

Further Information for Submission No. 439

Lake McKay Station Ltd

The initial submission No 439 presented information on 4 issues as follows;

1. Requested Adjustment of the boundaries for several SNAs,
2. The cost of pest control and rates remission
3. Concern with the QLDC consultation process for SNAs
4. Threatened Environments Classification and opposition to Rule 33.5.2

Issues 1 and 3. - SNAs.

- (1) In regard to Issues 1 and 3 we applaud the decision of the Hearing Panel to hear the submissions seeking amendments to the boundaries of the SNAs at the later time as part of the hearings on map changes. Our concern was that there had not been sufficient consultation on the proposed SNAs on Lake McKay Station (LMS) and we agree with the recommendation of the Panel that the scientific experts representing the Council need to meet with the relevant submitters and pursue agreements on the boundaries of the proposed SNAs outside of the hearing process.
- (2) However we are concerned that the SNAs had immediate legal effect when the PDP was notified and that they will remain in this “operative” state now for the next year or so when there is no definitive agreement on the boundaries of some of the SNAs.

Issue 2 – The cost of pest control and reference to rates remissions.

- (3) The QLDC S42A Hearing Report (7 April 2016) does not include a response to our initial submission on Rates relief.
- (4) The proposed SNAs on LMS are neighbouring to pasture land and they become sanctuaries for pest animals particularly rabbits but also stoats, ferrets possums and pest plants.
- (5) There are 420 hectares of SNAs proposed on LMS and the ongoing cost of pest control will be significantly higher than if the SNAs were converted to pasture.
- (6) As noted in our earlier submission the consultation letters from the Council referred to the Council Rates Remission Policy which allows for rates remission “to preserve and promote natural resources and heritage”. However the onus is on the land owner to apply for the remission and to prove such matters as the degree to which the SNAs “inhibit the economic utilisation of the land”. See attached Rates Remission and Postponement Policy)
We contend that this is an onerous process for the land owner and have suggested that the process could be made easier if there is a reference to a Rates remission in the Policies in Section 33. Accordingly we request that Policy 33.2.1.6 has the words added “*and the Council allows for a rates remission for existing SNAs.*”

Issue 4. Provision 33.9 Threatened Environment Classification Maps

- (7) The S42A Hearing Report (7 April 2016) does not include a response to our initial submission on Provision 33.9 and we are concerned that it has not been duly noted. We also wish to present additional information on this issue.

- (8) We contend that the Threatened Environment Classification (TEC) Maps are not appropriate as a regulatory tool and that the inclusion of the maps in Rule 33.5.3 is unnecessarily onerous for Lake McKay Station.
- (9) Rule 33.5.3 refers to *Within a land environment (defined by the Land Environments of New Zealand at Level IV) that has 20 percent or less remaining in indigenous cover,*. In this Rule there is no minimum % indigenous cover that would be allowed for clearance and hence one must assume that either resource consent is required or proof from the landowner that there is zero indigenous vegetation within the land to be cleared.
- (10) All of the production land on LMS below 600m is within the TEC area and with the current wording of Rule 33.5.3 any development of land of an area greater than 500m² will require either a resource consent or a report from a botanist stating that there is 0% remnant indigenous vegetation in the subject area.
- (11) On LMS much of the land that is planned for development has areas of matagouri and briar. Given that Matagouri (*discaria toumatou*) is an indigenous plant (although not at all threatened), under rule 33.5.2 these areas will need consent to clear and cultivate new pasture. (see attached photos.)
- (12) The requirement for consents will add to considerable extra expense in resource consent fees and or botany reports required to identify the percentage of remnant indigenous vegetation and then there is no guarantee that the consent will be granted due to the TEC status that is applied under Provision 33.9.
- (13) This level of regulation is contrary to the objectives in the Rural section of the PDP that are to enable and promote farming in the Rural zone. If consent could not be granted for the cultivation of this land then the future land use options tend towards public or private recreation or rural residential development.
- (14) Most of the significant stands of kanuka on Lake McKay Station have been included in SNAs (approx. 420 ha). Where there are significant areas outside the SNAs the clearance of the kanuka would be triggered by Rule 33.5.2 where the kanuka is greater than 2 m in height or by the provisions of 33.3.3. Hence Rule 33.5.2 is not required for the protection of the remnant kanuka stands.
- (15) There is a lack of guidance with Rule 33.5.2 on what is the threshold of % of remnant indigenous vegetation that will be allowed for clearance. The categories of “chronically threatened” and “acutely threatened” within the TEC in our opinion puts the emphasis on preservation rather than development. This again is onerous for the farmer in that there is a greater need for convincing supportive information in a consent application which results in higher costs of consent.
- (16) We also question if Rule 33.5.2 will achieve the purpose of protecting and enhancing indigenous biodiversity when there are only small percentages of remnant indigenous vegetation remaining. The Council’s ecologist Glen Davis in his Report (6 April 2016; para 6.12) refers to *“The 20% indigenous vegetation cover remaining figure was adopted as species loss has been shown to accelerate when the area of habitat remaining falls below 20%”*. As noted above, is there a lower threshold that will be given, at which clearance of native vegetation is allowable.

