

## Change to staff recommendation on submission point 935.30 - excluding woodlot forestry from 'Forestry' definition

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TO	Proposed District Plan Hearings Panel
FROM	Andrew Wharton - Senior Policy Planner
DATE	11 November 2014
SUBJECT	<b>Change to staff recommendation on submission point 935.30 - excluding woodlot forestry from 'Forestry' definition</b>

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### 1 Issue

In my Section 42A staff report on Forestry, I supported Federated Farmers' request to increase the plantation forestry definition threshold from 1 ha to 4 ha. This conflicts with my analysis of plantation forestry in outstanding landscapes (see paragraphs 34 - 38).

### 2 Background

Federated Farmers' submission considered that small woodlot forestry that is primarily undertaken for soil conservation purposes or stock shelter should be captured by Plan rules primarily aimed at extensive areas of forestry plantations and therefore consider that they should be excluded from the definition and/or the rule regime in the Plan. I accepted Federated Farmers' argument that forestry under 4 ha in size should not be treated as plantation forestry with the associated standards and resource consent thresholds.

### 3 Discussion

I still agree with this argument for rural land in general, however a Waipa District Council planner pointed out that allowing 4 ha of plantation forestry per property in an outstanding landscape would damage the landscape value to the point that it is no longer outstanding. This was also described in paragraphs 34 - 38 of my Section 42A staff report on Forestry.

A recent Environment Court case ([2012] NZEnvC 174) has confirmed the importance of limiting new plantation forestry in an outstanding landscape. The overall issue was the activity status of production forestry in the Awhitu Peninsula, which fell within the Coastal Zone and the Tasman Coast Management Area, but was predominantly pastoral farmland. Land in the Awhitu Peninsula had been identified as part of a regionally outstanding natural landscape (ONL). The Auckland Council contended that plantation forestry greater than 2 ha in the APPA should be restricted discretionary, because of the potential to generate significant adverse effects on the natural character, landscape and visual amenity values of the peninsula. Federated Farmers contended that it should be permitted anywhere in the Coastal Zone.

The Court concluded that plantation forestry above 2 ha should not be permitted in this area because of the effects on natural character values, the visual impact and archaeological sites. The Council's proposed provisions gave effect to the New Zealand Coastal Policy Statement and were consistent with their Regional Policy Statement. The rules enabled farmers to provide for their economic wellbeing while preserving and protecting the natural landform character and ONL in the Awhitu Peninsula.

A way to resolve the need to cut red tape for farm forest blocks while also protecting outstanding natural features and landscapes (RMA Section 6(b)) is to remove the area threshold from the definition of plantation forestry, and apply it to the zones and overlay as a resource consent trigger. This would mean that small forest blocks could be permitted in the outstanding landscape overlay (as per the notified Proposed Plan), but could be permitted up to 4 ha or more in the Coastal Environment and Rural Area.

Plantation forestry is defined as "plantation of trees for wood products" in a continuous area, so shelter belts, landscaping and erosion control trees will still not be constrained by these rules, but will just be part of a farming operation.

The Awhitu Peninsula Environment Court case pointed out the need to balance landowners' economic wellbeing with RMA Section 6(b) requirements. Landscape expert Stephen Brown has also recently advised me that different trees and planting systems affect landscape values differently. Pine trees planted in rows and clearfelled is the worst for degrading landscape values. Eucalyptus is better, as is planting trees in a random pattern rather than in rows. Native trees (e.g. totara plantations) are better again. This indicates that there may be ways (through resource consent) for some plantation forestry to be in outstanding landscapes, and they should not be prohibited outright.

The tracked changes below for Rule 7A Afforestation in the Outstanding Landscape Overlay are less onerous than what was notified in the Proposed Plan, where all afforestation was non-complying.

#### 4 Recommendation

The recommended forestry provisions in Section 42A Forestry staff report: Appendix 2 - tracked changes, should be amended as per the text below.

**Plantation Forestry** means the plantation of trees for wood products, including all phases of the production cycle, such as establishment, planting, stand maintenance, infrastructure maintenance, and harvesting, ~~where the continuous area of trees planted, regardless of species, is more than 4 ha in area. In this context 'continuous' means trees planted in such a manner that upon maturity they will be interlinked and/or form a closed canopy.~~

Plantation forestry excludes associated wood processing activities, for example sawmills and pulp and paper production, except for the operation of mobile sawmill facilities on a site no longer than 3 months in any 12 month period.

