

Item not on the Council Agenda **26 January 2023**

THAT the Council:

1. Considers the following report at its meeting on 26 January 2023:
Report 23-24 Petition – Land Use Planning and Regulations
2. It is recommended that the report be accepted as a late item. The delay of this report was because the item was requested after the agenda was printed.



Heather Kohn
Democracy & Support Services Manager

Title: 23-24 Petition - Land Use Planning and Regulations
Section: Chief Executive's Office
Prepared by: Nedine Thatcher Swann - Chief Executive
Meeting Date: Thursday 26 January 2023

Legal: No

Financial: No

Significance: **Low**

Report to COUNCIL/TE KAUNIHERA for decision

PURPOSE - TE TAKE

The purpose of this report is to outline some of the issues raised in an online petition "Stop the ongoing environmental disaster in Tairāwhiti" and outline what Council is responsible for and suggested actions that Council can undertake in light of the petition.

SUMMARY - HE WHAKARĀPOPOTOTANGA

Community members have established a petition calling on Gisborne District Council to:

1. Support an independent inquiry into the regulatory system for land use in Tairāwhiti - with a focus on activities (and lack of activity) contributing to erosion, sedimentation and woody debris deposits in waterways and the marine coastal environment.
2. Prioritise a review of land use rules related to activities on the steep, erosion-prone land that comprises 80% of the region.
3. Offer our Council to be a pilot region for the Resource Management Reforms that will include significant support from Central Government, this should enable stricter local rules to trump national policy where required.
4. Work with Trust Tairāwhiti, other regional leadership organisations, residents, ratepayers and Central Government on a 20 year regional Just Transition Plan to ensure all land use in the region is truly sustainable - from economic, social, cultural and environmental perspectives.
5. Request the establishment of a ministerial group including the Ministers for the Environment, Climate Change, Business & Employment, Social Development, Forestry, Agriculture, Civil Defence, Research, Science & Innovation, and Māori Development to support the development, implementation and monitoring of a regional Just Transition plan for Tairāwhiti.

The overall intent of the petition is development of a bespoke sustainable land use solution for Tairāwhiti that is committed to by all stakeholders.

The decisions or matters in this report are considered to be of **Low** significance in accordance with the Council's Significance and Engagement Policy.

RECOMMENDATIONS - NGĀ TŪTOHUNGA

That the Council:

- 1. Reaffirms its support for an independent inquiry into the system for land use in Tairāwhiti with the focus of the inquiry and personnel conducting it being mutually agreed upon by Council and other key stakeholders.**
- 2. Notes that central government is responsible for the primary forestry instrument being the National Environmental Standards for Plantation Forestry (NES-PF) and that staff have submitted to the Ministry for Primary Industries that a fundamental review of the NES-PF is required.**
- 3. Gives direction on whether to investigate inclusion of a review of land use rules related to activities on the steep, erosion-prone land in Stage 1 of the Tairāwhiti Resource Management Plan review.**
- 4. Notes that staff have been in discussion with officials from the Ministry for the Environment as to whether Council offers up our region as a model region as part of the RMA reforms, noting there are significant issues already identified with the current proposed legislation as outlined in report 23-7.**
- 5. Gives direction on whether to explore Tairāwhiti being a model region as part of piloting implementation of the RMA reforms if substantive issues can be resolved.**
- 6. Notes that staff have been working with Trust Tairāwhiti and other agencies on a Just Transition Plan as part of our climate change response; however, the scope of this Plan differs from that envisaged in the petition. Strategic direction for sustainable land use falls within the ambit of the Tairāwhiti Resource Management Plan review and resource management reforms.**

Authorised by:

Nedine Thatcher Swann - Chief Executive

Keywords: petition, environmental disaster, Tairāwhiti, Trust Tairāwhiti, central government, resource management reforms

BACKGROUND - HE WHAKAMĀRAMA

1. A submission will be presented to Council at its meeting of 26 January 2023, seeking an urgent review of acceptable land use in Tairāwhiti. The petition states that:

The issues are complex, intergenerational and shared by multiple stakeholders. A group of Tairāwhiti residents from across the region have come together to push for stronger action, better planning and rules, and ultimately, truly sustainable land use and new industries and jobs in the region. We're calling on Gisborne District Council, but everyone has some responsibility - from landowners and voters to businesses and central government.

2. The petition is available [online](#). At the time of writing, nearly 8,000 signatures had been received.
3. The petition calls on Council to take five actions:
 1. **Support an independent inquiry** into the regulatory system for land use in Tairāwhiti - with a focus on activities (and lack of activity) contributing to erosion, sedimentation and woody debris deposits in waterways and the marine coastal environment.
 2. **Prioritise a review of land use rules** related to activities on the steep, erosion-prone land that comprises 80% of the region.
 3. **Offer our Council to be a pilot region for the Resource Management Reforms** that will include significant support from Central Government, this should enable stricter local rules to trump national policy where required.
 4. Work with Trust Tairāwhiti, other regional leadership organisations, residents, ratepayers and Central Government on a **20 year regional Just Transition Plan** to ensure all land use in the region is truly sustainable - from economic, social, cultural and environmental perspectives.
 5. Request the **establishment of a ministerial group** including the Ministers for the Environment, Climate Change, Business & Employment, Social Development, Forestry, Agriculture, Civil Defence, Research, Science & Innovation, and Māori Development to support the development, implementation and monitoring of a Regional Just Transition plan for Tairāwhiti.

How we currently manage forestry in Tairāwhiti - the National Environmental Standard – Plantation Forestry (NES-PF)

4. National Environmental Standards (NES) are regulations made under the Resource Management Act 1991 (RMA). They set out technical standards, methods or requirements relating to matters under the RMA and provide consistent rules across the country by setting planning requirements for certain specified activities.
5. The NES-PF was published by government on 3 August 2017 and came into force on 1 May 2018. The Gisborne District Council opposed the introduction of the NES-PF. Council's submission to the Ministry for Primary Industries is attached (**Attachment 1**).

6. Councils previously managed the environmental effects of forestry activities through regional and district plans. The NES-PF overrides district or regional plan rules except where the NES-PF specifically allows more stringent plan rules.
7. The NESPF was introduced primarily because forest owners were struggling with the variation that existed between regional and district plans cross the country. Forest owners operating in more than one region and or had forests straddling council boundaries had to contend with variations in consent requirements which they found problematic.
8. Essentially, the NES-PF provides a consistent set of regulations for plantation forestry activities. It covers eight forestry activities, allowing these to be carried out as permitted activities, subject to conditions to manage potential effects on the environment.
 - afforestation (planting new forest)
 - pruning and thinning to waste (selective felling of trees where the felled trees remain on site)
 - earthworks
 - river crossings
 - forestry quarrying (extraction of rock, sand, or gravel within a plantation forest or for operation of a forest on adjacent land)
 - harvesting
 - mechanical land preparation
 - replanting.
9. Where it isn't possible to manage these effects – for example, the site is at high risk of erosion and needs greater controls – the activity requires resource consent. The matter that the consenting authority can consider are restricted, and there is no national policy direction to guide decision-making.
10. Some flexibility is provided for councils to be more stringent in their regional and district plans to:
 - manage their unique and sensitive environments such as geothermal areas and drinking water supplies
 - protect significant natural areas and outstanding natural features and landscapes
 - give effect to other national direction like the National Policy Statement for Freshwater Management and the New Zealand Coastal Policy Statement.
11. We have limited rules in the current Tairāwhiti Resource Management Plan that are more stringent than the NES-PF – these relate to use of cable haulers over waterways and vegetation clearance in riparian areas.

Developing a Woody Debris Policy Position

12. A Project Manager for Wood Solutions was contracted in June 2022 to consider and provide advice on the long-term management of woody debris on the region's beaches. The Project Manager is responsible for developing policy on managing the woody debris and how it will be paid for.
13. Time has been spent gaining an in-depth understanding of this multi-faceted issue, which has included several field visits along the East Coast, including Tolaga Bay and Ruatoria, and site visits to observe a variety of forestry operations, including those in the Tolaga Bay Area.
14. There have been regular meetings with members of the Eastland Wood Council and as a result Council have now become contributors to the Forestry Environmental Focus Group. This group is working collaboratively, sharing forest management strategies, and the developing and adopting best practice guidelines to improve environmental performance.
15. The woody debris situation is extremely complex; however, this work has provided a gap-analysis and identified significant factors that need to be addressed, both at a local and national level.
16. The draft policy is currently being written and focuses on both the removal of woody debris and the mitigation of further accumulation of woody debris on beaches in Te Tairāwhiti. Options will be workshopped with Councillors and will then be presented for consideration and discussion in the coming months to a Regional Interest Group made up of key stakeholders, including members of affected hapū and iwi.

DISCUSSION and OPTIONS - WHAKAWHITINGA KŌRERO me ngā KŌWHIRINGA¹

17. Staff have provided a brief analysis of the five actions requested in the petition.

Independent inquiry into the regulatory system for land use in Tairāwhiti

18. Council has already announced its support for an independent inquiry into land use in Tairāwhiti. It is essential that the inquiry, and the person conducting the inquiry, works with Council, Maori and all key stakeholders. Central government support and commitment will be essential, as it is unlikely that Council will have the necessary regulatory levers and financial capacity to deliver on all recommendations.
19. Council has made several submissions and approaches to central government calling for changes to the national policy framework. The most recent of these was the staff submission to the review of the NES-PF, which is attached (**Attachment 2**).
20. Affordability constraints in Tairāwhiti are also well documented. The inquiry should consider how any recommendations will be funded, and equity of funding choices.

¹ Paragraphs can be referenced to [National Environmental Standards for Plantation Forestry | NZ Government \(mpi.govt.nz\)](https://www.mpi.govt.nz)

Prioritise a review of land use rules related to activities on steep, erosion-prone land

21. Work on sustainable land use (including forestry) is already underway a part of the Tairāwhiti Resource Management Plan review (TRMP review). We can consider more stringent rules that the NES-PF to give effect to freshwater objectives and/or to give effect to policies of the New Zealand Coastal Policy Statement relating to indigenous biodiversity, natural character, natura features and natural landscapes, and sedimentation.
22. Changes needed to give effect to freshwater objectives are already being considered in the freshwater planning workstream, but there are likely to be limitations regarding how far this extends to land use controls. There is potential to prioritise a review of land use rules related to activities on steep, erosion-prone land so that it all falls within Stage 1 of the TRMP review programme – in other words, notification of new rules would occur in 2024, following development of a new regulatory framework and engagement in 2023. Staff will report back to Sustainable Tairāwhiti with a more detailed programme of works, alongside implications and risks, if Council directs the Chief Executive to investigate this option.
23. In terms of land use on steep, erosion-prone land, possible areas for greater control are:
 - a. Forestry practices - slash removal, methods of harvest, use of USA style debris catchers.
 - b. Restricting certain land uses (such as plantation forestry) on land at high risk of erosion.
 - c. Restricting how much of an area, sub-catchment or catchment can be harvested or subject to earthworks within a set time period.
 - d. Requiring bonds and/or financial contributions for higher risk land use activities.
 - e. Requiring larger riparian management zones between waterways and higher risk land use activities.
 - f. Stronger restrictions on discharges associated with higher risk land use – for example setting discharge limits for sediment.
24. Depending on the nature of restrictions imposed, some current land uses may become uneconomical. Therefore, thought also needs to be given to alternative land uses and how these can be incentivised and supported by all stakeholders.

