

Before the Independent Hearings Panel at Gore District Council

Under Schedule 1 of the Resource Management Act 1991

In the matter of Hearing Submissions and Further submissions on the Proposed
Gore District Plan.

Hearing Stream 3 Right of Reply of Joanne Skuse on behalf of Gore District Council

Date: 18 September 2024

Introduction:

1. My full name is Joanne Skuse. My Hearing Stream 3 Section 42A report sets out my qualifications and experience as an expert in planning.
2. I confirm that I am continuing to abide by the Code of Conduct for Expert Witnesses set out in the Environment Court's practice Note 2023, as applicable to this independent hearing panel.
3. I have prepared this statement of evidence to provide a response to the request by the Hearing Panel Minute 16 (16 August 2024) which directed I provide amended wording and advice regarding:
 - a) GRUZ-P3, with reference to the initial drafting provided by the Panel;
 - b) GRUZ-R1 and subsequent rules and standards that may cascade from this rule, using appropriate triggers that address afforestation, with reference to paragraphs 3.8 and 3.9 of the Minute;
 - c) scope of submissions that can be relied upon in support of any changes;
 - d) and a s32AA assessment of the impact of any changes.

Background:

4. Paragraphs 691-701 of the Section 42a report addresses the submission point from Clark Fortune McDonald & Associates (CFMA) (s99.032) who opposed GRUZ-R5.
5. In response, I recommended the definition of woodlots was updated to include exotic continuous-cover forest but exclude plantation forestry. I then recommended changes to GRUZ-R5 to enable woodlots up to 1 hectare, but woodlots exceeding one hectare would require consent as a discretionary activity. As a result, exotic continuous-cover forest over 1 hectare would require consent for a discretionary activity.

Assessment:

6. Having considered the panels minute, I agree further finessing of the rules could be undertaken to achieve greater clarity within the plan and address points raised by submitters.

Woodlots

7. I acknowledge including exotic continuous-cover forest in the woodlot definition and GRUZ-R5 may not be clear enough for plan users. It may be preferable to utilise the

defined terms for 'exotic continuous-cover forest' and 'plantation forestry'¹ as standalone rules.

8. The NES-CF is applicable to activities for afforestation when they exceed 1 hectare. Woodlots, where planted for commercial purposes, will fall under the definitions of 'exotic continuous-cover forest' and 'plantation forestry' when they exceed 1 hectare.
9. Whereas I previously utilised the woodlot definition and rule to capture exotic continuous-cover forest, I can see the benefit in providing a standalone activity for exotic continuous-cover forest. The approach would achieve a greater degree of directness for proposals for this type of afforestation. As such, I propose to amend the definition of 'woodlot' so that it no longer includes exotic continuous-cover forest as follows.

Woodlot - Means a stand of trees for the purposes of firewood, the creation of other wood products, a carbon sink ~~carbon sink~~ ~~exotic continuous-cover forest~~, erosion control, pest or wilding tree management purposes, but ~~excluding~~ excludes plantation forestry, exotic continuous-cover forest, shelter belts and trees planted for conservation purposes.

Plantation Forestry

10. I consider in relation to the matters raised by submitters, the productivity of a site is of upmost importance. Plantation forestry involves a harvesting cycle and in that respect the land is productive. During the harvesting cycle the land is managed. For example, tracks are maintained, trees are pruned and pest species are monitored and controlled accordingly.
11. The NES-CF manages wilding tree risk and control, setbacks from neighbouring boundaries, setback from dwellings, shading on dwellings, setback from urban and papakāinga zone boundaries², setbacks from a significant natural area and shading on roads. The NES-CF does not permit afforestation within a ONL, ONF or SNA³.
12. Given the management provided by the NES-CF for plantation forestry, I do not consider it is necessary to duplicate this and require consent for this activity within the PDP. As noted above, plantation forestry is a productive activity. In that respect it aligns with the NPS-HPL, which includes forestry in definition of land-based primary production.

¹ These terms were recommended to be included in the PDP to align with the NES-CF

² Note there are no papakāinga zones proposed in the Gore PDP

³ A restricted discretionary consent is required under the NES-CF for afforestation within these areas.

