

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ

Decision No. [2025] NZEnvC 333

IN THE MATTER of the Resource Management Act 1991

AND appeals under clause 14 of the First
Schedule to the Act

BETWEEN DEPARTMENT OF
CORRECTIONS (ARA POUTAMA
AOTEAROA) – and 10 other appeals
as set out in Schedule One to this
Order

(ENV-2024-CHC-21)

Appellants

AND OTAGO REGIONAL COUNCIL

Respondent

Environment Judge P A Steven – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 17 October 2025

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

(1) the following appeal points are allowed subject to the amendment of

¹ Resource Management Act 1991.



the provisions in the 'LF – Land and freshwater' (LF) chapter of the proposed Otago Regional Council (Non-freshwater) 2021 (PORPS) as set out in **Annexure 1**, attached to and forming part of this Order:

- (a) Department of Corrections' – Ara Poutama Aotearoa's appeal point in relation to:
 - (i) Definition: Regionally significant infrastructure.
- (b) Royal Forest and Bird Protection Society of New Zealand Incorporated's appeal points in relation to:
 - (i) Definition: Rural area;
 - (ii) LF-FW-P13 – Preserving natural character and instream values;
 - (iii) LF-LW-P14 – Restoring natural character and instream values;
 - (iv) UFD-O4 – Development in rural areas;
 - (v) LF-LS-P16A – Managing pests;
 - (vi) UFD-P7 – Rural areas; and
 - (vii) LF-LS-M12 – District plans.
- (c) Rayonier Matariki Forests, City Forests Limited, Ernslaw One Limited and Port Blakely NZ Limited's appeal points in relation to:
 - (i) LF-LS-P16A;
 - (ii) LF-LS-M12;
 - (iii) LF-LS-M13 – Management of beds and riparian margins; and
 - (iv) APP5 – Species prone to wilding conifer spread.
- (d) Oceana Gold (New Zealand) Limited's appeal points in relation to:
 - (i) New definition sought: Mining;
 - (ii) Definition: Rural area;
 - (iii) Definition: Natural wetland (deleted in Decisions Version);
 - (iv) LF-FW-O10 – Natural character;

- (v) LF-LS-O11 – Land and soil;
 - (vi) LF-LS-O12 – Use, development and protection;
 - (vii) LF-LS-P19 – Highly productive land;
 - (viii) UFD-P7; and
 - (ix) LF-LS-M12.
- (e) Cain Whānau’s appeal points in relation to:
- (i) LF-WAI-P2 – Mana whakahaere;
 - (ii) LF-WAI-M1 – Kāi Tahu rakatirataka;
 - (iii) LF-WAI-E1 – Explanation (paragraphs 2 and 3);
 - (iv) LF-FW-P13;
 - (v) LF-LS-P22 – Public access; and
 - (vi) LF-LS-M11A – Identification of highly productive land.
- (f) Te Rūnanga o Moeraki’s appeal point in relation to:
- (i) UFD-O4.
- (g) Environmental Defence Society’s appeal points in relation to:
- (i) LF-LS-P16A; and
 - (ii) LF-LS-M12.
- (2) the appeals, in respect of the LF chapter and other relevant definitions and provisions of the PORPS as addressed in this Order, are otherwise dismissed.

B: Under s285 of the Act, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns appeals filed against parts of the decisions by the Otago Regional Council (ORC) on the proposed Otago Regional Policy Statement (Non-freshwater) 2021 (PORPS) in relation to provisions in the ‘LF – Land and freshwater’ (LF) chapter located in the ‘Part 3 – Domain and Topics’ section.

[2] The LF chapter includes three subchapters:

- (a) LF-WAI – Te Mana o te Wai;
- (b) LF-FW – Fresh water; and
- (c) LF-LS – Land and soil.

[3] The following persons filed appeals seeking amendments to provisions in the LF chapter:

- (a) Department of Corrections – Ara Poutama Aotearoa (Ara Poutama);
- (b) Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited – electricity distribution businesses (EDBs);
- (c) Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird);
- (d) Rayonier Matariki Forests, City Forests Limited, Ernslaw One Limited and Port Blakely NZ Limited (Forestry Appellants);
- (e) Oceana Gold (New Zealand) Limited (OGL);
- (f) Cain Whānau;
- (g) Transpower New Zealand Limited (Transpower);
- (h) Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, and Te Rūnanga o Awarua and Te Rūnanga o Ngāi Tahu (Kāi Tahu);
- (i) Queenstown Lakes District Council (QLDC);
- (j) Environmental Defence Society Incorporated (EDS); and
- (k) Queenstown Airport Corporation Limited (QAC).

[4] QAC later filed a memorandum withdrawing its appeal points in relation to the LF chapter and its s274 interest in other appeal points on the LF chapter.²

² Dated 21 October 2024.

Background

[5] As notified, the PORPS contained a fourth subchapter, ‘LF-VM – Visions and management’. This subchapter was subsequently merged with the LF-FW subchapter as both subchapters contained objectives and policies relating to freshwater.

[6] A number of provisions in the LF chapter were part of the freshwater planning instrument and have had consent orders issued by the High Court.³

Definition: Natural inland wetland

[7] OGL’s appeal sought that a definition for ‘natural inland wetland’ be included in the PORPS.

[8] The Notified Version of the PORPS included a definition for ‘natural wetland’, adopted from the National Policy Statement for Freshwater Management 2020 (NPS-FM).

[9] The NPS-FM also included a definition for ‘natural inland wetland’ which was not adopted in the PORPS. The NPS-FM was amended in January 2024 to remove the definition for ‘natural wetland’ and amended the definition for ‘natural inland wetland’.

[10] Consistent with the January 2024 amendments to the NPS-FM, the definition for ‘natural wetland’ was deleted in the Decisions Version of the PORPS, however no corresponding definition for ‘natural inland wetland’ was included as the relevant LF provisions referred only to ‘wetlands’ and not ‘natural inland wetlands’.

[11] OGL’s position was that the NPS-FM, as amended in January 2024, set new

³ *Otago Fish and Game Council and Central South Island Fish and Game Council v Otago Regional Council* [2024] NZHC 3523.

direction for activities in and around natural inland wetlands and their management and while this direction had been carried through into the PORPS, it was important that the definition also be included in the PORPS for consistency.