Additional Resources

25. While Council has considerably increased its resources in land use planning, education, monitoring and support across its activities further resources are another way to improve practice and environmental outcomes.
26. It is important to note however that the primary onus is on the consent holder to comply with their consent with Council effectively being the ambulance at the bottom of the cliff regarding enforcement and environmental protection.

- 27. In the enforcement, monitoring and compliance space Council has significantly increased its resourcing by nine additional monitoring and compliance roles. However, resource consent monitoring is not just forestry. Council also undertakes monitoring and enforcement across other consent areas. Forestry resource consents equate to 16.5% of consents (233 harvesting consents that are granted and not expired).
- 28. Staff view compliance as a system-wide approach to influencing behaviour change that encourages positive behaviour, whilst using appropriate deterrence tools for those who choose not to comply. This approach is illustrated in **Figure 1** taken from the Regional Sector Strategic Compliance Framework 2019.
- 29. Increasing compliance resources, means additional costs. Currently, the compliance monitoring budget is funded based on the Revenue & Financing Policy, which has user fees (monitoring charges) contributing 40% and rates continuing 60%. A review of the of the compliance monitoring fees for the forestry sector and other land use activities could be undertaken, in line with costs needed to support additional monitoring.

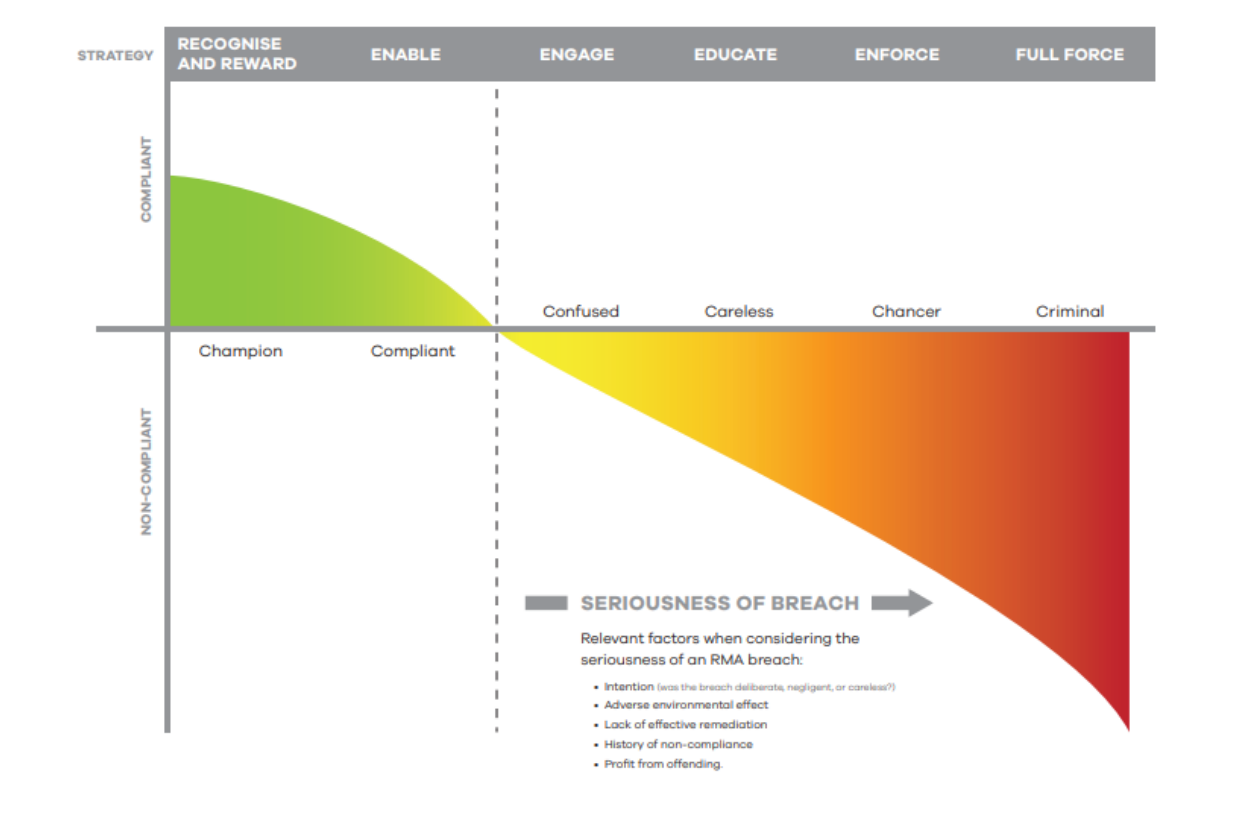


Figure 1 Strategic compliance with the RMA

Pilot region for the Resource Management Reforms

- 30. The petition seeks that Council offer to be a pilot region for the Resource Management Reforms. An overview of the reforms is provided in **report 23-7** to this meeting. Whilst staff support the overall intent of the RM reform package, there are some significant concerns and uncertainties regarding the current proposal and its implementation.
- 31. Staff have been in discussion with Ministry for the Environment (MfE) officials regarding the potential to be a 'pilot region'. However, very little information has been provided to date regarding what it will mean to be a pilot region – for example, the level of central government support (both financial and capacity), resourcing expectations from Council and iwi/hapū, deliverables, and timing are unknown.
- 32. These uncertainties are especially concerning given the backdrop of Three Waters Reform; the significant workload of the current Tairāwhiti Resource Management Plan (TRMP) review workstreams, alongside climate change response and freshwater farm planning; substantial engagement demands on iwi/hapū and community over the next 2-3 years; and the shortage of suitably experienced practitioners in Council, in iwi/hapū and local consultancies.
- 33. Staff agree that a new approach to sustainable land use for Tairāwhiti needs to be identified and committed to by all stakeholders. This could be explored through development of the Regional Spatial Strategy (RSS) that will be required by the new Spatial Planning Act (if enacted). There may be merit in exploring with MfE officials whether being pilot for this phase of the RM reforms is possible, if clarity can be provided around resourcing, capacity building, and expectations.
- 34. Staff note that participating as a pilot region is unlikely to result in changes to regional rules for some years, based on indicative timelines provided by central government (see **Figure 2**). Development of an RSS is required before the National and Built Environment Act Plan (**NBA Plan**) can be progressed, and it is the NBA Plan which will contain the rules and consenting requirements. Further to this, the National Planning Framework (**NPF**) is required to be in place before the RSS can be progressed with certainty. The NPF is scheduled to be complete in 2025.

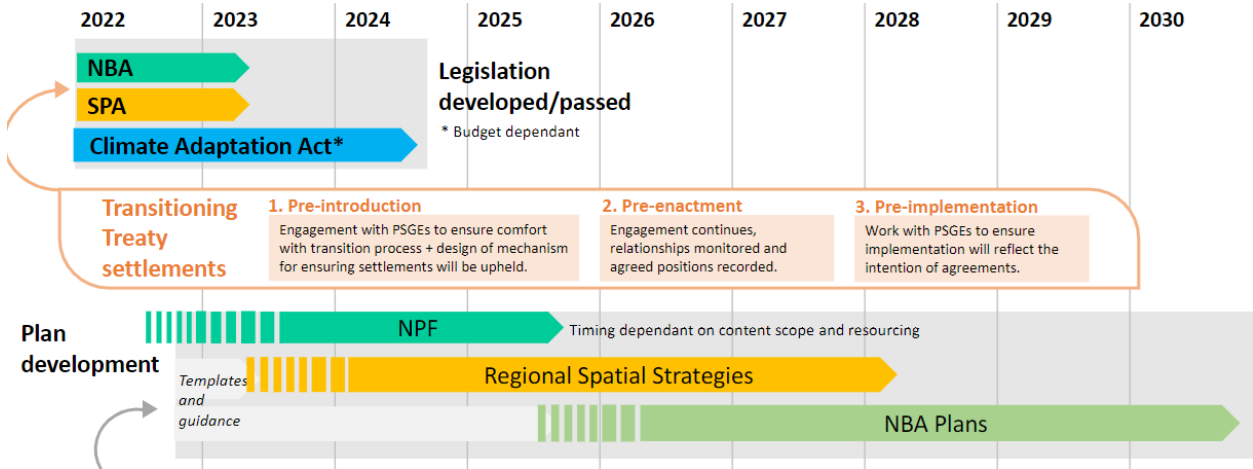


Figure 2: Overview of RM reform timeframes

Regional Just Transition Plan

35. Work with Trust Tairāwhiti, other regional leadership organisations, residents, ratepayers and Central Government on a 20 year regional Just Transition Plan to ensure all land use in the region is truly sustainable - from economic, social, cultural and environmental perspectives.
36. Staff from Trust Tairāwhiti and Council are working together on a decarbonisation project to inform development of a Just transition Plan focussed on the impacts of greenhouse gas reduction on Tairāwhiti. The type of plan envisaged by Mana Taiao Tairāwhiti appears more akin to the regional spatial strategy that will be required under the new Spatial Planning Act.
37. Under the new legislation, a regional spatial strategy must—
 - a. Set a vision and objectives for the region's development and change over at least 30 years.
 - b. Set out the priority actions to achieve that vision and those objectives.
 - c. Provide strategic direction on a wide range of matters – of particular relevance to sustainable land use on steep, erosion-prone land are:
 - i. areas that may require protection, restoration, or enhancement:
 - ii. areas of cultural heritage and areas with resources that are of significance to Māori:
 - iii. areas that are appropriate for developing, using, or extracting natural resources, including generating power:
 - iv. areas that are appropriate to be reserved for rural use or where there is expected to be significant change in the type of rural use:
 - v. areas that are vulnerable to significant risks arising from natural hazards, and measures for reducing those risks and increasing resilience:
 - vi. areas that are vulnerable to the effects of climate change both now and in the future, and measures for addressing those effects and increasing resilience in the region
 - vii. areas that are suitable for land use changes that would promote climate change mitigation and adaptation.
38. As noted in the previous section, there is merit in exploring whether being a pilot region for RSS development is a possibility.

Ministerial group to oversee development, implementation and monitoring of a regional Just Transition Plan

39. Staff agree that if commitment is made to developing a Regional Spatial Strategy, Just transition Plan or other strategic document, that implementation is key to achieving the desired outcomes. A joint agency group, with appropriate levels of funding and capacity, will be required.

ASSESSMENT of SIGNIFICANCE - AROTAKENGA o NGĀ HIRANGA

Impacts on Council's delivery of its Financial Strategy and Long Term Plan

This Report: Low Significance

Inconsistency with Council's current strategy and policy

Overall Process: Low Significance

This Report: Low Significance

The effects on all or a large part of the Gisborne district

Overall Process: High Significance

This Report: Low Significance

The effects on individuals or specific communities

Overall Process: High Significance

This Report: Low Significance

The level or history of public interest in the matter or issue

Overall Process: High Significance

This Report: Medium Significance

40. The decisions in this report are considered to be of Low significance in accordance with Council's Significance and Engagement Policy. This is because consideration of sustainable land use and the rules that apply to activities on highly erodible land are already part of Council's work programme.
41. This report is part of a process to arrive at a decision that may be of High Significance in accordance with the Council's Significance and Engagement Policy. Extensive consultation and engagement are required as part of the Resource Management Act process.

