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Ministry for the Environment
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By email to: standards@mfe.govt.nz

PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY

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Submitted by:
INTRODUCTORY COMMENTS

1. Thank you for the opportunity to submit on the proposed national environmental standard for plantation forestry (NES).

ABOUT THE SUBMITTER

2. The Lake Taupo Forest Trust and Lake Rotoaira Forest Trust (“the Trusts”) administer a total land area of 55,000 hectares within the Lake Taupo and Rotoaira basins. The two Trusts are the lessors of forestry leases comprising Lake Taupo and Lake Rotoaira Forests respectively. The lessee in both cases is the Crown (through the Ministry of Agriculture and Forestry). Of this total land area about 32,000 hectares is established in exotic plantation forest, of which 15,000 ha are in the Crown leases and 17,000 ha are owned by the two Trusts. Each year a further 1,200 ha of harvested land will be surrendered from the leases and will be replanted and by the two Trusts. In this way, Lake Taupo Forest will be 100% owned by that Trust in 2020, and Rotoaira Forest will be owned by its trust by 2025.

3. The two Trust lease forests each have about 10,000 owners. Over 150 Maori land blocks make up the land administered by these two Trusts. ‘Owners’ interests in the land blocks are registered with the Maori Land Court and subjected to the Ture Whenua Maori Land Act. Maori land owners are committed to long-term, inter-generational ownership with no realistic capacity to risk mortgage of their lands to raise venture capital or to on-sell land to alleviate venture risk. The long-term investment in afforestation represents a step toward greater economic and social stability for present and future owners. This development clearly demonstrates the significant owner investment in environment management for the benefit of the wider community. It also preserves cultural and spiritual values necessary for the enhancement of the ancestral relationship of the tangata whenua with their land and related taonga (including the lakes, rivers, fishery, flora and waters etc).

4. Ngati Tuwharetoa ancestral lands, forests, fisheries and waters comprise the basis of a significant ‘national and local public good’. The Maori owners have foregone huge investment opportunity and private enjoyment for the creation of public benefit in the form of free public access and enjoyment.

5. Like all Maori landowners, the Trusts can and do expect to be owners of their lands in perpetuity. This leads the owners to take a longer term view on land use than do some freehold land and forest owners. We consider that this is reflected in the high environmental standards to which the lands are managed, benefiting both the Trusts and the wider region and country. It also means that any regulations relating their lands – such as the proposed Forestry NES – are matters which will affect us indefinitely. Consequently we are particularly concerned to ensure that the result meets its objectives to provide a more consistent and appropriate plantation forestry management framework while facilitating the sustainable management of natural and physical resources.
SUBMISSION

6. The Lake Taupo Forest Trust and Lake Rotoaira Forest Trust (“the Trusts”):
   6.1. **Support the objectives** for the proposed standard;
   6.2. **Oppose** the proposed standard in its current form; and
   6.3. **Request** substantial changes to the proposed standard to enable it to meet the objectives.

7. The Trusts submit that the proposed NES, as presented in the discussion document, fails to meet the objectives it has set out to achieve.

8. The Trusts note that the problem intended to be addressed by the proposed NES is inconsistency in the management framework for plantation forestry and that this stems from:
   8.1. Re-litigation of the same issues in the different regional and district councils across the country;
   8.2. Inconsistent treatment of forestry operations both within and between regional and district councils;
   8.3. Operational inefficiency;
   8.4. Investment uncertainty.

9. Together these features contribute to increased costs for forest owners and managers with little if any overall benefit to the New Zealand environment or economy. The net effect is a reduction in investment in forests and forestry and a loss to the nation of the benefits that increased investment would bring.

10. The Trusts agree with the stated policy objective of the NES, which is “to provide a more consistent and appropriate plantation forestry management framework while facilitating the sustainable management of natural and physical resources”. We note that the discussion document defines these terms as:
    10.1. **Consistent** – provides certainty about consent requirements, facilitates efficient operations and is free from unnecessary variation or contradiction
    10.2. **Appropriate** – promotes best practice that recognises different environments and values whilst not significantly tightening or loosening the management of forestry overall.

