

Ministry for Primary Industries
Manatū Ahu Matua



Ministry for the
Environment
Manatū Mō Te Taiao

Submission form for national direction for plantation and exotic carbon afforestation consultation

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: | Lawrence Yule |
| Title (if applicable): | Partner |
| Organisation (if applicable): | Yule Alexander Ltd on behalf of 17 Councils and Local Government New Zealand |
| Please provide one of the following | |
| Email: | lawrence@yulealexander.com |
| Contact phone number: | 0272496206 |
| Address: | |

Are you submitting on behalf of your organisation?

- Yes
- No
- N/A

Is there any other information you would like to provide? This submission is on behalf of the following 17 Councils and Local Government New Zealand.



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?

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.

The planting density for maximum exotic carbon sequestration is much higher than production forestry resulting in taller thinner trees which are more difficult to access for pest control and firefighting purposes.

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

- Yes
 No

There should be one NES for Forestry, and it should be called the NESF. The NESF can have different regimes for production and carbon only forestry within it but there is no value in a separate NES for Carbon only forestry.

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.

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?

All standards for Forestry should be in one NES for all forestry types.

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?

Until the ETS rules around the permanent forest category are finalised a precautionary approach needs to be taken. If the Permanent Forestry Category Rules cover the transition to native concept, then covering this in the NES may be a duplication.

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 because of wind for all forests on red zone land?

- Yes
- No

What benefits or drawbacks would there be from adding 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:80

Why?

Regardless of forestry type (production or carbon) the environmental risks are very similar.

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

Please enter text here.

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?

The biggest risk around Carbon only forestry relates to the management of the forest. A requirement for a Forest Management Plan that is compliant with an amended NES will focus investment decisions on the management costs and compliance as well as the financial returns.

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?

Transitioning is possible but needs to be carefully managed. If the transitioning provision is excluded at the outset, then the risk of transition failure is heightened.

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

This is dependent on the final ETS settings for permanent forestry. The forest management plan should assess the viability of transition, the management practices required to support success and the risks if unsuccessful.

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:80

Why?

Because the long-term management obligations and practices will be considered at the initial investment stage.

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

Please enter text here.

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?

The current NESPF overrides Councils ability to make land use decisions on afforestation (apart from Class 8 land and Carbon only forestry)

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.

The cumulative impacts of significant land use change to plantation and permanent forestry are generally considered as being negative for most rural communities. While forestry interests will talk up the employment and environmental opportunities the vast majority of 17 Councils represented in this submission hold a strong and completely contrary view.

Unless there is an associated wood processing facility in a district the impact of afforestation is considered negative in terms of local employment, community vibrancy and infrastructure impacts particularly around roads.

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

Because there is no other regulatory system that can balance the social, environmental, and economic effects.

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?

National Direction is required to reduce uncertainty and duplication, but local consent decision making should also be allowed under this framework. The following recommendations are made to support this.

1. Change the NESPF to NESF which will cover both production and carbon only forestry.
2. Change the NESF to require Regional Councils to develop a Regional Policy Statement on Production and Carbon Only forestry over the next 3 years. This would involve regional conversations to look at the strategic nature of forestry region by region, allow integration with freshwater and biodiversity management, allow input from District Councils to determine roading and other social factors that need to be considered. This would invariably support the "right tree, right place, right management" concept.
3. Territorial Authorities will remain the land use consenting authorities.
4. The NESF be amended to provide National Guidance as follows based on LUC land use classification.

Forestry Consenting rules including production and carbon only.

Riparian, shelter belt and wide spaced erosion plantings are permitted.

An exemption for very small qualifying titles or group of titles should be defined to prevent consent costs associated with very small block and scale afforestation.

LUC 1-3 Land

Permitted activity Status for forestry that cumulatively occupies less than 5 % of effective area of any title or group of titles operating as one farming business.

Discretionary Status for areas greater than 5% of effective area of any title or group of titles operating as one farming business.

Discretionary consents can be granted or declined and notified or non-notified subject to criteria. The Council has full control, and the discretion may be around soil quality, roading infrastructure and cumulative social impacts.

LUC 4 and 5 Land

Permitted activity Status for forestry that cumulatively occupies less than 100ha or 10% of the effective area of any title or group of titles operating as one farming business (whichever is the lessor).

Discretionary Status for areas greater than 100ha or 10% of the effective farm area on a title or group of titles operated as one farming business. This includes whole farm conversions.

