In Brief;

- **We Support** the general structure and content of the revised draft NES. It has the potential to significantly streamline and standardise Forestry Operational and environmental compliance.

- **We Oppose** a number of critical details within the proposed NES – in particular, not enough use is made of Controlled Consent status in areas where there are acknowledged but well defined risks and solutions.

- **We Note** that change in detail will be required for the proposal to give effect to the policy objective and to be acceptable.
# Table of Contents

EXECUTIVE SUMMARY ............................................................................................................. 3
  - RMA structure has created disincentives to forestry ....................................................... 3
  - PF Olsen Generally supports NES ............................................................................... 3
  - Land erosion class mapping ......................................................................................... 3
  - Rules - .......................................................................................................................... 3
  - Bundling ....................................................................................................................... 3
THE SUBMITTER .................................................................................................................... 4
  - PF Olsen Ltd Status ...................................................................................................... 4
PURPOSE AND PRINCIPLES ................................................................................................. 4
  - What was sought? .......................................................................................................... 4
  - Why change is needed .................................................................................................. 5
  - Critical Deal breakers ................................................................................................. 6
MAIN SUBMISSION ................................................................................................................. 7
  - Mapping ....................................................................................................................... 7
  - Required ...................................................................................................................... 7
  - 4.2 Afforestation ............................................................................................................ 8
  - Required ...................................................................................................................... 8
  - 4.3 Replanting ............................................................................................................... 9
  - Required ...................................................................................................................... 9
  - 4.4 Mechanical Land Prep ............................................................................................ 9
  - Required ...................................................................................................................... 9
  - 4.5 Harvesting .............................................................................................................. 10
  - Required ..................................................................................................................... 10
  - 4.7 Earthworks ............................................................................................................ 11
  - Required ..................................................................................................................... 11
  - 4.8 Quarrying .............................................................................................................. 11
  - Required ..................................................................................................................... 11
  - 4.9 Crossings ............................................................................................................... 12
  - Required ..................................................................................................................... 12
  - Further Council Discretion .......................................................................................... 13
  - Required ..................................................................................................................... 13
  - Appendices 1-4 ............................................................................................................ 14
## EXECUTIVE SUMMARY

**RMA structure has created disincentives to forestry**

The fundamental development of the RMA and rules affecting forestry has and will continue (without an NES) to create a divergence between forestry and agricultural regulation. This becomes reflected in land value creating an economic disincentive to forestry.

The process of decentralised rules making, inevitably leads to a complexity of semantically differentiated rules that generate little environmental value difference in the field. This can be rationalised but only through an NES.

**PF Olsen Generally supports NES**

PF Olsen generally supports the concept of the NES. There remains an opportunity to make this innovative response to a longstanding problem work. However further refinement is now essential.

**Land erosion class mapping**

While undermined by its original purpose and scale resolution, the LEC mapping provides a workable starting point for the process that will be acceptable PROVISED THAT, there is an inbuilt process for transition into improved science based LEC development such as currently being research by Future Forests Ltd and a mechanism for rapid expert resolution of obvious idiosyncrasies of mapping relative to the actual land form. One major starting point is the resolution of red zone classification in the Gisborne District which can be superseded by the more spatially intense and accurate overlays created in that district.

**Rules -**

PF Olsen has significant concerns about the “setting of the bar” levels in the current draft. There are a number of examples where the thresholds for permitted, controlled and discretionary consent status need to be reviewed. If they are not The NES will fail in its objectives, will become an impediment to forestry and will, across the board, raise the performance requirements of forestry relative to other rural landuse. This must not happen - it would create a massive investment disincentive to NZ’s 3rd largest industry and would compound many of NZ’s environmental problems arising from pastoral landuse on vulnerable hill country locations.

**Bundling**

It is not yet clear that where an element of an operation falls across an LEC boundary and triggers consenting requirements, that the consenting will only apply to the triggering zone.
The Submitter

PF Olsen Ltd
Status

PF Olsen Ltd is in a unique position to comment upon the proposed NES because:

1. The company’s client base extends to ALL 12 Regional and Unitary Authority jurisdictions and 41 Local Territorial Authorities.
2. The company has a client base of 191,300 ha with clients including individuals, partnerships, trusts and other group ownership structures, Maori Trusts, the Crown, Government Departments and substantive overseas owned Timber Investment Management assets.
3. Client forest assets under management range from 0.6 ha to 42,000 ha.