11. Plantation forests are widespread throughout New Zealand and make significant contributions to the economy and the environment including:
    11.1. A significant contribution to the New Zealand economy in terms of exports and employment;
    11.2. Supplying renewable resources to local and international markets;
    11.3. A vital role in carbon sequestration to mitigate the effects of climate change and helping to meet our international obligations;
    11.4. Significant environmental benefits including the maintenance of water quality, amelioration of peak flood flows, control of sedimentation and soil erosion and enhanced biodiversity;
    11.5. Recreational and tourism benefits.
12. The Government recognises these contributions and has expressed a desire to see growth in the sector.

13. Unfortunately the current Resource Management Act regulatory framework for plantation forestry fails to encourage and actually inhibits new and continued investment in this sector. In particular, plantation forestry activities are subject to a complex maze of inconsistent and excessive regulation through district and regional plans throughout New Zealand.

14. The ‘Trusts’ key considerations:

14.1. The purpose of the proposed NES is to encourage forestry investment due to the significant economic and environmental benefits arising;

14.2. An uncertain and/or unreasonably onerous emphasis on regulation within the NES will in our assessment, hinder rather than encourage an expanded and vibrant sector;

14.3. The Trusts are concerned that the proposed NES has adopted a restrictive approach to regulation and forestry, with emphasis on the ability for local government to impose more stringent requirements still. The fact that the proposed NES exceeds the current regulatory requirements in some parts of the country serves to highlight the apparent desire to regulate forestry as a matter of principle and/or reflects local government’s motivation in maintaining day to day regulatory control;

14.4. Inadequate attention has been given to the value in terms of encouraging forestry investment arising from a more permissive regime. In particular, landowners contemplating forestry as a land use will be reluctant to forego the more certain returns and reduced compliance costs associated with pastoral agriculture (predominantly a permitted activity), where the returns from investment in planted forestry are subject to the discretion/goodwill of regulators in terms of the regulatory expectations they may have of the forest managers and at harvest.

Uncertainty

15. Forestry is a long term investment. An important characteristic of this investment is that it faces considerable “up-front” costs with little financial return for 30 or more years. If there is to be an increase in forestry investment, it follows that if the investor is permitted to establish a forest, whether a new forest or re-establishment of a forest following the harvest of a previous forest crop, there should be some certainty in the assumption that the owner will be permitted to harvest the forest when it is mature and that there is some certainty in the conditions that will apply to the harvesting operation. There is a trend with Regional and District Councils to impose stricter conditions on forest land use as new plans are produced. In many cases these tougher conditions appear to be an attempt by the councils to “nationalise” some of the benefits that arise from forests, without any attempt to compensate for the restriction in the property rights of the forest owner. This contrasts with the tendency to nationalise the costs of some other land uses, for example the contribution that ratepayers and taxpayers have made to ameliorate the deteriorating condition of Lake Taupo and the Rotorua Lakes.

16. Consequently the Trusts contend that an underlying assumption in the NES is that the permitted establishment of a forest incorporates an assumption that harvest can be undertaken at maturity, under conditions that are considered acceptable at the time of establishment.
17. The link between forest establishment being allowed and the ability to harvest at maturity also demands that the full range of forest activities is included in the NES. Failure to include any important operations reduces certainty and increases risk that the harvest may not be practical or economic.

Overall increase in regulation

18. The Trusts consider that the NES does not reach a midpoint or overall balance position regarding regulation of plantation forestry. Instead, the NES as drafted will impose an overall increase in regulation of the sector across New Zealand because the NES:

18.1. Will automatically replace any rules in district or regional plans that are more lenient than the NES, thus causing in many parts of New Zealand a marked increase in regulation of plantation forestry; and

18.2. Provides for more stringent rules to remain in force and other even more stringent rules to be developed by local authorities.

19. Consequently, it appears that the NES will offer only limited benefits and that these will be offset by substantially increased costs and risks. The objective of consistency appears to be being pursued at the cost of an overall increase in regulation and with enormous scope for further regulation through ‘local’ rules.

20. While the Trusts support the objective of encouraging more new planting, it should not be forgotten that New Zealand currently has around 1.8 million hectares of plantations owned by companies and individuals who are committed to the industry. These owners generally have a very high standard of environmental performance, and the NES as drafted will only serve to increase their compliance costs, and decrease their profitability, without any indication of improving environmental outcomes.

21. The effect of the above is that if the detail of the NES is not carefully reconsidered and substantially amended, it will result in a significant increase in the level of regulation that will discourage further investment in this plantation forestry. Such an outcome will completely undermine the objective of the NES.

Will the NES achieve consistency?