TANGATA WHENUA/MĀORI ENGAGEMENT - TŪTAKITANGA TANGATA WHENUA

42. Māori comprise more than half the population of our region. Government has and continues to make decisions that place Māori (whanau, hapū, iwi) at a considerable economic disadvantage. This is despite Te Tairāwhiti being a region that is generally described as an area of high social and economic deprivation.
43. In Te Tairāwhiti iwi, hapū, and whanau have lost most of their best lands that have the most productive soils. There is 228,000 ha of whenua Māori in Tairāwhiti, and it is predominantly Land use Classification 7 to 8 and situated more than 80 km from the Gisborne Port.
44. Māori have invested heavily in forestry. Capital investment in forestry on Māori farms/lands in Tairāwhiti increased by about 46% as at 2018 (MfE & Stats NZ, 2018). A significant proportion of this land is located on the East Coast.

45. There are additional and different barriers to economic development of whenua Māori compared to land in private ownership. For Māori, land use decision-making is complex. This complexity is imposed by Te Ture Whenua Māori Act 1993. This Act is not well understood and imposes significant barriers to Māori trying to use their land for economic benefit. As well as imposing considerable bureaucracy, achieving the levels of support to be able to raise capital is often a slow drawn-out process that can result in sub-optimal access to capital to enable business plans to be prepared and executed.
46. Changes to national or regional policy or regulatory settings have the potential to cause further barriers to the development and prospective revenues of whenua Māori. We know that we will need to work closely with iwi, hapū and maori landowners to avoid further inequities to Māori.

COMMUNITY ENGAGEMENT - TŪTAKITANGA HAPORI

47. The petition has been widely publicised on social and mainstream media.
48. Previous community engagement undertaken by Council has shown a clear desire for a change in land use management, but also highlighted the complexities associated with delivering transformative change.

CLIMATE CHANGE – Impacts / Implications - NGĀ REREKĒTANGA ĀHUARANGI – ngā whakaaweawe / ngā ritenga

49. Tairāwhiti is very susceptible to erosion due to the region's geology, heavy rainfall and previous removal of forest cover. Twenty-five per cent of the North Island's most severely eroding land is found in the region, and 71% of the region is classified as steep hill country.
50. Erosion is being exacerbated by some land use practices, natural hazards, and climate change. Climate change will intensify the impacts of many natural hazards and it will have far-reaching economic, environmental and social implications.
51. In 2020, NIWA prepared a report outlining climate change projections and impacts for Tairāwhiti and Hawkes Bay. That assessment outlined the following effects that are relevant to land use:
 - A warmer atmosphere in the future is expected to result in increases to rainfall intensity. Increased rainfall intensity is associated with more slips, floods, and erosion, and hence damage to infrastructure (e.g. roads, water supply), the forestry sector, and agricultural land productivity.
 - Future reductions in rainfall and increases in drought severity may cause fire risk to increase in the Tairāwhiti, affecting forestry and the natural environment.
 - Future reductions to water availability from decreasing rainfall as well as lower river flows may affect the available water take for irrigation and urban supply, and also affect freshwater ecosystems.

52. The NZ ETS is the Government's primary policy tool for reducing greenhouse gas emissions. The NZ ETS establishes a price on greenhouse gas emissions in the form of an 'emission unit' – also known as a 'New Zealand Unit (NZU)'. All sectors of the country's economy must measure and report their emissions and, if required to, purchase NZUs that they can surrender to the Government to cover their emissions.
53. The NZ ETS incentivises afforestation by allowing eligible foresters to earn NZUs from the Government as their trees grow and absorb carbon dioxide, which they can then trade on the market. The NZ ETS drives increased permanent forest planting, which is not currently covered under the National Environmental Standards for Plantation Forestry (NES-PF).

CONSIDERATIONS - HEI WHAKAARO

Financial/Budget

54. Bringing forward a review of land use rules related to activities on the steep, erosion-prone land can be accommodated within the existing TRMP programme budgets. However, successful implementation of a new sustainable land use regulatory regime is likely to need additional resourcing in future years – it is highly unlikely that Council (or the ratepayer) can meet all the costs associated with incentivising the transformative exchange anticipated by Mana Taiao Tairāwhiti. Support from central government and others will be required.
55. The financial implications associated with participating as a pilot region in the roll out of the RM reforms are unknown.

Legal

56. There are no legal implications associated with the decisions south in this report.

POLICY and PLANNING IMPLICATIONS - KAUPAPA HERE me ngā RITENGA WHAKAMAHERE

57. The outcomes sought by Mana Taiao Tairāwhiti are consistent with the aspirations set out in Tairāwhiti 2050, the Regional Spatial Plan. Of particular relevance is that by 2050:
 - No "at risk" catchments in the region.
 - Land uses across the region are optimised to suit their physical and cultural setting, and have adapted to changing climate patterns.
 - There is a korowai of permanent vegetation on highly erodible and most vulnerable steep land.
 - We can swim in our waterways and our beaches and waterways are free of forestry slash.
 - The coastal environment is sustainably managed – it sustains our whanau and supports our outdoors lifestyle.

RISKS - NGĀ TŪRARU

58. Some of the risks have been discussed throughout this report. The major risks are:

- **Financial** – Council has provided significant investment to review and update the TRMP, there is a risk that adding additional workstreams, without investment from other sources, will impact our ability to deliver on expectations.
- **Public perception** – reversing the impacts of historic land use decisions will not be a fast process, even when changes to policy direction and rules are in place, it may take many years to achieve transformative change.
- **Political** – a change in Government may alter the level of commitment or investment provided to any process started as a result of the matters raised in the Mana Taiao Tairāwhiti submission.

ATTACHMENTS - NGĀ TĀPIRITANGA

1. Attachment 1 - Gisborne District Council's Submission to NES PF August 2015 [23-24.1 - 13 pages]
2. Attachment 2 - Gisborne District Council's Staff Submission on National Direction for Plantation Forestry and Exotic Carbon Afforestation November 2022 [23-24.2 - 34 pages]

Ref: A590973

11 August 2015

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SUBMISSION: PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

Gisborne District Council has undertaken an analysis of the implications of the proposed NES-PF for our region, and our ability to fulfil our statutory responsibilities as a unitary authority and have identified a number of significant matters of concern. The following submission will focus on these issues:

- Status of Forestry Activities on land identified as "Orange" under the ESC categorisation
- Implications for Gisborne District Council's implementation programme for the NPS-FM
- The risks to sensitive receiving environments
- The general approach to Permitted Activities
- Implications of urban forestry on amenity
- Hearing of submissions and review periods

This submission is in opposition to the proposed standard and seeks a number of changes to be made. Existing rules in Council's statutory RMA plans have been developed in recognition of the particular care needed in harvest and associated forestry activities to manage adverse effects. They are operative rules that have been agreed by the community, including forestry interests. There has been large scale forest harvesting undertaken across the district over the last five years, and the negative impacts of forestry harvest are now frequently being felt by the district and the community.

The Council considers the benefit of removing both "unwarranted variations" between plans and the opportunity for plan changes is more than offset by negative regional impacts on present environmental standards.

The Council is concerned that the Plantation Forestry NES removes the ability for Council to ensure forestry harvesting is managed in a robust way that reflects the challenging terrain and climate that is unique to the Gisborne area.

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In essence the Council does not believe an evidential case for a Plantation Forestry NES has been made and is concerned about it lowering present environmental standards. It would prefer that the NES not proceed.

1. BACKGROUND

Gisborne has a nationally recognised erosion problem. The district is home to the largest concentration of the most erosion-prone land in New Zealand. This land is more sensitive to inappropriate land use on a scale greater than any other district in the country. In recognition of this there have been longstanding projects funded by the Government and the Council to address eroding land. Initially many of these programmes focussed on planting *Pinus radiata* on the most severely eroding land, and plantings accelerated post Cyclone Bola. Primarily as a result of these programmes Gisborne District now has 160,000 ha of plantation forest in the district; 47% of the land area in the Gisborne District falls under either the orange or red categories in the ESC – although we note that the terminology in the NES-PF understates this situation by describing this erosion risk as “high” or “very high” rather than severe and extreme as described under the LUC.

Harvest of these forests has accelerated in recent years as the first rotation forests reach maturity, and the District has now gained a good understanding of the negative environmental effects of clear-fell forestry harvest, particularly on locations where, with hindsight, *Pinus radiata* may not have been the wisest of afforestation species. Inherent erosion risk (based on LUC classification) is accentuated by Gisborne’s rainfall patterns. On land where rainfall is 1500-2500 mm/year (much of the District) and greater than 2500 mm/year (most of the hill country –and in particular most of the “orange” and “red” ESC areas) the risk of erosion is further exacerbated due to the likelihood of heavy rainfall events.

In recognition of this the Erosion Control Funding Programme (formerly the East Coast Forestry Project) has been amended to now support indigenous reversion and manuka plantings, as well as more explicitly supporting species which can be coppiced, or where high value timbers mean selective felling operations may be economically viable in the future.

The Gisborne District Council and MPI have been working closely together to try and put in place appropriate planting mechanisms for severely eroding land – the NES for Plantation Forestry cuts across this and will undermine this work.

The Gisborne District Council has also been working to develop a Freshwater Plan for the Region, which implements the National Policy Statement for Freshwater Management (NPS-FM). This is due to be publicly notified on 29 August 2015. As part of that Freshwater Plan, detailed investigations have been undertaken in relation to water quality and quantity issues and options for management, aquatic ecosystem health, community and iwi values for freshwater environments. The Freshwater Plan contains provisions around river crossings and other activities which could impact on the beds of rivers, lakes and wetlands and water quality. The NES-PF proposed standards contradict these provisions and will create an uneven playing field for forestry impacts on freshwater when compared to other activities. The river crossing provisions in particular will create a Permitted baseline which undermines consent requirements for river crossings for other land uses.

The following pictures illustrate the type of offsite environmental effects experienced following heavy rainfall events in the “orange” ESC areas, where forestry harvest has been undertaken three to five years ago.

These photos were all taken following a 25-year rain intensity event in the Wharerata Range on 23 May 2015. Similar events and effects are now seen annually in other parts of the district where “orange” land has been harvested.



Substantial mobilisation of forestry slash and sedimentation – blocking streams and destroying native fish habitats.



Damage to infrastructure – this is one of 5 SH2 bridges over the Maraetaha River – farm culverts, bridges and fences are also frequently affected by forestry slash mobilisation from slopes.



Blockage of rivers and flood control schemes causing widescale inundation of farmland and damage to property – this is the Kopuawhara Stream following the 23 May 2015 event in the Wharerata Range.



Deposition of large quantities of forestry slash on beaches. This affects amenity values and blocks access to nests of blue penguins. Large amounts of debris and sediment has also been deposited on coastal reefs following the 23 May event.



Substantial quantities of forestry slash moving along the Gisborne coastline after the 23 May event. Three months later this debris is still washing up on beaches – blocking stream mouths and causing damage to coastal infrastructure.



Sedimentation of waterways. Approximately one metre of sediment has been deposited in this stream which previously had significant aquatic ecosystem values. In the distance of this photo more woody debris and slash is visible upstream, awaiting future mobilisation in the next heavy rain event.

