

10th August 2015

NES-PF Consultation
Attn: Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140

**A National Environmental Standard for Plantation Forestry Consultation Document, June 2015 –
Submission by Matariki Forests**

Dear Mr Miller,

Thanks you for providing Matariki Forests the opportunity to submit on the Proposed National Environmental Standard for Plantation Forestry.

Please accept this letter as a submission on behalf of Matariki Forests (Matariki). Please note that Matariki has completed the Ministry for Primary Industries submission template as well as the attached submission letter. These documents are intended to be considered as one submission and to be cross referenced.

Submitter: Matariki Forests (Matariki)
Contact: Sam Scarlett - Environmental Manager (sam.scarlett@rayonier.com)
Contact Person/
Address for service: Sam Scarlett [REDACTED]
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Notes:

1. In the table below, amendments are shown with deletions ~~struck through~~ and additions underlined.
2. Where Matariki have requested specific changes to the Proposed National Environmental Standard for Plantation Forestry text, they may accept alternative amendments to those suggest which would achieve the relief sought.

Regards

A handwritten signature in blue ink, appearing to read "Sam Scarlett".

Sam Scarlett
Environmental Manager

Introduction

Rayonier New Zealand Ltd (Rayonier) is a wholly owned subsidiary of US based corporation Rayonier Inc. Matariki Forests (Matariki) is a joint venture company owned by Rayonier Inc and Phaunos Group. Rayonier New Zealand manages 173,000 hectares of plantation forest (124,000 hectares net stocked area) in New Zealand for Matariki. Matariki is New Zealand's third largest forestry company by stocked area and currently operates in most regions of New Zealand. On a day to day basis Matariki manages planning rules of 9 regional councils and 24 district councils. All of Matariki's forests are managed under the Forest Stewardship Council™ (FSC™) certification.

Forestry in New Zealand

1. The Government has recognised that plantation forestry is important to New Zealand due to its significant contribution to our economy and the integral part it plays in New Zealand's efforts against climate change.
2. Plantation forests are wide spread throughout New Zealand and provide important economic and environmental benefits, including the following:
 - a. Makes a significant contribution to the New Zealand economy through employment, wood and fibre resource and exports, employees over 20,000 people and contributes approximately \$5 billion annual gross income, 3% of the total New Zealand GDP¹;
 - b. Supplies renewable resources to the local and international markets;
 - c. Plays a vital role in carbon sequestration to mitigate the effects of climate changes and help meet our international obligations;
 - d. Provides significant local benefits including the maintenance of water quality, amelioration of peak flood flows, biodiversity and control of sedimentation and soil erosion.
3. The current patchwork of varying regulation imposes substantial unnecessary compliance costs on the forestry sector, without ensuring the consistent rules based on sound peer reviewed science.
4. The current management framework for plantation forestry fails to encourage new and continued investment in this sector. In particular, plantation forestry activities are subject to

¹ Ministry of Primary Industries (www.mpi.govt.nz)

a complex maze of inconsistent and excessive regulation through district and regional plans throughout New Zealand.

Matariki **supports** the proposed National Environmental Standard for Plantation Forestry

5. Matariki **supports** the proposed National Environmental Standard for Plantation Forestry (NES-PF) with respect to the following submission. The proposed NES-PF will, through limiting unwarranted variation and inconsistency between Territorial Local Authorities (TLA), provide investor certainty when operating under the Resource Management Act. This in turn will improve environmental performance and outcomes and increase the cost effectiveness of the resource system.
6. In some TLA regions where Matariki manages plantation forestry activities covered under the NES-PF, its compliance with environmental rules will have to increase significantly from current operative rules to comply with the proposed NES-PF, in other regions its compliance requirements may decrease slightly. In saying this however Matariki will continue to operate to industry good practice or better. Matariki sees the greater environmental good for the industry and all of plantation forestry stakeholders in New Zealand.

Other considerations

Costs

7. Under the proposed NES-PF, Matariki's level of environmental compliance will increase. With this increased compliance, will come an increase in the associated costs. Matariki supports the current proposed standard, notwithstanding the following submission. If the standard was to become more stringent then Matariki would reconsider its support as this does not abide with a key objective of the NES-PF – to contribute to the cost effectiveness of the resource management system by providing fit-for-purpose planning rules to manage the effects of plantation forestry.

Compliance

8. A concern for Matariki is the interpretation of the rules 'on the ground' by councils. Detailed guidance notes and clarification of the intended interpretation are essential in during the rollout phase, but also periodic follow-up by the Ministry of Primary Industries on benchmarking compliance activities would provide clear and effective implementation of the rules to give best service to the overarching objectives and principles of the NES-PF. If this is

not undertaken there is risk of not meeting the particular objectives of: removing unwarranted variation between council's and of improving certainty of RMA processes.

9. With the explicit set of rules in the proposed NES-PF document comes industry-wide acceptance that this is the new good practice environmental standard/ benchmark. What has become clear through the public consultation phase of the NES-PF is the gap that is created between plantation forestry and other rural land-uses in terms of statutory environmental requirements. These requirements are currently being set higher for plantation forestry without the equivalent lifting to good practice for other rural land uses. As plantation forestry currently occupies less than 7% of the total land cover of New Zealand, it is important other rural sectors are also included in the efforts to increase environmental performance and also to keep levels of statutory compliance equitable for an effective positive net result at a national level.

Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

Sam Scarlett

Postal address:

Phone number:

Email address:

Are you submitting on behalf of an organisation? Yes [X] No []

If yes, which organisation are you submitting on behalf of?

Matariki Forests

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

173,000 ha total / 124,000 ha productive

Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

☐ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Yes, sections 2.1 and 2.2 accurately describe the problem facing plantation forestry.

Operational Uncertainty

The ongoing changes to planning controls through regular plan reviews do not give certainty required in a low term investment such as forestry. The risk of significant rules associated with forestry activities (the 8 activities covered in the NES-PF) changing during a harvest rotation is high.

Increasing variation between local authority planning controls over time. There has been, and continues to be a significant variation between planning controls for forestry activities since the RMA came into force. The primary concern is the unwarranted variation which is providing set of regional and district rules which are often misguided and not actually achieving the best result for the environment for which they were intended. This is also driving uncertain environmental outcomes.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

Matariki Forests (Matariki) does consider that the conditions for permitted activities will manage the adverse environmental effects for plantation forestry in part. Please be referred to the specific comments on the permitted activities rules for each of the forestry activities in the attachment to this submission.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Matariki supports that permitted activity conditions are both clear and enforceable, although please see the attachment to this submission for specific comments on permitted activities rules.

A concern for Matariki is the interpretation of the rules 'on the ground' by councils. Detailed guidance notes and clarification of the intended interpretation are essential in during the rollout phase, but also periodic follow-up by the Ministry of Primary Industries on benchmarking compliance activities would provide clear and effective implementation of the rules to give best service to the overarching objectives and principles of the NES-PF. If this is not undertaken there is risk of not meeting the particular objectives of: removing unwarranted variation between council's and of improving certainty of RMA processes.

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Matariki believes that matter where local authorities can retain local decision making is appropriate.

Although, In table 4, Matariki forests believes that the NES-PF needs to be very clear that the district councils must identify and map areas of significant indigenous vegetation or significant habitat or threatened or endangered fauna as significant natural areas or outstanding natural features & landscapes and not propose methods that require land owners to undertake their own mapping at their own cost as a condition of the resource consents. The identification and mapping of these aforementioned areas is role of Councils under their local plan change processes.

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please see specific comments regarding the Erosion Susceptibility Calculator, the wilding spread Calculator and the Fish Spawning Indicator in the relevant section of the attached submission, Page 16 & 18.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please see specific comments in the relevant section of the attached submission, pages 10 through 18.

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Yes, the NES-PF is the best option to meet the assessment criteria stated in the ‘Box 13’ of the consultation document. There is no other mechanism that meets the criteria as well as the NES-PF.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

The cost-benefit analysis has been adequately identified. The latest cost benefit analysis indicating that the benefit of the NES-PF outweigh the costs, is supported by Matariki. Matariki also recognised that there is an increase in in-house compliance costs and costs associated with auditing and monitoring. The variation that exists between Councils currently in terms of these costs is significant, with some being very low while other being very high (with in clouding monitoring and auditing), often unjustifiably.

A concern is the potential for future monitoring and auditing of permitted activity conditions to be increase. Matariki supports controls be put in place on increases to associated costs for cost benefit assumptions to remain relevant.

Please also see comments under paragraph 7 (page 3) of the attached submission.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

A concern for Matariki is the interpretation of the rules ‘on the ground’ by councils. Detailed guidance notes and clarification of the intended interpretation are essential in during the rollout phase, but also periodic follow-up by the Ministry of Primary Industries on benchmarking compliance activities would provide clear and effective implementation of the rules to give best service to the overarching objectives and principles of the NES-PF. If this is not undertaken there is risk of not meeting the particular objectives of: removing unwarranted variation between council’s and of improving certainty of RMA processes.

Please also see comments under paragraph 8 (page 3) of the attached submission.

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

N/a

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Matariki recognises that the permitted activity rules in both the stream crossing and harvest (ground disturbance outside of riparian areas) sections of the proposed NES-PF, aim to reduce sediment discharges from forestry. These constitute a significant ‘raising of the bar’ above existing Council plan provisions in all regions in which Matariki operates, except

Otago. The proposed permitted activity conditions lock in industry good practise guidance as legally binding conditions.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

A concern for Matariki is the interpretation of the rules ‘on the ground’ by councils. Detailed guidance notes and clarification of the intended interpretation are essential in during the rollout phase, but also periodic follow-up by the Ministry of Primary Industries on benchmarking compliance activities would provide clear and effective implementation of the rules to give best service to the overarching objectives and principles of the NES-PF. If this is not undertaken there is risk of not meeting the particular objectives of: removing unwarranted variation between council’s and of improving certainty of RMA processes.

Matariki supports the increased resolution nationally of the soil mapping which underpins the Erosion Susceptibility mapping.

13. Are there any other issues that you would like to raise?

A more detailed submission is attached for consideration.

Section	Identifier	Page no.	Support/ Oppose	Rationale	Suggested Changes
Objective	Unwarranted variation	8	Support	Matariki supports the removal of unwarranted variation between councils' planning controls for plantation forestry. This unwarranted variation has had negative impacts on the forestry industry causing unnecessary costs and inconsistent environmental protection.	-
Objective	Improves certainty of RMA processes	8	Support	Matariki supports the improving certainty of RMA processes and outcome for plantation forestry stakeholders, while maintaining consistency with the purpose of the RMA.	-
Objective	Improve certainty about environmental outcomes	8	Support	Matariki supports improving certainty about environmental outcomes from plantation forestry activities for forestry stakeholders, including communities and nationally. This certainty is not equitable across other land uses and it comes as an extra cost to be borne by plantation forestry industry.	-
Objective	Contribute to the cost effectiveness of the resource management system	8	Support in part	Matariki supports the proposed NES-PF to contribute to the cost-effectiveness of the resource management system by providing appropriate and fit-for-purpose rules to manage the effects of plantation forestry. Matariki also suggests that this will only be the case if Councils are provided training as well as given clear guidance in the intended interpretation of the NES-PF.	-
Principles	Activities should be permitted provided conditions are met.	8	Support	Matariki supports the principle that where appropriate, activities should be permitted provide conditions are met.	-
Principles	The level of control associated with each activity should be directly associated with the level of risk of adverse effects on the environment at the location the activity takes place. As the level of risk of adverse effects increases a	8	Support in part	Matariki supports that the level of control associated with each activity should be directly associated with the level of risk of adverse effects on the environment at the location the activity takes place.	-

	requirement for consent is introduced.				
Principles	Understanding the risk of adverse effects on the environment around the country should be informed by up-to-date science	8	Support	Matariki supports the principle of the applying good, robust science to the mitigation of adverse effects on the environment. Matariki also supports the place for up-to-date science to show the benefits provided to the environment by the presence of plantation forestry.	-
Principles	The NES-PF should provide nationally consistent approach , but should also be responsive to local environments	8	Support	Matariki supports this principle and deems that the proposed NES-PF does achieve this.	-
RULES					
Afforestation	Wilding Tree Risk	62	Support	The wilding spread risk calculator for new plantings/ afforestation is an effective method of determining wilding risk.	Retain as proposed.
Afforestation	Setbacks	62	Support	Having uniform setback requirements are effective in avoiding confusion between council jurisdictions. The proposed setback distances are effective in reducing the risk of sedimentation, stream bank damage and/or damage to riparian areas during future harvesting & earthworks operations.	-
Earthworks	Slope – orange greater than 25 degrees.	65	Support	Matariki supports the methodology of determining slope to be calculated 'on site', rather than in a GIS overlay as determining slope can be highly subjective. Guidelines on how slope of a site is to be achieved would be advantageous for consistency.	<u>Slope is measured in degrees to an accuracy no less than that achieved by a hand held clinometer or Abney level</u> – Waikato Regional Council description of calculation of slope.
Earthworks	Notice of commencement	65	Support in part	Matariki seeks provision for increasing the 60 day notification timeframe for forests where there is scope for year round earthworks taking place.	Councils may reduce the minimum of 20 at their discretion but also increase the maximum of 60 days notification for earthworks to at least 120 days or more is agreed with by council.

Earthworks	Notice of commencement	65	Oppose	Track construction is included under the definition of Earthworks (Glossary, pg 49), therefore a notice of commencement requirement of 20 days for forestry tracking/ track construction applies. The notification timeframe is unrealistic and unwarranted for this level of disturbance.	Forestry tracking/ track construction to be removed from the permitted activity rule - notice of commencement requirement.
Earthworks	Requirement to prepare an Erosion and Sediment Control Plan	66	Support in part	Matariki supports the rationale for an Erosion and Sediment Control Plan to manage the risks associated with erosion and sedimentation. However, the erosion and sediment control measures to be used and <u>indicative locations</u> involves too much detail especially in low risk environments and often best calculated during the actual earthworks formation.	Remove the wording of “indicative locations” from the requirements from the Erosion and Sediment Control Plan. <u>“Location of sediment control measures are to be considered in narrative of the Erosion and Sediment Control Plan in consultation with Industry good practise guidelines”</u>
Earthworks	Operation	67	Oppose in part	Matariki seeks the removal the terms “deactivate” and “stabilise to control run-off”. Clarification of term “future operation”.	Clarification that the wording “future operation” includes provisions for crop establishment and other essential operations for the subsequent crop, i.e. pest control. Remove the term “deactivated” from and use the existing term “stabilise to control run-off”
Earthworks	Spoil	67	Oppose	Spoil should permitted to be deposited “outside of a production area” as along at it is control and does not increase the risk of slope instability.	Removal of production area from list of where spoil must not be deposited.
Earthworks	Sediment and storm water control measures	68	Oppose	The term “as far as possible” may be interpreted that all stated erosion, sediment and storm water control measures are specified to be implemented at all times. Term is too open ended.	Remove “as far as possible” from storm water and sediment control measures. Include the wording <u>“a tool-box approach to prevent avoid/</u>

				In some soil types slumping of cut faces/ batters is inevitable. This can be witnessed on council roads/ highways across the country. Using the tools that the industry has in a tool-box approach is the best way to manage all soil types and focus more costly/ involved methods for avoiding/ minimising slumping.	<u>minimise slumping where practicable.</u>
Earthworks	Stabilisation and containment	68	Support in part	Replacing the words soil with spoil/ fill will be more specific about what is required to be managed for stabilisation and storm water control.	Replace the word “soil” with “spoil/ fill” As well as rock armouring, add sediment traps and cloth barriers to the stabilisation measures.
Earthworks	Design	68	Oppose	Point 2 explaining the benching and compaction required for landing fill and road line fill for slopes over 25 degrees represents a very expensive permitted activity rule.	Where risk of sediment reaching waterways and for contamination to occur is low, this benching and compaction requirement could be waived.
Harvesting	Harvest Planning	71	Oppose	Under the section on what a harvest plan must include, to comment on all indigenous vegetation and riparian areas at a harvest plan level is not realistic. The focus should be on areas of significant indigenous vegetation as identified in the district or regional plans.	Amend as follows: “mapping, environmental risk assessment and details of the management of risks relating to surface water bodies and their riparian areas, including <u>significant</u> indigenous vegetation.”
Harvesting	Ground disturbance outside riparian zones	71	Oppose	The word “prevent” is very absolute and does not allow for an activity to potentially sediment movement. This is not realistic and there are effective measures to minimise the impact of sediment. Bullet point 2: Change wording from prevent to minimise.	All disturbed soil must be stabilised or contained so as to prevent <u>minimise</u> movement of sediment into any water body or coastal water resulting in....
Harvesting	Notice of commencement	71	Support in part	Matariki seeks provision for increasing the 60 day notification timeframe for forests where there is scope for year round harvesting taking place.	Councils may reduce the minimum of 20 at their discretion but also increase the maximum of 60 days

					notification for earthworks to at least 120 days or more is agreed with by council.
Mechanical Land Preparation	Methods	74	Support	Matariki generally supports the rationale of the proposed methods of mechanical land preparation permitted activity rules. A wording change in the following sentence to provide ability for mechanical land preparation to be carried out not on the contour, where required. There is a higher cost and health & safety risk in operating mechanical land preparation machines (excavator/ bull-dozer on a contour on sloping land). 1 st bullet point: replace 'prevent' with 'minimise'.	<u>Where practicable</u> , mechanical land preparation must <u>should</u> be carried out parallel to the contour. 1 st bullet point: replace 'prevent' with 'minimise'.
Forestry Quarrying	Definition of "Forestry Quarrying"	50	Oppose	Definition as proposed includes work covered in Earthworks. Specifically, benching. Benching in a roading task (on corners, high batters, through knobs, and on landings) is the extraction of rock etc for the formation of roads. In the roading task the material is either spread or end-hauled as fill. Matariki does not want this work to be considered a Forestry Quarrying operation.	Include in Scope:....."for the formation of forest roads at defined sites where further processing or loading out for cartage occurs"
Forestry Quarrying	Notice of Commencement	77	Oppose	20 working days is too long in the case of opportunistic operations where metal is found and is available for exploitation, or when an adverse weather event requires urgent use of resource. In addition there are processes set up where Councils are advised biannually – every six months – of planned usage.	Change the notice of commencement to at least three days prior and up to 6 months before
Forestry Quarrying	Visibility	77	Oppose	Quarries in rural areas are commonly visible in the three stated circumstances: visible from an existing dwelling, and adjoining property under different ownership and/ or a formed public road. They are expected in the forest/ rural environment/ landscape.	At the time of extraction where a large scale quarry operation is visible from a dwelling on an adjoining property under different ownership, extraction operations are restricted to no more than 15 days per year unless written approval has been obtained from the owner(s) and/or occupier(s).

Forestry Quarrying	Property Setbacks	77	Support	This is a reasonable restriction to manage the effects on neighbouring properties	-
Forestry Quarrying	Regional setbacks.	77	Oppose	This restriction is more onerous than the setbacks in Earthworks, although the rationale comments are similar.	Surface Water bodies are to be protected from sediment inflow by treatment methods, structures, protective measures, and processes set out in the quarry management plan under “sediment control plan”
Forestry Quarrying	Fill or Spoil	78	Support	Reasonable, can be improved.	In the rule add a third bullet point: “anywhere that the QMP Sediment Control Plan places a ban on deposition of fill or spoil.”
Forestry Quarrying	Material transported off property on public roads.	78	Oppose	Public roads are available to all vehicles which are managed according to the law. There needs to be some allowance for material to be transported across or for a short distance	Remove or allowance transportation of material across/ for a restricted distance of quarry material off property/ on public road
Forestry Quarrying	Restoration	78	Support in part	As a quarry is exhausted or becomes disused it is reasonable to expect that it be restored to a stable land form. Restoration is a cost that needs to be budgeted and accounted for. The issue lies in the use of the term “deactivate”. The decision to deactivate is a formal business process taken on the basis of resource management. “Within two months” may be unsuitable seasonally or fiscally.	Define “deactivate” Extend time for ‘deactivation to six months.
Replanting	Setbacks	81	Support	Having uniform setback requirements is effective in avoiding confusion between district and regional jurisdictions. The proposed setback distances are effective in reducing the risk of sedimentation, stream bank damage and/or damage to riparian areas during future harvesting & earthworks operations. In the case where the wetland setbacks in the proposed NES document are greater than current council rules, there is a	Matariki requests that the ETS regulations be amended to provide an exemption form deforestation liability where that deforestation occurs as a consequence of the compliance

				possibility that the landowner will incur a liability under the Emissions Trading Scheme (ETS).	with the setback standards in the NES. Alternatively, allow replanting to the existing stump-line around wetlands/ lakes and streams to avoid ETS liability.
General Conditions	Vegetation clearance and disturbance	84	Support in part	Matariki supports the permitted activity condition that allow for the indigenous vegetation to be damaged, destroyed and removed provided it meets the proposed criteria. Note: due to the often slow growing physiology and or successive qualities of some indigenous species, some allowance for other indigenous species to meet the 5 year recovery criteria.	Allow other indigenous plant species to regenerate where damage has occurred
General Conditions	Dust	84	Oppose	Matariki does support the reduction of dust nuisance but plantation forestry activities are often undertaken in highly variable environmental conditions. Those abiotic factors which increase the prevalence of dust at a landscape level are not totally controllable and mitigation activities will have some effect. The ability for dust to be contained within property boundaries is unattainable.	Relief sought is: 1) Dust is out of scope for the NES-PF and status quo regional rules apply, if retained in the NES-PF, 2) <u>Nuisance dust leaving the property is to be minimised and mitigated where practicable by dust suppression techniques such as watering or oiling roads.</u>
General Conditions	Spatial Bundling	85	Support in part	Matariki generally supports a logical approach to the management of permitted activity rules where an activity intercepts one or more ESC zones.	Increase the discrete section of road from 50m to unlimited, as long as it less than the longest, lowest-risk zone.
General Conditions	Fish Spawning	86	Support in part	Matariki supports the recognition that forests provide a valuable habitat to indigenous and salmonid species and is supportive of the permitted activity rule allowing disturbance of permanently	Increase the probability threshold to 0.75 under the

				<p>flowing rivers, provided all other activity-specific rules or consent conditions are met.</p> <p>1(b) – where no catch has been recorded in the NZ freshwater database, the 0.5 probability threshold is too low. By increasing the threshold for the permitted activity rule, it still achieves in protecting the rivers with known/ recorded presence and also captures the most likely of those rivers without known incidence of stated fish species. The rule achieves this without the financial impact of the 0.5 probability threshold.</p>	River Environment Classification Predictive Fish Model 2014.
General Conditions	Slash Traps	87	Support	Matariki supports the permitted activity of the installation and use of slash traps as an effect method of mitigating the risk of slash mobilising off-site.	-
River Crossings	Crossing specific conditions – Temporary crossings.	90	Support in part	<p>1(a) – temporary crossings in harvest areas are often required for a longer permitted time period than the 2 weeks stated. As long as the installation follows good practice and the crossing is monitored for performance there is no more inherent risk increasing the time period. The removal and re-installation of temporary crossings will have an overall detrimental environmental effect over allowing a temporary crossing to be in for longer time period.</p> <p>1(d) – removal of all crossing material from the river bed within 24 hours is a too short of a window in order to access the correct plant/ machinery in order to do the job effectively. This will lead to the wrong plant/ machine doing this job which will have a negative environmental outcome</p>	<p>1(a) Increase time period for the structure is allowed to be in place to 20 working days.</p> <p>1(d) increase time period for the removal of material from stream bed to 20 working days</p>
Crossings	Single Culverts	90	Support in part	3 – Minimum culvert size should be reduced to 375mm minimum as a permitted activity rule. In a lot of cases a 450mm culvert will be far in excess of what is required resulting in unwarranted increased costs.	Decrease to 375mm minimum pipe diameter
Crossings	Battery Culverts & Drift Decks	91	Support in part	Catchment size as a permitted activity condition is irrelevant as this is taken into consideration in variables in the stated calculations for determining culvert size. It is either stated	Remove the catchment size permitted activity condition

				directly as in the Rational Method calculation or in other variables. It is effectively counting variable, of which there are many, twice	associated with battery culverts and drift decks crossing
Erosion Susceptibility Classification	-		Support	Matariki supports the erosion susceptibility classification and the science underpinning it. The soil data needs to be improved and a plan of continuous refinement and increasing resolution is required at a national level.	