22. Achieving a consistent level of regulation throughout New Zealand is one of the two key objectives of the NES.

23. It is accepted that it is not possible to achieve absolute consistency due to the need to take into account local environmental conditions and values. However every effort should be made to achieve this objective as far as reasonably possible.

24. In particular, in order to achieve consistency the NES must provide for the following:

24.1. All activities that are an integral part of plantation forestry should be covered by the NES; and

24.2. The matters where a local authority may be more stringent than the NES should be kept to an absolute minimum.

25. In its current form, too many activities are excluded from the NES and there are too many areas where the local authority may be more stringent (i.e. development of ‘local’ rules). This allows too much scope for variability of regulation across different local authorities and compromises the achievement of consistency and certainty for the forestry sector.
Will the NES deliver an “appropriate” level of regulation?

26. The second key objective of the NES is to deliver an “appropriate” level of regulation. When determining what is appropriate, an important requirement identified in the Discussion Document is that the NES should not significantly tighten or loosen the overall regulation of plantation forestry in New Zealand.

27. How “tight” or “loose” the regulation proves to be will be determined by the following component of the NES:

27.1. The conditions for permitted activities and the resulting activity status if conditions are not complied with; and

27.2. How these conditions are interpreted and applied.

28. The Trusts consider that the conditions currently proposed will significantly raise the bar for the management of plantation forestry in New Zealand and lead to a higher overall level of regulation. In addition, we are concerned that these conditions may be interpreted and applied in a manner that is inconsistent with the purpose of the NES and impose onerous consent requirements with no resulting environmental benefit.

SPECIFIC COMMENTS ON THE MAY 2011 DRAFT NES:

29. In addition to the general concerns about the draft NES, some specific areas of concern and Trusts’ response to these are discussed below.

30. The problem the NES is intended to address is summarised in MFE’s original discussion document as avoiding re-litigation of the same issues in each region of the country, inconsistent treatment of forestry as compared with other land uses, operational inefficiency, all combining to generate investment uncertainty and less forests.

31. The Trusts have previously concluded that the NES as proposed failed to achieve its stated objectives and therefore did not represent a significant improvement on current arrangements. Changes made following submissions have not altered this view, recognising that our first preference is for the efficiency and consistency of an NES.

32. Our understanding is that this Discussion Document will act as a guide to those charged with drafting the NES itself. Our concern would be that the level of detail and distinction between different stages of the forestry cycle, different activities and different land classes etc will be difficult to translate into clear legally binding text, capable of interpretation by the many people captures with the definition of forestry. The Trusts accept that ignorance of the law is not a defence for breach. However there must be a responsibility exercised by those drafting rules to make them as clear and simple as possible, recognising the purpose of the exercise is to enable resource users to avoid adverse environmental effects rather than secure prosecution where a breach has arisen due to misinterpretation or different interpretation.

33. Afforestation should only be regulated in relation to designated HPT sites. Forests are the natural condition in NZ where they should grow. Restriction on afforestation for any other reason implies judgements on end uses of forestry which are not appropriate considerations by regulators, recognising that afforestation could be for all manner of purposes from erosion control to biofuel crops.
AFFORESTATION

34. The Trusts consider that the shading / icing on formed road (10 to 2 on shortest day) rule should be limited to paved roads.
35. The Trusts consider that the exceptions list for 10m setbacks is far too vaguely worded. For example, the definition of 'terrestrial habit' (even grass provides habitat for worms and insects) and 'sensitive receiving environment'.
36. The Trusts consider that matters over which discretion is limited (for afforestation in the green/yellow area that doesn't meet all permitted conditions) goes well beyond what the rules
37. The Trusts strongly oppose the restricted discretionary status of afforestation in the orange and red areas. We note that orange and red areas are the land in which future afforestation is both most likely to occur due to favourable land values, and the most desirable to stabilize that land. Despite what is indicated by the ROAR analysis, we consider the overall impact of a restricted discretionary status for afforestation in the orange and red zones is a significant increase in stringency above the status quo rules. This in effect makes afforestation - which currently is almost universally permitted over the bulk of land available for afforestation - almost universally restricted discretionary.
38. In principle the Trusts can accept more stringent rules relating to afforestation based on the principle of ‘front-loading’ decision making - ensuring the right decisions are made at the time of planting that would in return providing greater certainty to forest growers that at the time of maturity trees can be economically harvested and replanted. Given the significant investment in afforestation, and long time frame to realize a return, such certainty is essential to encouraging future planting. However under the current proposed NES we do not believe that link has been achieved. The end result has been tighter rules to afforest, with no greater certainty of the ability to subsequently harvest. On that basis we cannot support this approach that will inevitably serve to deter new afforestation that is in some regions desperately needed.

