Queenstown from Frankton. Manor Park Ltd<sup>62</sup> opposed the listing and expressed concern about the dropping of leaves and debris on and around the buildings on the site, which is occupied by traveller’s accommodation. They were also concerned about the potential safety of a long limb extending over the building.

132. Mr Spencer’s report conceded that the long limb could be reduced in length, albeit that he contended that the highest level of risk was to users of the State Highway – but even then the risk (*to people*) was assessed by him as being ‘one in a million’ under the QTRA method<sup>63</sup>. No evidence was presented on behalf of the submitters.

133. We are aware that in urban areas such as this (both in the district and nationally) there are numerous large trees that are listed for protection, and if the listing of these were to be abandoned on the basis of leaf and branch litter issues, and the possibility of limbs breaking off damaging property, it would be difficult to contemplate any protection for urban trees at all, even on public land. In these circumstances, we consider it would be appropriate for the submitter to either justify necessary measures to deal with branches as an imminent hazard, or follow a resource consent path should the works extend beyond ‘minor trimming’ which is a permitted activity. In addition, we heard no evidence from the submitter as to the nature and degree of the risk associated with the trees.

134. Accordingly, we recommend that the submission point be rejected.

7.7. Protected Tree 573

135. This is a large eucalyptus tree containing five separate trunks and reaching a height of 26m. It is a prominent feature along the eastern part of the Wanaka waterfront, and is located in the south-western corner of the property at 113 to 117 Lakeside Road, the site of a backpacker facility. Its listing was opposed by Gem Lake Ltd<sup>64</sup>.

136. Consent to remove this tree was granted under RM 140223 on 6 June 2014. The reporting officer on that application came to the conclusion that:

*“I have come to the overall view, as outlined in this report, that the removal of the subject tree will not adversely affect the character and amenity values of the site and its surrounds. This conclusion is reached as a result of the supporting public submissions and the expert arborist advice which has provided evidence that the tree is vulnerable to future failure and does not have outstanding cultural heritage or botanical values (based on the STEM analysis)”<sup>65</sup>.*

137. Ms Law’s report stated that:

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<sup>62</sup> Submission 359.2

<sup>63</sup> D Spencer, EiC, paragraph 9.3

<sup>64</sup> Submission 579.1

<sup>65</sup> Refer report from Ian Greaves, RM 140223 dated 4 June 2014, paragraph 9.0

*“Regardless of whether Gem Lake Limited has resource consent to remove this tree or not, the tree has not been removed and still has significance to the District having been reassessed by the Council Arborist and found to have a STEM score of 180”.*

138. We note that the Council was in receipt of two arborist’s reports on the 2014 application, and that three additional arborists reports relating to this tree were submitted with a previous application (RM120354)<sup>66</sup>. The Council’s report on the application also notes that:

*“Both Mr Glenn and Mr Roberts agree that this tree is not a good example of a eucalyptus species and whilst it is large and readily visible does not have outstanding cultural, heritage or botanical values (based on the STEM analysis) and therefore in their opinion is not worthy of protection as a heritage item”<sup>67</sup>.*

139. We observe that in rejecting a number of the submissions opposing the listing of various protected trees<sup>68</sup>, Ms Law has recommended that the concerns raised through the submissions be dealt with through resource consents, rather than delisting. This is in fact the process which was followed with respect to this particular tree; we are fully satisfied that the merits or otherwise of the removal of this tree were extensively canvassed through a resource consent process approximately two years ago. In light of that, we do not consider it is appropriate to effectively relitigate the merits or otherwise of continuing to protect Tree 573 through the current district plan hearings. Accordingly we disagree with the officer’s recommendation in this instance, and recommend that the submission point be accepted.

#### 7.8. Protected Tree 603

140. This is a redwood tree located at 99 Lakeside Road Wanaka, a relatively short distance from Tree 573 discussed above. Mr George Ritchie<sup>69</sup> sought that the protected tree status be removed.

141. Mr Ritchie stated that the protection was placed over the tree without notification to the owners of the property, although we note that it is a listed tree under the ODP<sup>70</sup>, and the PDP continues this listing. That said, Mr Ritchie’s concerns extend back until at least 2012 when the matter was raised in correspondence with the Council. He stated that the tree is 34m in height, but of greater concern to him was that it is only 17 m from the corner of the house on his property at 99 Lakeside Road, and 7m from the neighbour’s house at 101 Lakeside Road (although this person does not appear to have submitted).

142. His concern was that there is risk to property and life should parts of the tree fall on the affected properties, including the issue of his own and Council’s potential legal liability. In addition, he correctly noted that under the PDP, the land bounded by Lismore Street, Lakeside Road, the town centre and Beacon Point Road is proposed for high density housing, and in his view the protection of such a large tree in an area identified for this purpose is not appropriate.

143. Mr Spencer calculated that the risk of tree failure causing injury or loss of life under the QTRA method was 1 in 300,000 for the neighbouring property and to Lakeside Road, and ‘one in a million’ for the submitter’s property, a risk assessed as being ‘tolerable’<sup>71</sup>, and that the tree

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<sup>66</sup> Refer report from Ian Greaves, RM 140223 dated 4 June 2014, pp5-6

<sup>67</sup> Ibid, page 6

<sup>68</sup> Refer R Law, Section 42A Report, with reference to items 193, 240, 603, 1002, and 1005

<sup>69</sup> Submission 39.1

<sup>70</sup> ODP, Appendix 3, page 3 – 30.

<sup>71</sup> D Spencer, EiC, paragraph 9.13

was in good health. In her legal submissions in reply on behalf of the Council, Ms Scott stated that:

*“Landowners may be liable for damage caused to third parties by a Protected or Character Tree on their property. This is a common law issue which ultimately falls outside the scope of the RMA and therefore what is relevant to the Panel in making its recommendations. The Council accepts however that matters of economic well-being and safety are central to the concept of sustainable management contained within part 2 of the RMA”<sup>72</sup>.*

144. We expect this would be cold comfort to the submitter. However, earlier we observed that there would be few trees in urban areas that could be listed for protection if this was conditional on there being *no risk at all* from tree fall or loss of branches. We do not consider that the submitter’s concerns are baseless – but unlike the situation previously discussed with Tree 573, which has been subject to a careful individual assessment through a resource consent process, that is not the case here. The fact that the tree is large and exists on the site in relatively close proximity to dwellings does not in itself establish that the degree of risk is unacceptable. Further evidence and analysis would be necessary in this particular case, to establish that. There is also provision under the PDP for the removal of trees where these may create an imminent threat to life or property, or as a more likely scenario, enable minor trimming to be undertaken as a permitted activity.
145. We do not accept that the high density zoning over the site would preclude future development, be it of the site itself, or comprehensively in conjunction with adjoining land. Requirements for financial contributions or reserve contributions might well enable the tree to be retained. This can only be determined upon development proposals being put forward in detail.
146. Having regard to these factors, and the information available to us at this time, we recommend that the submission point be rejected.

#### 7.9. Protected Tree 1002

147. This is described in Ms Law’s report as a Western Red Cedar tree which is located on the boundaries of two properties to the south of Arrow Lane, these being 5 Berkshire Street owned by submitter Ms Samantha Gent<sup>73</sup>, and 22 Wiltshire Street owned by submitter Ms Kerry Hapuku<sup>74</sup>. This tree was mistakenly identified as Tree 2001 in Ms Gent’s submission.
148. Ms Hapuku presented evidence on her own behalf and that of Ms Gent. Her concerns can be summarised as follows:
- a. The tree is located on the common boundary of the two properties. Ms Gent’s property contains a dwelling which is approximately 1 m from the base of the tree. (Ms Hapuku’s property is as yet undeveloped).
  - b. The tree is capable of growing to a much larger size (a brief report in support was prepared by Mr Chris Brand, an arborist).
  - c. The tree is already causing damage to the concrete footpath adjacent to the tree and to the house foundations of 5 Berkshire Street (a brief report from Andrew Morris, a chartered structural engineer, was tabled in support of this, accompanied by photographs taken of damage caused).

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<sup>72</sup> S Scott, Reply Legal Submissions, paragraph 3.7

<sup>73</sup> Submissions 223.14 and 223.19

<sup>74</sup> Submissions 329.1 and 329.2

- d. The tree is likely to significantly restrict the development of Ms Hapuku’s property at 22 Wiltshire Street because of its extensive root zone.
  - e. The tree could be a hazard to people and property.
  - f. The tree was likely to damage a historic stone wall on the Arrow Lane frontage.
149. For his part, Mr Spencer contended that the issues of concern could be resolved through a subsequent resource consent process as a discretionary activity. He conceded that *“I am not qualified to comment on Mr Morris’s assessment of the damage caused to the house”*<sup>75</sup>. He said that issues such as leaf fall and branch rubbing can be alleviated by appropriate maintenance, which is a permitted activity.
150. At this point, we think it is appropriate for us to express some concerns about the approach that has been taken by the reporting officers in several cases where submissions have been lodged, including this one. As will be apparent elsewhere in our recommendations, in situations where properties are affected by trees, we do not accept that the mere presence of these trees is sufficient reason for them to be delisted.
151. Nevertheless, in circumstances where submitters have presented a case in support of their concerns, we do not think it is sufficient to dismiss these concerns as merely ‘perceived’<sup>76</sup>. In addition, where specific issues have been raised by way of examples in submissions, we do not think it is satisfactory to defer decisions to a later resource consent process, noting that an affected party’s ‘failure’ to pursue a matter to a hearing or appeal can be used against them later as evidence that they have acquiesced in the listing. The decision of the Independent Hearings Panel with respect to protected trees in the Christchurch Replacement District Plan included the following passage:
- “Whether a tree on private land has exceptional historic heritage significance or is just significant for its contribution to community well-being and amenity values, there is a need to ensure proper account is taken of the rights and interests of the community and individual property owners (including neighbours). In terms of section 6(f), that is an aspect of providing for protection, because protection is significantly dependent on the landowner (including whether they have an ethic of stewardship, as specified in section 7(aa)). In any case, for all significant trees, section 5 identifies the relevance of potentially competing considerations including the well-being, health and safety of the landowner and, potentially neighbours. Further, a significant tree can have different amenity value consequences (not necessarily positive ones) for land owners and their neighbours”*<sup>77</sup>.
152. We have addressed our concerns in terms of section 32AA matters earlier in paragraphs 11 – 18 of these recommendations.
153. We note that the submitter did not call the authors of the engineering or arborist’s reports cited in support of the submission, but neither did the reporting officers offer any evidence of substance as to the potential effects of the tree on the actual, and further potential damage, to the Gent dwelling. Given the position of the tree relevant to the Gent dwelling, we would have expected this to have been given specific consideration. We also bear in mind that arranging for experts to prepare evidence and attend the hearing can be a very expensive process for individual property owners. We visited the site, and we are satisfied that while the tree is a handsome specimen that does form part of the backdrop to the village green in

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<sup>75</sup> D Spencer, EiC, paragraph 9.17

<sup>76</sup> R Law, Section 42A Report, paragraph 6.3

<sup>77</sup> Christchurch Independent Hearings Panel, Decision 44, paragraph 32

Arrowtown, its position and growth potential is such that it is highly likely that it will go on to cause further damage to Ms Gent's dwelling. It also has the potential to significantly constrain the development of the Hapuku property, although we concede that with some difficulty siting arrangements may be possible which would enable the tree to be retained.

