**Eastland Wood Council Comments on the proposed NES for Plantation Forestry**

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Organisation/agency</td>
<td>Eastland Wood Council</td>
</tr>
<tr>
<td>Postal address</td>
<td></td>
</tr>
<tr>
<td>Phone number</td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
</tbody>
</table>

**Q1: Do you agree with the changes to the afforestation section?**

| Yes | No |

**Comment**

There is some logic in having Red zone areas requiring resource consent under the Restricted Discretionary category, i.e. “front loading”. However that can only be acceptable if then all other forestry activities downstream, including harvesting and earthworks are locked down via a non-expiring land use consent as future Permitted Activities. Any conditions that need to be applied must be known up front before afforestation starts.  

The logic of limiting Afforestation on the basis of wilding tree risk based on erosion zones is not rational. Green and Yellow are Permitted and the risk there of wilding trees is just as great so why is there any need to differentiate.  

The issue of trees shading unpaved roads should not be limited to plantation forests, there are many shelter belts that have the same impact and there is little point in restricting plantation forests if these belts are not similarly restricted.  

The whole topic of setbacks is a complex one which fortunately for Afforestation shouldn’t have an ETS liability; however one of the primary objectives of NES is to prevent operational inefficiency. If unreasonable setbacks are imposed, then in hilly country as we have here in Gisborne Tairawhiti there will be large proportions of land not able to be planted because of all the small streams and gullies that abound. This would make the ROI required on what remains much harder to attain.  

**Q2: Do you agree with the changes to the replanting section?**

| Yes | No |

**Comment**

We very strongly disagree with the requirement to make replanting in Red areas a Restricted Discretionary activity. All areas that have previously completed a rotation must, by the very fact that they have satisfactorily completed that rotation, be suitable for plantation forestry. If there was an erosion problem then clearly the trees have mitigated that problem. Therefore apart from reasonable setbacks required for genuine archaeological, heritage, cultural, waterway setback reasons etc., all replanting should be a “Permitted” activity.  

If the basis of making the decision to not allow replanting is not based on the erosion susceptibility of the land then that brings into question the whole concept of this classification system. One of the primary tools to manage erosion is to plant trees.  

If the area to be replanted was planted originally for erosion control reasons, i.e. probably in the Red Zone, then what has changed to now make it inadvisable to plant trees? To not ‘Permit’ replanting is only adding unnecessary cost and possible delays without benefit.  

To restrict or prohibit replanting any area previously in plantation imposes a liability under ETS or legitimately agreed forestry contracts and the responsibility for that liability should not fall on the land owner or forest owner. The regulatory body’s concerned need to take some responsibility.  

Where there are indigenous vegetation areas not included within the productive area of a plantation forest, whether they be Protected Management Areas (PMA) within the plantation or vegetation on the border of the plantation forest, the exact line of where that border or PMA exists must be clearly defined by DoC or Council on a map available to the land owner and any setback imposed cannot be defined as indigenous vegetation on the next rotation. It must only ever be defined as ‘planting setback’ so to avoid future capture as an ecological reserve or similar.
Unfortunately the quality of mapping is generally quite poor in this country and to define exact boundaries of these areas is very inexact so special care needs to be taken and an area cannot be defined as indigenous after the event.

A substantial proportion of the Gisborne Tairawhiti district would fall into the Orange or Red categories and to require a consenting process, especially if that consent was a Restricted Discretionary one, for every rotation would be imposing a major level of uncertainty on the industry. This could be of sufficient concern to cause the investments required to move offshore to another country, especially if other activities such as Harvesting were also Restricted Discretionary.

As stated at the very beginning of this submission, if the level of certainty is eroded, the long term effect will be for the industry to eventually disappear and no longer exist in the district.

