



**SUBMISSION ON DRAFT WAITAKI DISTRICT PLAN 2022**

**TO:** Waitaki District Council  
20 Thames Street, Oamaru 9400



**BY E-MAIL:** planreview@waitaki.govt.nz

**SUBMISSION ON:** Draft Waitaki District Plan 2022

**NAME OF SUBMITTER:** Revolution Forestry Management Limited

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## REPORT INFORMATION AND QUALITY CONTROL

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## 1 INTRODUCTION

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This submission is prepared on behalf of Calder Stewart with respect to the Draft Waitaki District Plan 2022 (the Draft District Plan). Calder Stewart is a nationwide company involved in industrial, commercial, agribusiness and community facility construction; manufacturing of construction materials including precast concrete, steel, and reinforcing; plantation forestry; and land development across New Zealand. Calder Stewart's land interests are nationally diverse; and many of these interests will be managed under the provisions of the Draft District Plan.

## 2 SUBMISSIONS

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### 2.1 OVERALL SUBMISSION

- 2.1.1 Calder Stewart appreciates the opportunity to provide feedback on the Draft District Plan. The specific parts of the Draft District Plan that Calder Stewart would like to provide feedback on relate to the provisions that may impact plantation forestry operations.
- 2.1.2 The specific aspects of plantation forestry that are the focus of this submission include the provisions as they relate to existing plantation forestry and afforestation proposals involving the conversion of land currently used for farming activities.

### 2.2 INTERACTION BETWEEN NATIONAL ENVIRONMENTAL STANDARDS FOR PLANTATION FORESTRY AND THE DRAFT DISTRICT PLAN

- 2.2.1 The Resource Management Act 1991 (the RMA) establishes a hierarchy of planning instruments, with the relationship between national environmental standards established within sections 43A and 43B of the RMA. Specifically, section 43A(5)(c) identifies that a national environmental standard prevails over a plan or proposed plan where the plan deals with the effects of the same activity as those dealt with in the standard. Despite this provision, section 43B establishes the circumstances where a rule or resource consent can be more stringent (section 43B(1)) or more lenient (section 43B(3)) than a national environmental standard.
- 2.2.2 In terms of section 43B(1) of the RMA, the National Environmental Standards for Plantation Forestry (the NES-PF) establishes the circumstances in which a plan rule may be more stringent within Regulation 6. Most relevant to this submission are:
- Regulation 6(1)(a) – the rule gives effect to an objective developed to give effect to the National Policy Statement for Freshwater Management (the NPS-FM);
  - Regulation 6(2)(a) – the rule recognises and provides for the protection of outstanding natural features and landscapes from inappropriate use and development; and
  - Regulation 6(2)(b) – the rule recognises and provides for the protection of significant natural areas.
- Where any of the circumstances identified above apply, section 32(4) of the RMA requires that an evaluation be undertaken to examine whether the prohibition or restriction is justified in the circumstance of each region or district.
- 2.2.3 It is important that new rules within the Draft District Plan are examined under the circumstances identified within 2.2.1 and 2.2.2 to ensure that Council has the ability to impose new rules on the activities that are managed under the NES-PF. The activities that are managed under the NES-PF are specified within Regulation 5(1) and those that are excluded are specified within Regulation 5(3).
- 2.2.4 Specific examples of rules within the District-Wide Matters and Area Specific Matters of the Draft District Plan relating to the activities managed under the NES-PF will be identified within Submission Points 2.4-2.6 below.

### Relief Sought

- 2.2.5 Calder Stewart seeks that a further examination of the rules relating to plantation forestry within the Draft District Plan is undertaken to ensure that the Council has the ability under the RMA to impose them.

## 2.3 Definitions

- 2.3.1 Plantation Forestry is defined within Part 1 of the Draft District Plan using the definition from the NES-PF. This definition is then subsequently used for the management of plantation forestry activities within identified overlays and zones of the Draft District Plan. A key issue with the use of this definition is that no distinction is made between afforestation plantation forestry and the replanting of plantation forestry. As currently drafted, it is unclear how plantation forestry rules apply to the replanting of lawfully established plantation forestry and existing use rights under section 10 of the RMA. As defined under the NES-PF, replanting must occur within five years after harvesting, whereas section 10 imposes a 12 month time frame for the expiry of existing use rights, except as provided by section 10(2)(a). As currently drafted, the provisions relating to replanting of plantation forestry are not sufficiently clear nor provide sufficient certainty to forestry operators that plantation forestry can continue after harvesting.

### Relief Sought

- 2.3.2 Calder Stewart seeks that the definition relating to replanting of plantation forestry are further clarified to provide for the continuation of existing plantation forestry activities.

