2nd Comments on Proposed National Environmental Standard for Plantation Forestry

To: Ministry for the Environment
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From: Ruapehu District Council
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Summary
Thank you for the opportunity to comment on the revised NES on Plantation Forestry.

We previously have submitted on the issue of forestry setbacks from adjoining properties, specifically:

- The proposed setback from existing dwellings of 30m;
- The proposed boundary setback of 10m; and
- The proposed setback from urban zones

The issues we raised (and that were raised by a number of other submitters) have not resulted in any significant amendments, and there is no discussion in the documentation which indicates that these issues have been given any level of consideration.

The potential effects on adjoining land owners from a forestry block can be significant and last for decades. We are therefore very concerned that these issues appear to have been ignored by the Working Party.

In speaking to MfE staff it would appear that the Working Party is made up of predominantly Regional and Unitary Authority representatives. It does not appear that there is strong representation from either Territorial Authorities or Federated Farmers?

We would therefore like to request that:

1. The Working Party comes and visits a farm affected by forestry on the boundary. (We are happy to arrange this).

2. The Working Party models the impact of forestry on light levels on adjoining farmland, and dwellings.
3. The Working Party considers the impact of forestry on soil structure, water loss, and farm maintenance on adjoining properties (with specialist advice).

Below we have re-iterated at the main points we made in our original submission.

**Setback from Existing Dwellings**

The standards, as proposed, allow the equivalent of a 10 storey building to be constructed 30m from an existing house (pace it out from your lounge window). But with branches that can extend closer still to the house. This has the potential to have significant impacts on value of, and livability, of existing homes.

Rural Zones are intended to be primarily productive areas. However, within these areas, people have built their homes (many investing significant amounts of money). Allowing the planting of forestry blocks 30m from a house has the potential to:

- Significantly block light to these houses;
- Significantly affect outlook.

**Impact on Light**

Pinus radiate grows to a height of 25 - 30m, other species, for example, Redwoods, can grow taller still (23 – 41m¹). The impact of these trees on light levels, will be dependent on ground levels and orientation. However, a forest, unlike an individual tree or even a shelter belt, blocks almost all light from coming through.

This affects the warmth of a house, the health of occupants, along with how pleasant a place is to live within. It appears that this issue has not been addressed by the Working Party.

**Impact on Outlook**

In addition to this, a forest can run for kilometers along a boundary, with branches potentially extending closer again to any dwellings. This can significantly alter the outlook and character of a home.

The 30m setback appears to have been based on an analysis of District Plan provisions. This is a reasonable approach, except, most of these provisions were developed 10-15 years ago when many forests were still maturing, and when there was less rural residential development.

¹ According to: [http://www.nzredwood.co.nz/redwood-history/#](http://www.nzredwood.co.nz/redwood-history/#) results are based on simulations by NZ Forestry Ltd.
Given this, and combined with the potential growth in forestry over the next few decades it is considered expedient to take a serious look at the impact of these proposed setbacks on existing dwellings.

Request

We would suggest that MfE models the impact on light of a forest planted 30m from a dwelling, taking into account:

- orientation
- impact in winter and in summer
- forests of different heights e.g. pinus radiate and a redwood forest.

And develop a setback based on this information, ensuring that neighbouring houses are appropriately protected.

OR

Replace the proposed setback from dwellings rule with the following (or similar) text:

(i) Separation from existing Dwellings

No vegetation shall be allowed to grow to a position which will shade any existing dwelling, located on a site held in a separate certificate of title and owned by a person or organisation other than who was undertaking the planting, between the hours of 9.30am and 3pm on the shortest day of the year.

Ruapehu District Council would appreciate the opportunity to be involved in further discussions on this issue.

Finally, it is worth noting that the cost to forest owners to set back trees close to housing would be low.

Setback from boundaries

Being a National Standard, the proposed boundary setbacks have the potential to affect hundreds of farmers for decades to come. It is therefore critical that a proper analysis is undertaken in relation to the impact of what a forest 10m from a boundary, would have on adjoining farm land.

Consideration needs to be given to:

- The impact on adjoining pasture and crop growth (potentially for kilometers along a boundary) through:
  - Shading;
Nutrient loss;

Water loss;

Impact of pine needles on soil acidity.

Farm management:

Impact of falling trees on fences/loss of stock/feral animals;

Impact on farm tracks – fallen trees blocking tracks, water and pine needles making tracks muddy and access difficult;

Impact on livestock;

Ability to contact forest managers where issues do occur.

The effects of forestry on adjoining farmland are not simple.

If a forest is located to the south of farmland the impact the impact on shading will be negligible, and there is the potential for benefits, for example, shelter for stock from cold southerly winds.

However, trees located to the north of a property have a much greater potential to:

- limit growth of adjoining pasture or crops,
- increase the duration of frosts, and
- increase water logging.

The shading effect of trees has been looked at in: ‘Trees for Shade and Shelter, Design Principles for Farm Forestry.’ For Hobart, which has a latitude of 40 degrees south, the author calculates the areas shaded by a 10m tall windbreak orientated north-south as follows: ‘In summer, the shaded area is less then 5m at midday and 10m at 9am or 3pm. By mid winter, a 20m strip is shaded at midday and this grows to 40m in the morning and afternoon’

The effect of shading will increase the further south the property is, while the impact on shading will be significantly greater where the trees are that of a forest and not a shelter belt (due to the increase in height (10m – 25m).

The effect of the additional shading on production will also be dependent on the local climate, for example, sunlight hours, extent of frosts etc.

Overall, the NES needs to be fair for land owners either side of the fence. The proposed 10m is a simplistic approach to a complicated issue. In a number of scenarios this setback will adversely affect production on adjoining properties. Ruapehu District Council therefore considers that there

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2 The article is Australian (and is looking at the benefits of planting a shelterbelt), but the calculations are also broadly applicable here.
needs to be research behind any setback to ensure that individual landowners are not unfairly penalised.

We consider that:

- basic modeling needs to be undertaken to look at the impact of shading from a forest on adjoining land use, whether it is pasture, crops, or an orchard;
- An agricultural expert provides evidence on the impact of forestry on adjoining farmland (given the various issues noted above).

Based on this information, a more appropriate rule could be developed.

If MfE does not want to address these issues at this point in time, Council suggests that the regulatory function for setbacks is retained by Territorial Authorities.

As a final comment, we recently notified changes to 95% of our District Plan. One of the largest responses we had was from the farming community in relation to the issue of forestry setbacks (approximately 10% of submissions addressed this issue). So although you may not have received a large number of submissions on this issue, locally this is an important issue.

**Setbacks from Urban Zones**

The NES proposes a 30m setback from Urban or Residential Zones.

Has anyone considered the impact of a 30m high forest on the opposite side of the road on the edge of a small township, for example, Ohakune, National Park etc.

The effects here will be similar to the effects on an individual dwelling, but amplified given the number of people who could be affected.

We therefore request that a significantly greater setback is considered.

**Conclusion**

Forestry has the potential to have significant benefits—both economic and environmental. However, it needs to be properly managed. The proposed NES provisions do not, in our view, properly manage the potential issues on adjoining neighbours.

Given the significance of the effects on neighbours, combined with the long term nature of forestry, Council would like to re-iterate our request at the beginning of this submission that the Working Party visits a farm where there have been issues with forestry on the boundary; and undertakes additional research to quantify the impact on adjoining farmland and neighbouring homes.

If you have any queries about the above submission, please feel free to contact Council. We are keen to be involved in the process.
Finally, we would like to thank MfE and the Working Party for the opportunity to again comment on the Proposed NES.