

Good morning,

My name is Diane Kenton and I am the owner of 1147B Lake Hawea Albert Town Road in Lake Hawea.

A little bit about my background. I am retired. But for the last 25 years of my career I worked as a project manager in the areas of utilities and financial risk.

My expertise is in trying to understand what a business wants to achieve when it moves from its current state, to its future state and to ensure that change impact on customers, staff, stakeholders, process, the business operations as a whole, is minimised during that transition with the least possible cost, and in the least time.

I am not a lawyer, a Planner, an expert in the Resource Management Act or a Landscape Architect (although I am a couple of weeks away from completing study in Landscape Design).

*I do not have the background to provide you with any tech advice.*  
I fully expect that everything I say today will be completely disregarded.

But as an owner of properties in this district I do not think that I have the right to complain about the endless rounds of rezoning that the QLDC applies to my land, if I do not put my concerns in writing and front up to talk those through.

So here I am and thank you Jane, Peter and Quentin for providing me with the opportunity to do that. I'm not going to sit here and read verbatim what I have put in my two submissions. I am going to trust that you have done that already.

## HISTORY

I am going to talk a little bit about the history of my property that I have referenced in my submissions and then I am going to focus in on the four issues that I have with the RCL mapping by the QLDC as it impacts my property.

In the 1950s the Government built the Lake Hāwea Dam.

They raised the Lake 20 metres.

Within a couple of years there was a landslide on Mt Maude.

I'm not a trained geologist so I can not advise you on whether or not the two were linked.

But I can say with absolute certainty, that when the landslide occurred, the Ministry of Works, who built the dam and were concerned about the integrity of their new investment, were the ones who planted Corsican pines at the SW base of Lake Hāwea to stabilise the mountain.

These Corsican pines are located behind the Lake Hāwea Motor Camp now known as The Camp. They are also planted on the lower escarpments of Mt Maude where the toe of the hill was drilled to release pressure.

Prior to this, landslide - no pine trees existed on Mt Maude.

As you turn right into Lake Hāwea on the western side of SH6 there is a triangle of land not covered in pines.

At the bottom of the triangle there is a concrete plinth with a little red metre at the top and that monitors the movement of Mt Maude.

This land is owned by Contact Energy.

During 1999 – 2000 Resource Consent number 990140 was submitted by Jeff Brown of Brown and Co with a Landscape Architect Report by Paddy Baxter. This consent application was for the subdivision of the five properties in the South West corner of Lake Hawea. This consent was approved by Civic Corp – who was an outsourced consenting entity, working on behalf of the Queenstown Lakes District Council.

As a condition of the resource consent being issued, the QLDC required that the pine forest <sup>here</sup> was largely retained and maintained in perpetuity so as to protect its inherent amenity value. It was also recognised, however, that <sup>the pines</sup> ~~pinus radiata~~ was not an indigenous species and therefore its area should be retained more or less, as it is at present. To achieve this, a forest management plan was to be prepared and approved by the Council's landscape planner. ~~For note, the trees on Mt Maude are predominantly Corsican pines.~~

In section 2.1 of the Forestry Management Plan prepared in June 2000 by a forest consultant Mr A C Laurie of Wrightsons Forestry Services indicated that there are two categories of trees within the 14 hectares of forest.

The original seed trees appear to be 60 years old. He described them of being of poor form, with very heavy branching. The second category of trees were estimated to be 20-30 years old. The old original seed trees are standing at approximately 30-50 stems per hectares, while the younger, self-sown trees stand at 1000-2000 stems per hectare. Average diametres range from 0.6-1.2 metres for the old trees and 0.2 – 0.4 metres for the younger trees.

The two conditions of the Council's consent pertaining directly to the forest were...

#### Condition 12

(a) The areas of pine forest and revegetation areas on the Concept Development Plan prepared by Baxter Brown, plan reference number 8119/1a dated 21 April 1999, shall be retained in perpetuity as areas of existing and /or regenerating indigenous vegetation, wetland areas or streams and their riparian margins.

