

# Proposed Waitomo District Plan SUBMISSION FORM



Clause 6 of Schedule 1, Resource Management Act 1991  
FORM 5

15 Queen Street, Te Kuiti 3910  
PO Box 404, Te Kuiti 3941 0800 932 4357  
districtplan@waitomo.govt.nz  
www.waitomo.govt.nz

**Closing date for submissions: 12pm on 23 December 2022**

**SUBMITTER DETAILS:** (please note that the (\*) are required fields and must be completed)

Name of submitter: * P F Olsen	
Contact person for communications: * Heather Arnold	
Agent (if applicable):	
Postal address: * Te Papa Tipu Innovation Park, 99 Sala Street	
Suburb: Whakarewarewa	Town/City: * Rotorua
Country: New Zealand	Postal code: * 3010
Daytime phone: 021 240 0530	Mobile: 021 240 0530
Email address for submitter: * Heather.Arnold@pfolsen.com	
Email address for agent (if applicable):	
Please tick your preferred method of contact * <input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	Correspondence to * <input checked="" type="checkbox"/> Submitter <input type="checkbox"/> Agent <input type="checkbox"/> Both
Trade competition and adverse effects: * <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not    gain an advantage in trade competition through this submission.  Only if you ticked "I could" above, please answer this question: I am/am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.  <b>Note to person making submission:</b> If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part 1 of Schedule 1 of the Resource Management Act 1991.  Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): <ul style="list-style-type: none"> <li>• it is frivolous or vexatious:</li> <li>• it discloses no reasonable or relevant case:</li> <li>• it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:</li> <li>• it contains offensive language:</li> <li>• it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.</li> </ul>	
Would you like to present your submission in person at a hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  If others make a similar submission I will consider presenting a joint case with them at the hearing. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Please complete a line for every submission point, adding as many additional lines as you need:

The specific provisions of the proposal that my submission relates to e.g provision number, map number	Do you: • Support? • Oppose? • Amend?	What decision are you seeking from Council?  What action would you like: • Retain? • Amend? • Add? • Delete?	Reasons
e.g SD-05	e.g Support	e.g Retain Objective SD-05	e.g It will help to reduce adverse effects between activities and ensure resources are used efficiently
Please refer to the attached:			

Signed:         *MVV*         Date:         21 December 2022        

(A signature is not required if you make your submission by electronic means)

PRIVACY ACT NOTE: Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.

Submission # .....	Customer # .....	Property # .....
--------------------	------------------	------------------





20 December 2022

Proposed District Plan  
Waitomo District Council  
P O Box 404  
**Te Kuiti 3941**

Email: [districtplan@waitomo.govt.nz](mailto:districtplan@waitomo.govt.nz)

Dear Sir/Madam

### **Submission on the Proposed Waitomo District Plan**

Thank you for the opportunity to submit on the Proposed Waitomo District Plan.

Please accept the following points as our submission.

#### **1. Definitions – chapter 9**

1.1 There are **no definitions** for:

- Afforestation
- forestry
- plantation forestry
- continuous cover forestry
- sustainable forest management
- sustainable harvesting
- harvesting

1.2 The above terms are used throughout the plan and there are rules associated with them.

1.3 Plantation forestry and plantation forestry activities are defined in the National Environmental Standards for Plantation Forestry (NES-PF).

1.4 **Relief sought** – Define;

- afforestation
- forestry

- plantation forestry
- continuous cover forestry
- sustainable forest management
- sustainable harvesting
- harvesting

The definitions for plantation forestry and harvesting should be copied from the NES-PF.

- 1.5 **Cultivation** is defined in the plan, as: *means the alteration or disturbance of land (or any matter constituting the land including soil, clay, sand and rock) for the purpose of sowing, growing or harvesting of pasture or crops.* However there is no recognition of what cultivation is in the context of plantation forestry. Plantation forestry should be excluded from the definition as it is covered by the NES-PF and the district council does not have jurisdiction to control cultivation under the NES-PF (in earthworks or harvesting or mechanical land preparation contexts – regulations 22, 23, 63, 64 and 73).
- 1.6 **Relief sought** – Amend the definition of cultivation to exclude plantation forestry activities.
- 1.7 **Earthworks** are defined in the plan, but there is no reference to the NES-PF provision that earthworks are a permitted activity in the jurisdiction of District Councils (refer to NES-PF regulations 22 and 23).
- 1.8 **Relief sought** – Amend the definition of earthworks to include an exclusion for plantation forestry earthworks.
- 1.9 **Farm Airstrips and Farm helipads** are defined and include their use for forestry. Describing them at a high level as being for “farms” is misleading and inconsistent with the National Planning Standards, where “farm” is not defined but primary production is.
- 1.10 In forestry operations skid sites and other suitable areas are used for aerial spraying operations. They are not dedicated areas for helicopter landing and may be used sporadically throughout the rotation of a plantation forest.
- 1.10 **Relief sought** – The definition and any associated discussion/policies/rules etc should be amended to define “Farm Airstrips and Farm helipads” as “primary production airstrips and helipads” and that they do not include sporadically used non-dedicated landing and take-off areas (such as forestry skid sites for aerial spraying operations). The remainder of the definition is supported.  
*“Primary production airstrips and helipads means any area of dedicated land in the general rural zone used for take-off and landing of aircraft (including helicopters), for the purpose of servicing rural land but does not include refuelling, servicing, storing of aircraft or freight handling facilities. Servicing of rural land includes but is not limited to aerial topdressing, application of agrichemicals, firefighting, forestry, fencing, delivery of farm supplies and equipment, and the collection of farm*