- (17) It is our view that the Rules in 33.4 and 33.5 along with the provisions of 33.3.3 are adequate for the protection of sustainable areas of Indigenous vegetation without the need for Rule 33.5.3 and the TEC. We therefore oppose the inclusion of rule 33.5.3 and 33.9 in the PDP.
- (18) We also note that there has not been any consultation on the use of the TEC as a regulatory tool prior to the PDP being notified and we consider that any policy that affects the land use options over a large area of the region such as this, should be more widely canvassed.

Signed:



M R Kelly on behalf of Lake McKay Station Ltd.

Date: 21st April 2016

Address for Service for submitter:

Michael Kelly
Senior Resource Management Consultant
Opus International Consultants Ltd
PO Box 273
Alexandra

Phone: 027 243 2675

Email: mike.kelly@opus.co.nz



Photo 1: Area across the gully is planned for cultivation. This land has sporadic cover of briar and some matagouri and under proposed rule 33.5.3 the cultivation of this land would require consent. The kanuka stands in the background are on the neighbouring block and would not be included in the cultivation



Photo 2: The land in the gully (where there is existing kanuka) would generally not be cultivated due to the steepness of the slopes. If this land were to be cultivated a consent would be required by Rule 33.5.2 where the kanuka is over 2m tall.



Photo 3: The land in the foreground is planned for cultivation. Under Rule 33.5.3 the sporadic matagouri would trigger the requirement for a resource consent.

Rates Remission and Postponement Policies

Adopted – Council 29 June 2012

These policies are prepared pursuant to Sections 102, 109 and 110 of the Local Government Act 2002.

REMISSION POLICIES

A. Community, Sporting and Other Organisations

Objective

To facilitate the ongoing provision of community services or recreational opportunities for the residents of the Queenstown Lakes District Council.

The purpose of granting rates remission to an organisation is to:

- Assist the organisation's survival; and
- Make membership of the organisation more accessible to the general public, particularly children, youth, young families, aged people, and economically disadvantaged people.

Conditions and Criteria

The land must be owned by the Council or owned, occupied or leased by an organisation (with liability for rates), which is used exclusively or principally for sporting, recreation, or community purposes.

The organisation must not operate for private pecuniary profit.

The application for rate remission must be made to the Council prior to 31st October of the rating year in question. New applications received during a rating year will be applicable from the commencement of the following year. Applications will not be backdated.

Organisations making application should include the following documents in support of their application:

- Statement of Objectives;
- Full financial accounts;
- Details of any Leases (where applicable);
- Information on activities and programmes;
- Details of membership or clients.

Application

Generally, the Policy will not apply to groups or organisations whose primary purpose is to address the needs of adult members (over 18 years) for entertainment or social interaction, or who engage in recreational, sporting, or community services as a secondary purpose only.

Remissions to any qualifying organisation shall be on the basis of 100% reduction in rates and charges except that no remission will be granted on targeted rates/charges for water supply, sewerage disposal or refuse collection, or areas used for bars.

The policy shall apply to the ratepayers who meet the relevant criteria as jointly approved by the Chairperson of the Finance and Corporate Committee and the Accounting Manager.

B. Land Protected for Natural, Historic or Cultural Conservation Purposes

Objective

To preserve and promote natural resources and heritage, to encourage the protection of land for natural, historic or cultural purposes.

Conditions and Criteria

Ratepayers with rating units which have some feature of cultural, natural or historic heritage which is voluntarily protected may qualify for remission of rates under this part of the Policy.

Land that is non-rateable under Section 8 of the Local Government (Rating) Act 2002 and is liable only for targeted rates covering water supply, sewage disposal or refuse collection will not qualify for remission under this part of the Policy.

Application

Applications must be in writing and should be supported by documentary evidence of the protected status of the rating unit e.g. a copy of the Covenant or other legal mechanism. This may include areas of land protected under the District Plan as significant indigenous vegetation or heritage buildings classified as QLDC Category 1.

In considering any application for remission of rates under this part of the policy the Council will consider the following criteria:

- The extent to which the preservation of natural, cultural and historic heritage will be promoted by granting remission of rates on the rating unit.
- The degree to which features of natural, cultural or historic heritage are present on the land.
- The degree to which features of natural, cultural or historic heritage inhibit the economic utilisation of the land.

The extent of any remission shall be determined by the Finance and Corporate Committee on a case by case basis.

If an application is approved the Council will direct its valuation service provider to inspect the rating unit and prepare a valuation that will take into account any restrictions on the use that may be made of the land imposed by the protection mechanism. Ratepayers should note that the valuation service provider's decision is final as there are no statutory rights of objection or appeal for valuations of this nature.

In granting remissions under this part of the Policy, the Council may specify certain conditions before remission will be granted. Applicants will be required to agree in writing to these conditions and to pay any remitted rates if the conditions are violated.