13 June 2011

Ministry for the Environment
PO Box 10-362
Wellington 6143

By email to: standards@mfe.govt.nz

**PROPOSED NATIONAL ENVIRONMENTAL STANDARD FOR PLANTATION FORESTRY**  
**REVISED PROPOSAL**

Contact details for this submission are:

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INTRODUCTORY COMMENTS

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

2. The New Zealand Institute of Forestry (NZIF) is cognizant that the call for further submissions specifically suggests that there is no need to reiterate points made in previous submissions. Having assessed the Review Group’s findings from the first round and reconsidering our original submission it is our judgment that comments made in October 2010 are still relevant. We have therefore repeated parts of our original submission and added additional comments at the end specific to the revised proposal.

SUBMISSION

3. The New Zealand Institute of Forestry (NZIF):
   3.1. Supports the objectives for the proposed standard;
   3.2. Is opposed to the proposed standard in its current (revised) form; and
   3.3. Requests substantial changes to the proposed (revised) standard to enable it to meet the objectives.

4. NZIF membership includes individuals from a broad cross-section of the sector and encompasses people with significant experience and seniority in the industry. Many of our members are actively involved in contributing to and preparing submissions on the NES on behalf of a significant number of organisations. In order to avoid unnecessary repetition and, more importantly, ensure emphasis on a number of key issues, this submission is structured to:
   4.1. Emphasise the primary objectives and expectations of NZIF and the Government that an NES will assist rather than hinder forestry and forest planting; and
   4.2. Draw attention to specific issues and concerns by way of reference to submissions made by others.

5. When making submissions on policies and legislation, the NZIF examines what is proposed against the following principles:
   5.1. Effective. Policy and legislation should clearly be seen to be making a positive contribution to the issue being addressed;
   5.2. Simple. Policy objectives should be easily understood and implemented by those who are affected by it;
   5.3. Equitable. There should be equity across different sectors of the economy;
   5.4. Relevant to New Zealand. Policies need to recognise the characteristics of New Zealand, including the economy, the nature of our forests and forest industry, and the physical environment and be developed accordingly;
   5.5. Comprehensive and cohesive;
   5.6. Sustainable;
   5.7. Scientifically supportable.
6. The NZIF submits that the proposed NES, as presented in the information booklet on the revised proposal, fails to meet these principles.

7. The NZIF notes 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:

7.1. Re-litigation of the same issues in the different regional and district councils across the country;

7.2. Inconsistent treatment of forestry operations both within and between regional and district councils.

8. Together these features contribute to operational inefficiency, investment uncertainty and 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.

9. The NZIF agrees 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:

9.1. Consistent – provides certainty about consent requirements, facilitates efficient operations and is free from unnecessary variation or contradiction

9.2. Appropriate – promotes best practice that recognises different environments and values whilst not significantly tightening or loosening the management of forestry overall.

10. Despite the changes in the wording of the objective in the revised proposal, the intent of the original objective still remains and gives rise to the same concerns we originally raised – in the definitions whether we use consistent appropriate or sustainable (the latter introduced in the revised proposal) we are concerned that different people will have very differing views on what is “a consistent and appropriate … framework” and what is “sustainable management” (revised proposal). These will arise both in submissions on the discussion document and in the way the proposed NES, if implemented in its current form, will be interpreted.

11. Plantation forests are wide spread 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 NZIF’s 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. NZIF is concerned that the proposed NES has adopted a restrictive approach to regulation and forestry, with emphasis on the ability for local government to impose still more stringent requirements. 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, NZIF would emphasise that 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

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1 See for example the media statement of 3 September by Minister for the Environment “Proposed environmental standard to bring consistency to forestry rules”.
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, the Rotorua lakes and the Waikato River.

16. Consequently the NZIF contends that an underlying assumption in the NES must be 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.

18. The NZIF also noted in its original submission that the impact on the NES rules of a number of incomplete or unavailable items cannot be determined, but are potentially very significant. These include:

18.1. The proposed erosion susceptibility system;
18.2. Identification of nationally important water bodies;
18.3. The relationship between riparian setback requirements and deforestation liabilities under the Emissions Trading Scheme (ETS);
18.4. The relationship between the proposed system of mapping databases called FENZ (Freshwater Ecosystems of New Zealand) and the NES; and
18.5. The potential for “bundling” of activities governed by the NES.

19. It is critical that greater clarity regarding the detail and outcome of these work streams is available to the forestry sector so that an informed judgement regarding overall costs and benefits of the NES can be made.