PF Olsen Ltd is a major provider of forestry management and consultancy services to the forestry sector throughout New Zealand. We have:

- with over 191,000 ha of land under management
- a current annual harvest of 3.4 million tonnes (17% of the national harvest).
- an annual clearance of 6000 ha; much of it on rolling to very steep hill country.
- Directly employs 100 staff nation wide

Purpose and Principles

What was sought?
An NES was proposed and has in fact been supported in concept by the industry as a mechanism to simplify and streamline the application of the Resource Management Act (RMA) as it applies to the forest growing industry. It is currently perceived and documented by research and independent review, that forestry as a landuse is heavily regulated in contrast to some competing landuses.

The primary underlying motivations for the development of an NES were to achieve:

1. Simplicity
2. Consistency
3. Efficiency

In achieving the objects of the RMA as they relate to forestry. Implicit in that goal was also the objective that the process was not to significantly “raise the bar” especially in relation to other land use.
### Why change is needed

For 20yrs there has been ever increasing levels of regulation and complexity affecting forestry operations yet fundamental national environmental measures have declined due to the overwhelming influence and lack of regulation of unrelated (mainly pastoral) activity. New Zealand’s declining environmental performance will not be resolved by ever increasing regulation of forestry. It is time for change!

<table>
<thead>
<tr>
<th>Soil Forestry</th>
<th>Permitted use in severe erosion risk country</th>
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<tbody>
<tr>
<td>Soil Forestry – protecting soil in a high risk environment. In the big picture, some Councils have chosen to take a lighter hand than the NES, seeing the benefits of more afforestation far outweighing the risks.</td>
<td></td>
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<tr>
<td>Water Forestry</td>
<td>…a downstream tributary was subject to this before flowing into an estuary.</td>
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<tr>
<td>Water Forestry – Photopoint near a harvesting operation. The site was monitored because…</td>
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<tr>
<td>Biodiversity Forestry</td>
<td>Our competitor landscape – permitted use.</td>
</tr>
<tr>
<td>Biodiversity Forestry – Indigenous ecosystems protected under the Forest Accord. Significant costs incurred in voluntary biodiversity protection as well as regulated under the RMA.</td>
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Critical Deal breakers

Analysis of the first draft standard indicated that without important changes the NES would fail in it’s objectives. Identified issues were;

1. The mapping
2. The hierarchy of rules – especially for harvesting and earthworks and especially in the “moderate” and “high” erosion risk zones.
3. The bundling of issues of a consenting regime was triggered
4. The detail of discretions reserved to Councils.

The extent to which these issues have been addressed is submitted upon below.
Main Submission

Note that where no comment has been submitted, PF Olsen is comfortable with the standard as proposed.

Mapping

Supported ☑ ☑ conditional

The methodology employed is reasonable in the circumstance but remains very constrained by;

- The small scale of the original underlying mapping and the inherent inaccuracies that will result.
- The original purpose and density for which data was collected.

It represents a start point, and a start must be made in a whole new process and strategy to support consistent science based rules. But, this must be open to continuous improvement.

Required

1. **The land erosion classification (LEC) system must be subject to ongoing improvement.** Future Forests Ltd and Scion are specifically researching proof of concept for integration of LiDAR into geospatial surfaces driven by slope, geology, lithology, soil moisture and climatic conditions including probabilistic storm events. Such technology if proven must be able to be used to redefine the resolution to the LEC classes

2. **The NES must provide for quick and practical resolution of idiosyncrasies** between mapped classes and actual ground reality where they occur. Such cases need to be able to be passed through an expert panel and inbuilt into the mapping base as such changes are agreed.

3. **The rules hierarchy requires minimum permitted thresholds** for all consented levels in higher risk LECs to allow for small overlaps of geophysical boundaries between lower and higher LEC’s

*Continued on next page*...
4.2 Afforestation  

| Opposed | Without changes |

There are a number of areas where the current draft still does not adequately address the needs of simplicity, consistency, and efficiency. Above all until it is absolutely clear that harvesting will be permitted in areas where consents have been granted for afforestation in orange or red zones, then all that will be achieved is the complete cessation of planting in some of the country most desperately in need of afforestation.

