

Proposed Marlborough Environment Plan

Supplementary Section 42A Hearings Report

Report dated: 21 March 2019

Supplementary report on submissions and further submissions

Topic 12: Rural Environments as it relates to woodlot forestry

Report prepared by

Andrew MacLennan

Consultant Planner

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List of Abbreviations

CMA	Coastal Marine Area
MEP	Proposed Marlborough Environment Plan
NZCPS	New Zealand Coastal Policy Statement 2010
NESPF	Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017
RMA	Resource Management Act 1991

Introduction

1. My name is Andrew Maclennan. I am a Senior Resource Management Consultant from Incite (Chch), based in Christchurch. I hold a Bachelor of Science in Land Planning and Development from Otago University and am currently studying towards a Masters of Resource Management at Massey University. I have 7 years' planning experience working in both local government and the private sector. My experience includes both regional and district plan development, including the preparation of s32 and s42A reports. I also have experience in resource consents and notices of requirement, both in preparing applications, as well as processing applications for territorial authorities.
2. I was not involved with the preparation of the MEP. I was contracted by the Marlborough District Council (Council) in August 2017 (after the MEP submission period had closed) to evaluate the relief requested in submissions and to provide recommendations in the form of a Section 42A report. I was the reporting officer on the Topic 12: Rural Environments Section 42A report.
3. I have read Council's Section 32 reports as they relate to this topic.

Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note and that I agree to comply with it.
5. I confirm that I have considered all the material facts that I am aware of that might alter or detract from the opinions that I express, and that this evidence is within my area of expertise, except where I state that I am relying on the evidence of another person.
6. I am authorised to give this evidence on the Council's behalf.

Scope of Hearings Report

7. This report is prepared in accordance with section 42A of the Resource Management Act 1991 (RMA). It is a supplementary report that should be read in conjunction with the original section 42A reports for Topic 12: Rural Environments and Topic 22: Forestry.
8. The need for this supplementary report has arisen as a result of timing. On 1 May 2018, the National Environmental Standards for Plantation Forestry (NESPF) came into effect. It provides a set of rules that apply nation-wide to various activities relating to plantation forestry. The Section 42A Report for Topic 12 – Rural Environments was circulated on 31 May 2018 and the hearing held in July 2018. In November 2018, the Council adopted an alignment exercise ('NESPF Alignment Exercise') undertaken to comply with section 44A of the RMA and removed those provisions that were identified as duplicating or conflicting with the NESPF, where those provisions cannot be more stringent, and where they do not manage effects that are not managed under the NESPF.
9. The NESPF Alignment Exercise does not affect, or apply to the woodlot forestry provisions, as woodlot forestry, as it is defined in the MEP, does not fall within the definition of plantation forestry to which the NESPF applies. However, in the Section 42A report for Topic 12, I considered various rules and standards in the MEP, as they apply to woodlot forestry. In some cases, those rules covered both woodlot forestry and plantation forestry, and I noted that following the NESPF Alignment Exercise, and subsequent consideration of rules relating to Forestry in Topic 22, it might be necessary to revisit my recommendations in relation to woodlot forestry.
10. In other cases, there are rules in the MEP as notified that apply to woodlot forestry activities, but which were the same or similar as those applied to commercial/plantation forestry. Again, in my Section 42A report for Topic 12, I considered that it might be necessary to revisit my recommendations in relation to woodlot forestry, following the Forestry in Topic 22 hearing to ensure

the woodlot forestry provisions align with the commercial forestry provisions. This report explores this alignment.

11. As submitters who indicate that they wish to be heard are entitled to speak to their submissions and present evidence at the hearing, the recommendations contained within this report are preliminary, relating only to the written submissions.
12. For the avoidance of doubt, it should be emphasised that any conclusions reached or recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions or decisions having considered all the evidence to be brought before them by the submitters.

