

Planning & Strategy Committee

13 February 2024

Report for Agenda Item | Rīpoata moto e Rāraki take [1]

Department: Planning & Development

Title | Taitara: Changes to the Operative and Proposed District Plans required to implement the National Environmental Standards for Commercial Forestry 2023

Purpose of the Report | Te Take mō te Pūroko

The purpose of this report is to outline amendments to be made to the Proposed District Plan (PDP) and Operative District Plan (ODP) to give effect to with the National Environmental Standards for Commercial Forestry 2023 (NES-CF) which came into force on 3 November 2023.

The NES-CF amends the National Environmental Standards for Plantation Forestry 2017 (NES-PF). New activities need to comply with the NES-CF from 3 November 2023, and district plans are required to be updated as soon as reasonably practicable after 3 November 2023 to remove any provisions that duplicate or conflict with the NES-CF.

Changes are to be made pursuant to Section 44A of the Resource Management Act of 1991 (RMA) without using the process in RMA Schedule 1. The Planning Policy Manager has the delegated authority to make these changes under the Queenstown Lakes District Council Delegations Register.

Recommendation | Kā Tūtohuka

That Planning & Strategy Committee:

1. **Note** the contents of this report; and
2. **Note** that the National Environment Standards for Commercial Forestry (NES-CF) came into force on 3 November 2023 and amends the National Environmental Standards for Plantation Forestry (NES-PF); and
3. **Note** that the changes to the Proposed District Plan and the Operative District Plan (**Attachment A**) will be made so these Plans are consistent with the NES-CF without using the process set out in Schedule 1 of the RMA.

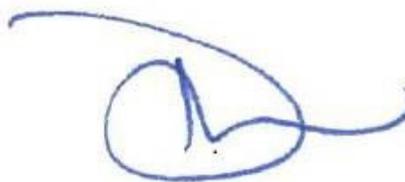
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24 January 2024

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26 January 2024

Context | Horopaki

1. The NES-CF came into force on 3 November 2023 and amends the NES-PF. The key changes implemented by the NES-CF are as follows:
 - broadens the application of the NES-PF so it applies to both plantation forests, and exotic continuous cover forests (carbon forests) that are deliberately established for commercial purposes;
 - enables councils to consider more factors when making rules about forestry in their plans, including its location;
 - requires carbon foresters to plan out how they will meet environmental requirements for different forestry activities on their sites (under the NES-PF this was only required for plantation foresters);
 - states clear rules for carbon forest harvest should this be undertaken; and
 - introduces a range of operational changes including a new permitted standard for managing forestry slash at harvest and new requirements around the management of wilding trees.¹
2. Previously, under the NES-PF, only forests planted for harvest were managed by the NES. Since the NES-PF was introduced in 2018 there has been an increase (nationally) in carbon forests which were not managed the same way as plantation forestry but had similar effects. The NES-CF therefore ensures that the effects of carbon forestry, such as erosion, sediment flowing into waterways and movement of forestry slash can be appropriately managed.

¹ <https://environment.govt.nz/acts-and-regulations/regulations/national-environmental-standards-for-commercial-forestry/#what-they-will-do>

3. The PDP and ODP were updated in 2019 to implement the NES-PF. The NES-CF now necessitates further updates to the respective plans, principally to replace the current references to the NES-PF.
4. Section s44A(6) of the RMA provides for amendments to plans to remove duplication or conflict with an NES to be made without using the plan change process Schedule 1 of the RMA. Therefore no consultation is required (or considered necessary) and a public notice will be issued to draw attention to the Plan amendments.