(b) The removal of trees within the area referred to in part (a) above shall be limited to a minimum number of individual trees necessary only to ensure **access to sunlight** and **desirable views**, or **where a tree is likely to become dangerous by toppling due to natural causes**. All trees shall be felled, topped or trimmed in a manner so as to preserve adequate screening of all structures on the Lot as viewed from the Lake Hawea Foreshore area, State Highway 6 and the Hawea township. No tree shall be removed for commercial purposes.

properties  
1, 4 + 5

Conditions 12 a and b were registered on titles 1, 4 and 5. I own Lot two – therefore the requirement for me to retain my wildings in perpetuity was not a condition of the covenant lodged on my property title.

So, in a nutshell, the QLDC required my neighbours to the north, to retain their wilding pines for visual amenities purposes, but they were not allowed to let the pines spread from their property. The reality is that a large proportion of Mt Maude through to Maungawera is now covered in wilding pines, due to the fact that the QLDC required my neighbours to do the impossible.

The impossible being, to prevent the prevailing NNW wind from blowing in Lake Hawea. The impossible was to prevent the seed rain that blows in a NNW wind. When pines are an average of 12 years old, they release seed and this has blown down the Hawea Valley and into Maungawera – such that Mt Maude now has the worst wilding pine problem in the Upper Clutha. This was confirmed to me earlier this year at an Upper Clutha Wilding Tree Group meeting I attended by the helicopter pilot that flew the ORC and DOC staff over the Upper Clutha when completing the mapping of the wilding tree problem in our region.

In 2009 two of my neighbours put their properties into the MPI funded carbon credit scheme. MPI continues to provide carbon credits for property owners with pre-1989 wilding pine forests, irrespective of whether their trees are the seed source of spread. While at the same time providing regional authorities such as ORC with funds to remove wilding tree spread. When I have talked with my neighbours regarding the removal of their trees, they advise that MPI will penalise them financially, if they remove more than 2 hectares of wilding pines per five years.

At the end of the day – the QLDC do not enforce any regulatory requirements to ensure property owners are consistent with the conditions of their resource consents being granted being compliance with the Forestry Management Plan. People do what is inspected. The QLDC have done nothing to ensure that these wilding pines do not spread. So, at some stage in the next 1-2 years the ORC are going to approach property owners to the south of me and say we will fund 80% of the management of the wilding pine spread on your property. You will need to contribute 20%. But once we contribute the 80%, from then on, you are responsible for keeping your property free of wilding pines.

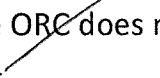
However, my advice to these neighbours.

Do not let the ORC anywhere near your property, because the seed source trees can never be removed.

The regulatory bodies have an outside-in approach, which is predominantly driven by financials, where the outside gets priority as it is cheaper to manage, that the cost of removing the seed source.

My advice to the neighbours is: if you let the ORC onto your property to clear pines once, from then on, you will always be responsible for the management

Unless you  
have an  
instructed  
agreement &  
financials  
to remove  
them

of wilding pines blowing on your property, because the ~~ORC~~ does not have the ability to remove the seed source trees in Lake Hawea. 

Unfortunately, the ORC haven't done the research to understand that the pine trees on the SW corner of Mt Maude can never be removed.

This QLDC Resource Consent requirement could unknowingly put the ORC in a position, of being both deceptive and misleading when engaging with the rural property owners on Mt Maude.

It is disappointing that the QLDC in 2000, said that the condition of the Resource Consent being allowed was that the wilding pines on the hill had to be retained for visual amenity purposes, despite acknowledging the unsuitability of them at the same time.

I purchased my property in 2016.

I started having wilding pines felled within the first month of purchasing my property.

I had sat down with Briana Pringle from the QLDC in 2017 to see what assistance the QLDC could provide with wilding pine removal and was advised that was in ORC's remit, not the QLDCs. So the QLDC do nothing to ensure that Forestry Management Plans are complied with. Also interesting was when I attended a meeting earlier this year where Grant Hensman advised that the QLDC had been assisting the Whakatipu Wilding Tree Group with wilding pine removal in Queenstown since 2013. I then went to the ORC and was advised that the Wanaka Management Area was 'coming up'.

