



People First

Southland District Council

Te Rohe Pōtae O Murihiku

RESOURCE MANAGEMENT COMMITTEE HEARING DECISION

**WILDING TREES IN THE
MOUNTAINS RESOURCE AREA
OPERATIVE SOUTHLAND
DISTRICT PLAN 2001
PROPOSED PLAN
CHANGE NO. 4**

Prepared by Southland District Council
Resource Management Department Staff
May 2007

EXECUTIVE SUMMARY

Proposed Plan Change No. 4 was considered over two days on 2 March 2007 and 14 March 2007 at the Council Chambers, Southland District Council, Forth Street, Invercargill.

The only change from the previously circulated Staff Planner's report was:
"The Committee recommended leaving Douglas Fir on the Wilding Tree list under Rule Mountains Resource Area 2 as a restricted discretionary activity".

Details of the proposed Plan Change were given below.

1. BACKGROUND

Proposed Plan Change No. 4 related to managing Wilding Trees in the Mountains Resource Area as defined within the maps of the Operative Southland District Plan. The Plan Change as proposed, amended the policies and rules relating to the Mountains Resource Area by making the planting of certain tree species, a restricted discretionary activity. The boundary of the Mountains Resource Area was not proposed to be changed by the Plan Change.

The Resource Management Committee in preparing the decisions, had reviewed a number of background documents including a report prepared by Nick Ledgard and Dawn Palmer "*Issues Concerning Wilding Spread from recent Douglas Fir Plantings in the Upper Mataura Catchment - Southland*". The Resource Management Committee also had the benefit of the Planner's report containing recommendations on the various submissions received. Where appropriate, parts of these reports have been incorporated into the decision for convenience sake. For the most part this related to the Summary of Submissions made and the relevant explanatory information.

The proposed Plan Change was notified on 13 May 2006 along with a Section 32 analysis. Submissions closed on 12 June 2006 and further submissions on 25 August 2006, fourteen submissions and five further submissions were received by the Council on the proposed changes.

2. THE HEARING

A Hearing was held in the Southland District Council Chambers in Invercargill on 2 March 2007 and reconvened on 14 March 2007 to deliberate and make a decision. The Resource Management Committee consisted of:

- Cr JTC Frew (Chairperson)
- Cr S M Anderson
- Cr J D Copland
- Cr R A Dobson
- Cr A D Ridley

The Committee was assisted at the Hearing by:

- Mr L McKenzie - Group Manager, Regulatory Services
- Mr T Garnett - Manager, Resource Management
- Mr P Kloosterman - Resource Planner, Policy and Consents
- Mrs M Cavanagh - Administration Officer
- Mr R Washbourn - Forest Manager

The following appearances were recorded:

Submitters:

- Mr R Bowman - Biosecurity Manager, Environment Southland
- Ms I Batchelor - Resource Planner, Environment Southland
- Mr G Morgan - Senior Land Sustainability Officer, Environment Southland
- Mr G Miller - Department of Conservation
- Mr E Edwards - Department of Conservation
- Mr K Murray - Department of Conservation
- Ms A Sutton - Department of Conservation
- Ms L Sheldon Sayer - Department of Conservation
- Ms M Stafford-Bush - Counsel for the Director General of Conservation
- Mrs C Henderson
- Mr B Hore - Southland Conservation Board
- Ms S Maturin - Royal Forest and Bird Protection Society of New Zealand

Written submissions from Cainard Run Limited, Fairlight Limited and Cainard Forestry LLC were tabled.

Copies of the evidence were distributed and a written summary of the discussion that took place was available from Council. The salient points of the submissions as discussed in the reasons for the decisions are recorded throughout the document. The points raised by the Submitters are discussed under a series of headings, these headings and the general format of the report have largely followed the format and sequence adopted by the Planner's Report.

3.0 SUBMITTERS TO PROPOSED PLAN CHANGE NO. 4:
WILDING TREES IN THE MOUNTAINS RESOURCE AREA SOUTHLAND DISTRICT PLAN

3.1. Submitters and Addresses for Service (numbered alphabetically)

No	Submitter	Contact	Address
1.	Alastair Morrison Acting Director-General of Conservation	Martin Rodd	C/- Department of Conservation PO Box 743 Invercargill
2.	Brian Lewis Hore		Nokomai Station RD 3 Lumsden
3.	Cainard Forestry LLC	Amanda Douglas	Wynn Williams and Co Level 7, BNZ House, 129 Hereford Street PO Box 4341, DX WP21518 Christchurch
4.	Cainard Run Limited	Amanda Douglas	Wynn Williams and Co Level 7, BNZ House, 129 Hereford Street PO Box 4341, DX WP21518 Christchurch
5.	Christine Ellen Henderson		Lintley, RD 4 Lumsden
6.	Environment Southland	Rachael Miller	Private Bag 90116 Invercargill
7.	Ernslaw One Limited	P J De La Mare	PO Box 36 Tapanui West Otago
8.	Fairlight Station Limited	Amanda Douglas	Wynn Williams and Co Level 7, BNZ House, 129 Hereford Street PO Box 4341, DX WP21518 Christchurch
9.	John Richard Purey-Cust		203 Campion Road RD 4 Gore 9774
10.	Rayonier New Zealand	Kelvin Meredith	Rayonier PO Box 13 285 Tauranga
11.	Royal Forest and Bird Protection Society of NZ Inc	Sue Maturin	PO Box 6230 Dunedin
12.	Southland Conservation Board	Perry Ferguson	C/- Department of Conservation

			PO Box 743 Invercargill
13	Southland Farm Forestry Association	A D Wilson	165 Taiepa Road RD 9 Invercargill
14.	Te Ao Mārama Inc	M R Skerrett	PO Box 7078 South Invercargill
	Further Submissions		
15	Alastair Morrison Acting Director-General of Conservation	Martin Rodd	C/- Department of Conservation PO Box 743 Invercargill
16	Environment Southland	Rachael Miller	Private Bag 90116 Invercargill
17	Cainard Run Limited	Amanda Douglas	Wynn Williams and Co Level 7, BNZ House, 129 Hereford Street PO Box 4341, DX WP21518 Christchurch
18	Cainard Forestry LLC	Amanda Douglas	Wynn Williams and Co Level 7, BNZ House, 129 Hereford Street PO Box 4341, DX WP21518 Christchurch
19	Fairlight Station Limited	Amanda Douglas	Wynn Williams and Co Level 7, BNZ House, 129 Hereford Street PO Box 4341, DX WP21518 Christchurch

4.0 DECISIONS FOR THE COMMITTEE'S CONSIDERATION

4.1 General Comments

Wilding Trees Plan Change - General Comments			
Submitter number/ point	Submitter	Summary of Submission	Summary of Decision Requested
13.1	Southland Farm Forestry Association	Supported the proposed Plan Change, some of its members appreciated the problems Wilding Trees present, and considered the Plan Change will help avoid Wilding Trees.	Implement the changes.
F.S. 15.1	Dept of Conservation	Support in part	
F.S. 17.1	Cainard Run Limited	Oppose	
F.S. 18.1	Cainard Forestry LLC	Oppose	
F.S. 19.1	Fairlight Station Limited	Oppose	
10.1	Rayonier New Zealand	Rayonier managed four forests in the Southland District, potentially affected by the proposed plan change. West Dome, Eyre and a portion of Jericho are included within the MRA, while Waicoe has a shared boundary with the MRA.	That any of the existing forests owned by Matariki Forests and managed by Rayonier are excluded from the MRA, and the boundary of the MRA be adjusted accordingly.
F.S. 15.2	Dept of Conservation	Oppose	
F.S. 16.1	Environment Southland	Oppose	
F.S. 17.2	Cainard Run Limited	Support	
F.S. 18.2	Cainard Forestry LLC	Support	
F.S. 19.2	Fairlight Station Limited	Support	
14.1	Te Ao Mārama Inc	Supported the proposed Plan Change. Current provisions in the District Plan do not achieve the purpose of the Act, do not allow SDC any discretion to manage adverse effects. Wilding trees in the MRA are becoming an increasing problem affecting amenity and conservation and natural character.	No specific decision requested.
F.S. 17.3	Cainard Run Limited	Oppose	
F.S. 18.3	Cainard Forestry LLC	Oppose	
F.S. 19.3	Fairlight Station Limited	Oppose	