Overview of Provisions

13. The relevant rules considered in this report, to the extent that they apply to forestry activities, are:

Matter Number	Activity	Relevant standards in Volume 2 of the MEP
1	Woodlot forestry planting	3.1.8, 3.3.8, 4.1.7, 4.3.7, 8.1.8, and 8.3.7
2	Woodlot forestry harvesting	3.1.9, 3.3.9, 4.1.8, 4.3.8, 4.7.2, 8.1.9 and 8.3.8

Table 1: Standards subject to this Supplementary Section 42A Report

Matter 1: Woodlot forestry planting

Rules 3.1.8, 4.1.7, 8.1.8, and Standards 3.3.8, 4.3.7, and 8.3.7

14. Rules 3.1.8, 4.1.7, and 8.1.8 list: '*Woodlot forestry planting*' as a permitted activity.
15. In the Section 42A Report for Topic 12 – Rural Environments, I addressed Standards 3.3.8.1, 3.3.8.3, and 4.3.7.1 and 4.3.7.3, and 8.3.7.1 and 8.3.7.3 which are the standards within the Rural Environment, Coastal Environment and Rural Living Zones which are required to be met in order for the planting to be permitted. These read as follows:

x.3.x.1. The following species must not be planted:

- (a) Douglas fir (Pseudotsuga menziesii);*
- (b) Lodgepole pine (Pinus contorta);*
- (c) Muricata pine (Pinus muricata);*
- (d) European larch (Larix decidua);*
- (e) Scots pine (Pinus sylvestris);*
- (f) Mountain or dwarf pine (Pinus mugo);*
- (g) Corsican pine (Pinus nigra).*

x.3.x.3. Planting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply

'Woodlot forestry' is defined in the MEP as:

'the planting, replanting and maintenance of indigenous or exotic trees for non-commercial purposes provided that no more than 2 hectares or 5% of land, whichever is greater, is planted on land within any one Computer Register.'

16. Within the original Topic 12 - Rural Environments s42A Report I recommended that Rules: 3.1.8, 4.1.7, 8.1.8, and Standards: 3.3.8.1, 3.3.8.3, 4.3.7.1, 4.3.7.3, and 8.3.7.1 are retained as notified. However, I also noted that these rules would be discussed within the Topic 22 - Forestry, in relation to commercial forestry operations, and if amendments were made to the commercial forestry provisions, I considered that it would be appropriate to re-consider the activity status for woodlot forestry.

NESFP Alignment Exercise and Topic 22 – Forestry

Standards x.3.x.1,

17. The standards set out above manage the planting of woodlot forestry. A number of these same standards were also used in the MEP (as notified) to manage commercial forestry planting. The NESPF Alignment Exercise resulted in Standards x.3.x.1 being removed from the MEP as these provisions could not be more restrictive than the NESFP. Standard x.3.x.1 restricted the species of commercial forestry planting and carbon sequestration forestry planting (non-permanent) that could be planted in the: Rural Environment, Coastal Environment and Rural Living Zones. This list of species is the same list of species set out in Standard x.3.x.1.

Standard x.3.x.3

18. Within the NESPF Alignment Exercise report it was noted that permitted standards relating to drinking water supplies can be more stringent than the NESPF regulations (in accordance with Regulation 6(3)(c) of the NESPF). As such, Standard x.3.x.3 could be retained. In considering the merits of its retention, the Section 42A report for Topic 22: Forestry recommended that the standard be retained.

Woodlot forestry definition

19. The NESPF contains a definition of 'plantation forest' or 'plantation forestry' which is as follows:

means a forest deliberately established for commercial purposes, being—

- (a) *at least 1 ha of continuous forest cover of forest species that has been planted and has or will be harvested or replanted; and*
- (b) *includes all associated forestry infrastructure; but*
- (c) *does not include—*
 - i. *a shelter belt of forest species, where the tree crown cover has, or is likely to have, an average width of less than 30 m; or*
 - ii. *forest species in urban areas; or*
 - iii. *nurseries and seed orchards; or*
 - iv. *trees grown for fruit or nuts; or*
 - v. *long-term ecological restoration planting of forest species; or*
 - vi. *willows and poplars space planted for soil conservation purposes*

20. As noted above the 'Woodlot forestry' is defined in the MEP as relating to the '*the planting, replanting and maintenance of indigenous or exotic trees for non-commercial purposes*'. Given that the definitions of plantation forestry, and woodlot forestry do not result in a duplication (as one manages commercial forests and one manages non-commercial forests), it is considered that the provisions related to woodlot forestry are not captured by the NPSPF and as such it is appropriate to retain provisions within the MEP that manage the effects of woodlot forestry in order to achieve the objectives of the MEP.