In October 2018 I had my neighbour and her son over for Friday night drinks. Shortly after her arrival we noticed a lot of smoke blowing around the trees and thought someones BBQ had got out of hand. The son ran to get the phone from the car to call his Dad who was a volunteer firefighter at Lake Hawea and he advised us that there was a fire on the mountain and we needed to get off immediately.

When faced with a directive like that you leave your property there and then. My main priority was to get my border collies in the car.

I grabbed my wallet so I could buy them some food.

I grabbed my phone so that I could contact my family and friends and tell them not to worry and lastly I grabbed a warm coat.

When I drove down the hill I passed the QLDC owned Water Reservoir and can remember thinking how eerily quiet everything was. The whole forest had filled up with smoke, all the birdlife seemed to have flown off and I wasn't even sure if it was safe to drive down the hill.

I waited at the bottom of the driveway as wasn't sure where to go or what to do. I can remember looking to the north and thinking, I was seeing a scene from Bonanza where a strip of dynamite had been let off, as I saw fire race up the mountain. My next thought was... how far away are the Choppers? Then I looked up and saw an Alpine Helicopter flying overhead and can remember thinking – gosh, I hope none of the Wallace brothers in there, given the recent tragedies that had occurred.

The fire that night got within 10 metres of my neighbours' property and without the efforts of the Alpine and Aspiring Helicopter pilots and the fantastic Volunteer Fire Brigade ground crews, my neighbours house would have been lost, and potentially others as well.

Mark Mawhinney – the Rural Fire Chief for our District called me the next night at 6pm and advised me it was safe to return home. He advised me that with the Kanuka located at my driveway entrance, he would not authorise a fire truck in the future to go through to my property, given the hazard that the kanuka creates. Kanuka is high on the Fire and Emergency NZ list of trees that serve as fire accelerants.

A week later my neighbour was showing someone around his property and touched a tree stump and thought it was on fire, so I was asked to evacuate my property for the second time.

That same week I took some baking through to Aspiring and Alpine helicopter crews. I was advised by one of the helicopter pilots that 'I had dodged a bullet'.

I also went with the neighbours to take some beers down to our local Fire Brigade to thank them for their work that night. I said it was such a relief that it was over. I then had Brett Stanley the Lake Hawea Fire Chief advise me that due to the rabbits that exist all over Mt Maude, there was potential for smoke to have gone down a burrow and lie dormant and then come out 3-4 months later at the other end and reignite, so it was important to be extra vigilant for the next 3-4 months.

It was then that I decided – I would make it my mission to remove all the Wildings on my property. My actions in doing so are completely consistent with Chapter 34 of the PDP in respect of wilding management and also Chapter 39 of the PDP where Ngai Tahu advise that exotic conifers are considered to be a threat to their values.

I have paid to:

- Rabbit fence my property, Pindone my property
- Remove kanuka at my entrance,
- Remove the wildings,
- Remove the slash, let it cook, mulch it and then utilise it on my native plantings back on the property.
- I have aerielly grass seeded to reduce erosion
- Aerially sprayed the bracken, broom and blackberry regrowth.
- I have planted over 12000 natives on my property over the past seven years, in an area once dominated by wilding pines.
- I can tell you that I have not had any change out of \$500K for that investment in the five hectares of my property covered in wildings and I did not have to fund any road management costs when removing those pines. If you have a 50 metre tree it can not be felled within 100 metres of a road, without road safety support in place for Health and Safety reasons.
- I did it over a seven year period as money would allow and also because it is very challenging to do that all at once, because you have to be quite systematic in your approach.
- Mt Maude has the most intensive wilding pine problem in the Upper Clutha and no-one else has mechanically removed pines off land as sloping and as inaccessible as mine in the Wanaka region, to the extent that I have, over the past seven years. Doesn't make me an expert by any stretch of the imagination – but doesn't make me a non-expert either.