10.5	Rayonier New Zealand	Forestry had significant environmental benefits to the public. Other industries/land uses had also contributed to the spread of nuisance species. The Section 32 report does not adequately address other policies and objectives in the District Plan (including soil, nutrient and erosion issues, economic well-being and recreational opportunities) or relevant section of the RMA 1991. There has been no justification for the greater level of control asked for by the community, than the amenity values associated with wilding spread. Landscape reviews undertaken by District Councils had proved to be skewed in perceptions and outcomes, for various reasons.	That justification from potentially excluding one land use (forestry) in preference to other primary land uses such as pastoral farming and horticulture, was provided.
F.S. 15.4	Dept of Conservation	Oppose	
F.S. 16.2	Environment Southland	Support in part	
F.S. 17.4	Cainard Run Limited	Support	
F.S. 18.4	Cainard Forestry LLC	Support	
F.S. 19.4	Fairlight Station Limited	Support	
9.2	John Richard Purey-Cust	Comments on the length and complexity of the Section 32 report.	That the proposed change be approved.
F.S. 15.3	Dept of Conservation	Oppose in part	
F.S. 17.5	Cainard Run Limited	Oppose	
F.S. 18.5	Cainard Forestry LLC	Oppose	
F.S. 19.5	Fairlight Station Limited	Oppose	

4.9	Cainard Run Limited	There was no proven wilding tree issues arising from forestry in the Upper Mataura that were not already addressed by resource consent conditions and the Plan Change attempted to address more than Wilding Trees. The Section 32 report does not support a Plan Change to address Wilding Tree control, was not the most appropriate way to achieve the purpose of the RMA 1991, and is not justified. The Plan Change was contrary to the purpose of the RMA 1991. The previous provisions had operated satisfactorily and achieved the objective and policies of the plan, and outcomes had not been inconsistent with the RMA 1991. Inadequate consultation and publication of this Plan Change had occurred.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.5	Dept of Conservation	Oppose	
F.S. 16.3	Environment Southland	Oppose	
8.9	Fairlight Station Limited	There were no proven Wilding Tree issues arising from forestry in the Upper Mataura that were not already addressed by resource consent conditions and the Plan Change attempted to address more than Wilding Trees. The Section 32 report does not support a Plan Change to address Wilding Tree control, was not the most appropriate way to achieve the purpose of the RMA 1991, and was not justified. The Plan Change was contrary to the purpose of the RMA 1991. The previous provisions had operated satisfactorily and achieved the objective and policies of the plan, and outcomes had not been inconsistent with the RMA 1991. Inadequate consultation and publication of this Plan Change had occurred.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.6	Dept of Conservation	Oppose	
F.S. 16.4	Environment Southland	Oppose	

3.9	Cainard Forestry LLC	There were no proven Wilding Tree issues arising from forestry in the Upper Mataura that were not already addressed by resource consent conditions and the Plan Change attempts to address more than Wilding Trees. The Section 32 report does not support a Plan Change to address wilding tree control, was not the most appropriate way to achieve the purpose of the RMA 1991, and was not justified. The Plan Change was contrary to the purpose of the RMA 1991. The previous provisions have operated satisfactorily and achieved the objective and policies of the plan, and outcomes had not been inconsistent with the RMA 1991. Inadequate consultation and publication of this Plan Change had occurred.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.7	Dept of Conservation	Oppose	
F.S. 16.5	Environment Southland	Oppose	
6.1	Environment Southland	<p>Holds concerns with a statement in the Section 32 Report, that Environment Southland “had implicitly indicated it was not prepared to control wilding pines through its Regional Pest Management Strategy” (RPMS), which was incorrect.</p> <p>Comments on species contained in the current RPMS, and species which were proposed to be included in the review of the RPMS.</p>	That SDC note that Environment Southland had considered addressing the effects of Wilding Tree spread through its Regional Pest Management Strategy, but had concluded that the Southland District Plan is was much more effective mechanism for addressing those effects.
F.S. 15.8	Dept of Conservation	Support	
F.S. 17.6	Cainard Run Limited	Oppose	
F.S 18.6	Cainard Forestry LLC	Oppose	
F.S. 19.6	Fairlight Station Limited	Oppose	

6.2	Environment Southland	<p>Holds concerns with statements contained in the Section 32 Report, concerning the use of non-regulatory/alternative methods for managing Wilding Trees in the MRA.</p> <p>Considered that education regarding the risks associated with wilding tree spread was critical and that this non-regulatory method needed to be implemented in conjunction with regulatory methods in order to achieve the purpose of the Act, and to implement the relevant objectives and policies of the Southland District Plan.</p> <p>The Ledgard and Palmer report noted that all prospective tree planters in spread risk areas should be provided with Ledgard and Langers “Wilding Prevention” booklet.</p> <p>Acknowledged that ES had a role to play in relation to this method and noted that this role was already reflected in the method.</p>	That Method MRA.1 - Education and Promotion (of the Southland District Plan) be amended so that it includes education regarding the risks associated with Wilding Tree spread.
F.S. 15.9	Dept of Conservation	Support	
F.S. 17.7	Cainard Run Limited	Oppose	
F.S. 18.7	Cainard Forestry LLC	Oppose	
F.S. 19.7	Fairlight Station Limited	Oppose	
7.1	Ernslaw One Limited	<p>Comments on the Section 32 report, including sources of Wilding Tree nuisance factor and shade tolerance of various species. The Plan Change should concentrate effort in those areas above the native treeline which were seen as the MRA, whereas the lower areas were generating wealth through pastoral farming and production forestry. Comments on the effects of sheep grazing on wilding tree establishment. Agreed with the recommendations of Nick Ledgard and Dawn Palmer’s report.</p>	No specific decision requested.
F.S. 15.10	Dept of Conservation	Oppose	
F.S. 16.29	Environment Southland	Oppose	
F.S. 17.8	Cainard Run Limited	Support	

F.S. 18.8	Cainard Forestry LLC	Support	
F.S. 19.8	Fairlight Station Limited	Support	
7.2	Ernslaw One Limited	This Plan Change was because of Environment Southland rather than a community initiated response. Supported the removal of the 200 ha threshold. Raised issues in relation to Central Government's Kyoto commitments, carbon budget, emissions and RMA 1991 issues. Invited SDC to the Wilding Conifer Management Group, which had sourced research funds via the Sustainable Farming Fund.	No specific decision requested.
F.S. 15.11	Dept of Conservation	Oppose	
F.S. 16.30	Environment Southland	Oppose	
F.S. 17.9	Cainard Run Limited	Support	
F.S. 18.9	Cainard Forestry LLC	Support	
F.S. 19.9	Fairlight Station Limited	Support	

4.2 Assessments and Submissions of Evidence

Enforcement of Restricted Activity

Mr Brian Hore (Southland Conservation Board) said that as a High Country farmer he was concerned about the inability to control Wilding Trees in the future.

Mr Hore said that overtime, if Wilding Trees were not controlled they would completely take over grasslands which no longer could be grazed and would be a loss of ecological and recreational values in the area.

He concluded by saying that he was deeply concerned about the costs of wilding control falling on adjoining landowners and the Department of Conservation who did not plant the trees. He said it was essential for Council to include provisions such as bonds and to strongly consider differential rating of forest owners to provide funds and enable the control of Wildings in the Mountain Resource Area.

The Committee acknowledged Council as of right has the ability to enforce bonds by way of conditions with resource consent.

Ms Mia Stafford-Bush presented the opening submissions on behalf of C M Lenihan (Counsel for the Director General of Conservation).

Ms Stafford-Bush said that there had been a lot of movement from the proposed Plan Change No. 4 as originally notified and the Department was supportive of many of the changes. She said that the Department was now only concerned with the activity status of three listed species and some ancillary matters. The Department supported the evidence of Mr Hore and the Southland Conservation Board.

Mr Eric Edwards (Department of Conservation) spoke to his written evidence which provided details on significant biodiversity of indigenous ecosystems and the potential for adverse effects of plantation and wilding of exotic trees in the regions defined in the Mountains Resource Area. He also provided an annotated list of rare, endemic and noteworthy plants of the Mountains Resource Area.