10th August 2015

Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
WELLINGTON 6140

By email to NES-PFConsultation@mpi.govt.nz

SUBMISSION ON THE PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

Contact details for this submission are:

Submitter: See list of signatories

Submitted by: Roger May

Contact address: [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Ph: [REDACTED]

SUBMITTER'S BACKGROUND

This submission on the National Environmental Standard for Plantation Forestry (NES-PF) is supported by a range of stakeholders (appended) including land and plantation owners, some of whom are members the NZ Farm Forestry Association, as well as land, forest and resource management consultants, environmental advocates and concerned citizens.

Please treat these as individual submitters.

These submitters do not support the proposed NES-PF in its current form. While it may certainly achieve consistency for forestry operations nationally, the level of permissiveness it incorporates, together with the severe constraints on council control, will end up reinforcing the public's opinion that the industry is not operating responsibly enough.

CENTRAL ISSUES

This entire process has been driven by corporate plantation companies seeking greater consistency in the rules across council boundaries. While this is not unreasonable, the MPI-appointed Working Group has taken the opportunity to incorporate much higher levels of permissiveness into the proposed NES-PF than many council Plans currently allow. This undermines the purpose of the RMA, particularly in terms of council control and protecting environmental and community values. This approach runs the risk of backfiring on the industry.

There are some provisions of the proposed NES-PF that may improve environmental outcomes however, there are a number of major deficiencies and issues:

- a. In overall effect, the proposed NES would indeed provide greater consistency of rules nation-wide but in the process, it lowers the bar in many critical areas. Because such a large area of productive land (94%) is subject to the 'Permitted with conditions' regime, it is essentially a voluntary code of practice masquerading as a Standard
- b. There are extremely limited opportunities for consultation with stakeholders in the process of developing and introducing the NES. If approved, councils must incorporate the NES into their Plans without public consultation.
- c. Many important Environment Court decisions and community-supported provisions of Regional and District Plans around the country will be down-graded or overridden if the proposed NES is approved by the Minister.
- d. The NZ Land Resource Inventory (LRI) data does not have sufficient resolution or reliability as the primary framework for the rules. Furthermore, the revised (2015) version of the Erosion Susceptibility Classes does not accurately reflect erosion risk.
- e. There is a failure to properly reflect the different levels of risk of plantation management in a logical and systematic way and to properly match forest management options, including different silvicultural systems or harvesting systems, to the different levels of erosion risk.
- f. There is a failure to include any measurable thresholds in the proposed Standard or to place any limits on the size or aggregation of clearcuts to match erosion risk.
- g. There is a failure to recognise the value of alternative species, particularly those that retain live root systems after harvesting, to mitigate erosion risks.
- h. In areas with 'Permitted' status, councils cannot stop operations commencing or require changes to Erosion & Sediment Control Plans or Harvest Plans prior to operations commencing if they consider those Plans will result in environmental impacts.
- i. Councils are unable to influence or control environmental outcomes until enforcement action is triggered by a complaint or non-compliance with the conditions.
- j. There is no reason why councils (ie. ratepayers) should bear the total cost of monitoring or enforcing 'Permitted' forestry operations without any 'user pays'.
- k. The Environmental Impact Assessment (NZFRI 2015) utterly fails to properly assess the environmental impacts of the NES-PF.

NES-PF DEVELOPMENT AND CONSULTATION PROCESS

1. Contrary to the thrust of the RMA, the proposed NES is essentially activity-based primarily because it contains no measurable thresholds for adverse effects.
2. In 2009, MfE stated that a disadvantage of a NES is that "... it removes aspects of local decision-making". Instead of using the NES process, the Minister could have required all councils (District, Regional & Unitary) to properly deal with issues of consistency by using the Minister-directed Plan Change option. This would have achieved the same objective but with the advantage of providing a more meaningful, open, equitable and comprehensive public consultation process.
3. The rationale for a NES focussed solely on plantation forestry is questionable. There is an expectation within many parts of the forest industry that the environmental impacts of plantation forestry are not treated equally with those of farming. There is clear evidence that this is true. It is irrational to develop a National Standard for Plantations alone. Instead there is good reason for a National Standard for all land use to be developed.

Relief Sought: Suspend the NES-PF process and extend the scope to cover all land use with a NES-LU.

4. It is understood that after the period for submissions close there will be no further consultation in the process of developing this NES. Given the scope and impact of the proposed NES, the number of existing and future landowners affected, and the changes required to be made by District and Regional Councils, this limitation is unacceptable.

Relief Sought: If an NES process is to proceed, the Minister needs to step beyond the specifics of the RMA and provide for further consultation phases.

5. There are currently more than 14,000 plantation owners in New Zealand who will be subject to the NES should it proceed. It will also apply to new plantation owners and it is of critical interest to many other groups and individuals. Only a small proportion of all these stakeholders will be aware of what is proposed. MPI needs to spend more effort and time to engage with a broader range of stakeholders and encourage their input.

Relief Sought: MPI must provide the public with evidence that a reasonable (30%) and representative sample of all these stakeholders have had meaningful input into this iteration of the NES process before it is put to the Minister.

6. The Environmental Impact Assessment carried out by Scion Research is entirely misleading in relation to Erosion and Sedimentation. Despite the fact that all councils except Environment Southland and Environment Canterbury reported that "... their own [current] guidelines or regulations regarding erosion and sedimentation would match or better those set out in the NES", Scion still stated that "... the NES will result in increased compliance with the rules from this sector leading to lower sedimentation and erosion yields."

More importantly, in assessing the environmental impact of the NES on erosion and sedimentation, Scion excluded all corporate forestry therefore implying, in the change from a largely council-controlled regime to a largely permitted regime, that these impacts would not increase for these companies. Furthermore, in assessing environmental impacts from small plantations (under 1000 ha) Scion only included those in High and Very High erosion susceptibility zones (6% by area) and excluded from the assessment small plantations in all other zones (94% by area) where operations are largely permitted with

little council control. Therefore the assessment, at least in regard to erosion and sedimentation, is deeply flawed.

Relief Sought: Revise the Environmental Impact Assessment to deal with the inherent flaws in the erosion and sedimentation section and then notify submitters and the authors of the NZIER Economic Analysis of the results.

EROSION SUSCEPTIBILITY FRAMEWORK

7. The Land Resource Inventory (LRI) dataset has been used to produce the Erosion Susceptibility Class map that forms the framework for the NES Rules. This dataset has a number of deficiencies for this purpose.

The LRI was first published in 1969, further developed between 1975 and 1998 and updated in 2009 (3rd Ed.). The judgement of potential erosion in the LRI was used to determine whether land could sustain pasture. It is therefore not appropriate as a guide for erosion susceptibility for forestry operations such as earthworks and clearfelling. Furthermore, there are numerous instances where the LRI polygons record multiple potential erosion ratings.

The LRI polygons are often too large to reliably reflect erosion susceptibility for the thousands of smaller properties that will be subject to the NES. As an indication, the average size of defined polygons is about 300 ha but there are over 12,000 plantation owners with less than 50 ha. Therefore there is a significant risk that the ESC does not accurately reflect the actual erosion susceptibility and therefore, the correct rules for medium and small plantation owners. In other words, the LRI does not have sufficient resolution to act as a reliable framework for the NES Rules.

The alternative is to use more up-to-date slope stability software to produce a more detailed and reliable national map of erosion susceptibility. Sufficient data and information is available to perform this for the whole country and contrary to some statements, LiDAR data is not required to do this. The national 20 m contour dataset is sufficient. (Also see the appended Technical Note produced for Future Forests Research by SCION in 2014 which compares the LRI and Slope Stability software for predicting erosion risk and illustrates the increased resolution and reliability.)

Relief Sought: Use slope stability software to produce a more detailed and reliable national map of erosion susceptibility.

8. The first version of the Erosion Susceptibility Class map was produced for MPI by the University of Canterbury School of Forestry in 2011. Presumably, this was not considered to be reliable enough by MPI so earlier this year (2015) they engaged Landcare Research Ltd to revise the erosion susceptibility classifications. This has resulted in changes in the erosion susceptibility of almost four million hectares of land with the susceptibility downgraded for 3,695,349 ha (and the susceptibility upgraded for 287,328 ha). Of greatest concern is the reclassification of more than 1.5 million hectares from 'High' down to 'Moderate' and another 1.6 million hectares from 'Moderate' down to 'Low'. (See Map 1 appended showing the changes between the two versions and the areas involved.)

A quick comparison of the 2015 version of the ESC map with a sample of actual sites indicates that invariably, the ESC does not match reality (See Maps 2 & 3 appended which compare ESC 2015 with ESC 2011 in the Maitai Catchment, Nelson.)

The Maitai Catchment in Nelson is a useful example of the flaws in the 2015 revision. The residents of Nelson have had concerns about the health of the Maitai River for years. The Nelson City Council now knows that despite the consents issued, plantation forestry has been a major contributor to the problem and there are now numerous studies supporting this. In the 2011 version of the ESC almost all forestry in this catchment is on land that was classed as either moderate or high erosion susceptibility. But under the revised ESC of 2015, and despite the obvious erosion and sedimentation issues, all plantations in the catchment are now classed as only moderate susceptibility.

But even the 2011 version didn't identify the intrusive volcanics in the Fireball and Sharlands Creek area of the catchment. These areas were identified as being more erosion prone and more likely to produce high fine fraction sediments in the NCC Forestry consents review report released earlier this year.

This same issue arises in neighbouring Tasman District and in other places around the country.

Relief Sought: The use of the 2015 version of the ESC is unacceptable because it does not match reality. If no steps are taken to use Slope Stability software to model national erosion susceptibility instead, then the most reliable (and acceptable) alternative is the 2011 version of the ESC.

9. The NES rules refer to five distinct classes of erosion susceptibility – ‘Low’, ‘Moderate’, ‘High-Under 25 degrees’, ‘High-Over 25 degrees’, and ‘Very High’. However, the maps and map data provided by MPI do not differentiate between ‘High-Under 25 degrees’ and ‘High-Over 25 degrees’ even though MPI have the data and capacity to produce maps differentiating these two zones. This differentiation is important to land owners in these zones because there is a significant difference in the NES rules relating to these two zones.

Relief Sought: Given that there is an important difference in the NES rules in the ‘High’ erosion susceptibility zone at the 25 degree threshold, the ESC maps must show this differentiation and be consulted on before the proposed NES is put to the Minister.

THE NES RULES

10. The NES Rules do not sufficiently match the erosion susceptibility even as currently mapped. In fact the rules relating to Erosion Susceptibility Classes ‘Low’, ‘Moderate’ and ‘High-Under 25 degrees’ are all identical despite the fact that on the ground, the erosion risks increase through these classifications. (See Map 4 showing the Effective Rules.)

Furthermore, the rules for these three ESC classes are all ‘Permitted with Conditions’. Even taking into account the Conditions, this is illogical and will not deliver even a reasonable level of certainty for acceptable environmental outcomes. The proportion of all

the defined ESC classes that are effectively covered by 'Permitted with conditions' regime is estimated to be 16,703,440 ha i.e. 94%, of the total 17,702,753 ha mapped by the ESC.

Relief Sought: The increasing erosion susceptibility from 'Low' through to 'Very High' needs to be matched by increasingly stringent constraints and increasingly stringent consent. It is illogical to do otherwise.

11. Part of the reason why adverse effects will still occur in these three zones under this regime is that, despite the need for Erosion and Sediment Control Plans (E&SC Plans) for earthworks and Harvest Plans for harvesting, any requirement to obtain a resource consent in these three zones is only triggered by non-compliance with the Permitted Conditions. In other words, an adverse effect has to occur before a council can require a consent or changes to Harvest and/or Erosion & Sediment Control Plans. The implication of this is that all the emphasis is on remedying adverse effects with very little emphasis on avoiding adverse effects in the first place. This arrangement does not sufficiently protect environmental values nor will it ultimately be in the interests of the wider forest industry.

The lack of rules requiring any sort of resource consent in the 'Moderate' and 'High-Under 25 degrees' susceptibility zones is not acceptable. There are still many instances of adverse effects from consented plantation harvesting operations in these zones. The failure of the NES to require consents in these two ESC zones and for harvesting in the 'High-Over 25 degrees' zone prevents councils influencing Erosion and Sediment Control Plans and Harvest Plans prior to operations commencing or exercising any control until triggered by non-compliance or a complaint.

Relief Sought: Introduce a system of Controlled Consents in the 'Low', 'Moderate' and 'High' ESC zone rules with increasingly stringent conditions to match the erosion and sedimentation risk.

12. Two operations cause the majority of all erosion and mass movement in forestry. These are earthworks and harvesting. The greater the extent of earthworks or harvesting, the greater the risk of adverse effects, especially with regards to soil and water issues. It therefore follows that measurable constraints on clearcut size, clearcut aggregation and roading density should be part of the Standard and thresholds should be set to match the erosion susceptibility. The NES fails to even mention clearcut size, clearcut aggregation, skid size and roading density let alone set thresholds and match these to the erosion susceptibility class. These thresholds need to be defined and incorporated in the NES as a means of mitigating risk in all erosion susceptibility zones.

Relief Sought: Introduce a system of increasingly stringent thresholds for clearcut size, clearcut aggregation through time, skid size and roading density in all ESC zones to better match the erosion and sedimentation risk.

13. The NES allows the use of Low Intensity harvesting in any zone conditional upon a minimum retained canopy of 75% of any hectare. However, low intensity harvesting (continuous canopy and other shelterwood systems) should at least be specified as a condition or requirement in zones of 'High' and 'Very High' erosion susceptibility or within 25 metres (one tree length) of any feature listed as having an afforestation setback.

Relief Sought: See Relief Sought under clause 12 above.

14. Another major factor affecting the erosion risk in plantation forestry is the choice of plantation species. Many species retain live root systems even after harvesting. Furthermore they can often withstand the higher cost of more sensitive silvicultural and harvesting systems because of their higher value. Such distinctions are not mentioned nor are they taken into account in mitigating the erosion risk in the NES. The NES needs to take account of these attributes of different species in relation to mitigating risk, especially in moderate and higher erosion susceptibility classes.

Relief Sought: Introduce the requirement to use 'live root' species as a means to mitigate erosion and sedimentation impacts in 'Moderate', 'High' and 'Very High' ESC zones.

15. The NES contains no measurable thresholds for sedimentation, nitrogen enrichment from slash break down and phosphorus enrichment from sediment inputs to streams, dissolved oxygen, or stream temperature.

Relief Sought: Define these thresholds and incorporate in the NES along with acceptable methodologies for measurement, recording and reporting.

16. The rationale for including GM trees in the Standard does not stack up given that the majority of the NZ public is not convinced of the need for GM or is anti-GM. Furthermore, many of the larger plantation forestry companies are already certified under the international Forest Stewardship Council system and the FSC unequivocally prohibits GM trees in a certified plantation, irrespective of its inclusion in a National Standard.

This provision contradicts the recent Environment Court decision which found that there is jurisdiction under the RMA for Regional Councils to control the use of GMOs (2015 EnvC 89) (*Federated Farmers vs Northland Regional Council*, Judge Newhook, 12/5/2015). Given the community's concern about GM crops, councils need to have the ability to control or prohibit GM crops even if deployment is approved by the EPA.

Relief Sought: Exclude all references to GM in the proposed NES.

17. Downhill ripping is unacceptable on slopes over 25 degrees and should not be allowed due to the obvious risk of gully and sheet erosion.

Relief Sought: Prohibit downhill ripping on slopes over 25 degrees.

18. In terms of the 5,000 m³ limit on road widening and realignment, the error in the Consultation document is understood. However, in specifying a limit relative to an "activity area", especially when there can be more than one activity area per site, creates a major loophole.

Relief Sought: The limit must be specified per lineal metre of track or per hectare. Most road widening and realignment can easily be carried out within a limit of 1 m³ per lineal metre. Over this it should be consented.

REGULATORY PROCESS

19. As it stands, a plantation owner is only required to make a Harvesting Plan and/or an Erosion & Sediment Control Plan available to the council. They are required to notify the council but are not specifically required to submit these Plans to the council – councils will have to request the Plans. This will inevitably lead to an increase in non-compliance with NES conditions and complaints about operations. This restricts councils to a reactive position and will result in adverse effects which are costly to remedy.

Relief Sought: Require plantation owners to lodge Erosion and Sediment Control Plans and Harvest Plans with councils concurrently with notification.

20. With reduced means for council input and control, no measurable thresholds and with such an overwhelming reliance on ‘Permitted with conditions’ regime across 94% of the country’s productive land, it is inevitable that a large number of adverse effects will occur and before any meaningful constraints can be applied.

It is not acceptable that councils will have no power to require changes to an Erosion & Sediment Control Plan or Harvest Plan prior to operations commencing even if those Plans are unsatisfactory or insufficiently explicit.

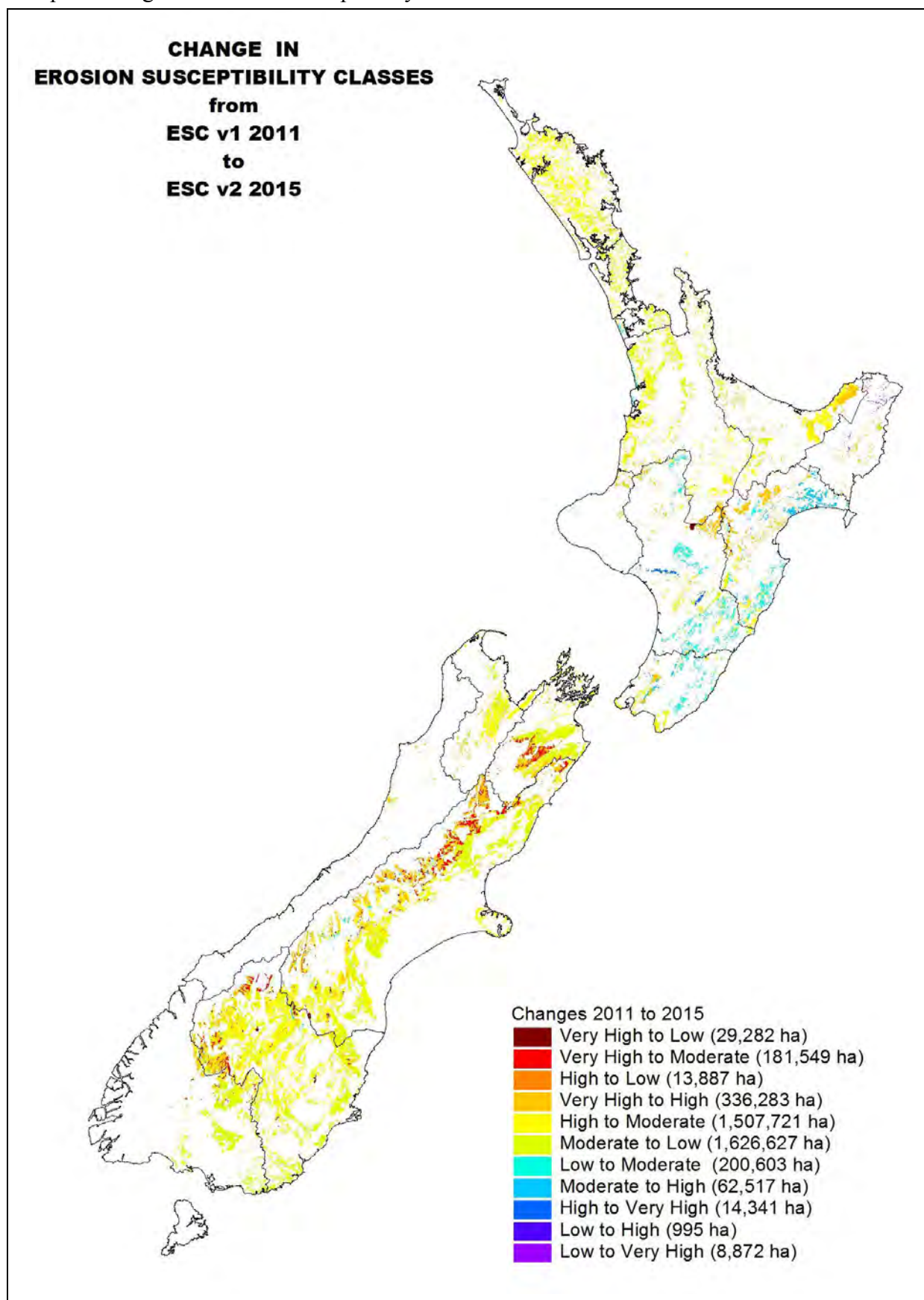
Councils will only have the power to require a consent or issue abatement notices for non-compliance with the conditions associated with the ‘Permitted’ activities if, at any time after operations have commenced, they find that conditions have not been met. In effect, this restricts councils to a reactive position and will result in adverse effects which are costly to remedy.

Relief Sought: Councils must retain the power to require amendment of Erosion and Sediment Control Plans and Harvest Plans both prior to operations commencing and during operations.

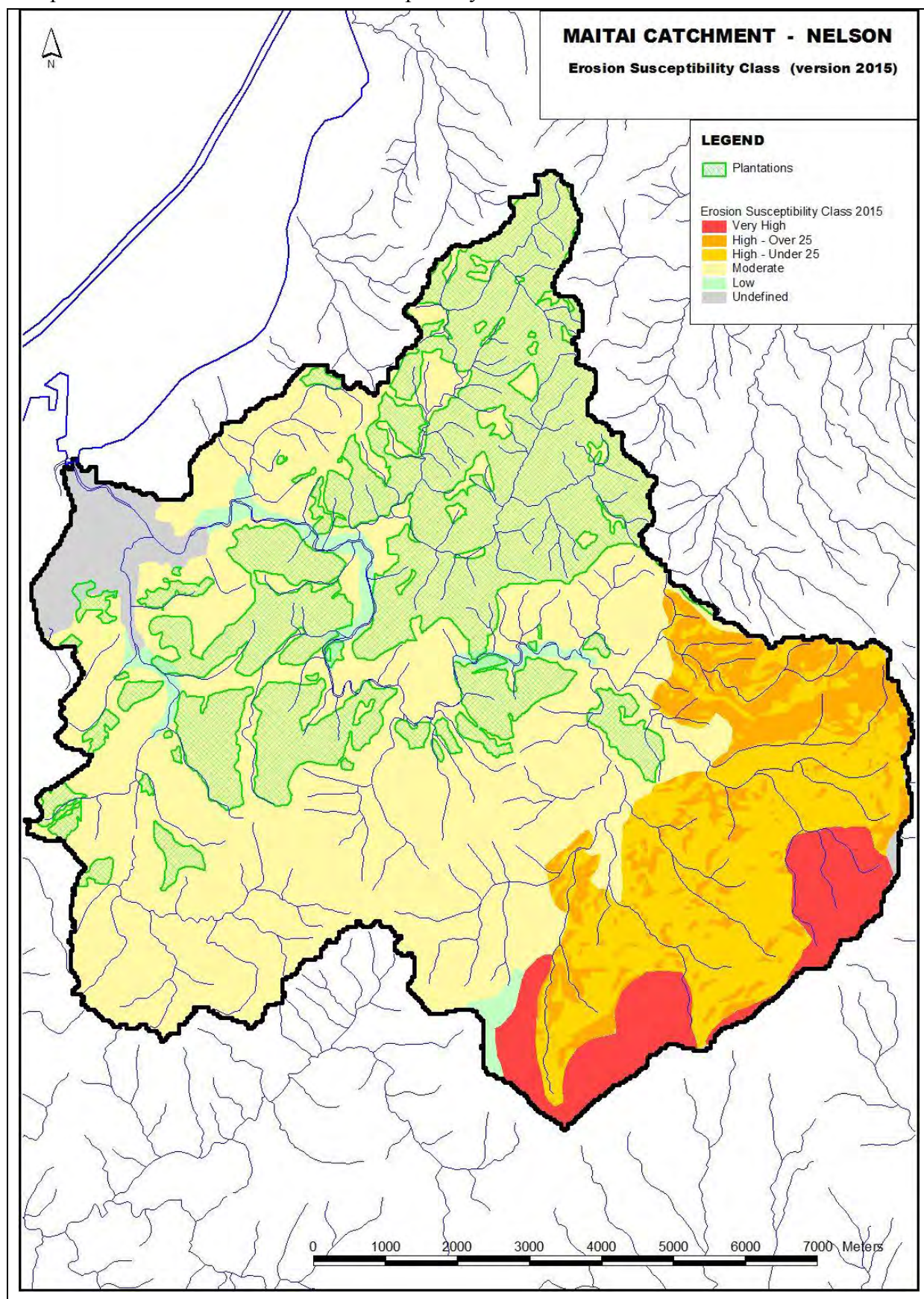
21. Councils will need to monitor forestry operations including those ‘Permitted with conditions’ and, as it stands, this will take considerable council time and resources. With 94% of New Zealand’s erosion susceptibility classes being subject to the ‘Permitted with conditions’ regime and not requiring resource consents, this means that ratepayers will be footing the bill. There is no reason why councils (ie. ratepayers) should bear the total cost of monitoring or enforcing ‘Permitted’ forestry operations when there is no revenue stream for councils arising from these operations. The proposed NES effectively removes the notion of user-pays for those subject to the ‘Permitted with conditions’ regime.

