

16 October 2026

To Toitū Te Whenua Land Information New Zealand

By email: oio@linz.govt.nz

SUBMISSION ON OVERSEAS INVESTMENT BARRIERS TO TRANSITION IN GISBORNE

SUBMITTER DETAILS

FULL NAME:	Environmental Defence Society Incorporated
ADDRESS:	PO Box 91736, Victoria Street West, Auckland 1142
CONTACT:	Shay Schlaepfer
EMAIL:	shay@eds.org.nz

Overall position

1. EDS supports Toitū Te Whenua Land Information New Zealand's (**LINZ**) initiative to overcome barriers to transition to permanent forest cover in Gisborne.
2. EDS supports both solutions proposed, subject to the changes below. Solution 1 provides for a strategic approach that can be implemented at scale. Solution 2 is a sensible back-up option for consents where Solution 1 would be inappropriate.
3. We agree that appropriate land use should be determined by the planning system. Overseas investment conditions should enable investors to implement environmentally appropriate transition arrangements, rather than require production forestry to continue on land where it is unsuitable.

Solution 1

Identify all affected land and consents

4. The purple or transition zone set out in Gisborne District Council's (**GDC**) business case should inform what consents are affected. However, it should not be an exclusive boundary. Site and catchment assessments may identify other consents that relate to land requiring transition. Land requiring transition should not be prevented from accessing the proposed relief.

Remove the property percentage thresholds

5. Constraining the application of Solution 1 with percentage limits could result in perverse outcomes, stranding land requiring transition with obstructive overseas investment conditions. It is not clear what benefit is gained by inclusion of the percentage thresholds. The intent of the indicative condition is to exempt consents from harvesting or replanting overseas investment obligations where that would be contrary to transition requirements. This should apply regardless of whether the land in question makes up 1% or 100% of the land covered by the consent in question.
6. The drafting of the indicative condition also differs from the proposal's description. It requires more than 50%, rather than at least 50%, and uses different descriptors of "property" and "relevant land".

These differences could affect eligibility. Removing the percentage thresholds would resolve both discrepancies.

7. EDS supports permanent indigenous vegetation as the long-term objective.

Definition of “transition requirement”

8. The description of Solution 1 expressly includes transition in accordance with an agreed transition plan. The indicative condition does not. It would be clearer to expressly refer to a transition plan, which would capture, for example, voluntary transition plans adopted before a regulatory requirement exists and GDC’s business case (or similar). Investors should be able to act before new rules or consent restrictions are imposed. LINZ should specify who can recognise or approve a transition plan, the minimum information it must contain, and how approval can be obtained without a lengthy additional process.
9. The definition should also cover restrictions that make production forestry inappropriate or impracticable even if they do not expressly require conversion to native vegetation. As drafted, the requirement that a restriction advance transition to permanent native vegetation may exclude a harvesting restriction imposed to manage erosion or discharges, or an approved transition that includes a limited area of permanent exotic vegetation. Greater flexibility should be provided to give effect to the objective – to remove barriers to transition.
10. The issue could be remedied by making the three parts of the definition alternatives, rather than conjunctive; that is, replace “and” with “or”.

Address all conflicting consent obligations

11. The indicative condition only removes an obligation to harvest or replant. LINZ should review each affected consent for other conditions that could frustrate transition. Any conflicting obligation should be varied to the extent necessary to implement the recognised transition requirement or plan.
Provide certainty during implementation

12. The offer to vary affected consents at no cost is welcome. LINZ should proactively contact consent holders and provide a simple process for the variation of obligations.
13. LINZ should also provide guidance for investors whose harvesting or replanting obligations fall due before the variation is completed, and for investors who have already begun transition. Investors should not feel compelled to undertake harvesting or replanting while an agreed solution is being processed.

Solution 2

14. Solution 2 involves a new application and assessment. It should not become the routine pathway because a consent cannot meet the percentage thresholds in Solution 1. This is another reason to improve Solution 1.
15. Solution 2 should provide a low-cost, streamlined process for applications made to enable environmentally appropriate transition. Requiring a full new application at substantial cost could replace a substantive barrier with a financial and administrative one.
16. LINZ should clarify how historic production-related commitments and any existing non-compliance will be treated. Enabling future transition should not automatically extinguish liability for past breaches.