Mr Graeme Miller (Department of Conservation) said that having seen what had happened with Wilding Tree spread in the past, he saw this as a good opportunity for all parties to look at the issues that arise from species such as Douglas Fir and Conifer plantings in the Mountains Resource Area. His evidence outlined a number of examples including case studies and sites where spread from plantings had been uncontrolled and sites that were now managed and monitored.

Ms Anne Sutton advised that the Department of Conservation supported the Council Planner's report whereby it rejected a submission seeking that the Mountains Resource Area boundary was changed to exclude specified exotic forests.

Ms Sue Maturin (Royal Forest and Bird Protection Inc) said that the Society supported the proposed Plan Change however sought changes to recognise that the spread of Wilding Trees was not the only adverse ecological consequence of the planning of exotic species in the Mountains Resource Area. She said that a defined list of species could cause problems and questioned if some of those species should be on the list at all. She raised a number of water quantity issues such as potential effects of plantings on downstream water supply, reduction in soil water levels and effects of eucalyptus plantings on Wetland Areas.

Mrs Henderson's specific provisions of her submission related to Policies MRA 1 and 3 and Rule MRA 2. She said that she supported Policy MRA 1, sought inclusion of Wind Farm structures and forestry and Policy MRA 3 to include all areas, not just areas viewed by the general public.

Committee Comment:

“Proposed Plan Change No. 4 deals only with Wilding Trees and was not formulated to control forestry. Other issues outside of this was raised and while the Committee noted the importance of these issues, they were not relevant to the submission”

The Committee then moved into “Public Excluded”, moved Cr Anderson, seconded Cr Dobson (as was provided in Section 48 of the Local Government Official Information and Meetings Act 1987) in order to make a decision on this application.

5.0 EXCLUSION OF PUBLIC

Moved Cr Anderson, seconded Cr Dobson
and RESOLVED THAT PURSUANT TO SECTION 48(1)(d) AND 48(2)(a)(i) OF THE LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987 THAT THE PUBLIC BE EXCLUDED FROM THE MEETING WHILE THE FOLLOWING BUSINESS WAS TRANSACTED:

SUBMISSIONS TO THE OPERATIVE SOUTHLAND DISTRICT PLAN 2001, PROPOSED PLAN CHANGE NO. 4 WILDING TREES IN THE MOUNTAINS RESOURCE AREA
360/20/1/8

AND THAT THE REASON FOR THE PASSING OF THIS RESOLUTION IS THAT IT IS THE OPTION OF THE COUNCIL THAT IT IS NECESSARY TO:

48(1)(d) THAT THE EXCLUSION OF THE PUBLIC FROM THE WHOLE OR RELEVANT PART OF THE PROCEEDINGS OF THE MEETING IS NECESSARY TO ENABLE THE LOCAL AUTHORITY TO DELIBERATE IN PRIVATE ON ITS DECISION OR RECOMMENDATION IN ANY PROCEEDINGS TO WHICH THIS PARAGRAPH APPLIES.

48(2)(a)(i) A RIGHT OF APPEAL LIES TO THE ENVIRONMENT COURT AGAINST THE FINAL DECISION OF THE LOCAL AUTHORITY IN THOSE PROCEEDINGS.

5.1 EXCLUSION OF PUBLIC - STAFF

Moved Cr Dobson, seconded Cr Anderson
and RESOLVED THAT THE COUNCIL OFFICERS AND PUBLIC LISTED BELOW BE PERMITTED TO REMAIN AT THE MEETING AFTER THE PUBLIC HAVE BEEN EXCLUDED BECAUSE OF THEIR KNOWLEDGE OF:

- (a) MEETING PROCEDURE AND/OR
- (b) THE SUBJECT MATTER UNDER CONSIDERATION

GROUP MANAGER - REGULATORY SERVICES
MANAGER - RESOURCE PLANNING
RESOURCE MANAGEMENT PLANNER - POLICY & CONSENTS
FOREST MANAGER
ADMINISTRATION OFFICER

Moved Cr Dobson, seconded Cr Anderson
and RESOLVED THAT THE SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE CONSIDERS THE SUBMISSIONS OF THE OPERATIVE SOUTHLAND DISTRICT PLAN 2001, PROPOSED PLAN CHANGE NO. 4 WILDING TREES IN THE MOUNTAINS RESOURCE AREA.

6.0 MOUNTAINS RESOURCE AREA .1

6.1 Summary of Submissions

Wilding Trees Plan Change - Policy MRA.1			
Submitter number/ point	Submitter	Summary of Submission	Summary of Decision Requested
5.1	Christine Ellen Henderson	Generally supported.	That the policy be amended to include Wind Farm structures and forestry as land use-as well as buildings.
F.S. 17.10	Cainard Run Limited	Oppose	
F.S. 18.10	Cainard Forestry LLC	Oppose	
F.S. 19.10	Fairlight Station Limited	Oppose	
2.1	Brian Lewis Hore	Supported the proposed provisions in their current form, given Wilding Trees pose a huge threat to the high country lands both in economic and ecological terms.	
F.S. 15.12	Dept of Conservation	Support in part	
F.S. 17.11	Cainard Run Limited	Oppose	
F.S. 18.11	Cainard Forestry LLC	Oppose	
F.S. 19.11	Fairlight Station Limited	Oppose	
4.3	Cainard Run Limited	The proposed provisions were unnecessarily restrictive and dictatorial.	That Plan Change No4 be reversed and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.13	Dept of Conservation	Oppose	
F.S. 16.6	Environment Southland	Oppose	
4.6	Cainard Run Limited	Adverse effects of Wilding Trees could be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend Plan provisions.	That Plan Change 4 be reversed and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.14	Dept of Conservation	Oppose	
F.S. 16.7	Environment Southland	Oppose	
8.3	Fairlight Station Limited	The proposed provisions were unnecessarily restrictive and dictatorial.	That Plan Change 4 be reversed and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.15	Dept of Conservation	Oppose	
F.S. 16.8	Environment Southland	Oppose	

8.6	Fairlight Station Limited	Adverse effects of Wilding Trees could be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend Plan provisions.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.16	Dept of Conservation	Oppose	
F.S. 16.9	Environment Southland	Oppose	
3.3	Cainard Forestry LLC	The proposed provisions were unnecessarily restrictive and dictatorial.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.17	Dept of Conservation	Oppose	
F.S. 16.10	Environment Southland	Oppose	
3.6	Cainard Forestry LLC	Adverse effects of Wilding Trees could be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend plan provisions.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.18	Dept of Conservation	Oppose	
F.S. 16.11	Environment Southland	Oppose	

6.2 The Decision

6.2.1 Assessment and Reasons for the Decision

Landscape Issues (Section 32)

The Committee acknowledged that there was no requirement for a mechanism to define a Shelter Belt and that the prohibited species could not be planted in the Mountains Resource Area. The Committee was also conscious of the fact that the decision only related to the Mountain Resource Area and not the entire District.

The Committee noted that the various tree species rejected in various submissions were prohibited species

The Committee agreed with the submissions that recommended education and promotion of the following areas; flooding, soil stability, water quality, establishment and distribution of Wilding Trees. The issue of water quantity was raised and considered to be dealt with in the decision.

6.2.2 **Decision**

Policy MRA.1

To mitigate or avoid where practicable, the adverse visual effects of land use on the existing mountain landscape.

Explanation

The siting, design and location of buildings and structures could have a significant visual effect. Sensitive management of these activities could generally avoid or minimise those effects (Refer Rule MRA.1).