[12] Further, parties to the High Court appeals on the LF chapter agreed that there were errors of law relating to the implementation of the NPS-FM and NZCPS direction on managing wetlands. This resulted in agreed amendments to LF-FW-O9 and LF-FW-P10A that included reference to ‘natural inland wetlands’. However, the associated definition for this term was not included.

[13] The following persons gave notice of an intention to join this part of OGL’s appeal pursuant to s274 RMA:

- (a) EDS;
- (b) Forest & Bird;
- (c) the Forestry Appellants;
- (d) Otago and Central and South Island Fish and Game Councils (Fish & Game); and
- (e) Otago Water Resource Users Group (OWRUG).

Resolution

[14] The parties have proposed that a definition for ‘natural inland wetland’ be included in the PORPS as follows (amendments henceforth show additions in underline and deletions in strikethrough):

natural inland wetland means a wetland (as defined in the Act) that is not:

- (a) in the coastal marine area; or
- (b) a deliberately constructed wetland, other than a wetland constructed to offset impacts on, or to restore, an existing or former natural inland wetland; or
- (c) a wetland that has developed in or around a deliberately constructed water body, since the construction of the water body; or
- (d) a geothermal wetland; or

- (e) a wetland that:
 - (i) is within an area of pasture used for grazing; and
 - (ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8 of the NPSFM)); unless
 - (iii) the wetland is a location of a habitat of a threatened species identified under clause 3.8 of the NPSFM, in which case the exclusion in (e) does not apply.

[15] The parties advised that the agreed definition is taken from the NPS-FM. The NPS-FM sets out a policy framework for the management of natural inland wetlands, including a requirement that they be identified and mapped by regional councils. The parties consider that it is sensible and appropriate that the definition from the NPS-FM be included in the PORPS and will assist ORC in carrying out its obligations under the NPS-FM.

[16] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 6(a), 6(c), 7(b), 7(d), 7(f) and 7(g).

LF-FW-P14 – Restoring natural character and instream values

[17] Policy LF-FW-P14 was appealed by Forest & Bird.

[18] Its appeal sought deletion of the words “where practicable” from the chapeau of the policy. Forest & Bird’s position was that the inclusion of “where practicable” was inappropriate and did not reflect the policy direction in the NPS-FM.

[19] The following persons gave notice of an intention to join this part of Forest & Bird’s appeal pursuant to s274 RMA:

- (a) the EDBs;

- (b) the Director-General of Conservation (DGC);
- (c) Darby Asset Management LP (Darby Planning);
- (d) Manawa Energy Limited (Manawa);
- (e) Federated Farmers of New Zealand Incorporated (FFNZ);
- (f) Beef + Lamb New Zealand Limited (Beef + Lamb);
- (g) Real Group Limited (RealNZ);
- (h) Fish & Game;
- (i) New Zealand Transport Agency (NZTA);
- (j) Falls Dam Irrigation Company Limited (Falls Dam);
- (k) Maniototo Irrigation Company Limited (MIC);
- (l) Waitaki Irrigators Collective Limited (WIC); and
- (m) OWRUG.

Resolution

[20] The parties have proposed that LF-FW-P14 be amended as follows:

LF-FW-P14 – Restoring natural character and instream values

Where the natural character or instream values of lakes and rivers or the natural character of their margins has been reduced or lost, promote actions that, ~~where~~ **practicable**:

- (1) restore a form and function that reflect the natural behaviours of the water body,
- (2) improve water quality or quantity where it is degraded,
- (3) increase the presence, resilience and abundance of indigenous flora and fauna, including by providing for fish passage within river systems, and where necessary and appropriate, creating fish barriers to prevent incursions from undesirable species,
- (4) improve water body margins by naturalising bank contours and establishing indigenous vegetation and habitat, and
- (5) restore natural connectivity between and within water systems.

[21] The NPS-FM requires freshwater be managed to ensure that the health and wellbeing of degraded water bodies and freshwater ecosystems are improved, and

the health and wellbeing of all other water bodies and freshwater ecosystems are maintained and (if communities choose) improved.

[22] The preservation of the natural character of lakes and rivers and their margins is a matter of national importance under s6 of the Act.

[23] Policy LF-FW-P14 is a “promotion policy”, promoting restoration and improvement actions for freshwater. Only promoting good freshwater outcomes “where practicable” is not consistent with the NPS-FM or s6 RMA. The parties consider that amending the policy to remove “where practicable” better aligns with and gives effect to the NPS-FM and s6 of the Act.

[24] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss5, 6(a), 7(f) and 7(g).

LF-LS-O11 – Land and soil

[25] Objective LF-LS-O11 was appealed by OGL.

[26] OGL sought to include a new objective as follows:

LF-LS-O13 – Access to and use of land and soil resources

To recognise that Otago supports a range of primary production activities, which require appropriate access to and use of land and soil resources.

[27] As alternative relief to the above, OGL sought amendments to LF-LS-O11 to clarify that the objective did not apply to land used for mining. OGL’s position was that the definition for ‘primary production’ included mining activities, which use resources rather than protecting or sustaining those resources for future generations.

[28] The following persons gave notice of an intention to join this part of OGL’s

appeal pursuant to s274 RMA:

- (a) OWRUG;
- (b) the Forestry Appellants;
- (c) Fish & Game;
- (d) QAC;
- (e) the DGC;
- (f) EDS;
- (g) Forest & Bird; and
- (h) Kāi Tahu.

Resolution

[29] The parties have proposed to amend LF-LS-O11 as follows:

LF-LS-O11 – Land and soil

The availability and productive capacity of highly productive land for primary production is protected from inappropriate use and development now and for future generations.

[30] The parties have agreed to amend LF-LS-O11 to include reference to “inappropriate use and development”. The amendment recognises that mining is both a consumptive activity and included with the definition of primary production and makes it clear that mining activities may be appropriate.

[31] The parties consider the amendment is consistent with s5(2)(a) of the Act which excludes minerals from the requirement to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations. They consider it is also consistent with Policy 8 in the National Policy Statement for Highly Productive Land (NPS-HPL) which requires that highly productive land is protected from inappropriate use and development.

[32] The parties consider that the amendments are within the jurisdiction of the

court and give effect to the relevant parts of the Act, including ss 5, 7(b) and 7(g).

