



IN THE MATTER AND IN THE MATTER

of the Resource Management Act
1991

AND

IN THE MATTER

of Hearing of Submissions and Further
Submissions on the Proposed Gore
District Plan

Minute 16 of the Hearings Panel

RURAL ZONES - AFFORESTATION

16 August 2024

1. INTRODUCTION

- 1.1 The purpose of this Minute is to indicate considerations of the Hearings Panel (the Panel) and provide directions following the hearing of submissions on the Rural zones on 22 and 23 July 2024.
- 1.2 The Panel in drafting this Minute wishes to address a gap in the notified plan regarding management of afforestation activities in the District. Directions contained in this Minute are intended for the S42A reporting officer, all participants in the hearing of the Rural zones and submitters on the relevant provisions.

2. IDENTIFIED POLICY GAP

- 2.1 During the hearing it became apparent to the Panel that there is a gap in the policy framework regarding commercial forestry. GRUZ-P3 in the notified plan recognises the benefits of forestry and woodlots for carbon sequestering but there is no corresponding policy to guide management of afforestation activities in relation to potential adverse effects.

NES for Commercial Forestry

- 2.2 The effects management role of the National Environmental Standard for Commercial Forestry (NES-CF) was discussed at the hearing. The NES-CF, as a consequence of amendments introduced in 2023, provides for a rule in a plan to be more stringent or more lenient than the regulations in relation to afforestation (Regulation 6(4A)). The proposed Gore District Plan was notified on 31 August 2023 prior to these amendments to the NES-CF taking effect on 23 November 2023.
- 2.3 Regulation 9(1) states that afforestation is a permitted activity within territorial authority jurisdiction provided that:
 - the council is given written notice in accordance with Regulation 10
 - wilding tree risk and control is managed in accordance with Regulation 11
 - the activity is not within a significant natural area or outstanding natural feature or landscape (Regulation 12) or visual amenity landscape where the activity is restricted (Regulation 13)
 - setbacks are maintained in accordance with Regulation 14.
- 2.4 The NES-CF also contains triggers for controlled activity status and restricted discretionary status if certain permitted activity thresholds or conditions are not met (Regulations 15, 16 and 17).
- 2.5 The Panel understands Regulation 6(4A) allows a district plan to control afforestation by means of resource consent, even if the permitted activity regulations are met. The Panel understands that a district plan may also set a different activity status or different thresholds or conditions for triggering activity status for afforestation activities.

NPS for Highly Productive Land

- 2.6 The National Policy Statement for Highly Productive Land (NPS-HPL) includes forestry within the definition of “land based primary production”. The Panel has received evidence that much of the Gore District is classified as “highly productive land” under the NPS-HPL due to the prevalence of land classified as LUC-3. The single objective of the NPS-HPL is to protect highly productive land for use in land based primary production.

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- 2.7 The combined effect of the NES-CF and NPS-HPL in the Gore District is to potentially enable widespread afforestation for the purposes of commercial forestry throughout the rural zones.

Commercial forestry

- 2.8 The NES-CF differentiates two forms of commercial forestry, plantation forestry and exotic continuous-cover forestry. In general terms, the Panel understands that plantation forestry involves forest species planted for the purpose of later harvest and replanting, which may be indigenous or exotic trees, whilst exotic continuous-cover forestry consists of exotic forest species planted without the intention to harvest and re-plant.
- 2.9 The reports included as Attachments 3 and 4 to the S42A Report for the Rural Zones hearing cite forestry as a growing economic activity in the district over the next ten years and identify forestry as contributing to employment within primary industries. Primary industries as a whole are the largest proportion of GDP in the District, which accounts for emphasis on the benefits of primary production in the General Rural Zone chapter objectives and policies.

Submissions

- 2.10 Submitters have raised concerns regarding the impacts of exotic forestry, and in particular exotic continuous-cover forestry as defined in the NES-CF.
- 2.11 The original submission of Clark Fortune McDonald and Associates (S99) requested that exotic forestry be classified as a discretionary activity. This submission point, S99.032, was not discussed in the S42A report. During questioning of witnesses for this submitter, the following reasons for requesting discretionary activity status and associated concerns were outlined:
- loss of productive land to forestry, impacting food production
 - planting of exotic trees for carbon credits, as permanent land cover
 - the difference between planting permanent indigenous species cover, which has more natural value than exotic species
 - entire large farms being purchased by international companies to establish permanent exotic tree cover, as distinct from diversification within a farming operation
 - the social well-being impacts of loss of farming families when whole farms are converted to forestry
 - concerns around potential to exacerbate wilding tree issues, which require management
- 2.12 Southland District Council identifies in their original submission that the NES-CF allows Councils to regulate afforestation within their districts (S146.081) and reasons that having provisions concerning afforestation within the Rural zone would be appropriate. The Council also seeks that there are more restrictions on commercial forestry within the Rural Lifestyle Zone.
- 2.13 Jenny Campbell expresses concern in her original submission about the planting of exotic species and requests that they not be given resource consent (S136.011), naming particular species of concern (e.g. *Pinus contorta* and other *Pinus* species, firs and eucalypts). She also seeks that the number of pine plantings decrease, planting

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on steep slopes is banned, that waste/slash is chipped, and that native planting is encouraged.