Method MRA.1 - Education and Promotion:

Committee Comment:

Council would encourage the development of educational programmes and land management guidelines for the Mountains Resource Area to reduce the effects activities could have on:

- ***Flooding***
- ***Soil stability***
- ***Water quality***
- ***Establishment distribution of Wilding Trees***

7.0 MOUNTAINS RESOURCE AREA .2

7.1 Summary of Submissions

Wilding Trees Plan Change - Rule MRA.2			
Submitter number/ point	Submitter	Summary of Submission	Summary of Decision Requested
10.2	Rayonier New Zealand	There had been no justification for only targeting certain species that had potential for Wilding spread, when amenity and landscape protection were one of the key considerations. No economic analysis had been undertaken. Agreed that the majority of species listed in the rule could be problematic. Douglas-fir, however was an important plantation species in NZ, particularly the South Island.	That Douglas Fir (<i>Psuedotsuga menziesii</i>) be excluded from the list of Wilding Trees in proposed Rule MRA.2
F.S. 15.28	Dept of Conservation	Oppose	
F.S. 16.35	Environment Southland	Oppose	
F.S. 17.17	Cainard Run Limited	Support	
F.S. 18.17	Cainard Forestry LLC	Support	
F.S. 19.17	Fairlight Station Limited	Support	
10.4	Rayonier New Zealand	Rayonier took responsibility to control the spread of wildings that may originate from its property and had undertaken this as a routine operation.	That establishment of plantation forestry in the MRA be a permitted activity, subject to: <ul style="list-style-type: none"> • a Wilding Tree risk assessment must be undertaken • a Wilding Tree management plan must be incorporated • responsibility must be taken for the spread of wildings beyond the property boundary.
F.S. 15.29	Dept of Conservation	Support in part	
F.S. 16.36	Environment Southland	Oppose	
F.S. 17.18	Cainard Run Limited	Support	
F.S. 18.18	Cainard Forestry LLC	Support	
F.S. 19.18	Fairlight Station Limited	Support	

10.3	Rayonier New Zealand	Future sustainability of forestry within the region may in future rely heavily on the ability to adjust regimes and species to suit market conditions. This may result in radiata being replaced by Douglas Fir as the preferred crop species. The Section 32 analysis and subsequent proposed rule are silent on changing from one species to another in the existing forestry situation.	That clarification be provided on the status of existing plantations and the ability to change species within the boundaries of these.
F.S. 15.30	Dept of Conservation	Support in part	
F.S. 16.37	Environment Southland	Support	
F.S. 17.19	Cainard Run Limited	Support	
F.S. 18.19	Cainard Forestry LLC	Support	
F.S. 19.19	Fairlight Station Limited	Support	
5.3	Christine Ellen Henderson	That the proposed rule MRA.2 be amended.	That eucalyptus be added to the list of species.
F.S. 15.31	Dept of Conservation	Support in part	
F.S. 16.38	Environment Southland	Oppose	
F.S. 17.20	Cainard Run Limited	Oppose	
F.S. 18.20	Cainard Forestry LLC	Oppose	
F.S. 19.20	Fairlight Station Limited	Oppose	
5.4	Christine Ellen Henderson	That the proposed rule MRA.2 be amended.	That bullet point 4 of the matters Council shall restrict its discretion to, be amended with "...including indigenous areas".
F.S. 16.39	Environment Southland	Support	
F.S. 17.21	Cainard Run Limited	Oppose	
F.S. 18.21	Cainard Forestry LLC	Oppose	
F.S. 19.21	Fairlight Station Limited	Oppose	
5.5	Christine Ellen Henderson	That the proposed rule MRA.2 be amended.	That bullet point 6 of the matters Council shall restrict its discretion to, be amended with "...protection of aquifer recharge areas".
F.S. 16.40	Environment Southland	Support	
F.S. 17.22	Cainard Run Limited	Oppose	
F.S. 18.22	Cainard Forestry LLC	Oppose	
F.S. 19.22	Fairlight Station Limited	Oppose	

2.3	Brian Lewis Hore	Supported the proposed provisions in their current form, given Wilding Trees pose a huge threat to the high country lands both in economic and ecological terms.	That there be a ban on the planting of all species in Rule MRA.2
F.S. 15.32	Dept of Conservation	Support in part	
F.S. 17.23	Cainard Run Limited	Oppose	
F.S. 18.23	Cainard Forestry LLC	Oppose	
F.S. 19.23	Fairlight Station Limited	Oppose	
2.4	Brian Lewis Hore	Supported the proposed provisions in their current form, given Wilding Trees pose a huge threat to the high country lands both in economic and ecological terms.	That there be a limit to planting of other species not specified, to a maximum of 200 hectares
F.S. 15.33	Dept of Conservation	Support in part	
F.S. 16.41	Environment Southland	Support	
F.S. 17.24	Cainard Run Limited	Oppose	
F.S. 18.24	Cainard Forestry LLC	Oppose	
F.S. 19.24	Fairlight Station Limited	Oppose	
2.5	Brian Lewis Hore	Supported the proposed provisions in their current form, given Wilding Trees pose a huge threat to the high country lands both in economic and ecological terms. Backgrounds how Wilding Trees have affected the Nokomai Station farming operation, noting ongoing problems with Wilding Trees, expenditure on control and frustration that neighbours ignore the problem on their properties which provide a seed base which spreads trees.	That a rate be established to be used to remove Wilding Trees outside the 2km zone adjacent to forestry, and a shared approach to the problem is necessary.
F.S. 15.34	Dept of Conservation	Support in part	
F.S. 17.25	Cainard Run Limited	Oppose	
F.S. 18.25	Cainard Forestry LLC	Oppose	
F.S. 19.25	Fairlight Station Limited	Oppose	

9.1	John Richard Purey-Cust	Supported the restricted discretionary activity status of planting those species listed in the MRA. The protection of riparian and wetland areas and the location of access roads, tracks and earthworks should be discretionary activities for any land use.	That the proposed change be approved.
F.S. 15.35	Dept of Conservation	Support in part	
F.S. 17.26	Cainard Run Limited	Oppose	
F.S. 18.26	Cainard Forestry LLC	Oppose	
F.S. 19.26	Fairlight Station Limited	Oppose	
4.1	Cainard Run Limited	Objected to making planting of forestry a restricted discretionary activity. The function of controlled activity status was to impose conditions, and that is the appropriate status.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan. Ensure that planting (especially Douglas-fir) remains a controlled activity.
F.S. 15.36	Dept of Conservation	Oppose	
F.S. 16.18	Environment Southland	Oppose	
4.2	Cainard Run Limited	The list of matters over which Council would restrict its discretion to, is too lengthy and some matters (eg roads, tracks and earthworks) do not relate to wilding tree control. If matters are to be listed, discretion should be limited to wilding tree management assessment and plan.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.37	Dept of Conservation	Oppose	
F.S. 16.19	Environment Southland	Oppose	
4.5	Cainard Run Limited	The proposed provisions were unnecessarily restrictive and dictatorial. For example, the existing rules did not prevent the provision of wilding tree management plans to Council, which the submitter has previously provided.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.38	Dept of Conservation	Oppose	
F.S. 16.20	Environment Southland	Oppose	

4.8	Cainard Run Limited	Adverse effects of Wilding Trees can be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend plan provisions.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.39	Dept of Conservation	Oppose	
F.S. 16.21	Environment Southland	Oppose	
8.1	Fairlight Station Limited	Objects to making planting of forestry a restricted discretionary activity. The function of controlled activity status is to impose conditions, and that is the appropriate status.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan. Ensure that planting (especially Douglas-fir) remains a controlled activity.
F.S. 15.40	Dept of Conservation	Oppose	
F.S. 16.22	Environment Southland	Oppose	
8.2	Fairlight Station Limited	The list of matters over which Council would restrict its discretion to, is too lengthy and some matters (eg roads, tracks and earthworks) do not relate to wilding tree control. If matters are to be listed, discretion should be limited to wilding tree management assessment and plan.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.41	Dept of Conservation	Oppose	
F.S. 16.23	Environment Southland	Oppose	
8.5	Fairlight Station Limited	The proposed provisions are unnecessarily restrictive and dictatorial. For example, the existing rules did not prevent the provision of wilding tree management plans to Council, which the submitter has previously provided.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.42	Dept of Conservation	Oppose	
F.S. 16.24	Environment Southland	Oppose	

8.8	Fairlight Station Limited	Adverse effects of Wilding Trees can be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend plan provisions.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.43	Dept of Conservation	Oppose	
F.S. 16.25	Environment Southland	Oppose	
3.1	Cainard Forestry LLC	Objects to making planting of forestry a restricted discretionary activity. The function of controlled activity status is to impose conditions, and that is the appropriate status.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan. Ensure that planting (especially Douglas-fir) remains a controlled activity.
3.2	Cainard Forestry LLC	The list of matters over which Council would restrict its discretion to, is too lengthy and some matters (eg roads, tracks and earthworks) do not relate to wilding tree control. If matters are to be listed, discretion should be limited to wilding tree management assessment and plan.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.45	Dept of Conservation	Oppose	
F.S. 16.26	Environment Southland	Oppose	
3.5	Cainard Forestry LLC	The proposed provisions are unnecessarily restrictive and dictatorial. For example, the existing rules did not prevent the provision of wilding tree management plans to Council, which the submitter has previously provided.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.46	Dept of Conservation	Oppose	
F.S. 16.27	Environment Southland	Oppose	
3.8	Cainard Forestry LLC	Adverse effects of Wilding Trees can be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend plan provisions.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.47	Dept of Conservation	Oppose	