2. STATUS OF FORESTRY ACTIVITIES ON LAND IDENTIFIED AS “ORANGE” UNDER THE ESC CATEGORISATION

Orange Zone Harvesting

The NES provides for harvesting on all of the Orange Erosion Susceptibility Class (ESC) as a permitted activity. This is opposed. Orange land includes a number of Land Use Capability (LUC) units that are steep to very steep on erosion prone soft geology prone to soil slipping that removes the entire soil layer down to bedrock that is then unable to sustain trees of any type. This land is found in areas known to be “hotspots” for cyclonic storms. It is the source of woody debris that has been recently deposited onto river flats, into river channels and on beaches in large quantities (as evidenced in the photos in the background section).

Under the Gisborne Combined Regional Land and District Plan harvesting requires a consenting process to give the flexibility to develop and put in place site specific preventative and mitigation measures such as re-planting requirements.

The NES permitted activity conditions are inadequate and rigid and are opposed.

It is unacceptable that such land is afforded permitted activity status given the risks involved. Section 43 A (3) (b) RMA 1991 does not allow an NES to state that an activity is a permitted activity if it has significant adverse effects on the environment. This is such an activity.

Relief Sought:

That the NES accords restricted discretionary status for harvesting on steep to very steep erosion prone LUC units of Orange ESC, for the Gisborne district these being LUC units 7e2, 7e3, 7e4, 7e14, 7e15, 7e16, 7e17, and any combinations of these with higher level units (e.g. 7e15 + 8s1).

Orange Zone Afforestation

Linked to Orange ESC harvesting issues is afforestation (of new forests) on Orange being a permitted activity. This would prevent any new planting restrictions as a method to mitigate woody debris or sedimentation of waterways from future harvesting. This is opposed.

Relief Sought:

That the NES accords restricted discretionary status for afforestation on steep to very steep erosion prone LUC units of Orange ESC, for the Gisborne district these being as above.



“Orange” ESC land in the Wharerata Ranges and inland Tolaga Bay. The inherent eroding and landsliding risk, particularly in heavy rain events in these types of locations means that any afforestation needs to be carefully controlled. This land is not suitable for afforestation or harvest as a Permitted Activity.

3. IMPLICATIONS FOR GISBORNE DISTRICT COUNCIL'S IMPLEMENTATION PROGRAMME FOR THE NPS-FM

Water Quality Limits and the NPS for Freshwater Management

Many of the proposals in the draft NES cut across the NPS-FM Objectives 1 and 2, and the requirements for the Council to manage water quality set out in that NPS-FM. While the "Ability to be more stringent" section of the NES (p97) identifies that this is "where required to meet the Objectives of the NPS-FM", the consultation document (p40) identifies this as where a limit has been set that has not been met, and forestry activities are the source of the contaminant.

Based on this explanation, this would seem to cut across the NPS-FM requirement for councils to "maintain and improve" water quality – as council could only be more stringent if the water quality was degraded.

Limiting the ability for the councils to be more stringent to only where a water quality limit has been exceeded is opposed.

Relief Sought:

That the NES allow Councils to have the ability to be more stringent in relation to all water quality limits set in order to enable them to maintain and improve water quality as required by the NPS-FM.

Outstanding Waterbodies

The consultation document (p40) identifies that councils can be more stringent "where significant values of outstanding waterbodies have been specified and forestry activities would have an adverse effect on these values" yet the rules set a number of permitted and controlled activity rules for outstanding waterbodies –including setbacks, river crossings and installation of slash traps.

This contradicts the carefully considered rules around Outstanding Waterbodies in Gisborne Regional Freshwater Plan and is opposed.

Relief Sought:

Delete references in the NES to outstanding waterbodies in the rules and allow councils the full ability to put in place appropriate rules (not just setbacks) for activities which could affect the values of outstanding waterbodies.

Wetlands

The NPS-FM specifically requires the protection of the significant values of wetlands and this is reflected in the Gisborne Regional Freshwater Plan. The discussion document does not specifically identify wetlands and their riparian areas as being a matter over which councils can be more stringent.

All of the forestry activities identified within the rule tables have the ability to affect the significant values of wetlands. For example In relation to setbacks the NES rule tables reference wetlands only greater than 2500m². In many instances the setbacks proposed may insufficient to protect a wetland's significant values – for example by altering the water table. The provisions for wetlands in the NES are opposed.

Relief Sought:

Delete the rules in the NES in relation to wetlands in their entirety and councils retain the ability to be more stringent around the management of wetlands and their riparian areas across all activities.

Timing of Earthworks

Timing of earthworks and activity within riverbeds is a significant issue both in terms of generation of sediment and avoidance of impacts on aquatic ecosystems and riverine birdlife. No provision for an earthworks "shut down" season is provided for in order to protect the values of sensitive receiving environments including outstanding waterbodies and wetlands.

Relief Sought:

Councils have the ability to be more stringent around the timing of earthworks and activities within the bed of a river or lake in all zones where this is required to protect sensitive receiving environments.

Fish Species Spawning, Migration and Riverine Birds

The General Conditions provide for fish spawning but only relate to a small number of mostly non-migratory species. Only 5 of these species are found in the Gisborne region, and many are not found in the North Island. It does not include a number of nationally critical and nationally endangered species as species such as inanga which are a substantial component of the whitebait fishery.

The General Conditions list periods of time when beds of rivers cannot be disturbed in order to protect the spawning of the fish species. These dates however do not align with local spawning dates of species in different parts of New Zealand. Fish will spawn at a different time in Invercargill to Northland – or Gisborne.

The Gisborne District Council has prepared a detailed fish migration and spawning calendar for native fish and trout which reflects both the species present and their lifecycle in this district. These are included within the Gisborne Regional Freshwater Plan and the rules for work within rivers in that Plan relate to these periods. The application of an edited list and nationally derived spawning periods is opposed.

The General Conditions provide for protection of nesting sites from disturbance for Nationally Critical or Nationally Endangered species. This does not provide for regionally threatened species or stronghold populations and has the ability to impact significantly on biodiversity values at a regional level.

Relief sought:

The fish spawning list be amended to include: long finned eel, short finned eel, short jawed kokopu, torrentfish, Crans bully, bluegill bully, upland bully, giant bully, inanga, banded kokopu, lamprey and smelt.

Allow councils to identify the local spawning times for fish species in their region through their regional plans.

Allow councils to identify important migration periods for native fish in their regions and be more stringent in relation to activities in the beds of rivers during these periods.

Allow councils to be more stringent where they have identified regionally threatened species or stronghold populations.

4. THE RISKS TO SENSITIVE RECEIVING ENVIRONMENTS

The ESC classification is based on LUC which is then used to determine activity status. This is a very good process to assess risk on the sites where the forestry activities are being carried out, but takes no account of variations in downstream receiving environments which demand site specific measures to avoid or mitigate adverse effects. Where the activity status includes a resource consent requirement this imparts the flexibility to provide for differing receiving environments and this is supported for this reason. However where permitted activity status applies, supported by generic permitted activity conditions only without allowance for variations in downstream receiving environments, this is opposed.

This provision also breaches the Section 43A (3) (b) RMA 1991 stipulation and appears to be in contradiction to the National Coastal Policy Statement which specifically requires the consideration of natural character, water quality and other matters in relation to vegetation clearance. Policy 22 of the National Coastal Policy Statement requires "*Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry*".

Relief Sought:

The inclusion of sensitive receiving environments such as estuaries, coastal marine areas, water intakes, significant aquatic ecosystems, recreation and amenity features into the matters where councils can apply more stringent rules. (It is noted an earlier Plantation Forestry NES proposal included an exception for sensitive receiving environments).

5. THE GENERAL APPROACH TO PERMITTED ACTIVITIES

General Approach of Using Permitted Activities

The proposal, for this district would mean fewer forestry activities would be subject to resource consent processes. Instead there would be more permitted activities subject to NES permitted activity conditions. The cost of monitoring resource consent conditions is recoverable from consent holders. The cost of monitoring permitted activity conditions is not. This would amount to a shift in cost from those carrying out forestry activities to the wider rate-paying community. This is estimated to be \$120,000 per annum. For Gisborne District Council this would equate to a 0.2% increase in rates across all landowners.

Resource consent processes involve pre-application discussions, requiring further information and formulating clear activity based conditions that will lead to required environmental outcomes. These are proactive processes by which forestry activities are able to be shaped before they begin. They enable useful advice to be conveyed to contractors not used to local conditions. Forestry activities such as earthworks, quarrying and harvesting are irreversible and are often large in scale and happen very quickly. Where activities are permitted they are able to proceed without council approval. How the activities are carried out is unable to be influenced. Council involvement is limited to compliance monitoring and enforcement. These are reactive in nature, occurring after activities have occurred.

Relief Sought:

Use of resource consent requirements where the potential exists for significant adverse environmental effects. This includes for example Orange zone harvesting and where there are sensitive receiving environments. These are areas of the NES where environmental risks are high and intensive compliance monitoring would be required.

Uncertainty of Conditions

The proposed permitted activity conditions frequently use uncertain language such as “as far as is practicable”, “if unavoidable”, “except where unsafe or impracticable to do so”. Such language results in conditions that are litigious or unenforceable.

The glossary definition of forestry/plantation forestry requires certain knowledge that the purpose of planting was commercial. A permitted General Condition for vegetation clearance and disturbance requires knowledge that riparian vegetation will readily recover within five years. Neither will always be known with the certainty required for enforcement.

A rule that is unenforceable has little effect. Use of uncertain language and criteria that require judgement throughout permitted activity conditions is opposed. The NES proposal explains further analysis and drafting is envisaged and the rules as they are amount to drafting instructions. There is no obvious clear and certain language for many of the rules that would suitably manage adverse effects across all circumstances.

Relief Sought:

That if permitted activity status is retained the relevant conditions err on the side of caution, alternatively a consents regime should be required.

Ability to be More Stringent

The listed NES activities covered by rules encompass all major within forest activities. The ability for councils to be more stringent is tightly constrained. This is opposed. To properly apply sustainable management and give effect to their statutory responsibilities councils need the ability to be more stringent than allowed for in the NES. Mapping areas of significance is expensive and takes considerable time to collect and collate the required data. Good outcomes can be achieved through setting out key parameters and using site specific assessments.

Relief Sought:

That unmapped wahi tapu sites, unmapped significant indigenous flora and fauna, other than outstanding but still significant freshwater bodies and natural features and landscapes (as well as sensitive receiving environments as above) all be included as matters where councils can apply more stringent rules.

Management Plans

Harvest Plans, Quarry Management Plans and Erosion and Sediment Control Plans are required to be prepared for harvesting, quarrying and earthworks respectively. These provisions are opposed in their present format. The contents required of these plans is broadly described and could be satisfied with a somewhat cursory response of little help in achieving required environmental outcomes. In any case the role of councils is restricted to being advised when activities will begin and having the Plans made available to them. Under a permitted activity, there is no ability for councils (or any other body) to certify the Plans as adequate.

Relief Sought:

That management plan content be made more specific but management plans not be considered as setting environmental standards. Where site specific measures are essential, the mechanism for this should be through a resource consent process.

Mechanical Land Preparation – Root Raking

Root raking is permitted in the Orange and Red Zones on slopes >25⁰ if the activity does not affect the subsoil. This would allow the total removal of the topsoil and is opposed. Top soil removal would severely limit plant growth of any kind and is a practice not regarded as sustainable land management. Without topsoil and plant cover land is subject to soil erosion. Topsoil disturbance should be kept to a minimum.

Relief Sought:

Root raking in the Orange and Red Zones on slopes >25⁰ should only be permitted if the soil A horizon is not removed. The A horizon should be defined as “the surface soil layer consisting of surface mineral horizons with maximum organic matter, usually dark in colour”.