Summary of the required changes to the Operative & Proposed District Plans

5. An audit of the PDP and ODP ('the plans') has identified the current references to the NES-PF, which are now redundant and will be updated to refer to the NES-CF.
6. Section 43B of the RMA provides for district plans to have more stringent rules than those in NESs in some circumstances. NES-CF Regulation 6 provides for a more stringent rule in a district plan when the rule relates to significant natural areas (**SNAs**) and for the protection of an outstanding natural landscape or feature (**ONL/Fs**) from inappropriate use or development. Attachments A & B identify where these more stringent rules apply in the plans. These provisions will be retained.
7. The current provision drafting convention established to implement the NES-PF is proposed to be retained, whereby the provisions relating to forestry will include reference to the NES-CF. The amendments to provisions are shown in the far-right column in Attachments A & B.
8. The PDP and ODP definitions that currently refer to the NES-PF will be amended to refer to the NES-CF, and new definition for Commercial Forestry will also be inserted into the plans.

Analysis and Advice | Tatāritaka me kā Tohutohu

9. The Council does not have any options in relation to this matter. District Plan provisions that conflict with or duplicate an NES are required by the RMA to be amended as soon as practicable after an NES comes into force. The current provisions that are more stringent than the NES-CF and relate to protection of SNAs and ONL/Fs can be retained.
10. Consultation is not required, and if it was undertaken it could not influence the NES-CF which has been through a central government consultation process² and is now in force.

² The MfE consultation period was open between 6 October – 18 November 2022, QLDC did not make a submission.

Consultation Process | Hātepe Matapaki

Significance and Engagement | Te Whakamahi I kā Whakaaro Hiraka

11. This matter is of low significance, as determined by reference to the [Council's Significance and Engagement Policy](#). The ODP and PDP were updated in respect of the NES-PF in 2019, and are now required to be updated due to the amendments in the NES-CF.
12. All NES's are required to be implemented by the RMA, and plan provisions that are in conflict with or duplicate an NES are required to be amended.
13. The persons who are affected by or interested in this matter are the residents/ratepayers of the Queenstown Lakes district community. There will be limited effect on any person undertaking commercial forestry activities as the NES-CF is already in force.
14. The Council is not required to implement the usual plan change process required by Schedule 1 of the RMA, and a public notice will be issued to draw attention to the changes to the ODP and PDP.

Māori Consultation | Iwi Rūnaka

15. No consultation will be undertaken with Rūnaka on this matter, as it the changes to the plans are a statutory requirement.

Risk and Mitigations | Kā Raru Tūpono me kā Whakamaurutaka

16. This matter relates to the Community & Wellbeing risk category. It is associated with RISK10034 Inadequate resource management or building consent systems, processes and/or people capability results in poor development outcomes and liability within the QLDC Risk Register. This risk has been assessed as having a low residual risk rating.
17. The approval of the recommended option will support the Council by allowing us to retain the risk at its current level. This shall be achieved by amending the district plans to meet Council's statutory requirements in respect of NES's.

Financial Implications | Kā Riteka ā-Pūtea

18. None.

Council Effects and Views | Kā Whakaaweawe me kā Tirohaka a te Kaunihera

19. The following Council policies, strategies and bylaws were considered:
 - QLDC Operative and Proposed District Plans.

**Legal Considerations and Statutory Responsibilities | Ka Ture Whaiwhakaaro me kā Takohaka
Waeture**

20. The NES-CF came into force on 3 November 2023 and are required to be implemented as soon as practicable.
21. Section 44A of the RMA requires that rules in a District Plans do not duplicate or conflict with an NES. Provisions is made under s44A(6)(a) for a local authority to amend the district plan without using Schedule 1 of the RMA.

Local Government Act 2002 Purpose Provisions | Te Whakatureture 2002 o te Kāwanataka ā-Kiaka

22. The recommended option:

- Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The NES-CF sets out a national direction that the Council is required to implement. The amendments to the ODP and PDP will ensure that environmental standards set by the NES-CF are implemented through these Plans. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act;
- Can be implemented through current funding under the Long Term Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not significantly alter the intended level of service provision for any significant activity undertaken by or on behalf of the Council or transfer the ownership or control of a strategic asset to or from the Council.

Attachments | Kā Tāpirihaka

A	Changes to the Operative and Proposed District Plans
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