

Feedback to: Waitomo District Council's
Proposed Waitomo District Plan - 2022

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From: NZ Forest Managers
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I would like to present this submission in person at a hearing and will be happy to present a joint case with others of similar submissions.

NZFM could not gain an advantage in trade competition through this submission.

SUBMISSION ON THE PROPOSED WAITOMO DISTRICT PLAN - 2022

1 Introduction

New Zealand Forest Managers Ltd (NZFM) is a privately owned forest management company based in Turangi. Our company is a specialised contract forest management organisation that provides commercial forest owners with a comprehensive management service covering the full range of operations from forest development and establishment, protection and investment through to harvesting and marketing.

Within the Waitomo District, NZFM manages forests on behalf of three different forest owners, two of these are freehold landowners and the other forest is managed under a Forestry Right. NZFM has managed forests within the Waitomo District for many years and has been involved in Council planning processes over this time.

2. General Comments to Proposed Waitomo District Plan

The Proposed Waitomo District Plan (PWDP) is relatively silent regarding the National Environmental Standards for Plantation Forestry (NES-PF). While there are references to the NES-PF in regulations stating that they override the NES-PF and it is referenced in the Section 13 – National Direction

Instruments, it would be useful to include brief dialogue about the NES-PF and its interaction with the PWDP and/or how the NES-PF is integrated into the proposed regulations. The NES-PF regulates eight forestry activities and allows District and Regional Plan rules to show greater stringency on a limited number of matters including; those of national importance, to give effect to national instruments, and for unique and sensitive environments. Additional dialogue within the PWDP would help to provide clarity on what matters are managed by the NES-PF and what matters are managed by the District Plan.

The NES-PF was developed to provide national consistency for regulation related to managing forest activities and to remove unnecessary duplication. In some parts, the PWDP appears to be reintroducing duplication of regulation for some activities related to plantation forestry.

The NES-PF regulations were developed after extensive consultation with industry and Local Government representatives to provide clarity around how the forest sector should operate. NZFM submits that where ever possible, WDC should look to the NES-PF for direction for the management of forest activities in the District.

Accordingly, NZFM's view is that there is now a relatively high bar for Councils to clear in the event they feel additional regulation is required, and that requires both a clear expression of the rationale for any additional regulation, and detailed justification of it.

There are a number of instances within the PWDP where proposed regulation overrides the NES-PF. This represents a significant step-up in the control of forest activities within the district, without any justification being provided for this increase in stringency and regulatory control. While we recognise that there are a number of different forest owners/managers operating within the Waitomo District, NZFM is unaware of any significant environmental concerns or issues of industry non-compliance that may have triggered such an increase in regulation.

As mentioned above, Section 32 (4) of the RMA requires Councils to complete an evaluation report that examines whether any increase in regulatory control for an activity is justified. For many of the points below, the Section 32 report does not identify or address the specific reason for the increase in regulation, particularly where there is an increase in the proposed regulatory burden for plantation forestry.

Specific comment to parts of the PWDP is included in Table 1 below.

In conclusion

Thank you for the opportunity to submit feedback to the Proposed Waitomo District Plan.

If you have any questions regarding our submission points below, please don't hesitate to contact me.