REPLANTING

39. The Trusts are concerned that there is a lack of consistency between the proposed NES and the rules affecting forest landowners under the ETS. Any rules under which lead to a Council preventing the replanting of forests will (for pre-1990 forests) and may (for post-1989 forests) lead to an ETS liability which will either fall upon the landowner or the Council – depending we understand on which party was responsible for the replanting not occurring.
40. Landowner decisions around replanting always involve a range of drivers, and the economic driver will generally be at the forefront of these. Forest planting decisions require considerable faith in the situation the tree owner will face at the time of harvest – generally 30 or more years from the time of the decision. Of the factors around determining the economic viability of any replanting proposal, the species to be planted will be a key one. The Trusts consider it inappropriate that any Council has any right to dictate tree crop species used – even to the extent that they require planting or seeding in native species rather than exotic species on private land.
41. The Trusts note that ETS deforestation liability also relates to set-backs around streams and waterbodies. In this regard, 5m should be the maximum setback required from any stream or waterbody, as any larger distance will immediately lead to ETS liabilities. The Trusts consider that lakes and wetlands should each be a minimum of 0.25 ha before
setbacks provisions apply. We note that smaller area thresholds will lead to fire ponds, wet gateways and other features being captured.

42. The Trusts consider it unlikely that the ETS issues will be resolved prior to the NES being enacted. However if it is, we note that the exceptions list for 10m setbacks is too vaguely worded. For example terms such as ‘terrestrial habit’, ‘sensitive receiving environment’ are undefined, as is the physical proximity of such sites - do these issues apply only if these areas are immediately adjacent to the site or some considerable distance downstream?

43. The Trusts are concerned that replanting of an existing forest may end up being a Restricted Discretionary activity in the red zone – noting that this is an activity that is currently universally permitted (status quo test). Our examination of the maps indicates that while the red zone was meant to cover only the most sensitive environments, it has in fact captured some relatively ‘normal’ forestry land which we consider should not face any hurdles around replanting.

44. The Trusts consider that in Coastal marine areas, replanting should not be a matter over which Councils have the ability to be more stringent: We note that the land has existing use rights, and poses issues under the ETS as described above.

45. In summary, the Trusts consider that if the current rules around ETS deforestation liability prevail, then Councils should not have the right to restrict replanting (as is currently proposed for land in the red zone).

MECHANICAL LAND PREPARATION

46. The Trusts consider that the NES proposed rules around mechanical land preparation are far too restrictive and this needs to be re-written to ensure that land preparation – a key component of successful forest establishment, can be undertaken in the most appropriate way. Again, The Trusts consider that the overall benefit of more forestry, and of certainty of replanting, should be reflected in the NES by having a reasonably permissive approach to mechanical land preparation.

Regarding specific aspects of the proposed mechanical land preparation regulations, the Trusts:

47. Opposes operations defaulting to Restrictive Discretionary status in the Green and Yellow zones for both shallow & deep MLP, which we consider fails the status quo test.
47.1. The Trusts consider that the Plus Arch site terms (Plus Arch sites defaulting to Full Discretionary status) are sufficient;
48. Opposes operations defaulting to Restrictive Discretionary status in the Orange zone for shallow MLP which we consider fails the status quo test;
48.1. The Trusts consider that the Plus Arch site terms (Plus Arch sites defaulting to Full Discretionary status) are sufficient;
49. Opposes operations defaulting to Restrictive Discretionary status in the Orange zone for deep MLP which we consider fails the status quo test;
49.1. The Trusts would accept these activities being controlled in the Orange zone (Plus Arch site defaulting to full Discretionary status) for deep MLP on slopes > 20 degrees.
50. Opposes operations defaulting to Restrictive Discretionary status in the Red zone for both shallow & deep MLP which we consider fails the status quo test;
50.1. The Trusts would accept these activities being controlled in the Red zone (Plus Arch site defaulting to full Discretionary status) for deep MLP on slopes > 20 degrees, and

50.2. The Trusts would accept restricted discretionary status (no notification) for deep MLP in Earthflow country, Air-fall Tephra and Deep loess (> 2m) soils

HARVESTING

51. Comments as for earthworks apply. The Trusts are opposed to controls on harvesting greater than conditional controlled status, recognising that greater discretion as to the costs / methods of harvest and or a prohibition on harvest amount to a rendering of land incapable of reasonable use. A prohibition (or effective prohibition) on harvest may be reasonable where that is signalled at the outset, such that those afforesting land are aware of the limited future values possible from their prospective investment. The Trusts would not support such indications on the basis that the motivation to invest in forestry will be curtailed on those land classes most in need of the protection of forest cover for the majority of a rotation. The very limited rates of afforestation since before enactment of the ETS suggests non-harvest returns are not sufficient motivation for forestry investment by themselves.