Required

1. ☑ Red and Orange Zones – consented afforestation will be consent to harvest and associated operations.

2. ☑ All zones - Archaeological Sites – All references to such through Regional and District Councils should be removed. The Historic Places Act already places the requisite controls in place. It is illegal to damage & destroy…. – reference to Council District /regional plans is a duplication being superseded by the RMA amendments and NZ Archaeology website technology. Council schedules are often inaccurate and out of date.

3. ☑ Setbacks – Supported for afforestation, Opposed for reforestation. Replanting to original boundaries is an ETS issue. Additionally if a crop has been present for 25+ years, it is likely any adjacency issue is caused by the reverse sensitivity of the adjacent party following poor decision made by them. Forest investors should not continue to have to compensate for such decisions.

4. ☑ Shading - Supported only for sealed roads where ice may be a problem and only for afforestation

5. ☑ Setbacks – terrestrial habitat – Remove! Any native vegetation remnant reserves under the NZ Forest Accord is “terrestrial habitat.” Leaving a 10m buffer will lead to colonisation over rotation, then another 10m setback? Often these area are enhanced by the shelter provided by established plantations.

6. ☑ Setbacks – Sensitive receiving environments – Remove! Ill-defined is space and purpose. Only valid if zones that apply the same criteria to ALL landuse.


8. ☑ Discretionary and Restricted Discretionary – for afforestation where permitted conditions or arch site requirements not met. – These are a total disjuncture from the matters for which consent is required. Discretion should be restricted solely to the matters for which permitted status can’t be achieved and excluding matters over which HPT have jurisdiction.

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9. ☇ ☇ Orange and Red zones – Restricted Discretion. The front loading concept is supported. However there are vast areas of NZ “orange zone” hill country that is being harvested successfully with few problems and with an incident intensity that is low by alternative land use on comparable lands. Afforestation should be “Controlled” in “high risk” zones and Restricted Discretion in very high risk zones. Failure to address this will simply leave such land in pastoral agriculture. The long term environmental consequences of that will be significant.

4.3 Replanting

**Supported ☇ ☇ conditional**

Appropriate that replanting be permitted subject to conditions in green, yellow and orange areas.

**Required**

1. ☇ Archaeological Sites – All references to such through Regional and District Councils should be removed. The Historic Places Act already places the requisite controls in place. It is illegal to damage & destroy… – reference to Council District/regional plans is a duplication being superseded by the RMA amendments and NZ Archaeology website technology. Council schedules are often inaccurate and out of date.

2. ☇ Clearance of indigenous vegetation – is a sensible representation of the reality of indigenous remnants within plantation forest. Note 4.2-5 above.

3. ☇ Setbacks – See 4.2-3,4,5 & 7 above.

4. ☇ ☇ Red zones – Restricted Discretion. Reforestation should be “Controlled” in “very high risk” red zones. Prior planting and harvesting will have revealed all the risks or failings due to prior planting. Future earthworks will be much less and harvesting will conform to readily assessed risk patterns. The land is a property right. When Council rules also make pastoral landuse a restricted discretion on such lands, the case may exist. Until then controlled use provides the opportunity to present a planning plan and have conditions applied to address the future effects of that replanting.

4.4 Mechanical Land Prep

**Supported ☇ ☇ conditional**

Appropriate that surface Mechanical land prep permitted in green, yellow and orange areas.

**Required**

1. ☇ Archaeological Sites – All references to such through Regional and District Councils should be removed. The Historic Places Act already places the requisite controls in place. It is illegal to damage & destroy… – reference to Council District/regional plans is a duplication being superseded by the RMA amendments and NZ Archaeology website technology. Council schedules are often inaccurate and out of date.

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2. ☑️ Definition of disturbance - affecting top soil only need amendment to include “…or deeper mechanical planting-spot cultivation”

3. ☑️ – Restricted Discretion in green, yellow and orange zones. Definitions for permitted use are well enough defined thus failure to meet should trigger controlled status related solely to the element that can’t be met.