6. IMPLICATIONS OF URBAN FORESTRY ON AMENITY

The Gisborne District has a number of plantation forests established within the urban and peri-urban areas of the city. The harvest of these forests can have significant effects on urban amenity. While we note that nuisance issues such as dust, noise and traffic generation are out of scope (p94). In the afforestation and harvest of plantation forests can result in significant impacts on amenity – through shading, loss of views, loss of visual amenity and allergy issues around pine pollen. In addition pollen can foul rainwater tanks which are used in peri-urban areas for drinking water supply. The Council does not consider that the NES deals with these matters sufficiently in relation to the permitted activity standards. In particular the buffer distances and permitted activity standards around shading are inadequate to deal with matters of urban health and amenity.

Relief Sought:

That where plantation forestry is established or proposed within an urban area, that councils retain the ability to be more stringent with regard to matters which deal with urban amenity.

7. HEARING OF SUBMISSIONS AND REVIEW PERIOD**Hearing of Submissions**

The Council notes that there appears to be no provision for a verbal submission to support these written submissions and seeks that a verbal submission process be provided for – and that these submissions be heard by either a Select Committee or a panel of independent commissioners with expertise in RMA matters.

NES Review

A review of the NES after five years if it proceeds is supported given the wide reaching impact it would have on present controls on plantation forestry and the potential for significant adverse environmental effects. An open ended NES would be difficult and cumbersome to change even when the need is clear.

Council's plans have been formed from much more detailed community consultation, submission and appeal processes than has been the case with this NES proposal, yet they are still required to be reviewed every 10 years.

Relief Sought:

That Council and other submitters be able to present their submissions verbally to a Select Committee or a panel of independent commissioners with expertise in RMA matters.

That should this NES proceed, it is reviewed five years after taking effect.

For further enquiries please contact:

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A2749217



18 November 2022

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Tēnā koe

**Submission to the National Direction for plantation forestry and exotic carbon afforestation:
MPI Discussion Paper No: 2022/10**

1. Introduction

1.1. Gisborne District Council (GDC) thanks the Ministry for Primary Industries (MPI) and the Ministry for the Environment (MfE) for the opportunity to provide a submission to the National Direction for Plantation Forestry and Exotic Carbon Afforestation discussion paper (hereafter referred to as "the Discussion Paper").

1.2. Due to the length of the submission period, and the timing of local elections, we have had no engagement with our elected members in preparing the content of this submission. We have also been unable to engage with our community to inform our submission. Therefore, this submission is informed by GDC staff as technical advisors. We are disappointed that central government did allow sufficient time for more considered feedback to be made.

1.3. We do not wish to be heard in support of our submission; however, we are open to discussions on some of the information contained within our submission.

1.4. We support the points of clarification and support inclusion of fire risk management plans. Use of long-term management plans for all forests covered by the National Environmental Standards is considered a must. We support right tree right place, along with right land use, right location, right time approaches.

1.5. While exotic carbon forests are not intended to be harvested, they will still require some level of active management. GDC does not support a plant and leave approach. Given that some level of harvest is still allowed to occur, we are also mindful of the need to manage the effects associated with that harvest.

1.6. We are interested in how Government's proposed policies would impact GDC, our community and tangata whenua in Tairāwhiti. We are particularly interested in avoiding policies and measures that adversely impact the environmental, cultural, social, and economic well-being of our people.

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1.7. While we support the need for more trees to be planted to respond to climate change issues, we are concerned that that blanket planting anywhere may have unintended adverse economic, social and cultural effects. In particular, the displacement of existing land uses such as sheep and beef, and horticultural activities that are an important part of our national food supply chain.

1.8. We do not believe that the proposed changes in the Discussion Paper will adequately address the forestry-related issues we are facing in Tairāwhiti.

1.9. Issues with slash continue to be an issue for Tairāwhiti with ongoing prosecutions. We hold a wealth of information from these prosecutions, including from the latest court case which is due to be completed on 9 December 2022. After this date we will be able to provide more information. We are open to having a workshop with MPI/MFE on this case, including the court decision, how they came to that decision and the science that supported GDC with the prosecution.

1.10. Government needs to adopt policy settings that foster the wellbeing of tangata whenua, adjacent and downstream property owners, communities, agriculture, and forestry business owners. Any changes to the policy settings on afforestation should consider intergenerational equity across the environmental, cultural, social, and economic well-being of our people. Today's activities should not affect future generation's ability to provide for themselves.

1.11. This submission is structured in three parts:

- Overview of GDC and Tairāwhiti.
- Summary of our overarching and key messages.
- Responses to selected consultation questions.

For further clarification, any queries, or further information and discussion on matters raised in the submission please contact Paula Hansen – Paula.Hansen@GDC.govt.nz .

Nāku noa nā



Joanna Noble
Chief of Strategy and Science
Gisborne District Council

Part 1. Overview of GDC and Tairāwhiti

GDC is the unitary authority for the Tairāwhiti/Gisborne region. We combine the functions, duties, and powers of a territorial authority (service delivery bodies) with those of a regional council (regulatory authorities).

Tairāwhiti covers a land area of 8,265 square kilometres. About 228,000 hectares of this area is whenua Māori, which is 28% of the total land area in the region. Tairāwhiti also contains about 270 kilometres of coastline. Our key industries include horticulture, agriculture, fishing, and forestry.

Population growth in Tairāwhiti over the past three years has increased at a higher rate than expected. The region's population is now over 50,000 and continues to grow. This growth is putting pressure on services, housing, infrastructure, and the natural environment.

Over half (53%) of Tairāwhiti's population is Māori compared to 16.5% for New Zealand. Iwi include Ngāti Porou, Ngāi Tāmanuhiri, Rongowhakaata, Te Aitanga-a-Māhaki, Te Whanau a Kai and Nga Ariki Kaiputahi. There are about 69 hapū located throughout Tairāwhiti.

We also have a younger population than most other regions, and the over 65 age group is growing. These factors influence the ability of our community to pay more for their rates and our ability to match the level of investment other councils can make.

A large portion (approximately 17%) of Tairāwhiti's landmass has been converted to forestry. The plantation resource represents 155 359 hectares (ha), consisting primarily of radiata pine (150, 806 ha) and Douglas-fir (2,090 ha of Douglas-fir).¹

Our GDP for the year ending March 2021 stood at \$2.3 billion, with forestry, agriculture, and fishing accounting for a significant proportion of it.² Tairāwhiti is also one of the largest forestry employers in the North Island with 10% of the workforce.³ Therefore, changes to the forestry settings in the region will impact on a large population of the region's workforce with ripple socio-economic effects.

Tairāwhiti is also exposed and vulnerable to climate risks and multiple natural hazards. Recent climate change projections by the New Zealand Institute of Water and Atmospheric Research (NIWA) show that climate change will adversely impact our natural and built environments.

Manaaki Whenua Landcare Research also suggests that climate change will adversely impact four key areas of Māori wellbeing. The areas include He Kura Taiao (living treasures), Whakatipu Rawa (Māori enterprise), He Oranga Tāngata (healthy people), Ahurea Māori, Tikanga Māori (Māori culture and practices). Tairāwhiti will have its own share of these effects.⁴

¹ See New Zealand's Forestry Statistics by MPI [here](#) and particularly the [Wood Availability Forecast – East Coast 2021](#).

² Ibid.

³ See Tairāwhiti's investment profile [here](#).

⁴ The full report — He huringa āhuarangi, he huringa ao: a changing climate, a changing world — can be found [here](#).

Part 2. Summary of Key Messages and additional thoughts

Long Term Forestry Management Plans should be required

The NES-PF needs to address issues where it is more appropriate for them to be addressed at a national rather than a regional or local level. Where it cannot adequately address an issue nationally, the NES needs to allow local councils the ability to address region-specific or district-specific concerns.

The NES-PF should require that long-term management plans include the following requirements for plantation, exotic carbon and transitional forests:

- Sediment management
- Forestry earthworks management
- Quarry management
- Riparian management
- Harvest residue management
- Windthrow
- Fire risk
- Pest management
- Wilding conifer risk
- Erosion management
- Harvest Plan
 - Should include harvesting methods – strategic harvesting and hold settings
- A slash management plan
 - This should be provided as part of the permitted activity in Green/ Yellow, and for a resource consent application for harvesting on orange/Red Zone land.

Slash management plans

Slash management plans could consider a wide range of options to address slash including:

- Hold settings at strategic points
- Safe storage or removal of slash from landings, especially in steep slopes
- Harvesting methods that minimise breakages and place potential slash in safe sites
- A consideration of the potential for slash to be generated from the harvested slope (less likely on easier slopes and further from waterways)

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- Removal of a significant proportion of the slash from the harvested slope
- Retention of riparian vegetation
- Partial catchment (coup) harvesting
- Introduction of live slash retention plantings at harvest to protect the site at the subsequent rotation harvesting
- Location and timing of installation of slash catchers

We note that the NES-PF definition of slash includes all harvest residues irrespective of size and is not consistent with widely accepted definitions. Those widely accepted definitions are more specific and refer to scrap timber, branches and offcuts left behind in a felling area or as coarse and fine woody debris generated during logging operations.⁵

There are benefits to leaving some slash (*sensu stricto*) on slopes to protect soils from infiltration and sediment loss but there are no environmental benefits in leaving harvest residues, be it cut logs, or felled to waste logs, slovens, or recovered root balls on slopes. The NES-PF should differentiate between slash and harvest residues to reduce the risk of it being perceived that it is acceptable practice to leave harvest residues on vulnerable slopes. The NES-PF should have strong controls over the management of such harvest residues.

Permanent forests should have the same requirements as plantation forests

Exotic carbon forests also create effects and require long term management. We also need tools to manage permanent and transition forestry if a future owner decides to cut or harvest trees once intended to be 'permanent'. Currently, we can't stop owners from harvesting permanent forests, so they should be treated the same as plantation forests under the NES-PF.

Management of woodlots and small forest blocks in high-risk areas or peri-urban areas need to be managed via a consent. There needs to be a risk-based approach specific to each forestry block rather than the assumption that the risk is low if the harvest size is under 2ha.

Small woodlots within urban areas can have major impacts. It would be useful to amend the NES-PF to require consents for forests/woodlots of under 2ha when they are within a wider urban area or where there are risks of sediment or slash mobilisation onto neighbouring properties, or where there may be a risk of slope instability.

Indigenous forests should be promoted on land within the red zone. The red zone land has an erosion susceptibility rating of very high under the national environmental standards for

⁵ <https://www.hastingsdc.govt.nz/our-council/my-hastings/article/1788/monitoring-aims-to-better-manage-forestry-slash-damage>, and

https://www.gdc.govt.nz/data/assets/pdf_file/0012/13710/reducing-harvest-residues-and-mitigating-mobilisation-of-harvest-residues-in-steepland-plantation-forests.pdf

plantation forestry erosion susceptibility classification tool.⁶ Typically this captures classes 7 and 8 of the land use classification system (LUC).

Better clarity around what is a permanent forest

On Page 13 of the discussion paper, it refers to permanent forests being not intended for harvest, but elsewhere it notes that these can be harvested albeit over a longer timeframe. The MPI *Managing exotic afforestation incentives* discussion document⁷ states that permanent forests are those that will not be clear-felled for at least 50 years after they are registered in the NZ ETS although they can undertake selective or small coup harvesting within that 50-year timeframe. Elsewhere in the NES PF discussion paper it refers to the NZ ETS allowing harvesting down to 30% canopy cover (p.25).