Q3: Do you agree with the changes to the mechanical land preparation section?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Comment

Again the Eastland Wood Council does not accept the decision to make MLP a Restricted Discretionary activity in any zone. Constraints on MLP should be constrained to deep Downhill Ripping on slopes steeper than 20 degrees, and then that activity should default to no more than Controlled. All other MLP activities should be Permitted, regardless of slope angle.

If there is acceptance of plantation forestry activity then there should never be the ability of a local body to refuse consent to carry out normal operations. In those areas where there is an issue ways need to be found to work through the issues.

The concerns of uncertainty and the doubt that an investor would have before entering into a forestry investment have to be resolved and that can never happen if there is a possibility that the full cycle of the harvest may not happen. Without a quantifiable level of certainty the investment will not be made and we end up without an industry.

Q4: Do you agree with the changes to the harvesting section?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Comment

The Eastland Wood Council votes an emphatic ‘No’ to the concept of a ‘Restricted Discretionary’ for Harvest on the Orange or Red zones as listed.

The accuracy of mapping and the scales used are not adequate enough to clearly define precisely what is in what zone and even if the trees were in a Red Zone does that mean they can’t be safely harvested? Generally not.

Red zones should be listed as “Controlled” activities at worst. This provides the local body more than adequate protection for their concerns. Decisions to prohibit harvesting, when that is required, can be made on a case by case basis after physical inspection and where there are clearly and demonstrably no harvesting methods available that will mitigate a real concern. These should be very much the exception rather than the rule. To say that all Red zone land should be treated as Restricted Discretionary is an over simplification of what is on the ground.

It is essential that Spatial Bundling is not introduced as this causes perfectly suitable forest to be unavailable for harvesting.

Slash definitions need to be stated and not be included within the area where additional stringency can be applied.

We agree with the addition of vegetation overgrowing a pre-existing access way.

If ‘Restricted Discretionary’ consents are imposed upon harvesting of existing plantation forest on any erosion susceptibility zone, except for the very worst country, then the future of forestry in the Gisborne Tairawhiti district will be in dire straits very quickly. In addition since forestry has been the mainstay of the Gisborne Tairawhiti economy in recent years, the district itself will be badly affected. The average incomes are already amongst the lowest in the country, they will be driven even lower.

The imposition of Restricted Discretionary also defeats the stated purpose of this NES, Section 2.1 Problem and the Objective of the proposed standard, “operational efficiency” and “investment uncertainty”.
Q5: Do you agree with the changes to the pruning and thinning to waste section?  Yes ☐ No  ☑

Comment
There is little of concern in this section. The additional concerns of some members, such as slash placement over indigenous vegetation are not supported unless these are within a Protected Management Area or in a riparian area.

Q6: Do you agree with the changes to the earthworks section?  ☐ Yes ☑ No

Comment
We note that the Electricity Transmission NES (which is already in effect) makes earthworks a Controlled Activity above certain thresholds, regardless of the inherent susceptibility of the underlying land.

Earthworks should only ever be a “Controlled” activity in an existing plantation forest located on Red zones, and “Permitted” activity elsewhere. To introduce the possibility that a harvest may not be able to proceed because roading or other earth works were not permitted, whether that be new access routes or maintenance of existing would make the situation quite untenable for the forest owner and has the potential to cause financial hardship of major proportions.

For new Afforestation, all Earthworks should become a “Permitted Activity” on the basis that Afforestation is “front loaded” and the consent to plant brings with it the assumption that if the tree is planted it will be allowed to be harvested and the replanting that follows and so on through multiple rotations.

Within an existing plantation forest, the ability for an approving authority to impose a more “Stringent” requirement on Earthworks when clearing Indigenous Vegetation is also opposed unless that vegetation is within a PMA or a riparian area.

Q7: Do you agree with the changes to the quarrying section?  ☑ Yes ☐ No

Comment
The EWC does not have significant concerns with this section as it is written, provided that MfE’s legal drafting ensures that the Earthworks Rules are not applied via “Activity Bundling”.