**Overall increase in regulation**

20. The NZIF notes 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:

20.1. 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

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

21. 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.

22. While the NZIF supports 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.

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2 The proposed system is now available, but not website access to detailed mapping.
3 FENZ is referred to at page 124, Appendix 5, of the discussion document.
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.

23. 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 plantation forestry. Such an outcome will completely undermine the objective of the NES.

**Equity with other land uses**

24. The NZIF notes that the proposed NES is restricted to plantation forestry. From a consideration of science, good land use, equity, etc., it would appear that it actually provides a framework for many elements of an NES for rural land use, such as land preparation, earthworks, quarrying, river crossings, etc. We are concerned at the possibility that the NES is imposing more stringent conditions on forest owners in such matters than apply to other land users and that this has the potential to continue to skew land values in favour of land with lesser conditions.

25. Such differences already exist and land values are already skewed in favour of land uses that are subsidised by lesser conditions. The proposed NES has the potential to add to the skewing.

26. The NZIF also recognises that to attempt to introduce an NES for rural land use is a more complex task that would take longer to complete, thereby delaying the advantages that will flow from a properly constructed NES for forestry – advantages of greater certainty, greater consistency, etc. Consequently the NZIF strongly urges government to continue to exclude other land uses from this NES and to concentrate on ensuring that the NES for forestry will deliver the desired objectives of consistency, efficiency, certainty and reduced costs.

27. The NZIF recommends that government begin the development of an NES for rural land use once the forestry NES is in place. This will be able to use the forestry NES as a precedent and will need to focus on the objectives of consistency and equity across different rural land uses.

**Will the NES achieve consistency?**

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

29. 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.

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

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

30.2. The matters where a local authority may be more stringent than the NES should be kept to an absolute minimum.
31. 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. We refer you to submissions from others in the forestry sector in relation to specific details of activities omitted from the proposed NES, activities where Regional and District Councils are given power to impose stricter conditions and other related issues.

**Will the NES deliver an “appropriate” level of regulation?**

32. The second key objective of the NES in the original proposal was 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.

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

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

33.2. How these conditions are interpreted and applied.

34. The NZIF considers 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.

35. We refer you to submissions from others in the forestry sector in relation to specific concerns over the proposed conditions and suggestions as to how they may be modified.

**Response to other potential submissions**

36. For the reasons outlined above, the NZIF considers that the NES in its current form will not achieve its objective. However an even worse outcome than the NES remaining unchanged is if the NES is modified as a result of other submissions to further decrease certainty or increase the overall level of regulation for the forestry sector.

37. NZIF has contributed to discussions with other forestry sector submitters on submissions that may potentially be made by other parties and the effect they may have on the objective of the NES. These include:

37.1. Use of the term “practicable”;

37.2. Requirement for replanting following harvest;

37.3. Cost recovery issues;

37.4. Effect on “permitted baseline” for other activities;

37.5. Second round of submissions on NES; and
37.6. Visual amenity landscapes.

38. The specific areas of concern and NZIF’s response are discussed below:

**Costs and benefits of the proposed NES**

39. A key consideration in undertaking a cost benefit analysis of the proposed NES is whether the NES achieves its key objective to encourage growth and investment in the forestry sector. The NZIF considers that the NES as currently worded will not achieve this key objective and will instead impose additional costs on the sector because the document fails to achieve an overall balance, let alone an improvement, in the overall level of RMA regulation of the sector throughout New Zealand.

40. The NZIF recognises the importance of clear environmental rules to ensure that plantation forestry activities do not cause adverse environmental effects. We consider that the objective for the NES can be achieved without compromising environmental outcomes but that it will require substantial amendment to the NES as currently proposed.

41. The NZIF is opposed to the use of prescriptive detailed standards and instead promotes the use of ‘higher order’ standards, which nonetheless impose control over afforestation activities whilst allowing for innovation and application of best practice. The NZIF notes that forestry has lead the way in a number of land use matters with initiatives such as the NZ Forest Accord, the Forest Owners Association Environmental Code of Practice, and the Logging Industry Research Organisation’s Forest Roading Manual. These all provide clear standards of environmental performance for plantation forestry activities.

42. A necessary corollary to the regulatory approach outlined above is the availability of enforcement measures under the RMA for those occasions when plantation forestry activities fail to meet appropriate standards of environmental performance. The combination of these measures provides the best cost/benefit outcome for the forestry sector.

**SPECIFIC COMMENTS ON THE MAY 2011 DRAFT NES**

43. The problem the NES is intended to address is summarised in the 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 and operational inefficiency. Combined they discourage investment though regulatory uncertainty and ultimately mean less forests.