produce, but excludes airstrips or helipads directly associated with commercial passenger transport or associated with any activity located in the general rural zone for which resource consent is required or associated with the sporadic use of land for forestry aerial operations”.

## 2. Historic Heritage – chapter 24

HH-R17.	Plantation Forestry
<p><b>Activity Status: NC</b></p> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	<p><b>Activity status where compliance is not achieved: N/A</b></p>

2.2 Plantation Forestry is not defined, therefore the implication of this rule cannot be quantified.

2.3 There are well established procedures in place and a significant depth of knowledge in the plantation forest industry with regards to Historic Heritage. Protocols include discovery and/or management of sites and obtaining Authority from Heritage NZ for any destruction or modification to a site.

2.4 There is no provision for non-complying activities under the Natural and Built Environments Bill.

2.5 There is no justification to control plantation forestry above any other form of primary production. It is not identified as being an issue for archaeological sites as compared to any other primary production activities in the section 32 analysis.

2.6 **Relief sought** – Options in order of preference

2.6.1 Delete rule HH-R17.

2.6.2 Provide advice on the need to obtain an Authority from Heritage NZ and not require consent as well as an Authority.

OR

2.6.3 Amend the rule to apply to all primary production.

2.6.4 Amend the consent activity status to align with the NBA bill.

### 3. Sites and Areas of Significance to Maori – chapter 25

3.1	<b>SASM-R13.</b>	<b>Plantation forestry</b>
	<b>Activity Status: NC</b> <i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i>	<b>Activity status where compliance is not achieved: N/A</b>

- 3.2 Plantation Forestry is not defined, therefore the implication of this rule cannot be quantified.
- 3.3 There are well established procedures in place and a significant depth of knowledge in the plantation forest industry with regards to Sites of Significance to Maori. Protocols include discovery and/or management of sites, consultation with Maori and obtaining Authority from Maori and Heritage NZ for any destruction or modification to a site.
- 3.4 There is no provision for non-complying activities under the Natural and Built Environments Bill.
- 3.5 There is no justification to control plantation forestry above any other form of primary production. It is not identified as being an issue for archaeological sites as compared to any other primary production activities in the section 32 analysis.
- 3.6 **Relief sought** – Options in order of preference
- 3.6.1 Delete rule SASM-R13.
  - 3.6.2 Provide advice on the need to obtain an Authority Maori and from Heritage NZ and not require resource consent.  
OR
  - 3.6.2 Amend the rule to apply to all primary production.
  - 3.6.3 Amend the consent activity status to align with the NBA bill.

### 4. Ecosystems and Indigenous Biodiversity – chapter 26

- 4.1 **ECO-P9.** Avoid plantation forestry afforestation and harvesting in significant natural areas.
- 4.2 Policy ECO-P9 unfairly restricts one form of primary production over others. There is no justification for this policy. Arguably primary production should be restricted in SNA's not just plantation forestry. Mapping errors with SNA's are relatively common with areas of plantation forest being incorrectly mapped into SNA's. This absolute policy would not help in this situation.

- 4.3 **Relief sought** – Either amend the policy to apply to all primary production activities  
OR  
Delete the policy.