Discretionary consents can be granted or declined and notified or non-notified subject to criteria. The Council has full control, and the discretion may be around roading infrastructure and cumulative social impacts.

LUC 6 and 7 Land

Permitted Activity Status for cumulative forestry up to 30% of the effective area of any title or group of titles operating as one farming business.

Discretionary Status for areas greater than t30% of the effective area of any title or group of titles operating as one farming business. This includes whole farm conversions.

Discretionary consents can be granted or declined and notified or non-notified subject to criteria. The Council has full control, and the discretion may be around roading infrastructure and cumulative social impacts.

LUC 8 Land

Currently requires consent for Production and the new rules for Carbon only Exotic Forestry should be covered in the amended NESPF.

Note for properties that contain more than one LUC class the area % limitations shall apply to each appropriate LUC class and rule.

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:20

Why?

Without National guidance there would be no consistency and consent decisions would be open to greater risk of challenge and appeal.

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?

Unknown because the rules are not determined.

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

Local decision making and community involvement in Plan setting.

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

Significant planning and appeal costs if this is done without national guidance.

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?50

Please enter text here. This will vary from district to District. While not our preference if this model is adopted it will be a high planning priority for the 17 Councils represented in this submission.

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

Unknown

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?

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).

Forestry Consenting rules including production and carbon only. (Riparian, shelter belt and wide spaced erosion plantings are permitted).

LUC 1-3 Land

Permitted activity Status for forestry that cumulatively occupies less than 5 % of effective area of any title or group of titles operating as one farming business.

Discretionary Status for areas greater than 5% of effective area of any title or group of titles operating as one farming business.

Discretionary consents can be granted or declined and notified or non-notified subject to criteria. The Council has full control, and the discretion may be around soil quality, roading infrastructure and cumulative social impacts.

LUC 4 and 5 Land

Permitted activity Status for forestry that cumulatively occupies less than 100ha or 10% of the effective area of any title or group of titles operating as one farming business (whichever is the lessor).

Discretionary Status for areas greater than 100ha or 10% of the effective farm area on a title or group of titles operated as one farming business. This includes whole farm conversions.

Discretionary consents can be granted or declined and notified or non-notified subject to criteria. The Council has full control, and the discretion may be around roading infrastructure and cumulative social impacts.

LUC 6 and 7 Land

Permitted Activity Status for cumulative forestry up to 30% of the effective area of any title or group of titles operating as one farming business.

Discretionary Status for areas greater than 30% of the effective area of any title or group of titles operating as one farming business. This includes whole farm conversions.

Discretionary consents can be granted or declined and notified or non-notified subject to criteria. The Council has full control, and the discretion may be around roading infrastructure and cumulative social impacts.

LUC 8 Land

Currently requires consent for Production and the new rules for Carbon only Exotic Forestry should be covered in the amended NESPF.

Note for properties that contain more than one LUC class the area % limitations shall apply to each appropriate LUC class and rule.

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:80

Why?

National consistency and local decision making for large scale forestry development while allowing smaller scale plantings as a permitted activity.

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.

It would allow a more considered view of the location and rate of plantings in each region.

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

National consistency and a defined set of parameters that are not challengeable.

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)?

A lower cost model than Option 1.

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 rapid change in land use with the associated loss of employment, community vibrancy, social infrastructure and resident population.

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

Yes as it appears to be the most appropriate framework to consider the complex and often competing policy priorities.

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

Yes

No

Why?

Unsure.

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)?

Council training to ensure the implementation is timely and consistent.

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?

This risk is a significant concern for this group of submitters. Climate Change impacts are dramatically increasing the fire risk and unless this risk is considered at the first consenting stage then the ability to contain a wildfire will be severely compromised.

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?

There needs to ongoing monitoring to ensure compliance.

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

Yes

No

Why?

Please enter text here.

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.

Please enter text here.

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

Please enter text here.

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.

Please enter text here.

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?

Please enter text here.

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.

Please enter text here.

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

Yes

No

Why?

Please enter text here.

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.

Please enter text here.

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?

Please enter text here.

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

Please enter text here.

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.

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?

Please enter text here.

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?

Please enter text here.

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.

Please enter text here.

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

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?

Please enter text here.

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?

Please enter text here.

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?

Please enter text here.

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?

Please enter text here.

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

Questions for councils and foresters

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

The NESF should provide the nationwide basis to support Regional Planning Strategies and allow local land use decision-making.

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

Please enter text here.

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

Please enter text here.

General comments

Do you have any further comments or feedback to add?

Please enter text here.