LF-LS-O12 – Use, development, and protection

[33] Objective LF-LS-O12 was appealed by OGL.

[34] OGL's appeal sought amendments to LF-LS-O12 to ensure that all productive uses of the land and soil resource are appropriately provided for. OGL's position was that the objective did not recognise that mining uses resources rather than protecting them.

[35] The following persons gave notice of an intention to join this part of OGL's appeal:

- (a) the Forestry Appellants;
- (b) OWRUG;
- (c) Fish & Game;
- (d) QAC;
- (e) DGC;
- (f) EDS;
- (g) Forest & Bird; and
- (h) Kāi Tahu.

Resolution

[36] The parties have proposed to amend LF-LS-O12 as follows:

LF-LS-O12 – Use, development, and protection

The use, development and protection of land and soil:

- (1) safeguards the life-supporting capacity of soil,
- (1A) sustains the potential of land and soil to meet the reasonably foreseeable needs of future generations while recognising the extractive nature of mining.
- (2) contributes to achieving environmental outcomes for fresh water, and

- (3) recognises the role of these resources in providing for the social, economic, and cultural well-being of Otago's people and communities.

[37] The parties consider that the agreed amendment gives express recognition to the consumptive and extractive nature of mining, such that it would not always be possible to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.

[38] The amendment is consistent with s5(2)(a) of the Act which excludes minerals from the requirement to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.

[39] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 7(b) and 7(g).

UFD-O4 – Development in rural areas

[40] Objective UFD-O4 was appealed by Forest & Bird and Kāi Tahu.

Forest & Bird

[41] Forest & Bird's appeal sought amendments to capture the viability or life-supporting capacity of natural resources. Forest & Bird's position was that the objective did not recognise the need to safeguard the life-supporting capacity of air, water, soil, and ecosystems per s5 of the Act.

[42] The following persons gave notice of an intention to join this part of Forest & Bird's appeal pursuant to s274 RMA:

- (a) Dunedin City Council (DCC);
- (b) DGC;
- (c) Fish & Game;
- (d) FFNZ;
- (e) Falls Dam;

- (f) the Forestry Appellants;
- (g) MIC;
- (h) WIC;
- (i) OWRUG;
- (j) QLDC;
- (k) QAC; and
- (l) OGL.

Kāi Tahu

[43] The Kāi Tahu appeal sought amendments to UFD-O4 to reflect the enabling approach for the use and development of native reserves and Māori land sought by the appellant in the ‘MW – Mana Whenua’ chapter.

[44] The following persons gave notice of an intention to join this part of the Kāi Tahu appeal pursuant to s274 RMA:

- (a) Fish & Game;
- (b) the EDBs;
- (c) DCC;
- (d) the Forestry Appellants;
- (e) OGL;
- (f) FFNZ;
- (g) Forest & Bird;
- (h) QLDC;
- (i) QAC; and
- (j) Cain Whānau.

Resolution

[45] The parties have proposed to amend UFD-O4 as follows:

UFD-O4 – Development in rural areas

~~Use and d~~Development in Otago's rural areas occurs in a way that:

- (4) provides for the ongoing use of rural areas for primary production and rural industry, and
- (4A) does not compromise the long term viability of primary production and rural communities, ~~and~~
- (5) enables the use and development of Native Reserves and Māori land.

[46] The addition of clause (5) responds to the Kāi Tahu appeal point. The parties consider it recognises that use and development of Native Reserves and Māori land, including for purposes other than primary production or rural industry, is nevertheless appropriate in rural areas.

[47] The parties agreed that no changes were required in response to the Forest & Bird appeal.

[48] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 6(e), 7(a), (aa), (b) and 8 of the Act.

LF-LS-P16A – Managing pests

[49] Policy LF-LS-P16A was appealed by the following parties:

- (a) Forest & Bird;
- (b) EDS; and
- (c) the Forestry Appellants.

The Societies

[50] In their respective appeals, Forest & Bird and EDS' (together, the Societies) sought various amendments to require the avoidance of afforestation and replanting of plantation forests with wilding conifer species listed in APP5 in various sensitive areas. The Societies' position was that wilding conifers have a well-known impact on indigenous species and habitats as well as an adverse impact

on landscape values and the goal should be to eliminate wilding conifers otherwise efforts to control and reduce their spread become difficult to sustain.

[51] The following persons gave notice of an intention to join this part of the Societies' appeal pursuant to s274 RMA:

- (a) DGC;
- (b) Kāi Tahu;
- (c) DCC;
- (d) FFNZ;
- (e) Beef + Lamb;
- (f) the Forestry Appellants; and
- (g) Meridian Energy.

Forestry Appellants

[52] The Forestry Appellants' appeal sought an amendment to make it explicit that LF-LS-P16A did not apply to commercial forestry that was already regulated under the National Environmental Standard for Commercial Forestry (NES-CF).

[53] The following persons gave notice of an intention to join this part of the Forestry Appellants' appeal pursuant to s274 RMA:

- (a) DGC;
- (b) DCC;
- (c) EDS;
- (d) Forest & Bird;
- (e) Fish & Game; and
- (f) Kāi Tahu.

Resolution

[54] The parties have proposed to amend LF-LS-P16A as follows:

LF-LS-P16A – Managing pests

Reduce the impact of pests, including wilding conifers, by:

- (1) avoiding afforestation ~~and replanting~~ of plantation forests with wilding conifer species listed in APP5 within:
 - (a) areas identified as outstanding natural features, outstanding natural landscapes, or significant natural areas, and
 - (b) buffer zones adjacent to the areas listed in (a) where it is necessary to protect those areas,
- (1A) if the spread risk of the species to be replanted is greater than the species in the existing forest because either the spreading vigour is greater or the species is less palatable, avoiding replanting of plantation forests with wilding conifer species listed in APP5 within:
 - (a) outstanding natural features and outstanding natural landscapes, and
 - (b) buffer zones adjacent to the areas listed in (a) where it is necessary to protect those areas,
- (2) ~~outside other than the afforestation or replanting of~~ plantation forests, avoiding the planting of wilding conifer species listed in APP5 and any other pests in a way that is consistent with the Otago Regional Pest Management Plan 2019-2029,
- (3) enabling the control of pests on land, and
- (4) supporting initiatives to control or eliminate pests and limit or prevent their further spread.