## 5. Natural Features and Landscapes

### 5.1 Rule NFL – R8

The rules apply to all zones			The rules apply to all zones except the rural production zone	
Rule	Outstanding natural features	Outstanding natural landscapes	Landscapes of high amenity value	Karst overlay
NFL-R8.	<b>Earthworks</b>			
	<p><b>PER:</b> Where less than or equal to 100 m<sup>3</sup> and/or no greater than 1 m in depth in Category A,C,D,F. Applies per holding per calendar year</p> <p><b>NC:</b> Category B,E</p>	<p><b>PER:</b> Where less than or equal to 250 m<sup>3</sup> per holding per calendar year</p>	<p><b>PER:</b> Where less than or equal to 500 m<sup>3</sup> per holding per calendar year (general rural &amp; natural open space zones only)</p> <p>Otherwise see the <a href="#">earthworks chapter</a></p>	<p><b>PER:</b> Where less than or equal to 250 m<sup>3</sup> per holding per calendar year</p>
	<p><b>NC:</b> Where greater than 100 m<sup>3</sup> and/or greater than 1m in depth in Category A,C,D,F. Applies per holding per calendar year</p>	<p><b>RDIS:</b> Where greater than 250 m<sup>3</sup> per holding per calendar year</p>	<p><b>RDIS:</b> Where greater than 500 m<sup>3</sup> per holding per calendar year (general rural &amp; natural open space zones)</p>	<p><b>RDIS:</b> Where greater than 250 m<sup>3</sup> per holding per calendar year</p>
<p><b>Where the activity status is RDIS, the matters over which discretion is restricted are:</b></p> <p>(a) Whether the location and scale of the earthworks detracts from the landscape or adversely affects the hydrological and geological values of a karst system or feature; and</p> <p>(b) The extent to which earthworks impact ridgelines or coastal headlands; and</p> <p>(c) For new tracks and driveways, measures taken to follow the contour of the landscape, use visually recessive materials, and avoid large batter slopes or retaining walls; and</p> <p>(d) Whether the earthworks are setback from riparian and coastal margins; and</p>				

- (e) The protection of existing vegetation and/or mitigation/enhancement planting to assist the visual integration and to avoid, mitigate or remedy adverse effects on the hydrological and geological values of a karst system or feature; and
- (f) The extent to which existing vegetation is retained in order to mitigate the effects of streambank and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and
- (g) The location, timing, design and density of soil disturbance and vegetation removal activities; and
- (h) Any measures necessary to rehabilitate the land following the completion of the activity; and
- (i) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and
- (j) Measures to maintain slope stability or prevent exacerbation of any pre-existing deep-seated land instability; and
- (k) The method of sediment retention and sediment runoff control to be adopted; and
- (l) The extent of adverse cumulative effects at a catchment scale on hydrological and geological values of a karst system or feature; and
- (m) Measures to avoid, remedy or mitigate damage to riparian vegetation or soil; and
- (n) Measures to avoid, remedy or mitigate the adverse effect of the activity on the landscape; and
- (o) Measures to control the effect on air quality from objectionable particulate matter.

*Note: All earthworks must also comply with NATC-R4 and CEH-R3.*

*Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 in outstanding natural features and outstanding natural landscapes and in the karst overlay.*

*Note: In the landscapes of high amenity value, for zones other than the general rural zone and natural open space zone, the provisions in the [earthworks chapter](#) apply.*

- 5.2 The quantities of earthworks as permitted activities negate plantation forestry earthworks being able to be undertaken as a permitted activity. As an example, a standard log processing skid site is 60 x 60 m<sup>2</sup>. To remove the topsoil to create the skid site to a depth of 30 cm equates to 1080 m<sup>3</sup> of earthworks (this would be applicable to essentially flat land).
- 5.3 The section 32 analysis does not support this rule where it is stated " ...some plantation forestry [activities]...are permitted".
- 5.4 The matters for discretion should not include matters for indigenous vegetation as there is a separate rule for indigenous vegetation removal (NFL-R15)
- 5.5 **Relief sought** – Delete this rule or amend the rule to increase the permitted volumes of earthworks that would enable plantation forestry earthworks (minimum of 2000 m<sup>3</sup>).
- 5.6 **Relief sought** – Delete indigenous vegetation from the matters of discretion.



5.7 Rule NFL – R13

Rule	Outstanding natural features	Outstanding natural landscapes	Landscapes of high amenity value	Karst overlay
NFL-R13.	<b>Plantation forestry harvesting</b>			
	NC	PER: subject to criteria See NFL-R21.	See the NES for Plantation Forestry	PER: subject to criteria See NFL-R21.
<p><b>Where the activity status is RDIS, the matters over which discretion is restricted are:</b></p> <p>(a) The effects of the location and extent of harvesting on landscape values; and</p> <p>(b) Whether the harvesting activity is setback from riparian and coastal margins; and</p> <p>(c) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and</p> <p>(d) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and</p> <p>(e) The effects of harvesting in respect of slope stability or exacerbation of any pre-existing deep-seated land instability; and</p> <p>(f) The effects on soil erosion post-harvest; and</p> <p>(g) The extent to which vegetation is retained in order to mitigate the effects of streambank and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and</p> <p>(h) The extent of adverse cumulative effects at a catchment scale; and</p> <p>(i) The effect of the activity on traffic safety, efficiency and impacts on roading infrastructure; and</p> <p>(j) Measures to avoid, remedy or mitigate damage to riparian vegetation or soil; and</p> <p>(k) Measures to avoid, remedy or mitigate adverse effects of the activity on areas of high/very high natural character, including the adverse effects of flood-borne slash and debris damage.</p> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>				