44. NZIF’s previous submission 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.

45. NZIF’s understanding is that this Revised Discussion Document will act as a guide to those charged with drafting the NES itself. We remain concerned that the proposed level of detail and distinction between different stages of the forestry cycle, different activity controls and different regulation depending on land class will be difficult to translate into clear legally binding text, capable of interpretation by the many people captured with the definition of forestry.
46. NZIF accepts that ignorance of the law is not a defence for breach. However there is a corresponding responsibility on those drafting rules to make them as clear and simple as possible. The purpose of the exercise is to enable resource users to avoid adverse environmental effects, rather than imposition of a penalty where a breach has arisen, often due to misinterpretation or different interpretation.

**Afforestation**

47. Afforestation should only be regulated in relation to designated Historic Places. Forests are the predominant natural land cover below the snow line. Restriction on afforestation for any other reason than Historic Places protection implies a judgement as to what the management and harvest methods will be. These are not appropriate considerations by regulators. Afforestation could be for all manner of purposes from erosion control to biofuel crops which may or may not be known to the regulator.

48. NZIF has sought input on this section of the proposed NES from members familiar with the detail of forest management and regulation. Specific comments arising from that feedback and commended for your consideration are:

48.1. The shading / icing on formed road (between 10am and to 2pm on the shortest day) rule should be limited to paved roads;

48.2. The exceptions list for 10m setbacks is far too vaguely worded. See for example, the definition of 'terrestrial habit' (even grass provides habitat for worms and insects) and ‘sensitive receiving environment’;

48.3. Matters over which discretion is limited (for afforestation in the green/yellow area that doesn't meet all permitted conditions) goes well beyond the rules regularly employed by regulators now;

48.4. The restricted discretionary status of afforestation in the orange and red areas is opposed, recognising 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 in order to stabilize that land. We do not support the ROAR finding and 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.

49. In principle NZIF 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 provide 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 and believe that the proposed NES will serve to deter new afforestation that is in some regions desperately needed.
Replanting

50. NZIF is concerned that there is a lack of consistency between the proposed NES and the rules affecting forest landowners under the ETS. Any rules 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 proceeding.

51. Landowner decisions around replanting always involve a range of drivers, with the economic motivation understandably at the forefront of these. Forest planting decisions require considerable faith that the prevailing rights of the tree owner will continue through to 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. It is inappropriate that any Council presume 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.

52. An ETS deforestation liability arises in relation to set-backs around streams and water bodies. In this regard, five metres should be the maximum setback required from any stream or water body, as any larger distance will immediately lead to ETS liabilities. Lakes and wetlands should each be a minimum of 0.25 ha before setback provisions apply. We note that smaller area thresholds will lead to fire ponds, wet gateways and other features being captured.

53. NZIF considers it essential that the ETS issues be resolved prior to the NES being enacted. The exceptions list for 10m setbacks is too vaguely worded, with terms such as ‘terrestrial habit’ and ‘sensitive receiving environment’ requiring definition, as does 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?

54. NZIF is 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.

55. Coastal marine area 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.

56. In summary, 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

57. The NES proposed rules around mechanical land preparation are too restrictive and need to be re-written to ensure that land preparation (a key component of successful forest establishment) can be undertaken in the most appropriate way. The overall benefit of more forestry and of certainty of replanting should be reflected in the NES by having a permissive approach to mechanical land preparation.
Harvesting

58. Comments as for earthworks (see below) apply. The NZIF is 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.

59. A prohibition (or effective prohibition) on harvest may be reasonable where that is signalled at the outset (before initial planting), such that those afforesting land are aware of the limited future values possible from their prospective investment. However the NZIF does not support such indications in any but the most extreme cases. It must be recognised that the motivation to invest in forestry will be curtailed by restrictions on harvesting, and that as contemplated by the NES, the restriction will apply to those land classes most in need of the protection of the forest cover provided for the majority of a rotation.

60. 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; i.e., the value of harvested wood remains the principle motivation for forest establishment.

61. The NZIF is 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. NZIF can potentially accept harvesting being a Restricted Discretionary activity in ‘Earthflow country’ in the red zone, but requests that ‘Earthflow country’ needs to be clearly and sparingly defined and mapped.

62. The installation of slash traps should be a permitted activity associated with harvesting, as it is a mitigation measure.

63. Reference to a harvest plan template needs to allow for an 'or equivalent' and companies should be able to use existing templates.