Relief Sought: Councils must have the ability to charge for administering and monitoring ‘Permitted’ activities and/or charge for resource consents.

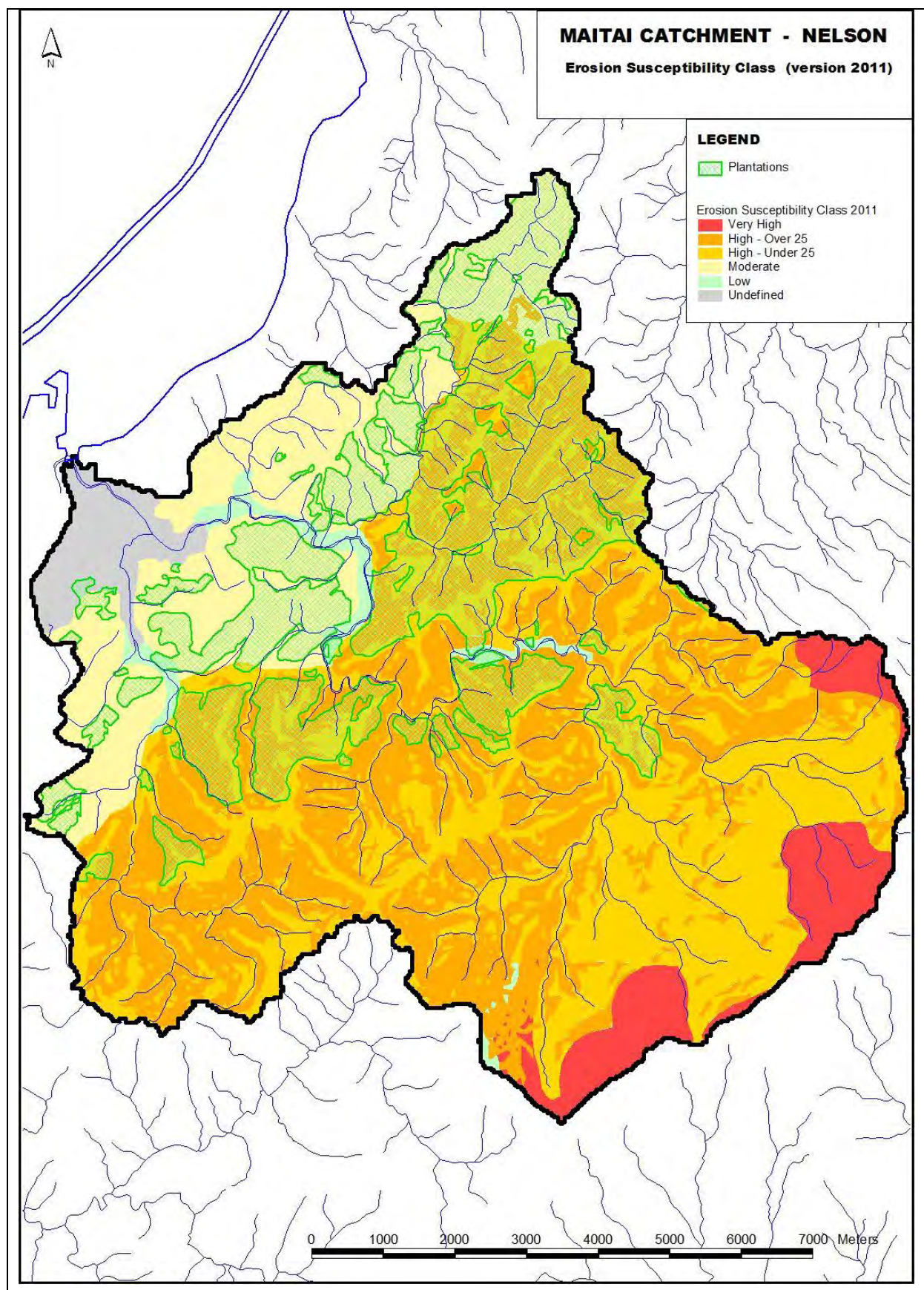
Map 1. Changes in Erosion Susceptibility Classes from the 2011 version to the 2015 version.



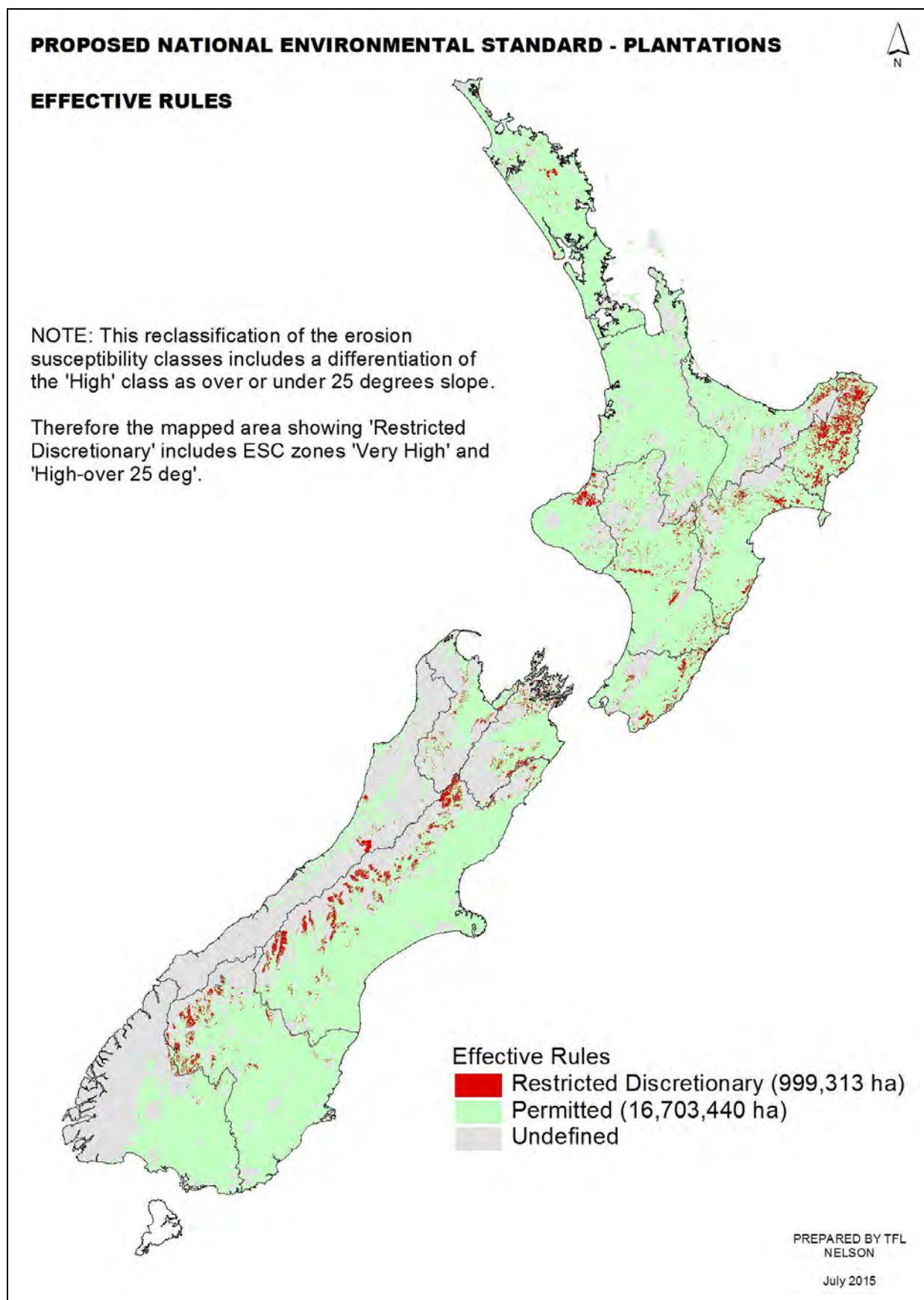
Map 2. Maitai Catchment Erosion Susceptibility Classes based on the ESC version 2015



Map 3. Maitai Catchment Erosion Susceptibility Classes based on the ESC version 2011



Map 4. Effective Rules relating to the NES Erosion Susceptibility Classes (2015 version)



People supporting this submission

Name	Address	Phone	Email address
Roger May			
Malcolm MacKenzie			
Robin Chesterfield			
Linda Grammer			
Joe Hay			
Tom Kennedy			
Geoff Walls			
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Michael Esson			
John Stroh			
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Standing tall together

Managed by Nelson Management Limited



11 August 2015

File Reference NES PF

Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
Wellington 6140

Dear Stuart

Submission on the Proposed National Environmental Standard – Plantation Forestry

Please find attached our submission on the Proposed National Environmental Standard for Plantation Forestry.

Nelson Forests Limited owns and/or manages 78,000 hectares of plantation forest at the top of the South Island. The forests range from large contiguous areas (predominantly in the Tasman District – ex Golden Downs State Forest) to smaller dispersed forests adjacent to State Highway 6 (in the Nelson and Marlborough districts – ex Rai State Forest) and to larger forest holdings in steep country in the Marlborough District (free hold land and ex Wairau State Forest).

While the forests lie within the boundaries of three territorial authorities, we have been working under four sets of resource management plans. These have significantly different rules and requirements for forestry operations in each plan.

Nelson Forests Limited does support the Proposed National Environmental Standard for Plantation Forestry, as it will remove the unwarranted variation of controls between the council plans. We believe that it will result in a greater administrative burden for our business (through the levels of notifications for activities and the provision of harvest, earthworks and quarry management plans to the councils). However, we accept this for the benefit of clarity of rules and greater certainty of outcomes.

To ensure that the National Environmental Standard for Plantation Forestry does deliver benefits to forestry and councils, it is essential to ensure that the rules are clear, aligned and achievable. To this end, the attached submission highlights our support for rules and processes and equally where we object to the provisions.



The objection is generally “in part” and I trust that the commentary provided clarifies our concerns. We also seek to ensure that the definitions for the activities are accurate and that the terminology used throughout the document is not ambiguous. Consistent interpretation and application of the National Environmental Standard for Plantation Forestry will be key to its successful implementation.

We are willing to be contacted to provide any further information or if you wish to seek clarification on any of the matters we have raised.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Heather Arnold', with a stylized, cursive script.

Heather Arnold
Planner – Environment



Proposed National Environmental Standard for Plantation Forestry Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

Heather Arnold

Postal address:

[Redacted]

Phone number:

[Redacted]

Email address:

[Redacted]

Are you submitting on behalf of an organisation? Yes

If yes, which organisation are you submitting on behalf of?

Nelson Forests Limited

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

78,000 hectares



Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

☐ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

Please refer to the attached submission tables
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National Environmental Standard Plantation Forestry – Nelson Forests Limited Submission

Afforestation	Support	Oppose	Relief Sought	page
1.1	Setbacks Setbacks applying to perennial rivers and streams (<i>not ephemeral and intermittent</i>)		Setbacks Retain the setback provisions in relation to perennial streams.	61
1.2	Consent Notification Non notified consents for controlled activity in orange zone		Consent Notification Retain the ability for resource consent applications for controlled activities in the orange zone to be non-notified.	62
1.3		Consent Notification – Controlled Activity No guidance for non-notification for controlled activity in yellow and green zones	Consent Notification – Controlled Activity. Enable resource consent applications for controlled activities in the yellow and green zones to be non-notified. <i>Comment : If orange zone controlled activities do not require notification, it would follow that green and yellow zones should also be non-notified</i>	62

Earthworks	Support	Concern	Relief Sought	page
2.1		Scope The Earthworks scope includes track construction. Tracking can be for various reasons – such as 4 wheel drive access, for harvesting extraction, firebreaks and temporary access. When tracks are associated with harvesting extraction, they are usually installed by the harvesting contractor.	Scope Amend the scope to exclude tracks constructed in association with harvesting by specialist harvesting contractors as this is a separate operation to earthworks tracking. <i>Comment : the definition of tracking may also require amendment. The Notice of Commencement for tracking associated with harvesting (as an earthworks activity) would be impractical to achieve.</i>	63
2.2	Notice of Commencement Councils being able to reduce the period of notification at their discretion.		Notice of Commencement Retain the ability for Councils to reduce the period of notification. <i>Comment : This would allow for reduced notice for emergency type works, such as earthworks required access to windthrow.</i>	63
2.3		Notice of Commencement No ability for Councils to increase the notification of earthworks.	Notice of Commencement Amend to allow councils to increase the notice period at their discretion to 6 months. <i>Comment : Earthworks are ongoing operations with large planning horizons. If the council is agreeable it would be less of an administrative burden to increase the period of notification to allow for ongoing works.</i>	
2.4		Road widening and realignment for safety purposes The requirement for all fill associated with road widening and realignment on slopes > 35° to be endhailed is too prescriptive, and does not give any recognition to risk to slope stability or fresh water impacts.	Road widening and realignment for safety purposes Amend the condition to incorporate an assessment of risk. <i>Comment : It could be reworded (or similar) as: road widening and realignment is on slopes over 35 degrees, fill material must be endhailed if the spoil is likely to enter a waterway or cause slope instability.</i>	64

Earthworks	Support	Concern	Relief Sought	page
2.5		Road widening and realignment for safety purposes The requirement for the removal of no more volume than 5000 m ³ per activity area is arbitrary.	Road widening and realignment for safety purposes Delete the volume limit of 5000 m ³ . <i>Comment : There is no rationale for the limiting of volume to be removed to 5000 m³. The intent of the rule is clear – to increase the safe use of roads. The prescribed volume may have the perverse effect of not achieving the desired result.</i>	64
2.6		Requirement to prepare an erosion & sediment control plan There is no reference to a template for an erosion and sediment control plan template	Requirement to prepare an erosion & sediment control plan Include a template for the Erosion and sediment Control Plan <i>Comment : This is stated on page 69 under the harvesting rules but is not included in the earthworks section.</i>	64
2.7		Requirement to prepare an erosion & sediment control plan The requirement to include indicative locations of erosion and sediment controls is onerous (if not impossible to indicate on maps at the scale that would be appropriate), overly administrative and will not make any material difference to outcomes. Erosion and sediment control placement is best determined at a broad scale (via a suite of options available) and then the use and placement of each particular type determined in the field as the earthworks operation progresses.	Requirement to prepare an erosion & sediment control plan Delete the requirement for indicative locations of erosion & sediment controls in the erosion and sediment control plan. <i>Comment : the measures to be used are a requirement of the rule, therefore available for a Council to consider.</i>	64

Earthworks	Support	Concern	Relief Sought	page
2.8		<p>Fill</p> <p>The requirement for fill material to contain no more than 5% (by volume) of vegetation and wood will exclude the burial of stumps in pockets or benches in landings.</p>	<p>Fill</p> <p>Increase the volume of vegetation and wood to 10% (by volume)</p> <p><u>or</u></p> <p>Exclude stumps from the rule.</p> <p><i>Comment : The burial of stumps associated with landing construction is an accepted forestry practice. It is the safest option to manage stumps and ensures that safety risks associated with stumps can be avoided during subsequent operations.</i></p>	65
2.9		<p>Sediment & storm water control measures</p> <p>The second bullet point states that batter, cuts and side castings must be established by methods that <u>prevent</u> slumping as far as possible. The words “as far as possible” acknowledge that prevention is not absolute, but does not give clear guidance. However, this rule requires a significantly higher level of compliance than that required in the Erosion and Sediment Control Plan, where erosion and sediment control measures are required to “<u>limit</u> slumping of batters, cuts and side castings”. It would be preferable to exchange the word “prevent” with “minimise”</p>	<p>Sediment & storm water control measures</p> <p>Replace the word “prevent” with “minimise” and the words “as far as possible” with “where practicable”.</p> <p><i>Comment : The requirement to “prevent” will result in a resource consent being required for almost all earthworks, regardless of the risk category (green to red). Was this a consideration of the cost benefit analysis?</i></p> <p><i>The relief sought would make the condition consistent with the matters for discretion where “minimise erosion” is required and also the requirements of an erosion and sediment control plan.</i></p>	66
2.10		<p>Sediment & storm water control measures</p> <p>The rationale considers that the specific controls will “prevent” sediment discharge to surface waters and off-site erosion.</p>	<p>Sediment & storm water control measures</p> <p>Amend the rationale to “minimise” rather than “prevent”.</p> <p><i>Comment : This would also make it consistent with the matters for discretion where “minimise erosion” is required.</i></p>	66

Earthworks	Support	Concern	Relief Sought	page
2.11		<p>Design</p> <p>The second bullet point requires benching and compacting of road line fills on slopes > 25°.</p> <p>Benching and compaction are undertaken where there is identified risk. In low risk situations, this requirement is not warranted and can add significant cost to an operation for no environmental gain/protection.</p>	<p>Design</p> <p>Reword the condition to state (or similar): Bench and compact landing fill areas and road line fills on slopes over 25° where there is a risk of slope instability or sediment can enter a waterbody.</p> <p><i>Comment : The condition should apply where there is risk of slope instability or where there is identified risk of sediment from the earthworks being able to enter into a waterbody.</i></p> <p>Delete the word “line”.</p> <p><i>Comment : It is suggested that the intention of the rule is for “roads” as compared to “road lines” (which have a specific forestry meaning).</i></p>	66
2.12	Consent Notification Non notified consents for controlled activity in orange zone		<p>Consent Notification</p> <p>Retain the ability for resource consent applications for controlled activities in the orange zone to be non-notified.</p>	67
2.13		<p>Consent Notification</p> <p>No guidance for non-notification for controlled activity in yellow and green zones.</p>	<p>Consent Notification – Controlled Activity.</p> <p>Enable resource consent applications for controlled activities in the yellow and green zones to be non-notified.</p> <p><i>Comment : If orange zone controlled activities do not require notification, it would follow that green and yellow zones should also be non-notified</i></p>	

Harvesting	Support	Oppose	Relief Sought	page
3.1		Scope The advice note associated with bullet point 4, only discusses edge damage to SNA vegetation. There are significant tracts of indigenous vegetation at forest edges that are not SNA's.	Scope <i>Amend the advice note to state (or similar): "this is intended to include temporary edge damage to indigenous vegetation (including significant natural areas (SNA) (or similar) that is likely to readily recover...."</i> <i>Comment : Refer to page 82 (general rule - vegetation clearance and disturbance) last bullet point for alternate wording</i>	68
3.2	Notice of Commencement Councils being able to reduce the period of notification at their discretion.		Notice of Commencement Retain the ability for Councils to reduce the period of notification. <i>Comment : This would allow for reduced notice for emergency type works, such as extraction of windthrow.</i>	69
3.3		Notice of Commencement No ability for Councils to increase the notification of harvesting.	Notice of Commencement Amend to allow councils to increase the notice period at their discretion to 6 months. <i>Comment : Harvesting is an ongoing operation. If the council is agreeable it would be less of an administrative burden to increase the period of notification to allow for ongoing works.</i>	
3.4		Harvest Planning The sixth bullet point requires material amendments to the harvest plan to be documented and made available to the council. However, there is no guidance as to what would be considered to be "material amendments".	Harvest Planning Amend the sixth bullet point to include examples of what would be a material amendment (as an example refer to page 64 – Requirement to prepare an erosion and sediment control plan bullet point 3); <u>Or</u> Define material amendment in the glossary.	