[55] The amendment to clause (4) responds to the Societies' appeal point. The parties agree that for some pests, the approach to their management is elimination, eradication and/or prevention rather than simply control.

[56] The amendments to clause (1) and the addition of clause (1A) separate out the policy direction for afforestation of plantation forests and for replanting within outstanding natural features and landscapes and related buffer zones. Regulations 12 of the NES-CF states that afforestation must not occur within a significant natural area or outstanding natural feature or landscape; this is reflected in clause (1).

[57] The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)

provides for existing plantation forests within significant natural areas.

[58] There is no equivalent national direction for replanting in outstanding natural features or landscapes. Accordingly, clause (1A) provides that policy direction. Clause (1A) also engages existing use rights. It requires avoidance of replanting of APP5 species within an outstanding natural feature or landscape and related buffer zones only if the proposed species to be replanted has a greater spread risk.

[59] The parties consider the amendments clarify the policy direction for afforestation and replanting within outstanding natural features and landscapes.

[60] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 6(b), 7(b), 7(c) and 7(f).

LF-LS-P19 – Highly productive land

[61] Policy LF-LS-P19 was appealed by OGL.

[62] OGL's appeal sought the inclusion of a new policy for primary production (LF-LS-P21A). OGL's position was that while it supports LF-LS-P19 insofar as it seeks to prioritise the use of high productive land for primary production (which includes mining activities) ahead of other land uses, it did not adequately recognise or provide for mining.

[63] The following persons gave notice of an intention to join this part of OGL's appeal pursuant to s274 RMA:

- (a) DGC;
- (b) the Forestry Appellants;
- (c) OWRUG;
- (d) EDS;

- (e) Forest & Bird;
- (f) Fish & Game;
- (g) Kāi Tahu; and
- (h) QAC.

Resolution

[64] As an alternative to the relief sought in OGL's appeal seeking to add a new policy, the parties have proposed to amend LF-LS-P19 as follows:

LF-LS-P19 – Highly productive land

Maintain the availability and productive capacity of highly productive land by:

- ~~(1) identifying highly productive land based on the following criteria:~~
 - ~~(d) land must be identified as highly productive land if:~~
 - ~~(i) it is in a general rural zone or rural production zone, and~~
 - ~~(ii) it is predominantly LUC 1, 2, or 3 land, and~~
 - ~~(iii) it forms a large and geographically cohesive area;~~
 - ~~(e) land may be identified as highly productive land if;~~
 - ~~(i) it is in a general rural zone or rural production zone, and~~
 - ~~(ii) it is not LUC 1, 2, or 3 land, and~~
 - ~~(iii) it is or has potential to be highly productive for land-based primary production in Otago, having regard to the soil type, the physical characteristics of the land and soil, and the climate, and~~
 - ~~(f) land must not be identified as highly productive land if it was identified for future urban development on or before 17 October 2022, and~~
- ~~(2) prioritising identifying and managing the use of highly productive land for land-based primary production in accordance with the NPS-HPL.~~

[65] The parties consider that the amendments simplify the policy and remove unnecessary repetition of text from parts of the NPS-HPL. The policy as simplified does not have the perception of being exclusory to mining activities, which are provided for in the NPS-HPL.

[66] Agreed amendments to this policy resolve the OGL appeal seeking a new policy for primary production.

[67] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 7(b) and 7(g).

UFD-P7 – Rural areas

[68] Policy UFD-P7 was appealed by the following parties:

- (a) Forest & Bird;
- (b) OGL; and
- (c) QLDC.

Forest & Bird

[69] Forest & Bird's appeal sought the inclusion of an additional clause requiring the maintenance and protection of indigenous biodiversity. Forest & Bird's position was that the management of rural areas and, in particular, enabling primary production on this basis fails to provide for the maintenance and protection of indigenous biodiversity.

[70] The following persons gave notice of an intention to join this part of Forest & Bird's appeal pursuant to s274 RMA:

- (a) DGC;
- (b) Cain Whānau;
- (c) Falls Dam;
- (d) Federated Farmers;
- (e) the Forestry Appellants;
- (f) MIC;
- (g) OGL;
- (h) OWRUG;

- (i) QLDC;
- (j) WIC;
- (k) DCC;
- (l) Fish & Game;
- (m) QAC; and
- (n) the EDBs.

OGL

[71] OGL’s appeal sought the inclusion of an additional limb into the policy to recognise the importance of mineral and aggregate resources and that mining activities can only occur where the resources are present. Additionally, OGL sought the inclusion of a new bespoke policy for mining and aggregate extraction.

[72] The following persons gave notice of an intention to join this part of OGL’s appeal pursuant to s274 RMA:

- (a) the Forestry Appellants;
- (b) OWRUG;
- (c) Fish & Game;
- (d) DGC;
- (e) Kāi Tahu;
- (f) Forest & Bird; and
- (g) EDS.

QLDC

[73] QLDC’s appeal sought to reinstate wording in clause (2) which had been replaced in the Decisions Version of the PORPS. QLDC’s appeal point on this policy was part of its wider appeal to reinstate a policy framework “highly valued natural features and landscape” in the PORPS.

[74] QLDC’s relief sought to reinstate a policy framework for “highly valued

natural features and landscape”. The parties agreed no amendments were required to this policy in relation to QLDC’s appeal.

Ara Poutama

[75] As discussed in the ‘EIT – Energy, infrastructure and transport’ consent memorandum dated 16 September 2025, Ara Poutama sought that “Otago Corrections Facility and community corrections activity”, as essential social infrastructure, be included as regionally significant infrastructure in the PORPS or any such alternative or consequential amendments required to give effect to their relief sought. Ara Poutama’s position was that its facilities were an essential social function which is necessary for the effective functioning of the justice system and the health, safety, and wellbeing of all New Zealanders.

[76] While the parties agreed the importance of the Otago Corrections Facility and community corrections activity, the parties disagreed on whether they fitted comfortably within the definition of infrastructure. The parties instead agreed that Ara Poutama’s appeal points could be resolved by amending UFD-P7.

Kāi Tahu

[77] The Kāi Tahu appeal sought amendment to provisions in the LF-LS chapter to better reflect (or more appropriately cross-reference to) the enabling approach for the use and development of native reserves and Māori land sought in the ‘MW – Mana Whenua’ (MW) chapter.