Further Assessment

21. Having re-considered Standards x.3.x.1, it is my view that it is still appropriate to retain these standards. I consider that the intent of the rules managing woodlot forestry within the MEP is to ensure that the adverse effects of wilding tree spread are managed. For plantation/commercial forestry, this is managed under the NESPF, but this does not apply to woodlot forestry. I therefore still consider that the Council needs to retain some control over woodlot forestry in order to ensure that the direction set out within Objective 14.2 is achieved. I note that Objective 14.2 seeks the sustainability of Marlborough's rural economy is not adversely affected by the spread or introduction of pests. I consider it is appropriate to retain control in MEP for woodlot in relation to these potential adverse effects.
22. Having re-considered Standards x.3.x.3, it is noted that the equivalent provisions managing commercial/plantation forestry has been retained. To ensure the protection of drinking water supply abstraction points, and also to ensure consistently across the MEP standards, no change to these standards are recommend.

Rules 3.7.1, 4.7.1, 7.5.1 and 8.5.1

23. Rules 3.7.1, 4.7.1, 7.5.1, and 8.5.1 list the following as a prohibited activity:

Commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, carbon sequestration (non-permanent) or woodlot forestry.

24. Within the original Topic 12 - Rural Environments s42A Report I recommend that Rules: 3.7.1, 4.7.1, 7.5.1, and 8.5.1 be retained as notified. However, I also noted that these rules would be discussed within the Topic 22 - Forestry, in relation to commercial forestry operations, and if amendments were made to the commercial forestry provisions, I considered that it would be appropriate to re-consider the activity status for woodlot forestry.

NESPF Alignment Exercise and Topic 22 – Forestry

25. As noted above, Rules 3.7.1, 4.7.1, 7.5.1, and 8.5.1 within the MEP apply to all commercial forestry planting, carbon sequestration forestry planting (non-permanent), and woodlot forestry planting on land identified as Steep Erosion-Prone Land. As part of the NESPF Alignment Exercise the prohibited activity for woodlot forestry planting in steep erosion-prone land was split out from the rest of the rule, as woodlot forestry by definition is not captured by the NESPF.
26. In relation to Rules 3.7.1 and 8.5.1 (related to the Rural Environment and Rural Living Zones) the NESPF Alignment Exercise resulted in these rules being amended in relation to commercial forestry planting and carbon sequestration forestry planting (non permanent) so they only apply where the planting is on steep erosion prone land within the coastal environment. The amendments resulting from the NESPF Alignment Exercise read as follows:

3.7.1(a)

Commercial forestry planting, and carbon sequestration forestry planting (non permanent) within the coastal environment ~~or woodlot forestry planting~~ on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, or carbon sequestration (non-permanent) ~~or woodlot~~ forestry.

3.7.1(b)

Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.

8.5.1(a)

Commercial forestry planting, and carbon sequestration forestry planting (non permanent) within the coastal environment ~~or woodlot forestry planting~~ on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, or carbon sequestration (non-permanent) ~~or woodlot~~ forestry.

8.5.1(b)

Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.

27. As Rules 4.7.1 and 7.5.1 apply wholly within the Coastal Environment overlay, the NESPF Alignment Exercise did not result in changes to these rules, as managing commercial forestry planting, and carbon sequestration forestry planting (non permanent) on land identified as steep erosion-prone land is considered to be giving effect to Policy 22 of the NZCPS.

Further Assessment

28. Having re-considered Rules 4.7.1, and 7.5.1 (which apply within the Coastal Environment and Coastal Living Zones) it is my view that it is still appropriate to retain these provisions. The intention of these rules is to manage the potential adverse effect of woodlot forestry planting activities in areas identified as 'steep erosion prone land'. As noted above, by definition, woodlot forestry is not covered by NESPF. This means that the provisions within the MEP need to provide a comprehensive rule framework for managing woodlot forestry planting, particularly because Rules 4.7.1, and 7.5.1 manage woodlot forestry within the coastal environment overlay, which is particularly sensitive to sedimentation resulting from harvesting.
29. Within paragraph 467 of the Topic 12 - Rural Environments s 42A Report I noted that the area identified as 'steep erosion prone land' only includes the most erosion prone areas of the Marlborough District. As such, the intent of the rules is to ensure that within these sensitive areas, any disturbance that is likely to cause erosion is prohibited. I also noted that the proposed prohibited activity rules only relate to woodlot forestry planting that has not previously been planted in lawfully established woodlot forestry. As such, these prohibited activity rules only capture new areas of woodlot forestry. Finally, I noted that if a landowner wishes to plant these areas permanently this is permitted within 'Conservation planting' rules and standards (3.1.10, 4.1.9, 3.3.10 and 4.3.9).