Comment [AW1]: Federated Farmers 935.30

## Section 32.3 Outstanding Landscape Overlay Rules

### RULE 7A Afforestation

1. ~~Afforestation that is a permitted or restricted discretionary activity in the underlying zone rules retains its activity status provided no more than 1 ha of the lot is in plantation forestry (before or resulting from the afforestation).~~
2. ~~Afforestation that does not retain its activity status under Rule 7A.1 is a non-complying discretionary activity provided:~~
  - a) ~~The trees are not a *Pinus* species; and~~
  - b) ~~The trees are not planted in lines; and~~
  - c) ~~‡The plantation forest is managed and operated as a Continuous Cover Forest.~~
2. ~~Afforestation that does not retain its activity status under Rule 7A.1 and is not a non-complying discretionary activity under Rule 7A.1.2 is a prohibited non-complying activity.~~

Comment [AW2]: Rayonier & Ernslaw One 855.14

## Section 56 Rural Zone

### **RULE 11 Afforestation**

1. Afforestation is a **permitted activity** provided:
  - a) It meets the standards in Table 6 at the end of Section 56; and
  - ~~b)~~ It meets the setback standards in Table 4 and no exotic tree of the plantation species, whether planted or self-seeded, grows more than 10 m high in the setback area; and
  - EITHER**
  - ~~c)~~ **The area to be covered by trees is less than 4 ha.**
  - OR**
  - ~~d)~~ It is not in the Coastal Environment; and
  - ~~e)~~ Prior to the afforestation starting, a forest plan is submitted to the Council that details the following information:
    - i) The legal description, location and area of planting; and
    - ii) The approximate age of trees on harvest; and
    - iii) The location of roads, tracks, landings and skid sites, and transport routes from harvest to the State Highway; and
    - iv) The location of setbacks based on Table 4; and
    - v) The location of any known archaeological site, Māori cultural site or historic heritage site; and
    - vi) The method of removal of all trees of the plantation forest species (whether planted or self-seeded) within the Table 1 setbacks before they reach 10 m in height; and
    - vii) Whether at risk or threatened indigenous fauna (e.g. kiwi, frogs, bats etc.) are present on the site and the steps proposed to safely relocate or protect them.
  - ~~ef)~~ Any stormwater, silt controls, fire breaks or landscape improvements are not located on the unformed margins of public roads.
2. Afforestation that is not permitted under Rule 11.1 is a **restricted discretionary activity**.
3. The Council restricts its discretion to matters 1, 3, 8 - 13 in Table 8 at the end of Section 56.

Comment [AW3]: Federated Farmers 935.30

## Section 57 Rural Lifestyle Zone

As above ...

### **RULE 11 Afforestation**

1. Afforestation is a **permitted activity** provided:
  - a) It meets the standards in Table 6 at the end of Section 57; and
  - ~~b)~~ It meets the setback standards in Table 4 and no exotic tree of the plantation species, whether planted or self-seeded, grows more than 10 m high in the setback area; ~~and-~~
  - EITHER**
  - ~~c)~~ **The area to be covered by trees is less than 4 ha.**
  - OR**
  - b) It is not in the Coastal Environment; and
  - c) Prior to the afforestation starting, a forest plan is submitted to the Council that details the following information:
    - i) The legal description, location and area of planting; and
    - ii) The approximate age of trees on harvest; and
    - iii) The location of roads, tracks, landings and skid sites, and transport routes from harvest to the state highway; and
    - iv) The location of setbacks based on Table 4 standards, and
    - v) The location of any known archaeological site, Māori cultural site or historic heritage site; and

Comment [AW4]: Federated Farmers 935.30

- vi) The method of removal of all trees of the plantation forest species (whether planted or self-seeded) within the Table 1 setbacks before they reach 10 m in height.
- 2. Afforestation that is not permitted under Rule 11.1 is a **restricted discretionary activity**.
- 3. The Council restricts its discretion to matters 1, 3 and 8 - 13 in Table 8 at the end of Section 57.

## 1 Suggested Resolution(s)

That the District Plan Hearings Panel:

1. Receives the report.
2. Endorse the discussion and amendments above to the plantation forestry definition and afforestation rules in the Section 42A Hearing Report - Forestry.