Kind regards,

Jackie Egan
ENVIRONMENTAL PLANNER

3. Table 1 - Feedback on Specific Sections of the PWDP

<i>The specific provisions of the proposal that my submission relates to</i> <i>e.g., provision number, map number</i>	<i>Do you:</i> <ul style="list-style-type: none"> • <i>Support</i> • <i>Oppose</i> • <i>Amend</i> 	<i>What decision are you seeking from Council</i> <i>What action would you like:</i> <ul style="list-style-type: none"> • <i>Retain?</i> • <i>Amend?</i> • <i>Add?</i> • <i>Delete?</i> 	<i>Reasons</i>
<i>PART 1</i>			
(9) Definitions	Amend	Add definitions for: Afforestation <ul style="list-style-type: none"> • Forestry • Harvesting • Plantation Forestry • Sustainable forest management • Sustainable harvesting 	There is no definition of plantation forestry, harvesting, afforestation or reference to the definition of these terms within the NES-PF in the PWDP. Adding these definitions or a reference to the definitions within the NES-PF would be beneficial and provide clarity to the interpretation of the Plan. Additionally, while the terms 'sustainable forest management' and 'sustainable harvesting' are mentioned within the documents these are also not defined.
(9) Definitions - 'Earthworks'	Amend	Amend the definition of 'Earthworks' to exclude earthworks associated with plantation forestry and add a reference to the NES-PF.	The definition of 'Earthworks' in the PWDC contains no reference to the NES-PF. This could cause confusion to the reader. Explicitly stating within the definition that earthworks associated with plantation forestry are excluded and instead managed by the NES-PF will provide clarity.
(9) Definitions – Farm Airstrips and Farm helipads	Amend	Amend this term and definition so that it applies to all 'Primary production airstrips and helipads'.	The operations carried out on 'Farm Airstrips and Farm helipads' include plantation forestry activities. Using the term 'farm' rather than 'primary production' is confusing. 'Primary Production' is the term used within other national documents, such as the National Planning Standards and the PWDC should be consistent with these.
<i>PART 2</i>			
Section 24 – Historical Heritage (HH-R13 and HH-R17) &	Oppose	Delete	The PWDP classifies 'Earthworks' within a Significant archaeological site as discretionary activity (HH-R13) and 'Plantation Forestry' as a non-complying activity (HH-R17). Similarly, 'Earthworks' is a restricted discretionary activity (SASM-R8) and Plantation Forestry a non-complying activity (SASM-R13) for Sites of Significance to Māori.

<p>Section 25 – Sites and areas of significance to Māori (SASM-R8 & SASM-R13)</p>			<p>It is unclear what is defined as 'Plantation forestry', as no definition is included in the PWDP, however we presume this to mean afforestation. While we recognise that the sites listed in Schedules 2, 3 and 4 are a set of discreet sites, it appears that this rule is a duplication of protection provided by Heritage NZ. It also inequitable to control plantation forestry activities in isolation of other primary production land uses for this matter.</p> <p>NZFM regularly operates around sites of significance and where these sites are located within the productive area of a plantation forest, the Heritage NZ process is followed to obtain an authority to disturb the site. In most cases, this means that exotic trees are removed from within the site and then the site is left unplanted. This is proven to be the best management of these sites as the alternative is to leave exotic trees standing, which may cause greater damage if they fall or are blown over in time. NZFM would like to see the Heritage NZ process remain the default protection mechanism for managing sites of significance within plantation forests.</p>
<p>Section 26 – Ecosystems and Indigenous Biodiversity ECO-P9 ECO-R17</p>	<p>Amend</p>	<p>Amend or delete</p>	<p>Rule ECO-R17 classifies plantation forestry afforestation and harvesting as a non-complying activity within an identified SNA. NZFM has been involved in the SNA process for two of our clients and through these processes all exotic plantation vegetation has been mapped out of a SNA i.e., SNAs consist only of indigenous biodiversity. By default, this means that the inclusion of harvesting as a non-complying activity is unnecessary. If exotic plantation trees exist within SNAs elsewhere in the district however, they should be afforded existing use rights to allow for harvesting.</p> <p>Further to this, the afforestation provisions of rule ECO-R17 replicate those of the NES-PF and as such this rule is an unnecessary duplication.</p> <p>This policy also specifically targets one particular primary productive land use – plantation forestry, which is opposed by NZFM.</p>

<p>Section 28 – Natural Features and Landscapes</p> <p>NFL-R8</p>	<p>Amend</p>	<p>Amend to increase PA volumes</p>	<p>Rule NFL-R8 includes PA earthworks areas/volumes that are unworkable in a plantation forestry situation. This means all earthworks in these situations will require consent.</p> <p>NZFM notes that established plantation forestry within the district has existing use rights and therefore should maintain the ability to harvest, even it is located within an Outstanding Natural Feature (NFL-R13). In addition, NFL-04 recognises the values associated with agricultural, pastoral and horticultural landscapes where they have been identified within a landscape of high amenity value. NZFM would like to see the same recognition provided to forested properties.</p>
<p>Section 28 – Natural Features and Landscapes</p> <p>NFL-R20</p>	<p>Oppose</p>	<p>Delete the reference to indigenous plantation forestry (point 3) so that this rule applies to all plantation forestry</p>	<p>This rule restricts the planting of exotic plantation forest but has no limit on the amount of indigenous plantation forestry, which is inequitable. The potential environmental effects of both of these plantation types are the same, it is only the species that differs. Both are normal visual features within the rural environment.</p>
<p>Section 28 – Natural Features and Landscapes</p> <p>NFL-R21</p>	<p>Amend</p>	<p>Amend by deleting the 2ha restriction for existing plantation forests</p>	<p>The 2ha harvesting limit within NFL-R21 appears arbitrary and the reasons for this limit are not justified adequately within the S32 report.</p> <p>In ONL's a 2 ha harvest area will have greater visual impact than a normal forest harvesting activity and this restriction may occur for a greater time period as small areas are harvested year on year. Such an approach does not appear to meet the objectives of this rule.</p>
<p>Section 33 – Earthworks</p>	<p>Amend</p>	<p>Amend Section 33 by adding a reference within 'EW-Table 1- Activity Rules' that states: 'Earthworks associated with plantation forestry are regulated by the National Environmental Standards for Plantation Forestry</p>	<p>Section 33 has some reference to the NES-PF, however it is not very clear and readers may interpret that some of the earthworks rules apply in a plantation forestry situation. This should be amended to ensure consistent interpretation.</p> <p>The NES-PF states that territorial authorities do not have the ability to include rules for earthworks in plantation forests (Reg 23, NES-PF).</p>