13. The notified PDP states, via Note 2, the provisions of the NES-CF apply to commercial forestry activities and permits commercial forestry except in certain circumstances such as where the District Plan has more restrictive rules. Plantation forestry would therefore be permitted by GRUZ-R1, unless the activity is undertaken with an ONL, ONF or SNA.

Exotic continuous-cover forestry

14. The PDP definition of 'exotic continuous-cover forestry' is limited to exotic species. Broadly, exotic continuous-cover forestry has benefits and costs impacts.
15. Benefits include:
 - a. climate change mitigation,
 - b. diversification for farms with areas of marginal land,
 - c. increased income generation for land owners, and
 - d. potential improvement to water quality where it displaces more intensive agricultural activities.
16. Conversely, exotic continuous-cover forestry can result in costs too including:
 - a. productive land availability with knock on impacts on food production;
 - b. rural communities as fewer employment opportunities are available in comparison to more traditional pastoral farming;
 - c. fire risk;
 - d. increased pest species due to minimal management; and potential increased prevalence of wilding pines.
17. In my opinion, given that the NES-CF does not manage all the potential adverse effects deriving from the costs listed above, it is appropriate to manage the activity within the plan. The submissions raise concerns with the planting of exotic species as opposed to native continuous-cover forestry. Therefore, utilising the definition of exotic continuous-cover forestry is sufficient to manage this specific activity. If the Panel considers it is appropriate to also manage native continuous-cover forestry, then I would recommend using a term such as 'carbon forestry' to capture both exotic and indigenous species.
18. I recommend a new rule is added to the GRUZ chapter to manage exotic continuous-cover forestry where the activity is not undertaken on highly productive land or within an ONL, ONF and SNA. Where the activity is proposed on highly productive land a non-complying activity status applies. Where the activity is proposed within an ONL, ONF and SNA, rules NFL-R8 and ECO-R1 apply.
19. A discretionary activity status allows consideration of a broad range of matters. I am cautious to narrow the scope to restricted discretionary as the extent of effects may differ depending on site specifics. A discretionary activity status allows for greater oversight

and flexibility in managing potential environmental, social, and economic impacts. Further, cumulative effects may be a relevant consideration.

20. Where the activity is proposed on highly productive land, a non-complying activity status is recommended. I consider this is necessary given the lack of productive value exotic continuous-cover forestry provides. The establishment of these activities will reduce the availability of productive pastoral land.
21. I recommend a revised policy framework in support of the rule new which is discussed below.

Rule Framework

22. In relation to GRUZ-R1, as recommended in the Section 42a report, commercial Forestry in an ONL, ONF or SNA, is subject to District Plan rules NFL-R8⁴ and ECO-R1. Commercial forestry in these areas does not trigger a restricted discretionary activity under GRUZ-R1. I therefore do not consider an additional standard is necessary in relation to GRUZ-R1.
23. I consider, given that the submissions request to manage exotic continuous-cover forestry activities within the district, a separate standalone rule as opposed to complicating GRUZ-R1 is appropriate. GRUZ-R1 specifically excludes Quarrying and Mining which are managed by GRUZ-R2 and GRUZ-R3. I recommend this is amended to also include exotic continuous-cover forestry.
24. GRUZ-R5 will remain and will manage the establishment of woodlots only.
25. A new rule is recommended requiring a discretionary activity for exotic continuous-cover forestry where the activity is not undertaken on highly productive land or within an ONL, ONF and SNA. Consequential policy changes are discussed below.
26. Where the activity is proposed on highly productive land, a non-complying activity status applies. I consider this is necessary given the lack of productive value exotic continuous-cover forestry provides. The establishment of these activities will reduce the availability of productive pastoral land.
27. Where the activity is proposed within an ONL, ONF and SNA, rules NFL-R8 and ECO-R1 apply. Both these rules require a non-complying activity consent. The policy

⁴ Note this rule was recommended to be updated in the HS3 Rural Section 42a, as part of a consequential amendment to amend references to 'plantation forestry' to 'commercial forestry'.

framework of these chapters will be applicable to exotic continuous-cover forestry in these areas.

28. Appendix 1 contains the revised General Rural Chapter taking into account the recommendations of this right if reply.