154. We have concluded that the submission points be accepted, and recommend that Tree 1002 be removed from the list of protected trees and from the Planning Maps.

7.10. **Protected Tree 1005**

155. The listing of this copper beech tree at 24 Anglesea Street Arrowtown was challenged by Alan Stewart<sup>78</sup>. This specimen is also listed as one of two 'character trees' (Item 34 – Schedule 32.7). Earlier in paragraphs 101 - 104 we addressed the issue of the duplication in the listing of the copper beech tree. We recommend upholding the listing of the two trees as character trees, but, to avoid duplication, recommend the copper beech tree be removed from the list of protected trees under Schedule 32.8. Accordingly, we recommend that this submission point be accepted.

7.11. **Protected Tree 275**

156. Simon Beale<sup>79</sup> has sought the reinstatement of an avenue of spruce trees which form the entrance to the Ayrburn property in the Wakatipu Basin. The submission was unusual in that it was the only example of an individual submission seeking an *addition* (albeit reinstatement) to the list of protected trees. He submits that this avenue is unique to the District, and the trees are over 100 years old. The avenue of trees was listed under the ODP as item 275, but was not included in the PDP as notified. According to Ms Law's Section 42A Report, this avenue of trees was omitted by error<sup>80</sup>. As a result, the listing using the number '275' has been vacated under the PDP. Mr Beale's submission was opposed in a further submission by Ayrburn Farm Estate Ltd<sup>81</sup>.

157. Mr Spencer undertook an evaluation of all 63 specimens within the avenue of trees, which were found to have STEM scores ranging between 114 and 138 with an average of 126, sufficient to justify listing under the threshold of 120 points, and added that this avenue of coniferous trees was one of only two he was aware of in the District. He was of the view that collectively, the significance of these trees was greater than any individual scores. Having applied the QTRA system, he was satisfied that the risk to the users of the Lake Hayes – Arrowtown Road, the farmstead, and the driveway was 'broadly acceptable'.

158. The further submission expressed concern that because the trees were very old, their retention presented a danger to persons in the vicinity.

159. We were not in the possession of any significant evidence except that on behalf of the Council. This was a long-standing listing of trees on a collective basis which applied under the ODP, and we are prepared to accept the Council's explanation that exclusion under the PDP was a result of an error. The Council, notably through Mr Spencer, had 'done their homework' in response to the submission, to the extent of assessing each individual tree. We are satisfied that the avenue of trees adds significantly to the landscape and amenity values of the area, and is a distinctive and unusual feature in the District. We do not accept the submission that these trees should not be listed because they are old, as being justification in itself – unless this is

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<sup>78</sup> Submission 49.2

<sup>79</sup> Submission 365.1

<sup>80</sup> R Law, Section 42A Report, paragraph 10.39

<sup>81</sup> FS1258.3

accompanied by evidence which illustrates that their condition and expected longevity is such that safety is a legitimate issue. We heard no evidence that would indicate that the condition of the trees was such that they created an unacceptable hazard to people in the vicinity.

160. The assessment undertaken by the Council indicated that as a group, the trees reached a threshold which justified their listing. In the absence of countervailing evidence, we recommend that the submission of Mr Beale be accepted, and the further submission in opposition rejected. Accordingly our recommendation is that this group of trees be listed as Item 275 in the list of protected trees.
161. The Council's schedule of submissions and further submissions has noted that a further submission in opposition to the submission of Simon Beale was lodged by Jeremy Bell Investments Limited<sup>82</sup>. It appears that this has been listed against the Beale submission in error – the further submission in fact relates to submission 385 instead, and appears to concern airport related matters.

## 8. GENERAL SUBMISSIONS ON CHAPTER 32

162. Karen Boulay<sup>83</sup> stated that *"there should be more protection of trees not less"*. Nicolas Kiddle<sup>84</sup> and Kain Fround<sup>85</sup> supported the provisions for the protection of trees. Our recommendations are for the retention of the majority of the provisions in Chapter 32, but with some amendments to satisfy other submissions. Because this is the case, the submission points of Messrs Kiddle and Fround are recommended to be accepted in part. Ms Boulay's submission implies that the rules should be stronger and/or the number of protected trees listed should be increased, but is not clear on the relief that it seeks. The PDP has extensive listings of protected and character trees, as well as the protection of trees in streets and public spaces in Arrowtown. In addition, the regulatory framework is at least as strong as that which can be reasonably justified. This submission point is recommended to be rejected.
163. Michael Farrier<sup>86</sup> has sought that a requirement be placed in the PDP to maintain and manage protected trees in the form of a maintenance schedule requiring a succession plan to periodically replace damaged and diseased trees. Ms Law's Section 42A Report noted that trees on Council land and road reserves will be maintained by the Council where necessary, subject to the rules in Chapter 32. She added that the purpose of the rules is the protection of existing listed trees, the maintenance and trimming of which is the subject of the rules in Chapter 32 specifying circumstances in which resource consent may be required. As living organisms, trees will eventually fall victim to ageing, storm events and deterioration, and will have to be removed from the list, while other currently unlisted trees which reach the threshold for listing will be added to the list in the future as they mature. There is no justification for requiring a maintenance schedule or the replacement of listed trees, unless this formed part of a resource consent process. We recommend the submission point be rejected.

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<sup>82</sup> FS1030.14

<sup>83</sup> Submission 159.9

<sup>84</sup> Submission 187.9

<sup>85</sup> Submission 19.21

<sup>86</sup> Submission 752.15

## 9. OVERALL RECOMMENDATION

164. For the reasons we have set out above, we recommend to the Council that:
- a. Chapters 32, in the form set out in Appendix 1, be adopted; and
  - b. The relevant submissions and further submissions be accepted, accepted in part or rejected as set out in Appendix 2.
165. We also recommend to the Stream 10 Hearing Panel that the definitions listed in Appendix 3 be included in Chapter 2 for the reasons set out above.

**For the Hearing Panel**



**Denis Nugent, Chair**  
**Dated: 29 March 2018**

## Appendix 1: Chapter 32 as Recommended

# 32 PROTECTED TREES

## 32.1

# Purpose

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Trees have an important environmental, heritage and cultural role and collectively endow the rural and urban landscape with distinctive environmental quality and character.

The purpose of these provisions is to protect trees that have been identified as having high botanical, amenity and heritage values from avoidable removal. The provisions also recognise and provide for the retention and maintenance of trees that contribute to the amenity, character and heritage values of the Arrowtown Residential Historic Management Zone.

The focus is on the protection of trees from inappropriate removal or trimming, and to manage works within the root protection zone. However, it is recognised that there may be circumstances when substantial pruning or removal are unavoidable due to poor health or damage.

## 32.2

# Objectives and Policies

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### 32.2.1 **Objective - The protection of scheduled trees and groups of trees from avoidable removal or damage**

Policies

- 32.2.1.1** Identify and schedule in the District Plan the District's protected trees.
- 32.2.1.2** Protect scheduled trees from avoidable removal, removal of the protected tree status or inappropriate trimming or destruction, recognising them as an important part of the character, amenity and heritage values of the District.
- 32.2.1.3** Recognise that where genuine circumstances exist, the removal or significant trimming of protected trees may not be avoidable because the values of the tree for which it was protected have significantly deteriorated, or the tree is causing a hazard to life or property.
- 32.2.1.4** Permit works and maintenance to be undertaken on protected trees where the work will assist in maintaining the health of the tree.
- 32.2.1.5** To schedule for protection examples of existing wilding tree species and hedgerows, in those circumstances where they add substantially to amenity and heritage values, and where it is practicable to manage them so as to avoid their spread in accordance with Objective 34.2.1.

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**32.2.2 Objective - The protection of trees in streets and public spaces within the Arrowtown Residential Historic Management Zone, recognising their contribution to amenity and heritage values.**

- Policies
- 32.2.2.1** Provide efficiencies to the Council where it is responsible for the conservation, maintenance and management of trees within streets and public spaces.
  - 32.2.2.2** Recognise that trees within streets and public spaces provide a significant contribution to the amenity, heritage and biodiversity values of the Arrowtown Residential Historic Management Zone.
  - 32.2.2.3** Protect trees within streets and public places in the Arrowtown Residential Historic Management Zone while acknowledging the primary function of streets and public spaces.
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**32.2.3 Objective - The management and protection of character trees and groups of trees within the Arrowtown Residential Historic Management Zone to ensure the amenity and heritage values of the zone are maintained.**

- Policies
- 32.2.3.1** Identify and schedule in the District Plan, after informing and consulting with the landowner affected, trees and groups of trees within the Arrowtown Residential Historic Management Zone that contribute to the zone's unique character and heritage values.
  - 32.2.3.2** Protect or enhance Arrowtown's unique character and amenity by recognising the contribution trees and groups of trees make to Arrowtown's landscape, cultural identity and historic heritage values.
  - 32.2.3.3** Acknowledge the important role trees and groups of trees have in contributing to the character and historic heritage of Arrowtown, despite that on an individual basis a tree or group of trees may not be significant in stature.
  - 32.2.3.4** Have regard to the reasonable and efficient use of land anticipated in the Arrowtown Residential Historic Management zone, while ensuring the removal or modification of trees or groups of trees does not lead to the cumulative loss of Arrowtown's heritage character and amenity values.
  - 32.2.3.5** To schedule for protection existing examples of wilding tree species and hedgerows which add substantially to the amenity and heritage character of historic Arrowtown, and where it is practicable to manage them so as to avoid their spread in accordance with Objective 34.2.1.

## 32.3

# Other Provisions and Rules

### 32.3.1 District Wide

Attention is drawn to the following District Wide chapters.

1	Introduction	2	Definitions	3	Strategic Direction
4	Urban Development	5	Tangata Whenua	6	Landscapes and Rural Character
25	<i>Earthworks</i>	26	Historic Heritage	27	Subdivision
28	Natural Hazards	29	<i>Transport</i>	30	Energy and Utilities
31	<i>Signs</i>	33	Indigenous Vegetation	34	Wilding Exotic Trees
35	Temporary Activities and Relocated Buildings	36	Noise	37	Designations
	Planning Maps				

### 32.3.2 Interpreting and Applying the Rules

**32.3.2.1** The following abbreviations are used in the tables. Any activity that is not permitted (P) requires resource consent.