		(NES-PF) are excluded from the rules within this section of the Waitomo District Plan, please refer to the NES-PF for detail' or words to the same effect.	
Section 37 – Noise Noise – R7 Noise - R8 Advice Notes	Amend	Delete criteria point 1. of R8 so that there is no limit of the number of flight movements in association with the use of helicopters for primary production land uses.	<p>NZFM strongly opposes the effect that this rule has on normal use of aircraft (typically helicopters)by the primary production sector - this will effectively require all operations to obtain resource consent. While the intent of this rule is to manage noise effects, the result of the rule criteria in most cases will not have any effect on managing noise, due to the location of the aircraft use being remote and usually wholly within the activity area, such as within a plantation forest.</p> <p>The 10 or more flight movements per month per site criteria is overly restrictive and places all aerial spraying activities for plantation forestry into a consenting regime. All other forest activities are excluded from the noise regulations as per the Advice Notes on page 12 of Section 37. To exclude the use of aircraft in plantation forests from this exemption is inconsistent.</p> <p>Furthermore, the introduction of R8 will have negative effects on other activities that use helicopters for essential work, such as the Department of Conservation for biodiversity work and OSPRI NZ for the Tb Control programme.</p>
Section 42 – General Rural Zone GRUZ-P3	Support	Retain	NZFM supports GRUZ-P3, particularly the recognition in bullet point 5 that farming, forestry and quarrying activities are an established and accepted component of the rural environment and may generate noise, odour, dust and visual effects. This is important to minimise reverse sensitivity effects to these productive land uses.
Section 42 – General Rural Zone			This rule very tightly restricts the clearance of indigenous vegetation by providing for only two activities – for pasture reinstatement and for a building platform -

GRUZ-R15			
Section 42 – General Rural Zone GRUZ-R16	Oppose	Delete R16	<p>GRUZ-R16 restricts the harvesting of plantation forests and quarrying for the purposes of protecting community drinking water supplies. This is an uncommon situation for the industry, and we are unaware of any instance where these activities have caused issues for a community drinking water supply.</p> <p>NZFM opposes rule GRUZ-R16 as it is outside the scope of Regulation 6 of the NES-PF. Council does not have the ability to regulate the activities in GRUZ-R16 and therefore this rule should be removed.</p>
Section 42 – General Rural Zone GRUZ-R17	Oppose	Delete R17	<p>While there has been discussion, opinion and comments made regarding Government Ministers looking at regulating the conversion of farmland to permanent forestry, there is no current legislative ability for Council to do so. By including a rule such as GRUZ-R17 in the PWDP, Council is effectively dictating to landowners what they can and cannot use their land for and actively discouraging plantation forestry as a land use.</p> <p>The intent of the National Policy Statement for Highly Productive Land (NPS-HPL) is to ensure the availability of NZ's most favourable soils for food and fibre production. Plantation trees are fibre and fit the intent of the NPS-HPL. There is no justified reason to include R17 in the District Plan.</p> <p>It should also be noted here that the Land Inventory Resource dataset was produced between 1973-1979 and included the effects of previous land use as a contributing factor to the determination of Land Use Capability classes. Much has changed since then and there are now more accurate sources of information available to determine the current land use capability for land. These may differ from the dataset produced 43-49 years ago.</p>