Harvesting	Support	Oppose	Relief Sought	page
3.5		Harvest Planning The harvest plan is required to include an assessment of risks relating to (amongst other stated matters) indigenous vegetation. There can be a wide variety of “types” of indigenous vegetation in any plantation forest. The jewels are the Significant Natural Areas.	Harvest Planning Amend the first bullet point stating what must be included in a harvest plan, to an assessment of risk to “significant natural areas of indigenous vegetation”.	
3.6		Ground disturbance outside riparian zones The second bullet point requires the “prevention” of the movement of sediment into any water body... The preamble to the condition requires actions to “minimise” the discharge of sediment. The two concepts are incompatible.	Ground disturbance outside riparian zones Replace the word “prevent” with “minimise”.	69
3.7	Riparian disturbance It is important to retain the recognition of safety and practicality in the condition for harvesting.		Riparian disturbance Retain all provisions with regards to safety.	70

Mechanical Land Preparation	Support	Oppose	Relief Sought	page
4.1		Scope The scope of mechanical land preparation is not clear. Slash raking (mechanical raking) is a recognised mechanical land preparation technique. The rules appear to apply to active soil disturbance mechanical land preparation techniques as compared to the simple moving of slash into windrows (slash raking/mechanical raking).	Scope Amend the scope to state (or similar): Mechanical raking is not considered a mechanical land preparation for the purposes of this rule”. <i>Comment : the definition of mechanical land preparation should also include the exclusion of slash raking (mechanical raking).</i> <i>The scope and definition not excluding slash raking (mechanical raking) appears to be an oversight and should be amended for clarity of plan use.</i>	72
4.2		Methods The first bullet point requires sediment runoff to waterways to be “prevented” to “waterways”.	Methods Amend the first bullet point to provide run-off control measures to “minimise” sediment run-off to “water bodies”. <i>Comment : The requirement to minimise sediment inputs to waterbodies is embodied in the rationale for this condition.</i>	72
4.3		Methods The introduction requires mechanical land preparation to be parallel to the contour where practical.	Methods Amend the condition introduction to state (or similar): “Mechanical land preparation must be carried out parallel to the contour, where practical and safe (except roller crushing and downhill ripping)”. <i>Comment : It is important that there is recognition of “safety” as well as practicality in the condition for mechanical land preparation – methods. This is consistent with the intent of the NES in other sections (eg. harvesting p 70).</i>	72

Pruning & thinning to waste	Support	Oppose	Relief Sought	page
5.1	Slash It is important to retain the recognition of safety and practicality in the condition for slash removal.		Slash Retain the recognition of safety and practicality in the condition for slash removal.	74
5.2	Slash – Rationale The rationale gives clear guidance as to the level of flood flow for planning and required actions (up to a 10 year return period).		Slash – Rationale Retain the clear guidance as to the level of flood flow for planning and required actions (up to a 10 year return period).	74
5.3		Consent Notification – Controlled Activity No guidance for non-notification for controlled activity.	Enable resource consent applications for controlled activities in all zones to be non-notified. <i>Comment: As a controlled activity it would be appropriate that any consent should be non-notified (this aligns with other rules in the NES – PF).</i>	74

Forest Quarrying	Support	Oppose	Relief Sought	page
6.1		Scope The scope of a forestry quarry is too encompassing. A forestry quarry should be defined as an area where rock, sand or gravel (for forestry purposes) are extracted, processed and aggregate is stockpiled.	Scope Amend the scope of a forestry quarry to be an area where rock, sand or gravel (for forestry purposes) are extracted, processed and aggregate is stockpiled. <i>Comment : The definition of forestry quarry will also need to be amended.</i>	
6.2		Notice of Commencement No ability for Councils being able to reduce the period of notification at their discretion	Notice of Commencement Amend to allow councils to decrease the notice period at their discretion. <i>Comment : This would allow for reduced notice for emergency type works, such repair works to infrastructure post storm damage.</i>	75
6.3		Notice of Commencement No ability for Councils to increase the notification of forestry quarrying.	Notice of Commencement Amend to allow councils to increase the notice period at their discretion to 6 months. <i>Comment : Quarrying can be an ongoing operation. If the council is agreeable it would be less of an administrative burden to increase the period of notification to allow for ongoing works.</i>	75
6.4		Visibility The limit to the volume of material for a permitted activity (5000 m ³ / 5 year period) would not warrant the setting up or operation of a quarry. Quarries are commonly visible in rural areas and are part of a working rural environment.	Visibility Amend the condition to include the preamble (or similar): "unless written approval has been obtained from the owner and/or occupier:" <i>Comment : The rationale states that the rule is to manage effects on neighbouring properties by limiting the magnitude of the quarry operation. If written approval from the affected party was obtained, then this should allow for the exceedance as a permitted activity.</i>	75

Forest Quarrying	Support	Oppose	Relief Sought	page
6.5		<p>District rule</p> <p>There is a condition that states: “material must not be transported off the property on public roads”. The rationale for this condition is that any material quarried from a forest quarry must only be used for a forestry related purpose, and that it is intended that councils continue to regulate general purpose quarries.</p> <p>It is unclear why this would be a matter for discretion when the Scope of the rule states that the rules do not address vehicle issues (p 73).</p> <p>This rule would be suitable for large contiguous forests, however, it penalises small/disjoint forest owners as not all forests have suitable material for roads and there is the need to cart material from one forest to another.</p>	<p>District Rule – material transported off the property on public roads</p> <p>In order of preference:</p> <p>Delete the rule (as it is out of scope),</p> <p><u>Or</u></p> <p>Reword the rule as follows (or similar): “Forest quarry material shall only be used for forestry related purposes within a forest (eg. Access roads, river crossings, rock protection works).”</p> <p><i>Comment : the intent of the rule (as described in the rationale) can be achieved by the proposed amendments.</i></p>	76
6.6		<p>Quarry Management Plan</p> <p>The scope of the quarry management plan requires (bullet point 2.2) “methods to prevent slumping of batters, cuts and side castings”.</p>	<p>Quarry Management Plan</p> <p>Amend the bullet point by replacing “prevent” with “minimise”.</p> <p><i>Comment : this would be consistent with the intent of the NES, and the earthworks requirement for a similar condition (p 66).</i></p>	76
6.7		<p>Matters to which discretion is reserved</p> <p>The final bullet point states “effects on traffic and roading infrastructure”.</p> <p>It is unclear why this would be a matter for discretion when the Scope of the rule states that the rules do not address vehicle issues (p 73).</p>	<p>Matters to which discretion is reserved</p> <p>Delete the final bullet point.</p> <p><i>Comment : vehicle issues are out of scope.</i></p>	78

Replanting	Support	Oppose	Relief Sought	page
7.1	Matters to which control is reserved There is clear guidance that the consent must only apply to the area that could not be planted as a permitted activity.		Matters to which control is reserved Retain the guidance as to the extent of a consent.	
7.2		Consent Notification – Controlled Activity No guidance for non-notification for controlled activities.	Enable resource consent applications for controlled activities in all zones to be non-notified. <i>Comment: As a controlled activity it would be appropriate that any consent should be non-notified (this aligns with other rules in the NES – PF).</i>	

General Conditions	Support	Oppose	Relief Sought	page
8.1	Vegetation clearance & disturbance The clear condition with regards to indigenous vegetation damage, destruction or removal should be retained, along with the advice note with regards to SNA mapping errors.		Vegetation clearance & disturbance Retain this condition.	82
8.2		Dust The dust provisions are inappropriate when Councils do not require the same standards for the use of public roads. This is a blunt condition that does not give any recognition to forests being present before other land uses or dwellings were built.	Dust Amend the condition to require (or similar) that: nuisance dust resulting from activities which may leave the property is minimised or mitigated where practicable.	
8.3	Noise The exemptions are an important consideration for a working rural environment and should be retained.		Noise Retain the exemptions.	82
8.4	Spatial bundling The concept of spatial bundling is supported.	Spatial bundling The previous version of the NES PF had the limits of: <ul style="list-style-type: none"> • Combined length of road 150 m • Less than the smaller of 5 ha or 15% of the total activity area The current version has: <ul style="list-style-type: none"> • Any discrete section of road 50 m • Less than the smaller of 2 ha or 10% of the total activity area There is a significant difference between the former and current provisions.	Spatial bundling Retain the provisions for spatial bundling. Delete the restriction on the length of road. <i>Comment : the earthworks provision provide clear standards or the need for consent where those standards cannot be met for roading. This should be sufficient to safeguard environmental values when spatial bundling is considered.</i>	83

General Conditions	Support	Oppose	Relief Sought	page
8.5	Fish spawning 2. Allows for the partial suspension of logs being hauled over streams less than 3 m wide, and there is associated rationale.		Fish spawning <i>Retain this exemption.</i> <i>Comment : it is a practical allowance for small water bodies.</i>	84
8.6	Slash traps This condition allows for the construction, placement and use of slash traps.		Slash traps <i>Retain this practical mitigation to minimise the impact of slash.</i>	85

River Crossings	Support	Oppose	Relief Sought	page
9.1		Objective, Scope, Risk It is not clear from the objective, scope or risk discussion if the rules apply to all rivers or perennial streams/waterbodies only. The objective is for river-crossing controls to manage the risks identified. The scope defaults to the wide definition of river, and the risk section identifies risks to perennial waterbodies, not all rivers.	Objective, Scope, Risk Amend these sections to clarify that the river crossing rule applies to perennial water bodies only. <i>Comment : this would appear to be the intent of this section, but the omission of clarity with regards to the type of waterbody does not provide certainty.</i>	86
9.2	Notice of Commencement The ability for a council to waive or reduce the period of notification at their discretion.		Notice of Commencement Retain the Notice of Commencement provisions. <i>Comment: This would allow for reduced notice for emergency type works, or where crossings are known to have minimal environmental impact and also allow for notification for planned crossings.</i>	86
9.3		Fish passage Temporary crossings do not need to provide for fish passage.	Fish passage Amend the condition so that temporary crossings also provide for fish passage. <i>Comment: The rationale for this rule does not provide a reason for temporary crossings being exempt to the fish passage rule. This appears to be an anomaly. Log bridges must have a pipe in them (p 88)</i>	87
9.4		Single culverts – specific conditions Condition 3 states that the minimum culvert diameter is 450 mm. This culvert size is larger than is currently used successfully by our company. Our standard is 400 mm which can be easily transported and carried, can be cleaned out with a shovel and are not as expensive as 450 mm culverts. Engineering calculations are used to determine if larger diameter culverts are required.	Single culverts – specific conditions Replace “450” with “400”. <i>Comment : there is no apparent justification for the larger diameter pipe of 450 mm. The condition could be further amended to allow for smaller diameter pipes where there are engineering calculations to support their use.</i>	

River Crossings	Support	Oppose	Relief Sought	page
9.5		Single culverts – specific conditions Condition 8 states that the fill is to be compacted in 200 mm layers. This is prescriptive and would be better placed in an environmental code of practice.	Single culverts – specific conditions Delete the second sentence of 8 (the fill is constructed using successively compacted layers each up to 200 mm loose depth and compacted).	88
9.6		Bridges – specific conditions Condition 2.b requires that temporary bridges are removed within 2 years of construction. There is no justification for the removal of a temporary bridge within 2 years of construction. Building consents will still be required for bridges which consider structural integrity. Temporary bridges are used extensively in our forests with the majority being required for greater than two years.	Bridges – specific conditions In order of preference: Delete 2.b (removed within two years of construction), <u>Or</u> Replace “two years” with “5 years”.	89

Glossary	Support	Oppose	Relief Sought	page
10.1		Glossary – cable hauling The glossary describes this as: “The most common method for extracting felled trees on steep terrain in NZ. It involves hauling felled trees up to the work site with cables”. Cable hauling also can be undertaken using a downhill pattern of work.	Glossary – cable hauling Amend the definition to be: “The most common method for extracting felled trees on steep terrain in NZ. It involves hauling felled trees to the work site with cables”. (ie delete the word “up”)	46
10.2		Glossary – corduroy The glossary describes this as: “the laying of whole trees or logs close together to provide a stable base for machinery passing to or from a road subgrade.....” Corduroy is also used to provide stability in landings. Amend the definition accordingly.	Glossary – corduroy Amend the definition of corduroy to include its use in landings.	47
10.3		Glossary – culvert The glossary describes this as: “A round or box structure that conveys a water flow under a road, track or other stream or river crossing”. The definition is not clear.	Glossary – culvert Amend the definition to read (or similar): “A round or box structure that conveys a water flow in a waterbody under built infrastructure (eg. a road or track).	47
10.4		Glossary – Forest quarrying The glossary describes this as: “The extraction and processing of rock, sand or gravel for the formation and maintenance of forest roads”. Quarried material can also be used for landings and river protection works, instream works, culvert protection, rip-rap etc. The storage of material or stockpiling is also an important component of a forestry quarry.	Glossary – Forest quarrying Amend the definition to include other in-forest uses as well as the associated activities of storage/stockpiling.	48

Glossary	Support	Oppose	Relief Sought	page
10.5		Glossary – Maintenance & upgrade of existing earthworks The glossary describes this as: “Includes activities to maintain and upgrade existing landings, minor reshaping or existing forest roads, clearing of water tables and installation of water controls and road metalling. Upgrade does not include road widening or realignment”. It would be useful to include “tracks” as well as “roads” in this definition.	Glossary – Maintenance & upgrade of existing earthworks Amend the definition to include “tracks”.	49
10.6		Glossary – Mechanical land Preparation The listed methods of mechanical land preparation all involve a level of soil disturbance greater than slash raking. For completeness and clarity of the NES PF, a note about slash raking/mechanical raking of slash into windrows (an accepted mechanical land preparation technique) being excluded from the definition should be added.	Glossary – Mechanical land Preparation Amend the definition to state (or similar) : Discing, mounding and spot mounding, contour and downhill ripping and roller crushing (without tracking), and other cultivation of the land and associated removal of vegetation. Mechanical land preparation does not include slash raking/mechanical raking. V-blading involving soil disturbance will be considered under earthworks rules. Note mechanical land preparation is not included in the definition of earthworks.	49
		Glossary – River crossing The glossary describes this as: “Temporary or permanent culverts, battery culverts (also known as vented fords or dry fords overtopped during floods) and bridges.” <i>The definition does not capture the other types of structures that are provided for as river crossings in the NES PF. Drift decks and fords must be included in the definition. Similarly it does not distinguish between culverts used for road drainage as compared to river crossing culverts.</i>	Glossary – River crossing Amend the definition to state (or similar): Temporary or permanent culverts, battery culverts (also known as vented fords or dry fords overtopped during floods), drift decks, fords and bridges. Road drainage culverts are not included as river crossings.	51

Other	Support	Oppose	Relief Sought	
11.1		Notification There is inconsistency in the NES PF with regards to notification of resource consent applications across the activity groups.	Notification All resource consent applications for controlled activities and restricted discretionary activities should be non-notified.	
11.2		General - Discretionary Activities There is no justification for activities that cannot meet the permitted activity conditions to then default to full discretionary activities. These activities are: <ul style="list-style-type: none"> • Archaeological sites • Fish spawning • Fuel • Slash traps • Indigenous vegetation disturbance. Should the council wish to retain control over the activity, this can be done through either a controlled or a restricted discretionary consent process.	General - Discretionary Activities Change the activity level for discretionary activities to (in order of preference): Controlled activity <u>Or</u> Limited discretionary activity.	



Proposed National Environmental Standard for Plantation Forestry Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

Jackie Egan

Postal address:

Phone number:

Email address:

Are you submitting on behalf of an organisation? Yes [✓] No []

If yes, which organisation are you submitting on behalf of?

NZ Forest Managers Ltd

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

Approximately 60,000 ha



Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

☐ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

Yes, the problem facing plantation forestry is accurately described.

NZ Forest Managers Ltd (NZFM) operates within 12 Districts and 5 Regions in the North Island and each Regional/District Plan has different rules for forestry. This has meant that come Plan review time, NZFM has been involved in the mediation of rules to manage the same concern multiple times. Each mediation results in a different outcome in terms of the final rule/s but the same environmental outcome is achieved.

We also have examples of local government boundaries located within plantation forests. In these circumstances, multiple sets of rules are met even though the way the forest is managed (as a whole under the same Environmental Management System) does not change.



The environmental outcomes are the same forest-wide but the time spent on the administrative management of local government regulations is disproportional to this outcome.

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

Yes, as they are currently proposed the conditions for permitted activities will manage the adverse environmental effects of plantation forestry well.

What will be important is the guidance notes and templates for documents required under the conditions, e.g. the Harvest Plan and Erosion and Sediment Control Plan. These documents must be very clear as to what is required and provide appropriate guidance to ensure that all the required details are considered and captured by those using the Regional/District Plan.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

The rules as proposed are clear and enforceable. The intent of each rule is obvious to the reader. NZFM recognises however, that there may be some amendment to the wording of the rules following legal drafting

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

NZFM supports the matters outlined in Table 2 and Table 4 of Appendix 3.

In particular, NZFM supports the additional information provided for the avoidance of doubt in Table 4 for Significant Natural Areas. The information provided gives clarity to this matter.

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator)



appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

The assessment tools have been well thought through and will provide a good platform from which to make decisions regarding plantation forestry activities.

The additional mapping that has been completed and subsequent amendments to the Erosion Susceptibility Classification is appreciated as this made important changes to the classification of land in the forests around Lake Taupo. In certain situations, like that for Lake Taupo Forest, where base mapping may be incorrect due to characteristics that sit outside the model, it will be important that the ability to request re-mapping is available to forest owners/managers and Councils.

It will also be important that the assessment tools are updated as required and continue to be easily accessible. The current interactive maps are excellent.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

In general, NZFM supports the draft rules as proposed. The activity status (permitted, controlled, restricted discretionary) is appropriate for each forestry activity.

Earthworks:

The earthworks provisions require an Erosion and Sediment Control Plan to be prepared and made available to Council on request at least 20 days prior to operations starting. There will be limited situations where the 20 days notice period may not be able to be met, such as following a significant windthrow event. In these situations forest owners/managers will want to move harvesting crews into the area as soon as practicable to salvage the available logs, which may require the construction of roads and/or tracks. Although there is likely to be a low number of these situations, the NES-PF should provide for them.

7. Is the NES-PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

NZFM considers the NES-PF the best option to meet the assessment criteria, particularly the first order assessment criteria. Councils may require additional support in the implementation of the NES-PF to ensure that it is implemented consistently across the Country and resourced appropriately.



8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

NZFM appreciates the difficulty in allocating a financial value to an environmental benefit/cost. A lot of work has been put into the cost-benefit analysis, including extensive stakeholder consultation. The costs and benefits of the NES-PF have been appropriately identified in the consultation document.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

From expressions voiced at public meetings, NZFM is concerned that the resourcing of Regional/District Councils could potentially affect the implementation of the NES-PF. As mentioned above, it will be important that the NES-PF is implemented consistently throughout the country. Central Government will need to provide adequate support and guidance in order to ensure successful implementation.

Likewise it will be important that the NES-PF itself provides adequate guidance and information for forest owners/managers so that the requirements of compliance with the document are clearly understood. This will be particularly important for small forest owners.

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

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11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

Yes, the NES-PF will support regional councils to implement the NPS-FM.

There may be instances however where more stringent controls may be put in place for forestry in particular areas where freshwater values have been identified as significantly important.



12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

As mentioned previously, guidance material is going to be very important to accompany the NES-PF. The list of implementation material in 7.2 on Page 45 of the consultation document is thorough.

There are a number of forestry forums/groups around the country that are run by Councils (generally Regional) and aim to engage with forestry representatives periodically to discuss issues or share information relevant to the forest industry in that particular region. It may be helpful for MPI/MFE to attend and introduce the NES-PF at these forums during the implementation phase to discuss the expectations/requirements for compliance. Having the Council staff and forestry representatives together will enable constructive discussion and ensure that the expectations of compliance (from NES/Central Government) are clearly identified so that all parties are aware of the standard required.

13. Are there any other issues that you would like to raise?

NZFM heard very strong opinions voiced at public meetings regarding the use of genetically modified organisms (GMO). A lot of the points raised regarding GMO at the public meeting NZFM attended were not relevant to the NES-PF consultation document. In regards to the 'Genetically modified tree stock' condition on Page 64 of the consultation document, NZFM supports the condition and submits that the Environmental Protection Authority (EPA) should have sole decision-making power over the deployment and use of genetically modified organisms in NZ.



SUBMISSION ON THE PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

New Zealand Forest Owners Association Inc



www.nzfoa.org.nz

7 August 2015



Background

1. The New Zealand Forest Owners Association (FOA) is the representative membership body for the commercial plantation forest growing industry.
2. FOA members are responsible for the management of approximately 1.2 million hectares of New Zealand's plantation forests and over 80% of the annual harvest.
3. FOA is submitting on behalf of its membership.

Submission

After careful consideration of the document, the FOA:

4. Supports the objectives behind the National Environmental Standard (NES) and considers the issues facing plantation forestry are accurately described by the document.
5. Considers the conditions for permitted activities will manage the environmental effects well, but notes that there will be a need to ensure that the forest planning documents are fit-for-purpose and monitored.
6. Considers the rules to be unambiguous and well written. The FOA believes the rules should be easily enforceable, providing there is adequate resource available to councils for the completion of audits and/or monitoring.
7. Believes the matters where councils retain local decision-making are generally appropriate, however disagrees with the permitted activity status granted to afforestation in Land Overlay 3A within the Gisborne area. These concerns are also extended to other MPI Regional scale (Red Zone) target land and land that is included in a recognised Regional Council erosion management scheme (as per page 60 of the consultation document). It is the position of the FOA that councils should have the right to refuse consents to afforest very high-risk terrain, or to limit the afforestation of such terrain to plantation species that are more suitable for low intensity harvesting methods (as defined in the NES). It is recommended that all such land should be scrutinised as suitable for radiata or other species intended for clear fell, via a consenting process.



8. Believes the environmental risk assessment tools should provide an adequate base for informed decision-making for councils. However, FOA notes the tools will need to be easily accessible, as well as regularly updated to remain fit-for-purpose. There may also need to be work completed with councils to ensure that these tools are easily able to be used, interpreted and applied in real time.
9. Considers that the draft rules are consistent and fair, with the exception of the permitted activity status granted to afforestation as addressed in point 7 above.
10. Considers the NES is the best option to meet the assessment criteria as detailed in the consultation document.
11. Notes there may be a period during implementation where support and guidance will be necessary for both councils and forest owners. Councils will require guidance to ensure that the NES is effectively and easily implemented, as well as to ensure that the tools and information provided are user friendly. FOA acknowledges that some councils may face additional costs and resourcing pressures, particularly during phase-in, but notes this should be manageable provided there is adequate support and guidance from central government
12. Notes there is a potential risk that during legal drafting the intent of a process, rule or tool may be lost or its stringency significantly altered. While FOA considers this risk to be low, it suggests there may be a need to provide reassurance and/or assistance to councils and forest owners to ensure the integrity of the agreed NES is maintained. There may also be a need to establish a review date of the legal draft for involved stakeholders.
13. Considers that the NES will likely assist in the implementation of the National Policy Statement for Fresh Water Management (NPS-FW) to an extent; however it should be noted that as the NPS-FW is a community-engagement process, there may be more stringent controls placed on forestry in areas that have been identified by councils and communities as needing additional management.
14. Supports the Environment Protection Authority (EPA) having sole decision-making power over the introduction and use of genetically modified organisms. The FOA does not consider the intent of this clause to avoid community and wider stakeholder input to the decision, but rather acknowledges the importance of this decision to New Zealand on a national level. FOA considers that central government is best placed to assess the introduction and use of genetically modified organisms and should weigh up all considerations when doing so.



15. Recommends bullet point two under *Ground disturbance outside riparian margins* found on page 69 of the document (within the permitted activities of harvesting) is altered to read:

All disturbed soil must be stabilised or contained so as to minimise the risk of sediment entering into any water body or coastal water resulting in...the sedimentation of the bed of any surface water body.

Or alternatively:

All disturbed soil must be stabilised or contained, with measures in place to prevent the movement of sediment into any water body or coastal water resulting in...the sedimentation of the bed of any surface water body.

Thank you for the opportunity to submit on this matter.

Yours sincerely



Bridia Jenkins
Analyst
On behalf of the Forest Owners Association



SUBMISSION ON

PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

SUBMITTER'S DETAILS

Brett Gilmore
Environmental and Technical Advisor
Pan Pac Forest Products Limited



Pan Pac is a fully integrated Hawke's Bay based forest products company that recently purchased a sawmilling facility in Otago. Its parent company, Oji, has other substantial NZ investments including Carter Holt Harvey pulp and paper business.

Pan Pac has about 35,000 hectares in plantation forests, a large pulp and lumber processing facility, and annually processes approximately 1.6 million tonnes of logs. These are sourced from mostly within the region; however, logs do come from the Central North Island and the Wairarapa. Pan Pac is one of the largest employers in Hawke's Bay and a major contributor to the regional economy. Pan Pac is one of the largest customers of the Port of Napier.

PAN PAC'S BROADER VIEW OF THE NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY (NES)

1. Pan Pac has strongly opposed the proposed NES in the past. This view has softened to weakly supportive, with caveats (see details laid out in the tables below).
2. Pan Pac recognises that an NES will help provide stability in policy. For a sector that relies on a minimum 28 year crop, it is hard to commit when between plant date and harvest there is 10 government election cycles and 10 local body ones across multiple councils!
3. Pan Pac's forestry operations fall entirely within Hawke's Bay so we do not have the same legislative induced operational challenges as some other companies that span multiple regions. Therefore the global benefit of an NES to Pan Pac is minimal.
4. Pan Pac is doubtful, at least in the short-term in Hawke's Bay, if an NES will improve practise and give the environment a better outcome or if the benefit would be greater than the cost of administering the process. There are only a few major forestry players and currently forestry is a permitted activity in most instances. However, around 2018 when the region begins to significantly increase its harvest clear rules would assist in ensuring there was a "level playing field". This would help eliminate cowboy operators, with no long term aspirations, from entering the region and undertaking operations that do not meet the NES's baseline standards without legislative consequences. The current permitted status for forestry would make it more difficult to control rogue operators. This would create a very inefficient regulatory environment.

5. Pan Pac feels the NES will not get more trees in the ground in Hawke's Bay. The Hawke's Bay Regional Council has indicated that there is about 300,000ha of land that is severely erosion prone. The NES will create a perverse outcome where landowners may avoid forestry, even though it is the option with least environmental impact, because the forestry rules will be significantly more demanding than their existing land uses, like dry stock farming.
6. Pan Pac however recognises that forestry's social licence to operate is being challenged. The NES in Hawke's Bay will provide additional measures, than those in the current Council plans, to assist companies/managers demonstrate that for the more challenging areas appropriate measure were undertaken especially at harvest.
7. Although not specifically affecting Pan Pac, overlay 3A should not be separated out as a permitted activity status. The very nature of this country makes it some of the highest risk in NZ and therefore should pass council scrutiny.
8. Pan Pac feels there needs to be more work on definitions. Pan Pac suggests getting an industry expert to assist the NES development team. There appears to be some missing or some that need tightening up. Some have been mentioned below. They would include: riparian zone, water body, water course, track, quarry, bridge, cable logging, corduroy, culvert, mechanical land preparation etc.
9. Pan Pac's recognises that the "devil is in the detail" and we feel there are still many areas of concern.

DETAILED SUBMISSION

The first section covers themes that are common to different sections.