Clarity is needed to better understand what a "permanent" forest is and what activities can and cannot occur within them. This includes understanding what is meant by maintaining 30% canopy cover within permanent forests.

If permanent forests are allowed harvest rotations, then this needs to be clearly communicated and they should be treated the same as plantation forests NES-PF.

Lack of recognition of sedimentation

There is no reference to one of the most significant problems in Tairāwhiti, which is sediment discharge onto adjacent land and in the catchments and receiving environments below. One of the biggest issues in Tairāwhiti is our soft underlying geology. This makes land prone to erosion and this affects slope stability. This means there is a high risk of slope failure if the land is not managed appropriately.

We consider that there is generally a poor understanding of the mechanisms of slope failure, and mechanisms to mitigate risk of slope failure. This is exemplified by the use of the term "midslope failure" which is widely used within the industry and indeed is cited in Table 1 of the discussion paper. The term was frequently cited in defence evidence in the recent RMA breach prosecutions⁸ arising out of the Queens' Birthday storms of 2018 in Tairāwhiti. It was implied that such "midslope failures" were "natural" and thus out of the control of the defendant forestry companies. We note that:

- There was particular association with failures and position on slope.
- Failures could occur on the top of slopes or could be associated with either landings, birdsnest failures, roadway collapses or at the base of slopes.

⁶ [Erosion Susceptibility Classification | NZ Government \(mpi.govt.nz\)](https://www.mpi.govt.nz/erod-risk/erod-risk-classification/)

⁷ [Managing exotic afforestation incentives \(mpi.govt.nz\)](https://www.mpi.govt.nz/erod-risk/erod-risk-classification/)

⁸ <https://www.gdc.govt.nz/environment/reports-and-publications/breach-of-rma-sentencing-decisions#heading-0>

- “Midslope failure” is not used outside the forestry industry nor by the scientific community, which is able to draw on many years of research which instead uses terms based on morphology and the mechanics of failure, ie, debris flow, earthflow, rockfall, slump, rotational failure and so on.

We consider that it would be useful if the revised NES-PF include an appendix discussing the types and mechanisms of landslide failures, the drivers of such failures and possible mitigations. Independent expertise should be referred to and considered to inform this work.

Impacts of climate change, windthrow, wildfire and new organisms not addressed well

The analysis of climate change effects and impacts within the discussion paper for forests is inadequate. It only addresses the issue of wildfire and doesn't include windthrow issues. In association with Hawkes Bay Regional Council, we undertook an assessment of climate change impacts. This identified that the region would, overall, experience more prolonged dry spells punctuated by more extreme weather events.⁹

The Tairāwhiti region will experience greater risk of wildfire as well as windthrow damage in the future.

There may be a change to tree morphology as a response to increased CO₂ and temperatures. We consider that the likely morphological changes if consistent with international research could lead to increased windthrow risk particularly for long rotation exotic carbon forests.

Increased average temperatures may also lead to increased biosecurity risks as unwanted organisms not presently in New Zealand may be able to obtain a foothold within both our exotic and indigenous forests.

Increased average temperatures and more prolonged droughts increases the risk of wildfire. This means that access to adequate fire-fighting water supplies will become critical in the future. Access to water supplies and maintenance to those water supplies within forests are not mentioned in the document. If suitable firefighting water capacity is not available or if access cannot be gained, then water supplies are pointless.

The location of ponds for water sources needs to be a consideration, if located in an inappropriate place and surrounded by forests it may hard to access them which may mean they cannot be used.

Assessment and signoff of fire management plans should be done by Fire Emergency New Zealand (FENZ), and they should also be given to ability to charge for this service. FENZ hold the relevant expertise and councils should not undertake these tasks. Council's involvement would be limited to administration and ensuring that they have been completed.

⁹ https://www.gdc.govt.nz/_data/assets/pdf_file/0023/19733/2020-Climate-Change-Projections-and-Impacts-for-Tairawhiti-and-Hawkes-Bay-Niwa-Report.pdf

Use of LUC system

In terms of the location of exotic carbon forests and plantation forests generally, the LUC and red zone is too coarse a measure to be helpful in Tairāwhiti. The LUC system is used to identify risk zones and is mapped at a 1:50,000. Finer mapping down to 1:1,000 is available for most forestry areas in Tairāwhiti and can be provided on unmapped areas. This finer scale mapping is very useful in assessing sites. This finer scale mapping is relevant when considering right tree right place within a land block where it may be appropriate for both plantation and permanent forests to co-exist on the same block.

Lack of ability to recover costs

There is currently an inability for cost recovery on afforestation monitoring as this activity is not listed in section 106 of the NES-PF. This is a major barrier for councils monitoring, compliance and enforcement function. It is important that communities are not wholly subsidising these activities focused on ensuring everyone is doing what they are supposed to be doing. NES-PF specific infringements would be valuable to better support enforcement without needing to undergo costly prosecutions where there is a clear non-compliance.

There is no mechanism within the NES-PS to provide for cost recovery of downstream impacts of sediment and woody debris migration beyond the boundary of the forestry consent. At present GDC and the community bears the true cost of discharges to the environment from forestry operations not the company responsible. GDC has spent approximately \$465,000 within the last two years on cleaning up the woody debris along selected beaches. Consideration should be given to considering such discharges as a strict liability on companies which would send a signal that such discharges may expose the company to higher penalties.

The NES review doesn't go far enough

While we generally are supportive of the proposals, the NES-PF and the proposed amendments do not go far enough to address the issues associated with forestry within Tairāwhiti. Recent forestry prosecutions support this view. Due to the effects of clear-fell harvest, afforestation should be avoided on erosion prone land. Defining what erosion-prone land is needs further consideration as harvest rules which may be suitable in areas of stable ground in some regions are not appropriate in Tairāwhiti. Harvest practices are more of a problem in Tairāwhiti due to the impacts of heavy machinery, deposition of slash and risks associated with large, cleared areas on vulnerable soils and slopes.

Recent prosecutions

There needs to be a detailed review of the outcomes of the 2018 prosecutions once the last case is completed. It is due for sentencing 9 December 2022 after many delays outside the control of GDC.¹⁰

GDC is open to workshopping the findings of these prosecutions with MPI/MFE.

¹⁰ <https://www.gdc.govt.nz/environment/reports-and-publications/breach-of-rma-sentencing-decisions#heading-0>

Part 3. Submission form for national direction for plantation and exotic carbon afforestation consultation

The questions in this submission template are a guide for your feedback. Please answer those that are most important to you; **there is no need to answer them all**. Where pages, tables, options, and proposals are mentioned, these are in reference to the 'National direction for plantation and exotic carbon afforestation' consultation document.

Your details

Name of submitter or contact person:	Joanna Noble
Title (if applicable):	Chief of Strategy and Science
Organisation (if applicable):	Gisborne District Council
Please provide one of the following	
Email:	Joanna.Noble@gdc.govt.nz
Contact phone number:	
Address:	

Are you submitting on behalf of your organisation?

- Yes
 No
 N/A

Is there any other information you would like to provide?

Please enter text here.

Part A: Managing the environmental (biophysical) effects of exotic carbon forestry

A1. Do you agree with the problem statement set out on page 20?

Yes

No

Are there other things we should consider?

We agree with the general problem statement. However, the term 'exotic carbon forest' covers a wide number of species. The focus of this consultation appears to be on *Pinus radiata* and when it reaches and passes maturity. Clarity should be provided that other exotic species such as long-life species (Redwood), coppicing species (Redwood and Eucalyptus) and site-specific species (willow or poplar for gully planting) can fall under the definition of 'exotic carbon forest'.

Plantation forests require regular access for the required ongoing maintenance, exotic carbon forests should have the same access and maintenance requirements.

A2. Have we accurately described the environmental effects of exotic carbon forests (Table 2 on pages 20 to 24)?

Yes

No

What other environmental effects (if any) need to be managed that are different to those of plantation forests? Please provide evidence on the impact of these effects.

Please enter text here.

A3. Do you agree that the environmental effects of exotic carbon forests should be managed through the NES-PF?

Yes

No

Why?

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Please enter text here

- A4. The right-hand column of Table 2 (on pages 20 to 24) sets out possible new regulatory controls. Please indicate if you disagree with any of these potential controls or feel we have missed anything, and explain or provide evidence.

We generally agree with the controls proposed in table 2.

- A5. Do you agree with option 2 for managing the environmental effects of exotic carbon forestry (amend the NES-PF to include exotic carbon forests)?

- Yes
 No

Why?

The NES-PF should include managing the effects of exotic carbon forests. We suggest considering the requirement for long-term management plans for exotic carbon forests within the NES-PF. This would support the preferred option of combining Options 2: NES-PF and Option 3: amending the NES-PF to require Forest Management Plans.

Effects of exotic carbon forests needs to have some control under national direction, and it needs to be consistent with production forestry. Because some harvest can occur subject to restrictions in exotic carbon forests they should come under the NES.

- A6. Do you agree that a National Environmental Standard should manage: [choose ONE]

- the environmental effects of exotic carbon forests only?
 environmental effects and forest outcomes, including transitioning from predominantly exotic to predominantly indigenous species?

Why?

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We agree that the NES-PF should manage the environmental effects and forest outcomes, including transitioning from predominantly exotic to predominantly indigenous species. This option would provide an opportunity to regulate exotic carbon forest in an effects-based approach and provide a similar regulatory framework to the NES-Plantation Forestry.

Consideration needs to be given to the range of species included in the NES-PF. Significant variations species longevity, attributes and any environmental concerns must be recognised when managing the environmental effects.

A7. Do you agree with the proposal in option 2 (amend the NES-PF to include exotic carbon forests) to add wind effects as a matter of discretion to Regulation 17, to manage potential instability as a result of wind for all forests on red zone land?

- Yes
 No

What benefits or drawbacks would there be from adding wind effects?

Wind effects should be added. However, we note that the wind impacts are only one aspect requiring consideration. We think this becomes an important factor especially if light wells are opened up where selective harvesting occurs. Council officers observe that it leaves standing trees exposed to wind effects.

A8. How effective would option 2 (amend the NES-PF to include exotic carbon forests) be in managing the environmental effects of exotic carbon forestry? Please rank effectiveness on a scale of 0 to 100 (with 0 being not effective and 100 being highly effective).

Your answer:

Why?

We consider Option 2 would be highly effective and give it a rank of 80- 85.

A higher score was not given as the effects are largely unknown. We suggest that a long-term management plan of the activity with 5 yearly reviews and specific actions identified and rectified subsequent to each review would support this option.

The option would also depend on the ability and capacity of the councils to monitor effectively.

A9. What implementation support would be needed for option 2 (amend the NES-PF to include exotic carbon forests)?

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There is a need to provide clear requirements and education around exotic carbon forest activities. Key to progressing environmentally beneficial outcomes is research to assess transition from exotics to indigenous species and across a range of exotic species.

Guidance on expectations, examples on case studies and information on what to expect at different stages as exotic forest transition to indigenous forests is needed.

A10. Do you agree with option 3 for managing the environmental effects of exotic carbon forestry (amend the NES-PF to require forest management plans for exotic carbon forests)?

- Yes
 No

Why?