- 2.14 Hamish Weir did not submit on the matter but raised concerns with the Panel in the first hearing about active buyers in the district looking to purchase large farms for carbon forest conversion.
- 2.15 Fire and Emergency New Zealand (FENZ) submitted that the Council consider adopting objectives and policies specific to wildfire, in relation to the natural hazards chapter. The Panel note that the NES-CF does not regulate firefighting water supply in relation to commercial forests, although fire breaks are included within the definition of forestry infrastructure and an afforestation management plan is required, which must include all forest planning requirements that apply (Regulation 10A).

3. RULE FRAMEWORK

- 3.1 The S42A reporting officer has proposed to manage exotic continuous-cover forestry through rule GRUZ-R5 pertaining to woodlots, incorporating this form of forestry within the definition of “woodlot”, with more than 1 hectare of exotic continuous-cover forestry requiring approval as a discretionary activity. In the absence of any amendment to GRUZ-P3, the Panel considers there will be little to guide a decision-maker on a discretionary consent, if the Panel adopts that approach, and certainly not in terms of the range of concerns raised by submitters.
- 3.2 The Panel observes that commercial forestry includes both plantation forestry and exotic continuous-cover forestry as defined by the NES-CF, and the S42A reporting officer proposes to include “commercial forestry” as a definition in the district plan.
- 3.3 In Appendix A to the S42A Report for the Rural Zones hearing, GRUZ-R1 is recommended to be amended to reference Commercial Forestry, which would then trigger restricted discretionary status for both plantation forestry and exotic continuous-cover forestry if these are proposed in an ONL, ONF or SNA¹. Discretion would then be restricted to matters of discretion of any infringed standard. There is no standard in the chapter specific to Commercial Forestry activities.
- 3.4 As there is no specific standard that applies to Commercial Forestry outside of an ONL, ONF or SNA these activities are permitted without any controls, and therefore entirely reliant on the NES-CF regulations.
- 3.5 In summary, there are inconsistencies in the proposed framework that mean further work is required to produce an effective plan approach to managing afforestation in the District.

Revised amendments being considered by the Panel

- 3.6 The Panel is responding to the risks identified by submitters of exotic continuous-cover forestry impacting productive activity and community well-being within the district, particularly given the dominant role of primary production in the local economy and the extent of highly productive land that may be impacted. The Panel also considers wildfire risk as raised by FENZ to be a relevant matter.

¹ Outstanding Natural Landscapes (ONL), Outstanding Natural Features (ONF) and Significant Natural Areas (SNAs)

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- 3.7 The Panel is considering whether GRUZ-R1 is the appropriate rule to apply in terms of providing a trigger for commercial forestry to enter a resource consenting pathway, rather than GRUZ-R5.
- 3.8 The Panel considers the issues for determination are whether:
- different triggers and resource consenting pathways are required to differentiate plantation forestry from exotic continuous-cover forestry, exotic forestry from forestry involving indigenous species, and forestry as part of a diversified farming operation from forestry as a stand-alone activity
 - as proposed by the S42A reporting officer, exotic continuous-cover forestry should be a discretionary activity, at a minimum
 - it should be made clear in the plan where the intention is to rely on regulations in the NES-CF
 - a new standard will be required to support the rule framework which may utilise the NES-CF or differ where Regulation 6 provides for that difference.
- 3.9 As a starting point the Panel has explored GRUZ-P3 and its role in supporting objectives GRUZ-O1 and GRUZ-O5. The Panel acknowledges GRUZ-O5 is likely to undergo further amendment to give effect to the NPS-HPL, as discussed at the hearing.
- 3.10 Given all of the above, in order to reflect submissions and evidence provided to date, the Panel seeks feedback on the following potential wording for GRUZ-P3:

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.

- 3.11 The Panel considers there is potential to establish a rule framework based on a policy such as the above, which might provide for the “enabled” components as permitted activities (with reference to (2)(b) as appropriate), the component requiring consent as

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a restricted discretionary activity for example, and the “prevented” component facing a more rigorous pathway given potential adverse impacts on the district of a proliferation of such activity on highly productive land.

- 3.12 The Panel notes that the district plan is only able to consider a limited range of matters that are not otherwise addressed by the NES-CF and are within the scope of submissions, which we have identified as follows, although there may be others to add to this list:

- cumulative effects on food production activities
- contribution to the local economy
- afforestation management plan (including fire risk related matters)

These matters may provide matters for restricted discretion, for example.

4. PANEL DIRECTIONS

- 4.1 The Panel direct that:

- (1) The S42A reporting officer, by **16 September 2024**, 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 this Minute;
 - c) scope of submissions that can be relied upon in support of any changes; and
 - d) a s32AA assessment of the impact of any changes.
- (2) Submitters provide response to this Minute and the corresponding advice of the S42A reporting officer to the Hearings Administrator by **14 October 2024**.

- 4.2 The Panel is not directing any conferencing but acknowledges that there is potential benefit in the parties collaborating in the available time.

- 4.3 Once all responses have been received, the Panel will consider whether anything further is required to assist with decision-making.

- 4.4 Any queries regarding this Minute should be directed to the Hearings Administrator, Lindsey Crazy Wolf who can be contacted by email at lcrazywolf@goredc.govt.nz or by telephone on (03) 209 0330.



Keith Hovell
Hearing Panel Chair