Pan Pac Opposes References with "Prevent" in Earthworks, Harvesting, Mechanical Land Preparation, Forest Quarrying and River Crossings

Section	Subsection	Page
Earthworks	Sediment and stormwater control measures	68
Harvesting	Harvest Planning	71
Harvesting	Slash and debris management	72
Mechanical Land Prep	Methods	74
Forest Quarrying	Quarry management plan	78
River crossings	Erosion and sediment discharge from use	90

1. Pan Pac recognises that legislation requires that an NES cannot have an activity with a permitted status if it has significant adverse effects on the environment. Resource consent is required.
2. Pan Pac can try to manage, reduce, minimise, mitigate, control or restrict but "prevent" is often unobtainable for a multitude of reasons.
3. With the present wording, Pan Pac would need consent for most activities we do.

Relief sought

Change reference from "prevent" to "minimise" in all sections above, or alternatively, wording that recognises the importance but isn't as absolute.

Pan Pac SUPPORTS IN PARTS or OPPOSES References to Timelines

Section	Subsection	Page
Earthworks	Notice of commencement	65
Harvesting	Notice of commencement	71
Forest Quarrying	Notice of commencement	77

1. Pan Pac recognises that council requires advance notice of operations. In earthworks and harvesting sections there is discretion by council to make it less than 20 days. However, this option is not available for forest quarrying.
2. Pan Pac also recognises that councils do not want operational plans in the above sections that are submitted well into the future. However, the current 60 days is limiting especially where operations can be undertaken all year round.
3. Harvest tracking is currently defined as an earthworks activity. Often forestry tracks are put in at the operator's discretion during the job and typically have a low level of disturbance compared with other earthworks activities.

Relief sought

1. Remove harvesting track construction as an earthworks activity
2. Add to forest quarrying wording similar to the other sections like "reduce at their discretion".
3. Extend the 60 day maximum to 6 months for all three sections.

Interpretation of Standards within the NES

1. Pan Pac is concerned around interpretation of standards. The NES refers to many things that will currently be left to individual councils to determine what is acceptable. For example, what exactly does an Erosion and Sediment Control Plan look like?
2. Pan Pac feels this is neither good for forestry companies or councils.

Relief sought

1. The NZFOA must review the NZFOA Environmental Code of Practice (ECOP). This will likely involve a major rewrite so those doing the work will clearly understand what the expectations are. The review may produce something like the recent NZFOA roading publications which has assisted in developing a roading baseline.
2. The NES needs to make reference to the ECOP. Pan Pac understands that this is a "chicken and egg situation, however, it is essential for councils and companies to work together and develop it, similar to what was done with the roading manual.

Implications of the NES on Health and Safety

1. There is little direct wording relating to health and safety (H&S). This is a concern. Tasks need to always be undertaken in a safe manner.
2. There needs to be more considerations of the impact of the NES on H & S. For example, mechanical land preparation carried out parallel to the contour (P.74) especially on steeper slopes is dangerous. It would be unfortunate if an operator that originally said the work could be done parallel got into a situation where they felt pressure to complete the job because resource consent was not sought.

Relief Sought

1. "Where practical" should be defined and include an explicit health and safety component.

Pan Pac SUPPORTS the Erosion Susceptibility Classification (ESC) Approach

1. The ESC is much improved on the previous version. It better reflects risk on the Pan Pac estate.
2. Issues around the ESC tool especially concerning scale and detail can be addressed. It is probably up to both land owner/manager and the Council to identify problems and work through them. Companies are acutely interested in mitigating risk, and the ESC tool along with other technology can help identify areas of concern. So companies, like ours, have already undertaken work from experts in this field to help map problem areas out. The Councils also typically know where the problem areas lay in their regions so can further assess these if needed.

Earthworks

Page	Support/ Oppose	Comment	Suggested Change
Throughout document	Clarification	There appears to be many interchangeable words around waterways, water bodies, water course etc	Define these words or make more consistent.
66 (and elsewhere)	Clarification	The definition of "track" is not defined. The "tracking" definition is not explicit. Tracks are often used for more than temporary access e.g. fire breaks and light vehicle access into forest areas.	Distinguish between harvest tracking and more general forest protection and access tracking.
66	Oppose	Indicative locations of water control measures seems far to detailed. On a 1:10,000 scale map, with water bars or cut-offs located at 10m intervals, this would mean they would be drawn 1mm apart! Better to keep it broader like meeting BEP's. Also location is often best determined during construction.	Remove "indicative location".
66		It would be useful to have an example of an ESCP	Either have an example appended to the document or

			better have an example as part of the revised ECOP.
66	Oppose	The end haul slope provision of 35 degrees is overly prescriptive especially as there is no mention of risk to waterways.	Add something like “if spoil may enter a waterway or cause instability”
66	Oppose	What is the reasoning behind 5000m3 as the maximum volume for end hauling? It seems like a negotiated number rather than one that has any technical rationale for being there.	Remove 5000m3 unless there is a good reason to have it there.
67	Oppose	Spoil may be taken outside of the production area because the most appropriate dump site is there. Close is best for economics, but economics is just a single factor in determining location.	Remove this bullet point.
68	Oppose	It is not useful in the design section to have a broad brush approach to benching and compaction (25% condition). Benching and compaction is done for a reason – engineering and risk mitigation. In low risk locations due to material type or other reason, the 25% rule is unfounded.	Add in at the end of the bullet point something like “where there may be a risk of earthworks failure”.

Harvesting

Page	Support/ Oppose	Comment	Suggested Change
70	Clarification	I am unsure why there is a 75% canopy closure threshold for low intensity harvesting. How do you measure it effectively? Are you meaning production thinning and continuous cover forestry?	Change the wording to what people can understand. If production thinning or continuous forestry is what you meant then change it to these.
71	Clarification	Prescribed template is discussed in the harvest plan section but there is no template. This should be part of the ECOP revision and can be updated. Also there is no requirement around who can prepare a harvest plan.	Refer to the ECOP. Set minimum standards for who can prepare a harvest plan especially in orange and red zones.
71	Oppose	Commenting on all indigenous vegetation within a harvest plan seems excessive and will gain little or no field value.	Add in “significant” in front of vegetation.
72	Oppose	Under riparian disturbance, full suspension is difficult to achieve in all but ideal settings. This condition will do two things. Create more consents, or create extra roading, through split logging the stream, so consents don’t need to be sought.	Consider further the implications of this rule.

Mechanical Land Preparation

Page	Support/ Oppose	Comment	Suggested Change
74	Oppose	Parallel slash raking can be dangerous and at present safety concerns are only implicated within the “where practical”.	Specifically mention safety by adding “where <u>safe</u> and practical”

Forest Quarrying

Page	Support/ Oppose	Comment	Suggested Change
	Comment	The NES will need to consider the new rules around managing quarries in the Quarry Management section	
77	Clarification	The definition of a quarry is not clear. Does this include methods used to extract metal in-situ when constructing a road e.g. borrow pits, widening cut banks where metal exists. Quarries need to process and stockpile aggregate.	Define the term quarry or add additional information on P.77.
77	Clarification on “visible”	Visible is not defined. For example, how visible and using what to see it, the naked eye or a telescope?	Clarify the text.
77	Oppose	Quarries are commonly visible in rural areas. Many of Pan Pac’s existing quarries have been operating for decades in visible locations. Many forestry quarries are small and low intensity and were established before the houses arrived (reverse sensitivity).	5,000m3 over 5 years is a small volume. A consideration would be to restrict the quarry activity to 30 days per year unless
78	Oppose	In the district rules for fill and spoil, Pan Pac has concern around the restriction of material not being able to be transported off the forest. Many of Pan Pac’s forests are in small blocks and it is routine that metal is transport off one property and then back on another part of the forest.	Add to the condition “or only where the material is needed to be carted off the property to access part of the forest.”
78	Oppose	Pan Pac is unsure why a 20m setback is required for a quarry. The key consideration rather than distance is whether there is a risk to the waterway. These considerations are within the quarry management plan.	Make the offsets the same as earthworks.
78	Oppose	In the restoration section, Pan Pac is unsure of what “deactivate” means. Also we are concerned around “restored”. Quarries often have cyclical lives depending on where the current harvest is. The expectations around “restored” probably need tempering to mitigating safety and environmental risks.	Suggest using “not used” instead of “deactivated” and using “left in a safe and environmentally stable state”.

Spatial Bundling

Pan Pac supports spatial bundling, however, the provisions currently seem overly restrictive and limiting.

Relief sought

Increase the discrete section from 50m to unlimited.



Proposed National Environmental Standard for Plantation Forestry Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
- the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

C R Richards

Postal address:

s 9(2)(a)

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

Are you submitting on behalf of an organisation? Yes [y] No []

If yes, which organisation are you submitting on behalf of?

PF Olsen Ltd

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

183,000ha - disaggregated private forests from less than 10ha to larger than 1000ha blocks



Privacy Act 1993

Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.

Official Information Act 1982

All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

☐ Please withhold my personal details in response to a request under the Official Information Act 1982

Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

Generally yes. The need for an NES arises because;
Over the years a general underfunding and devolution of responsibility to councils has led to a multitude of different approaches on how to control the real and perceived adverse effects of forestry on the environment, wider land use and communities in general.

The protracted statutory public processes of 10year and other plan revisions, and also a motivation within the individual organisations to continuously massage their rules and enforcement has seen a tendency for divergence of the treatment of forestry across the country. This has steadily got worse, often driven by local politics rather than science as clearly demonstrated by the relative lack of regulation in some other primary sectors despite the increasing recognition of the impacts of those sectors. See Annex 1 for further comment.



2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

Permitted activity controls can manage the effects in most cases simply because they are permitted “with conditions”. The conditions themselves have been drawn from an extensive library of examples of consent based rules currently in use around the country and already with legal standing.

Furthermore, the rules are not just permitted, they occur within a **Hierarchical** framework just like any other rule in the RMA where a failure to be able to meet PA status escalates the activity to a consenting regime. The crafting of the rules and the hierarchy has been carefully considered and is capable of managing effects just as well as current consenting regimes and in some cases better – e.g. culvert size linked to flood flow and maximum height, or afforestation being not permitted in very high erosion risk areas.

Having attended two public meetings where similar points of opposition to the permitted activity approach have been raised it is clear that two important concepts have not been recognised.

1)- The conditions associated with the permitted activity have not been properly recognised or scrutinised nor the enforcement power tied to a failure to meet those requirements.

2) – People have failed to understand how such rules play out in real operational situations. By way of example, the fact that the condition attached to permitted harvesting states “*All disturbed soil must be stabilised or contained so as to prevent movement of sediment into any water body or coastal water resulting in:.... (series of standard consent clauses)*”, has been interpreted by some to mean that because the same rule applies whether the land is low, medium or high risk, the rule must be weak.

What is not realised is the rule statement is derived from consents normally applied in current consents geared to the higher risk spectrum. Complying with the rule conditions operationally in low risk sites will be very easy, however in high risk terrains complying requires the application of many more techniques and methods and a great deal more care. Thus while the rule is terrain and risk neutral the execution required of the operator to achieve the rule outcomes is substantially different.

The alternative being sought, if adopted, would be rules that attempt to anticipate, specify and then micro-manage the techniques required to achieve the outcomes. This is completely infeasible and is the very reason for the wording of rules as they are currently. It is also the reason why current rules make extensive reference to industry codes for the tool sets to be employed to meet the expected outcomes.



3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

IN general yes although there are a number of wording adjustments that would be beneficial throughout to clarify or make more certain the intent of the rules. In some cases more work on definitions will be the best means to clarify intent.

For instance, the rules on riparian disturbance include “ Must have full (*butt*) suspension if pulling across streams greater than 3m in width. The work butt needs to be inserted as total suspension is rarely technically feasible.

A list of suggested changes is incorporated in Annex 2

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

Generally it is considered that the areas where local decision making can be retained are appropriate.

One area that requires further attention is in relation to stringency for ‘mapped’ areas of significant vegetation and or habitats.

A number of councils have sought to avoid the costs of inventoring, classifying and ranking areas of indigenous habitats in their regions by instead requiring a landowner to seek a consent and or an ecological assessment where by the site values are assessed against criteria that themselves vary from council to council. At that point the Council will then decide if the area is an SNA and what conditions are needed. Variation between advising ecologists let alone councils have also led to situations where almost any indigenous vegetation is an SNA.

The principle about mapping in the rule as currently written is that if the RMA is to impose controls on private land in the wider public and environmental interest the the priority areas should be transparently identifiable to enable landowners to use their land with certainty about the constraints.

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As it stands, the NES and the industry's own codes and Accords do not provide for the clearance of indigenous vegetation except that meeting the criteria of understory, partial and recoverable riparian damage, edge damage and maintaining/ opening existing tracks. It follows then that IF a council believes more stringency is required, to overrule those permitted standards, there should be exceptional reasons, the area must be known and thus mapable.

The onus should be on the council to understand their estate and justify their rules and priorities. Further work is needed to clarify and cement in how this issue is to be resolved.

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

Full credit is due here where perhaps for the first time in RMA history 'tools have been developed along with the rules'.

The ESC:

This is not perfect, being based upon old relatively large scale mapping bases. However, it has been tweaked and fitted to purpose by those in Landcare Research with some of the most comprehensive experience of hill country erosion in the country. Accompanying it is also a methodology for property scale modification to be approved.

Ultimately, the ESC is only a filter to determine the 'start point' on the rules hierarchy. It does not and never will be able to predict that one side of a line is fully stable and another side is not. Neither has there been any other rule or threshold developed in any council rule or definition that can approximate the utility of the ESC that will replace them. However:

- 1)- Errors in mapping in anything below high risk erosion will have little consequence or risk of consequence. Errors shifting the other direction, by the very nature of the terrains involved are likely to be small and dispersed boundary polygons that are either blatantly distinguishable on the ground and will require care irrespective of a rule, or if indistinguishable unlikely to make a material difference across an operational scale.
- 2)- Where and apparent error potentially interferes operationally, the error only will work in one direction - the party will need to seek consents for some part of an operation when in fact they actually didn't need to, or they avoid the area altogether, or they seek a mapping adjustment at the property scale.

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At at least one public meeting, it was inferred that there were much better options for predicting erosion risk and these should have been used. Efforts have been made to create or utilise such predictive models in the past and recently under the Industry's own research efforts. One modelling system already developed (SinMap) was potentially useable at the property level but required levels of data not readily available to parameterise the inputs. Such data was rarely available at the property level and certainly not available at national level.

Another statistical regression technique developed locally also had potential. But to predict landsliding accurately in a particular area required calibration based on storm histories, neither of which were readily available in many cases and again certainly not nationally. Most importantly, in both cases the models could be potentially useful at a property or sub-property level to inform areas of landslide risk, but due to the resulting complex detailed pattern of spatial risk categorisations over small areas of land, neither would be suitable for providing a simple filter for entry to the rules hierarchy.

Threatened Fish and Breeding Calendar

As with the ESC this is a huge advance on what is currently available. While not perfect it again provides a basis for a common transparent understanding that supports a related rule framework enabling fast and efficient establishment of risk and response and has been developed from the combined science of DoC and NIWA.

As a modelled prediction, there is a chance that at any particular stream reach the predictions are wrong, however with the standard application of good practice and model guidance in a situation where impacts from forestry are largely episodic, transitory and low frequency, the critical issue is how serious are the errors and what are the better alternatives. Unless every stream has been surveyed the answer is there are none.

Wilding Calculator

Already in use by industry and underpinning the development of a national policy approach to wilding conifer issues, it makes sense that this should be adopted.

General

One of the major benefits that could come out of the use of the tools adopted for the NES - PF is that they are land use neutral and can be applied across the whole country and by every council. As more and more people use them, it is likely that more funds will be directed in concentrated fashion to the improvement and upgrade of the underlying datasets and the resultant outputs – A step change in process from the fragmented and adhoc efforts of councils to resolve the same fundamental problem by varying means and with varying resources, leading to rule divergence.



6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

One general comment arises from statements made during the Nelson public meeting.

Parties to that meeting were concerned that the the ESC and particulalry the revised ESC didn't properly refelct the erosion risks and thus the water quality of the Maitai river and particulalry its sub catchment, the Sharland that falls within a large exotic forest area.

The commentary demonstrated some fundamental mis understandings. Water quality in the Maitai has been documented as having been lowered, at least in part, by fine sediment contributions from an extended period of harvesting over many years.

Critical to the NES is that neither the ESC nor any other erosion modeling (at this point), deals with fine non-point source sediment discharges and the response of those discharges to fine scale management interventions.

The ESC is and has been used to address the risks associated with shallow landsliding. Shallow landsliding generates orders of magnitude more sediment delivery to streams than general dispersed fine sediment discharges. It is imortant and has been recognised in that this sourcece is the primary priority for creating the NES rules hierarchy.

Dealing with fine sediment discharge is a different issue and requires fine scale site application of a range of different sediment and erosion control techniques according to the immediate site circumstance and an understanding of local conditions.

Existing RMA rules have focused on this aspect via requirements for stabilisation, vegetative cover, silt traps and reference to codes and manuals that descibe a toolbox of techniques to be employed. Similar rules have be adopted in the NES.

No current RMA rules have attempted to describe means to address this concern in any other way except by the addition of a requirement to prepare a sediment and erosion control plan. This initiative has been adopted in the NES as a means to force practitioers to think about how they are going to control sediment discharge, document those controls and then be checked for their applicaton on site.

Whatever the other specifics of the Sharland, it also needs to be recognised that techniques have improved in the intervening years and the NES has also adopted standard setbacks on all streams that will be present the second time harvesting comes around.



7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

The alternatives discussed in the consultation document clearly highlight why the NES is the only practicable vehicle for bringing in a timely, cost effective and rationalised approach to forestry activities that are undertaken in similar fashion throughout the country.

The NES is the only option that avoids substantive plan by plan changes throughout NZ at very high cost, time delays and sub-regional consultatoin processes before any intended benefits could be expected. Even then, with a NPS or Ministerially Directed Plan Changes.there will be divergence.

The notion of National Planning templates is strongly supported for a range of reasons in terms of enforcing greater uniformity of planning standards, definitions and tools. Such an approach has teh potential to allow the efficient application of technology to the development, use and interrogation of plans. However, such changes will not result in synchronisation and uniformity of rules for an industry undertaking acitivites in a standardised way across the nation.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

We are comforatble that the costs and benefits of an NES PF have been identified and adequately quantified wher possible. The that extent that some externalities are not currently quantifieable in financial terms we are satisfied that the adoption of standard minimum setbacks for all replanting, the regularised approach to management of threatened fish will add real benefits over and above the status quo.

We agree also that the front loading of afforestation on very high risk areas will avoid significant misplaced investment costs or perverse investment outcomes arising from incentivising of carbon foerst swaps under the ETS or other encouragement schemes in addition to potential adverse downstream costs.

In terms of total identified benefits see Annex 3



9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

Through attendance at some public meetings there has been a fear raised that the NES-PF will somehow incur markedly increased costs on councils for which they will not be able to recover costs. This appears to be engendering a great deal of fear and opposition from some segments of the wider public and councils along with a fear that they no longer have control.

It is debatable whether this is real and the NES-PF provides some opportunities currently not available to regulators.

The concern needs to be addressed in guidance to Councils during the implementation phase.

Council staff concerned about these issues need to carefully assess what has really been happening in their regions.

- i. Most operations that will fall on green or yellow zone terrains would rarely have required consents under existing rules and if such consents were required would often have been subject to minimal oversight and or would, in the case of small operations, possibly sometimes have happened without any council knowledge or consent.
- ii. In higher risk terrains, harvesting has of its own right, rarely been a problem. It is the earthworks associated with the harvesting in those terrains (or the management of slash) that poses the greatest risk. Consents will still be required and inspection costs recoverable in relation to those earthworks operations. Council staff inspecting compliance with the earthworks elements of operations will by default be in a position to observe harvesting practices associated with those consents. If the permitted activity conditions are not being met they will have full enforcement options available to them.
- iii. The totally new obligation in NES-PF that all harvesting and earthworks operations be notified to council, will for the first time, enable Councils to know about all operations in their areas. This provides new options:
 - a. Regulators do get to know the practitioners in their regions – if they rarely have problems from some or all operators then they can tailor their compliance regimes accordingly when they are operating under permitted use. It should be noted that two councils with significant areas of land in ‘high risk orange zone’ status have operated with harvesting as a permitted activity with relatively few problems.

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- b. Where a council has had problems in the past with certain operators or has a new party submitting notifications for harvesting or earthworks, they can again choose to filter those parties (especially in relation to the nature of the sites they are working) and provide for more initial compliance monitoring.

These options are far removed from the notion of being required to visit large additional numbers of operations working under permitted activity conditions. The quid pro quo is that where they do choose to exercise the option they have the full pool of operations to sample from and this may well serve to raise the standards in any poor standards “tail” that might exist.

Loss of Council Control

A second area raised at the public meetings was that because councils could not refuse an operation working under permitted use, they effectively had not control.

It is suggested that guidance is needed here to encourage a reconsideration of the thinking. Strictly speaking the concern raised is correct BUT:

The Council receiving every operational notification and plan (if they require it) can make a decision on receipt as to whether they think the plans are adequate and successfully address the locational risks. If they have doubts, while not being able to refuse commencement (they couldn't anyway for permitted activity conditions currently and never knew where they were), they can:

- i. Choose to engage with the individual and recommend changes or provide warnings if deemed appropriate and necessary OR
- ii. And (especially if (i) has been exercised and the response is poor) choose to place the operation in the compliance sampling pool and visit the site.

During the public discussion, as noted previously and in Annex 1, there appears to have been a constant oversight of the power arising from the conditions that come with the permitted activity. These are all enforceable and in many cases do not require and adverse effect to occur before enforcement can be applied.



10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

Notification of Afforestation.

In a public meeting one council staff member noted that afforestation did not have to be notified. As an activity subject to merrmitted use with conditions related to standard setbacks or evidence of neighbour agreement to vary those setbacks it seems reasonable that this be adopted to enable compliance to be monitored is required.

Deployment of GE

The forest industry does not have GE trees to deploy nor is it likely to in the near future for those companies that are FSC certified.

However, it is recognised that the technologies associated with GE are becming much more focussed and in many cases involve an effective acceleration of breeding improvement processes while still working within the same genome. It is also recognised that in the forestry context at least, there are potential environmental gains to be made such as the development of sterile Douglas fir to enable continued use in areas otherwise potentially at risk from wilding spread.

Opponents of GE deployment argued strongly at one meeting that their democratic right in terms of sucessful changes to district plans was being overridden by the proposed NES rule on GE. Even if GE was not deployed in any particular District, the arguement was run that GE pine pollen contamination of GE free food crops was a problem. This only serves to highlight the fact the issue of GE research and deployment needs to be resolved at a national level with a properly and safely resourced entity (EPA) makes rules that apply throughout the nation.

Whether or not the NES is the best vehicle for conveying that capacity we are neutral about. However, the clause serves as a flag to Government that this issue needs national resolution.

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

Broad based evidence from national and more specific water quality monitoring e.g Auckland Regionsal Council, W Coast forest monitoring and some Bay of Plenty sites suggest that in general, plantation forests enable provision of higher quality water than pastoral land uses and often close to native forest baselines. Those reults are on the basis of current and past practice.

Continued on next page...



...continued

The NES-PF through the ESC risk escalation, the automatic implementation of minimum setbacks on all planting and relanting, adoption of currently widely used existing rule terms in relation to sediment control and the adoption of mandatory development of sediment and erosion control plans for all harvesting and earthworks operations should mean that for many catchments around the country the NES will act in support of any NPS-FW standards. Where contaminant levels are already high or overallocated then the NPS standards as derived will override the NES.

The interaction between the NES and NPS will also insert a discipline that where Councils or communities seek to introduce water quality rules specific to forestry that are beyond the current NES provisions, they will require proper section 32 evaluation to justify their implementation. This is as it should be, to avert the oft repeated situation where forestry is being used as a buffer to other primary sector water quality problems.

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

Good guidance documentation and templates to assist implementation will be important to assisting councils and forestry practitioners alike with implementation. Rewriting the Forestry Environmental Code will also be highly desirable so that it matches the NES framework accurately.