52. The Trusts are opposed to making harvesting in the red zone a Restricted Discretionary activity, and considers it should be no different from that in the orange zone. The Trusts can potentially accept harvesting being a Restricted Discretionary activity in ‘Earthflow country’ in the red zone, though requests that 'Earthflow country' needs to be clearly defined and ideally mapped.

53. The Trusts considers that the installation of slash traps should be a permitted activity associated with harvesting, as it is a mitigation measure.

54. The Trusts considers that reference to a harvest plan template needs to allow for an 'or equivalent' – companies should be able to use existing templates – amended if required to cover these issues.

PRUNING AND THINNING TO WASTE

55. The Trusts cannot conceive of the environmental / RMA justification for controls on pruning and thinning. We cannot understand why pruning and thinning are part of the scope for the development of this NES. We emphasise that any controls on these aspects of forestry should be assessed against the controls applied to other predominant rural land uses.

EARTHWORKS

56. The Trusts are aware that Government has recently adopted an NES for transmission lines which provides for earthworks as (at its most restrictive) a controlled activity. We assume that the rationale is that the nature of the land use requires earthworks and related disruptions. Having made the fundamental decision that forestry (or power lines) offer benefits in excess of costs, the approach of regulators has been to be permissive subject to conditions, rather than to reserve discretion. It must be recognised that reserving discretion is in effect negating or bringing into question the fundamental issue, that the activity is desirable.

57. Earthworks including mechanical land preparation, roading and the like are essential components of commercial forest management, as they are with many other common
productive land uses. Controls are appropriate, ideally as conditions on a Permitted or Controlled classification. The Trusts are uncertain of the logic behind seeking greater control including public notification and discretion in proportion to the sensitivity of the land class. We contend that the only viable use for some of New Zealand’s more vulnerable land classes is forestry, and that the environmental benefits of forestry justify a more permissive regulatory regime as an inducement to such investment.

58. The Trusts strongly oppose the proposed scale thresholds in earthworks - depending on how a site is defined, this could potentially lead to all earthworks in all zones being considered as controlled activities, which is far more restrictive that the status quo.

59. The Trusts also oppose the proposed slope limits on earthworks, noting that it will lead to a far greater proportion of earthworks in the ‘average forest’ moving from being a permitted activity to being a controlled activity.

60. The Trusts consider that all earthworks rules should be non-notified - the matters over which control/discretion applies are very seldom community/stakeholder related issues.

61. The Trusts consider that the Earthworks plan - need to allow ’or equivalent’ to allow forestry companies to continue using their standard harvest plan templates, suitably amended if required.

QUARRYING

62. The Trusts oppose quarrying having restricted discretionary status in the red zone, though would accept it defaulting to restricted discretionary status if other conditions are not met (which allows council to apply spoil dump condition in earthflow country).

63. The Trusts recommend quarrying should have non-notification status if it is > 500m from an external boundary

RIVER CROSSINGS

64. The Trusts are not aware of any Council justifying stream crossing rules on the basis of erosion susceptibility and considers that it is inappropriate to determine activity status for river crossing activities based on the erosion risk of the surrounding country.

The Trusts recommend:

65. the removal of reference to erosion susceptibility of surrounding country from these rules.

66. the removal of Permitted Activity contributing-area limit rule on culverts

66.1. The Trusts would support the “EBoP model” performance threshold instead – this accepting a 1200mm MAXIMUM and must pass a one in 20 year event (without heading up / surcharge)

67. the removal of the rule proposing stream crossings having controlled activity status in the Yellow zone Earthflow country.

68. Amending the proposed minimum culvert size of 600mm diameter to ensure it applies only to perennial streams – it is nonsensical to apply this to ephemeral streams.