P Permitted                      RD Restricted Discretionary                      D Discretionary

## 32.4

# Rules - Protected Trees

Table 1	Protected Trees	Activity Status
	<b>Activities involving protected trees listed in Schedule 32.8 shall be subject to the following rules.</b>	
<b>32.4.1</b>	Minor trimming of a protected tree and minor trimming of a protected hedgerow.	P
<b>32.4.2</b>	Significant trimming, removal, damage or destruction of a protected tree or hedgerow.	D
<b>32.4.3</b>	Any works within the root protection zone of a protected tree.	D
<b>32.4.4</b>	Maintenance of protected hedgerows comprising the trimming of not greater than 50% of the canopy provided such work is supervised by a technical arborist first approved by the Queenstown Lakes District Council.	P

<b>Table 1</b>	<b>Protected Trees</b> <b>Activities involving protected trees listed in Schedule 32.8 shall be subject to the following rules.</b>	<b>Activity Status</b>
<b>32.4.5</b>	The removal or significant trimming of a protected tree where the tree is dead, diseased or damaged and likely to cause an imminent hazard to life or property subject to the following activity standards: a. Notification of the removal or significant trimming shall be made to the Council prior to commencing the works. b. Following the works a report must be provided from a technical arborist outlining that the tree was dead, diseased or damaged or likely to cause an imminent hazard to life or property.	P
<b>32.4.6</b>	Maintenance of the ground within the root protection zone such as lawn mowing or gardening, provided that the maintenance does not alter the ground levels, remove soil or cause damage to the tree root system.	P
<b>32.4.7</b>	Any works to a protected tree or activity within the root protection zone not provided for in Table 1.	D

<b>Table 2</b>	<b>Trees in streets and public spaces within the Arrowtown Residential Historic Management Zone not Scheduled as a Protected Tree.</b>	<b>Activity Status</b>
	<b>Works by the Council or its agent</b>	
<b>32.4.8</b>	Removal or significant trimming where the tree is dead, diseased or damaged and likely to cause an imminent hazard to life or property.	P
<b>32.4.9</b>	Minor trimming carried out by the Council or its agent.	P
<b>32.4.10</b>	Any works within the root protection zone of any tree less than 4m in height.	P
<b>32.4.11</b>	The removal or significant trimming of any tree less than 4m in height.	P
<b>32.4.12</b>	The removal, significant trimming or works within the root protection zone of any tree greater than 4m in height.	D
	<b>Works by any other person or party</b>	
<b>32.4.13</b>	Minor trimming of a tree and minor trimming of a hedgerow.	P
<b>32.4.14</b>	The removal or significant trimming of a tree or hedgerow.	D
<b>32.4.15</b>	Any works within the root protection zone of a tree.	D

Table 3	Trees and groups of trees within the Arrowtown Residential Historic Management Zone identified on the planning maps and scheduled as a character tree in Part 32.6.	Activity Status
<b>32.4.16</b>	<p>Significant trimming, removal, destruction or damage of a tree or hedgerow.</p> <p>The Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> <li>the character, cultural and amenity values of the tree(s) or hedgerow;</li> <li>whether the works are reasonably necessary to enable the land and buildings to be used efficiently, including provision for reasonable sunlight admission and sufficient clearance to allow for routine property maintenance;</li> <li>whether the works proposed would significantly compromise the values for which the tree or hedgerow is protected;</li> <li>whether any tree planting or landscaping is proposed, and the extent to which this would mitigate or compensate for any tree/hedgerow removal or trimming sought through the application;</li> <li>whether the removal of the tree/hedgerow or group of trees, would create a cumulative adverse effect due to previous tree/hedgerow removals, whether on the same property or not;</li> <li>the effect of the works on the health and structural stability of the tree or hedgerow resulting from any significant trimming and the possibility of viable alternatives, as well as whether whether arboricultural or industry recognised and accepted best practice methods will be adhered to.</li> </ol>	RD
<b>32.4.17</b>	Minor trimming of a tree or hedgerow.	P
<b>32.4.18</b>	<p>Any works, including building, excavations or trenching for underground services within the root protection zone of a tree or hedgerow, whether on the same site or not.</p> <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> <li>the potential effects on the health or structural stability of the tree or hedgerow both in the short and long-term;</li> <li>whether arboricultural or industry recognised and accepted best practice methods will be adhered to;</li> <li>whether any viable and practicable alternatives are available.</li> </ol>	RD
<b>32.4.19</b>	Maintenance of a character hedgerow comprising the trimming of not greater than 50% of the canopy, provided such work is carried out under the authority and supervision by a technical arborist first approved by the Queenstown Lakes District Council.	P
<b>32.4.20</b>	<p>The removal or significant trimming of a character tree where the tree is dead, diseased or damaged or likely to cause an imminent hazard to life or property.</p> <ol style="list-style-type: none"> <li>Notification of the removal or significant trimming shall be made to the Council prior to commencing the works.</li> <li>Following the works a report must be provided to the Council from a technical arborist outlining that the tree was dead, diseased or damaged or likely to cause an imminent hazard to life or property.</li> </ol>	P

Note: Attention is also drawn to the provisions of sections 330 and 330A of the Resource Management Act 1991, which provides for the removal of a protected or character tree or hedgerow listed in the Schedule, or a tree or hedgerow within a street or public place within the ARHMZ, by the Council or a network utility operator, where this is likely to cause loss of life, injury or serious damage to property.

## 32.5

# Rules - Non-Notification of Application

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

## 32.6

# Schedule of Character Trees in the Arrowtown Residential Historic Management Zone

Item	Address	Legal Description	Species	Contribution
1	3 Berkshire Street 5 Berkshire Street	Lot 1 DP 9213 Lot 2 DP 9123	Hawthorn hedge (Crataegus monogyna) English Oak (Quercus robur) cluster	Contributes to amenity of Arrow Lane and Town Centre
2	5 Berkshire Street	Lot 2 DP 9123	Cypress (Cupressus sp)	Tall columnar distinctive evergreen tree in backdrop to Town Centre.
3	7 Berkshire Street	Lot 3 DP 9123	Norway Spruce (Picea abies)	Tall landmark tree planted by settlers. Heritage and amenity values
4	9 Berkshire Street 11 Berkshire Street	Lot 4 Lot 2 DP 9123 Lot 5 Lot 2 DP 9123	Hawthorne hedge (Crataegus sp)	Heritage and amenity value on Berkshire St
5	9, 11,12, 58 Wiltshire Street 10,12, 14, 14a Merioneth Street 5, 7 Hertford Street 2 Arrow Lane	Lot 2 DP 19690 Lot 1 DP 19537 Sections 1-4 SO 14012 Block I Town of Arrowtown Section 6 Block I Town of Arrowtown Section 7 Block I Town of Arrowtown Lot 2 DP 19573	Sycamore (Pseudoplatanus) Common Elm (Ulmus procera)	Collectively significant grouping to character and amenity of lower Wiltshire St, Buckingham St and Library Green. Follows first terrace
6	16, 18 Wiltshire Street	Lot 1 DP 23743	Hawthorne hedge	Heritage and amenity
7	5 Denbigh Street	Lot 2 DP 11779	Copper beech (Fagus silvatica Purpurea)	Amenity value. Only tall tree in this block. Provides stature and amenity.

Item	Address	Legal Description	Species	Contribution
8	28 & 30 Buckingham St	NOT IN RAHMZ	English Oak ( <i>Quercus robur</i> )	Amenity value in town centre zone
9	10 Buckingham Street 2 Berkshire Street	PT SEC 6 BLK VII ARROWTOWN PT SECS 5-6 BLK VII ARROWTOWN TN PT SECS 5-6 BLK VII ARROWTOWN TN	Lombardy poplar ( <i>Populus nigra</i> 'Italica'), Walnut ( <i>Juglans regia</i> )	Heritage and character
10	70 Buckingham Street	Lot 19 DP 9914	Red oak ( <i>Quercus rubra</i> ), Sycamore, Copper beech)	Large deciduous trees contributing to character and heritage. Sycamore planted by settlers.
11	11 Camp Lane	Lot 18 DP 9914	Sycamore	Heritage and amenity. Large deciduous tree
12	64-66 Buckingham Street 7-9 Merioneth Street 2 Camp Lane	Section 1, 2, 9, 10 Block XII Town of Arrowtown	Hawthorne hedges, Copper beech, <i>Prunus</i> sp, European Elm, Lombardy poplar	Heritage and amenity adjoining Buckingham St
13	51 Buckingham Street 2 Wiltshire Street	Part Section 1 Block X Town of Arrowtown Sections 6-7 Block X Town of Arrowtown	Claret Ash, <i>Prunus</i> sp, <i>Acer</i> sp	Amenity
14	5, 7, 9, 11 Surrey St	Lot 2 DP 408944	Lombardy poplar ( <i>P. nigra</i> 'Italica') and macrocarpa ( <i>Cupressus macrocarpa</i> )	Heritage and rural character.
15	4 Merioneth Street	Town Section 5 Block X Town of Arrowtown	<i>Prunus</i> sp, walnut, red oak	Heritage and amenity
16	6 Merioneth Street	Lot 2 DP 12521	Copper beech ( <i>Fagus sylvatica</i> 'Purpurea')	Amenity
18	21 - 23 Merioneth Street	Section 13 Block XX Town of Arrowtown	Walnut	Heritage and amenity
19	29 Merioneth Street	Section 3 Block XX Town of Arrowtown	Silver birch ( <i>Betula</i> sp.) Partly on road reserve	Amenity value
20	11 Bedford Street 9 Bedford Street (Reserve)	Section 3 Block XXIV Town of Arrowtown Section 15 Block XXIV Town of Arrowtown	Sycamore ( <i>Acer Psuedoplatanus</i> ), European Ash ( <i>Fraxinus</i> sp), <i>Prunus</i> spp. Hawthorne, Douglas fir ( <i>Psuedosuga menziesii</i> )	Significant tree grouping that contributes to streetscape amenity and amenity of adjoining reserve.
21	17 Bedford Street 19 Bedford Street	Lot 8 DP 8405 Lot 7 DP 8405	Two x English Elm ( <i>Ulmus procera</i> )	Forms part of historic avenue on intersection of Buckingham and Bedford Streets
22	14, 16, 18 Nairn Street	Lots 9, 10 and 11 DP 8405	Hawthorne hedge and Sycamore	Contributes to heritage and amenity values on Nairn St
23	30 Nairn Street	Lot 4 DP 9802	Walnut ( <i>Juglans regia</i> )	Large deciduous nut tree with historic and amenity value
24	43 Buckingham St	Part Section 4 Block IX Town of Arrowtown	Privet hedge on Buckingham St frontage ( <i>Ligustrum ovalifolium</i> ), Ash ( <i>Fraxinus</i> sp)	Amenity, streetscape character TOWN CENTRE ZONE

