
POST ENGAGEMENT PREFERRED OPTION UPDATE REPORT TO DISTRICT PLAN COMMITTEE

DATE: 05 December 2018

TOPIC NAME: Rural

SCOPE DESCRIPTION: Vegetation Planting

TOPIC LEAD: Robert Love

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EXECUTIVE SUMMARY

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| <i>Summary of Preferred Option Endorsed by DPC for Further Engagement:</i> | <i>Revising existing provisions to allow for greater clarity and effectiveness, and to take into account the National Environmental Standards for Plantation Forestry.</i> |
| <i>Summary of Feedback Received:</i> | <i>Feedback was received for and against the preferred option, but the majority were generally supportive.</i> |
| <i>Recommended Option Post Engagement:</i> | <i>The Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'.</i> |
| <i>DPC Decision:</i> | <p>"That the Committee notes the report."</p> <p>"That the preferred option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'."</p> <p>"That the Committee notes the updated summary plan."</p> |



1.0 Introduction

1.1 Overview of Preferred Option Endorsed by DPC

With the presence of the National Environmental Standards for Plantation Forestry (NES-PF) some changes to the Operative District Plan (ODP) are mandatory. On top of these mandatory changes, other amendments that should be considered for the Proposed District Plan include:

Definitions:

- Currently the delineation between ‘amenity plantings’ and ‘plantations’ is four hectares. It may be appropriate to reduce this area size from four to one, or less than one hectare. For instance a three hectare woodlot is not an ‘amenity planting’ and should not be captured under that rule. With whatever the threshold is the ‘plantation’ classification should cover all significant areas of vegetation, while not controlling people’s ability to plant gardens (amenity plantings) around their dwellings.
- Given the NES-PF introduction of a ‘plantation forestry’ term, to avoid confusion, the current district plan term ‘plantation’ should be renamed to another term.
- A new ‘plantation forestry’ definition should be included, which mirrors that of the NES-PF. This could also be carried out with a ‘forestry quarrying’ definition as well. This is for the purposes of clarity between the two documents to assist plan users.
- To increase the maximum shelterbelt width as specified in the definition from 20 metres to 30 metres, or to have this quantum reflected in a permitted activity rule. This would make it consistent with what is considered to be a ‘plantation forestry’ within the terms definition in the NES-PF.

Rules:

- To provide an exception within the Proposed District Plan for forestry quarrying within any quarrying rules as this has been provided for under the NES-PF.
- Provisions addressing setbacks from waterways can be removed as this aspect is dealt with by the regional council as required by the NES-PF.
- To maintain rail and road crossing intersection line of sight restrictions across all planting types, with any distances to be reviewed and amended as required by the Transport Scope.
- To maintain height restrictions for all plantings when in close proximity to runway vectors, with any heights and locations being dealt with as part of the Airfields Scope.
- Regarding planting within the current Port Hills Summit Road Protection Area, this will continue to be classified as non-complying.
- Conditions for rules dealing with the planting of vegetation will continue to be similar to those that currently exist, including but not limited to:
 - o Species restrictions.
 - o Whether the purpose is for beautification, and uses local native plants.
 - o If the planting is to manage wilding tree spread.
 - o For the purpose of soil conservation.
 - o If the plantings will be harvested.
 - o The type of planting in specific areas.
 - o The presence of particular landscape features or other areas of specific value (e.g. Cooper’s Knob, Gibraltar Rock)