5.8 Plantation forests and plantation forestry activities are primary production activities in a working rural landscape. Where plantation forest already exists within an Outstanding Natural Landscape or Outstanding Natural Feature, it should be considered as a permitted activity and the associated plantation forest activities should also be permitted. Plantation forestry is a long term land use, with considerable financial inputs decades before any financial benefits are realised. To remove certainty of harvest and the ability to undertake other plantation forest activities does not give effect to the objectives and policies of the Proposed Plan

5.9 The section 32 analysis does not support this rule where it is stated " ...some plantation forestry [activities]...are permitted". Making plantation forestry a non-complying activity on Outstanding Natural Features does not align with the section 32 analysis nor the Natural and Built Environments Bill where there is no longer provision for non-complying activities.

5.10 **Relief sought** – Delete this rule or amend the rule to permit plantation forest harvesting where the plantation forest existed prior to the date of the Proposed Waitomo District Plan.

5.11 **NFL-R20**

NFL-R20.	Plantation forestry afforestation
<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. In outstanding natural landscapes other than the western coast outstanding natural landscape, the afforestation must not exceed 2 ha of exotic plantation forestry per holding per calendar year; or</li> <li>2. In the western coast outstanding natural landscape, the afforestation must not exceed 5 ha of exotic plantation forestry per holding per calendar year;</li> </ol> <p><b>AND</b></p> <ol style="list-style-type: none"> <li>3. In all outstanding natural landscapes, there is no limit on the amount of indigenous plantation forestry planted per holding per calendar year; and</li> <li>4. Afforestation must be located at least 10 m from the edge of any water body as measured from the bankfull channel width (see <a href="#">NATC – Figure 1</a>); and</li> <li>5. Afforestation must not occur within 20 m from the open coast as measured from the toe of the nearest natural bank adjoining the sea, or where that is not able to be defined, from the edge of common terrestrial vegetation.</li> </ol> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p> <p><i>Note: See the rules in the <a href="#">ecosystems and indigenous biodiversity chapter</a> if the activity is undertaken within a significant natural area.</i></p>	<p><b>Activity status where compliance is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>(a) The effects of the location, layout, and extent of planting including the arrangement, distribution and choice of species on landscape values; and</li> <li>(b) Whether the afforestation detracts from the outstanding natural landscape; and</li> <li>(c) Whether the afforestation is setback from riparian and coastal margins; and</li> <li>(d) The extent to which existing vegetation is retained in order to mitigate the effects of streambank and slope erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and</li> <li>(e) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and</li> <li>(f) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and</li> <li>(g) The benefits of afforestation in respect of slope stability or preventing exacerbation of any pre-existing deep-seated land instability; and</li> <li>(h) Measures to avoid, remedy or mitigate damage to riparian vegetation or soil; and</li> <li>(i) Measures to avoid, remedy or mitigate the adverse effects of the activity on outstanding natural landscapes.</li> </ol>

5.12 The rule provides for unlimited planting of indigenous plantation forest and severely restricts the planting of exotic plantation forestry. There is no basis for this discrimination. A planted indigenous forest can be one species and will have exactly the same visual impact as a plantation forest.

5.13 **Relief sought** – Either delete point 3 or amend points 1 and 2 to provide equity between the limits on plantation forest afforestation and indigenous vegetation afforestation.

5.14 NFL-R21

NFL- R21.	Harvesting of plantation forestry
<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. In outstanding natural landscapes and in the karst overlay, clear-felling of (exotic or Indigenous) plantation forestry must not exceed 2 ha per holding per calendar year; and</li> <li>2. Replanting must occur within 12 months; and</li> <li>3. Harvesting must be located at least 10 m from the edge of any water body as measured from the bankfull channel width (see <a href="#">NATC – Floure 1</a>); and</li> <li>4. Harvesting must not occur within 20 m from the open coast as measured from the toe of the nearest natural bank adjoining the sea, or where that is not able to be defined, from the edge of common terrestrial vegetation.</li> </ol> <p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p> <p><i>Note: See the rules in the <a href="#">ecosystems and Indigenous biodiversity chapter</a>; if the activity is undertaken within a significant natural area.</i></p>	<p><b>Activity status where compliance is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>(a) The effects of the location and extent of harvesting on landscape values or on ecological, hydrological and geological values of the karst system or feature; and</li> <li>(b) Whether the harvesting activity is setback from riparian and coastal margins; and</li> <li>(c) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and</li> <li>(d) Effects on the relationship of mana whenua and their culture and traditions with the site and any wāhi tapu or other taonga affected by the activity; and</li> <li>(e) The effects of harvesting in respect of slope stability or exacerbation of any pre-existing deep-seated land instability; and</li> <li>(f) The effects on soil erosion post-harvest; and</li> <li>(g) The extent to which vegetation is retained in order to mitigate the effects of streambank and slope erosion, sedimentation, water quality degradation and loss of Indigenous species habitat; and</li> <li>(h) The extent of adverse cumulative effects at a catchment scale on ecological, hydrological and geological values of the karst system or landscape; and</li> <li>(i) The effect of the activity on traffic safety, efficiency and impacts on roading infrastructure; and</li> <li>(j) Measures to avoid, remedy or mitigate damage to riparian vegetation or soil; and</li> <li>(k) Measures to avoid, remedy or mitigate adverse effects of the activity on ecological, hydrological and geological values of the karst system or landscape, including the adverse effects of leaching, flood-borne slash and debris damage.</li> </ol>

