



# Cabinet Environment, Energy and Climate Committee

## Summary

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### Emissions Reduction Plan: Resource Management Proposals to Manage Exotic Afforestation

<b>Portfolios</b>	<b>Agriculture / Environment / Forestry / Associate Environment (Biodiversity)</b>
<b>Purpose</b>	This paper seeks approval to amend the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (the NES-PF).
<b>Previous Decisions</b>	On 22 September 2022, ENV agreed to the release of a discussion document on proposed amendments to the NES-PF, and invited joint Ministers to report back with finalised policy proposals [ENV-22-MIN-0040].
<b>Proposal</b>	<p>Following a consultation process, agreement is sought to amend the NES-PF to:</p> <ul style="list-style-type: none"> <li>• expand the types of forests controlled by the NES-PF to include exotic continuous-cover forests, to manage their environmental effects on the same basis as plantation forests;</li> <li>• enable councils to develop local rules and policies to manage the location of exotic continuous-cover and plantation forests;</li> <li>• make operational changes to enable foresters and councils to better manage the environmental effects of forestry, including slash and wildings.</li> </ul> <p>Further information is in the attached Appendices:</p> <p><b>Appendix One:</b> the draft recommendations and decisions report for Ministers;</p> <p><b>Appendix Two:</b> a full list of recommendations to amend the NES-PF;</p> <p><b>Appendix Three:</b> a summary of the submissions received;</p> <p><b>Appendix Four:</b> an executive summary of the indicative section 32 evaluation;</p> <p><b>Appendix Five:</b> Treaty of Waitangi analysis and Māori feedback.</p>
<b>Impact Analysis</b>	An Interim Regulatory Impact Statement (RIS) is in <b>Appendix Six</b> .
<b>Financial Implications</b>	None.

<b>Legislative Implications</b>	An amendment to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 is required.
<b>Timing Matters</b>	Most of the proposed amendments will come into effect 28 days after gazettal.
<b>Communications</b>	Joint Ministers will make an announcement in early June 2023.
<b>Consultation</b>	<p>Paper prepared by Forestry, MPI and MfE. DOC, MBIE, Treasury, Justice, LINZ, DIA, TPK, DPMC, MFAT and Te Arawhiti were consulted.</p> <p>The responsible Ministers indicate that ENV Ministers and the Ministers of Finance, Education, Health, Treaty of Waitangi Negotiations, Community and Voluntary Sector, Police, Courts, Statistics and Climate Change were consulted.</p>

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**The Minister of Agriculture, the Minister for the Environment, the Minister of Forestry and the Associate Minister for the Environment (Biodiversity) recommend that the Committee:**

## Background

- 1 note that on 22 September 2022, the Cabinet Environment, Energy and Climate Committee (ENV):
  - 1.1 agreed to the release of the discussion document on proposed changes to the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (the NES-PF), with a focus on better managing the effects of exotic afforestation;
  - 1.2 invited joint Ministers to report back with finalised proposals;

[ENV-22-MIN-0040]
- 2 note that the Minister for the Environment decided, as required under section 46A(3)(b) of the Resource Management Act 1991, to establish and follow a process for amending the NES-PF that includes consultation with public and iwi authorities;
- 3 note that a six-week public consultation commenced on 6 October 2022, the consultation included webinars, workshops and hui for iwi/Māori, and 151 submissions were received;
- 4 note that the proposals in the paper under ENV-23-SUB-0019 seek to:
  - 4.1 ensure that exotic continuous-cover forests (for example, exotic commercial forests not intended for harvest) will need to meet the same environmental standards as plantation forests;
  - 4.2 ensure that councils who wish to introduce controls on the location of exotic forests are able to do so by developing local rules and policies;
  - 4.3 improve the operation of the regulations;

**Expand the types of forests controlled by the NES-PF**

- 5 agree to expand the types of forests controlled by the NES-PF to include exotic continuous-cover forests;
- 6 agree that the standards and requirements within the NES-PF will also apply to exotic continuous-cover forests, with appropriate modifications;
- 7 agree to consequential changes to the NES-PF to ensure its effectiveness in regulating exotic continuous-cover forests;

**Enable councils to have full control over the location of new plantation and exotic continuous-cover afforestation**

- 8 agree to expand the matters for which councils may make more stringent or lenient rules to include all matters in, or associated with, afforestation for plantation and exotic continuous-cover forests;
- 9 agree to consequential changes to the NES-PF to ensure its effectiveness in allowing councils to control the location of forests;

**Improve the operational provisions in the NES-PF**

- 10 agree to improve the operation of the regulations, as set out in Appendix Two to the paper under ENV-23-SUB-0019, including but not limited to:
  - 10.1 making minor amendments to the slash provisions to provide clarification where necessary;
  - 10.2 amending the wilding tree risk management provisions, including amendments to permitted activity notice requirements and amending property limits for replanting;
  - 10.3 amending the forest planning requirements to ensure compliance with existing requirements;
  - 10.4 making minor amendments to sediment provisions to clarify requirements regarding avoidance of effects;
  - 10.5 providing for initial alignment with the national direction on freshwater;
- 11 agree to consequential changes to the NES-PF to ensure its effectiveness;

**Legislative implications**

- 12 note the detailed recommendations for drafting instructions that give effect to paragraphs 5 to 11 above, as set out in the recommendations report attached as Appendix One to the paper under ENV-23-SUB-0019;
- 13 invite the Minister of Agriculture, the Minister for the Environment, the Minister of Forestry, and the Associate Minister for the Environment (Biodiversity) (Joint Ministers) to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above decisions;
- 14 authorise Joint Ministers to approve any associated minor changes to the regulations as identified during drafting;

- 15 authorise Joint Ministers to approve any minor or technical amendments to the approved policy as identified during drafting;

### Further reports

16 s9(2)(f)(iv)

- 17 note that final versions of the following documents will be provided when the amendments to the NES-PF are provided to Cabinet prior to Governor in General approval:

- 17.1 the recommendations report and summary of submissions that are required by section 46A(4)(c) of the Resource Management Act 1991, drafts of which are included as Appendix One and Two respectively to the paper under ENV-23-SUB-0019;
- 17.2 the section 32 evaluation report, a draft summary which is included as Appendix Four to the paper under ENV-23-SUB-0019;
- 17.3 the Supplementary Analysis Report that will be provided to support the Interim Regulatory Impact Statement, which is included as Appendix Six to the paper under ENV-23-SUB-0019;

### Ministerial Inquiry into Land Use

- 18 note that the Ministerial Inquiry into Land Use in Tairāwhiti/Gisborne District and the Wairoa District (the Inquiry) provided its report to the Minister for the Environment and Minister of Forestry on 12 May 2023;
- 19 note that lead Ministers for the Inquiry will soon report to Cabinet on the process for responding to the Inquiry's recommendations, including those in their portfolios relating to the NES-PF and forestry more broadly;

### Consideration of the principles of te Tiriti o Waitangi / the Treaty of Waitangi

- 20 note that officials have carried out an assessment of the impacts on iwi/Māori of the proposed amendments and their consistency with the principles of the Te Tiriti;
- 21 note the summary Treaty of Waitangi Analysis, attached as Appendix Five to the paper under ENV-23-SUB-0019.

Janine Harvey  
Committee Secretary

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#### Hard-copy distribution:

Cabinet Environment, Energy and Climate Committee  
Associate Minister for the Environment (Biodiversity)