- Most vegetation activities will have a permitted, restricted discretionary, non-complying hierarchy depending on the type of planting, the location of the planting, and conditional matters. More specifically:
 - o Amenity plantings and Shelterbelts would generally be permitted unless located in an Outstanding Natural Landscape (ONL), then depending on the characteristics of the activity would either be restricted discretionary or non-complying. Regarding planting within a Visual Amenity Landscape (VAL), this would be permitted, but subject to conditions.
 - o Other plantations would generally be permitted unless located in an ONL or VAL, then depending on the characteristics of the activity (e.g. orchards and vineyards may be less restricted than woodlots) would either be restricted discretionary or non-complying in an ONL. Activities within a VAL would be controlled. Generally if the plantings are native then the activity would be permitted.
 - o Plantation Forestry would generally be permitted unless located within a VAL where it would be controlled, or an ONL where it would be non-complying.
 - o It should be noted that the final rule structure form will be developed and integrated with the ongoing ONL workstream.
- Strong policy protection would need to accompany these activity classifications, for instance an 'avoid' policy which seeks to prevent the establishment of any new plantations (depending on attributes) or plantations forestry in ONL areas.
- Rules dealing with Plantation Forestry in and around Significant Natural Areas (SNAs) will be removed as this is covered by the NES-PF. It would be appropriate for similar rules as to those contained within the NES-PF be included in the Proposed District Plan addressing non-NES-PF plantings. These will need to be developed in conjunction with the indigenous vegetation workstream.
- Forestry exclusion zones should be removed from any future plans as they conflict with the NES-PF. This conflict arises as the NES-PF does not allow the district plan to be more restrictive unless expressly authorised by the NES-PF to do so.
- Provisions controlling wilding tree spread would see the addition of the European Larch to the restricted species list, as an additional species of risk as indicated by the NES-PF. Species restrictions and any other wilding tree spread provisions would extend their area of control to the Malvern Hills area to reflect the area of containment specified in the Pest Management Strategy.
- A potential tie in with the Wildfire Risk Management Scope is to make it a requirement to obtain an approved fire management plan as a condition of establishing a permitted NES-PF plantation forestry or other plantation activity.
- As transportation is not covered by the NES-PF, this aspect will need either specific provisions addressing the potential effect of transport movements from forestry sites, or to ensure that the general transport provisions cover this.
- Removal of all plantation forestry earthworks rules as these are covered by the NES-PF, but retain them in some form for other activities.
- As per the above, all noise and vibration rules dealing with plantation forestry will need to be removed, but retained in some form to cover noise and vibrating causing activities such as quarrying. If a plantation forest were to breach the permitted noise standard in the NES-PF then it becomes a restricted discretionary activity. This classification may require the Proposed District Plan to include some matters of discretion or conditions. However, this aspect is best addressed via the Noise and Vibration Scope.

- Any plantings within a noted cultural site should be restricted discretionary. However, this component will be development in coordination with the Scope dealing with Site and Areas of Cultural Significance.

2.0 Summary of Feedback Received

2.1 Landowner/ Public Feedback

These parties had the following comments:

- That shelterbelts should be permitted within ONLs to allow for the sheltering of stock, and to benefit other aspects of sustainable management.
- Avoid or control exotic plantings within the ONL, including amenity plantings, vineyards, and orchards.
- That forests are not restricted within ONLs.
- That the amenity planting limit be kept at 4 ha.
- That amenity plantings should be 1 ha or less.
- That the amenity planting limit should be between 1-2 ha.
- The location and type of planting should be taken into consideration as part of any classification of an 'amenity planting'.
- Support for the preferred option approach to restrict plantings in ONLs and VALs.
- That tree restrictions align with national planning framework.
- Support to allow having any visually appealing species within the ONL, not necessarily just native species.
- Restrict any non-native species within an ONL or VAL.
- Have a list of banned wilding species.

2.2 Partner/Stakeholder Feedback

Canterbury Regional Council

This Partner had the following comments:

- Would like to see alignment with the Canterbury Pest Management Plan;
- Supports the enabling of significant ecological vegetation planting;
- Supports restrictions on certain vegetation within ONL/VALS.

Mahaanui Kurataiao Limited

This Partner wished to have the planting of plantation forestry consistent with the approach in the Sites and Areas of Significance Report prepared by Mahaanui Kurataiao Limited. This approach seeks to have location restrictions on commercial forestry within or near ngā wai, ngā tutohu whenua, ngā tūrangā tūpuna, wāhi tapu, and wāhi taonga sites.

Horticulture New Zealand

This stakeholder had the following comments:

- That orchards be addressed separately in the district plan, and should not be lumped in with amenity plantings, shelter belts, or plantations;
- Supports the inclusion of a term such as 'horticulture planting'.