5.15 Limiting harvesting to 2 hectares will essentially negate most plantation forest harvest as a permitted activity. The section 32 analysis does not address the reason for this arbitrary limit.

5.16 There is no justification in the section 32 analysis to require replanting within 12 months of harvesting. In a typical plantation forest regime, if an area is harvested between January to December, it will be replanted during the winter of the following year. Therefore some areas may extend to 18 months before they are re-established.

It is also non-sensical to require replanting as a performance standard, as this is separate plantation forestry activity, and the plan gives clear direction that plantation forest is not welcomed on ONL as it has rules for afforestation (NFL-R20).

- 5.17 The matters for discretion extend beyond matters in relation to Outstanding Natural Landscapes and karst formations, for example i) *the effect of the activity on traffic safety, efficiency and impacts on roading infrastructure*, f) *the effects on soil erosion post-harvest* and parts of g) *...slope erosion, sedimentation and water quality degradation and loss of indigenous species habitat*. Some matters of discretion make no sense as the standard already requires the assessment, for example b) *whether the harvesting activity is setback from riparian and coastal margins*. Matters of discretion a), h) and k) are variations on a theme.
- 5.18 If the permitted activity performance standards cannot be achieved, the activity defaults to restricted discretionary. This activity status is not justified and is not addressed in the section 32 analysis. The section 32 analysis identifies higher costs and uncertainty for landowners. Given that plantation forest already exists at the time the plan was proposed, the harvesting of it should be changed from restricted discretionary to controlled. Council can still require consent, but certainty for the forest owner would be realised. Plantation forestry is a long term land use, with considerable financial inputs decades before any financial benefits are realised. To remove certainty of harvest is unreasonable
- 5.19 **Relief sought** – delete the 2 ha limit for plantation forest harvesting for existing plantation forest as at the date of the proposed plan.
- 5.20 **Relief sought** – In order of preference – Delete the replanting performance standard OR Amend the requirement for replanting from 12 months to 18 months.
- 5.21 **Relief sought** – Delete the following matters of discretion – f) and i).
- 5.22 **Relief sought** – Delete the following parts of matters of discretion:  
g) *slope erosion, sedimentation and water quality degradation and loss of indigenous species habitat*.
- 5.23 **Relief sought** – Review matters of discretion a), h) and k) and delete overlap and repetition.
- 5.26 **Relief sought** – Change the activity status where non-compliance is not achieved from restricted discretionary to controlled (or the equivalent in the NBE bill/act).

## 6. Natural Character

- 6.1 Policy NATC-PI requires:  
1) *that activities are setback from wetlands, lakes and rivers*

- 6) *Providing for plantation forestry and mineral extraction activities only where the ensuing operations do not adversely affect the qualities and values of wetlands, and lakes and rivers and their margins; and*
- 7. *Providing for the continued operation of lawfully established farming activities and recreational hunting.*

6.2 The National Environmental Standards for Plantation Forestry requires plantation forestry activities to be setback from wetlands, lakes and rivers (refer to regulations 10, 14, 29, 52, 54, 55, 68, 74 and 78), but more importantly, there is no ability for the territorial authority to have rules in relation to plantation forestry for Natural Character.

6.3 **Relief sought** – Include advice in NATC – Table 1 – Activities Rules introduction that states (or words to similar effect): *Plantation forestry activities are regulated under the National Environmental Standards for Plantation Forestry 2017 (NES-PF) and are not managed through the District Plan.*

## 7. Earthworks

7.1 The National Environmental Standards for Plantation Forestry is very clear in its regulation that territorial authorities do not have the ability to have rules for plantation forestry earthworks (refer to regulation 23).

7.2 There is a performance standard (3) in EW R6 with regards to the volume of earthworks not being applicable to plantation forestry earthworks. This is misleading and causes confusion as the plan (by failing to correctly reference the NES-PF for plantation forestry earthworks) implies that all the other earthworks rule would apply to plantation forestry.

