



# National consistency for the management of Plantation Forestry under the Resource Management Act (RMA)

This is the first in a series of bulletins which will keep stakeholders informed of the progress of the Ministry for Primary Industries (MPI)-led work programme which is seeking to address the inconsistent treatment of forestry activities under the RMA. Bulletins will be produced every two months.

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In April 2013, Cabinet agreed to defer further work on a National Environmental Standard (NES) for plantation forestry while the RMA and freshwater reforms were in development. In response to the strong level of stakeholder support for greater national consistency in managing the effects of plantation forestry under the RMA 1991, MPI was directed by Cabinet to continue to explore potential planning tools that could deliver this outcome while building on the gains of the previous NES process.

In accordance with this direction, MPI has been working with stakeholders to explore measures to address the inconsistencies being experienced by the plantation forestry sector across local government planning processes.

It is acknowledged that greater national consistency will not always be appropriate, and it is important that councils retain flexibility and the ability to be more stringent where it is justified by unique environmental factors such as highly sensitive receiving environments.

## OVERVIEW

Plantation forestry is a significant land-use activity and industry in New Zealand. It is a major contributor to our gross domestic product and provides employment for many New Zealanders. Forestry also brings a range of environmental benefits such as maintenance of water quality, soil conservation and erosion control.

There are, however, aspects of plantation forestry that need to be carefully managed to avoid potential adverse effects on the environment generated by forestry activities. For example, the harvesting phase carries a heightened risk of sediment delivery to waterways.

## The Problem

The inconsistent treatment of forestry activities both between regions and amongst districts within regions, requires effort by forest owners to repeatedly engage in RMA processes. This is resource draining for the forestry sector, local government and related stakeholders and creates uncertainty for the sector as a whole. In particular it results in:

- » re-litigation of the same issues across the country;
- » inconsistent treatment of forestry operations;
- » operational inefficiency, as multiple rule regimes can sometimes apply to a single forest;
- » investment uncertainty.

It is important that an appropriate balance is found that provides for the consistent treatment for forestry activities while ensuring that natural and physical resources are managed sustainably.

## THE MPI-LED PROCESS

MPI has convened a multi-stakeholder working group to look at this issue and develop potential solutions. The group is working in conjunction with MPI and Ministry for the Environment (MfE) staff.

## Working Group Members

NAME	ORGANISATION
Neil Deans	Fish and Game
Trish Fordyce	Timberlands
Trevor Freeman	Gisborne District Council
Kevin Hackwell	Forest and Bird
Steve Markham	Tasman District Council
Kit Richards	PF Olsens Ltd/NZFOA Environment Committee
Bridget Robson	Bay of Plenty Regional Council
Sally Strang	Hancock Forest Management/New Zealand Forest Owners Association Environment Committee
Peter Weir	Ernstlaw One Ltd/NZFOA Environment Committee

MPI has developed a process to progress this work programme. A diagram illustrating this process is included at the back of this bulletin.

The programme consists of two phases:

- » **PHASE 1** is focused on determining where consistency is feasible and appropriate and where it is necessary for councils to retain flexibility and the ability to be more stringent across the eight forestry activities which make up the plantation forestry cycle. During Phase 1 the working group is also analysing the information inputs that affect how land is classified, which influences the controls that may subsequently apply. These inputs include the Erosion Susceptibility Classification (ESC) system<sup>1</sup> and the wilding risk calculator<sup>2</sup>. The purpose of this analysis is to build confidence in these datasets and ensure they are fit for purpose both now and into the future.
- » **PHASE 2** will identify the most suitable tool to implement the agreed areas of consistency. There are a number of regulatory and non-regulatory tools that will be considered including an NES.

## PHASE I Determining appropriate national consistency

In progressing Phase 1 the working group is systematically assessing the eight forestry activities which make up the plantation cycle (afforestation, mechanical land preparation, earthworks, stream crossings, quarrying, pruning/thinning, harvesting, and replanting).

This assessment seeks to identify and reduce variation in planning rules where the variation is not justified by differences in soil, climatic conditions, topography or other environmental factors. Maintaining flexibility and the ability for councils to be more stringent in regulation is essential where it is justified by a high risk to environmental values.

A framework has been developed to assist with this task. The framework aims where appropriate, to specify activities as 'permitted' to reduce consent costs. The framework also seeks to ensure that acceptable environmental outcomes can be achieved by imposing standards and conditions which are tailored to avoid or mitigate the specific risk of sediment delivery to waterways or other potential adverse effects that a forestry activity may create.

Where controls to increase national consistency are agreed, supporting information will also be developed to assist stakeholders with future implementation. This will include an explanation of the underlying rationale and guidance as to how compliance can best be achieved and monitored.

When plantation forests are established the ultimate intention will

<sup>1</sup> The ESC is used to analyse the risks of erosion, sedimentation and environmental harm associated with plantation forestry in New Zealand. Erosion risk is influenced by the predisposing factors of the land such as slope, any preparatory or mitigating factors such as existing land use, frequency of triggering events such as heavy rainfall and the potential downstream/downslope consequences.