When I think about the fire risk, the biodiversity risk, health and safety risk given the wilding pine proximity to SH6, (we had a resident airlifted to Dunedin hospital last month after a pine tree fell on his ute on the Maungawera Hill) it was with absolute horror, which was quickly replaced by utter disgust, that I read the QLDC expert Landscape Architect Bridget Gilbert stipulating that Wilding Pine trees are considered an important vegetation feature in the Rural Character Landscape mapping of my area – West of the Hawea River and that Bridget Gilbert was supportive of scattered woodlots across our area.

## Landscape Capacity – what types of trees are acceptable in scattered woodlots?

I have submitted on OS143.5 that the QLDC should be more explicit about what types of trees are acceptable for production forestry in scattered woodlots of up to two hectares.

The QLDC's expert landscape architect Bridget Gilbert stated that Guidance with respect of types of Trees was beyond the scope of a Schedule of Landscape Values.

How can an expert place a value on different types of vegetation in my area, say that scattered woodlots of two hectares are appropriate and then not stipulate what types of vegetation in those scattered woodlots is appropriate?

My expectation here was that the QLDC's expert Landscape Architect Bridget Gilbert would, at an absolute minimum, cross reference Chapter 34 of the Proposed District Plan that expressly prohibits the planting of the following:

- Contorta or lodgepole pine, Scots pine, Douglas fir, European larch, Corsican pine, Bishops pine, Ponderosa pine, Mountain pine, Dwarf Mountain pine, Maritime pine, Sycamore, Hawthorn, Boxthorn, Buddleia, Grey willow, Crack willow, Cotoneaster, Rowan and Spanish heath

Why, is it unreasonable for to me, to expect that the expert Landscape Architects commissioned by the QLDC do not work in silos, when it comes to the multiple chapters of the Proposed District Plan, when as humble non-expert landowner, you expect us to know it all?

In Chapter 34 Radiata Pine is the only pine for which there is discretionary use. That said Radiata seed can be spread by the wind and it will slowly invade open country and establish vegetation if not controlled. This is a direct quote from the Farm Forestry New Zealand website.

In the Objectives and Policies of Chapter 34 – it says its key objective is the Protection of the District's landscape, biodiversity, water and soil resource values from the spread of wilding exotic trees.

Policy 34.2.1.1 Stipulates: Avoid the further spread of identified wilding tree species by planting of identified species.



Policy 34.2.1.3 Stipulates: That any proposal for the planting and ongoing management of Radiata Pine shall consider the following to ensure the spread of wilding trees can be contained:

Section: a: The location and potential for wilding take-off, having specific regard to the slope and exposure to wind.

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

It appears that the only tree that it appears is acceptable is Radiata Pine – therefore reference it in this chapter. But do it alongside the policy objectives.

I would respectfully suggest as someone who has had to spend hundreds of thousands of dollars removing pines from her property due to the prevailing wind in Lake Hawea, that anyone with eyes in their head (and who claims to have done field work) should reasonably be able to see that the wilding pine take-off in our area has been accelerated by the prevailing wind. I would also respectfully suggest that having management plans is farcical tick-box exercise.

If I think about the management plan in existence in my area – it is: *don't let the trees spread.*

But then the QLDC have done absolutely nothing to enforce that Management Plan when they have.

People comply with that which is inspected and the QLDC have done nothing.

In the seven years of owning my property no one from the QLDC ever contacted me regarding the wilding pine management on my property.

When we reached out to Briana Pringle of the QLDC her advice was it's the ORC responsibility. She did not say – *hey, property 1, 4 and 5, what have you done to control the wilding pine spread?*

Earlier this year, when one neighbour removed 2000sqm of pines from the lower escarpment of his property I incorrectly received the 'cease and desist' communication from the QLDC.

My genuine belief is that the references to wildings, scattered woodlots, and forestry as a whole, made by the QLDC's expert Landscape Architect Bridget Gilbert, serves to support the conditions for ongoing wilding pine spread in Lake Hawea.

### Landscape Capacity – No Production Forestry

In OS143.6 I have submitted that there is no landscape capacity for production forestry.

