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Response Date	Aug 29 22
Notes	
Q1	Select the chapter you want to provide feedback on
Q2	In general, to what extent do you support the contents of this chapter?
Q3	Objective/Policy/Rule/Standard reference:
Q4	Feedback/Comments
Q5	Objective/Policy/Rule/Standard reference:
Q6	Feedback/Comments
Q7	Objective/Policy/Rule/Standard reference:
Q8	Feedback/Comments
Q9	Objective/Policy/Rule/Standard reference:
Q10	Feedback/Comments
Q11	supporting documents?
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Q12	If you need more space, or have any other general comments, please leave them here
	<p>Afternoon, Please see attached a submission prepared by Port Blakely regarding the Waitaki District Council Draft Plan. Regards, Zac Robinson Health, Safety & Environmental Contractor [cid:image001.png@01D8BBC9.D0225080] Port Blakely Ltd, NZ Forestry 122 Hilton Highway PO Box 139 Timaru 03 688 2173 027 640 1389 PortBlakely.com</p>

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SUBMISSION ON THE DRAFT WAITAKI DISTRICT PLAN – AUGUST 2022

TO: Waitaki District Council (WDC)

SUBMITTER: Port Blakely NZ Ltd

ADDRESS: PO Box 139, Timaru 7940

CONTACT: Zac Robinson, Health, Safety & Environmental Manager
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Introduction

Port Blakely is a 5th generation family-owned forestry business, with our roots in the Pacific North-west of the US. We have owned and managed forests in NZ since 1994, and currently operate in the Otago, Canterbury, Bay of Plenty and Waikato regions. Our forest estate covers over 38000 Ha, of which approximately 8500Ha is within the Waitaki district.

Port Blakely is an active member of the New Zealand Forest Owners Association. As such we are committed to the NZ Forest Accord, which has strict rules around vegetation clearance. This accord has been in place since 1991, and Port Blakely has always followed its requirements, and in many cases exceeded them. More details of the Forest Accord can be found at the link below.

<https://www.nzfoa.org.nz/resources/file-libraries-resources/agreements-accords/10-nz-forest-accord/file>

Port Blakely's commitment to positive environmental & operational practices in the Waitaki district is well known and proven through numerous positive engagements with Waitaki District Council and many other stakeholders over the years. Port Blakely acknowledges its forests hold significant environmental, historic and recreational values in some areas and are privileged to be in a position to protect and where possible enhance those values with responsible forestry practices.

Port Blakely have also held Forest Stewardship Council (FSC®) certification since 2003, which is an independent 3rd party certification scheme aimed at sustainable forest practices. As part of this certification Port Blakely is audited annually on operational, social and environmental aspects. It is a voluntary scheme and the standards are high.

Herbert Forest contains some of the best Podocarp forest remnants on the east coast of the South island, as noted in the Waitaki Draft District Plan, and Port Blakely have been very active in enhancing these areas through ongoing protection and targeted pest control. The public are welcomed into these Podocarp forest areas through the network of walking tracks that Port Blakely maintains in conjunction with the North Otago Tramping Club.

Forestry contributes significantly to the social, environmental, and economic well-being of the Waitaki District, with at least 30 FTE roles employed directly by Port Blakely or its contractors within the Waitaki District, and many others employed indirectly.

In the mid-1990's Port Blakely established the Shag River Forest inland from Palmerston. The area was assessed by independent ecologists at the time of conversion from farmland, and also more recently. The assessment concludes that the biodiversity has been **enhanced** over time through the establishment of forestry in this area.

Increasingly, forestry is being recognised as a critical part of New Zealand's commitment to managing its international climate change reduction targets as enshrined in law by the Zero Carbon Act. The Climate Change Commission has recognised the critical role that forests, both exotic and native, will play in NZ achieving its Greenhouse Gas targets of being net zero by 2050.

Further, the government has signalled changes to the RMA and have recognised the critical requirement for Councils to factor climate change impacts into their policy making decisions. In this context, it is critically important that the WDC focus on the significant benefits that afforestation provides the region, not only economically and socially but also in mitigating climate change effects. It has an imperative to set a policy statement that facilitates, rather than restricts the use of forestry to mitigate climate change objectives. It is recognised of course that forestry needs to do this in a way that meets the environmental standards that the community expects.