Policy Framework

29. The panel has provided wording as a starting point for GRUZ-P3 and how it seeks to manage forestry activities including woodlots.

30. The proposed wording is as follows:

GRUZ-P3 Recognise:

- (1) the benefits of forestry and woodlots for carbon sequestering, economic activity and the natural environment by enabling the following in the General Rural Zone:
 - a) plantation forestry as part of a diversified farming operation;
 - b) indigenous forestry that also supports improved biodiversity and freshwater management outcomes; and
 - c) woodlots; and
- (2) the need to avoid, remedy or mitigate potential adverse effects of afforestation in the district by:
 - a) including methods that reduce fire risk and identify firefighting water supply in the afforestation management plan for plantation forestry that is required by the National Environmental Standard for Commercial Forestry; and
 - b) requiring resource consent for plantation forestry that is not part of a diversified farming operation or does not contribute to improved biodiversity and freshwater management outcomes; and
 - c) preventing the establishment of exotic continuous-cover forestry.

31. I consider the policy framework would benefit from two policies. One policy to support the activities permitted by the plan, and one policy to manage larger scale woodlots and exotic continuous-cover forestry activities.

32. I propose the following, having utilised the panels policy proposal as a starting point:

GRUZ-P3 Recognise:

- (1) the benefits of forestry and woodlots for economic activity and the natural environment by enabling:
 - a) plantation forestry in accordance with the NES-CF,

- b) small-scale woodlots.

GRUZ-P X Manage potential adverse effects of afforestation and woodlot activities in the district by:

1. Requiring sufficient fire risk protection, including firefighting water supply and fire; and
2. the layout and scale of the activity is compatible with the character and qualities of the zone; and
3. Only allowing exotic continuous-cover forestry where:
 - a) it is part of a diversified farming operation; and
 - b) the activity contributes to improved indigenous biodiversity values and freshwater management outcomes.

33. The policy requires exotic continuous-cover forestry activities to demonstrate they are part of a diversified farming operation in order to address the economic and social adverse effects. The requirement to improve indigenous biodiversity values and fresh water management is relevant to the concerns surrounding pest control and pest species.
34. I note the panels version of GRUZ-P3 seeks to prevent the establishment of exotic continuous-cover forestry. If the panel is of a mind to discourage or restrict entirely the establishment of exotic continuous-cover forestry, then a non-complying activity should be adopted with a corresponding 'avoid' policy.

Submissions:

35. The CFMA submission (s99.032) sought a discretionary activity consent for establishing exotic forests for carbon sequestering on highly productive land. I consider the changes proposed are within the scope of this submission.
36. Southland District Council (s146.081) seeks that the council regulates afforestation within the district, as enabled by the NES-CF. I consider the scope of this submission is broad, and the changes proposed are within this.
37. As outlined in the minute, other submissions have been received which identify matters that forestry activities may exacerbate. Concerns mainly relate to:
- The economic implications given exotic continuous-cover forestry does not provide jobs as the trees are not tended (CFMA)
 - The loss of productive land and impacts on food production (CFMA s99.032)
 - The social well-being impacts of loss of farming families when whole farms are converted to forestry (CFMA)
 - The concerns around potential to exacerbate wilding tree issues, which require management (CFMA and Jenny Campbell s136.011)
 - Fire risk (FENZ s124.022)

38. I consider there is sufficient scope from the submissions to amend the rule framework and policies as recommended above. I consider the amended rule framework and supporting policies address the issues and outcomes sought from the submissions.
39. A discretionary activity resource consent is required for exotic continuous-cover forestry not undertaken on highly productive land. The proposal must demonstrate that fire risk is managed, the activity is part of a diversified farming operation and indigenous biodiversity is improved. This would include wilding control and pest management.
40. This, in my opinion manages the environmental, economic, productive and social implications of the activity.

Recommendation:

41. I recommend GRUZ-R1 is amended to specifically exclude exotic continuous-cover forestry from the Primary Production rule, similar to how mining and quarrying activities are managed in the PDP.
42. I recommend GRUZ-R5 is retained as per the Section 42a report.
43. I recommend a new rule to manage exotic continuous-cover forestry with a discretionary activity status unless the activity is proposed on highly productive land, an ONL, ONF or SNA, in which case a non-complying activity status will apply.
44. I recommend amendments to GRUZ-P3 to support plantation forestry and small-scale woodlots.
45. I recommend a new policy to manage larger woodlots and exotic continuous-cover forestry.