F.S. 16.28	Environment Southland	Oppose	
12.2	Southland Conservation Board	Supported the provisions in part, and wishes to have the policy and rules amended. Proposed Rule MRA.2 does not give Council enough powers to decline plantings of Lodgepole pine, Douglas Fir and Larch species in the MRA. These species have a high risk of spread in this area and are difficult to control. Prohibited activity status of planting these species in the MRA would not make the land incapable of reasonable use, as it could be used for pastoral farming or planting of other species.	Add a new Rule MRA.2 Prohibited Wilding Trees. <i>Planting of the following species in the Mountain Resource Area:</i> <ul style="list-style-type: none"> • Lodgepole pine (<i>Pinus contorta</i>) • Douglas-fir (<i>Psuedotsuga menziesii</i>) • All larches (<i>Larix species</i>) <i>Is a prohibited activity.</i>
F.S. 15.48	Dept of Conservation	Support	
F.S. 16.42	Environment Southland	Oppose	
F.S. 17.27	Cainard Run Limited	Oppose	
F.S. 18.27	Cainard Forestry LLC	Oppose	
F.S. 19.27	Fairlight Station Limited	Oppose	
12.3	Southland Conservation Board	Supported the provisions in part, and wishes to have the policy and rules amended. Other species in proposed Rule MRA.2 should be a non-complying activity, as these species could spread beyond the site of the plantation and adversely affect the values of the area.	Add a new Rule MRA.3 Non-complying Wilding Trees. <i>Planting of the following species in the Mountain Resource Area:</i> <ul style="list-style-type: none"> • Scots Pine (<i>Pinus sylvestris</i>) • Corsican pine (<i>Pinus nigra subsp laricio</i>) • Mountain pine (<i>Pinus uncinata</i>) • Dwarf Mountain pine (<i>pinus mugo</i>) • Grey willow (<i>Salix cinera</i>) • Crack willow (<i>Salix fragilis</i>) • Sycamore (<i>Acer Pseudoplatanus</i>) <i>Is a non-complying activity.</i>
F.S. 15.49	Dept of Conservation	Support	
F.S. 16.43	Environment Southland	Oppose	
F.S. 17.28	Cainard Run Limited	Oppose	
F.S. 18.28	Cainard Forestry LLC	Oppose	

F.S. 19.28	Fairlight Station Limited	Oppose	
12.4	Southland Conservation Board	<p>Supported the provisions in part, and wishes to have the policy and rules amended.</p> <p>Radiata Pine planting should be a discretionary activity, as it could spread beyond the site of the plantation and adversely affect the values of the area.</p> <p>It is a concern that proposed rule MRA.2 does not require consideration of the values of the land to be planted, including historical and natural values.</p> <p>Concerns about the costs of control falling on the landowner. It is essential that Council requires a bond sufficient to remove any wildings from any plantation on other properties or from areas with significant values within that property.</p>	<p>Add a new Rule MRA.4 Discretionary Trees</p> <p><i>Planting of the following species in the Mountain Resource Area:</i></p> <ul style="list-style-type: none"> • <i>Radiata Pine (Pinus radiata)</i> • <i>Any other species not indigenous to New Zealand and not listed in Rules MRA.2 and MRA.3 where it is proposed to plant an area in excess of one hectare.</i> <p><i>Is a discretionary activity. When considering these matters, Council shall have regard to (but not limited to):</i></p> <ul style="list-style-type: none"> • <i>Wilding Trees Risk Assessment.</i> • <i>Wilding Trees Management Plans</i> • <i>Location, plantation, configuration and species selection to avoid wilding tree spread.</i> • <i>Setback from adjoining properties</i> • <i>Shading of roads</i> • <i>Protection of riparian and wetland areas</i> • <i>Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i> • <i>The location of access roads, tracks and earthworks.</i> • <i>Protection of heritage sites and features.</i>
			<ul style="list-style-type: none"> • <i>Financial contribution/ bond to ensure that any wildings found in protected areas or on adjoining land is able to be removed throughout the life of the forest and after harvest should the forest not be replanted.</i>
F.S. 15.50	Dept of Conservation	Support	
F.S. 16.44	Environment Southland	Support in part	
F.S. 17.29	Cainard Run Limited	Oppose	
F.S. 18.29	Cainard Forestry LLC	Oppose	
F.S. 19.29	Fairlight Station Limited	Oppose	

12.5	Southland Conservation Board	Supported the provisions in part, and wishes to have the policy and rules amended. Where wildings are not controlled from existing plantings, consent should also be required from Council.	Add a new Rule MRA.5 Existing plantings <i>Existing plantings of the following species in the Mountains Resource Area:</i> <ul style="list-style-type: none"> • <i>Lodgepole pine (pinus contorta)</i> • <i>Douglas-fir(Psuedotunga menziesii)</i> • <i>Larches (Larix species)</i> • <i>Scots pine (Pinus syvestris)</i> • <i>Corscian pine (Pinus nigra subsp laricio)</i> • <i>Mountain pine (Pinus uncinata)</i> • <i>Dwarf Mountain pine (Pinus mugo)</i> • <i>Grey willow (Salix cinera)</i> • <i>Crack willow (Salix fragilis)</i> • <i>Sycamore (Acer psuedoplatanus)</i> <i>Is a permitted activity provide the following standards are met:</i> <ul style="list-style-type: none"> • <i>All wildings trees that could reasonably be held to have come from those plantings are being removed by the owner of the original plantings; or</i> • <i>The wildings from plantings of the above species are subject to an active wilding removal programme by the owner (or their agent) of the original plantings.</i> <i>If the above standards are not met, the existing plantings will be considered under Rules MRA.2, MRA.3 and MRA.4.</i>
F.S. 15.51	Dept of Conservation	Support	
F.S. 16.45	Environment Southland	Oppose	
F.S. 17.30	Cainard Run Limited	Oppose	
F.S. 18.30	Cainard Forestry LLC	Oppose	
F.S. 19.30	Fairlight Station Limited	Oppose	

1.2	Alastair Morrison Acting Director-General of Conservation	<p>Strongly supports the intent of the proposed Plan Change, but further controls are required.</p> <p>Wilding Trees including Lodgepole Pine (<i>Pinus contorta</i>) are spreading and affecting various area in the MRA of Northern Southland, including Mid-Dome, Nokomai Ecological District and the Takitimus. If wildings are left uncontrolled, the natural and physical resources of the MRA of Northern Southland will not be managed in a sustainable manner to meet the needs of future generations and would fail to safeguard the life supporting capacity of water, soil and ecosystems. The Department of Conservation is presently carrying out a wilding control program and has spent \$360,000 on wildings this financial year. The Department of Conservation is concerned about wildings spreading to other land administered by DOC and other Crown land not yet subject to tenure review.</p> <p>The restricted discretionary status of proposed Rule MRA.2 and proposed Policy MRA.3 will not provide Council with enough powers to control the spread of wildings from plantings.</p>	<p>Add a new Rule MRA.2 Prohibited Wilding Trees</p> <p><i>Planting of the following species in the Mountain Resource Area:</i></p> <ul style="list-style-type: none"> • <i>Lodgepole pine (Pinus contorta)</i> • <i>Douglas-fir (Pseudotsuga menziesii)</i> • <i>All larches (Larix species)</i> <p><i>Is a prohibited activity.</i></p>
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		The Department of Conservation was extremely concerned about the potential adverse effects of Lodgepole pine (<i>Pinus contorta</i>), Douglas Fir (<i>Pseudotsuga menziesii</i>) and all larches (<i>Larix</i> species) in the MRA. The proposed Rule MRA.2 will not enable Council to decline plantings of species with a high risk of spread and the potential adverse effects are very significant. The planting of these species should be a prohibited activity in the MRA, and such an approach is consistent with the RMA 1991, the Southland Regional Policy Statement and the Southland District Plan.	
F.S. 16.46	Environment Southland	Oppose	
F.S. 17.31	Cainard Run Limited	Oppose	
F.S. 18.31	Cainard Forestry LLC	Oppose	
F.S. 19.31	Fairlight Station Limited	Oppose	
1.3	Alastair Morrison Acting Director-General of Conservation	<p>Strongly supported the intent of the proposed Plan Change, but further controls are required.</p> <p>The costs of removal of wilding crack willows includes financial, as well as costs to natural and physical resources through new river courses with adverse effects on fish and bird habitats.</p> <p>The restricted discretionary status of proposed Rule MRA.2 and proposed Policy MRA.3 will not provide Council with enough powers to control the spread of wildings from plantings.</p>	<p>Add a new Rule MRA.3 Non-complying Wilding Trees</p> <p><i>Planting of the following species in the Mountain Resource Area:</i></p> <ul style="list-style-type: none"> • Scots Pine (<i>Pinus sylvestris</i>) • Corscian pine (<i>Pinus nigra subsp laricio</i>) • Mountain pine (<i>Pinus uncinata</i>) • Dwarf Mountain pine (<i>pinus mugo</i>) • Grey willow (<i>Salix cinera</i>) • Crack willow (<i>Salix fragilis</i>) • Sycamore (<i>Acer Pseudoplatanus</i>) <p><i>Is a non-complying activity.</i></p>
F.S. 16.47	Environment Southland	Oppose	
F.S. 17.32	Cainard Run Limited	Oppose	