## 2.4 NATURAL ENVIRONMENT VALUES – ECOSYSTEMS AND INDIGENOUS BIODIVERSITY

- 2.4.1 Rules relating to indigenous vegetation clearance are not allowed to be more stringent than the NES-PF unless they relate to a significant natural area (SNA), an outstanding natural landscape (ONL) or deal with effects of an activity that different to those dealt with under the NES-PF.
- 2.4.2 Rule ECO-R1 contains permitted activity standards relating to indigenous vegetation clearance that are more stringent than those specified within the NES-PF. In particular, the following permitted activity standards are considered more stringent than the NES-PF:
- PER-1 – no reference is made to forestry tracks where Regulation 93(2)(d) provides for indigenous vegetation clearance for forestry tracks;
  - PER-4 – limiting the time period to 15 years for clearance of indigenous vegetation that has previously been lawfully cleared where Regulation 93(2)(a) provides for unrestricted clearance where the indigenous vegetation has grown up under, or overtopped, plantation forestry; and
  - PER-6 – requires indigenous vegetation clearance to be understory and incidental to harvesting activities where Regulations 92(2)(a) and 92(5) deal with these activities separately.
- 2.4.3 Rule ECO-R2 contains permitted activity standards relating to indigenous vegetation clearance that are more stringent than those specified within the NES-PF. In particular, the following permitted activity standards are considered more stringent:
- PER-1 – no reference is made to forestry tracks where Regulations 93(1) and 93(2)(d) provides for indigenous vegetation clearance for forestry tracks within an SNA.
- 2.4.4 In accordance with Regulation 6 of the NES-PF, more stringent rules relating to plantation forestry adjacent to SNAs have been included within the Draft District Plan (Rule ECO-R4). Calder Stewart questions whether sufficient justification has been, or will be, provided in accordance with section 32(4) of the RMA to satisfy the greater level of stringency provided within this rule.
- 2.4.5 The required setback for plantation forestry on land zoned Rural General adjacent to an SNA may be unduly restrictive and remove significant areas of land from productive use.

### Relief Sought

- 2.4.6 Calder Stewart seeks that rules relating to indigenous vegetation clearance are consistent and aligned with the intent of NES-PF.

- 2.4.7 Calder Stewart seeks that setback requirements relating to plantation forestry are reduced or sufficient justification is provided when the Draft District Plan is publicly notified.

## **2.5 NATURAL ENVIRONMENT VALUES – NATURAL FEATURES AND LANDSCAPES**

- 2.5.1 Rule NFL-R9 specifies that plantation forestry within or on a significant natural feature or rural scenic landscape are controlled activities. Calder Stewart considers that the matters of control are more stringent than those specified within Regulation 15(4) of the NES-PF. Regulation 15(4) reserves control over the effects on the visual amenity values of the visual amenity landscape. The four provided matters of control within NFL-R9 go considerably beyond effects on visual amenity values and include reference to minimisation of effects and consideration of alternatives.

### **Relief Sought**

- 2.5.2 Calder Stewart seeks that rules and the associated matters of control relating to plantation forestry and visual amenity landscapes are aligned with the NES-PF.

## **2.6 GENERAL DISTRICT WIDE MATTERS – EARTHWORKS**

- 2.6.1 Part A of this Chapter identifies that Regulations within the NES-PF override some rules contained within the Chapter. For the purposes of plan usability, Calder Stewart considers that further clarity should be provided within the Draft District Plan as to what rules within this Chapter do not apply to plantation forestry activities. This applies particularly to the Rural General Zone where greater stringency is not provided for by Regulation 6 of the NES-PF and these rules appear more stringent.

### **Relief Sought**

- 2.6.2 Calder Stewart seeks that a further note to plan users about the application of earthworks rules to plantation forestry is provided.

## **3 SUMMARY OF RELIEF SOUGHT**

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- 3.1.1 Calder Stewart seeks that a further examination of the rules relating to plantation forestry within the Draft District Plan is undertaken to ensure that they are within the ability of the Council to impose.
- 3.1.2 Calder Stewart seeks that rules relating to replanting of plantation forestry are further clarified to provide for the continuation of existing plantation forestry activities.
- 3.1.3 Calder Stewart seeks that rules relating to indigenous vegetation clearance are aligned with the NES-PF.
- 3.1.4 Calder Stewart seeks that setback rules relating to plantation forestry are reduced or sufficient justification is provided when the Draft District Plan is publicly notified.
- 3.1.5 Calder Stewart seeks that rules relating to plantation forestry and visual amenity landscapes are aligned with the NES-PF.
- 3.1.6 Calder Stewart seeks that a further note to plan users about the application of earthworks rules to plantation forestry is provided.