Bridget Gilbert has stipulated in her response that I have not provided any technical evidence in support of this submission. Stating that she is relying on her landscape evaluation of the area as part of the PA schedules work (including field work) that she considered the rating for forestry to be appropriate.

Again, the expert evidence of Bridget Gilbert is completely contrary to chapter 34.

How do you have production forestry when you have such small land holdings in this area? You can not prevent the wind from blowing. You will contribute towards wilding pine spread in the area by supporting scattered woodlots. Outstanding Natural Landscape, Rural Character Landscape and wilding pines are not congruous.

On the 3<sup>rd</sup> of November this year, under the National Environmental Standards for Commercial Forestry, Carbon farming is now included in their regulation standards. Every commercial forestry operator has a wilding pine calculator where they tally the potential spread from their designated new pine plantations. These new changes allow Regional Councils to have more say about the location of new plantations whether it be carbon farms or commercial forests. Fortunately, there are also operational changes including a new permitted activity standard for managing forestry slash at harvest and new requirements around management of wilding trees.

Why do the QLDC think that the ORC, who have a management plan for the removal of wilding pines on Mt Maude that covers an area of 1773 hectares from half way up to the neck, to south of Maungawera, at a cost of half a million dollars over the next three years, is EVER going to support the establishment of production forestry in scattered woodlots in the same area, when they are spending taxpayer money to clear them?

### Bracken Fern

In Chapter 21.23.3 West of Hawea River Rural Character Landscape the QLDC has referred to the Important ecological features and vegetation types that are particularly noteworthy and stipulates that the indigenous vegetation features include patches of bracken fernland across the lower slopes of Mount Maude.

The covenant registered on our five rural titles stipulates that no lot owner will allow any broom, gorse, thistles, other noxious weeds, undergrowth, dried or rank grass to grow on their Lot.

Bracken is a fern-like weed and it is carcinogenic and toxic to animals.

On rural land, where you have sheep, goats, horses and cows it is nonsense that the QLDC is placing a value on bracken when it is poisonous to rural-type animals.

I believe that landscape architects will argue that it helps to ameliorate natives into the environment.

I live next to a paddock of carcinogenic and toxic bracken that has grown over two metres in height in the seven years that I have owned the property next to it. Without doubt there is definitely new vegetation growing out of the bracken. That vegetation is broom and more wilding pines.

Where I have removed thick sunlight-blocking canopies of wilding pines, and bracken from my land, within 18 months I am seeing the very strong establishment of native mountain wineberry that did not exist there previously.

I am incredibly disappointed to have the QLDC, via their expert Landscape Architect Bridget Gilbert, place a value of bracken fernland on rural land. Especially knowing that it is a toxic weed which is carcinogenic to rural animals, particularly knowing that it contributes towards an increased fire risk in the area and that it suffocates sunlight from natives getting established.

My genuine belief is that bracken fernland should be removed from this chapter all together, as it has no value.

### Mapping of RCL on my land

When I, along with three of my neighbours met with Sarah Picard of the QLDC in July 2022 I asked Sarah Picard why it was that the Rural Character Landscape line started exactly on my northern fenceline?

It is not one metre to the north, or one metre to the south. It is exactly on my northern boundary. My neighbours' property to the north is west of the Hawea River and it is not mapped as Rural Character Landscape. My neighbour north east of me, across SH6, also west of the Hawea River is not mapped as Rural Character Landscape. My neighbour directly east of me, across from SH6, west of the Hawea River is not mapped as Rural Character Landscape.

When I raised this with Sarah Picard she advised me to put that in my submission. In the past year I have had no-one from the QLDC (despite the 100+ emails that I have received from the QLDC on Landscape priority) advise me why it is that the RCL line starts exactly on my northern fenceline.

It appears particularly arbitrary in the absence of having anyone that can explain that to me.

So - in the interests of genuine consultation which I have always considered to be two-way: is there anyone here today that can answer that question for me?