F.S. 18.32	Cainard Forestry LLC	Oppose	
F.S. 19.32	Fairlight Station Limited	Oppose	
1.4	Alastair Morrison Acting Director-General of Conservation	<p>Strongly supports the intent of the proposed Plan Change, but further controls are required.</p> <p>The restricted discretionary status of proposed Rule MRA.2 and proposed Policy MRA.3 will not provide Council with enough powers to control the spread of wildings from plantings.</p> <p>The removal of wildings could easily become a cost borne by each land owner. It is essential that bonds be sought by Council to ensure that there are sufficient funds to control wildings and that these bonds are registered as caveats on land titles.</p>	<p>Add a new Rule MRA.4 Discretionary Trees</p> <p><i>Planting of the following species in the Mountain Resource Area:</i></p> <ul style="list-style-type: none"> • <i>Radiata Pine (Pinus radiata)</i> • <i>Any other species not indigenous to New Zealand and not listed in Rules MRA.2 and MRA.3 where it is proposed to plant an area in excess of one hectare.</i> <p><i>Is a discretionary activity. When considering these matters, Council shall have regard to (but not limited to):</i></p> <ul style="list-style-type: none"> • <i>Wilding Trees Risk Assessment.</i> • <i>Wilding Trees Management Plans</i> • <i>Location, plantation, configuration and species selection to avoid wilding tree spread.</i> • <i>Setback from adjoining properties</i> • <i>Shading of roads</i> • <i>Protection of riparian and wetland areas</i> • <i>Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.</i>
			<ul style="list-style-type: none"> • <i>The location of access roads, tracks and earthworks.</i> • <i>Protection of heritage sites and features.</i> • <i>Financial contribution/ bond to ensure that any wildings found in protected areas or on adjoining land is able to be removed throughout the life of the forest and after harvest should the forest not be replanted</i>
F.S. 16.48	Environment Southland	Support in part	
F.S. 17.33	Cainard Run Limited	Oppose	
F.S. 18.33	Cainard Forestry LLC	Oppose	

1.5	Alastair Morrison Acting Director-General of Conservation	<p>Strongly supported the intent of the proposed Plan Change, but further controls are required.</p> <p>The restricted discretionary status of proposed Rule MRA.2 and proposed Policy MRA.3 will not provide Council with enough powers to control the spread of wildings from plantings.</p> <p>Holds concerns about existing plantations that do not currently have resource consent, that require the control of wildings that come from that plantation, including plantations at Glenfellen and the Takitimus. Seeks a new rule requiring the avoidance of adverse effects of wildings from existing plantations, which is necessary for District Plan integrity, protection of heritage values and to control effects from future off-site activities that were not reasonably foreseeable.</p>	<p>Add a new Rule MRA.5 Existing plantings</p> <p><i>Existing plantings of the following species in the Mountains Resource Area:</i></p> <ul style="list-style-type: none"> • <i>Lodgepole pine (Pinus contorta)</i> • <i>Douglas-fir (Pseudotsuga menziesii)</i> • <i>Larches (Larix species)</i> • <i>Scots pine (Pinus sylvestris)</i> • <i>Corscian pine (Pinus nigra subsp laricio)</i> • <i>Mountain pine (Pinus uncinata)</i> • <i>Dwarf Mountain pine (Pinus mugo)</i> • <i>Grey willow (Salix cinera)</i> • <i>Crack willow (Salix fragilis)</i> • <i>Sycamore (Acer pseudoplatanus)</i>
			<p><i>If a permitted activity provide the following standards are met:</i></p> <ul style="list-style-type: none"> • <i>All wildings trees that could reasonably be held to have come from those plantings are being removed by the owner of the original plantings.</i> <p><i>If the above standards are not met, the existing plantings will be considered under Rules MRA.2, MRA.3 and MRA.4.</i></p>
F.S. 16.49	Environment Southland	Oppose	
F.S. 17.34	Cainard Run Limited	Oppose	
F.S. 18.34	Cainard Forestry LLC	Oppose	
F.S. 19.34	Fairlight Station Limited	Oppose	

11.2	Royal Forest and Bird Protection Society of NZ Inc	<p>Supported the proposed Plan Change, however sought changes to recognise that the spread of Wilding Trees was not the only adverse ecological consequence of the planting of exotic species in the MRA.</p> <p>A defined list of species could cause problems (ie land use and species change) and reference to those species in the Regional Pest Plant Management Strategy means new species can be added, without Council having to go through another Plan Change process. Questions whether some species should be on the list at all (eg Pinus Contorta), whether Council has the authority to consider such application and perhaps there should be a list of prohibited species.</p> <p>Consideration needed to be given to the ability of trees to reduce runoff and the quantity of water entering waterways. Raises a number of water quantity issues (ie potential effects of plantings on downstream water supply, reduction in soil water levels and effects of eucalyptus plantings on wetland areas).</p>	<p>That proposed Rule MRA.2 be amended, as follows:</p> <p><i>Rule MRA.2-Exotic Trees</i> <i>Planting of exotic tree species with potential effects on areas wider than the planting site in the Mountains Resource Area is a restricted discretionary activity provided all relevant rules and standards of this Plan are complied with.</i></p> <p><i>The following species are of special concern:</i></p> <p><i>The list in the proposed Plan Change can be used plus the inclusion of</i></p> <ul style="list-style-type: none"> • <i>All eucalypts (Eucalyptus species)</i> • <i>Other species on the Regional Pest Plant Management Strategy surveillance list.</i>
F.S. 15.52	Dept of Conservation	Support in part	
F.S. 16.50	Environment Southland	Oppose	
F.S. 17.35	Cainard Run Limited	Oppose	
F.S. 18.35	Cainard Forestry LLC	Oppose	
F.S. 19.35	Fairlight Station Limited	Oppose	