Item	Address	Legal Description	Species	Contribution
25	69 Buckingham Street 71 Buckingham Street	Section 3 Block XI Town of Arrowtown Lot 2 DP 15734 Lot 1 DP 15734	English oak ( <i>Quercus robur</i> ), Walnut ( <i>Juglans regia</i> )	Heritage trees
26	69 Buckingham Street	Section 3 and Section 6 Block XI Town of Arrowtown	Lime ( <i>Tilia europaea</i> )	Amenity and character
27	10,12, 14 Merioneth Street	Lot 2 DP 11593 Lot 1 DP 11593 Lot 1 DP 17118 Inclusive of Units A and C DP 2023	Poplar, ( <i>P. nigra</i> 'Italica') sycamore 'Acer Psuedoplatanus' Fraxinus sp	Part of treed backdrop following river terrace and providing enclosure and backdrop to Library Green
28	5 Hertford Street	Lot 2 DP 19573	Privet hedge	Amenity and heritage values
29	7 Hertford Street 14 Merioneth St	Lot 2 DP 17118 Lot 1 DP 17118 Inclusive of Units A and C DP 2023	Douglas fir ( <i>Psuedotsuga menziesii</i> )	Tall landmark tree planted by early settlers
30	13 Hertford Street	Lot 19 DP 9914	Walnut ( <i>Juglans regia</i> )	Tall edible nut tree. Representative of early settler plantings.
31	Upper Camp Lane linking through to Cardigan Street (overlaps 15,17,19, 21 Hertford St and 22,28 Cardigan Street)	Section 6 Block XII Town of Arrowtown Lot 14 DP 9914 Lot 13 DP 9914 Lot 15 DP 9914 Section 13 Block XII Town of Arrowtown Lot 12 DP 9914 Section 14 Block XII Town of Arrowtown	English Elm ( <i>Ulmus procera</i> ) Sycamore ( <i>Acer Psuedoplatanus</i> ), Rowan ( <i>Sorbus aucuparia</i> ), Douglas Fir ( <i>Psuedotsuga menziesii</i> ) 3 Walnuts ( <i>Juglans regia</i> )	Forms part of green belt following the first terrace above the Arrow River
32	21 Anglesea Street and Road Reserve	Part Section 6 Block II Town of Arrowtown	NZ Mountain Beech ( <i>Nothofagus solandri</i> var. <i>Cliffortioides</i> )	Good example of mountain beech. Provides link to natural beech in surrounding mountain gullies. There are few native beech growing within Arrowtowns Historic Zone.
33	20-22 Anglesea Street	Lot 3 DP 7794	Walnut, Cherry Plum	Heritage and amenity value
34	24 Anglesea Street	Lot 4 DP 7794	Copper Beech ( <i>Fagus silvatica</i> 'Purpurea'), Walnut ( <i>Juglans regia</i> )	Large amenity tree in neighbourhood with few tall trees
35	9 Anglesea Street	Section 7 Block V Town of Arrowtown	Privet hedge on frontage and fruit trees at rear	Heritage and amenity value

Item	Address	Legal Description	Species	Contribution
37	11 Anglesea Street	Lot 2 DP 11488	Mixed species hedge on front boundary (Viburnum, Privet, Lilac)	Heritage and amenity
38	9 Denbigh Street	Section 4 Block II Town of Arrowtown	Lilac (Syringa) Pittosporum, Flowering quince (Chaenomeles), Privet (Ligustrum ovalifolium)	Good example of a tapestry hedge of multiple sp. Hedge is on Anglesea St boundary
40	13 and 15 Berkshire Street	Section 2 Block IV Town of Arrowtown Section 1 Block IV Town of Arrowtown	Red oak (Quercus rubra), Pin oak (Quercus palustris), Kowhai (Sophora microphylla), Poplar sp (Populus sp), cherry laurel (Prunus laurocerasus)	This section belonging to the Anglican Church is unbuilt on and provides visual relief and amenity on the corner of Berkshire and Anglesea Streets.
41	1&5 Anglesea Street	Section 15 Block V Town of Arrowtown Section 11 Block V Town of Arrowtown Sections 1 -2 SO 339000 Part Section 11 Block V Town of Arrowtown	English Elm (Ulmus procera), Flowering Quince, (Chaenomeles japonica), Mountain beech,(Nothofagus solandri 'Cliffortoides') Walnut (Juglans regia), Broadleaf Griselinia littoralis) English  Oak (Quercus robur), Gooseberry (Ribes ulva crispa), crabapple (Malus sp)	Vegetation bordering Rose Douglas Park and 5 Anglesea St. Provides enclosure, amenity and screening to park
42	5 Anglesea Street	Part Section 11 Block V Town of Arrowtown	Chaenomeles & Privet hedge	Contributes to historic streetscape on Anglesea St.
44	15 Berkshire Street 17 Berkshire Street	Section 2 Block IV Town of Arrowtown Section 3 Block IV Town of Arrowtown	Cherry laurel, English elm, Picea sp	Contribute to setting and context of historic Anglican timber church
45	10,22,24,26 Berkshire Street	Sections 1, 2, 3, 4, Block VIII Town of Arrowtown	Holly hedge	Contributes to historic character of Berkshire St avenue
46	19, 21 Berkshire Street	Part Section 1 Block XIV Town of Arrowtown Lot 3 DP 18207	Hawthorne and English Elm hedge	Contributes to historic character of Berkshire St avenue  (Note: hedge on 19 Berkshire St continues into Caernarvon St)
47	14,16,18 Caernarvon Street	Section 2, 3, 4 Block XIV Town of Arrowtown	Fruit trees	Part of early orchard. Heritage values
48	18 Caernarvon Street	Section, 4 Block XIV Town of Arrowtown	Red Oak, Walnut trees, fruit trees and Hawthorne hedge	Amenity and streetscape character
49	20 and 22 Caernarvon Street	Section, 5 Block XIV Town of Arrowtown Lot 1 DP 10960	Walnut	Tall edible tree representative of trees planted by early settlers
50	24 Caernarvon Street	Lot 2 DP 10960	Lonicera hedge	Historic character to timber bungalow and wider streetscape

Item	Address	Legal Description	Species	Contribution
51	25 Caernarvon Street	Part Section 9 Block IV Town of Arrowtown	Walnut	Tall edible tree representative of trees planted by early settlers
52	22 Denbigh Street	Lot 2 DP 15455	Walnut	Amenity and heritage value
53	21 Denbigh Street	Section 1 Block XV Town of Arrowtown	English Oak	Tall mature tree. Amenity values
54	34 and 36 Caernarvon Street	Section and Section 2 Block XV Town of Arrowtown	Two Walnut Trees	Early planting with heritage and amenity values
55	40 Caernarvon Street	Lot 2 DP 12438	Copper Beech	Tall amenity tree in prominent location
56	34 Merioneth Street	Section 8 Block III Town of Arrowtown	Copper beech, Hawthorne hedge, Red Oak, Prunus sp	Copper beech is a distinctive tall tree and hawthorne hedge contributes to heritage and amenity
57	31 Merioneth Street 33 Merioneth Street	Section 2 Block XX Town of Arrowtown Section 1 Block XX Town of Arrowtown	Lombardy poplar, Sycamore Damson plum, Hawthorne hedge, Quercus sp assorted fruit trees eg Pear, apricot, cherry laurel	Heritage values associated with historic Tobins Cottage. Contributes to old town character
58	37 and 33 Caernarvon Street	Part Section 4 Block III Town of Arrowtown South ½ of Part Section 5 Block III Town of Arrowtown	Hawthorne hedge	Heritage character and amenity
59	19 Denbigh Street	Part Section 4 Block III Town of Arrowtown	Almond, lilac, walnut, and hedge consisting of cotoneaster, pittosporum and viburnum	Heritage character and amenity
60	5, 7, 9, 11 Surrey Street 3-7 Villiers Street	Lot 1 DP 408944 Lot 2 DP 408944 Lot 3 DP 408944 Section 4 SO 416155 Road Reserve	Fruit trees, walnut, monkey puzzle	Heritage values (Redihaven) and botanical interest
61	1 Villiers Street	Section 2 SO 472628	Cypress sp (Cupressus sp)	Tall conifer. Heritage character and amenity
62	1-13 Cardigan Street t	Lot 6 DP 11786	Red Oak (Quercus rubra)	Heritage character and amenity
63	78 Buckingham Street	Lot 4 DP 9914	Lombardy poplar (Populus sp)	Heritage character and amenity
64	4, 6, 8 Hertford Street	Section 2, Section 3, Section 4 Block V Town of Arrowtown	Holly and hawthorn hedges	Heritage character and amenity
65	41 Caernarvon Street 34 Merioneth Street	Section 7 Block III Town of Arrowtown	Copper beech, Hawthorn hedge	Heritage character and amenity
66	10 Hertford Street	Lot 1 DP 7793	Hawthorne hedge	Heritage character and amenity

## 32.7

## Schedule of Protected Trees District Wide

**32.7.1 \*Items are located on road, lake or river and the land it is located within does not have a legal description. The legal description and parcel ID shown are the closest proximity to that item and are for reference purposes.**