7.3 **Relief sought** – Include advice in EW – Table 1 – Activities Rules introduction that states (or words to similar effect): *Earthworks associated with plantation forestry are regulated under the National Environmental Standards for Plantation Forestry 2017 (NES-PF) and are not managed through the District Plan except where district plan rules may be more stringent under Regulation 6 of the NES-PF. If the activity relates to earthworks associated with plantation forestry, refer to the NES-PF. However, if plantation forestry earthworks are located in [specify the sections where stringency has been applied e.g. the Coastal Environment or Natural Features and Landscape], refer to the rules in the relevant chapter.*

7.4 **Relief sought** – Delete performance standard (3) in EW R6.

## 8. Noise

8.1 Objective-O1 states: *Enable activities to generate noise that is compatible with the role, function and predominant character of each zone. Policy Noise-P1(2) states: The general rural and future urban zones are working and living environments. Noise from rural activities is an accepted part of these environments, including higher noise levels at night or in the morning during different times of the year. Policy Noise-P3 states: Manage noise at source while recognising that some activities are important for economic and social wellbeing and may exceed the specified noise levels on a temporary and/or irregular basis.*

8.2 Then **Rule Noise-R8** makes the noise associated with the use of a helicopter in the general rural zone a restricted discretionary activity if there are to be 10 or more flight movements.

<b>NOISE-R8.</b>	<b>Emission of noise from helipads, farm helipads and helicopter landing areas</b>
------------------	--

### **Activity Status: RDIS**

#### **Where:**

1. There are 10 or more flight movements per month per site (a landing and take-off counts as 2 movements). For less than 10 flight movements per month the zone rules in NOISE - Table 2 apply; and
2. This activity may only be undertaken in the general rural, rural production and tourism zones; and
3. Noise at all times must not exceed 50 dB Ldn at any point within any residential, rural lifestyle, Māori purpose or settlement zones, or, at or within the notional boundary of any noise sensitive activity; and
4. Sound from any helicopter landing area must be assessed, managed and controlled in accordance with NZ 6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas.

#### **Where the activity is restricted discretionary, the matters over which discretion is restricted are:**

- (a) The characteristics of the noise being generated including its frequency, intensity and any special noise characteristics; and
- (b) The time of the day or night the landing area/helipad will be used; and
- (c) Potential for cumulative effects considering the background noise environment and any special noise characteristics from existing sources; and
- (d) Proximity of actual and anticipated noise sensitive activities to the proposed or existing landing area/helipad and effects on these activities; and
- (e) Effects on people and communities' health and wellbeing, including the potential for sleep disturbance; and
- (f) Any mitigation of the noise proposed, in accordance with a best practicable option approach, including site layout, design and location of structures or equipment and the timing of operations; and
- (g) The degree to which adverse effects can be mitigated through conditions of consent such as noise attenuation; and
- (h) Whether the proposal is in accordance with non-statutory guidelines such as Helicopter Association International Fly Neighbourly Guide 1993 and the operation is AIRCARE accredited; and
- (i) The economic benefits, including providing opportunities for employment that will be derived from the activity.

#### **Activity status where compliance is not achieved: DIS**

8.3 This rule does not give effect to the Objective-O1, Policy 1 or Policy 3. It would make almost all helicopter operations in association with plantation forestry a restricted discretionary activity.

- 8.4 To undertake aerial helicopter operations, helicopters use suitable landing (and take-off) sites in the forest and the use of aerial operations is highly dependent on suitable weather. This will be sporadic use and usually only once or twice per plantation forest rotation. This should be provided for as a permitted activity, which would align with the key objective and policies in the plan and enable the use of helicopters in plantation forest activities.
- 8.5 **Relief sought** – Delete rule Noise-R8 and provide for the emission of noise from primary production helipads etc.
- 8.6 **Advice Notes.** This section includes exemptions and states that the noise rules do not apply to the noise generated by the following activities:
6. *In the general rural zone, agricultural machinery or equipment (except for frost fans), including produce packing facilities where the produce packed is grown on site, and forestry planting and forestry harvesting provided that: The machinery and/or equipment is operated and maintained in accordance with the manufacturer’s specifications and in accordance with accepted management practices (e.g. for milking, spraying, harvesting crops or trees, packing and the like), and the best practicable option (including the option for the activity to take place at another time of the day), is adopted to ensure that the emission of noise does not exceed a reasonable level.*
- 8.7 Regulation 98 of the National Environmental Standards for Plantation Forestry provides for noise associated with plantation forestry activities. It is incorrect for the plan to reference forestry planting and forestry harvesting in this advice note.
- 8.8 **Relief sought** – Delete the reference to forestry planting and forestry harvesting in advice note 6.
- 8.9 **Relief sought** – Insert the following advice note (or words with similar effect): *Noise associated with plantation forestry activities is regulated under the National Environmental Standards for Plantation Forestry 2017 (NES-PF) and is not managed through the District Plan.*