11.3	Royal Forest and Bird Protection Society of NZ Inc	<p>Supported the proposed Plan Change, however seek changes to recognise that the spread of Wilding Trees is not the only adverse ecological consequence of the planting of exotic species in the MRA.</p> <p>Tussock lands are particularly susceptible to invasion from wildings trees. Due to their exposure they are likely to have seed fall there and their less intensive grazing allows less wilding control by stock than in more intensively grazed areas.</p>	<p>That sixth bullet point of proposed Rule MRA.2 (being matters to which Council shall restrict its discretion to) be amended, as follows:</p> <ul style="list-style-type: none"> • Protection of riparian and wetland areas <i>and tussock lands</i>
F.S. 15.53	Dept of Conservation	Support	
F.S. 17.36	Cainard Run Limited	Oppose	
F.S. 18.36	Cainard Forestry LLC	Oppose	
F.S. 19.36	Fairlight Station Limited	Oppose	
6.3	Environment Southland	<p>A significant number of Wilding Trees in the MRA at present are Radiata pine, which is ranked the fifth most common wilding species in the South Island. If considerable plantings of Radiata Pine were to be undertaken on the warm, north-facing slopes, upwind of lightly vegetated and grazed country, then a spread risk may well exist.</p> <p>On lower slopes and valley floors, Radiata Pine is widely used for shelter, farm woodlots and as a means of gorse control. Given its widespread use, the potential for wilding spread needs to be addressed.</p>	<p>That Rule MRA.2 be amended, by inserting the following species (so that it is a restricted discretionary activity to plant this species in the Mountains Resource Area):</p> <ul style="list-style-type: none"> • <i>Radiata Pine (Pinus Radiata)</i>
F.S. 15.54	Dept of Conservation	Support	
F.S. 17.37	Cainard Run Limited	Oppose	
F.S. 18.37	Cainard Forestry LLC	Oppose	
F.S. 19.37	Fairlight Station Limited	Oppose	

6.4	Environment Southland	To clarify what species may be planted for shelterbelt purposes as a permitted activity, it is suggested that SDC amend the explanation to the rule so that it lists those species suitable for shelterbelt purposes, such as firs, alders, cedars, poplars, spruces, oaks, elms and redwoods.	That the following (or words to similar effect) be added to the explanation for Rule MRA.2 - Wilding Trees: <i>Reason</i> <i>Establishing certain tree species in the Mountains Resource Area can, if inappropriately managed, have significant adverse effects on adjoining and downwind properties, infrastructure, water quantity, natural character and amenity values. For this reason, the planting of these species is a restricted discretionary activity.</i> <i>It is a permitted activity to plant the following species, which are suitable for shelterbelt purposes and have a low risk of spreading:</i> <ul style="list-style-type: none"> • <i>Abies spp (firs)</i> • <i>Alnus spp (alders)</i> • <i>Betula spp (silver birches)</i> • <i>Cedrus spp (cedars)</i> • <i>Cupressocyparis leylandii (Leyland cypress)</i> • <i>Cupressus spp (cypress)</i> • <i>Eucalyptus spp</i> • <i>Fraxinus spp (ash)</i> • <i>Picea spp (spruces)</i> • <i>Populus spp (poplars)</i> • <i>Quercus spp (oaks)</i> • <i>Salix spp (willows) except Grey and Crack willow</i> • <i>Sequoia spp (redwoods)</i> • <i>Thuja plicata (Western red cedar)</i> • <i>Ulmus spp (elms)</i>
F.S. 15.55	Dept of Conservation	Support	
F.S. 17.38	Cainard Run Limited	Oppose	
F.S. 18.38	Cainard Forestry LLC	Oppose	
F.S. 19.38	Fairlight Station Limited	Oppose	
7.3	Ernslaw One Limited	Does not support a change from “controlled” to “restricted”	That plantation forestry in the Mountains Resource Area is a permitted activity, subject to robust and binding conditions.
F.S. 15.56	Dept of Conservation	Oppose in part	
F.S. 16.31	Environment Southland	Oppose	
F.S. 17.39	Cainard Run Limited	Support	

F.S. 18.39	Cainard Forestry LLC	Support	
F.S. 19.39	Fairlight Station Limited	Support	
7.4	Ernslaw One Limited	Setback from adjoining properties, shading of roads, protection of riparian and wetland areas, location of access roads, tracks and earthworks are generic considerations which are included in all plans, and should not be listed specifically here.	That these conditions include a wilding tree risk assessment, a wilding tree management plan, along the recommendations made by Nick Ledgard and Dawn Palmer.
F.S. 15.57	Dept of Conservation	Oppose in part	
F.S. 16.32	Environment Southland	Oppose	
F.S. 17.40	Cainard Run Limited	Support	
F.S. 18.40	Cainard Forestry LLC	Support	
F.S. 19.40	Fairlight Station Limited	Support	
7.5	Ernslaw One Limited	Douglas Fir and Corscian pine are low to mid-altitude production species, which have been lumped in with high altitude protection planting species.	That Corscian pine and Douglas Fir be removed from the list of Wilding Trees.
F.S. 15.58	Dept of Conservation	Oppose	
F.S. 16.33	Environment Southland	Oppose	
F.S. 17.41	Cainard Run Limited	Support	
F.S. 18.41	Cainard Forestry LLC	Support	
F.S. 19.41	Fairlight Station Limited	Support	

7.2 The Decision

7.2.1 Assessment and Reasons

Environment Southland recommended the Committee consider the potential risks and concerns raised in their submission and to endorse and support possible proposals to mitigate for further effects of wilding spread. They requested that particular consideration should be taken to include Douglas Fir in the list of tree species requiring consent under proposed new Rule MRA - Wilding Trees given the potential risk of Wilding Tree generation.

Ms Sutton said that the Department of Conservation opposed the acceptance of submissions as detailed in Council's Planner's report accepting the submissions that Douglas Fir be excluded from the list of Wilding Trees in Rule MRA.2. Ms Sutton said the Department fully supported the proposal for prohibited activity status for several species inclusive of *Pinus contorta* and by replacing the discretionary and restricted discretionary resource consents as proposed by the Department.

Ms Sutton said that by having a prohibited, discretionary and restricted discretionary regime, this would give the most certainty to Council and the community that the planting of trees with wilding potential would not result in further adverse effects on the Mountain Resource Area's environment. She concluded that in her opinion, the Department's proposals should ensure that Wilding prone tree species were not planted in Wilding risk areas at all, thus the effects of wilding would be avoided.

Rule MRA.2 within the Operative Southland District Plan required land use consent for forestry plantations in excess of 200 hectares, forestry of less than 200 hectares was permitted. Thus existing plantations if lawfully established regardless of species, have existing use rights under Section 10. If replanting is left for more than 12 months after harvest and the owners wished to replant in those species listed in proposed Rule MRA2 a restricted discretionary consent, would be required before proceeding.

The purpose of Plan Change No. 4 was to control those species which created Wilding Tree problems, not to control forestry or plantations as a land use. Proposed Plan Change No. 4 makes establishing plantation forestry in the Mountains Resource Area a permitted activity, regardless of area and not subject to any performance standards. A Restricted Discretionary Consent was only required if the forestry consists of those species listed in proposed Rule MRA.2.

It has been recommended, as a result of previous submission (10.2), that Douglas Fir (*Pseudotsuga Menziesii*) be removed from Rule MRA.2. Corsican Pine was a species recognised for its propensity to generate Wilding Trees. The submitters had not provided any rationale as to why Corsican pines should be removed from Rule MRA.2.

Key Issue of Discussion:

Douglas Fir classification, should it be a restricted discretionary activity?

The Committee recommended to retain as status quo as a restricted discretionary activity with discretion based around wilding tree problem. Evidence was shown issues in other areas (see report prepared by Nick Ledgard and Dawn Palmer *Issues Concerning Wilding Spread from recent Douglas Fir Plantings in the Upper Mataura Catchment - Southland.*), *Pinus Radiata* was discussed and considered to be not a problem in the Mountains Resource Area and to not be included under Rule MRA.2.

Rule MRA.2 - Wilding Trees

Planting of the following species in the Mountains Resource Area is a restricted discretionary activity provided all relevant rules and standards are complied with:

- Scots Pine *Pinus sylvestris*
- Corsican Pine *Pinus nigra, subsp laricio*
- Douglas-fir *Pseudotsuga menziesii*
- All larches *Larix species*

Council shall restrict the exercise of its discretion to the following matters:

- Wilding Trees Risk Assessment.
- Wilding Trees Management Plan.
- Location, plantation configuration and species selection to avoid wilding tree spread.
- Setback from adjoining properties.
- Shading of roads.
- Protection of riparian and wetland areas.
- The location of access roads, tracks and earthworks.