Section 32aa:

46. The proposed recommendations seek to manage the establishment of exotic continuous-cover forestry by ensuring such activities are subject to careful consideration of their potential environmental, economic, and social impacts. The proposed rules aim to:
 - Protect highly productive land for food production and other high-value agricultural uses.
 - Safeguard ONLs and SNAs, which have significant landscape, ecological, or biodiversity values.
 - Ensure sustainable land use by assessing each exotic continuous-cover forestry application on a case-by-case basis to manage the balance between carbon sequestration and other land-use priorities.
47. A section 32aa analysis is provided below.

	Option 1 – Notified PDP – No Rule	Option 2 – Recommendations – New rule and Policy
Benefits	Landowners have full flexibility to establish exotic continuous-cover forestry without additional regulation. Encourages carbon sequestration, contributing to national climate change goals.	Discretionary activity status for exotic continuous-cover forestry across GRUZ allows for a broad range of considerations, including environmental impacts, water management, landscape effects, and the long-term sustainability of land use. Non-complying activity status on highly productive land (as defined under the National Policy Statement on Highly Productive Land) helps preserve this land for essential activities like agriculture and horticulture. Non-complying status in ONLs and SNAs helps protect landscapes of national significance and areas critical for biodiversity. It ensures that only exceptional cases of carbon forestry in these areas are considered, preventing inappropriate development in sensitive environments. Provides an opportunity for public participation and consultation, allowing communities and iwi to express concerns or support. Helps align with broader sustainability and biodiversity goals, such as protecting soil health, preventing sedimentation of waterways, and maintaining biodiversity in natural areas.
Costs	Risk of permanent conversion of highly productive land to forestry, which may negatively affect local and national food production. Potential degradation of ecological values, biodiversity, and natural habitats from lack of pest management. Cumulative impacts on rural communities Lack of oversight may result in environmental harm, such as water	Increased compliance costs for landowners seeking to establish the activity, including the costs associated with preparing a resource consent application. Additional administrative costs for councils to assess discretionary and non-complying activity consents. Possible perception among some landowners of reduced flexibility to make land-use decisions based solely on economic returns.

	catchment issues, erosion, and loss of cultural or recreational land values.	
Effectiveness and Efficiency The preferred option (Option 2) is more effective than the status quo approach as it: • Allows councils to assess the full range of effects from exotic continuous-cover forestry, considering environmental, economic, social, and cultural impacts. • Protects highly productive land, ensuring that it remains available for food production and high-value agricultural uses, which is crucial to long-term regional and national economic sustainability. • Safeguards ONLs and SNAs from inappropriate development that could degrade their unique landscape, biodiversity, and ecological values. In terms of efficiency, this option provides a balance between enabling exotic continuous-cover forestry where appropriate while ensuring that the most sensitive and productive land is adequately protected. While there are additional compliance costs for landowners, the long-term benefits of sustainable land management and environmental protection outweigh these costs.		
Risk of acting: Introducing the proposed rules may delay or reduce the number of exotic continuous-cover forestry projects, potentially slowing down carbon sequestration efforts. However, this is offset by ensuring that such projects are sustainable and do not undermine other important land-use values. Risk of not acting: Allowing exotic continuous-cover forestry to be established without sufficient oversight could lead to the irreversible conversion of highly productive land, degradation of ONLs, and loss of biodiversity in SNAs. This would have significant long-term impacts on food production, environmental health, and landscape values.		
Conclusions: The proposed rule requiring discretionary activity consent for carbon forestry, along with non-complying activity consent for carbon forestry on highly productive land, within ONLs, or in SNAs, is the most appropriate way to achieve the objectives of sustainable land use and environmental protection. This approach allows for a balanced consideration of carbon sequestration alongside other critical land-use values, ensuring that environmental, cultural, and economic outcomes are considered on a case-by-case basis.		

Signed:



Joanne Skuse
Consultant Planner

18 September 2024