## 9. General Rural Zone

- 9.1 GRUZ-06 states: *Maintain the capacity of rural areas and rural resources to support agricultural, pastoral and horticultural activities and lawfully established rural-based activities.* Plantation forestry is missing from the list of rural activities.
- 9.2 **Relief sought** – Either include plantation forestry in Objective GRUZ-06 or replace the list of activities with the words “primary production”.
- 9.3 GRUZ-P1 states: *Land use activities and development must be restricted to a density, scale and intensity and be located appropriately, in order to maintain rural character and amenity by:*

1. *Ensuring agricultural, pastoral and horticultural activities predominate in the zone; and*

This policy is contrary to the National adaptation plan and emissions reduction plan: Resource Management Act 1991 Guidance Note 2022 – Ministry for the Environment. The emissions reduction plan supports reducing emissions by supporting afforestation and encouraging the right forest outcomes in the right place. Policy GRUZ-P1 does not align with this guidance.

- 9.4 The efficiency and effectiveness section of the section 32 report lists ensuring agricultural, pastoral and horticultural activities predominate as an economic benefit to the district. While plantation forestry is regulated by the National Environmental Standards for Plantation Forestry it is still part of the districts rural environment and should be recognised as such.

- 9.5 **Relief sought** – Either include plantation forestry in Objective GRUZ-06 or replace the list of activities with the words “primary production”.

- 9.6 GRUZ-P15 states:

GRUZ-R15.	Vegetation clearance outside of an identified significant natural area
<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. Clearance of non-indigenous vegetation (excluding plantation forestry) for pasture reinstatement or for a building platform where this is located outside of an identified significant natural area is permitted; and</li> <li>2. Clearance of indigenous scrub vegetation (manuka, kanuka, tree ferns) outside of an identified significant natural area for pasture reinstatement or for a building platform must:               <ol style="list-style-type: none"> <li>(i) Not occur within 5 m of a water body; and</li> <li>(ii) Not be cleared if the vegetation is greater than 5 m in height.</li> </ol> </li> </ol> <p><i>Note: Where vegetation clearance is proposed in a significant natural area the provisions in the ecosystems and indigenous biodiversity chapter apply.</i></p> <p><i>Note: For the objectives and policies for district-wide biodiversity see the ecosystems and indigenous biodiversity chapter.</i></p> <p><i>Note: GRUZ-R15.2 does not apply to the part of Waitomo district which is within the Manawatū-Whanganui Region. In this part of the district, clearance or removal of indigenous vegetation is controlled by the provisions of the Manawatū-Whanganui Regional Plan.</i></p>	<p><b>Activity status where compliance is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>(a) Whether the vegetation removal is setback from riparian and coastal margins; and</li> <li>(b) The location, timing of construction, design and density of soil disturbance and vegetation removal activities; and</li> <li>(c) Measures to avoid, remedy or mitigate the adverse effects of the activity on the rural environment.</li> <li>(d) The location, extent and necessity of removing indigenous scrub vegetation (manuka, kanuka, tree ferns); and</li> <li>(e) The extent to which existing vegetation is retained in order to mitigate the effects of erosion, sedimentation, water quality degradation and loss of indigenous species habitat; and</li> <li>(f) Methods and alternatives proposed to avoid or minimise potential adverse effects on indigenous biodiversity and rehabilitation measures.</li> </ol>



9.7 There is no provision for the clearance of non-indigenous vegetation or indigenous vegetation for plantation forestry afforestation (this is out of scope for the NES-PF). Rules 1 and 2 allows for this vegetation clearance for pasture re-instatement or for a building platform. It is inequitable to not provide for some level of non-indigenous and indigenous vegetation removal for all primary production activities.

9.8 **Relief sought** – Amend rules 1 and 2 by removing the reference to pasture reinstatement and broaden the rule to apply to primary production purposes. For example (or with words to similar effect);

1. Clearance of non-indigenous vegetation (excluding plantation forestry) for primary production or for a building platform where this is located outside of an identified significant natural area is permitted; and
2. Clearance of indigenous scrub vegetation (manuka, kanuka, tree ferns) outside of an identified significant natural area for primary production or for a building platform must:
  - (i) Not occur within 5 m of a water body; and
  - (ii) Not be cleared if the vegetation is greater than 5 m in height.