A bedding in period and possibly even joint Council / industry workshops may assist in improving understanding of best implementation practice.

A period of grace during training and upskilling on both sides will be essential.

13. Are there any other issues that you would like to raise?

Please enter your comments here ...



Annex 1

Current Problems with RMA

A comprehensive analysis of rules from RMA plans around the country as part of the analysis leading into the development of the NES clearly showed two things:

- 1) Common themes in the perceived effects from forestry that needed to be addressed. AND
- 2) A plethora of variation around the rules required to achieve control on those perceived effects.

The result has been, in some cases, stark variation whereby forestry operations have been heavily and expensively regulated in some areas yet in adjacent regions or districts there is a much less regulated framework with few apparent adverse effects.

Despite these interregional regulatory variations, including some with light regulation on vulnerable landforms, there is not a highly visible variation in standards nor outcomes. Forestry, by and large, continues to be exercised across the country according to well understood, standardised, best practice guides and codes. The systems and approaches are highly uniform.

Similarly, for an industry that is easily perceived and portrayed as environmentally destructive, the actual statistics of abatements and prosecutions don't bear out the supposed public angst.

Profile of a Forestry company

Annual activity statistics for this company are listed below. Harvesting about 3.6 million tonnes of logs a year from forests in all regions of NZ except Taranaki, the general multipliers applicable to NZ as a whole with a total harvest of over 23million tonnes and >45,000 hectares harvested per year are clear. With that sort of scale of land based operations and a comparatively low level of legal action under the RMA, there are grounds for confidence that a streamlined unified system of regulation can achieve societies requirements.

3.6 million tonnes logs/year	183 km of roads built/year
6,545 ha/year harvested	545 landings built/year
5,200 ha/year planting	60% rolling and steep hills
Area managed 183,000 ha	127 contractors
Present in 13 Council Regions	91 New Zealand staff
1,377 forests managed	125 FSC® certified forests
1,333 indigenous ecosystems	70 wetland ecosystems



Annex 2 Issue of correction of clarification suggested in the NES table of rules.

Page ^[1]	Subject	Comment
Afforestation		
60	Setback approval	<i>“unless approval of the adjoining owner(s)..”</i> clarify the nature or form that the approval must meet
61	Stream setbacks	<i>“bank full channel width”</i> is a term that is extremely difficult to interpret. An agreed description /preferably with photos to support it is required.
62	Aquatic and terrestrial biodiversity effects	<i>Terrestrial effects</i> is potentially a very broad subject about which there is a range of views on the effects of plantation forestry
Earthworks		
64	Road widening Bullet 5	<i>The volume moved is more than 5000m³ per activity site</i> Incorrect – the threshold is presumably meant to be less than 5000m ³ . Above 5000m ³ should be dealt with in the main earthworks rules.
65	Setbacks for new earthworks	<i>“except where topographical constraints leave no alternative”</i> Imprecise – needs to be made more certain as to what circumstances leave no alternative.
65	Spoil bullet 1	<i>“where it may cause failure of the deposited material or underlying land”</i> This loose phrase creates considerable uncertainty for the person doing the earthworks and an agency doing compliance.
65	Spoil Bullet 3	Must not be deposited <i>“over logging slash or woody vegetation”</i> Wording needs to be clarified to make clear the engineering purpose – ie area I which spoil is to be deposited are to be first cleared accumulations of stumps, standing woody vegetation and slash.
65	Spoil Bullet 4	Definition of an ‘activity area needs to be tidied so that rule cannot be ‘gamed’?
66	Sediment and stormwater control measures Bullet 1	Present phrasing identifies the activity but does not identify the performance required i.e. <ul style="list-style-type: none"> <i>“Water runoff controls must be installed and maintained for all tracks, landing sites and firebreaks”.</i> The performance required is missing and should relate to standard scheduled requirements for protection of water, i.e no visible scums, odours etc and also to no accelerated erosion
66	Sediment and stormwater control measures Bullet 2	Present phrasing duplicates heading phrasing, has incorrect use of plurals and does not lead with outcome required. <i>Stormwater and sediment control measures must be installed and maintained:</i> <ul style="list-style-type: none"> <i>batter, cuts and side castings must be established by methods that prevent slumping as far as possible”</i> The performance required is missing. In particular because prevent cannot be guaranteed an alternative wording is required that illuminates the performance required but does not require what cannot be physically or naturally guaranteed under all conditions
Harvesting		
69	Harvest plan	When templates are prepared along with management best practice guidance – mechanisms for version tracking need to be incorporated to manage plan changes.
69	Harvest plan	Matching the plan to the complexity of harvest. Some guidance is required, possibly in the form of worked examples.
69	Ground disturbance outside riparian zone	The phrasing used is not consistent with the text used to describe the same effects of concern in Riparian Disturbance , or in Slash and Debris Management . This creates unnecessary complexity and the potential for confusion. Comparing the three:

^[1] Page number from printed document.



Page ^[1]	Subject	Comment
		<p>All disturbed soil must be stabilised or contained so as to prevent movement of sediment into any water body or coastal water resulting in:</p> <ul style="list-style-type: none"> the diversion or damming of any river or stream; the sedimentation of the bed of any surface water body; significant adverse effects on aquatic habitat; damage to downstream infrastructure, property or receiving environments. <p>All disturbed vegetation, soil or debris must be deposited or placed in a position where it will not enter any watercourse to the extent that it causes more than minor adverse effects associated with:</p> <ul style="list-style-type: none"> diversion, damming or erosion of any river or stream; or degradation of any aquatic or riparian habitat; or damage to downstream infrastructure, property or receiving environments <p>Remove potentially unstable slash that has the potential to mobilise under flood flows from water bodies, and:</p> <ul style="list-style-type: none"> block or dam stream flow; or divert flow into stream banks in a way that is likely to cause erosion; or damage downstream infrastructure, property or receiving environments; or cause significant adverse effects on aquatic habitat.
69	Ground disturbance outside riparian zone Bullet 2	<p>Use of the term ‘prevent’ cannot be met – not least because baseload natural levels of sedimentation especially during storm events cannot necessarily be isolated from operationally induced levels.</p> <p><i>“all disturbed soil must be stabilised or contained so as to prevent movement of sediment into any water body or coastal water resulting in:</i></p> <p>Existing rules sets refer to avoidance of accelerated erosion and a standard schedule of performance based effects that are visible and to be avoided.</p>
70	Riparian disturbance	Unify with phrasing used to describe the same issue in Slash and Debris Management
70	Riparian disturbance	<p>The presently reads “<i>must have full suspension if pulling across streams greater than 3m wide</i>”.</p> <p>This required insertion of the word “...full butt suspension....” as full suspension is rarely technically achievable.</p>
70	Slash and debris management	The phrasing again needs to be unified between the text describing the same effects of concern in Ground disturbance outside riparian zone or Riparian Disturbance .
Mechanical Land preparation		
74	Permitted status Bullet 3	<p>There appears to be an error in the permitted status criteria as it affects subsoil, to create a reverse of what is intended</p> <p><i>in Orange and Red zones where the slope is greater than 25 degrees but the technique used affects the subsoil (for example, deep downhill ripping or giant discing);</i></p>
Pruning and Thinning to waste		
76	Slash	The phrasing again needs to be unified between the text describing the same effects of concern in Ground disturbance outside riparian zone or Riparian Disturbance .
76	Permitted activity conditions	Convert the note to a defined performance standard that the material be stable up to a 1:10 year flood.
76	Matters over which control is reserved	Aquatic effects are listed twice



General conditions

87	Slash traps Bullet 2	Rule required clarity that avoided flooding is to adjacent private land .Presently reads <i>located so as to avoid flooding of adjacent land, and in a position that allows access for maintenance</i>
87	Discretionary	In this section the default beyond permitted is discretionary rather than restricted discretion for all other activities.

Glossary

48	Activity area	Establish a relationship between an activity area and the area over which a Harvest Plan an Erosion and Sediment Control plan or a quarry management plan applies.
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Annex 3

Benefits deemed to accrue from the NES PF.

PF Olsen Ltd is a forestry services provider, owning no forests but managing forestry operations from nursery to harvesting and marketing on behalf of forest owners. Client owners range from just a few hectares to those owning tens of thousands of hectares in fragmented forest blocks and extend throughout the Country.

An assessment of client base by ESC class by consents gained over the last 10 years against an assumed similar land distribution over the 2011 ESC classes indicated annual savings equivalent to 5 fewer consents and \$60,000 per year. More importantly much of the costs of involvement in RMA plan involvement in issues that directly impact client and region by region, district by district would avoid costs equivalent to 2 FTE's a substantial overhead.

The 2014 ESC classification will mean that slightly fewer consents will be needed than originally evaluated but the primary reason is that the original classifications erroneously classed low risk areas as high risk.

In terms of other benefits, the following were identified:

'A forest is just a big factory, it is continuously growing and producing a range of products for a range of market uses. The machinery on the factory floor is continuously at work operating in pretty much the same way following the same process everywhere - THE DIFFERENCE is the factory floor changes location every few weeks.

1. A NES – PF potentially changes a number of things. Recognising forestry in its current situation, each forest being a part of an estate of a large aggregate of forests –
 - a. No difference to the standards required in the field for all ESC classes – still need consent for the earthworks and bits of the harvest in the red zones and orange zones over 25deg.
 - i. BUT – large proportions of the smaller clients' forests will not require consents.
 - ii. There are **more options** if consents for higher risk areas are delayed.
 - iii. **Improved operational flexibility** – poor operating conditions e.g. due to unexpected poor weather in a forest or change in available crew configurations could be difficult to substitute. Now there will be wider opportunities to reschedule with minimum delays or disruption to production flows.
 - iv. **Planning will be faster** because the rules are very much clearer.
 - v. **Consenting more focussed** where required.
 - vi. **Indigenous reserve edges**- better catering for the issue of SNA edges where embedded or directly adjacent to plantations forests, established long before SNA's came into being.
 - vii. **Direct cost savings** - as noted above.



2. **Recognising forestry as a single private block**

- a. **Match harvest to market** – Lead times more aligned with operational requirements rather than uncertainties of consenting.
- b. **Consenting process** - if required, more focussed of specific issues and sites thus likely faster and more predictable in outcome.
- c. Many smaller forests will be yellow or orange. Many small woodlots will be green /yellow.

3. **For ALL**

- a. **Standardisation** – and rules at press of a button. Easy to understand – easier to execute – planning to field
- b. **Training** - standardised and focussed on how to meet the performance requirements of rules rather than generic understanding of process descriptions. ECOP re written to provide specific responses to environmental requirements.
 - I. Effort can be focussed on strategies to raise standards in weakest links.
- c. **Coalescing of thinking**- rather than divergence – made the rules and provided the tools.
- d. **Investment in improving national tools.**
- e. **Cost of Democracy** – constant RMA churn estimated to be 2 full time person years if engaged.

Stuart Miller
Spatial, Forestry and Land Management
Ministry for Primary Industries
PO Box 2526
WELLINGTON 6140
By email to NES-PFConsultation@mpi.govt.nz

SUBMISSION ON THE PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

Contact details for this submitter are:

Submitter:

Anthony Stuart for
D Stuart Forestry Ltd

Contact address:

s 9(2)(a)

mail

s 9(2)(a)

Submitters Background:

I have been involved in forestry in the Tasman District and Marlborough for the past 40 years. I currently own and run a log marketing, harvesting and forest management company.

I wish to submit that:

1. I am in strong agreement for protecting our waterways.
2. I am not in agreement with the NES blanket approach when it comes to identifying areas of significant erosion probability in particular in the Tasman District.
3. As a forest manager I strongly believe we must get this right and not be rushed into incorrect identification of high risk areas.
4. To qualify number 3, A forest which I manage in the Lee Valley and Wairoa Gorge for 2 companies has been classified as orange and I believe it should be classified as yellow as we are 9 years into our third rotation which is on hard, clean rock country and not prone to erosion. These are the sort of mistakes we don't need in a forest industry that is struggling to keep its head above water in the current market.
5. I support this bill but we must take care not to wrongfully classify areas that are important for our trading nation.

Yours sincerely

A Stuart
D Stuart Forestry Limited, Forest Managers.

SUBMISSIONS ON PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

TO: Ministry for Primary Industries

Name of submitter: Waytemore Forests Limited ("Waytemore")

Introduction

1. Waytemore is the owner of a Forestry Right registered under the Forestry Rights Registration Act (1993) applying to Hunua Forest, which straddles the boundary of the former Manukau City and Franklin Districts.
2. Planting of the Hunua Forest commenced in 1948 and by 1985 a total of 2,070 hectares was established, of which approximately 885 hectares falls within (former) Franklin District. The Forestry Right provides for a term of 95 years from the date of grant.
3. Waytemore also owns the Paparimu Forest, comprising approximately 400 hectares in area and established between 1973 and 1997 within Franklin District, and owns the 513 hectare Orere Forest within the former Manukau City District.
4. Hunua Forest has a Rural zoning within the former Manukau City District, over which is applied designations for Regional Park and Water Supply purposes. Within the former Franklin District, portions of the forest are similarly designated but with an underlying Forest Conservation zoning in the Operative Franklin District Plan.
5. Waytemore is currently involved in the Proposed Auckland Unitary Plan ("PAUP") submissions and hearing process. Waytemore has made a significant investment in that process through preparing submissions, expert evidence, attending mediations and hearings, particularly in relation to water quality, vegetation management, earthworks and rural land use provisions of PAUP as affect plantation forestry most directly.
6. Waytemore joined with other forestry operators in the Region to produce a coordinated approach to submissions regarding the key PAUP provisions affecting plantation forestry. This approach has been successful in arriving at a regulatory framework, supported by Auckland Council officers and consultant experts, which the forestry sector in Auckland is generally satisfied with as being reasonable, effective and efficient in providing for plantation forestry operations, within sensible and workable limits for environmental protection.
7. Prior to that, Waytemore had extensive involvement in legacy plans applying to Hunua Forest within the former Manukau City and Franklin Districts.
8. Waytemore also made comments on the previous proposed NES (in October 2010) and has reviewed those comments in preparing these submissions,

noting the manner and extent to which issues previously raised have now been addressed.

9. The objectives of the Proposed National Environmental Standard for Plantation Forestry (“**pNES-PF**”) in reducing both “unwarranted variation” and “operational uncertainty” are strongly supported.¹ Waytemore’s previous (and current) experience had exemplified both concerns (different rule frameworks applying within Hunua Forest, and over one harvesting cycle alone).
10. For example, the NES-PF has the potential to stabilise against regulatory risk and uncertainty from future plan variations over the remaining term of Waytemore’s Forestry Right for Hunua Forest.
11. Waytemore is however concerned at the prospect of the NES-PF ‘replacing’ the PAUP,² and whereby the PAUP will not be able to remain more lenient than NES-PF,³ regardless of regional circumstances (including any reduced environmental risks from forestry relative to other regions). There are a number of aspects of aspects of pNES-PF which are more stringent than the PAUP. These aspects will serve to undermine Waytemore’s investment (alongside the other forestry companies) in the PAUP.
12. The Consultation Document states:

Generally, the rules in the proposed NES-PF are variations of those found in existing regional and district plans. This means the NES-PF is not increasing regulation, but is replacing existing regulation to create economic and environmental benefits through greater certainty and consistency.
13. These submissions identify (and substantially focus on) where the pNES-PF is more stringent than the PAUP, to highlight the extent to which the assumption in this statement is not correct.
14. Beyond that, Waytemore generally supports the overall framework and intent for the NES-PF in establishing provision for the necessary range of activities associated with Plantation Forestry over the full harvesting cycle, and within limits that are effective and workable (in the sense of being able to be practicably implemented within day to day operations). These submissions to that extent are largely on an “exceptions” basis, i.e. the many pNES-PF provisions that are supported are not subject of any specific comment (and such support can be assumed accordingly).

General Comment – ESC Zoning

15. Waytemore’s Hunua Forest is within the Orange Zone, and with much of the land being greater than 25 degrees in slope. This has obvious implications for consent status within a number of components of the pNES-PF, particularly regarding earthworks.
16. The assumption for areas within the Orange Zone is that there is a relatively high risk of erosion.⁴

¹ Page 16 of the Consultation Document.

² Page 40 of the Consultation Document

³ Section 44A of RMA.

⁴ Page 24 of the Consultation Document.

17. Waytemore does not accept that its forestry operations present a high risk to the environment. Hunua Forest was specifically established by predecessors to Auckland Council to operate in conjunction with water supply functions; with streams within Hunua Forest flowing into Watercare's Cossey's reservoir in the Hunua Ranges.
18. Despite 95% of the first rotation of harvesting at Hunua Forest being complete, including 600,000 m² of earthworks to establish over 110 km of arterial and spur roads, along with 80 landings (a further 184,000 m² of earthworks), there is no evidence of significant adverse effects on streams within the forest.⁵
19. Waytemore undertakes all operations in accordance with the New Zealand Environmental Code of Practice for Forest Operations, has developed a set of best management practices that have been reviewed in the context of its Forestry Right, and with a number of Auckland Council audits undertaken; none of which have identified any areas of concern.
20. Auckland Council State of the Environment reporting reveals consistently high MCI scores (refer Attachment A) for the relevant streams.
21. Significant areas of earthworks had been carried out along with significant areas harvested using both hauler and ground based operations, upstream from where these water samples had been taken, over the full first harvesting rotation at Hunua, but the aquatic fauna has not been affected.
22. For these reasons, Waytemore supports the ability of a land owner to formally challenge the ESC classification.⁶
23. The Consultation Document records that:

The erosion susceptibility classification (ESC) is based on the erosion risk of land under pastoral cover, so may not accurately reflect the risk of erosion for land covered by plantation forestry, which is generally lower than that of pasture over the life cycle of the forest.
24. Waytemore's understanding of the ESC classification is that it was driven principally on a "predisposition" basis whereby differences in actual erosion susceptibility due to "preparatory" factors associated with production forestry, (distinguishing that activity from pastoral farming) were not directly applied in the Zoning allocation.⁷
25. The ability to challenge an ESC classification based on "preparatory" factors and their effectiveness, as well as the other drivers of ESC risk (frequency of triggering events and consequences), including the opportunity to provide evidence of historical experience with managing the terrain of the LUC units involved, is therefore very important.⁸
26. Waytemore also supports the proposed "spatial bundling" rule whereby overlap into any higher ESC zone may be disregarded, where it is immaterial.⁹

⁵ Such that permitted activity status would be precluded under s43A(3) OF RMA.

⁶ Page 26 of the Consultation Document.

⁷ Erosion Susceptibility Classification Analysis of Erosion Risks for Plantation Forestry (May 2011), Page 2.

⁸ As outlined in the February 2015 update, Page 8.

⁹ Page 85 of the Consultation Document.

Afforestation

27. Specific issues of concern to Waytemore in relation to the pNES-PF provisions regarding Afforestation are as follows:
- (a) The 10 metre setback from adjoining properties¹⁰ is excessive. A 10 metre setback along a full forest boundary length could take out substantial areas from production (for example 50 hectares estimated as not being available for production applying such a setback to Hunua Forest).
 - (b) This setback rule should not apply where the adjoining property is itself vegetated (either in forest, native bush or through boundary plantings on the adjoining property), as it is entirely unnecessary in that situation.
 - (c) The 40 metre restriction relative to dwellings seems incongruous in a general context (e.g. rural zoned land), when a 30 metre restriction for existing dwellings is applied at the urban/residential zone interface. The rationale for selecting 40 metres (as opposed to any other distance) is unclear.
 - (d) The proposed shading (setback) rule might generate a setback requirement of up to 200 metres in order to avoid any shading on the shortest day of the year between 10.00 am and 2.00 pm.
 - (e) If any setback requirement for this purpose (to protect existing dwellings) is to be maintained, it should only be required along the contiguous length of the dwelling involved, rather than along the entire boundary at issue. This should be made clear either within the rule or within an amended Glossary definition (and a simple diagram may assist).
 - (f) The shading set back requirement for roads is opposed. Many New Zealand roads have an element of exposure to shading from a combination topography or vegetation (as can be planted on an as of right basis by rural land owners generally i.e. shelter belt or amenity plantings). If this requirement is retained, the setback should be confined to State Highways, where the risk to drivers is most significant.
 - (g) As to riparian margins, the PAUP applies a 5 metre setback regardless of stream width, and exempts intermittent streams from any setback requirement.
 - (h) Intermittent streams as defined under PAUP include areas where there is surface water more than 48 hours after a rain event resulting in stream flow and which have natural pools. By contrast, under pNES-PF, perennial streams are defined to include those that "*maintain a series of discrete pools that provide habitats for ... the aquatic ecosystem*".

¹⁰ Page 62 of the Consultation Document.

- (i) In the result, PAUP exempts intermittent streams that fall within the definition of perennial stream under pNES-PF from any riparian setback requirements.
 - (j) Overall, Waytemore considers that a 10 metre setback is excessive, and that the definition of perennial river or stream should be amended to delete the reference to "*maintains a series of discrete pools ... aquatic ecosystem*".
28. Waytemore's acknowledges that a 5 metre riparian setback requirement for forestry is generally well established. For example, under the Hunua Forestry Right, a 5 metre setback from perennial streams is maintained and left unplanted (with the responsibility for these areas in terms of replanting/regeneration assumed by Watercare or Auckland Council).
29. Waytemore's experience however is that the 5 metre setbacks on each side of a given stream create wind exposure issues for trees adjoining them. Wind throw exposure is increased, tree growth is irregular (increased knotting on the exposed side), and tree growth habit is directed towards the stream. These trees "are only going to fall one way" i.e. towards the stream when cut, making compliance with pNES –PF harvesting rules (to fell way from the stream) difficult to achieve.
30. There is also a greater propensity for any given tree at the riparian margin edge to fall over, mobilising the root ball and creating greater soil disturbance effects than would arise through maintaining planting within the setback.
31. Waytemore seeks that these practical considerations be taken into account in deciding the final form of the NES-PF.

Earthworks

32. As noted earlier, much of Hunua Forest is within the Orange Zone, and with a slope greater than 25 degrees.
33. Whereas all earthworks ancillary to forestry operations would be permitted under PAUP, earthworks would be a restricted discretionary activity under NES-PF for Hunua Forest. The prospect of pNES-PF (in its current form) replacing the PAUP is of significant concern to Waytemore in this respect.
34. In addition to supporting the ability to challenge the ESC through a robust process (as outlined above), Waytemore makes the following specific comments.

Definitions and Activities

35. The relationship between various activities provided for under pNES-PF, along with associated definitions, is unclear (in the context of earthworks in particular).
36. Waytemore submits that:
- (a) The definition of *Earthworks* in the Glossary should expressly state that it does not include and *Mechanical Land Preparation*. While this is set out in the Note underneath the statement as to "Scope" (on page 65 of the Consultation Document), and implicit from within the Note

proposed for the definition of Mechanical Land Preparation, this is not stated within the definition of Earthworks itself. This point is addressed further below.

- (b) Instead the definition of Earthworks states that it does not include “*soil disturbance by machinery passes*”. Machinery passes are not defined.
- (c) The definition of Earthworks should also expressly exclude soil disturbance associated with *Harvesting* (as is addressed in a separate set of provisions relating to that activity). This point is also addressed further below.
- (d) Conversely, and for reasons again addressed below, the definition of Earthworks should be amended to include *Forestry Quarrying*.
- (e) *Maintenance and Upgrade of Existing Earthworks* (as a defined activity) should be amended to expressly include soil and erosion controls as well as “*water controls*”.
- (f) It would not make sense for resource consent to be required to maintain earthworks for the purpose of erosion and sediment control, when the purpose of that activity is to address the effects of principal earthworks undertaken within a forest (and as may otherwise require consent in certain zones).
- (g) Beyond that the activity of Maintenance and Upgrade of Existing Earthworks (said to be permitted in all zones) should be expressly provided for as such, rather than by way of a “Note” to the activity of Earthworks (page 65 of the Consultation Document), and in a similar way to *Road Widening and Realignment for Safety Purposes*.
- (h) Specific provision for Maintenance and Upgrade of Existing Earthworks as a permitted activity (in all zones) is particularly important to Waytemore in the circumstances outlined above, and whereby the programme of establishment of roads and landings was principally completed in the first rotation cycle.