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
1	Eucalyptus globulus	Lot 1	DP 334121	6701399	†
2	Eucalyptus globulus	Lot 123	DP 9161	3090349	†
2	Eucalyptus globulus	Lot 123	DP 9161	3090349	†
2	Eucalyptus leucoxylon	Lot 123	DP 9161	3090349	†
2	Eucalyptus globulus	Lot 123	DP 9161	3090349	†
2	Eucalyptus cinerea	Section 2	SO 421664	7191348	†
2	Eucalyptus leucoxylon	Pt Lot 255	DP 7086	7204858	†
4	Crataegus monogyna	Lot 6	DP 360656	6829706	
5	Juglans regia	Section 15 Blk XX	TN OF Arrowtown	3065305	
9	Quercus rubra	Lot 2	DP 12884	3129516	
10	Aesculus hippocastanum	Lot 9	DP 22121	3096248	
10	Pyrus communis	Lot 9	DP 22121	3096248	
10	Pyrus communis	Lot 9	DP 22121	3096248	
10	Ulmus glabra 'Lutescens'	Lot 2	DP 476309	7534358	
11	Ulmus glabra 'horizontalis'	Lot 1	DP 365052	6838201	†
146	Acer palmatum	Section 1 Blk XVIII	TN OF Queenstown	3057935	†
147	Sequoiadendron giganteum	Section 7 Blk XXXI	TN OF Queenstown	3014700	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
147	Sequoiadendron giganteum	Section 17 Blk XVI	TN OF Queenstown	3047281	†
148	Ulmus procera	Lot 2	DP 18459	3124308	
148	Fraxinus excelsior	Lot 2	DP 18459	3124308	
148	Acer psuedoplatanus	Lot 2	DP 18459	3124308	
150	Sorbus acuparia	Section 1 Blk XXXIIIA	TN OF Queenstown	3090844	†
152	Sequoiadendron giganteum	Pt Section 1 Blk XXXVII	TN OF Queenstown	3094584	†
153	Tilia x europaea	Section 4 Blk XX	TN OF Queenstown	3117540	†
153	Tilia x europaea	Section 5 Blk XX	TN OF Queenstown	3110906	
155	Araucaria araucana	Pt Section 7 Blk LI	TN OF Queenstown	3006370	
155	Abies grandis	Pt Section 7 Blk LI	TN OF Queenstown	3006370	
155	Abies grandis	Pt Section 7 Blk LI	TN OF Queenstown	3006370	
155	Sequoiadendron giganteum	Pt Section 7 Blk LI	TN OF Queenstown	3006370	
155	Sequoiadendron giganteum	Pt Section 7 Blk LI	TN OF Queenstown	3006370	
155	Sequoiadendron giganteum	Pt Section 7 Blk LI	TN OF Queenstown	3006370	
155	Sequoiadendron giganteum	Pt Section 7 Blk LI	TN OF Queenstown	3006370	
156	Populus nigra 'italica'	Section 2 Blk XVII	TN OF Queenstown	3006646	†
156	Populus nigra 'italica'	Section 2 Blk XVII	TN OF Queenstown	3006646	†
156	Populus nigra 'italica'	Section 2 Blk XVII	TN OF Queenstown	3006646	†
156	Populus nigra 'italica'	Section 2 Blk XVII	TN OF Queenstown	3006646	†
156	Populus nigra 'italica'	Section 2 Blk XVII	TN OF Queenstown	3006646	†
156	Populus nigra 'italica'	Section 2 Blk XVII	TN OF Queenstown	3006646	†
156	Populus nigra 'italica'	Section 2 Blk XVII	TN OF Queenstown	3006646	†
156	Populus nigra 'italica'	Pt Section 110 Blk XX	Shotover SD	3066939	†
156	Populus nigra 'italica'	Pt Section 110 Blk XX	Shotover SD	3066939	†
156	Populus nigra 'italica'	Pt Section 110 Blk XX	Shotover SD	3066939	†
156	Populus nigra 'italica'	Pt Section 110 Blk XX	Shotover SD	3066939	†
156	Populus nigra 'italica'	Pt Section 110 Blk XX	Shotover SD	3066939	†
156	Populus nigra 'italica'	Pt Section 110 Blk XX	Shotover SD	3066939	†
156	Populus nigra 'italica'	Pt Section 110 Blk XX	Shotover SD	3066939	†
156	Populus nigra 'italica'	Pt Section 110 Blk XX	Shotover SD	3066939	†
157	Tilia x europaea	Section 2 Blk XVII	TN OF Queenstown	3006646	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
159	<i>Sequoiadendron giganteum</i>	Pt Section 110 Blk XX	Shotover SD	3066939	†
159	<i>Sequoiadendron giganteum</i>	Pt Section 110 Blk XX	Shotover SD	3066939	†
159	<i>Sequoiadendron giganteum</i>	Pt Section 110 Blk XX	Shotover SD	3066939	†
159	<i>Sequoiadendron giganteum</i>	Pt Section 110 Blk XX	Shotover SD	3066939	
162	<i>Sequoiadendron giganteum</i>	Lot 300	DP 365562	6850465	
163	<i>Populus nigra</i> 'italica'	Pt Section 1	SO 24109	6646572	
164	<i>Cedrus atlantica</i>	Pt Section 8 Blk I	Earnslaw SD	3119617	
165	<i>Picea smithiana</i>	Section 27 Blk I	Earnslaw SD	3035793	
165	<i>Picea smithiana</i>	Section 27 Blk I	Earnslaw SD	3035793	
166	<i>Pinus lambertiana</i>	Section 28 Blk I	Earnslaw SD	3123430	
166	<i>Pinus lambertiana</i>	Section 28 Blk I	Earnslaw SD	3123430	
166	<i>Pinus lambertiana</i>	Section 28 Blk I	Earnslaw SD	3123430	
166	<i>Pinus lambertiana</i>	Section 27 Blk I	Earnslaw SD	3035793	
168	<i>Juglans regia</i>	Section 134 Blk XX	Shotover SD	3034925	
169	<i>Magnolia grandiflora</i>	Lot 4	DP 385775	6951618	
170	<i>Aesculus x carnea</i>	Lot 1	DP 395546	7015150	
171	<i>Juglans regia</i>	Lot 1	DP 395546	7015150	
172	<i>Tilia x europaea</i>	Lot 2	DP 366461	6860428	
172	<i>Tilia x europaea</i>	Lot 2	DP 366461	6860428	
173	<i>Arbutus unedo</i>	Lot 2	DP 366461	6860428	
174	<i>Pseudotsuga menziesii</i>	Lot 2	DP 366461	6860428	
175	<i>Fagus sylvatica</i>	Lot 2	DP 366461	6860428	
179	<i>Acer saccharum</i>	Lot 2	DP 366461	6860428	
180	<i>Sequoiadendron giganteum</i>	Lot 2	DP 366461	6860428	
181	<i>Juglans regia</i>	Lot 1	DP 22310	3121566	
182	<i>Quercus robur</i>	Lot 1	DP 22310	3121566	
184	<i>Cedrus libani</i>	Lot 1	DP 22310	3121566	
185	<i>Picea abies</i>	Lot 1	DP 22310	3121566	
186	<i>Sorbus domestica</i>	Lot 1	DP 22310	3121566	
187	<i>Sequoiadendron giganteum</i>	Lot 1	DP 22310	3121566	
192	<i>Laurus nobilis</i>	Crown Land Block II Mid Wakatipu Survey District		3243812	
194	<i>Taxus baccata</i> 'fastigiata'	Section 15 Blk III	Mid Wakatipu SD	3242467	
195	<i>Sequoiadendron giganteum</i>	Section 4 Blk XXIII	TN OF Queenstown	3164182	



Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 302	DP 403132	7109354	
204	Juglans regia	Lot 2	DP 336365	6694959	
204	Juglans regia	Lot 4	DP 336365	6694961	
204	Juglans regia	Lot 4	DP 336365	6694961	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 8	DP 336365	6694965	
204	Juglans regia	Lot 13	DP 336365	6694970	
204	Juglans regia	Lot 13	DP 336365	6694970	
204	Juglans regia	Lot 13	DP 336365	6694970	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 301	DP 336365	6695024	
204	Juglans regia	Lot 1	DP 336365	6694958	
204	Juglans regia	Lot 64	DP 403132	7109349	
204	Juglans regia	Lot 64	DP 403132	7109349	
204	Juglans regia	Lot 64	DP 403132	7109349	
204	Juglans regia	Lot 64	DP 403132	7109349	
204	Juglans regia	Lot 64	DP 403132	7109349	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 73	DP 403132	7109351	
204	Juglans regia	Lot 75	DP 403132	7109353	
204	Juglans regia	Lot 75	DP 403132	7109353	
204	Juglans regia	Lot 75	DP 403132	7109353	
205	Robinia pseudoacacia	Lot 1	DP 307882	6564888	
205	Robinia pseudoacacia	Lot 75	DP 403132	7109353	
205	Robinia pseudoacacia	Lot 75	DP 403132	7109353	
208	Crataegus monogyna	Lot 1	DP 22734	3087748	
207	Sequoiadendron giganteum	Section 1	SO 409393	7108992	
207	Sequoiadendron giganteum	Section 1	SO 409393	7108992	
209	Populus nigra 'italica'	Lot 2	DP 25520	3028290	†
209	Populus nigra 'italica'	Lot 2	DP 25520	3028290	
209	Populus nigra 'italica'	Lot 2	DP 25520	3028290	
209	Populus nigra 'italica'	Lot 2	DP 25520	3028290	
209	Populus nigra 'italica'	Lot 2	DP 25520	3028290	
209	Populus nigra 'italica'	Lot 2	DP 25520	3028290	
209	Populus nigra 'italica'	Lot 2	DP 25520	3028290	
209	Populus nigra 'italica'	Lot 2	DP 25520	3028290	
209	Populus nigra 'italica'	Lot 1	DP 20253	3078651	†
209	Populus nigra 'italica'	Lot 1	DP 20253	3078651	†
209	Populus nigra 'italica'	Lot 1	DP 20253	3078651	†
209	Populus nigra 'italica'	Lot 1	DP 20253	3078651	
209	Populus nigra 'italica'	Lot 1	DP 20253	3078651	
209	Populus nigra 'italica'	Lot 2	DP 22310	3089954	†
209	Populus nigra 'italica'	Lot 6	DP 301618	6524760	†
209	Populus nigra 'italica'	Lot 6	DP 301618	6524760	†
209	Populus nigra 'italica'	Lot 6	DP 301618	6524760	†
209	Populus nigra 'italica'	Lot 6	DP 301618	6524760	†
209	Populus nigra 'italica'	Lot 6	DP 301618	6524760	†
209	Populus nigra 'italica'	Lot 6	DP 301618	6524760	†
209	Populus nigra 'italica'	Lot 6	DP 301618	6524760	†





Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
209	Populus nigra 'italica'	Lot 1	DP 22310	3121566	
209	Populus nigra 'italica'	Lot 1	DP 22310	3121566	
209	Populus nigra 'italica'	Lot 4	DP 25520	3149719	†
209	Populus nigra 'italica'	Lot 4	DP 25520	3149719	†
209	Populus nigra 'italica'	Lot 4	DP 312744	6649422	†
209	Populus nigra 'italica'	Lot 4	DP 312744	6649422	†
209	Populus nigra 'italica'	Lot 4	DP 312744	6649422	
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	†
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	†
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	†
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	†
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	†
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	†
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	
209	Populus nigra 'italica'	Lot 3	DP 416007	7167724	
209	Populus nigra 'italica'	Lot 2	DP 420442	7193584	†
209	Populus nigra 'italica'	Lot 2	DP 420442	7193584	†
209	Populus nigra 'italica'	Lot 2	DP 420442	7193584	
209	Populus nigra 'italica'	Lot 1	DP 441466	7346086	†
209	Populus nigra 'italica'	Lot 1	DP 441466	7346086	†
209	Populus nigra 'italica'	Lot 1	DP 441466	7346086	†
209	Populus nigra 'italica'	Lot 1	DP 441466	7346086	
209	Populus nigra 'italica'	Lot 100	DP 441466	7346090	
210	Ulmis Louis van Houtte	opulus nigra 'italica'	DP 300643	5614087	†
212	Acer saccharum	Lot 1	DP 22658	3027334	
215	Sequoiadendron giganteum	Lot 2	DP 362778	6860714	
215	Sequoiadendron giganteum	Lot 2	DP 362778	6860714	
215	Chamaecyparis lawsoniana	Lot 2	DP 362778	6860714	
215	Tilia x europaea	Lot 2	DP 362778	6860714	
215	Tilia x europaea	Lot 2	DP 362778	6860714	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
215	<i>Tilia x europaea</i>	Lot 2	DP 362778	6860714	
215	<i>Tilia x europaea</i>	Lot 2	DP 362778	6860714	
239	<i>Castanea sativa</i>	Lot 41	DP 7926	3072118	
240	<i>Eucalyptus gunnii</i>	Lot 2	DP 361132	6867137	
240	<i>Eucalyptus gunnii</i>	Lot 2	DP 361132	6867137	†
241	<i>Eucalyptus sp.</i>	Lot 6	DP 313833	6589105	
242	<i>Quercus robur</i>	Pt Lot 2	DP 24234	6516103	
242	<i>Quercus robur</i>	Pt Lot 2	DP 24234	6516103	
242	<i>Quercus robur</i>	Pt Lot 2	DP 24234	6516103	
242	<i>Quercus robur</i>	Pt Lot 2	DP 24234	6516103	
242	<i>Quercus robur</i>	Pt Lot 2	DP 24234	6516103	
242	<i>Quercus robur</i>	Pt Lot 2	DP 24234	6516103	
244	<i>Sequoiadendron giganteum</i>	Lot 5	DP 351561	6779755	
245	<i>Tilia x europaea</i>	Pt Recreation Reserve Block XV Town of Queenstown		3161098	
246	<i>Ulmus procera</i>	Section 25C Blk VII	Shotover SD	3003569	
246	<i>Ulmus procera</i>	Section 25C Blk VII	Shotover SD	3003569	
246	<i>Ulmus procera</i>	Section 25D Blk VII	Shotover SD	3135314	†
246	<i>Ulmus procera</i>	Section 25D Blk VII	Shotover SD	3135314	†
246	<i>Ulmus procera</i>	Section 25D Blk VII	Shotover SD	3135314	†
246	<i>Ulmus procera</i>	Section 25D Blk VII	Shotover SD	3135314	
246	<i>Ulmus minor</i>	Section 25D Blk VII	Shotover SD	3135314	
246	<i>Ulmus minor</i>	Section 25D Blk VII	Shotover SD	3135314	
246	<i>Ulmus minor</i>	Lot 4	DP 18290	3120402	
247	<i>Aesculus hippocastanum</i>	Pt Section 6 Blk XX	Shotover SD	6886662	†
255	<i>Crataegus monogyna</i>	Section 1 BLK XII	TN of Arrowtown	3143545	†
263	<i>Sequoiadendron giganteum</i>	Lot 2	DP 15580	3066887	
264	<i>Ulmus procera</i>	Lot 19	DP 8405	3003317	
264	<i>Acer psuedoplatanus</i>	Lot 19	DP 8405	3003317	
264	<i>Fraxinus sp.</i>	Lot 4	DP 8405	3089336	
264	<i>Ulmus procera</i>	Lot 4	DP 8405	3089336	†
264	<i>Sorbus acuparia</i>	Lot 4	DP 8405	3089336	†
264	<i>Acer psuedoplatanus</i>	Lot 1	DP 11214	3101116	
264	<i>Acer psuedoplatanus</i>	Lot 1	DP 8405	3102324	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
264	Ulmus procera	Lot 1	DP 8405	3102324	
264	Ulmus procera	Lot 1	DP 8405	3102324	
264	Ulmus procera	Lot 2	DP 9802	3139413	†
264	Quercus robur	Lot 2	DP 9802	3139413	
264	Fraxinus excelsior	Lot 21	DP 8405	3140831	
264	Quercus robur	Lot 21	DP 8405	3140831	
264	Quercus robur	Lot 2	DP 8405	3142554	
264	Ulmus procera	Lot 1	DP 21140	3167832	
264	Ulmus procera	Lot 1	DP 23589	3012034	†
264	Quercus robur	Lot 6	DP 8405	3044419	
264	Acer psuedoplatanus	Lot 5	DP 8405	3046547	
264	Acer psuedoplatanus	Lot 5	DP 8405	3046547	
264	Acer psuedoplatanus	Lot 5	DP 8405	3046547	
264	Acer psuedoplatanus	Lot 5	DP 8405	3046547	†
264	Acer psuedoplatanus	Lot 3	DP 8405	3059634	
264	Ulmus procera	Lot 6	DP 11786	3102155	†
264	Ulmus procera	Lot 6	DP 11786	3102155	†
264	Fraxinus excelsior	Lot 6	DP 11786	3102155	†
264	Ulmus procera	Lot 5	DP 11786	3144953	†
264	Ulmus procera	Lot 5	DP 11786	3144953	†
264	Ulmus procera	Lot 5	DP 11786	3144953	†
266	Sequoiadendron giganteum	Section 2 Blk XVIII	TN OF Arrowtown	3149027	†
266	Sequoiadendron giganteum	Lot 3	DP 18207	3162756	†
267	Picea abies	Lot 1	DP 8232	3131205	
268	Acer psuedoplatanus	Section 2 Blk XI	TN OF Arrowtown	3016770	
268	Acer psuedoplatanus	Section 2 Blk XI	TN OF Arrowtown	3016770	
268	Acer psuedoplatanus	Section 2 Blk XI	TN OF Arrowtown	3016770	
268	Acer psuedoplatanus	Lot 1	DP 26376	3062051	
268	Fraxinus excelsior	Lot 2	DP 9914	3102273	†
268	Ulmus procera	Lot 3	DP 9914	3117837	
268	Ulmus procera	Lot 1	DP 15734	3141656	†
268	Ulmus procera	Lot 1	DP 15734	3141656	†
268	Ulmus procera	Lot 1	DP 15734	3141656	†

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
268	<i>Ulmus procera</i>	Lot 1	DP 15734	3141656	
268	<i>Populus nigra</i> 'italica'	Section 1 Blk XII	TN OF Arrowtown	3143545	
268	<i>Populus nigra</i> 'italica'	Section 1 Blk XII	TN OF Arrowtown	3143545	
268	<i>Ulmus procera</i>	Section 1 Blk XII	TN OF Arrowtown	3143545	†
268	<i>Ulmus procera</i>	Section 1 Blk I	TN OF Arrowtown	3145111	†
268	<i>Fraxinus excelsior</i>	Section 1 Blk I	TN OF Arrowtown	3145111	†
268	<i>Acer psuedoplatanus</i>	Lot 19	DP 9914	3013186	†
268	<i>Ulmus procera</i>	Section 4 Blk I	TN OF Arrowtown	3013799	†
268	<i>Acer psuedoplatanus</i>	Section 4 Blk I	TN OF Arrowtown	3013799	†
268	<i>Acer psuedoplatanus</i>	Pt Section 1 Blk X	TN OF Arrowtown	3025337	
268	<i>Acer psuedoplatanus</i>	Pt Section 3 Blk X	TN OF Arrowtown	3035042	
268	<i>Fraxinus excelsior</i>	Pt Section 3 Blk X	TN OF Arrowtown	3035042	
268	<i>Acer psuedoplatanus</i>	Section 2 Blk I	TN OF Arrowtown	3046312	†
268	<i>Ulmus procera</i>	Section 2 Blk I	TN OF Arrowtown	3046312	†
268	<i>Fraxinus excelsior</i>	Section 2 Blk I	TN OF Arrowtown	3046312	†
268	<i>Acer psuedoplatanus</i>	Lot 1	DP 12521	3061638	†
268	<i>Ulmus procera</i>	Lot 1	DP 12521	3061638	†
268	<i>Acer psuedoplatanus</i>	Lot 1	DP 12521	3061638	†
268	<i>Fraxinus excelsior</i>	Lot 1	DP 10422	3061646	
268	<i>Fraxinus excelsior</i>	Lot 1	DP 10422	3061646	
268	<i>Acer psuedoplatanus</i>	Section 3 Blk XI	TN OF Arrowtown	3102290	
268	<i>Acer psuedoplatanus</i>	Section 3 Blk XI	TN OF Arrowtown	3102290	
268	<i>Fraxinus excelsior</i>	Pt Section 3 Blk X	TN OF Arrowtown	3146104	†
269	<i>Abies cephalonica</i>	Lot 2	DP 480129	7554814	
270	<i>Ulmus glabra</i> 'horizontalis'	Section 15 Blk V	TN OF Arrowtown	3043960	
271	<i>Quercus palustris</i>	Section 15 Blk V	TN OF Arrowtown	3043960	
272	<i>Pyrus communis</i>	Lot 1	DP 11488	3016834	
273	<i>Catalpa bignonioides</i>	Section 4 Blk XIII	TN OF Arrowtown	3077834	†
274	<i>Juglans regia</i>	Lot 1	DP 5746	3083453	
275	<i>Larix decidua</i>	Lot 1	DP 18109	3044406	
275	<i>Larix decidua</i>	Lot 1	DP 18109	3044406	
275	<i>Larix decidua</i>	Lot 1	DP 18109	3044406	
275	<i>Larix decidua</i>	Lot 1	DP 18109	3044406	



Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Larix decidua	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Larix decidua	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Larix decidua	Lot 1	DP 18109	3044406	
275	Larix decidua	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Larix decidua	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Larix decidua	Lot 1	DP 18109	3044406	
275	Larix decidua	Lot 1	DP 18109	3044406	
275	Larix decidua	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
275	Picea breweriana	Lot 1	DP 18109	3044406	
276	Sequoiadendron giganteum	Section 2 Blk XXII	TN OF Arrowtown	3023911	
276	Sequoiadendron giganteum	Section 2 Blk XXII	TN OF Arrowtown	3023911	
276	Sequoiadendron giganteum	Section 3 Blk XXII	TN OF Arrowtown	3152571	
276	Sequoiadendron giganteum	Section 3 Blk XXII	TN OF Arrowtown	3152571	
277	Sequoiadendron giganteum	Lot 3	DP 342248	6728643	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
277	Sequoiadendron giganteum	Lot 2	DP 342248	6728642	
420	Sequoiadendron giganteum	Section 16 Blk I	Kingston SD	3214080	
420	Sequoiadendron giganteum	Section 16 Blk I	Kingston SD	3214080	†
421	Eucalyptus gunnii	Lot 1 SECT 15Blk I	Kingston SD	3242602	†
560	Abies grandis	Lot 14	DP 26147	3062639	
561	Abies pinsapo	Pt Section 47 Blk XIV	Lower Wanaka SD	3044102	
562	Acer psuedoplatanus	Lot 3	DP 408132	7109279	
563	Acer saccharum	Lot 9	DP 13040	3026497	
564	Aesculus hippocastanum	Lot 3	DP 408132	7109279	
565	Betula pendula	Lot 3	DP 408132	7109279	
565	Betula pendula	Lot 3	DP 408132	7109279	
565	Betula pendula	Lot 3	DP 408132	7109279	
565	Betula pendula	Lot 3	DP 408132	7109279	
565	Betula pendula	Lot 3	DP 408132	7109279	
565	Betula pendula	Lot 3	DP 408132	7109279	
565	Betula pendula	Lot 3	DP 408132	7109279	
565	Betula pendula	Lot 3	DP 408132	7109279	
566	Calocedrus decurrens	Crown Land Block IV Lower Wanaka Survey District		3130973	
566	Calocedrus decurrens	Crown Land Block IV Lower Wanaka Survey District		3130973	
568	Cedrus deodara	Lot 1	DP 16152	3151720	
569	Chamaecyparis lawsoniana	Section 53 Blk I	Cardrona SD	3081253	
570	Corylus avellana	Lot 3	DP 408132	7109279	
574	Acer palmatum	Lot 8	DP 27278	6504787	
574	Acer palmatum	Lot 8	DP 27278	6504787	
575	Fraxinus excelsior	Lot 3	DP 408132	7109279	
576	Ginkgo biloba	Section 1 Blk XLII	TN OF Wanaka	3084065	
577	Juglans regia	Lot 1	DP 16152	3151720	
577	Juglans regia	Lot 1	DP 16152	3151720	
577	Juglans regia	Lot 1	DP 16152	3151720	
577	Juglans regia	Lot 1	DP 16152	3151720	
577	Juglans regia	Lot 1	DP 16152	3151720	
578	Juglans regia	Lot 5	DP 382935	6979598	
580	Maclura pomifera	Lot 82	DP 375230	6904683	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
581	Acacia baileyana	Lot 1	DP 16152	3151720	
582	Metasequoia glyptostroboides	Lot 1	DP 21501	3041268	
583	Metasequoia glyptostroboides	Section 67 Blk XIV	TN OF Wanaka	3169146	
584	Picea abies	Lot 3	DP 408132	7109279	
585	Picea abies	Section 53 Blk I	Cardrona SD	3081253	
586	Picea abies	Lot 2	DP 420241	7204771	
586	Picea abies	Lot 2	DP 420241	7204771	
588	Fraxinus sp.	Lot 7	DP 18590	3030960	†
588	Platanus x hispanica 'Acerifolia'	Lot 7	DP 18590	3030960	
588	Platanus x hispanica 'Acerifolia'	Lot 7	DP 18590	3030960	
588	Platanus x hispanica 'Acerifolia'	Lot 7	DP 18590	3030960	†
588	Platanus x hispanica 'Acerifolia'	Lot 7	DP 18590	3030960	†
588	Platanus x hispanica 'Acerifolia'	Lot 7	DP 18590	3030960	†
588	Platanus x hispanica 'Acerifolia'	Lot 7	DP 18590	3030960	
588	Fraxinus sp.	Lot 52	DP 21967	3087563	
588	Platanus x hispanica 'Acerifolia'	Lot 5	DP 18590	3092511	
588	Platanus x hispanica 'Acerifolia'	Lot 55	DP 15833	3114028	
588	Platanus x hispanica 'Acerifolia'	Lot 2	DP 302776	6535836	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 340126	6715300	†
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 340126	6715300	†
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 340126	6715300	
588	Fraxinus sp.	Lot 1	DP 340126	6715300	†
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 340126	6715300	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 340126	6715300	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 340126	6715300	
588	Fraxinus sp.	Lot 2	DP 408206	7088974	
588	Platanus x hispanica 'Acerifolia'	Lot 2	DP 408206	7088974	
588	Platanus x hispanica 'Acerifolia'	Lot 2	DP 408206	7088974	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 426301	7243999	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 426301	7243999	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 426301	7243999	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 426301	7243999	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 426301	7243999	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
588	Fraxinus sp.	Lot 1	DP 426301	7243999	
588	Platanus x hispanica 'Acerifolia'	Lot 6	DP 18590	3141626	†
588	Platanus x hispanica 'Acerifolia'	Lot 6	DP 18590	3141626	†
588	Platanus x hispanica 'Acerifolia'	Lot 6	DP 18590	3141626	†
588	Platanus x hispanica 'Acerifolia'	Lot 6	DP 18590	3141626	†
588	Fraxinus sp.	Lot 6	DP 18590	3141626	†
588	Fraxinus sp.	Lot 6	DP 18590	3141626	†
588	Fraxinus sp.	Lot 6	DP 18590	3141626	
588	Platanus x hispanica 'Acerifolia'	Lot 6	DP 18590	3141626	
588	Platanus x hispanica 'Acerifolia'	Lot 3	DP 302776	6535837	†
588	Platanus x hispanica 'Acerifolia'	Lot 3	DP 302776	6535837	†
588	Fraxinus sp.	Lot 3	DP 302776	6535837	†
588	Platanus x hispanica 'Acerifolia'	Lot 3	DP 302776	6535837	†
588	Platanus x hispanica 'Acerifolia'	Lot 2	DP 340126	6715301	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 408206	7088973	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 408206	7088973	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 408206	7088973	
588	Fraxinus sp.	Lot 1	DP 408206	7088973	
588	Platanus x hispanica 'Acerifolia'	Lot 1	DP 408206	7088973	
589	Populus nigra	Pt Section 1	SO 24921	3113724	
590	Populus nigra	Lot 1	DP16152	3151720	
591	Populus nigra 'italica'	Crown Land Block I Town of Albert Town		3026944	
592	Nothofagus solandrii var. cliffortoides	Crown Land Block IV Motatapu Survey District		6783582	
592	Nothofagus solandrii var. cliffortoides	Section 12	SO 350038	6783598	
593	Pseudotsuga menziesi	Lot 14	DP 26147	3062639	
594	Pseudotsuga menziesi	Lot 14	DP 26147	3062639	
596	Quercus robur	Lot 18	DP 24481	3046372	
596	Quercus robur	Lot 18	DP 24481	3046372	
596	Quercus robur	Lot 2	DP 314131	6589906	
598	Quercus robur	Lot 1	DP 16152	3151720	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
599	Quercus robur	Lot 3	DP 449599	7397688	
600	Sequoiadendron giganteum	Lot 1	DP 20290	3012654	
601	Sequoiadendron giganteum	Section 45 Blk III	Lower Wanaka SD	3115890	
601	Sequoiadendron giganteum	Lot 14	DP 26147	3062639	
601	Sequoiadendron giganteum	Lot 1	DP 16152	3151720	
601	Sequoiadendron giganteum	Lot 1	DP 16152	3151720	
601	Sequoiadendron giganteum	Lot 1	DP 16152	3151720	
602	Sequoiadendron giganteum	Lot 2	DP 10796	3034598	
602	Sequoiadendron giganteum	Lot 2	DP 10796	3034598	
603	Sequoiadendron giganteum	Lot 1	DP 18842	3084332	
606	Sequoiadendron giganteum	Section 31 Blk III	Lower Wanaka SD	3059991	
606	Sequoiadendron giganteum	Section 31 Blk III	Lower Wanaka SD	3059991	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	†
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	

Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 1	DP 327869	6663768	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	†
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
607	Sequoiadendron giganteum	Lot 3	DP 327869	6663770	
609	Sequoiadendron giganteum	Lot 1	DP 17828	3134395	†
609	Sequoiadendron giganteum	Lot 4	DP 18460	3043187	†
609	Sequoiadendron giganteum	Lot 1	DP 380819	6932731	†
610	Sequoiadendron giganteum	Section 1	SO 397170	7020498	
611	Sequoiadendron giganteum	Pt Section 10 Blk III	Lower Wanaka SD	3133319	
613	Sequoiadendron giganteum	Lot 9	DP 13040	3026497	
615	Taxus baccata 'fastigiata'	Section 1 Blk XLII	TN OF Wanaka	3084065	†
616	Metasequoia glyptostroboides	Section 67 Blk XIV	TN OF Wanaka	3169146	
616	Metasequoia glyptostroboides	Section 67 Blk XIV	TN OF Wanaka	3169146	
620	Tilia x europaea	Lot 10	DP 13040	3058104	
620	Tilia x europaea	Lot 10	DP 13040	3058104	



Tree Ref.	Botanical Name	Legal Description		Parcel ID	Road /Water Margin*
620	Tilia x europaea	Lot 1	DP 16152	3151720	
620	Tilia x europaea	Lot 1	DP 16152	3151720	
620	Tilia x europaea	Lot 1	DP 16152	3151720	
620	Tilia x europaea	Lot 1	DP 16152	3151720	
620	Tilia x europaea	Lot 1	DP 16152	3151720	
621	Tilia x europaea	Lot 3	DP 408132	7109279	
621	Tilia x europaea	Lot 4	DP 408132	7109323	
622	Abies grandis	Lot 3	DP 408132	7109279	
625	Ilex aquafolium 'variagata'	Lot 1	DP 16152	3151720	
626	larix decidua	Lot 1	DP 16152	3151720	
1001	Picea abies	Lot 3	DP 9213	3003208	
1003	Quercus robur	Section 15 Blk V	TN OF Arrowtown	3043960	†
1004	Nothofagus menziesii	Pt Section 6 Blk II	TN OF Arrowtown	3022527	
1006	Juglans regia	Section 3 Blk XV	TN OF Arrowtown	3109317	
1007	Juglans regia	Section 3 Blk XV	TN OF Arrowtown	3109317	
1008	Quercus robur	Section 1 Blk XV	TN OF Arrowtown	3059466	
1009	Quercus palustris	Section 5 Blk XIV	TN OF Arrowtown	3098659	†
1010	Fraxinus excelsior	Section 7 Blk I	TN OF Arrowtown	3145076	
1011	Pseudotsuga menziesi	Lot 1	DP 17118	3145078	
1012	Nothofagus solandrii var. cliffortoides	Lot 2	DP 8949	3108323	
1013	Nothofagus solandrii var. cliffortoides	Lot 1	DP 8949	3011939	
1014	Acer psuedoplatanus	Lot 18	DP 9914	3144969	
1015	Quercus rubra	Lot 6	DP 11786	3102155	
1016	Acer psuedoplatanus	Lot 19	DP 9914	3013186	
1017	Quercus rubra	Lot 19	DP 9914	3013186	