<sup>2</sup> The Wilding Risk Calculator is used to calculate the risks of the spread of wilding trees from new forestry plantings based on species type, location, surrounding land uses, and vegetation cover.

usually be to harvest the trees which means that the full range of activities in the forestry cycle are likely to be undertaken at some point. When thinking about one activity, such as afforestation, it therefore makes sense to consider the future effects of all activities in the cycle. The working group will explore the merits of this approach and consider how it could best be implemented.

## Analysis of Information Inputs

Erosion Susceptibility Classification (ESC) is a key input into the process of determining areas of high potential for mass movement (shallow landslides, gully erosion, earthflows etc) in storms. The ESC is a land classification system that identifies the potential erosion of land and ranks it in one of four classes; low (green), moderate (yellow), high (orange) and severe (red). Accurately identifying the likelihood of erosion is important because it helps to determine what controls are appropriate on activities undertaken on the land and what conditions are necessary to ensure agreed environmental outcomes are met.

There are a number of issues with the ESC relating to its scale, its accuracy and the lack of a formal process to capture any updates. The need to review the ESC was identified during the previous NES process when some forest owners expressed concern that their land was incorrectly classified which meant more stringent conditions and therefore costs being imposed. The working group is progressing three tasks to help improve the accuracy and relevancy of the ESC:

- » **TASK 1:** A review of all land classified with an ESC class of high ("Orange zones") to ensure it has been correctly categorised. The review may result in some areas being remapped at a finer scale to improve accuracy. MPI has contracted Landcare Research to assist with this task.
- » **TASK 2:** To identify the specific types of potential erosion risk in each area of land categorised as 'high' so that a more nuanced approach can be used to set controls that apply to this land.
- » **TASK 3:** Options to improve the accuracy and relevance of the ESC over the longer term will commence in parallel with this work programme but will be a longer term project.

## PHASE II Identifying appropriate implementations mechanisms

Once the working group has reached an agreed position on areas of consistency and stringency, a preliminary analysis of possible implementation tools will be undertaken. The types of tools that will be considered during this phase will include regulatory (such as an NES and National Policy Statement) and non-regulatory such as best practice guidelines.

## Cost Benefit Analysis

In the interim, a review of the Cost Benefit Analysis (CBA) that was undertaken as part of the previous NES process has been commissioned. A CBA is an important step in the development

of an NES and there were concerns amongst stakeholders that the methodology and assumptions used in the analysis may not have been correct. Undertaking this review now recognises the importance that an accurate CBA will have when assessing the appropriateness of an NES as an implementation option. New Zealand Institute of Economic Research (NZIER) has been contracted to complete this review.

## RMA AND FRESHWATER REFORM UPDATE

### Resource management reforms

In February 2013, the Government released proposals for a programme of reform of the Resource Management Act 1991 in *Improving our resource management system*. The purpose of these reforms is to help create a resource management system that delivers communities' planning needs, enables growth, and provides strong environmental outcomes in a timely and cost-effective way. It includes the following proposals:

- » greater national consistency and guidance;
- » fewer resource management plans;
- » more efficient and effective consenting;
- » better natural hazard management;
- » effective and meaningful iwi/Māori participation;
- » working with councils to improve practice.

The proposals which are seeking to achieve greater national consistency and guidance are of particular interest to the working group. One of the benefits of the working group's two phase approach is that it allows time for further details about the national direction process to be developed before a detailed assessment of implementation options is undertaken.

The document *Improving our resource management system*, which outlines these proposals can be found at <http://www.mfe.govt.nz/publications/rma/improving-our-resource-management-system.html>

*Resource Management: Summary of Reform Proposals 2013* released in August 2013 can be found at <http://www.mfe.govt.nz/publications/rma/resource-management-summary-reform-proposals.pdf>

### Freshwater reforms

In March 2013, the Government released its long-term vision for reform of New Zealand's freshwater management system in the proposals paper *Freshwater Reform 2013 and beyond*. The proposals were designed to further improve the way fresh water is managed in New Zealand. Key initial reforms include:

- » amending the National Policy Statement for Freshwater Management (NPS-FM) to include a national objectives framework to help councils set freshwater objectives, as well as a requirement for regional councils to account for all water takes and sources of contaminants and monitor progress towards freshwater objectives;
- » strengthening the role of iwi in providing advice and formal recommendations, which a council must consider when drafting plans involving fresh water
- » reviewing the Water Research Strategy;
- » preparing a range of national guidance materials to support the implementation of the water reform package.

The full package of reforms is to be rolled out in a staged way over the next few years as decisions are made and policy is developed.

To remain aligned with these reforms any forestry specific planning tool will need to ensure that it does not prevent local communities and councils from setting water quality objectives which are consistent with the NPS-FM requirements. The working group's cross-stakeholder representation and its commitment to achieving agreed environmental outcomes will ensure that the ability of communities to set and meet freshwater objectives are not compromised by the development of a forestry specific tool(s).

The *Freshwater Reform 2013 and beyond* document, which outlines the Government's proposals for reforming freshwater management in New Zealand, can be found at <http://www.mfe.govt.nz/issues/water/freshwater/freshwater-reform-2013/index.html>.

The proposed amendments to the NPS-FM were consulted on recently and can be found at <http://www.mfe.govt.nz/issues/water/freshwater/nps-freshwater-management-amendment-proposals.html>, along with other supporting information.