4. ☑️ - Restricted Discretionary – Deep disturbance in Orange or red zones. Amend definitions of rivers and streams to “Perennial rivers & streams”

4.5 Harvesting

<table>
<thead>
<tr>
<th>Supported</th>
<th>conditional</th>
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</table>
| Strongly support permitted status for harvesting in green, yellow and orange zones. Anything different will represent a substantive “raising of the bar over most of the susceptible hill country upon which harvesting has been undertaken successfully and repeatedly for many years in many regions.

Required

1. ☑️Archaeological Sites – All references to such through Regional and District Councils should be removed. The Historic Places Act already places the requisite controls in place. It is illegal to damage & destroy…. – reference to Council District/regional plans is a duplication being superseded by the RMA amendments and NZ Archaeology website technology.

2. ☑️ Extraction across perennial water bodies pg46 – Amend “…methods such as hauling through corridors….” to “methods such as limiting extraction corridors to shrub and fernlands to avoid section with well developed trees,…….”

3. ☑️ Harvesting within or across a riparian zone pg47 – Amend “When harvesting … it will not enter any watercourse to the extent that it causes diversion, damming or erosion of any river or stream, or degradation of any aquatic or riparian habitat…”

Change to “When harvesting … it will not enter any watercourse to the extent that it causes diversion, damming or erosion of that watercourse, or permanent degradation of any aquatic or riparian habitat, or damage to any downstream infrastructure, property or receiving environments within a storm event of ….” An advice note equated with the same requirements for debris, slash (eg advice note 1 pg 49) and culverts is required.

No forestry operation can “insure” downstream users against any or all storm events. Neither does any harvesting across a riparian NOT temporarily degrade an aquatic and riparian habitat. It is just that the degradation is short term within a context that is well proven to provide better habitat over extended periods than any other commercial landuse.

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4. **Restricted discretion in very high Red zones.** Harvesting in its own right rarely causes significant problems, it is the associated earthworks that causes problems. We are not aware of any harvesting that has been declined in a restricted discretionary consent. On this basis harvesting in red zones should be permitted also OR at very worst controlled. This rule should also clearly provide for permitted or controlled use in any red zone afforested under a “front loaded” consent.

4.7 Earthworks

**Supported**

Strongly support permitted status for earthworks in green, yellow areas but dispute the slope and area threshold. The zones define the erosion hazard and trust should be placed in this to determine the rule. In the orange zone earth works should be controlled with a permitted threshold to accommodate minor works undertaken that cross from an adjacent permitted (green or yellow) zone.

**Required**

1. **Archaeological Sites** – All references to such through Regional and District Councils should be removed. The Historic Places Act already places the requisite controls in place. It is illegal to damage & destroy…. – reference to Council District /regional plans is a duplication being superseded by the RMA amendments and NZ Archaeology website technology. Council schedules are often inaccurate and out of date.

2. **Slope maxima on yellow zone pg 59** – This must be removed and primacy given to the erosion risk as assessed for the zoning.

3. **Earthworks area maxima – yellow zone pg 59** – This must also be removed - vary large tracts of forest harvesting and earthworks are occurring on “yellow zone” terrain. This rule will effectively mean that consenting is required for most forestry except the green zone. This is unacceptable and does not reflect the risk.

4. **Earthworks in the orange zone- pg 63** - this should be controlled not discretionary, with the matters over which control is exercised supported

4.8 Quarrying

**Supported**

Strongly support permitted status for earthworks in green, yellow and orange areas.

**Required**

1. **Archaeological Sites** – All references to such through Regional and District Councils should be removed. The Historic Places Act already places the requisite controls in place. It is illegal to damage & destroy…. – see previous comments.

2. **Restricted Discretion – red areas-** Amend to controlled
4.9 Crossings

**Supported**: Strongly support permitted status for crossings in green, yellow areas but dispute restriction related to higher erosion zones. Crossings should be performance based and these performance standards will apply irrespective of the surrounding countryside.

**Required**

1. **Archaeological Sites** – All references to such through Regional and District Councils should be removed. The Historic Places Act already places the requisite controls in place. It is illegal to damage & destroy…. – reference to Council District /regional plans is a duplication being superseded by the RMA amendments and NZ Archaeology website technology. Council schedules are often inaccurate and out of date.

2. **Catchment size** – The 100ha performance threshold pg 69 should be removed. Instead the flood performance design flows should be relied upon or in addition a minimum designed culvert size threshold e.g. 1.2m, above which consent controls are triggered.