8 MOUNTAINS RESOURCE AREA .3

8.1 Summary of Submissions

Wilding Trees Plan Change - Policy MRA.3			
Submitter number/ point	Submitter	Summary of Submission	Summary of Decision Requested
5.2	Christine Ellen Henderson	MRA to include all areas, not just areas viewed by the general public.	That the policy be amended, so that the MRA includes all areas, not just areas viewed by the general public.
F.S. 17.12	Cainard Run Limited	Oppose	
F.S. 18.12	Cainard Forestry LLC	Oppose	
F.S. 19.12	Fairlight Station Limited	Oppose	
2.2	Brian Lewis Hore	Supported the proposed provisions in their current form, given Wilding Trees pose a huge threat to the high country lands both in economic and ecological terms.	
F.S. 15.19	Dept of Conservation	Support in part	
F.S. 17.13	Cainard Run Limited	Oppose	
F.S. 18.13	Cainard Forestry LLC	Oppose	
F.S. 19.13	Fairlight Station Limited	Oppose	
4.4	Cainard Run Limited	The proposed provisions are unnecessarily restrictive and dictatorial.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.20	Dept of Conservation	Oppose	
F.S. 16.12	Environment Southland	Oppose	
4.7	Cainard Run Limited	Adverse effects of Wilding Trees can be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend plan provisions.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.21	Dept of Conservation	Oppose	
F.S. 16.13	Environment Southland	Oppose	
8.4	Fairlight Station Limited	The proposed provisions are unnecessarily restrictive and dictatorial.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.22	Dept of Conservation	Oppose	
F.S. 16.14	Environment Southland	Oppose	
8.7	Fairlight Station Limited	Adverse effects of Wilding Trees can be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend plan provisions.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.23	Dept of Conservation	Oppose	
F.S. 16.15	Environment Southland	Oppose	

3.4	Cainard Forestry LLC	The proposed provisions are unnecessarily restrictive and dictatorial.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.24	Dept of Conservation	Oppose	
F.S. 16.16	Environment Southland	Oppose	
3.7	Cainard Forestry LLC	Adverse effects of Wilding Trees could be adequately and satisfactorily addressed without the need to decline resource consent applications or to amend plan provisions.	That Plan Change 4 be reversed, and the original policies, objectives and rules be reinserted into the plan.
F.S. 15.25	Dept of Conservation	Oppose	
F.S. 16.17	Environment Southland	Oppose	
12.1	Southland Conservation Board	<p>Supported the provisions in part, and wishes to have the policy and rules amended.</p> <p>Given the significance of the values within the MRA and the significant adverse effects of wildings on these values, the policy should be to avoid the adverse effects of trees in the MRA. Wilding <i>Pinus contorta</i> have been found at least 30 km away from existing plantations such as Mid-Dome. Without removal, these wildings will have significant adverse effects on land beyond the original plantings, including:</p> <ul style="list-style-type: none"> ▪ Loss of outstanding mountain landscapes; ▪ Loss of significant areas of indigenous vegetation; ▪ Potential for significant reduction in water yield; ▪ The proposal to mitigate adverse effects of Wilding Trees in the MRA is inconsistent with the RMA 1991 and the provisions of the Southland Regional Policy Statement and Southland District Plan. 	<p>That Policy MRA.3 be amended as follows:</p> <p>To mitigate or avoid the adverse effects of Wilding Trees in the Mountain Resource Area</p> <p>Explanation: Certain tree species in the Mountain Resource Area can adversely affect other properties and values (Refer Rule MRA.2). <i>Bonds will be required to enable Council to remove any wildings.</i></p>
F.S. 15.26	Dept of Conservation	Support in full	
F.S. 17.14	Cainard Run Limited	Oppose	
F.S. 18.14	Cainard Forestry LLC	Oppose	
F.S. 19.14	Fairlight Station Limited	Oppose	

1.1	Alastair Morrison Acting Director-General of Conservation	Strongly supported the intent of the proposed Plan Change, but further controls were required. The restricted discretionary status of proposed Rule MRA.2 and proposed Policy MRA.3 will not provide Council with enough powers to control the spread of wildings from plantings. The adverse effects of wildings should be avoided, as control operations of wildings are extremely expensive.	That Policy MRA.3 be amended as follows: To mitigate or avoid the adverse effects of Wilding Trees in the Mountain Resource Area Explanation: Certain tree species in the Mountain Resource Area can adversely affect other properties and values (Refer Rule MRA.2). <i>Bonds will be required to enable Council to remove any wildings.</i>
F.S. 17.15	Cainard Run Limited	Oppose	
F.S. 18.15	Cainard Forestry LLC	Oppose	
F.S. 19.15	Fairlight Station Limited	Oppose	
11.1	Royal Forest and Bird Protection Society of NZ Inc	Supported the proposed Plan Change, however sought changes to recognise that the spread of Wilding Trees was not the only adverse ecological consequence of the planting of exotic species in the MRA.	That Policy MRA.3 be amended as follows: To mitigate or avoid the adverse effects of wilding <i>exotic trees</i> in the Mountains Resource Area.
F.S. 15.27	Dept of Conservation	Support	
F.S. 16.34	Environment Southland	Oppose	
F.S. 17.16	Cainard Run Limited	Oppose	
F.S. 18.16	Cainard Forestry LLC	Oppose	
F.S. 19.16	Fairlight Station Limited	Oppose	

8.1 Assessment and Reason

Environment Southland asked the Committee to reconsider the placing of Crack Willow as a prohibited Tree. They were concerned that existing Crack Willow plantings for river works could not be maintained. The Committee discussed this and considered Crack Willow was a Wilding Tree and known as such and should remain prohibited as there were alternative plantings available for river works.

Addition of new Rule MRA 3B

The submission was a retrospective condition that the Department of Conservation wished to incorporate into the proposed Plan Change. Submitters are not permitted to add information that was not provided and distributed to all parties prior to the hearing.

“Rule MRA.3B would not be adopted by Council based on the legal obligations of DOC submitting a retrospect Condition”.

8.2 Decision

Policy MRA.3

To mitigate or avoid the adverse effects of Wilding Trees in the Mountains Resource Area.

Explanation: Certain tree species in the Mountains Resource Area can adversely affect other properties and values (Refer Rule MRA.2 and Rule MRA.3)

Rule MRA.3 - Prohibited Trees

Planting of the following species in the Mountains Resource Area is a prohibited activity.

- Lodgepole pine - *Pinus contorta*, Mountain Pine - *Pinus mugo* and its subspecies *uncinata*, Grey Willow - *Salix cinerea*, Crack Willow - *Salix fragilis*, Sycamore - *Acer pseudoplatanus*.

9.0 CONCLUSION

Under Plan Change No. 4 as proposed there were no land uses which were excluded. Proposed Plan Change No. 4 had been developed to control those species of trees listed for the purpose of avoiding, as far as practicable, the distribution of Wilding Trees. There were no constraints to planting any other species of tree for forestry or any other purpose. Thus the Committee concluded the Proposed Plan Change does not exclude one land use in preference to another.

The Council was aware of growing community disquiet regarding recent forestry plantings in the Mountains Resource Area. These concerns have been articulated through public consultation processes such as the 2004/05 Annual Plan where a number of submissions regarding District Plan matters were received. In essence the community was demanding that Council introduces greater controls on forestry establishment in the Mountains Resource Area, particularly relating to controlling Wilding Trees.

Proposed Plan Change No. 4 had been initiated for the purpose of controlling those species of trees which are prone to wilding dispersal. Only those species listed in Rule MRA.2 were anticipated to be problematic in the Mountains Resource Area of Southland District. Proposed Plan Change 4 had not been initiated to manage or protect indigenous flora and fauna. Indigenous flora and fauna were currently protected through Rule HER 3 which applied throughout the District.

10. **RESOLUTIONS**

Moved Cr Dobson, seconded Cr Anderson
and RESOLVED THAT:

- (a) THE SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE ACCEPTS THE DECISIONS AS RECOMMENDED IN THE SOUTHLAND DISTRICT COUNCIL PLANNER'S REPORT FOR THE OPERATIVE SOUTHLAND DISTRICT PLAN 2001 - PROPOSED PLAN CHANGE NO. 4 - WILDING TREES IN THE MOUNTAINS RESOURCE AREA
- (b) THE SOUTHLAND DISTRICT COUNCIL RESOURCE MANAGEMENT COMMITTEE RETAINS DOUGLAS FIR ON THE WILDING TREE LIST (RULE MRA.2) AS A RESTRICTED DISCRETIONARY ACTIVITY.