Port Blakely appreciates the opportunity to submit on the WDC Draft District Plan.

Summary & Key Points

The assessment required in reviewing the Draft District Plan is relatively complex due to the wide range of activities associated with plantation forestry operations (from afforestation to harvest and replanting) and the legal context which requires consideration of the relationship between the draft PDP and the NES-PF.

I have attached a table also looking at the main forestry activities within the NES-PF and compares how the rules within the Draft District Plan would relate.

Specific comments relating to the Draft District Plan are as follows:

1. There are many rules in the draft PDP that are more stringent than the NES-PF.
2. Some of these rules are not allowed to be more stringent under regulation 6 NES-PF and therefore do not satisfy the jurisdiction constraint discussed above (e.g. earthworks and quarrying rules in the general rural zone, indigenous vegetation clearance rules outside SNAs regarding established plantation forestry, and plantation forestry within SRL10).
3. Some of these rules are allowed to be more stringent under regulation 6 NES-PF (e.g. rules relating to ONL and SNAs) however in order to meet the justification requirement at s32(4) RMA the Council is required to complete an evaluation report explaining why greater stringency is justified in the circumstances of the district. We are unaware of any such a report. In our view the extent of greater stringency in some instances cannot reasonably be justified, for example the need for 100 m setback for plantation forestry from SNA's.

These SNA areas within Port Blakely forests wouldn't exist if it wasn't for the voluntary protection they have had over many years, and the suggestion in the Draft plan that a SNA should now have a 100m setback from plantation forestry would have a major impact on Port Blakely's ability to economically operate its forest estate within the Waitaki district. We have over 300Ha of proposed SNA areas within our forest estate in the Waitaki District, with a total perimeter of over 82km. Just based on a crude calculation of this perimeter multiplied by 100m, the setback requirement proposed from these areas would result in an area of an additional area of approximately 824Ha that would not be able to be used for plantation forestry.

This situation would also create liabilities under the Emissions Trading Scheme as all areas currently used for plantation forestry must remain in that use, otherwise it is classed as deforestation. Based on the 824Ha calculated above that wouldn't be able to be replanted, using the current price of carbon this deforestation liability would cost Port Blakely approximately \$40-\$50 million. This is untenable.

It is also unclear how these setback areas would be managed into the future, for example if they reverted to native vegetation over time, would the SNA be extended and the next cycle of forest plantation need to have an additional 100m of setback applied?

4. Plantation forestry rules: No distinction is made between afforestation and replanting of plantation forestry. This means that replanting of lawfully

established plantation forest is subject to the same level of control as afforestation. In our view this ignores existing use rights under s10 RMA to replant such forests.

5. Earthworks and quarrying: Section A of the Earthworks Chapter notes that the NES-PF provides earthworks requirements that override some District Plan provisions. However the draft PDP does not identify which provisions to which this comment relates. In our view the NES-PF should override all earthworks and quarrying controls in the general rural zone of the draft PDP.
6. Indigenous vegetation clearance (IVC): As mentioned, the IVC rules are not allowed to be more stringent than the NES-PF regarding established plantation forestry except where they relate to a SNA or ONL. In our view these IVC rules are unlawful. In addition, focusing on the detail of the rules, we note the following points-
 - a. (a) Performance Standard -1 allows IVC for repair and maintenance of existing and lawfully established roads, farm tracks etc (no mention of forestry tracks or forestry roads);
 - b. (b) Performance Standard - 4 provides a limited existing use rights exception for IVC that is regenerating and less than 15 years old;
 - c. (c) Performance Standard - 5 provides for IVC if it is understory of a plantation forest and incidental to lawful plantation forest harvesting. Both need to be satisfied whereas the NES-PF deals with understory and incidental damage separately;
 - d. (d) RDIS-1 Matters for discretion include criteria unrelated to biodiversity values such as effects on hydrological function of the catchment; and effects on landscape, natural features and natural character

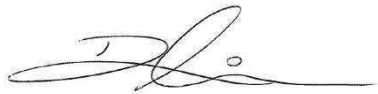
Conclusion

- Port Blakely submits that where policies and statements referring specifically to forestry activities already regulated under the National Environmental Standard for Plantation Forestry (NES-PF) remain regulated under the relevant NES-PF rule, unless substantial evidence and analysis is provided proving that the current rule is ineffective and more stringency is required. The fact that SNA's exist and have been actively managed and protected over time within the Port Blakely estate suggests that current and historic rules have achieved the desired outcomes.
- We would also request that existing land use rights are specifically recognized within the Draft District Plan, and the distinction between existing plantation forestry and afforestation is clarified.

