



Submission on the National Direction for Plantation and Exotic Carbon Afforestation

1. Introduction

The New Zealand Infrastructure Commission, Te Waihangā is an autonomous Crown entity established under the New Zealand Infrastructure Commission / Te Waihangā Act 2019. The main function of Te Waihangā is “to co-ordinate, develop, and promote an approach to infrastructure that encourages infrastructure, and services that result from the infrastructure, that improve the well-being of New Zealanders”.¹

Te Waihangā has been tasked with elevating infrastructure planning and delivery to a more strategic level and by doing so, improve New Zealanders’ long-term economic performance and social, cultural and environmental wellbeing. It is through this lens that Te Waihangā makes this submission.

¹ Section 9, New Zealand Infrastructure Commission/Te Waihangā Act 2019.

2. Submission

Te Waihanga – the New Zealand Infrastructure Commission (**Te Waihanga**) welcomes the opportunity to submit on the Ministry for the Environment and Ministry for Primary Industries discussion paper “National direction for plantation and exotic carbon afforestation” (October 2022) (**Discussion Paper**).

Our submission is that, in specifying the location of afforested areas and ancillary activities regulated under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 (**NES-PF**), a set back from existing or planned infrastructure should also be included as a condition or consideration.

This issue is not adequately addressed in the current NES-PF and it is not raised in the Discussion Paper. In our view, setbacks from infrastructure should be addressed in any amendments to the NES-PF as they raise difficulties for infrastructure now, and will do so even more in the future. If exotic carbon forests and transitional forests are regulated through the NES-PF², increasing the total area of afforested land, this could exacerbate impacts on infrastructure.

2.1 NES-PF should require forest to be set back from infrastructure

The location of afforestation, be it plantation forestry, exotic carbon forestry or transitional forestry, can impact on infrastructure. Neither the current NES-PF, nor the Discussion Paper, address these impacts sufficiently in their current form.

Te Waihanga supports amendments to the NES-PF to incorporate requirements that afforested land and ancillary activities are set back a minimum distance from infrastructure. Such provisions would limit the impacts of afforested land on existing and future infrastructure.

2.2 Impacts on infrastructure due to inappropriate location of forests

Inappropriate location of forests impact infrastructure in a number of ways, including:

- difficulty accessing infrastructure, for example, if slash is not removed from sites, or secured onsite. If this issue affects lifeline utilities, it can cause delays to the restoration of services in the event of an emergency. Flood impacts, including on infrastructure, can also be exacerbated by forest debris
- damage from trees located under or too close to infrastructure. In addition to limiting access, these trees can require pruning or trimming by infrastructure operators so as to protect the infrastructure assets
- damage from trees falling on infrastructure, for example, following weather events. With an increase in the intensity of storms expected, there is a risk of more such occurrences
- wildfire initiated by flashover conflicts between vegetation and power lines.

The financial and time costs in addressing these impacts are passed on to the public, as end users, making the services more expensive and impacting their reliability. An increase in the area of afforested land will further exacerbate such impacts without amendments as proposed.

² As proposed in Options 2 or 3, Part A, section 3.2 of the Discussion Paper

2.3 Current Regulations do not adequately protect infrastructure

The current NES-PF includes provisions enabling afforestation and other activities as permitted activities, subject to a number of conditions which include setbacks. However, the current provisions do not require permitted activities to be set back from infrastructure, except in limited circumstances such as:

- when afforestation could shade a public road³; or
- if infrastructure⁴ is located on adjoining land owned by someone else that is not also plantation forestry⁵.

These limited circumstances are not broad enough to protect infrastructure from impacts, as not all infrastructure is located within road corridors, or on adjoining land in the ownership of another party. For example, electricity transmission lines, telecommunications networks or pipelines can be located outside road corridors, on private land, subject to easements or statutory access arrangements.

While the NES-PF currently allows rules in a plan to be more stringent than the NES-PF, this is only for very limited purposes which do not extend to protecting infrastructure.⁶ Activities permitted under the current NES-PF without setbacks from infrastructure would bypass requirements in council plans imposing minimum setbacks, such as National Grid and National Grid Yard provisions.

Forest management is also governed, to an extent, by the provisions of the Electricity (Hazards from Trees) Regulations 2003. These regulations provide a right for an affected infrastructure owner to remove trees damaging infrastructure and allow claims for damages caused by trees to be recovered. However, as the name suggests, they only apply to electricity transmission lines and are largely reactive, requiring resource-intensive inspection and maintenance. We would ideally like to see these provisions extended to all critical infrastructure and become more proactive, for example by placing a greater onus on the owners of trees to proactively avoid damage to infrastructure.

2.4 Integrating NES-PF with other planning documents

Te Waihangā supports a more integrated approach between the NES-PF and other documents, such as Regional Spatial Strategies under the Spatial Planning Bill. This would ensure that location of afforested land takes into account infrastructure that is being planned but not yet in place. This is even more important if exotic carbon forests or transitional forests will be regulated under the NES-PF, given the longevity of some of these forests, and the impacts inappropriately located trees can have on infrastructure.

³ See, for example, regulation 14(2) NES-PF which details the afforestation setback required from a road to ensure that it is not shaded.

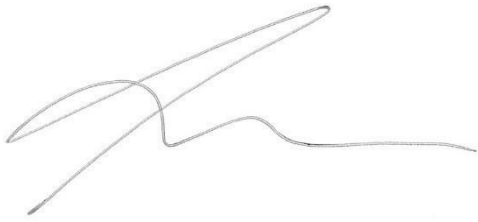
⁴ Understood as defined in s2(1) of the Resource Management Act

⁵ See, for example, regulation 14(1)(a) NES-PF

⁶ Regulation 6 NES-PF.

3. Conclusion

In light of the impacts on infrastructure noted above, Te Waihanga supports including in the NES-PF requirements for afforested land and ancillary activities to be set back from infrastructure. This would ensure that the various tools available within New Zealand to decarbonise the economy - plantation forestry which benefits a growing bio-economy, exotic carbon forests which provide carbon sinks, as well as well-functioning infrastructure to support all activities- have a cohesive legal framework, allowing them to coexist and assist each other.



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