Ellesmere Sustainable Agriculture Incorporated

This stakeholder made the following comments:

- Supports provisions that enable riparian planting projects;
- Believe Farm Environment Plans are a better tool for controlling vegetation plantings.

Department of Conservation

This stakeholder had the following comments:

- Requested that particular species of vegetation are prohibited from ONL areas. These species being:
 - o Contorta Pine;
 - o Corsican Pine;
 - o Scots Pine;
 - o Dwarf Mountain Pine and Mountain Pine;
 - o Larch Larix Decidua – except for sterile hybrids;
 - o Darwins Barberry;
 - o Wild Russell Lupin;
 - o Crack Willow; and
 - o Grey Willow.
- And only in the inland mountains and basins:
 - o Bishops Pine;
 - o Douglas Fir;
 - o Maritime Pine;
 - o Ponderosa Pine;
 - o Sycamore;
 - o Rowan;
 - o Ash;
 - o Holly;
 - o Silber birch;
 - o All Poplars – except Lombardy Poplars and male clones;
 - o All Alders;
 - o All Willow species around lakes and wetlands;
- Any other plantation species should be a discretionary activity, including Radiata Pine and sterile hybrids, and Larch.
- Plantings along State Highway 73 should be managed to prevent diminished viewing of the Southern Alps;
- Retain the present schedule of prohibited plants unable to be planted at Arthurs Pass Village;

- Control the planting of non-indigenous vegetation species on the margins of the beds or lakes, wetlands, and braided rivers in the district as a discretionary activity.

Rayonier/Matariki Forests

This stakeholder had the following comments:

- Didn't see any real issues, and achieves good alignment with the NES-PF;
- Supports the approach to redefine the plantation term to avoid confusion with the NES-PF, and suggested the use of 'horticultural plantings';
- Ensure there is clarity for species on a restricted list;
- Suggests that any afforestation within a ONL should be a restricted discretionary activity, and if in a pristine ONL then it should be non-complying;
- Made a statement that around the country ONLs have been expanding to include either forested areas, or areas where forestry can expand into.

3.0 Analysis of Feedback Received

3.1 Vegetation Planting Within ONL/VALs:

Analysis

The preferred option includes provisions that would see certain vegetation types restricted on the basis of protecting the visual amenity of the area, through controls on the planted form of the vegetation, and on the potential for the species to spread.

While some landowners within the ONL have commented that they do not want to see restrictions on vegetation plantings within the ONL, other submitters have provided comments in support of this.

Stakeholders including commercial forestry representatives have made comments supporting the restriction of forestry within ONL areas, with DOC also including a list of species they would like to see restricted in particular areas.

While the reluctance of landowners to have restrictions placed on their land is understandable, the protection of ONLs is a Section 6 (matters of national importance) matter in the Resource Management Act, which requires councils to prevent inappropriate use and development within them. As covered in the baseline and preferred option reports, certain species and/ or the shape of the planting can have significant effects on the visual amenity of an ONL. For this reason, the district plan is required to address the potential adverse of vegetation planting on the values of both ONL and VAL areas.

Conclusion

It is recommended that the approach in the preferred options report is continued through to the draft section 32 report and plan provision stage, including integration with the ONL workstream.

3.2 Definitions:

Analysis

As highlighted in the background work to date, the presence of the NES-PF and its introduction of a definition for 'plantation forestry' has the potential to cause confusion. An option could be to redefine the term 'plantation' but retain the same general meaning.

On carrying out further assessment on this aspect, and regarding the content of the feedback received, another option may be more effective. This being to split up the potential vegetation that would have been covered by 'plantations' into 'orchards', 'woodlots' and 'vineyards'. While this would expand the text of any plan provision it does provide greater clarity and flexibility.

Conclusion

It is recommended that the preferred option recommending the refinement of the 'plantation' term be progressed to the section 32 report and plan drafting stage, with this mostly likely being in the form of devolving the planting types covered by this term.

4.0 Recommended Option Post Engagement

The Project Team recommends that:

- The Preferred Option previously endorsed by DPC progresses to the 'Drafting and Section 32 Evaluation Phase'.