Port Blakely would also like to request a meeting with Waitaki District Council planning staff prior to the development of a Proposed District Plan, to outline our concerns. It could be that this meeting also involves other forest owners within the District who have similar concerns with the Draft District Plan.

Should you have any queries regarding this submission, please get in contact.

Regards,

A handwritten signature in black ink, appearing to read 'Zac Robinson', with a long horizontal flourish extending to the right.

Zac Robinson
Health, Safety & Environmental Manager

Table - Assessment of draft PDP by NES-PF activity

Activity	Location	Draft PDP rule	Activity status	Comments
Afforestation and replanting of plantation forestry	General rural zone (outside sensitive environments) ¹	GRUZ-R1	Primary production (which includes forestry) is permitted provide not within Otago skink habitat (PER-5); otherwise discretionary activity	No distinction made between new planting and replanting of plantation forestry.
	Coastal protection environment	CE-R9	Non-complying activity	
	Rural Scenic Landscape (RSL)	NFL-R9	Controlled activity, subject to matters for control	
	Outstanding Natural Landscape (ONL)	NFL-R10	Prohibited	
	Greater than 100m of a SNA	ECO-R4 and ECO-R7	Restricted discretionary activity; or non-complying activity if within 100 m of SNA. Prohibited activity if the planting results in wilding conifer spread into the SNA	
	Within a SNA	ECO-R5 and ECO-R6	Non-complying activity if indigenous forestry; otherwise prohibited activity.	

¹ Sensitive environment means an area of land contained within any of the following areas:

- Coastal Protection Area
- Outstanding Natural Landscape
- Outstanding Natural Feature
- Significant Natural Area
- Wāhi Tūpuna
- Significant Natural Feature
- Heritage Item
- Notable Trees
- Above 900 metres in altitude

Carbon forestry	General rural zone	GRUZ-R15	Controlled activity if planting is indigenous to district; otherwise discretionary activity	Unclear why this is more stringent than planting non-carbon plantation forestry in this zone.
Earthworks	General rural zone (outside sensitive environments)	EW-R1	Permitted subject to stringent performance standards; otherwise restricted discretionary activity	Section A of Earthworks Chapter notes that the NES-PF also provide earthworks requirements that override some District Plan provisions. However the draft PDP does not identify which provisions to which this comment relates.
	Within sensitive environments	EW-R7	Discretionary activity (where not otherwise listed as permitted or restricted discretionary activity)	
	Within SNA	ECO-R3	Permitted subject to stringent performance standards; otherwise non-complying activity	
	Within ONL and RSL	NFL-R4	Permitted subject to stringent performance standards; otherwise restricted discretionary activity (RSL) or non-complying activity (ONL)	
Quarrying	General rural zone	EW(Q)-R1	Borrow pits are permitted, subject to stringent performance standards; otherwise restricted discretionary or discretionary activity	
		EW(Q)-R2	Restricted use pits are controlled, subject to stringent performance standards; otherwise restricted discretionary or discretionary activity	

		EW(Q)-R3	General quarrying activities are controlled, subject to stringent performance standards; otherwise restricted discretionary	
	All zones other than general rural zone	EW(Q)-R7	Non-complying activity	
Indigenous vegetation clearance (IVC)	Outside a SNA	ECO-R1	Permitted subject to stringent performance standards; otherwise restricted discretionary activity	<p>PER-1 allows IVC for repair and maintenance of existing and lawfully established roads, farm tracks etc (no mention of forestry tracks or forestry roads)</p> <p>PER-4 provides limited existing use rights exception for IVC that is regenerating and less than 15 years old</p> <p>PER-5 provides for IVC if it is understory of a plantation forest <u>and</u> incidental to lawful plantation forest harvesting</p> <p>RDIS-1 Matters for discretion include criteria unrelated to biodiversity values such as effects on hydrological function of the catchment; and effects on landscape, natural features and natural character</p>

	Within a SNA	ECO-R2	Permitted subject to stringent performance standards; otherwise non-complying	