[78] The parties to that appeal point are as listed at paragraph 29 of the MW chapter consent memorandum dated 14 March 2025.

Resolution

[79] The parties have proposed to amend UFD-P7 as follows:

UFD-P7 – Rural Areas

The management of use and development in rural areas:

- (2) maintains rural areas as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,
- (3) prioritises land-based primary production on highly productive land in accordance with the NPS-HPL, except as provided for in (5) below,
- (4) provides for primary production, rural industry, and supporting activities, and recognises:
 - (a) the importance of these activities to the social and economic wellbeing of Otago's communities, and
 - (b) that mining and aggregate activities can only be located where those resources are present,
- (5) enables the use by Kāi Tahu of Native Reserves and Māori Land, ~~for papakāika, kāika, nohoaka, marae and marae related~~ in accordance with MW-P4,
- (6) restricts the establishment of non-rural activities which could adversely affect, including by way of reverse sensitivity or fragmentation, the productive capacity of highly productive land, or existing or anticipated primary production and rural industry activities, except as provided for in (5) or the NPS-HPL; and
- (7) recognises the national and regional importance of the Otago Corrections Facility to the health, safety and welfare of communities and enables its continued use, upgrading and development, including by:
 - (a) avoiding the establishment of incompatible activities which could give rise to adverse effects on the security and operation of the Facility and/or the welfare of its occupants; and
 - (b) managing the adverse effects of primary production and rural industry on the security and operation of the Facility and/or the welfare of its occupants.

[80] The parties advised that the deleted text from clause (5) is a consequential amendment of the relief sought by Kāi Tahu and Cain Whānau in relation to the

MW chapter which has been resolved by consent order.⁴ The parties consider that the deletion is consistent with the approach, agreed in the MW chapter, to remove restrictions on the range of activities to better enable Kāi Tahu to properly provide for their social, economic and cultural wellbeing on Native Reserves and Māori Land.

[81] New clause (4) provides the policy directions sought by OGL. Decision-makers are required to provide for primary production and rural industry in rural areas and the locational constraints of mining and aggregate activities are recognised. The agreed amendments to this policy resolve OGL’s appeal point seeking the inclusion of a new bespoke policy for mining and aggregate extraction.

[82] New clause (7) responds to Ara Poutama’s appeal point. The new clause provides recognition of the regional and national importance of Otago Corrections Facility and provides protection from reverse sensitivity. The Otago Corrections Facility is in a rural area. The parties consider that clause (7)(b) provides policy direction on reconciling its operations with other activities typically found in rural areas.

[83] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 6(e), 7(a), 7(b), 7(f), 7(g) and 8.

LF-LS-M11A – Identification of highly productive land

[84] Method LF-LS-M11A was appealed by Cain Whānau.

[85] Cain Whānau’s appeal sought to insert the text “and owners of Māori freehold land” alongside all instances of “mana whenua” throughout the PORPS. The relief was sought on the basis that it is owners of Māori freehold land who

⁴ [2025] NZEnvC 107.

have and exercise rakatirataka over their land.

[86] The following persons gave notice of an intention to join this part of Cain Whānau’s appeal pursuant to s274 RMA:

- (a) EDBs
- (b) DCC;
- (c) QLDC;
- (d) OGL; and
- (e) Kāi Tahu.

Resolution

[87] The parties have agreed to amend LF-LS-M11A as follows:

LF-LS-M11A – Identification of highly productive land

- (1) ~~In collaboration with territorial authorities and in consultation with mana whenua,~~ Otago Regional Council must identify highly productive land in Otago in accordance with LF-LS-P19(1):
 - (a) in collaboration with territorial authorities, and
 - (b) in consultation with mana whenua, and
 - (c) in consultation with owners of Māori freehold land in relation to their land, and
- (2) Otago Regional Council must include maps of the highly productive land identified in accordance with (1) in the Regional Policy Statement by the date specified in the National Policy Statement for Highly Productive Land.

[88] As set out in the MW chapter consent memorandum, the parties have agreed that the rights and interests of owners of Māori freehold land, in respect to their land, should be recognised, in specific circumstances, alongside Kāi Tahu as mana whenua.

[89] The parties to this appeal point have agreed that LF-LS-M11A is an instance where the context required amendments to recognise the rakatirataka of owners

of Māori freehold land, alongside Kāi Tahu.

[90] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 6(e), 7(a), 7(aa), 7(b), 7(ba) and 8.

LF-LS-M12 – District Plans

[91] Method LF-LS-M12 was appealed by the following persons:

- (a) OGL;
- (b) Forest & Bird; and
- (c) the Forestry Appellants.

OGL

[92] OGL’s appeal sought that the wording in clause (1)(a) be amended to revert to the Notified Version of the policy which referred to “plantation forestry activities” rather than “land use activities”. OGL’s position was that the reference to controlling the establishment of spatial extension of existing “land use activities” to give effect to an objective under the NPS-FM is unwarranted and unnecessary.

[93] The following persons gave notice of an intention to join this part of OGL’s appeal pursuant to s274 RMA:

- (a) OWRUG;
- (b) Fish & Game;
- (c) QAC;
- (d) Beef + Lamb;
- (e) DGC;
- (f) Forest & Bird;
- (g) the Forestry Appellants;
- (h) Kāi Tahu; and

- (i) EDS.

Forest & Bird

[94] Forest & Bird’s appeal sought that the word “minimising” in clause (1)(b) be replaced with “avoiding”. Forest & Bird’s position was that “minimising” provides weak policy direction and does not achieve the purpose of the Act.

[95] The following persons gave notice of an intention to join this part of Forest & Bird’s appeal pursuant to s274 RMA:

- (a) DGC;
- (b) Kāi Tahu;
- (c) Fish & Game;
- (d) QAC;
- (e) Beef + Lamb;
- (f) DCC;
- (g) Federated Farmers;
- (h) the Forestry Appellants;
- (i) Meridian Energy;
- (j) NZTA;
- (k) OGL; and
- (l) OWRUG.

Forestry Appellants

[96] The Forestry appeal sought the addition of a new clause that makes it explicit that this method did not apply to commercial forestry activities already regulated under the NES-CF. The Forestry Appellants’ position was that the method requires territorial authorities to exercise further control of new forestry activities and that this is more stringent than the NES-CF without justification and this also fails to acknowledge the ecosystem and carbon reduction benefits to be derived (and likely required to meet emissions reduction targets) from expanding

forestry in Otago.