Pruning and thinning to waste

64. NZIF 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. By way of contrast, we note that legislation requiring the protection of electricity transmission infrastructure requires that structures including trees be maintained away from a designated distance. The legal presumption in that instance is that pruning will occur and does not require regulatory oversight (including cost and delay) prior to undertaking the activity.

Earthworks

65. 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 power lines (or forests) 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 fundamentally desirable nature of the activity. We contend that forestry is as or
more desirable (all things considered) than the supply of electricity, as evidenced by
the Government’s decision to fund its establishment under various grants schemes,
the Government’s acceptance of forestry as desirable in erosion prone areas and the
Government’s proposed protection and expansion of forest habitat as a means of
achieving the intent of the proposed NPS on biodiversity.

66. Earthworks including mechanical land preparation, roading and the like are essential
components of mainstream 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. NZIF is uncertain of the rationale
justifying greater control (including public notification and discretion) in proportion
to the sensitivity of the land class. Logic suggests that the reverse may be a more
effective strategy, recognising that permissive regulation will encourage forest
investment in areas and catchments where it is needed the most. 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.

67. NZIF strongly opposes 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 controlled activities; more restrictive than the status quo.

68. NZIF also opposes 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.

69. All earthworks rules should be non-notified - the matters over which
control/discretion applies are very seldom community/stakeholder related issues.

Quarrying

70. NZIF recommends quarrying should have non-notification status if it is more than
500 metres from an external boundary.

River crossings

71. NZIF is 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.

72. NZIF recommends:

72.1. The removal of reference to erosion susceptibility of surrounding country
from these rules;

72.2. The removal of Permitted Activity contributing-area limit rule on culverts;

72.3. NZIF would support the “EBoP model” performance threshold instead – this
accepting a 1200mm maximum and must pass a one in 20 year event;

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

72.5. Amending the proposed minimum culvert size of 600mm diameter to ensure
it applies only to perennial streams of significant volume at summer low-
flow rates – it is nonsensical to apply this to ephemeral streams;
72.6. 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;

72.7. 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;

72.8. Restricted discretionary status is not appropriate as the default assumption for
stream crossings that don’t meet permitted rules – in forest management
practice there is frequently no option but to construct stream crossings;

72.9. 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);

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

72.11. 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;

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

72.13. 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 conflicts, for example, with the Environment Bay of
 Plenty 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;

72.14. The removal of any public access conditions, which we consider to be outside
the scope of this NES. Matters of public access to private land for recreation
or any other reason may be appropriately addressed by agencies such as the
Walking Access Commission but are not a consideration or method of
mitigation of ‘the adverse effects of forestry’ under the RMA;

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

72.16. Changing the proposed rule “for permanent bridges, the 25- year average
recurrence interval flood (4% annual exceedance probability)” 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

73. NZIF considers 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

74. NZIF considers that:

74.1. Proposed rules around Outstanding Natural Features and Landscapes should not apply to any activity other than afforestation except to the extent that that description applies to historic sites. If the forest was there before such identification, then the landowner / forest owner should be able to continue to go about normal activity including replanting;

74.2. 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.;

74.3. 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;

74.4. 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

75. The plantation forestry industry is of significant importance to the future of 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.

76. 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.

77. The NZIF supports the objectives behind the development of the NES and accordingly is in favour of an appropriate NES being developed. However the NZIF considers the future of forestry in New Zealand would be better off staying with current regulatory arrangements than it would be under the NES as currently drafted.

78. For the reasons outlined above, the NZIF considers 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.
ABOUT THE SUBMITTER

79. The New Zealand Institute of Forestry (NZIF) was founded in 1927. Its members are the individual professionals in forestry and its primary object is “to be an independent advocate for forestry”. It has over 840 members, whose qualifications and areas of expertise reflect the diversity of disciplines involved in managing a modern forest resource from traditional forestry degrees through science, economics, law, micro-biology, hydrology, engineering and resource management. 84 members have passed the more stringent requirements for registration, which is recognised as the cornerstone of professionalism within forestry. NZIF members include consultants, those working within companies, public servants, scientists, tertiary institute staff, those with an interest in forestry and students.

80. NZIF is committed to serving the practice of forestry and the wider community through education, accountability and its code of ethics and performance standards. Increasingly it fulfils a quality assurance role, setting the benchmark for professionalism and the quality of advice and practice by which members and others in the profession are measured. Sustainable management is now recognised as the key to conserving the world’s natural forests and the expertise of NZIF members in sustainable management of plantation and indigenous forests is widely respected.