We agree with this option. There are a number of synergies between the NES-Plantation Forestry process carried out by the National Working Group and widening the focus of the NES to incorporate exotic carbon forests.

A11. Do you agree that forest management plans should manage: [choose ONE]

- environmental effects only?
 environmental effects and forest outcomes, including transitioning from predominantly exotic to predominantly indigenous specie(s)?

Why?

We agree that forest management plans should manage environmental effects and forest outcomes. In order to manage environmental effects, forest management plans will require the effects of exotic carbon forestry to be assessed in a similar manner from afforestation of an area (and similar Risk Zones could be used). The plan will need to outline how long term impacts are being addressed.

In the case of the NES-Plantation Forestry regulation is triggered by activities. In the case of exotic carbon forestry, it may be difficult to identify activities other than afforestation. This is a situation where a Forestry Management Plan with regular reviews of the effects would assess if any adverse effects were occurring.

A12. Based on your answer to the previous question, what content should be required in forest management plans?

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We think matters and a long-term forest management plan should include:

- tree species
- density of the trees
- location within the landscape
- timing of establishment
- silviculture
- actions and milestone to manage biodiversity
- transition process including steps taken to enhance transition (if that is the intention)
- reviews (perhaps five-year reviews)

If exotic carbon forests are introduced into a wider NES for plantation forestry to include plantation and exotic carbon forestry there may be a situation where both plantation and exotic carbon forest activities are carried out on the same area of land: there are currently situations where areas of plantation forest are established and sensitive areas are established or allowed to revert (with no intention to harvest the area) - these areas would require provision and compliance of a management plan.

A13. How effective would option 3 (amend the NES-PF to require forest management plans for exotic carbon forests) be in managing the environmental effects of exotic carbon forestry? Please rank effectiveness on a scale of 0 to 100 (with 0 being not effective and 100 being highly effective).

Your answer:

Why?

We think option 3 would be highly effective and would rank at about 85-90: As outlined in Q A8 a management plan could be a requirement of the NES-PF for exotic carbon forestry. This option outlines the requirement of a long-term management plan of the activity which would require a 5 yearly review and specific actions identified and rectified subsequent to each review.

As per question A8 a higher score was not given as the effects are largely unknown and will likely be more relevant than just an afforestation consent.

A14. What implementation support would be needed for option 3 (amend the NES-PF to require forest management plans for exotic carbon forests)?

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There is a need to provide clear requirements and education of exotic carbon forestry activities. Key to progressing environmentally beneficial outcomes is research to assess transition from exotics to indigenous species and across a range of exotic species.

Guidance on expectations, examples on case studies and information on what to expect at different stages as exotic forest transition to indigenous forests.

Part B: Controlling the location of plantation and exotic afforestation to manage social, cultural and economic effects

B1. Do you agree with the problem statement set out on page 29?

- Yes
- No

Are there other things we should consider?

Opportunity costs of existing land uses versus changing to forestry needs to be considered. The balance/weight given to long term benefits verses short term gains needs to be considered when land use conversions occur. These need to be considered to address intergenerational equity.

B2. Have we accurately described the social, cultural, and economic effects of plantation and exotic carbon afforestation at a community level (Appendix D refers)?

- Yes
- No

What other social, cultural or economic effects should we be aware of? Please provide evidence on the impact of these effects.

We agree that it's not about immediate benefits but long-term and sustainable economic, social, cultural and environmental wellbeing. Exotic carbon forests need to be balanced against other land use activities such as pastoral farming that provide wider employment opportunities and support thriving rural communities.

B3. Do you agree that the social, cultural and economic effects of plantation and exotic carbon forests should be managed through the resource management system?

- Yes
- No

Why?

Consents give GDC discretion to determine if an area is appropriate for new plantation forestry and exotic carbon forests and transitional forests. A similar approach could be taken as that to identify highly productive land under the National Policy Statement for Highly Productive Land (NPS-HPL). This approach recognises value of productive land through a set of criteria. A similar criteria-based approach could be used to identify where to establish, or where not to establish, different types of forests, such as plantation forests, exotic carbon forests or transitional forests.

B4. What is your preferred option for managing the social, cultural and economic effects of plantation and exotic carbon afforestation? [Select ONE from list]

- Option 1 (a local control approach)
- Option 2 (a consent requirement through national direction)
- I do not support either of these options
- No preference

Why?

We think option 1 and a local control approach is the best approach. Our region is unique in its demographic composition, proportion of whenua māori, biodiversity values, long-term community aspirations and infrastructure capacity. We understand this context well and feel that important context would be lost through a more generic national direction.

B5. How effective would option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation) be in managing the social, cultural and economic effects of plantation and exotic carbon afforestation? Please rank effectiveness on a scale of 0 to 100 (with 0 being not effective and 100 being highly effective).

Your answer:

Why?

We think option 1 would be highly effective and would rank at about 85-90. As above, our understanding of the region puts us in a good position to determine the most appropriate location of plantation and exotic carbon forestry.

B6. What impact would option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation) have on the rate and pattern of plantation and exotic carbon afforestation?

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It is difficult to say what the effect on the rate and pattern of plantation forestry and exotic carbon afforestation will be. It would likely come down to what outcomes we are trying to achieve. The right tree in the right place should form part of the outcome sought.

As a district which has a large land mass that is planted in exotic plantation forestry, and where it is desirable to undertake forestry activities and with growing interest to establish exotic carbon forests in the region, there is potential that it would slow down the long-term rate of afforestation. This might be a good thing if it is a more controlled approach and more sustainable.

B7. What are the benefits of option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation)?

Please enter text here.

B8. What are the costs or limitations of option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation)?

Please enter text here.

B9. If option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation) is progressed, would making plan rules to manage the social, cultural and economic effects of plantation and exotic carbon afforestation by controlling its location be a priority for your community or district? Please rank how much of a priority this would be on a scale of 0 to 100 (with 0 being not a priority and 100 being high priority).

Your answer:

Why?

We would give this a priority of 90. This is a significant issue for the community but there are also big impacts on a large scale. This approach would be consistent with our community's desire to optimise land uses across the region, so they are suited to their physical and cultural setting. Such aspirations are set out in our regional spatial plan (Tairāwhiti 2050). Exploring a sustainable transition for whenua and whanau is also articulated by Te Weu Tairāwhiti - a collective of local researchers focused on the future risks and opportunities for Tairāwhiti.

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B10. What implementation support would be needed for option 1 (a local control approach to managing the location of plantation and exotic carbon afforestation)?

Technical reports and studies would certainly be required to support the development of a robust evidence base that identifies appropriate zoning and supporting provisions within our Tairāwhiti Resource Management Plan.

If option 2 (a consent requirement through national direction, to control the location of plantation and exotic carbon afforestation) is further developed:

B11. Are the variables outlined on pages 32 to 33 (type of land, scale of afforestation, type of afforestation i.e., plantation, exotic carbon, transitional) the most important ones to consider?

- Yes
 No

What, if any, others should we consider?

Please enter text here.

B12. Which afforestation proposals should require consent? (Please consider factors such as the type of land, the scale of afforestation, the type of afforestation (plantation, exotic carbon, transitional) and other factors you consider important).

The following sites should require a resource consent:

- LUC 7 and 8 - discretionary status and LUC 1-3 – discretionary status
- Steep slopes
- Near waterways
- Highly erodible land
- Adjacent to infrastructure
- Near indigenous vegetation (clear boundaries such as riparian areas or ridges)
- On or near landscapes or natural features of high value, or sites of cultural significance
- In areas where the roading network is inadequate to accommodate increased

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heavy traffic movements associated with afforestation and subsequent harvest

- In areas where receiving waters (freshwater or coastal) are at risk due to sedimentation
- Controls may also be required at a catchment scale (for example % of afforestation) to manage social and environmental impacts

This should apply to all three of the forest types – plantation, exotic carbon and transitional.

Should consider the role of the national policy statement for highly productive land (NPS-HPL) and how the LUC mechanism in the NES-PF and within the NPS-HPL work together. If the result is that forestry can establish on class 1-3 LUC then we would like to see this as a discretionary activity under the NES-PF.

Based on your answers to B11 and B12 above:

B13. How effective would option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation) be in managing the social, cultural and economic effects of plantation and exotic carbon afforestation? Please rank effectiveness on a scale of 0 to 100 (with 0 being not effective and 100 being highly effective).

Your answer:

Why?

Option 2 of the proposal is less specific than option 1, so without further detail we would consider this less effective based on the detail provided. In terms of effectiveness, we would give it a 50, largely due to the lack of detail provided.

B14. What impact would option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation) have on the rate and pattern of plantation and exotic carbon afforestation? Please explain or provide evidence.

The impact of option 2 is largely unknown, as it may depend on the consent status and considerations required when assessing consents. It may potentially result in more work for a consent. It may also not cover the relevant issues for our region.

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B15. What are the benefits of option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation)?

Benefits are that there is potential for less cost (or cost recoverable) for councils.

B16. What are the costs and limitations of option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation)?

Please enter text here.

B17. What are the most important and urgent social, cultural and economic effects of plantation and exotic carbon afforestation that you would like to see managed under the resource management system? Where and at what scale do these effects need to be managed?

The worst-case scenario is that a significant part of the region becomes a permanent carbon forest and there is a lack of land use diversity and a reliance on one commodity. Sheep and beef farms and horticulture currently provide economic diversity and support for people's livelihoods and are an important part of our national food supply. This is a major concern for our farming communities.

B18. Should this be done now under the RMA, or later under the proposed National Planning Framework and NBA plans?

National direction will be captured under the new resource management framework through the national planning framework. Our understanding is that this would be added to that framework. There is no benefit in waiting for the national planning framework to be put in place as this could be years away. It should be put into place now.

B19. Would standards in an amended NES-PF need the support of national policies and objectives?

Yes

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No

Why?

The standards need to be consistent with the direction set by other national policies and objectives. In particular, the standards need to support and give effect to the NPS-FM.

B20. What implementation support would be needed for option 2 (a consent requirement through national direction to control the location of plantation and exotic carbon afforestation)?

Please enter text here.

Part C: Improving wildfire risk management in all forests

C1. Do you agree that wildfire risk management plans (WRMPs) should be included in the NES-PF?

- Yes
 No

Why?

We agree that wildfire risk management plans should be included in the NES-PF as it is an important issue and there is no current standard and currently does not have enough oversight.

As the effects of climate change become more apparent with longer hotter weather occurring this will become more important to address over time.

C2. Do you agree that the role of councils in monitoring the WRMP should be limited to ensuring that a plan has been developed?

- Yes
 No

If not, what should the role of councils be?

We agree that the role of Council should be to ensure that the plans are developed, regularly reviewed and accessible to FENZ (online portal). There will be the need for FENZ to part of the approval process as they are considered the fire experts and hold knowledge to risk mitigation on a case-by-case scenario.

It should also be clear where enforceability lies and who is responsible for it. We believe this should sit with FENZ as they have powers for enforcement that councils do not have.

C3. Do you agree that a five-year review requirement is appropriate for WRMPs?

- Yes
 No

Why?

5 years is a good timeframe and would sit in line with any other plans that may need to be reviewed.

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C4. Do you agree that a module for a WRMP that is consistent with farm plan templates could be used for farmers with forests to plan for managing wildfire risk?

Yes

No

If no, please provide reasons.

Yes, we think this is a good model to follow and would provide good consistency.

C5. What implementation support would be needed for this proposal?