[97] The following persons gave notice of an intention to join this part of the Forestry appeal pursuant to s274 RMA:

- (a) DGC;
- (b) DCC;
- (c) EDS;
- (d) Fish & Game; and
- (e) Kāi Tahu.

Resolution

[98] The parties have proposed to amend LF-LS-M12 as follows:

LF-LS-M12 – District plans

Territorial authorities must prepare or amend and maintain their district plans no later than 31 December 2026 to:

~~(1A) manage activities that may affect the ability of environmental outcomes for fresh water to be achieved,~~

(1) manage land use change by:

(aa) ~~avoiding managing~~ the planting of pest plants in accordance with LF-LS-P16A ~~and, when identifying any need for and size of a buffer zone for the purposes of LF-LS-P16A, territorial authorities must justify in the circumstances of each district the use of a buffer zone in addition to the NESCF to prevent the spread of wilding conifer species listed in APP5 into the area to be protected,~~

~~(a) controlling the establishment of new or any spatial extension of existing land use activities where necessary to give effect to an objective developed under the NPSFM, and~~

(b) ~~avoiding, where practicable, and otherwise~~ minimising the removal of montane tall tussock grasslands, to recognise their ability to capture and hold precipitation, and

(2) provide for and promote the creation and enhancement of vegetated riparian margins and constructed wetlands, and maintain these where they

- already exist,
- (3) facilitate public access to and along lakes and rivers by:
 - (a) requiring the establishment of esplanade reserves and esplanade strips, and
 - (b) promoting the use of legal roads, including paper roads, and any other means of public access rights that connect with esplanade reserves and esplanade strips, and
 - (4) maintain the availability and productive capacity of highly productive land identified and mapped under LF-LS-M11A in accordance with LF-LS-P19, and
 - (8) manage development in rural areas in accordance with UFD-P7,
 - (9) manage and rural lifestyle activities development in in accordance with UFD-P8.

[99] The deletion of clause (1)(a) responds to OGL’s appeal point. The parties have agreed that the focus of clause 3.5(4) of the NPS-FM is urban development, which is considerably narrower than all land use activities. However, the parties have also agreed that territorial authorities also have broader obligations to give effect to the NPS-FM within the bounds of their functions (see clauses 3.5(1) and (3) in particular, which apply to local authorities generally). The parties advised that the proposed amendment to include clause (1A) is intended to reflect those broader obligations, whilst removing the specific constraints previously required under clause(1)(a) which are addressed elsewhere (including in the UFD chapter).

[100] The amendments in clause (1)(aa) respond to the Forestry Appellants’ appeal point. The parties advised that clause (1)(aa) directs regional and district plan makers to their obligations under s32(4) of the Act when considering adopting buffer zones that are more stringent than the requirements of the NES-CF.

[101] The amendment to clause (1)(b) responds to Forest & Bird’s appeal point. The parties consider that it provides stronger policy direction for the removal of montane tall tussock grasslands, requiring avoidance where practicable in preference to “minimising”.

[102] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 6(a), 7(b) and 7(f).

APP5 – Species prone to wilding consider spread

[103] APP5 was appealed by the Forestry Appellants.

[104] The Forestry appeal sought amendments to remove species from the list of species prone to wilding spread, including economically important trees to the Otago Region and species that were not listed in the Otago Regional Pest Management Plan 2019. The Forestry appeal also sought that the title of APP5 be amended to “Conifer species known to present a high risk of spread”.

[105] The Forestry Appellants’ position was that there was adequate and industry specific controls for wilding conifer risk in regulations 11 and 79 of the NES-CF. They further considered that there was no evidence that the NES-CF was not sufficiently stringent to manage wilding conifer risk in Otago.

[106] The following persons gave notice of an intention to join this part of the Forestry appeal pursuant to s274 RMA:

- (a) DCC;
- (b) EDS;
- (c) Fish & Game; and
- (d) Forest & Bird.

Resolution

[107] The parties have proposed to amend APP5 as follows:

APP5 – ~~Species prone to wilding conifer spread~~ Conifer species with spread risk
For the avoidance of doubt, biologically sterile (including as a result of genetic

modification) variants of the species listed below are considered to be excluded from this appendix because they do not pose a risk of wilding spread.

Table 5: ~~Species prone to wilding conifer spread~~ Conifer species with spread risk.

Common name	Botanical name
Big cone pine	<i>Pinus coulteri</i>
Bishops pine	<i>Pinus muricata</i>
Contorta (lodgepole) pine	<i>Pinus contorta</i>
Corsican pine, Black pine	<i>Pinus nigra</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
Dwarf mountain pine	<i>Pinus uncinata</i>
Japanese cedar	<i>Cryptomeria japonica</i>
Japanese larch	<i>Larix kaempferi</i>
Larch	<i>Larix decidua</i>
Lawson's cypress	<i>Chamaecyparis lawsoniana</i>
Macrocarpa	<i>Cupressus macrocarpa</i>
Maritime pine	<i>Pinus pinaster</i>
Mountain pine	<i>Pinus mugo</i>
Norfolk Island pine	<i>Araucaria heterophylla</i>
Norway spruce	<i>Picea abies</i>
Patula pine	<i>Pinus patula</i>
Pine	<i>Pinus sp./Pine</i>
Ponderosa pine	<i>Pinus ponderosa</i>
Radiata pine	<i>Pinus radiata</i>
Scots pine	<i>Pinus sylvestris</i>
Sitka pine	<i>Picea sylvestris</i>
Slash pine	<i>Pinus elliottii</i>
Spruce	<i>Picea sp.</i>
Strobus pine	<i>Pinus strobus</i>
Western red cedar	<i>Thuja plicata</i>
Western white pine	<i>Pinus monticola</i>

[108] The parties have agreed that it is appropriate to exclude sterile species from

APP5 because they have no risk of spread.

[109] The parties have also agreed that it is appropriate to remove the generic reference to all Pine species in APP5, recognising the variation in wilding spread potential amongst the many pine species. They also agreed that *Macrocarpa* be removed as it is not listed in the Otago Regional Pest Management Plan 2019 and is considered to have a lower rate of spread and more limited invasiveness than other species.