1. A response. To be frank, that response doesn't wash with me. The RCL line was mapped and I was asked to provide me response based on that mapping at the time. OR
2. Therefore, my question for the QLDC is: how can this consultation be considered legitimate, if no-one can provide an answer to that question? If no-one can provide me with an expert reason or opinion as to why my land is mapped that way, then how can I reasonably be expected to provide you with an expert opinion to the contrary, as to why it should not be mapped that way?

In the absence of any expert evidence ever being provided to me since halfway through last year, the QLDC has therefore not given me the opportunity to provide you with any expert evidence to the contrary. Therefore, my expectation is that the mapping of the Rural Character Landscape by the QLDC on all parts of my land, is completely removed.

So let me wind up here.

As I said, my expertise, is in looking at problems end-to-end and the last ten years of my working career were spent in financial risk.

- It is a fact that Wilding pines significantly reduce the water yield into our Lakes and our Rivers by up to 40%.
- In another seven weeks, all the holiday makers who pay rates, who pay development contributions based on the number of bedrooms in their homes, will arrive at their holiday homes and fill those rooms up.
- They will have the expectation of having water at their properties. But inevitably, as has been the case for the past few years, Lake Hawea will be placed on water restrictions.
- When you have water restrictions, the potential for fire, means the arrow goes from green in the left to red in the right.
- At Lake Hawea you have a forest in the SW corner of the lake and you have a prevailing NNW wind with the new densely populated urban areas of Timsfield, Sentinel Park and Longview that are within half a kilometre to three kilometres away.
- The wilding pines have already spread thru to edges of the Hawea River.
- I know of property owners that have pine seedlings in their backyard in Timsfield.
- The QLDC has a growing wildfire risk in Lake Hawea.
- It is my humble, non-expert opinion, that the QLDC saying wilding pines are an important feature of the landscape, that pines need to be retained for visual amenity purposes, ticking off that a management plan is in place that stipulates that property owners need to ensure that pines do not spread from their property (and then doing nothing to monitor that that spread does not occur) means that I consider the QLDC have directly contributed to the increased likelihood of wildfire risk in my area.
- However, QLDC you are not alone.
- So have Contact Energy who have told one of my neighbours who started cutting down wilding pines to stop.
- So have the government, who still pay carbon credits to landowners with pre 1989 wilding forests and advises landowners they will be financially penalised if they remove more than 2 hectares of wilding pines in five years, while at the same time providing funding to regional authorities to



remove wilding pines – but with an ‘outside- in’ approach, because it is the “in’ part where the money in the carbon credits is.

- My questions for the QLDC
  - How does creating conditions that contribute towards wildfire risk sit in alignment with the QLDC’s climate change focus?
  - How does retaining wilding pines in Lake Hawea contribute towards the growth of ecological features in our landscape, when wilding pines compromise the indigenous biodiverse growth of natives in our landscape?

### Windup

I actually think that the QLDC has an opportunity here.

I believe that the QLDC could work collaboratively with the property owners and let them subdivide their properties on the basis that they removed the wilding pines and replanted their properties in natives.

I think seeing a 250sqm roof amongst 4-5 hectares of land is a small compromise to make.

Just imagine, a Lake Hawea, where, instead of landowners having to waste a minimum of \$150K going through a notified hearing, the QLDC instead said, we will let you sub-divide, so long as you spend the money removing these wilding pines and replanting these natives.

Just imagine, a Lake Hawea where the wildfire risk is subsequently reduced.

I know that the QLDC would never approve that.

Because from where I am sitting, it makes far too much sense.

Covenant on title.

The areas of pine forest and revegetation areas marked ND, NE, FA, FC and FD on deposited plan 300393 (being areas marked on Lots 1, 4 and 5 (or 1147A, 1147D, 1147E) shall be retained in perpetuity as areas of existing forest and or/regenerating indigenous vegetation, wetland areas or streams and their riparian margins, Any felling, topping or trimming of trees is restricted to the minimum number of trees necessary to ensure access of sunlight and desirable views or where a tree is or is likely to become dangerous by toppling due to natural causes, or in accordance with the approved forestry management plan.