Permitted Activity Conditions

- (i) Waytemore supports a requirement to prepare an Erosion and Sediment Control Plan (“**ESCP**”), and in general supports what that plan must include.
- (j) Waytemore however opposes the requirement to provide the ESCP 20 working days before operations start (on request from Council). The equivalent requirement under PAUP is that the ESCP simply be submitted to the Council prior to works starting. The 20 working day requirement is excessive and unnecessary, as the Council is not being conferred with an approval function; provision of the ESCP is instead a matter of record, and ensuring the ESCP is in place and adhered to.

- (k) The notice of commencement timeframe of 20 working days¹¹ is also opposed. The equivalent PAUP requirement is 48 hours, which is both sufficient and established practice, at least within the Auckland region.
- (l) The limitation on the volume of material moved in association with Road Widening and Realignment¹² is opposed. It appears to apply as a "minimum", and whereby road widening or realignment is only permitted where the volume moved is more than 5,000 m³.
- (m) Assuming however the limit is intended to be a maximum; the need for such a maximum is unclear, where the activity must proceed in accordance with best practice (as also required), is limited to realignment for safety purposes, and must not increase the carrying capacity of the road (inherent limitations therefore arising within that).
- (n) It is also unclear what the 5,000 m³ restriction relates to (referring to "per activity area").
- (o) A similar type of uncertainty arises for the control on Spoil¹³ which cannot be deposited outside a "production area". It is assumed this means a 'plantation forest', but this should be clarified.
- (p) Waytemore also opposes (as being unnecessary) the requirement to keep records of any road widening available for inspection by the Council. The purpose of keeping such a record is not stated, and unclear.
- (q) The requirement of the ESCP to "avoid" effects on riparian margins and water bodies is opposed.¹⁴ The requirement should be to manage such effects (reduce or minimise them to the extent practicable).
- (r) The restriction against depositing Spoil in a location where it *can* deliver sediment into a surface water body¹⁵ is opposed. The word "can" should be replaced with "likely to".
- (s) The control on Stabilisation and Containment¹⁶ should be amended by deleting the words "*contained within the site*"; it being unclear what purpose containing exposed areas of soil within a forestry site would serve beyond the stabilisation measures referred to elsewhere in the rule.

37. Beyond these specific points, Waytemore repeats its comments regarding setbacks from perennial rivers or streams as made in relation to Afforestation (opposing anything greater than a five metre setback, and seeking to confine any such setback requirement to perennial streams only, with amendment to the definition as proposed).

¹¹ Page 65 of the Consultation Document.

¹² Page 66 of the Consultation Document.

¹³ Page 67 of the Consultation Document.

¹⁴ Page 66 of the Consultation Document.

¹⁵ Page 67 of the Consultation Document.

¹⁶ Page 68 of the Consultation Document.

38. Waytemore also opposes restricted discretionary activity status for land in the Orange Zone (where the slope is greater than 25 degrees).¹⁷
39. To the extent that consent is required for earthworks in the Orange Zone, a controlled activity framework is sufficient to enable the Council to impose any additional controls beyond those of an ESCP (and the other permitted activity conditions) it considers reasonable and appropriate in the specific circumstances.
40. The prospect of refusing consent for earthworks necessary to sustain a production forestry operation is unlikely, and as such restricted discretionary status is not required. Further, in accordance with case law under RMA, the most permissive consent status available to achieve the objectives and policies of a planning instrument should be applied (*Wakatipu Environmental Society v Queenstown Lakes District Council* C153/2004, *Long Bay-Okura Great Park Society v Auckland Regional Council* [2010] NZEnvC319). That is, controlled activity status in this case.
41. There are a number of references within the Consultation Document to discretion being reserved over the effects that the permitted activity condition at issue "was attempting to avoid".
42. The first example is on page 69 (restricted discretionary activity where permitted activity conditions could not be met) and similarly arises on page 73 (reservation of control in relation to Harvesting), the restriction of discretion on page 75 for Mechanical Land Preparation, and the reservation of control in relation to Forestry Quarrying on page 79. The word "avoid" in each case should be replaced with "manage".
43. Finally, as to the matters over which discretion is restricted for Earthworks within Red Zone and Orange Zone areas (above 25°),¹⁸ the fourth bullet point should be separated after the words "storm water control" with effects on riparian vegetation presumably being intended to be a discrete matter, and better set within its own specific bullet point.

Harvesting

44. Under "Scope"¹⁹ there is a range of components to the activity of Harvesting set out which do not expressly fall within the definition in the Glossary.
45. Conversely it is stated that Harvesting does not include earthworks, whereas at present, there are aspects of what Harvesting is stated to include that would (on their face) fall within the definition of Earthworks (soil disturbance by harvesting machinery in particular).
46. This uncertainty if not contradiction needs to be clarified. There should be consistency between the Glossary and the specific provisions of the NES-PF to the greatest extent possible.
47. Waytemore submits that the activity of Harvesting should be defined to specifically include soil disturbance associated with Harvesting, reflecting the

¹⁷ Page 68 of the Consultation Document.

¹⁸ Page 69 of the Consultation Document.

¹⁹ Page 70 of the Consultation Document

Scope statement, and in turn Harvesting should be specifically excluded from Earthworks as submitted earlier. The principal focus of the Earthworks provisions is then on road and landing construction, as would appear to be the intent.²⁰

48. The requirement to produce a Harvest Plan with an associated ESCP in the Orange Zone is not opposed, but it is noted that there is no "prescribed template" available within the Consultation Document against which the extent of that obligation can be assessed. Waytemore seeks an opportunity to respond to the requirements for a Harvest Plan or ESCP in this context when the "prescribed template" is prepared.
49. The requirement to produce the Harvest Plan at least 20 working days²¹ before harvesting operations commence is opposed as being unnecessary, for the reasons stated earlier in relation to the equivalent ESCP requirement under Earthworks. Notification of harvesting commencing, along with provision of the Harvest Plan on request should be sufficient.
50. The notice of commencement timeframe of 20 working days²² is also opposed. As with Earthworks, the equivalent PAUP requirement is 48 hours, which is both sufficient and established practice, at least within the Auckland region.
51. The requirement as to Ground Disturbance (outside riparian zones) of "preventing"²³ movement of sediment into any water body resulting in certain effects is opposed (for example it may not be possible in all cases to prevent sedimentation of the bed of any surface water body in absolute or complete terms).
52. The word "prevent" should be replaced with "minimise to the greatest extent practicable".
53. The requirement for "full suspension" in relation to Harvesting (riparian disturbance)²⁴ is accepted provided the three metre width trigger for the requirement is as applied elsewhere within the pNES-PF (i.e. referencing bank full channel width).
54. The restrictions regarding Slash Debris and Management apply to all "water bodies" which would presumably include intermittent or even ephemeral streams.²⁵ This control should be confined to perennial streams, as with the equivalent control regarding Pruning and Thinning to Waste (Page 76).

Mechanical Land Preparation

55. Waytemore refers back to the issues of definition raised earlier.

²⁰ From the Scope statement on page 70 of the Consultation Document: "*Harvesting does not include earthworks (such as earthworks to establish temporary or permanent access roads or landings)*".

²¹ Page 71 of the Consultation Document.

²² Page 71 of the Consultation Document.

²³ Page 71 of the Consultation Document.

²⁴ Page 72 of the Consultation Document.

²⁵ Page 72 of the Consultation Document.

56. The definition of Mechanical Land Preparation states that it is not included within the definition of Earthworks. As yet, and unless expressly excluded from the definition of Earthworks, that is not the case.
57. The note on page 74 of the Consultation Document refers to Earthworks and Quarrying not falling within the scope of Mechanical Land Preparation. In fact the converse applies (Mechanical Land Preparation does not fall – or at least is not intended to fall – within the definition of Earthworks).
58. There also seems to be slight inconsistency between the statement as to “Scope” of what Mechanical Land Preparation includes,²⁶ and the description within the Glossary (for example there is no reference to “root raking” in the Glossary description). This should be addressed.
59. The first activity provided for on page 74 of the Consultation Document relates to Orange and Red Zones, where the slope is greater than 25° *“but the techniques used affects the subsoil”*.
60. However the first permitted activity condition requires that the technique must not affect the subsoil, where undertaken in the Orange and Red Zone (where the slope is greater than 25 °).
61. It is assumed that the word “but” in the activity provided for on page 74 should be replaced with the word “and”, with the words “does not” inserted before “affects the subsoil”.
62. Waytemore repeats its comments regarding setbacks from streams (as addressed earlier in the Afforestation and Earthworks submissions).
63. It is noted that discretion is reserved over changes to hydrological flows (for example from V-blading),²⁷ but V-blading is said to be outside the scope of this activity, and falls outside the definition of Mechanical Land Preparation under the Glossary. Presumably this matter should be transferred to the section of the NES-PF dealing with earthworks.

Pruning and Thinning to Waste

64. The requirement to leave a minimum of 250 stems per hectare (below which thinning operations are considered to be Harvesting) is opposed as being unnecessary.
65. Unlike Production Thinning where the logs are removed for subsequent sale (potentially disturbing the soil), thinning to waste essentially involves no more than “felling the tree”. With adequate controls over slash management (to avoid blocking or diverting stream flows etc.), a limitation on stems per hectare (remaining standing) is simply not required.
66. A lower stem per hectare rate may be the objective for thinning to waste, for example in conjunction with operation on a farm forestry basis (150 or 160 stems per hectare might be the target).

²⁶ As set out on Page 74 of the Consultation Document.

²⁷ Page 75 of the Consultation Document.

67. This limitation with the definition of Thinning in the Glossary and within the Scope of the activity on page 76 of the Consultation Document should be deleted.

Forestry Quarrying

68. While supporting provision for Forestry Quarrying within the NES-PF there are a number of aspects of the proposed provisions that are more restrictive than those in existing planning frameworks applying with the Auckland Region, including under PAUP.
69. In particular, PAUP does not contain:
- Any notification requirement
 - A 500 metre separation requirement from existing dwellings
 - A 20 metre setback from a surface water body (Council officers have proposed deleting a 50 metre setback set under the notified PAUP provisions)
 - Volume limitations.
 - A requirement for a Quarry Management Plan.
70. It is also stated under "Scope" on page 77 of the Consultation Document that the provision for Forestry Quarrying does not address noise, vibration dust and vehicle issues associated with quarrying (i.e. Councils retain their ability to address these matters). However, there is a specific set of controls applying to Plantation Forestry generally (from page 84 of the Consultation Document setting controls over some of those matters (such as noise and dust)).
71. Overall it is submitted that the extensive range of additional control proposed for forestry quarrying is unnecessary. Forestry Quarrying at a scale ancillary to Plantation Forestry (for the formation of forestry roads) does not require this extensive range of additional controls.
72. The setback from water bodies is opposed, because such a quarry would likely be established within close proximity to a stream which has exposed the gravel resource available. Beyond that, the quarry will need to be where the resource actually is.
73. In a Plantation Forestry context, a limitation on volume for visibility reasons is unnecessary. Significantly greater than 1000m³ of aggregate (per annum) would likely be required to service any sizable commercial plantation forest, and as such this rule could (on its own) trigger the need for many forestry operations to obtain consent. The dominant visual impact is the forest itself rather than any quarry site ancillary to that and within the forest. Setbacks inherent with the forest are all that is required to shield surrounding properties from an ancillary quarry operation within it.
74. A requirement for a specific Quarry Management Plan is excessive. The ESCP required for earthworks could include sediment control measures in relation to any quarrying operation associated with a given forest. Beyond that, no further specific controls need be applied.

75. For all of these reasons, Waytemore submits that Forestry Quarrying should be included within the definition of Earthworks to make provision for this element of the overall activity, in a more effective and efficient manner.
76. Beyond that, there appears to be a drafting error on page 79 of the Consultation Document. Forestry Quarrying is stated to be a "controlled activity" in all zones or where any of the permitted activity conditions cannot be met. Yet on page 77 it is stated that Forestry Quarrying is permitted in all zones. It is assumed that the word "or" should be replaced with the word "and".

Replanting

77. The requirement that Replanting occur within the previous five years (failing which Replanting is assessed as Afforestation) is opposed.
78. Replanting can need to be deferred for longer than five years, for example whereby trees are felled by wind throw or through natural hazards (fire in particular). If this occurs in an intermediate period within the forest growth cycle, that area may not be replanted for significantly longer than five years, and yet is clearly within an established forest.

Additional Activity

79. The Consultation Document states²⁸ that milling activities and the processing of timber are outside the scope of the pNES-PF.
80. Waytemore submits that, while this might be appropriate for milling activities and processing at significant scale, provision for onsite mechanical processing of timber could usefully be included within the NES-PF such that local authorities do not retain ability to manage them.
81. This type of activity would or might typically include:
 - Cutting of logs
 - Delimbing
 - Peeling/removal of bark
 - Fungicide application
 - Chipping.
82. Such activity would involve the use of mobile or portable rather than fixed plant and machinery. It is benign in effect, but important to the overall range of activity undertaken, and not otherwise encompassed (within Harvesting for example).
83. Few if any permitted activity conditions would need to be imposed on this activity, as with (for example) Pruning and Thinning to Waste.

²⁸ Page 20.

Ability to be More Stringent

84. Waytemore supports (as an improvement on the previous NES-PF) the generally more confined or at least better defined scope for Councils to be more stringent.
85. In particular, the confinement of ability to be more stringent to heritage, significant natural and outstanding landscape areas that are mapped or identified in regional or district plans is supported, and whereby the forestry operators may participate in the processes through which those resources are scheduled.
86. Any greater or broader ability to be more stringent would be opposed.
87. The NES-PF could be further clarified however by stating whether it is a district or regional council that may be more stringent in relation to each matter, i.e. but not both.

General Conditions

88. The general conditions²⁹ are generally supported.
89. As to noise, the exception for forestry vehicles and machinery is especially important. It is assumed that machinery as basic as a chainsaw is included within the exception, which otherwise may not comply with the daytime noise limit.
90. For the reasons set out earlier (in relation to replanting) the five year limitation inherent within the third bullet point of the control relating to vegetation clearance and disturbance³⁰ is opposed and should be deleted.

Signature:

Waytemore Forests Limited by their authorised agent:

Martin Williams

Date:

11 August 2015

Address for service:

Mr Martin Williams
Shakespeare Chambers
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²⁹ From pages 83 to 87 of the Consultation Document.

³⁰ Page 84 of the Consultation Document.

ATTACHMENT A

Freshwater Macroinvertebrate Survey Data 2010



Auckland
Regional Council
TE RAUHĪTANGA TAIAO

Site: Orere A and Orere B

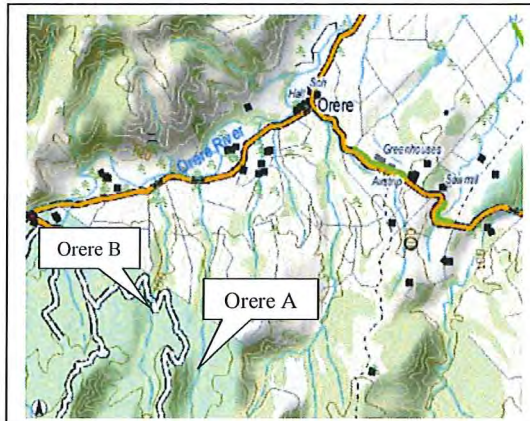
Site Details (Orere A and Orere B)

Location: Orere River Tributary, Oakune Road, Hunua

Substrate: Hard

Land use: Forestry

Monitored since: 2002



Previous Data for Orere A:

Year	MCI Score:	Quality Band:
2010	129.5	Excellent
2009	133.2	Excellent
2008	124.3	Excellent
2007	133.9	Excellent
2006	134.1	Excellent
2005	145.8	Excellent
2004	137.0	Excellent

2010 Summary The MCI score for Orere A has placed the stream within the 'excellent' quality band. This score places the stream 10th of 67 sites sampled in the Auckland region in terms of ecosystem health. (1 = site with highest MCI score.)

Previous Data for Orere B:

Year	MCI Score:	Quality Band:
2010	132.6	Excellent
2009	128.2	Excellent
2008	131.7	Excellent
2007	144.3	Excellent
2006	147.0	Excellent
2005	140.7	Excellent
2004	139.3	Excellent

2010 Summary The MCI score for Orere B has placed the stream within the 'excellent' quality band. This score places the stream 6th of 67 sites sampled in the Auckland region in terms of ecosystem health. (1 = site with highest MCI score.)

Orere A

2010 Taxa List

Taxa:	Common Name:	MCI score:	Abundance:
OLIGOCHAETA	Oligochaete worm	1	RARE
NEMATODA		3	RARE
PLATYHELMINTHES	Flat worm	3	COMMON
<i>Ferrissia /Gundlachia</i>	Snail	3	RARE
<i>Potamopyrgus</i>	Snail	4	ABUNDANT
<i>Paraleptamphopus</i>	Crustacean	5	ABUNDANT
<i>Paranephrops</i>	Crustacean	5	RARE
ACARINA	Mites/ticks	5	RARE
<i>Archichauliodes</i>	Dobsonfly	7	ABUNDANT
<i>Acanthophlebia</i>	Mayflies	7	COMMON
<i>Ameletopsis</i>	Mayflies	10	RARE
<i>Austroclima</i>	Mayflies	9	VERY ABUNDANT
<i>Coloburiscus</i>	Mayflies	9	VERY ABUNDANT
<i>Deleatidium</i>	Mayflies	8	VERY ABUNDANT
<i>Ichthybotus</i>	Mayflies	8	COMMON
<i>Neozephlebia</i>	Mayflies	7	ABUNDANT
<i>Nesameletus</i>	Mayflies	9	COMMON
<i>Tepakia</i>	Mayflies	8	RARE
<i>Zephlebia</i>	Mayflies	7	VERY ABUNDANT
<i>Spaniocerca</i>	Stoneflies	8	RARE
<i>Stenoperla</i>	Stoneflies	10	RARE
<i>Zelandoperla</i>	Stoneflies	10	RARE
<i>Helicopsyche</i>	Caddisflies	10	ABUNDANT
<i>Hydrobiosis</i>	Caddisflies	5	COMMON
<i>Hydrochorema</i>	Caddisflies	9	RARE
Oeconesidae	Caddisflies	9	RARE
<i>Olinga</i>	Caddisflies	9	ABUNDANT
<i>Orthopsyche</i>	Caddisflies	9	VERY ABUNDANT
<i>Psilochorema</i>	Caddisflies	8	COMMON
<i>Pycnocentria</i>	Caddisflies	7	RARE
<i>Zelandoptila</i>	Caddisflies	8	RARE
<i>Zelolessica</i>	Caddisflies	10	RARE
Hydraenidae	Beetles	8	COMMON
Ptilodactylidae	Beetles	8	COMMON
<i>Microvelia</i>	Water bugs	5	RARE
<i>Aphrophilia</i>	Trueflies	5	RARE
<i>Austrosimulium</i>	Trueflies	3	RARE
Empididae	Trueflies	3	RARE
Orthocladiinae	Trueflies	2	COMMON
<i>Paradixa</i>	Trueflies	4	RARE
<i>Polypedilum</i>	Trueflies	3	RARE
Tanypodinae	Trueflies	5	RARE
	TOTAL MCI	129.5	

Orere B

2010 Taxa List

Taxa:	Common Name:	MCI score:	Abundance:
PLATYHELMINTHES	Flat worm	3	0.9
<i>Potamopyrgus</i>	Snail	4	2.1
<i>Paraleptamphopus</i>	Crustacean	5	5.5
<i>Paranephrops</i>	Crustacean	5	8.4
ACARINA	Mites/ticks	5	5.2
<i>Archichauliodes</i>	Dobsonfly	7	7.3
<i>Acanthophlebia</i>	Mayflies	7	9.6
<i>Austroclima</i>	Mayflies	9	6.5
<i>Coloburiscus</i>	Mayflies	9	8.1
<i>Deleatidium</i>	Mayflies	8	5.6
<i>Ichthybotus</i>	Mayflies	8	9.2
<i>Neozephlebia</i>	Mayflies	7	7.6
<i>Nesameletus</i>	Mayflies	9	8.6
<i>Zephlebia</i>	Mayflies	7	8.8
<i>Megaleptoperla</i>	Stoneflies	9	7.3
<i>Zelandoperla</i>	Stoneflies	10	8.9
<i>Helicopsyche</i>	Caddisflies	10	8.6
<i>Hydrobiosella</i>	Caddisflies	9	7.6
<i>Hydrobiosis</i>	Caddisflies	5	6.7
<i>Olinga</i>	Caddisflies	9	7.9
<i>Orthopsyche</i>	Caddisflies	9	7.5
<i>Psilochorema</i>	Caddisflies	8	7.8
<i>Pycnocentria</i>	Caddisflies	7	6.8
<i>Tripectides</i>	Caddisflies	5	5.7
<i>Zelandoptila</i>	Caddisflies	8	7.0
<i>Zelolessica</i>	Caddisflies	10	6.5
Elmidae	Beetles	6	7.2
<i>Enochrus</i>	Beetles	5	2.6
Hydraenidae	Beetles	8	6.7
Ptilodactylidae	Beetles	8	7.1
<i>Aphrophilia</i>	True flies	5	5.6
<i>Austrosimulium</i>	True flies	3	3.9
<i>Nothodixa</i>	True flies	5	9.3
Orthoclaadiinae	True flies	2	3.2
<i>Polypedilum</i>	True flies	3	8.0
Tanypodinae	True flies	5	6.5
<i>Tanytarsus</i>	True flies	3	4.5
PLATYHELMINTHES	Flat worm	3	0.9
<i>Potamopyrgus</i>	Snail	4	2.1
<i>Paraleptamphopus</i>	Crustacean	5	5.5
<i>Paranephrops</i>	Crustacean	5	8.4
	TOTAL MCI	132.6	

For more information, please contact:

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Comparative data from sites around the Hunua Ranges area							
Year	Orere A	Orere B	St Pauls	Wairoa @ Caitchens	Mangatawhiri	Milne	Konini
2010	129.5	132.6	121.1	135.7	131.8	133.3	131.7
2009	133.2	128.2	130.2	127	145.4	138.5	134.1
2008	124.3	131.7	123.4	129.7	127.6	130.7	132.3
2007	133.9	144.3	132.8		121.1	136.3	140
2006	134.1	147.0	133		130.4	130.8	137.8
2005	145.8	140.7	128.3		127.5	144.1	137.5
2004	137.037	139.3	125.2		141.9	140.7	150.7