[110] The parties consider that the amendments are within the jurisdiction of the court and give effect to the relevant parts of the Act, including ss 5, 6(a), 6(b), 6(c), 7(b) and 7(f).

Consideration

[111] I have read and considered the consent memorandum of the parties dated 3 October 2025 which proposes to resolve all appeal points on the LF chapter of the PORPS, and other relevant definitions and provisions as set out in ‘A:’ at the commencement of this Order.

[112] The parties advise that no appeals on the non-freshwater planning instrument part of the PORPS are fully resolved as a result of this Order.

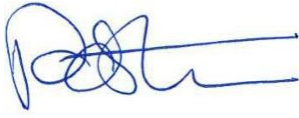
[113] The parties advise that there are no outstanding appeal points on the LF chapter as a result of this Order.

[114] The parties advise that all matters proposed for the court’s endorsement fall within the court’s jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

Outcome

[115] All parties to the proceeding have executed the memorandum requesting

the orders. On the information provided to the court, I am satisfied that the orders will promote the purpose of the Act so I will make the orders sought.



P A Steven
Environment Judge



Schedule One

1. Aurora Energy Limited, Network Waitaki Limited and PowerNet Limited v ORC (ENV-2024-CHC-24)
2. Royal Forest and Bird Protection Society of New Zealand Incorporated v ORC (ENV-2024-CHC-26)
3. Rayonier Matariki Forests, City Forests Limited, Ernslaw One Limited and Port Blakely NZ Limited v ORC (ENV-2024-CHC-27)
4. Oceana (New Zealand) Gold Limited v ORC (ENV-2024-CHC-29)
5. Cain Whānau v ORC (ENV-2024-CHC-30)
6. Transpower New Zealand Limited v ORC (ENV-2024-CHC-35)
7. Te Rūnanga o Moeraki, Kāti Huirapa, Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga, Te Ao Marama Incorporated on behalf of Waihopai Rūnaka, Te Rūnanga o Ōraka Aparima, Te Rūnanga o Awarua and Te Rūnanga o Ngāi Tahu v ORC (ENV-2024-CHC-36)
8. Queenstown Lakes District Council v ORC (ENV-2024-CHC-37)
9. Environmental Defence Society Incorporated v ORC (ENV-2024-CHC-39)
10. Queenstown Airport Corporation Limited v ORC (ENV-2024-CHC-40)

Annexure 1

Amend definition:

natural inland wetland means a *wetland* (as defined in the Act) that is not:

(a) in the *coastal marine area*; or

(b) a deliberately constructed *wetland*, other than a *wetland* constructed to offset impacts on, or to restore, an existing or former *natural inland wetland*; or

(c) a *wetland* that has developed in or around a deliberately constructed *water body*, since the construction of the *water body*; or

(d) a geothermal *wetland*; or

(e) a *wetland* that:

(i) is within an area of pasture used for grazing; and

(ii) has vegetation cover comprising more than 50% exotic pasture species (as identified in the National List of Exotic Pasture Species using the Pasture Exclusion Assessment Methodology (see clause 1.8 of the NPSFM)); unless

(iii) the *wetland* is a location of a *habitat* of a threatened species identified under clause 3.8 of the NPSFM, in which case the exclusion in (e) does not apply.

Amend objectives:

LF-LS-O11 – *Land* and soil

The availability and *productive capacity* of *highly productive land* for *primary production* is protected from inappropriate use and development now and for future generations.

LF-LS-O12 – Use, development, and protection

The use, development and protection of *land* and soil:

(1) safeguards the life-supporting capacity of soil,

(1A) sustains the potential of *land* and soil to meet the reasonably foreseeable needs of future generations while recognising the extractive nature of mining,

- (2) contributes to achieving *environmental outcomes* for *fresh water*, and
- (3) recognises the role of these resources in providing for the social, economic, and cultural well-being of Otago's people and communities.

UFD-O4 – Development in *rural areas*

Use and dDevelopment in Otago's *rural areas* occurs in a way that:

- (4) provides for the ongoing use of *rural areas* for *primary production* and *rural industry*, and
- (4A) does not compromise the long term viability of *primary production* and rural communities, and:-
- (5) enables the use and development of Native Reserves and *Māori land*.

Amend policies:

LF-FW-P14 – Restoring natural character and instream values

Where the natural character or instream values of *lakes* and *rivers* or the natural character of their margins has been reduced or lost, promote actions that, ~~where~~ practicable:

- (1) restore a form and function that reflect the natural behaviours of the *water body*,
- (2) improve *water* quality or quantity where it is *degraded*,
- (3) increase the presence, *resilience* and abundance of indigenous flora and fauna, including by providing for fish passage within *river* systems, and where necessary and appropriate, creating fish barriers to prevent incursions from undesirable species,
- (4) improve *water body* margins by naturalising bank contours and establishing *indigenous vegetation* and *habitat*, and

- (5) restore natural connectivity between and within *water* systems.

LF-LS-P16A – Managing *pests*

Reduce the impact of *pests*, including *wilding conifers*, by:

- (1) avoiding *afforestation* ~~and replanting of plantation forests~~ with *wilding conifer* species listed in APP5 within:
 - (a) areas identified as outstanding natural features, outstanding natural landscapes, or *significant natural areas*, and
 - (b) buffer zones adjacent to the areas listed in (a) where it is necessary to protect those areas,
- (1A) if the spread risk of the species to be replanted is greater than the species in the existing forest because either the spreading vigour is greater or the species is less palatable, avoiding replanting of plantation forests with wilding conifer species listed in APP5 within:
 - (a) outstanding natural features and outstanding natural landscapes, and
 - (b) buffer zones adjacent to the areas listed in (a) where it is necessary to protect those areas,
- (2) ~~outside other than the afforestation or replanting of plantation forests,~~ avoiding the planting of *wilding conifer* species listed in APP5 and any other *pests* in a way that is consistent with the Otago Regional Pest Management Plan 2019-2029,
- (3) enabling the control of *pests* on *land*, and
- (4) supporting initiatives to control or eliminate *pests* and limit or prevent their further spread.