30. Given the limitations as to where these rules apply (steep erosion prone land), what is managed by the prohibited activity rules (only new areas of woodlot forestry), I considered that retaining these rules is an appropriate method of achieving Objective 15.4 which seeks to maintain and enhance the quality of Marlborough's soil resource, and also gives effect to Policy 22 of the NZCPS, and also Objective 13.2 of the MEP which requires that subdivision, use or development activities take place in appropriate locations and forms and within appropriate limits.
31. While I consider it is appropriate that Rules 4.7.1 and 7.5.1 are retained within the MEP, I am also mindful that the NESPF Alignment Exercise has resulted in Rules 3.7.1 and 8.5.1 (related to the Rural Environment and Rural Living Zones) only applying within the coastal environment overlay. As such, if the prohibited activity rules are retained as notified for woodlot forestry, this would result in a situation where woodlot forestry in steep erosion prone land is prohibited, but commercial forestry is managed through the NESPF provisions as a restricted discretionary activity. I consider this approach would create an anomaly between the management of commercial forestry and woodlot forestry.
32. In paragraph 466 of the Topic 12 - Rural Environments s 42A Report G Robb (738.047), and M Robb (935.047), sought that any prohibited activities related to woodlot planting and harvesting be deleted or changed to discretionary. On reflection, I consider that a fully discretionary activity status for woodlot forestry in areas of the district which are not within the coastal environment overlay but are located within the steep erosion prone land overlay would be appropriate method of achieving Objective 15.4 of the MEP which seeks to maintain and enhance the quality of Marlborough's soil resource, and also achieve the water quality objectives listed within Chapter 15 of the MEP. A fully discretionary activity status would provide Council officers the ability to decline applications where the risk of slope instability or sedimentation would be unacceptable.
33. I also note that the NESPF Alignment Exercise provided a high-level review of the MEP provisions and identified a range of amendments required to the MEP. As part of the package of amendments, the exercise resulted in Rule 8.5.1 being split into two separate rules; one managing commercial forestry planting and carbon sequestration forestry planting (non-permanent) on steep erosion prone land, but only where within the coastal environment, and the other managing woodlot forestry on steep erosion prone land.
34. Following my own detailed review of the planning maps I note that no land zoned Rural Living appears to be located within the coastal environment overlay. As such, Rules 8.5.1(a) and my recommendations to align Rule 8.5.1(b) within this, would not actually apply in practise, unless the land located within the coastal environment overlay was rezoned Rural Living. I consider the chances of this occurring are very low, as any re-zoning of land located within the coastal environment overlay would likely be zoned Coastal Living rather than Rural Living.
35. Given this, the hearing panel may consider it is appropriate to remove both Rules 8.5.1(a) and 8.5.1(b) from the MEP. The scope for this change can be found in Beef and Lamb submission (459.047) where they considered that a prohibited status for Rule 8.5.1 is too severe for this activity. They sought that the activity status be changed from prohibited to discretionary. The recommended amendments would achieve this relief.

Recommendation

36. I do not recommend any further amendments to Rules 4.7.1 and 7.5.1.
37. I recommend the following new rule be added to Section 3.6 Discretionary Activities¹:
- [3.6.13](#)
- [Woodlot forestry planting outside the coastal environment, on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.](#)
38. I recommend the following new rule be added to Section 8.4 Discretionary Activities:

¹ The green tracked changes show the changes recommended as part of this report.
The red tracked changes show the changes recommended as part NESPF Alignment Exercise.

8.4.8

Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.²

39. I recommend the following amendments to Rules 3.7.1(a) and (b):

3.7.1(a)

Commercial forestry planting, ~~and~~ carbon sequestration forestry planting (non permanent) or woodlot forestry planting within the coastal environment on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, or carbon sequestration (non-permanent) or woodlot forestry.