3. **Flood designs** – The mid range projections for climate change pg 71. These should be specifically included rather than referenced.

4. **Public Access** – The condition should be removed as it lacks relevancy. Access will only be restricted for very short duration safety reasons then almost universally enhanced.

5. **Construction methods** – Provision for temporary diversion. This requires amendment as temporary diversion within hill country environments would often involve more earthworks disturbance over a longer period than the direct installation, especially in smaller streams. Amend to “provide for diversion when construction and major in stream works requires the pouring of concrete or significant sediment generation through in stream earthworks or extended >5 days fish passage obstruction during a spawning period.

6. **Construction methods** – Culvert installed below stream bed by minimum of 20% - 0.5m plus 1.2 average wetted streambed …. These conditions should be deleted. They are not appropriate nor feasible or desirable in many steeper small perennial streams in forestry situations.

7. **Construction methods** – Culverts to have a minimum internal diameter of 600mm… This should be amended to apply only to permanent culverts on perennial streams. Temporary culverts removed in less than 5 years or on ephemeral streams should not be required.

8. **Construction methods** – Culverts as single structures pg 75. This needs amendment either in this section or in relation to

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fords to make provision for battery crossings and drift decks that are commonly used in forestry applications and while they do easily block are constructed to allow flood overflow and easy post flood cleaning.

9. **Restricted discretion if permitted conditions can’t be met.** Crossings are critical for access, and if denied by default prevent harvesting. There will almost always be a design solution with the final arbiter being cost. ON this basis controlled use is appropriate with control taking into consideration the issues as listed and site placement. If the design solutions for that resulting consent are too high it is the forest owners choice not to harvest or to contemplate another solution.

10. **Restricted discretion if in orange or red zone.** This is opposed as noted as stream crossings should be flood performance based. This has little to do with the erodability of the surrounding land, crossings inevitable being located in low points with least slope and hardest founding.

<table>
<thead>
<tr>
<th>Further Council Discretion</th>
<th>Required</th>
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<td><a href="#">Opposed ☺☺ conditional</a></td>
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</tbody>
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There remain significant concerns about some areas where Council retain an ability to be more stringent these are specifically listed below.

1. **Geothermal & Karst** – Accept the intent however the revision back to “regulated” is too broad and allows for catch-all phrases in plans replace solid evidence and homework. If its not mapped or scheduled as part of the regulation, it hasn’t been properly planned!! The industry should not be bound by vague rules and discretions.

2. **Indigenous vegetation clearance** - These rules are hugely variable throughout the country. In rural environments – unless the area qualifies as a significant natural area, there seems little basis for anything but a standardised rule. Furthermore the NES riparian rules allow for pulling across which in some D Plans is classed as clearance. This disjunction must be fixed recognising that minor clearance for road, bridge, boundary rationalisation and riparian pullover is a common occurrence and if not resolved will often trigger requirements for consents.

3. **Outstanding natural feature and landscapes** - The issue of landscapes in particular remains an issue of extreme concern. Various Councils have been very variable and inconsistent and underlying principles extremely poorly thought through. Many forest have been included in Landscapes of significance. Existing forest must retain the permitted re-forestation status (unless controlled by wilding provisions of the Calculator) and the test needs to be very high for afforestation. Notable examples of subdivision and hotel construction such as Queenstown have had much higher and longer impacts upon significant landscapes than the temporary clearance of forest.
Any test for “outstanding landscapes should be set very high for afforestation and should NOT apply to replanting and harvesting of existing forests.

Appendices 1-4

The intent of the forms is acceptable – we believe that their use should however be amended to provide for the use of equivalents. Most larger companies have spent considerable time and effort generating systems, including IT support around the RMA and operational rules as they exist. Most of these systems in some for encompass most of the elements included in the forms and the forms should thus be promulgated as a guide to the information requirements.

1. It is far preferable that existing systems can be built upon rather than have to be completely redesigned.
2. Providing for variations from an exact form format also enables provision for innovation in the way operational management and reporting is conducted, without being bound to an inflexible format.
3. The earthworks plan may in many cases be undertaken concurrently with a harvest plan with most of the same information common to both the flexibility to combine purposes where appropriate, especially on smaller operations, should be provided for.
4. Completions statements need to allow for activity by activity disclosure as well as combined operations.