LF-LS-P19 – Highly productive land

Maintain the availability and *productive capacity* of *highly productive land* by:

- (1) ~~identifying highly productive land based on the following criteria:~~
 - (d) ~~land must be identified as highly productive land if:~~

- (i) ~~it is in a general rural zone or rural production zone, and~~
- (ii) ~~it is predominantly LUC 1, 2, or 3 land, and~~
- (iii) ~~it forms a large and geographically cohesive area,~~
- (e) ~~land may be identified as highly productive land if;~~
 - (i) ~~it is in a general rural zone or rural production zone, and~~
 - (ii) ~~it is not LUC 1, 2, or 3 land, and~~
 - (iii) ~~it is or has potential to be highly productive for land-based primary production in Otago, having regard to the soil type, the physical characteristics of the land and soil, and the climate, and~~
- (f) ~~land must not be identified as highly productive land if it was identified for future urban development on or before 17 October 2022, and~~
- (2) ~~prioritising identifying and managing the use of highly productive land for land-based primary production in accordance with the NPSHPL.~~

UFD-P7 – Rural Areas

The management of use and development in *rural areas*:

- (2) maintains *rural areas* as places where people live, work and recreate and where a range of activities and services are required to support these rural functions, and provide for social and economic wellbeing within rural communities and the wider region,
- (3) prioritises *land-based primary production on highly productive land* in accordance with the NPS-HPL, except as provided for in (5) below,
- (4) provides for *primary production, rural industry, and supporting activities, and recognises:*
 - (a) the importance of these activities to the social and economic wellbeing of Otago's communities, and
 - (b) that mining and aggregate activities can only be located where those resources are present,
- (5) enables the use by Kāi Tahu of Native Reserves and *Māori Land*, ~~for papakāika, kāika, nohoaka, marae and marae related~~ in accordance with MW-P4,
- (6) restricts the establishment of non-rural activities which could adversely affect,

including by way of reverse sensitivity or fragmentation, the *productive capacity of highly productive land*, or existing or anticipated *primary production and rural industry* activities, except as provided for in (5) or the NPS-HPL; and

(7) recognises the national and regional importance of the Otago Corrections Facility to the health, safety and welfare of communities and enables its continued use, upgrading and development, including by:

(a) avoiding the establishment of incompatible activities which could give rise to adverse *effects* on the security and operation of the Facility and/or the welfare of its occupants; and

(b) managing the adverse *effects* of *primary production and rural industry* on the security and operation of the Facility and/or the welfare of its occupants.

Amend methods:

LF-LS-M11A – Identification of *highly productive land*

(1) ~~In collaboration with *territorial authorities* and in consultation with *mana whenua*,~~ Otago Regional Council must identify *highly productive land* in Otago in accordance with LS-LS-P19(1);

(a) in collaboration with *territorial authorities*.

(b) in consultation with *mana whenua*, and

(c) in consultation with owners of Māori freehold land in relation to their land, and

(2) Otago Regional Council must include maps of the *highly productive land* identified in accordance with (1) in the Regional Policy Statement by the date specified in the National Policy Statement for Highly Productive Land.

LF-LS-M12 – *District plans*

Territorial authorities must prepare or amend and maintain their *district plans* no later than 31 December 2026 to:

(1A) manage activities that may affect the ability of *environmental outcomes* for *fresh water* to be achieved.

(1) manage *land* use change by:

(aa) ~~avoiding managing~~ the planting of *pest* plants in accordance with LF-

LS-P16A and, when identifying any need for and size of a buffer zone for the purposes of LF-LS-P16A, territorial authorities must justify in the circumstances of each district the use of a buffer zone in addition to the NESCF to prevent the spread of *wilding conifer* species listed in APP5 into the area to be protected,

- (a) ~~controlling the establishment of new or any spatial extension of existing land use activities where necessary to give effect to an objective developed under the NPSFM, and~~
- (b) avoiding, where practicable, and otherwise minimising the removal of montane tall tussock grasslands, to recognise their ability to capture and hold precipitation, and
- (2) provide for and promote the creation and enhancement of vegetated riparian margins and constructed *wetlands*, and maintain these where they already exist,
- (3) facilitate public access to and along *lakes* and *rivers* by:
 - (a) requiring the establishment of *esplanade reserves* and *esplanade strips*, and
 - (b) promoting the use of legal *roads*, including paper *roads*, and any other means of public access rights that connect with *esplanade reserves* and *esplanade strips*., and
- (4) maintain the availability and *productive capacity* of *highly productive land* identified and mapped under LF-LS-M11A in accordance with LF-LS-P19, and
- (8) manage development in *rural areas* in accordance with UFD-P7,
- (9) manage and rural lifestyle activities development in in accordance with UFD-P8.

Amend Appendix:

APP5 – ~~Species prone to *wilding conifer* spread~~ Conifer species with spread risk

For the avoidance of doubt, biologically sterile (including as a result of genetic modification) variants of the species listed below are considered to be excluded from this appendix because they do not pose a risk of wilding spread.

~~Table 5: Species prone to wilding conifer spread~~ Conifer species with spread risk

Common name	Botanical name
Big cone pine	<i>Pinus coulteri</i>
Bishops pine	<i>Pinus muricata</i>
Contorta (lodgepole) pine	<i>Pinus contorta</i>
Corsican pine, Black pine	<i>Pinus nigra</i>
Douglas fir	<i>Pseudotsuga menziesii</i>
Dwarf mountain pine	<i>Pinus uncinata</i>
Japanese cedar	<i>Cryptomeria japonica</i>
Japanese larch	<i>Larix kaempferi</i>
Larch	<i>Larix decidua</i>
Lawson's cypress	<i>Chamaecyparis lawsoniana</i>
Macrocarpa	<i>Cupressus macrocarpa</i>
Maritime pine	<i>Pinus pinaster</i>
Mountain pine	<i>Pinus mugo</i>
Norfolk Island pine	<i>Araucaria heterophylla</i>
Norway spruce	<i>Picea abies</i>
Patula pine	<i>Pinus patula</i>
Pine	<i>Pinus sp./Pine</i>
Ponderosa pine	<i>Pinus ponderosa</i>
Radiata pine	<i>Pinus radiata</i>
Scots pine	<i>Pinus sylvestris</i>
Sitka spruce	<i>Picea sylvestris</i>
Slash pine	<i>Pinus elliottii</i>
Spruce	<i>Picea sp.</i>
Strobus pine	<i>Pinus strobus</i>
Western red cedar	<i>Thuja plicata</i>
Western white pine	<i>Pinus monticola</i>