9.9 **GRUZ- R16**

GRUZ-R16.	Plantation forestry – community drinking water supply
<p><b>Activity status: PER</b></p> <p><b>Where:</b></p> <ol style="list-style-type: none"> <li>1. The harvesting of plantation forestry must not be conducted within 1 km upstream of the abstraction point of a drinking water supply for more than 25 people where the water take is from a water body; and</li> <li>2. Forestry quarrying activities must not be conducted over a shallow water table (less than 30 m below ground level) that is above an aquifer used for a human drinking water supply.</li> </ol>	<p><b>Activity status where compliance is not achieved: RDIS</b></p> <p><b>Matters over which discretion is restricted:</b></p> <ol style="list-style-type: none"> <li>(a) The effects of the location and extent of harvesting or quarrying on the water quality at the abstraction point; and</li> <li>(b) Whether the harvesting activity is setback from riparian margins; and</li> <li>(c) The location, timing, design and density of soil disturbance and vegetation removal activities and any rehabilitation measures proposed; and</li> <li>(d) The effects of harvesting and quarrying in respect of slope stability or exacerbation of any pre-existing deep-seated land instability; and</li> <li>(e) The effects on soil erosion post-harvest; and</li> <li>(f) The extent to which vegetation is retained in order to mitigate the effects of streambank and/or slope erosion, sedimentation and water quality degradation; and</li> <li>(g) Measures to avoid, remedy or mitigate damage to riparian vegetation or soil; and</li> <li>(h) Measures to avoid, remedy or mitigate adverse effects of the activity on the drinking water supply, including the adverse effects of flood-borne slash and debris damage.</li> </ol>
<p><i>Note: This rule prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</i></p>	

9.10 There is no ability for the plan to have a rule for plantation forest harvesting greater than one kilometre upstream of the abstraction point from a water body for a drinking water supply of 25+ people as this is not a matter where the council can be more stringent than the NES-PF. The NES-PF applies to harvesting in this situation.

9.11 There is no ability for the plan to have a rule requiring forestry quarrying to not be conducted over a shallow water table that is above an aquifer used for human drinking water supply as this is not a matter where the council can be more stringent than the NES-PF. The NES-PF applies to forest quarrying in this situation.

9.12 The above activities within the setbacks are therefore restricted discretionary activities. There is no justification for this level of regulation in the section 32 analysis.

9.13 **Relief sought** – Delete GRUZ-R16

9.14 **GRUZ-R17**

GRUZ-R17.	Land use conversion to plantation forestry
<p><b>Activity Status: PER</b></p> <p><b>Where:</b></p> <p>1. Land is converted from agricultural, pastoral or horticultural activities into forestry or plantation forestry on land use capability classes 4-7 (Land Resource Inventory dataset).</p>	<p><b>Activity status where compliance is not achieved: N/A</b></p>
<p><b>Activity Status: RDIS</b></p> <p><b>Where:</b></p> <p>2. Land is converted from agricultural, pastoral or horticultural activities into forestry or plantation forestry on land use capability classes 1-3 (Land Resource Inventory dataset).</p> <p><b>Matters over which discretion is restricted:</b></p> <p>(a) Whether the change in land use facilitates the use, return or continued availability of highly productive soils for agricultural, pastoral or horticultural activities; and</p> <p>(b) Whether the change in land use appropriately recognizes the full range of values and benefits associated with the use of highly productive soils for agricultural, pastoral or horticultural activities; and</p> <p>(c) Whether the change in land use maintains the availability of highly productive soils for agricultural, pastoral or horticultural activities for future generations.</p> <p><i>Note: Land use consents for this activity may be issued for a limited period.</i></p>	

9.15 There is no justification for GRUZ-R17. It is not assessed in terms of the section 32 analysis. Plantation forestry is not an irreversible land use change.

9.16 The National Policy Statement for Highly Productive Land (NPS-HPL) seeks to ensure the availability of NZ's most favourable soils for food and fibre production – plantation trees are fibre. The Objective of the NPS-HPL is: *Highly productive land is protected for use in land-based primary production, both now and for future generations,*

- 9.17 Policy 4 of the NPS-HPL states: *The use of highly productive land for land-based primary production is prioritised and supported.* This policy has not been given effect by GRUZ-R17 as plantation forestry has been singled out and unfairly regulated compared to other forms of primary production.
- 9.18 GRUZ-R17 should focus on subdivision, avoiding rezoning of highly productive land to rural lifestyle and restricting urban spread.
- 9.19 **Relief sought** – Either delete GRUZ-R17 or amend it to regulate subdivision, avoiding rezoning to rural lifestyle and restricting urban spread onto/of highly productive land.

PF Olsen requests to be heard and if others make a similar submission would consider presenting joint evidence at the hearing.

I am happy to answer any questions.

Yours sincerely,

**PF OLSEN LTD**



**Heather Arnold**  
*Environmental Manager*  
021 240 0530