3.7.1(b)

~~Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.³~~

40. I recommend that 8.5.1(a) and 8.5.1(b) is removed from the MEP:

8.5.1(a)

~~Commercial forestry planting, and carbon sequestration forestry planting (non permanent) within the coastal environment or woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established commercial, or carbon sequestration (non-permanent) or woodlot forestry.~~

8.5.1(b)

~~Woodlot forestry planting on land identified as Steep Erosion-Prone Land, that has not previously been planted in lawfully established woodlot forestry.⁴~~

Matter 2: Woodlot forestry harvesting

Rules 3.1.9, 4.1.8, 8.1.9 and Standards 3.3.9, 4.3.8, and 8.3.8

41. Rules 3.1.9, 4.1.8 and 8.1.9 list: 'Woodlot forestry harvesting' as a permitted activity.
42. Standards in 3.3.9, 4.3.8 and 8.3.8 list matters which must be met in order for the harvesting to be permitted. Those standards considered in the Section 42A Report for Topic 12 – Rural Environments were 3.3.9.2, 3.3.9.3, 3.3.9.4, 3.3.9.5, 3.3.9.6, and 3.3.9.12, which are as follows:
- x.3.x.2. *Harvesting must not be within such proximity to any abstraction point for a drinking water supply registered under section 69J of the Health Act 1956 as to cause contamination of that water supply.*
 - x.3.x.3. *No excavation or filling in excess of 1000m³ must occur on any land with a slope greater than 20° within any 24 month period.*
 - x.3.x.4. *No excavation must occur on any land with a slope greater than 35°.*

² G Robb (738.047), and M Robb (935.047)

³ G Robb (738.047), and M Robb (935.047)

⁴ Beef and Lamb (459.047)

x.3.x.5. *Batters and filled areas must be designed and constructed to ensure they are stable and remain effective after completion of harvesting.*

x.3.x.6. *Water control measures and sediment control measures must be constructed and maintained in all areas disturbed by any excavation or filling undertaken on the land such that all areas are stable.*

x.3.x.12. *Water control measures must be designed and implemented to ensure they remain effective after completion of harvesting.*

Woodlot forestry harvesting is defined as:

means the felling of trees for the purposes of Woodlot Forestry and includes excavation and/or filling to prepare the land for harvesting, de-limbing, trimming and cutting to length of felled trees and recovery of windfall and other fallen trees.

43. The same permitted standards are repeated in the Coastal Environment and Rural Living Zone.
44. Within the original Topic 12 - Rural Environments s42A Report I recommended that Rules 3.1.9, 4.1.8, 8.1.9 and Standards 3.3.9, 4.3.8, and 8.3.8 be retained as notified. However, I also noted that these rules would be discussed within the Topic 22 - Forestry, in relation to commercial forestry operations, and if amendments were made to the commercial forestry provisions, I considered that it would be appropriate to re-consider the activity status for woodlot forestry.

NESPF Alignment Exercise and Topic 22 – Forestry

45. The standards set out above manage the harvesting of woodlot forestry. A number of these same standards are also used in the MEP to manage commercial forestry harvesting. The NESPF Alignment Exercise resulted in the standards that are able to be more stringent than the NESPF being retained, and all other standards that conflict with the NESPF being removed. Following further consideration through Topic 22: Forestry, the reporting officer recommended that a number of the remaining standards be removed, on the basis that they were adequately managed under the NESPF.

Further Assessment

46. Having re-considered Rules 3.1.9, 4.1.8, 8.1.9 and Standards 3.3.9, 4.3.8, and 8.3.8, it is my view that it is still appropriate to retain these provisions. I consider that the rules related to woodlot forestry are required within the MEP in order to achieve the direction within Objective 15.4 which seeks to maintain and enhance the quality of Marlborough's soil resource, and also achieves the water quality objectives within Chapter 15 of the MEP. I note that Policy 15.4.3 seek to control land disturbance activities to retain topsoil and minimise the potential for eroded soil to degrade water quality in lakes, rivers, significant wetlands and coastal waters. I consider that the standards included within the woodlot harvesting rules seek to ensure this direction is achieved.
47. While it is acknowledged that the NESPF Alignment Exercise has resulted the removal of a number of the same standards, and further standards are recommended to be removed as a result of Topic 22: Forestry, this recommendation is based on the NESPF including provisions that manage these effects. As noted above, by definition woodlot forestry is not covered by NESPF, which means that the provisions within the MEP need to provide a comprehensive rule framework for managing woodlot forestry harvesting. Therefore, I recommend that Rules 3.1.8., 4.1.5 and Standards 3.3.8, and 4.3.7 be retained as notified.