69. The removal of the rule proposing stream crossings having restricted discretionary status in the orange and red zones – we note that the underpinning LUC mapping was never intended to address erosion at stream crossings

70. The deletion of the proposed rule making constructing stream crossings a controlled activity in yellow zone earthflow country, and being a restricted discretionary activity in orange or red zone earthflow country.
70.1. The Trusts note that the underpinning LUC mapping was never intended to address erosion at stream crossings. We consider that restricted discretionary status is not appropriate as the default status for stream crossings that don't meet permitted rules – in forest management practice there is frequently no option but to construct stream crossings.

71. The deletion of the proposed rule: “Each culvert being a single structure” (i.e. not placed in combination with other culverts across the width of a river or stream).

71.1. The Trusts would support the re-instatement of PA terms allowing for Battery Culverts, or alternatively re-writing a battery culvert/ drift deck rule - very commonly used forestry stream crossing types not covered by the NES.

72. That sediment discharge must be permitted for the duration of the works (subject to conditions on duration).

73. The re-writing of the proposed condition requiring diversion of the river 'around the extent of works', as this is often not practical due to topography - or even desirable from an environmental point of view. Such diversion would often require significantly greater disturbance and potential for sediment generation. We note that the key issue is the pouring of concrete and that is already covered by another condition.

74. The deletion of the proposed rule around Fish Passage: “Culverts being installed at a maximum gradient of 2%”.

75. The deletion of the proposed rule: “Culvert width being at least 0.5 m plus 1.2 x the average wetted streambed width during average flow”. This rule is overly restrictive, and we note it clashes for example with the EBoP model performance rule for 1200mm culverts. Further, the rule appears to contradict the other proposed NES rule requiring the minimum culvert size to be 375mm.

76. The removal of any public access conditions, which we consider to be irrelevant.

77. Changing the proposed bridge design rules to align with NZTA Bridge manual

78. Changing the proposed rule: “for permanent bridges, the 25- year average recurrence interval flood (4% annual exceedance probability)”, back to: “Any bridge being designed so that a 50- year average recurrence interval flood can be accommodated, with the soffit (underside of bridge beams) for permanent bridges being at least 1.0 m above the 1-in-50 average recurrence interval flood.

APPENDIX 1 – WILDING CALCULATOR

79. The Trusts consider that this model needs more consideration, in particular whether the model, which has been 'compiled primarily for use in the drier hill and high country areas of the South Island', suitably reflects the wilding risk throughout the country.

GENERAL COMMENTS

The Trusts consider that:

80. Proposed rules around Outstanding Natural Features and Landscapes should apply only to afforestation. For all other activities, if the forest was there first then the landowner / forest owner should be able to continue to go about our normal business. The Trusts note that this reflect the whole concept of front loading within the NES – it is appropriate to consider these matters at the afforestation stage but once the trees are there, the continuation of forestry should be a permitted activity.
81. The NES should explicitly provide assurance that there will be no “Activity Bundling” in the interpretation of the rules – i.e. earthworks controls will not creep over into quarrying or stream crossings or tracking, and then potentially into mechanical land preparation via roller crushing, etc.

82. The NES should explicitly provide assurance that there will be no “Spatial Bundling” – for example having an area of Red zone in a catchment (or compartment or forest) does not mean the whole catchment (or compartment or forest) is treated as red zone.

83. The NES should include provision for later incorporation of ‘accredited operator’ status.

84. The NES should include provision for a system of reviewing erosion susceptibility where there is compelling evidence that the susceptibility assigned does not make sense. To ensure consistency, this must remain a national process.

**CONCLUSION**

85. The plantation forestry industry is of significant importance to the future of Maori and indeed to New Zealand, due to the economic and environmental benefits it provides. Unfortunately, in many parts of the country, it is constrained by unnecessary and inconsistent regulation.

86. The NES provides an opportunity to resolve the existing problems and to implement a framework that encourages investment in the forestry sector. This is its core objective. However, as proposed, it also has the potential instead to exacerbate the problems and increase the regulatory burden for the forestry sector.

87. The Trusts support the objectives behind the development of the NES and accordingly is in favour of an appropriate NES being developed. However the Trusts consider the future of forestry in NZ would be better off staying with current regulatory arrangements than it would be under the NES as currently drafted.

88. For the reasons outlined above, The Trusts consider that the NES in its current form fails to achieve its objectives. Substantial changes are required in order to ensure that the NES leads to the outcome that is intended.