## Appendix 2: Recommendations on Submissions

### Part A: Submissions

Original Point No	Submitter	Commissioner Recommendation	Section Considered
19.21	Kain Fround	Accept in part	8
39.1	George Frederick Ritchie	Reject	7.6
45.1	Maree Horlor	Accept	3
45.2	Maree Horlor	Accept	3
45.3	Maree Horlor	Accept	3
45.4	Maree Horlor	Accept in part	4
45.5	Maree Horlor	Accept in part	4
49.1	Alan Stewart	Reject	6.3
49.2	Alan Stewart	Accept	7.8
159.9	Karen Boulay	Reject	8
179.32	Vodafone NZ	Reject	3
179.33	Vodafone NZ	Accept in Part	4
187.9	Nicholas Kiddle	Accept in part	8
191.30	Spark Trading NZ Limited	Reject	3
191.31	Spark Trading NZ Limited	Accept in part	4
223.14	Sam Gent	Accept	7.7
223.19	Sam Gent	Accept	7.7
223.8	Sam Gent	Accept	7.7
329.1	Kerry Hapuku	Accept	7.7
329.2	Kerry Hapuku	Accept	7.7
359.2	Manor Holdings Limited & Body Corporate 364937	Reject	7.4
365.1	Simon Beale	Accept	7.9
383.124	Queenstown Lakes District Council	Accept	7
383.125	Queenstown Lakes District Council	Accept	7
383.126	Queenstown Lakes District Council	Accept	7
383.127	Queenstown Lakes District Council	Accept	7
383.128	Queenstown Lakes District Council	Accept	7
383.129	Queenstown Lakes District Council	Accept	7
383.130	Queenstown Lakes District Council	Accept	7
383.131	Queenstown Lakes District Council	Accept	7
383.132	Queenstown Lakes District Council	Accept	7
383.133	Queenstown Lakes District Council	Accept	7
383.134	Queenstown Lakes District Council	Accept	7
383.135	Queenstown Lakes District Council	Accept	7
383.136	Queenstown Lakes District Council	Accept	7
383.137	Queenstown Lakes District Council	Accept	7
383.138	Queenstown Lakes District Council	Accept	7
383.139	Queenstown Lakes District Council	Accept	7
383.140	Queenstown Lakes District Council	Accept	7
383.141	Queenstown Lakes District Council	Accept	7
383.142	Queenstown Lakes District Council	Accept	7

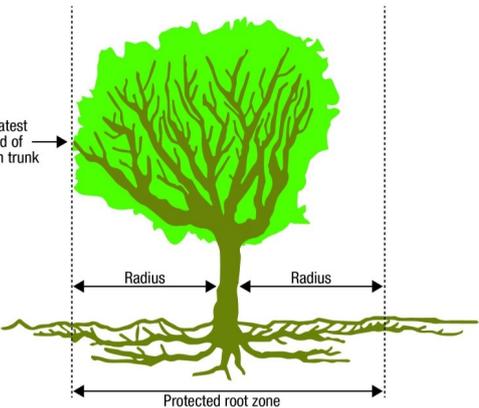
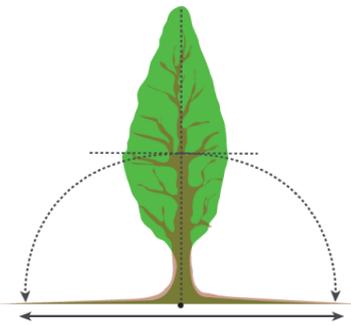
Original Point No	Submitter	Commissioner Recommendation	Section Considered
383.143	Queenstown Lakes District Council	Accept	7
383.144	Queenstown Lakes District Council	Accept	7
383.145	Queenstown Lakes District Council	Accept	7
383.146	Queenstown Lakes District Council	Accept	7
383.147	Queenstown Lakes District Council	Accept	7
383.148	Queenstown Lakes District Council	Accept	7
383.149	Queenstown Lakes District Council	Accept	7
383.150	Queenstown Lakes District Council	Accept	7
383.151	Queenstown Lakes District Council	Accept	7
383.152	Queenstown Lakes District Council	Accept	7
383.153	Queenstown Lakes District Council	Accept	7
383.154	Queenstown Lakes District Council	Accept	7
383.155	Queenstown Lakes District Council	Accept	7
383.156	Queenstown Lakes District Council	Accept	7
383.157	Queenstown Lakes District Council	Accept	7
383.158	Queenstown Lakes District Council	Accept	7
383.159	Queenstown Lakes District Council	Accept	7
383.160	Queenstown Lakes District Council	Accept	7
383.161	Queenstown Lakes District Council	Accept	7
383.162	Queenstown Lakes District Council	Accept	7
383.163	Queenstown Lakes District Council	Accept	7
383.164	Queenstown Lakes District Council	Accept	7
383.165	Queenstown Lakes District Council	Accept	7
383.166	Queenstown Lakes District Council	Accept	7
383.167	Queenstown Lakes District Council	Accept	7
383.168	Queenstown Lakes District Council	Accept	7
383.169	Queenstown Lakes District Council	Accept	7
383.170	Queenstown Lakes District Council	Accept	7
383.171	Queenstown Lakes District Council	Accept	7
383.172	Queenstown Lakes District Council	Accept	7
383.173	Queenstown Lakes District Council	Accept	7
383.174	Queenstown Lakes District Council	Accept	7
383.175	Queenstown Lakes District Council	Accept	7
383.176	Queenstown Lakes District Council	Accept	7
383.177	Queenstown Lakes District Council	Accept	7
383.178	Queenstown Lakes District Council	Accept	7
383.179	Queenstown Lakes District Council	Accept	7
383.180	Queenstown Lakes District Council	Accept	7
383.181	Queenstown Lakes District Council	Accept	7
383.182	Queenstown Lakes District Council	Accept	7
383.183	Queenstown Lakes District Council	Accept	7
383.184	Queenstown Lakes District Council	Accept	7
383.185	Queenstown Lakes District Council	Accept	7
383.186	Queenstown Lakes District Council	Accept	7
383.187	Queenstown Lakes District Council	Accept	7
383.188	Queenstown Lakes District Council	Accept	7
383.189	Queenstown Lakes District Council	Accept	7
383.190	Queenstown Lakes District Council	Accept	7

Original Point No	Submitter	Commissioner Recommendation	Section Considered
383.191	Queenstown Lakes District Council	Accept	7
383.192	Queenstown Lakes District Council	Accept	7
383.193	Queenstown Lakes District Council	Accept	7
383.194	Queenstown Lakes District Council	Accept	7
383.195	Queenstown Lakes District Council	Accept	7
383.196	Queenstown Lakes District Council	Accept	7
383.197	Queenstown Lakes District Council	Accept	7
383.198	Queenstown Lakes District Council	Accept	7
383.199	Queenstown Lakes District Council	Accept	7
383.200	Queenstown Lakes District Council	Accept	7
383.201	Queenstown Lakes District Council	Accept	7
383.202	Queenstown Lakes District Council	Accept	7
383.203	Queenstown Lakes District Council	Accept	7
383.204	Queenstown Lakes District Council	Accept	7
383.205	Queenstown Lakes District Council	Accept	7
383.206	Queenstown Lakes District Council	Accept	7
383.207	Queenstown Lakes District Council	Accept	7
383.208	Queenstown Lakes District Council	Accept	7
383.209	Queenstown Lakes District Council	Accept	7
383.79	Queenstown Lakes District Council	Accept	4
387.1	Jacqueline Sly	Accept	3
387.2	Jacqueline Sly	Accept in part	3
421.24	Two Degrees Mobile Limited	Reject	3
421.25	Two Degrees Mobile Limited	Accept in Part	4
455.4	W & M Grant W & M Grant	Reject	7.3
560.2	Spruce Grove Trust	Reject	6.2
579.1	Gem Lake Limited	Accept	7.5
607.32	Te Anau Developments Limited	Accept	7.1, 7.2
635.72	Aurora Energy Limited	Accept	3
752.15	Michael Farrier	Reject	8
781.30	Chorus New Zealand Limited	Reject	3
781.31	Chorus New Zealand Limited	Accept in Part	4
809.10	Queenstown Lakes District Council	Accept	4
809.11	Queenstown Lakes District Council	Accept	4
809.12	Queenstown Lakes District Council	Accept	4
809.13	Queenstown Lakes District Council	Accept in Part	4
809.14	Queenstown Lakes District Council	Accept in Part	4
809.15	Queenstown Lakes District Council	Accept in Part	4
809.6	Queenstown Lakes District Council	Accept	3
809.7	Queenstown Lakes District Council	Accept	4
809.8	Queenstown Lakes District Council	Accept in Part	4
809.9	Queenstown Lakes District Council	Accept in Part	4
1361.2	Jim Schmidt	Reject	6.1

Part B: Further Submissions

<b>Further Submission</b>	<b>Original Submission</b>	<b>Submitter</b>	<b>Commissioners' Recommendation</b>	<b>Report Reference</b>
FS1121.41	179.33	Aurora Energy Limited	Accept in Part	4
FS1121.42	421.25	Aurora Energy Limited	Accept in Part	4
FS1121.43	809.7	Aurora Energy Limited	Accept in part	4
FS1121.44	809.8	Aurora Energy Limited	Accept in Part	4
FS1121.45	809.9	Aurora Energy Limited	Accept in Part	4
FS1258.3	365.1	Ayrburn Farm Estate Limited	Reject	7.9
FS1270.5	455.4	Hansen Family Partnership	Reject	7.3

Appendix 3: Definitions Recommended to be included in Chapter 2

<p><b>Minor Trimming</b> <b>(For the purpose of Chapter 32 only)</b></p>	<p>Means the removal of not more than 10% of the live foliage from the canopy of the tree or structural scaffold branches within a single calendar year.</p>
<p><b>Minor Trimming of a Hedgerow</b> <b>(For the purpose of Chapter 32 only)</b></p>	<p>Means the removal of not more than 50% of the live foliage within a single five year period.</p>
<p><b>Root Protection Zone</b> <b>(For the purposes of Chapter 32 only)</b></p>	<p>Means for a tree with a spreading canopy, the area beneath the canopy spread of a tree, measured at ground level from the surface of the trunk, with a radius to the outer most extent of the spread of the tree's branches, and for a columnar tree, means the area beneath the canopy extending to a radius half the height of the tree. As demonstrated by the diagrams below.</p> <div style="text-align: center;"> <p>SPREADING CANOPY</p>  <p>COLUMNAR CANOPY</p>  </div>
<p><b>Public Space</b> <b>(For the purposes of Chapter 32 only)</b></p>	<p>Means the parts of the district that are owned and managed by the Queenstown Lakes District Council, are accessible to the public within the Residential Arrowtown Historic Management Zone including roads, parks and reserves.</p>

<p><b>Significant Trimming</b> <b>(For the purposes of Chapter 32 only)</b></p>	<p>Means the removal of more than 10% of the live foliage from the canopy of the tree or structural scaffold branches.</p>
<p><b>Technical Arborist</b> <b>(For the purposes of Chapter 32 only)</b></p>	<p>Means a person who:</p> <ul style="list-style-type: none"> <li>a. by possession of a recognised arboricultural degree or diploma and on-the-job experience is familiar with the tasks, equipment and hazards involved in arboricultural operations; and</li> <li>b. has demonstrated proficiency in tree inspection and evaluating and treating hazardous trees; and</li> <li>c. has demonstrated competency to Level 6 NZQA Diploma in Arboriculture standard or Level 4 NZQA Certificate in Horticulture (Arboriculture) standard (or be of an equivalent arboricultural standard).</li> </ul>
<p><b>Works Within the Root Protection Zone</b> <b>(For the Purpose of Chapter 32 only)</b></p>	<p>Means works including paving, excavation, trenching, ground level changes, storage of materials or chemicals, vehicle traffic, vehicle parking, soil compaction, construction activity, whether on the same site or not as the tree.</p>