

# Appendix 3 – Terms of Reference

## Terms of Reference for a Ministerial Inquiry into land uses associated with the mobilisation of woody debris (including forestry slash) and sediment in Tairāwhiti/Gisborne District and Wairoa District

### Purpose of Inquiry

1. The purpose of the Inquiry is to describe the history of land uses associated with the mobilisation of woody debris (including forestry slash) and sediment in the Tairāwhiti/Gisborne District and Wairoa District, and to make recommendations about the further work needed to address land use impacts of storms.

### Context

2. Following the devastation caused by Cyclone Bola in 1988, tens of thousands of hectares of trees were planted on highly erodible land in Tairāwhiti/Gisborne with the intention of stabilising slopes.
3. Several other storm events over the last decade have resulted in substantial damage to land, forests, housing, infrastructure, and fisheries.
4. Those storm events include Cyclones Gita (in 2018), Hale (January 2023), and Gabrielle (February 2023), in addition to other more localised events
5. Damage has been exacerbated by large volumes of woody debris (including forestry slash) and sediment in many places including Tolaga Bay and the Waiapu catchment, and the Wairoa area. Sadly, consequences have included the loss of life of a child in the sea at Gisborne, which is subject to a Coronial Inquiry.
6. Members of the community (Mana Taiao Tairāwhiti) have gathered approximately 10,600 signatories (as of 21 February 2023) on a petition calling for the issues to be better addressed.
7. Other non-governmental organisations, including the Environmental Defence Society (EDS), Eastland Forest Council and Federated Farmers, have asked central government to undertake an Inquiry, as has the Gisborne District Council (GDC).
8. GDC is investigating the origins and causes of the woody debris and sediment found in the recent events. Te Uru Rākau – New Zealand Forest Service is supporting GDC with its investigation in an information sharing role.
9. The local Councils and central government agree more needs to be done.

10. There are existing work programmes at national and local levels that will impact on the longer-term management of land uses resulting in the mobilisation of woody debris and sediment in the Tairāwhiti/Gisborne and Wairoa District:

10.1. In November 2022, the Ministry for the Environment, the Ministry for Primary Industries and Te Uru Rākau – New Zealand Forest Service consulted on changes to the National Environmental Standards for Plantation Forestry (NES-PF). Officials are currently working through submissions with further advice to Ministers due later this year. The proposal features changes to slash provisions.

10.2. GDC has commenced a review of the Tairāwhiti Resource Management Plan – its regional policy statement, regional plan, coastal plan, and district plan. The plan review provides an opportunity for GDC and its community to consider longer term land use changes to manage the effects of climate change and plantation forestry in the region, and achieve other environmental outcomes.

11. Wairoa District has many of the same factors as Tairāwhiti/Gisborne, which place it at risk in severe weather events including woody debris and sediment issues. Wairoa District has areas of significantly erodible landscapes, and community concerns about land use activities.

### **Scope of Inquiry**

12. The scope of the Inquiry is specific to land uses associated with the mobilisation of woody debris (including forestry slash) and sediment in the Tairāwhiti/Gisborne District and Wairoa District. The Inquiry is to:

12.3. Report on:

12.3.1. The history of land uses pre and post Cyclone Bola in 1988

12.3.2. Patterns in storm damage to:

12.3.2.1. people

12.3.2.2. livestock

12.3.2.3. housing

12.3.2.4. infrastructure

12.3.2.5. land

12.3.2.6. forests

12.3.2.7. rivers

- 12.3.2.8. estuaries
- 12.3.2.9. nearby sea and fisheries
- 12.3.3. A description of the economic drivers of current land use practices and economic constraints on alternatives
- 12.3.4. Afforestation and harvesting practices, including:
  - 12.3.4.1. differences and changes in practice, and their effects
  - 12.3.4.2. exotic and indigenous species
  - 12.3.4.3. production and permanent forests
- 12.3.5. A timeline of regulatory changes to the relevant Resource Management Act 1991 (RMA) plans, and national direction
- 12.3.6. A summary of local and central government work programmes currently addressing forestry impacts
- 12.3.7. Make recommendations to improve land use outcomes including preliminary advice as to:
  - 12.3.7.1. changes needed to land use management including, but not limited to, afforestation and harvesting practices
  - 12.3.7.2. changes needed to regulatory settings including, but not limited to, plan rules and national direction under the RMA (or its replacement).

## **Methodology**

### 13. The Inquiry:

- 13.1. Must allow written submissions from anyone, and may set a date by which they are to be provided
- 13.2. May otherwise engage with community, including Councils and Iwi, as the Inquiry sees fit.

## **Term and report of the Inquiry**

### 14. The Inquiry will begin forthwith.

- 15. The Inquiry must provide its report to the Minister of the Environment and the Minister of Forestry by 30 April 2023. So as to enable the completion of the report within that period, 30-50 pages is envisaged (together with appendices if necessary).

16. The Inquiry may recommend that further work be done on issues it addresses or identifies.

**Composition of Inquiry Panel**

17. The Inquiry will be undertaken by a panel of three independent persons.

**Cost and support**

18. The cost of remuneration of the Inquiry members and administrative support will be covered by the Ministry for the Environment and Ministry for Primary Industries, who will ensure that those and other departments cooperate with the Inquiry.