WRMPs would need to go to FENZ or someone suitably qualified to assess prior to council approval. Council approval is a good way to ensure completion but not accuracy in this sense as they lack the relevant expertise.

It would be good to have some earthworks allowances in the NES-PF for construction of fire protection works to ensure they do not need consent.

Part D: Enabling foresters and councils to better manage the environmental effects of forestry**Wilding conifer risk management**

D1. Do you agree with Proposal 1 for managing wilding risk (update the Wilding Tree Risk Calculator and guidance, and require the submission of a standardised worksheet assessment to councils at least six months prior to planting)?

- Yes
 No

If not, please explain why.

We agree with the proposal for managing wilding risk. Wilding pines are an issue within our region when adjoining indigenous vegetation, regenerating land and areas with low density farming activities.

It is unclear what the effects of future climate change may have on their establishment within stressed indigenous vegetation.

D2. Do you agree that extending the notification period for wilding conifer scores to no sooner than six months and no later than eight months before afforestation begins is an appropriate length of time?

- Yes
 No

If not, what timeframe would you suggest and why?

We agree that the notification period for wilding pine scores should be received 6 to 8 months prior to afforestation for larger block and with smaller blocks potentially to still come in with the notice (20 working days/ 6 weeks prior).

It would good if the notification of when afforestation (s 10 NES-PF) is to occur is amended to reflect this same timeframe that a wilding conifer score needs to be provided. This should help make it easier to keep track of and reduce potential confusion between the two requirements.

D3. Do you agree with Proposal 2 for managing wilding risk (require all forests to assess wilding tree risk at replanting)?

- Yes
 No

If not, please explain why.

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Yes, we agree that wilding tree risk should be considered at replanting. We currently look at this for afforestation. If there are no issues on adjoining properties from a first rotation, then a full assessment at replanting is probably not necessary unless an adjoining area has been retired and managed regeneration is being promoted.

We are currently seeing some wildings spread into regenerating forest within Tairāwhiti.

D4. Do you agree that changes to Regulation 79(6) will clarify the intent and avoid confusion over property access rights?

- Yes
 No

Why?

We think they should still be required to remove wildlings on neighbour's property, although agreed that they need property owner permission to enter their land to do so. Their trees, their responsibility. Neighbours might not have the means/resources to do so. Provision should be made to make it easier to remove them, not stopping them from being removed.

Slash management

D5. Do you agree with each of the proposed amendments to the NES-PF in relation to slash regulations, set out in Table 4 (pages 49 to 50)?

- Yes
 No

If not, please identify any you disagree with by referencing the number in the left-hand column of Table 4 and explain why you disagree.

Slash management needs to be included in harvest plans. Ideally long-term consideration of slash management would be included in a Forest Management Plan, similar in content and an ongoing with regular reviews and review requirements as currently being required in Freshwater Farm Environment Plans (FWFPs). There is some criticism from other land users that there is no similar requirement for both plantation and exotic carbon forest.

D6. What information about slash risk and slash management do you or your organisation require? What is the best way for you to receive this information?

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Information required would include details that would assist in developing a long-term slash management plan:

This slash management plan could consider a wide range of options to address slash including:

- Hold settings at strategic settings
- Safe storage or removal of slash from landings, especially in steep slopes
- Harvesting methods that minimise breakages and place potential slash in safe sites
- A consideration of the potential for slash to be generated from the harvested slope (less likely on easier slopes and further from waterways)
- Removal of a significant proportion of the slash from the harvested slope
- Retention of riparian vegetation
- Partial catchment harvesting

The main thing we want to know is how has slash 'will be' and 'is' being managed, the best way would be through a management plan.

D7. What tools or information do you use to assess operational requirements for the 5 per cent annual exceedance probability (AEP) requirement?

Is the 5% annual exceedance probability (AEP) the right means to base decisions on?

Assessment will require mapping/modelling or rainfall and flow data. There is potential to create a LiDAR model if required for high level enforcement. Any model will need to be robust enough to stand up to scrutiny if challenged.

Initial alignment with NES-Freshwater

D8. Do you agree with each of the proposed changes to align the NES-PF with the NES-Freshwater, set out in Table 5 (pages 53 to 54)?

- Yes
 No

If not, please identify any you disagree with by referencing the number in the left-hand column of Table 5 and explain why you disagree.

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Please enter text here.

D9. Do you anticipate any unintended consequences from this proposal to align parts of the NES-PF with the NES-Freshwater?

Please enter text here.

Operational and technical issues

D10. Do you agree with each of the proposed changes to the NES-PF to address operational and technical issues, set out in Table 6 (pages 57 to 68)?

- Yes
- No

If not, please identify any you disagree with by the number in the left-hand column of Table 6 and explain why you disagree.

Please enter text here.

In some cases, we have not proposed an amendment but are seeking further information, as follows:

D11. **Temporary structures for river crossings (row D5d of Table 6):** Do you agree that this type of river crossing could be permitted under certain conditions?

- Yes
- No

What conditions should be applied to the crossing as a permitted activity?

D5a, D5b, and D5c - we agree with the proposed changes to these issues, clarification and amendments of definitions to clarify intent will reduce uncertainty.

D5e – Dual culverts maybe preferable to use under certain conditions. Culvert sizes required should be based on a case-by-case basis to manage the outcome sought, a one size fits approach may not be appropriate.

D12. **Dual culverts (row D5e of Table 6):** Is there a need to include double culverts in the regulations?

- Yes
 No

If so, what permitted activity conditions should apply to these river crossings?

We support the inclusion of this where there are benefits in specific situations. The NES-PF would need to be clear about the use of double culverts needing to still meet flood flow requirements and not creating greater risk eg. 2 culverts half the size is not the same as one big one as they are more prone to blocking. The number of culverts should not be as important as capacity, including capacity for stream bed material and other debris.

D13. **Culvert diameters (row D5g of Table 6):** Is a 325mm minimum internal diameter specification for stormwater culverts for forestry roads or forestry tracks in green, yellow and orange zones with a land slope of less than 25 degrees an appropriate minimum? (Think about the availability of culverts of this size and the products you commonly use or require).

- Yes
 No

If not, please explain why.

These minimum diameters are quite small, diameters of this size are more difficult to clean out and maintain and with the regularity of intense rainfall events we question if these diameters are sufficient.

The NES-PF should align with what is readily available. Anything smaller is too small and only appropriate to use for spring tapping. It makes more sense to all be a standard 375 mm. Any smaller seems pointless as it is too small.

D14. **Notice periods (row D7a of Table 6):** Do you agree that notice periods could be reduced or waived for earthworks, quarrying and harvesting in green and yellow zones?

- Yes
 No

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Please explain your answer with evidence to support your position. If you think notice periods could be reduced what would you suggest is an appropriate notice period?

Yes, the notice period could be reduced to a week or so/5 working days.

We have already been waiving notice periods if asked as there is little enforcement power to enact if they start early anyway (max fine is \$300, well below the cost of crew stand down for 1 day).

A notice waiver is only provided once Council is happy that the activity is within the permitted activity limits. 20 working days does feel like an excessive notice period for low-risk activities where monitoring at the start of the activity is unlikely to be required. In any case, we are only notified of new notices and consents at the end of every month and would go looking for the notice if we received a complaint.

Notice periods have low enforceability and little environmental effect so should be used as a way to build rapport and relationships with operators by waiving them as required. They can currently only be infringed under use of land (\$300) or breach of an existing abatement (\$1000) which is nothing compared to cost of delays to operators.

D15. **Notice periods (row D7d of Table 6):** Where you have experience of annual notice periods (either positive or negative) please provide your views on whether annual notifications are working well or whether changes to the regulations are required. If you consider changes are required, please indicate what environmental risks will be better managed through change.

Please enter text here.

D16. **Indigenous vegetation (row D9b of Table 6):** If the definition of indigenous vegetation is changed to that used in the National Policy Statement for Indigenous Vegetation do you foresee any practical or operation issues for plantation forestry and enforcement of the regulations?

- Yes
 No

Why?

D9a-D9b: Amendments to provide consistency and reduce conflicts between the NES-PF and NPS-IB are supported. Improvements to definitions to ensure clarity are supported.

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D17. **Vegetation clearance (row D9c of Table 6):** Do you think there will be any negative consequences of amending the definition of vegetation clearance in the NES-PF to clarify that part (b) of the definition does not authorize any vegetation clearance but that a forest crop should generally be harvestable within the constraints of the regulations?

- Yes
 No

Please provide evidence to support your views.

Please enter text here.

D18. **Incidental damage (row D9d of Table 6):** Please provide any evidence you have that the definition of incidental damage is causing issues for users and the nature of those issues. Do you have suggestions for how the definition could be less subjective while still achieving the intent of allowing minor damage to indigenous vegetation under limited circumstances?

We are unsure how this can be clarified. Potentially by focusing on the intent of clearing. I.e chopping down natives to form a track is clearance that requires a consent but damage to native caused by the felling of pine trees is incidental. We have found incidental damage easy to monitor through intent and on the ground evidence.

D19. **Health and safety (row D12a of Table 6):** What additional information or resources could help foresters and councils make decisions that balance environmental outcomes with worker safety when managing slash?

Close collaboration between Worksafe, Forestry Interest and councils would be advantageous and would require a better understanding of both the physical limitations and the environmental outcomes sought.

As a region with many slash issues, we have found that often there is a limitations to what machines a company has access to, therefore a list of capabilities of different machinery would be valuable. We have also been asking companies to develop management plans for existing issues, putting the responsibility in their hands.

Capacity and capability of local authorities to implement the NES-PF

Questions for councils and foresters

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D20. What sources of information or training do you currently use to inform your decisions for forestry?

Currently we use a mixture of existing institutional knowledge and prior knowledge of staff combined with best practice guides and on the job learning from the people in the industry. We also rely on experienced colleagues from other regional councils to apply a standard approach especially with regions that share boundaries with ours.

On the job training/experience, best practice and guideline documents supplied by the New Zealand Forest Service, MPI and working with industry, would support councils hugely.

D21. What areas of forestry practice required by the NES-PF do you need more information about or training in?

We would support training and information on:

- forestry operations
- clear outline of the collaboration between forestry interest and councils on the identified environmental effects and solutions to address these effects.
- New harvesting methods
- long term management of woody debris in waterways - biggest area Tairāwhiti struggles to grade/ enforce is safety vs removal of slash in waterways and ephemeral channels
- Management of windthrow
- cut to waste (it would be useful to be more explicit in the Review)
- Infrastructure with forestry - Inherited poor construction practices and how these can/should be managed.
- ESC in forestry has good resources in the best practice guides.
- A 'best practice guide' of comparative photos of what good vs bad looks like for each standard would be very useful to quickly teach officers what good and bad look like.
- Further clarification on how to judge slash volumes on slopes and in gullies would be useful. Emailed resources or in person training would both be valuable.

D22. What are the best forms of delivery for that information or training? This may include a range of delivery methods or forums.

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A combination of delivery types for information and training. This could include:

- Videos with commentary explaining different aspects of different forestry activities.
- Basic training on forestry harvest systems and their capability and environmental risks would be valuable to new planners and compliance staff in the forestry space, could be in person or online.
- Cross neighboring council site visits are valuable to ensure consistency between regions and share knowledge.
- Photo books are great resources for learning what good and bad looks like, and can easily be referred to when writing reports.

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General comments

Do you have any further comments or feedback to add?

Please enter text here.