Recommendation

48. I do not recommend any further amendments to Rules 3.1.9, 4.1.8, 8.1.9 and Standards 3.3.9, 4.3.8, and 8.3.8.

Rules 4.7.2, 7.5.2, 8.5.2

49. Rules 4.7.2, 7.5.2, and 8.5.2 list the following as a prohibited activity:

The harvesting of commercial forestry or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.

NESFP Alignment Exercise and Topic 22 – Forestry

50. As shown above, Rules 4.7.2, 7.5.2, and 8.5.2 within the MEP apply to harvesting of both commercial forestry planting and woodlot forestry planting on land identified as Steep Erosion-Prone Land. As part of the NESFP Alignment Exercise the prohibited activity for harvesting of commercial forestry on Steep Erosion-Prone Land within the Coastal Environment (4.7.2) and Coastal Living (7.5.2) was retained on the basis that Regulation 6(1)(b) allows the MEP to be more stringent than the NESFP when the provisions give effect to Policy 22 of the NZCPS. Rules 4.7.2 and 7.5.2 are considered to give effect to the direction in Policy 22 of the NZCPS to ensure that commercial forestry does not result in a significant increase in sedimentation in the CMA.
51. Rule 8.5.2 was amended to limit the prohibited status for harvesting of commercial forestry to harvesting within the coastal environment only. This resulted in the rule being split, as set out below:

8.5.2(a)

The harvesting of commercial forestry ~~within the coastal environment or woodlot forestry plantings~~ on land identified as Steep Erosion-Prone Land, which has not been lawfully established.

8.5.2(b)

The harvesting of woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.

Further Assessment

52. Having re-considered Rules 4.7.2 and 7.5.2 it is my view that it is still appropriate to retain these rules. I note that the intention of these standard is to manage the potential adverse effect of woodlot forestry harvesting activities in steep erosion-prone areas. The NESFP Alignment Exercise did not result in changes to these prohibited activity rules as they are considered to be giving effect to the Policy 22 of the NZCPS to protect the coastal environment from sedimentation. I also note that the Topic 22 – Forestry Section 42A report has not recommended any changes to these rules either. As such, retaining these rules will ensure a consistent approach to managing woodlot forestry and commercial forestry harvesting activities in steep erosion-prone areas within the coastal environment overlay across the MEP.
53. While I consider it is appropriate that Rules 4.7.2 and 7.5.2 are retained within the MEP, I am also mindful that the NESFP Alignment Exercise has resulted in the Rule 8.5.1 (related to woodlot forestry harvesting in the Rural Living Zone) only applying within the coastal environment overlay. However, as noted in the woodlot forestry planting discussion above, a detailed review of the planning maps has shown that no land zoned Rural Living is located within the coastal environment overlay. Given this, I consider it is appropriate to remove both Rules 8.5.2(a) and 8.5.2(b) from the MEP, as they have no practical application within this zone. The scope for this change can be found in Federated Farmers submission (425.369) where they considered that woodlot forestry will be of lesser scale and have less potential for adverse effects compared to forestry. They sought that the activity status of Rule 8.5.2 be changed from prohibited to permitted.
54. For completeness, I note that Chapter 3 – Rural Environment does not include a prohibited activity rule for the harvesting of commercial forestry planting, carbon sequestration forestry planting (non-permanent) or woodlot forestry planting on land identified as Steep Erosion-Prone Land.

Recommendation

55. I do not recommend any further amendments to Rules 4.7.2 and 7.5.2.

56. I recommend that 8.5.2(a) and 8.5.2(b) is removed from the MEP:

~~8.5.2(a)~~

~~The harvesting of commercial forestry within the coastal environment or woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.~~

~~8.5.2(b)~~

~~The harvesting of woodlot forestry plantings on land identified as Steep Erosion-Prone Land, which has not been lawfully established.⁵~~

⁵ Federated Farmers (425.369)