Attachment H2

Site #	Site Name	Easting	Northing	Sample Date	Sample Num	Total Richness	Ephemeropt	Plecoptera	R	Trichoptera	f EPT	Richness	% Ephemero	% Plecoptera	% Trichoptera	% EPT	Richness	MCI	MCI-sb (2007 formula)
8552	Hunua @ St I	1792356	5899357	5-Apr-02	2002148	23	6	1	6	13	26%	4%	26%	57%	135.7	142.0	135.7	142.0	
8552	Hunua @ St I	1792356	5899357	5-Apr-02	2002149	26	5	1	7	13	19%	4%	27%	50%	120.0	127.8	120.0	127.8	
8552	Hunua @ St I	1792356	5899357	5-Apr-02	2002150	26	7	2	6	15	27%	8%	23%	58%	131.5	138.2	131.5	138.2	
8552	Hunua @ St I	1792356	5899357	23-Mar-04	2004044	23	5	1	5	11	22%	4%	22%	48%	125.2	126.3	125.2	126.3	
8552	Hunua @ St I	1792356	5899357	17-Mar-05	2005043	24	6	2	5	13	25%	8%	21%	54%	128.3	140.5	128.3	140.5	
8552	Hunua @ St I	1792356	5899357	6-Apr-06	2006043	25	5	1	5	11	25%	5%	25%	55%	133.0	135.9	133.0	135.9	
8552	Hunua @ St I	1792356	5899357	1-Mar-07	2007061	20	6	1	8	15	24%	4%	32%	60%	132.8	135.4	132.8	135.4	
8552	Hunua @ St I	1792356	5899357	19-Feb-08	2008018	35	8	2	8	18	23%	6%	23%	51%	123.4	130.7	123.4	130.7	
8552	Hunua @ St I	1792356	5899357	12-Feb-09	2009018	36	7	5	6	18	19%	14%	17%	50%	131.1	131.6	131.1	131.6	
8552	Hunua @ St I	1792356	5899357	10-Feb-10	2010018	35	8	3	7	18	23%	9%	20%	51%	121.1	123.7	121.1	123.7	
8552	Hunua @ St I	1792356	5899357	1-Feb-11	2011018	31	7	2	7	16	23%	6%	23%	52%	129.0	128.2	129.0	128.2	
8552	Hunua @ St I	1792356	5899357	27-Jan-12	20128552	36	9	2	10	21	25%	6%	28%	58%	128.3	129.1	128.3	129.1	
8552	Hunua @ St I	1792356	5899357	5-Feb-13	20138552	33	9	4	5	18	27%	12%	15%	55%	124.2	126.0	124.2	126.0	
8608	Orere A	1797276	5903177	5-Apr-02	2002151	33	6	5	9	20	18%	15%	27%	61%	141.8	142.5	141.8	142.5	
8608	Orere A	1797276	5903177	5-Apr-02	2002152	28	6	4	6	16	21%	14%	21%	57%	136.4	144.8	136.4	144.8	
8608	Orere A	1797276	5903177	5-Apr-02	2002153	29	8	4	6	18	28%	14%	21%	62%	133.8	144.6	133.8	144.6	
8608	Orere A	1797276	5903177	23-Mar-04	2004042	27	7	3	8	18	26%	11%	30%	67%	137.0	138.2	137.0	138.2	
8608	Orere A	1797276	5903177	21-Mar-05	2005044	31	8	3	10	21	26%	10%	32%	68%	145.8	145.5	145.8	145.5	
8608	Orere A	1797276	5903177	21-Mar-06	2006025	36	7	2	10	19	19%	6%	28%	53%	135.0	141.7	135.0	141.7	
8608	Orere A	1797276	5903177	7-Feb-07	2007017	34	7	5	9	21	21%	15%	26%	62%	141.8	143.4	141.8	143.4	
8608	Orere A	1797276	5903177	26-Feb-08	2008020	42	8	0	14	22	19%	0%	33%	52%	124.3	128.0	124.3	128.0	
8608	Orere A	1797276	5903177	13-Feb-09	2009020	41	9	3	10	22	23%	7%	24%	54%	133.2	132.4	133.2	132.4	
8608	Orere A	1797276	5903177	3-Feb-10	2010020	44	10	3	10	23	23%	7%	23%	52%	129.5	132.1	129.5	132.1	
8608	Orere A	1797276	5903177	2-Feb-11	2011020	32	7	4	6	17	22%	13%	19%	53%	129.4	129.5	129.4	129.5	
8608	Orere A	1797276	5903177	26-Jan-12	20128608	32	9	3	7	19	28%	9%	22%	59%	138.1	133.8	138.1	133.8	
8608	Orere A	1797276	5903177	20-Mar-13	20138608	38	8	3	12	23	21%	8%	32%	61%	131.6	134.3	131.6	134.3	
8608	Orere A	1797276	5903177	23-Jan-14	20148608	36	9	5	8	22	25%	14%	22%	61%	138.9	137.3	138.9	137.3	
8609	Orere B	1796917	5903677	5-Apr-02	2002154	33	6	6	9	21	18%	18%	27%	64%	137.6	140.5	137.6	140.5	
8609	Orere B	1796917	5903677	5-Apr-02	2002155	30	6	5	7	18	20%	17%	23%	60%	141.3	141.7	141.3	141.7	
8609	Orere B	1796917	5903677	5-Apr-02	2002156	33	6	3	9	18	18%	9%	27%	55%	131.5	137.2	131.5	137.2	
8609	Orere B	1796917	5903677	23-Mar-04	2004043	30	6	3	7	19	30%	10%	23%	63%	138.7	136.5	138.7	136.5	
8609	Orere B	1796917	5903677	21-Mar-05	2005045	29	7	3	11	21	24%	10%	38%	72%	140.7	140.9	140.7	140.9	
8609	Orere B	1796917	5903677	21-Mar-06	2006026	22	6	3	5	14	27%	14%	23%	64%	149.1	141.5	149.1	141.5	
8609	Orere B	1796917	5903677	7-Feb-07	2007016	23	7	3	4	14	30%	13%	17%	61%	144.3	144.6	144.3	144.6	
8609	Orere B	1796917	5903677	26-Feb-08	2008019	41	9	3	10	22	22%	7%	24%	54%	131.7	128.9	131.7	128.9	
8609	Orere B	1796917	5903677	13-Feb-09	2009019	44	9	4	9	22	20%	9%	20%	50%	128.2	135.3	128.2	135.3	
8609	Orere B	1796917	5903677	3-Feb-10	2010019	35	8	2	9	19	23%	6%	26%	54%	132.6	135.3	132.6	135.3	
8609	Orere B	1796917	5903677	2-Feb-11	2011019	26	7	3	5	15	27%	12%	19%	58%	130.8	132.2	130.8	132.2	
8609	Orere B	1796917	5903677	26-Jan-12	20128609	33	4	4	8	21	26%	12%	24%	62%	137.1	137.1	137.1	137.1	
8609	Orere B	1796917	5903677	20-Mar-13	20138609	33	6	2	7	15	18%	6%	21%	45%	127.3	127.3	127.3	127.3	
8609	Orere B	1796917	5903677	23-Jan-14	20148609	24	6	3	7	16	25%	13%	29%	67%	145.0	142.9	145.0	142.9	



Proposed National Environmental Standard for Plantation Forestry

Template for Submitters

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

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- your name, postal address, phone number and, if you have one, email address
- the title of the proposed standard you are making the submission about
- whether you support or oppose the standard
- your submission, with reasons for your views
- any changes you would like made to the standard
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For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

David Cormack

Postal address:

s 9(2)(a)

Phone number:

s 9(2)(a)

Email address:

s 9(2)(a)

Are you submitting on behalf of an organisation? Yes

If yes, which organisation are you submitting on behalf of?

Wenita Forest Products Ltd

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

Forest owner & manager, approximately 30,000 hectares.



Privacy Act 1993

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Please indicate below if you wish your personal details to be withheld:

☐ Please withhold my personal details where submissions are made public

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Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

- Wenita broadly supports the objectives behind the NES-PF and agrees the consultation document accurately describes the problems facing plantation forestry.
- The NES-PF will reduce the complexity and compliance costs for those forest companies spanning multiple districts. But for a company like Wenita, in a region of relatively stable terrain and low environmental risk, it will raise the bar in terms of environmental compliance by imposing more intensive planning and more rigorous operational management of environmental issues (particularly related to sedimentation) than has been considered necessary until now.
- We understand a review will be considered 5-7 years after the NES-PF is introduced and recommend that the parameters of the review be clearly stated in the NES-PF to reduce operational uncertainty.



2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

- Yes, Wenita considers that the conditions for permitted activities should adequately manage the environmental effects but their effectiveness will depend on how they are applied by the councils and what the planning templates look like.
- There is potential for councils to be flooded with plans and assessment work beyond their current resources and this won't benefit forest owners or councils. We recommend that plans are submitted annually, or on request, by those forest companies which are operating in low environmental risk areas (Green/Yellow zones) and have a history of good environmental compliance.

3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

- Yes the conditions for permitted activities are clear (good format) and should be enforceable providing councils have sufficient resources to complete audits and monitoring to agreed levels.
- Smaller forest owners and managers may find it more difficult to comply with some of the conditions because they don't have the resources to prepare the plans or manage operations to required standards. They may also be shifting locations often which will make it more difficult for councils to locate and monitor their activities.
- Wenita strongly recommends amending bulletpoint 2, under Harvesting/Permitted activity conditions/Ground disturbance outside riparian zones, (pg 69) of the Consultation Document, to read: "All disturbed soil must be stabilised or contained so as to minimise the risk of sediment entering into any water body.....". We believe the current wording is unworkable given that a significant rain event can cause sediment run-off even from an undisturbed site and we consider that the use of "minimum" instead of "prevent" is consistent with the intention of the NES-PF as well as the wording within the rest of this section. If the current wording is retained all harvesting and earthworks will require resource consents which will defeat the purpose of the NES-PF.

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.



- Wenita believes the matters where councils can retain local decision-making are generally appropriate but we are concerned that more stringent rules may be applied to meet NPS-FM water quality objectives.
- The Otago Regional Council has recently introduced an “effects based” water quality compliance regime (PC6A) which is quite different to the “land use regulation” approach adopted in most other parts of the country. It is too early to tell if PC6A and NES-PF are compatible and how operating with both of them will work in practice.

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

- The environmental risk assessment tools are a good starting point and appear to be the most appropriate tools available at the moment. Using them is also consistent with the approach to make decisions based on good science.
- There should be a plan to review/update this suite of tools regularly and augment or replace them with new & improved tools that become available.

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.



- We wonder if the potential environmental impacts of pruning & thinning operations really justify them having their own draft rules. We would argue the potential impacts of these operations are relatively minor and could be included under the General Conditions section (we note Production Thinning is already captured under Harvesting).
- We strongly recommend amending bulletpoint 2, under Harvesting/Permitted activity conditions/Ground disturbance outside riparian zones, (pg 69) of the Consultation Document, to read: “All disturbed soil must be stabilised or contained so as to minimise the risk of sediment entering into any water body.....”. We believe the current wording is unworkable given that a significant rain event can cause sediment run-off even from an undisturbed site and we consider that the use of “minimum” instead of “prevent” is consistent with the intention of the NES-PF as well as the wording within the rest of this section. If the current wording is retained all harvesting and earthworks will require resource consents which will defeat the purpose of the NES-PF.
- The forest industry has made significant concessions by agreeing to the new setback rules, which are considerably more generous than anything offered by counterparts in the agriculture sector. Wenita reluctantly accepts these setback rules but will strongly oppose/reject any proposals to expand them.
- The requirement to provide harvest plans and erosion & sediment control plans should be limited to Harvesting and Earthworks operations in higher risk areas (Orange/Red zones). The low level of risk in Green/Yellow zones should only require attention to good practice, which can be monitored/audited, without the need to write specific plans.

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

- 19 options (including status quo) were evaluated by MPI against their own assessment criteria so it appears to have been a thorough process.

8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

- CBA was used to quantify the costs & benefits.
- Limitations of CBA should be acknowledged and the fact that the CBA changed from a negative to a positive, by adjusting the level of impacts of setbacks, highlights the subjectivity of the exercise.

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?



Please provide comments to support your views.

- We note that it will be necessary for MPI to provide timely guidance and support to councils and forest owners during the NES-PF implementation phase. Guidelines, decision-making tools and planning templates must be available when they are needed (not still be “in development”).
- Some councils and forest owners may face additional costs and resourcing pressures during implementation and beyond.

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

- It appears to be a comprehensive proposal.

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

- The NES-PF will likely assist councils to implement the NPS-FM but this is one of the matters where councils retain local decision-making and can potentially apply more stringent rules (also see comments in #4).

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

- Meetings, workshops & site visits with council staff who are tasked with interpreting & enforcing the new rules. Possibly with MPI input to provide a national perspective?
- There should be a sufficient transition period so forestry companies & councils can adapt to the new NES-PF environment. Possibly linked to some sort of amnesty period to develop trust and encourage full disclosure (especially for some of the smaller forest owners who may be struggling to understand the new requirements or not initially have the resources/capabilities to prepare the plans or to manage operations to required standards).
- Planning templates, guidelines and decision-making tools should all be finalised and available when the NES-PF is introduced (not still be “in development”).

13. Are there any other issues that you would like to raise?



- Repeating our comments from #6:
 - We wonder if the potential environmental impacts of pruning & thinning operations really justify them having their own draft rules. We would argue the potential impacts of these operations are relatively minor and could be included under the General Conditions section (we note Production Thinning is already captured under Harvesting).
 - We strongly recommend amending bulletpoint 2, under Harvesting/Permitted activity conditions/Ground disturbance outside riparian zones, (pg 69) of the Consultation Document, to read: “All disturbed soil must be stabilised or contained so as to minimise the risk of sediment entering into any water body.....”. We believe the current wording is unworkable given that a significant rain event can cause sediment run-off even from an undisturbed site and we consider that the use of “minimum” instead of “prevent” is consistent with the intention of the NES-PF as well as the wording within the rest of this section. If the current wording is retained all harvesting and earthworks will require resource consents which will defeat the purpose of the NES-PF.
 - The forest industry has made significant concessions by agreeing to the new setback rules, which are considerably more generous than anything offered by counterparts in the agriculture sector. Wenita reluctantly accepts these setback rules but will strongly oppose/reject any proposals to expand them.
 - The requirement to provide harvest plans and erosion & sediment control plans should be limited to Harvesting and Earthworks operations in higher risk areas (Orange/Red zones). The low level of risk in Green/Yellow zones should only require attention to good practice, which can be monitored/audited, without the need to write specific plans.



Proposed National Environmental Standard for Plantation Forestry Template for Submitters

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- whether you support or oppose the standard
- your submission, with reasons for your views
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When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

Contact details

Name:

Carey Pearce

Postal address:

Phone number:

Email address:

Are you submitting on behalf of an organisation? Yes [X] No []

If yes, which organisation are you submitting on behalf of?

Whitford Forest Holdings Company

If you are a forest owner/manager, what size of forest do you own/manage (in hectares):

1,265ha



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Questions for submitters

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

N/A

2. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

N/A



3. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

N/A

4. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

N/A

5. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

N/A

6. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.



The Whitford Forest Holdings Company land: Background

The Whitford Forest Holdings Company (“WFHC”) owns two significant blocks of land in Whitford, Auckland. These blocks are commonly referred to as the Waiho Block and the Te Maraunga Block (herein collectively referred to as the “Whitford Forest”). The combined area of the two blocks is approximately 1,697 hectares. The majority of the landholding is currently utilised for production forestry (approximately 1,265 hectares). Forest stands in Whitford Forest are now in their second or third rotation and range in age from 9 to 36 years.

Submission

RULE: HARVESTING

Figure 1 in the NES-PF consultation document indicates that Harvesting (both production thinning and clear fell) is intended to be a Permitted Activity in the Green, Yellow and Orange Zones subject to meeting the permitted activity standards set out. In the draft rule, production thinning (i.e. maintenance of 75% canopy cover) is clearly provided for as a Permitted Activity, however clear fell harvesting falls under the Controlled Activity status as it is unable to meet the permitted standard of maintenance of 75% canopy cover.

Amendments are required to provide for clear fell harvesting as a Permitted Activity as set out in Figure 1 of the NES-PF.

We suggest the following amendments be made to the Harvesting section of the NES-PF (additions in underline; deletions in ~~strike through~~);

“Harvesting is a permitted activity in Green, Yellow and Orange zones provided permitted activity conditions listed below are met. Harvesting includes clear fell and production thinning.

~~*Low intensity harvesting*~~

~~*Low intensity harvesting if permitted in all zones where:*~~

- ~~• *A minimum of 75% canopy closure is maintained at all times for any given hectare of forest land;*~~
- ~~• *All other permitted activity conditions for harvesting are met.”*~~

7. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

N/A



8. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

N/A

9. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

N/A

10. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

N/A

11. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

N/A

12. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

N/A

13. Are there any other issues that you would like to raise?



Submission

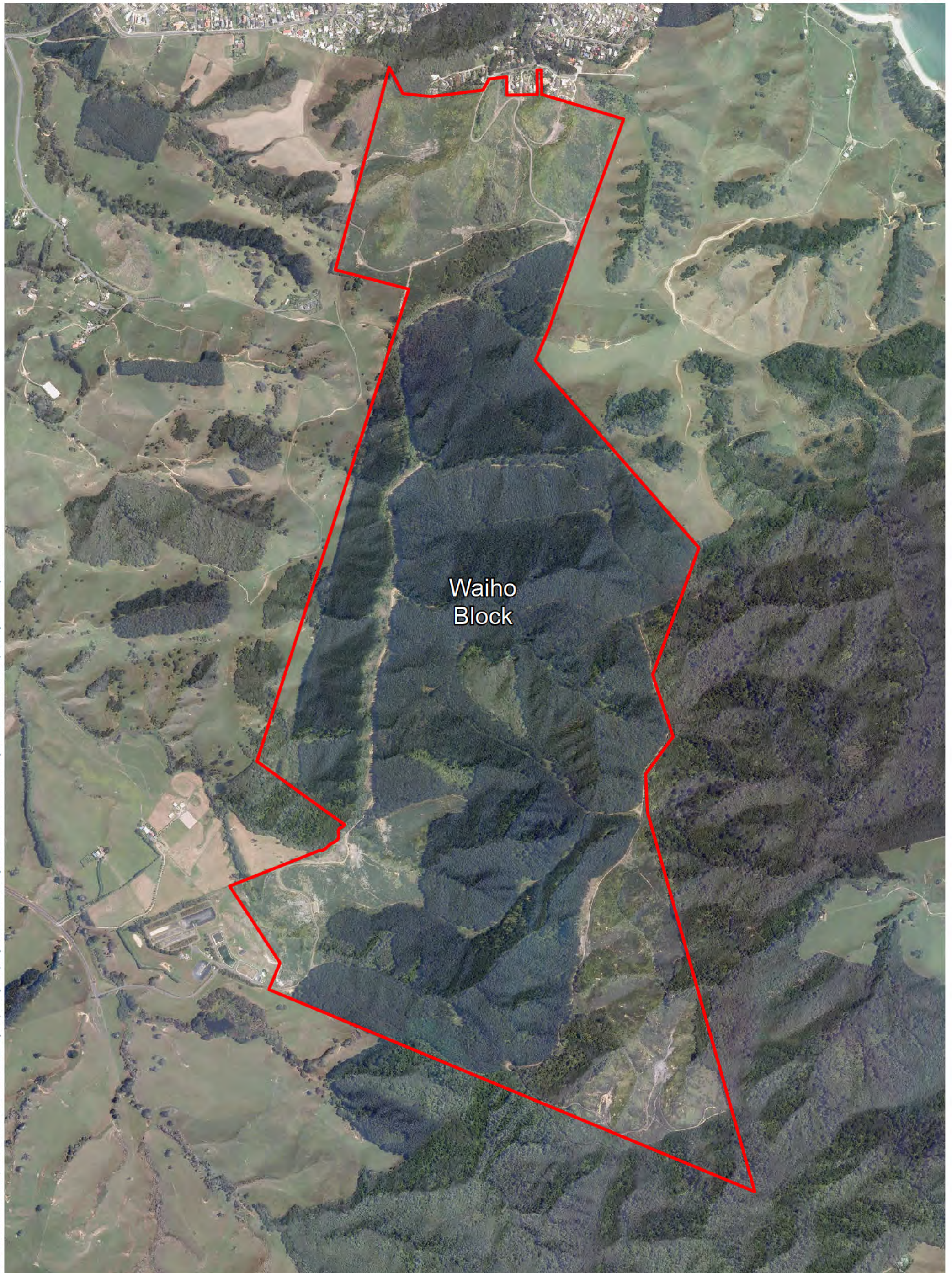
The provisions of the NES-PF purport to override the existing Certificates of Compliance (“COC”) for harvesting and forestry. While section 43(b)(5) of the Resource Management Act 1991 states that “*a land use consent or subdivision consent granted before the date on which a NES is notified in the Gazette prevails over the standard*”, this does not include approved and unexpired COCs.

The Operative Auckland Council District Plan Manukau Section provides for Production Forestry as a Permitted Activity in the Rural 1 zone portion of the Whitford Forest and this is confirmed by the existing COC dated 22 January 2014 (reference No. 42913). There will also be other forestry operators nationwide that have existing unimplemented COCs.

We submit that amendments be made to the NES-PF to confirm that existing COCs prevail over the standard where they have been granted before the date on which the NES is notified in the Gazette. We suggest the following wording be included at the beginning of the NES-PF;

“A Certificate of Compliance granted before the date on which a NES is notified in the Gazette prevails over the standard.”

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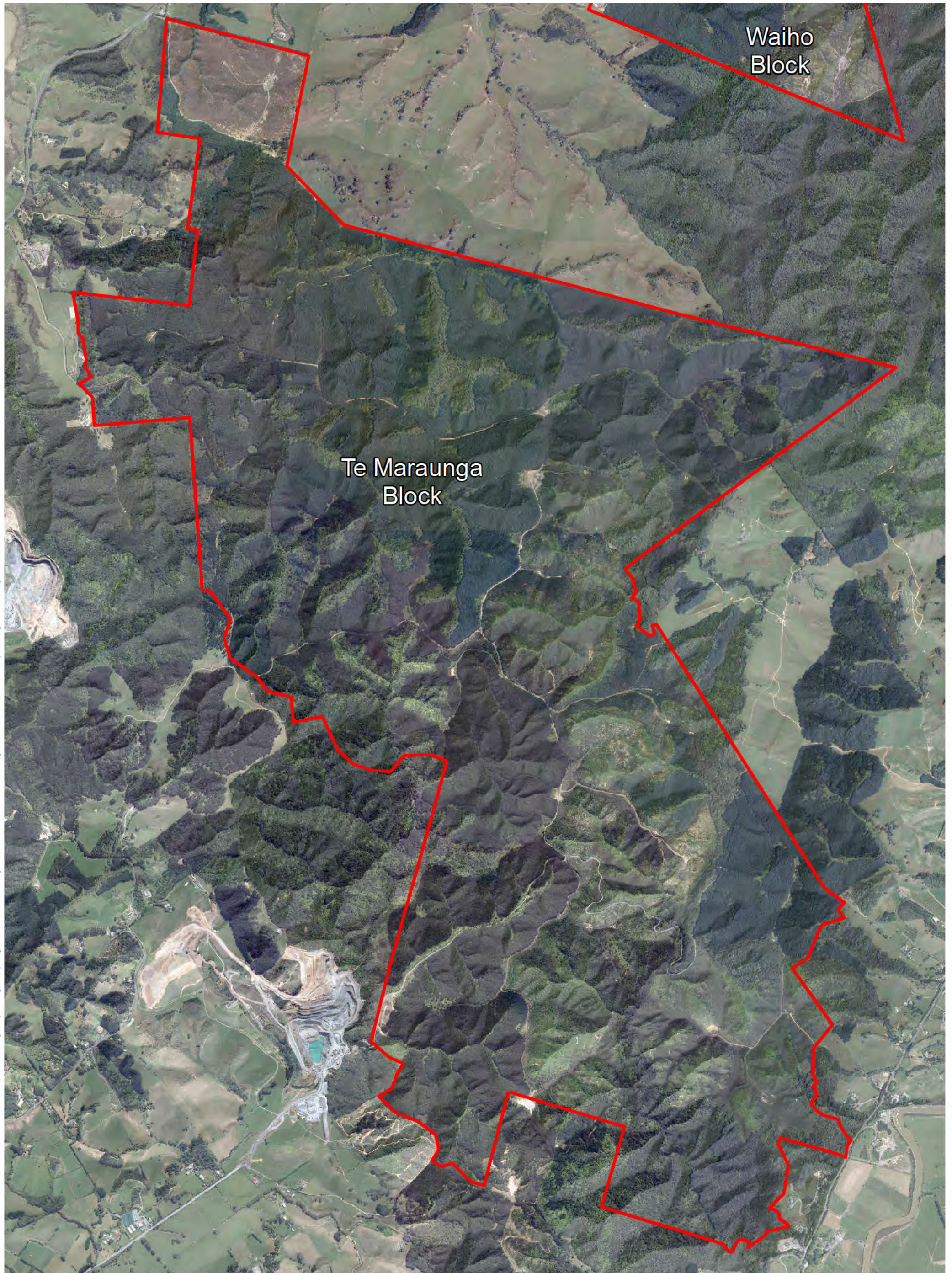
Waiho
Block



Legend



Whitford Forest Holdings
Company Properties



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