Q8: Do you agree with the changes to the river crossings section?  ☐ Yes ☑ No

Comment
We believe that a culvert performance based threshold for defaulting into a Controlled regime is a superior effects based regulatory approach to that provided with a simple 100 ha threshold. We endorse the EBOP plan provision whereby a 1200mm culvert is permitted provided that it passes a 1 in 20 year flow

Q9: Do you have comments on the detail of the ROAR system?

Comment
With regard to the ability to make these rules more stringent the EWC has no opposition to the principle proposed. There will always be regional or local circumstances that cannot be managed within a ‘one size fits all’ approach.

We do however have some concerns around the coarseness of how the analysis has been applied with there being no apparent recognition of the relative importance or insignificance of a rule. This leads to the situation where a number of minor rules are less stringent for example when a really important one is more stringent and the conclusion drawn is that the new rules are less stringent, the result is flawed. There needs to be a “so what” step taken for every rule so that the effect is graded according to its relevance and criticality in the context of this Standard and how it applies to Forestry.

There is also a problem with the uncertainty around the detail of additional constraints that might be imposed and the process of documenting those additional controls.

The EWC considers that to simply limit applicability of this concept to specific activities, i.e. activity bundling, does not give the forest owner enough granularity and therefore enough certainty that the commercial activity of the forest will be viable in the future.
Where additional stringency may be applied to a specific resource consent, the scope is virtually unlimited and would allow an overzealous conservator free reign to do anything he or she wished. For example Section 4.2 of the proposed NES has within the areas where stringency can be applied within Afforestation, ‘vehicle movements and road damage’. It would be impossible to plant a tree without running a vehicle on a road somewhere within the district. This should not be sufficient reason to decline an afforestation application. The standard needs to establish better base lines where those effects must be considered significant and define what that means before they can be used as justification and not just rely on their mere existence.

A further complication is the concept of ‘spatial bundling’ which could easily have the effect of imposing illogical and unnecessary rules on foresters for areas that otherwise would be perfectly acceptable. It is important to be able to quarantine those small troublesome areas so that the impact they have does not prevent normal activity in the rest of the block. This has been achieved within the Gisborne District Council Plan and there is no reason why it can’t be integrated into this plan as well. Spatial bundling brings no benefits and should be scrapped altogether.

The ability to allow more stringency for some activities also has the potential for cross contamination of these impacts. As an example, in the Coastal Marine Area there is no ability to add additional restrictions to Harvesting but there is for Earthworks. If impossible conditions are imposed on Earthworks, then there will be no harvesting anyway.

Q10: Where the working group could not reach consensus, the areas in table 4 were highlighted blue. Do you have any comments about these issues?

Comment

Most of the comments are incorporated above.

We note that Gisborne District Council has commissioned its own detailed terrain stability mapping in this region, to identify the “Worst of the Worst”. This mapping identified some 13,000 ha, which is markedly less than 196,000 ha of Red Zone mapped by Bloomberg and others for MfE (2011, refer table 5, P 17 in the associated report” Erosion Susceptibility Classification and Analysis of Erosion Risks for Plantation Forestry”)

We strongly oppose the NES being implemented based on low resolution 1980s MoW mapping as carried over into Bloomberg’s ESC classification when we as ratepayers have funded GDC to markedly refine their Erosion Susceptibility Classification mapping (GDC’s Overlay 3A). We submit that Overlay 3A form the Red Zones on the East Cape and that all other land currently zoned Red be reassigned as Orange. This is critical for EWC endorsement and acceptance of any Forestry NES.

In summary no existing plantation forest should have any activities requiring anything more severe that “Controlled”, except for some of the very worst land where there are no practical options. When resource consents are required, any possible conditions imposed will be predictable and reasonable in the prevailing circumstances. All Afforestation, once planting has been agreed, should be Permitted.

The primary reason for this is that without some certainty that the rotation will be completed and contractual obligations can be met, investments will not be forthcoming at the outset and the whole industry will suffer. In some cases fatally.