

SUBMISSION ON PROPOSED OPOTIKI DISTRICT PLAN

TO: The Chief Executive
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SUBMISSION ON: Proposed District Plan 2016

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INTRODUCTION

Hancock Forest Management NZ Ltd (HFM) manages 8,500 ha of plantation forest in Opotiki District, on behalf of the forest owner Taumata Plantations Ltd. All of the forests in the District are lease forests on Maori owned land with Taumata Plantations holding multiple rotation leases (typically 75 years). The majority of these forests exit directly onto State Highway 35 via private roads with the exception of Torere Forest which is accessed via Wainui Rd at Torere.

HFM thanks the Council for the opportunity to submit on the plan. The attached table details our specific submission points.

HFM wishes to be heard in support of our submission.



Sally Strang
Environmental Manager
Hancock Forest Management NZ Ltd

Submission Number	Provision/Paragraph	Support or Oppose	Submission	Relief Sought
1	1.7 Status of Activities	Neutral	It is currently unclear the status of activities that are permitted under the plan, but do not meet one or more of the zone standards.	Include a provision to provide for activities that would otherwise be permitted but do not meet all of the zone standards, as a controlled activity with control restricted to effects associated with the specific zone standard that cannot be complied with.
2	Objective 8.2.1 and associated policies 8.2.1.1 and 8.2.1.5	Support	The provision is appropriate and consistent with the purpose and principles of the RMA.	Retain Objective 8.2.1 and associated policies
3	Objective 8.2.3 Policy 8.2.3.1	Support	The use, storage and transport of hazardous substances is a routine activity in the rural zone and the policy is appropriate and consistent with the purpose and principles of the RMA.	Retain Objective 8.2.3 Policy 8.2.3.1
4	8.3.1.1 Permitted Activities 4. Production Forestry	Support	There is a significant area of existing production forestry in the Opotiki District, predominantly on maori owned land. Production forestry makes a significant contribution to the rural economy in the District, employs many local people and is compatible with the rural zone in which it is located. The environmental effects of forestry are managed by the Bay of Plenty Regional Council, and therefore permitted status under the District Plan is appropriate.	Retain production forestry as a permitted activity in the rural zone.
5	8.3.1.1 Permitted Activities: 18. Any activity that is not listed in this Chapter and which complies with the Zone standards.	Support	The rule is appropriate to clarify the status of activities that have not been specifically listed, but that meet all other provisions of the District Plan and therefore should be permitted.	Retain permitted activity 8.3.1.1, 18

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6	8.3.1.1 Permitted Activities: 19. Buildings and activities accessory to a permitted activity.	Support	The rule is appropriate to allow for the functioning of permitted rural activities such as farming and forestry.	Retain permitted activity 8.3.1.1, 19
7	8.3.4.1 Discretionary Activities: 15. Mining and quarrying	Oppose	Under the definition of mining and quarrying, the extraction of even minor quantities of material such as rock or gravel for use within the property will fall under the definition and require a full discretionary resource consent. Both plantation forestry and farming operations routinely extract material from within their properties for use on internal roads, tracks etc. In a production forest situation all of the effects of quarrying typically of concern to a District Council (vehicle movements, dust, noise, visual effects) can be internalised within the forest. The winning of material on site arguably reduces the effects of the activity under the control of the District Council, by removing the need for vehicle movements in and out of the property carting in aggregate from off site. Furthermore the onsite effects of material extraction are already controlled by regional council under earthworks controls.	Provide for a maximum volume of material that can be quarried as a permitted activity, and Provide an exemption for the quarrying of materials (rock, gravel, sand etc) in the rural zone for use on the same site as a permitted activity where all other conditions can be met. OR Alternatively expand the definition of production forestry to include for earthworks and quarrying for use on site within the definition of production forestry.
8	Zone Standards Status of permitted activities that do not comply with zone standards.	Neutral	It is currently unclear the status of activities that are permitted under the plan, but do not meet one or more of the zone standards in section 8.6 (refer submission 1).	Include a provision to provide for activities that would otherwise be permitted but do not meet one or more of the zone standards, as a controlled activity with control restricted to effects associated with the zone standard that has not been met.

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9	8.6.4.4 Building setbacks from forestry	Support	The rule is reasonable and consistent with the purpose and principles of the RMA.	Retain rule 8.6.4.4
10	8.6.7 Noise and Glare	Oppose	As worded the rule would mean many routine activities in the rural zone are no longer permitted including harvesting of crops and harvesting of production forests, due to the temporary creation of noise. This is inconsistent with the objectives of the rural zone.	Add an exemption to rule 8.6.7 to allow as a permitted activity temporary noise from routine rural production activities that exceed the noise limit, including the harvesting of crops and harvest of production forestry.
11	Chapter 13	Neutral	It is a bit unclear in Chapter 13 where the rules in the Chapter are intended to apply. The majority of the rules apply to activities within Outstanding Natural Features and Landscapes however some apply generally, which does make some activities a little unclear. Eg Production Forestry is already permitted under the rural zone rules, again permitted under 13.3.2.1 but then discretionary in ONF's and ONL's under rule 13.3.4.1. Having rules in the same Chapter with varying status but not making clear exactly what differentiates the different status makes it somewhat confusing as to what the actual status of the activity is. Either 13.3.2.1 is intended to apply to production forestry outside of ONF's and ONL's (in which case it is already covered in zone rules in which case it is redundant) or 13.3.4.1 is actually only intended to apply to new production forestry within ONF's and ONL's?	Review Chapter 13 and make it explicitly clear where each of the rules is intended to apply (generally or within ONF's and ONL's) and remove any contradictions between the rules.

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12	13.3.2.1 Permitted Activities 1 Existing rural production activities including production forestry.	Support	HFM NZ supports existing rural production activities, including production forestry being permitted activities in scheduled areas in 13.9.1 and 13.9.2. One of the scheduled areas (13.9.1 Number 1) covers extensive areas of HFM NZ managed production forests, including all three blocks in Torere Forest. In many other areas there are minor boundary overlaps. Therefore allowing for existing productive use seems the only reasonable and practical solution.	Retain permitted activity rule 13.3.2.1, clause 1.
13	13.3.2.1, Clause 6(e) and 7(d)	Oppose	<p>Significant areas of indigenous vegetation are set aside in production forest as reserve and protected. However due to the long term nature of production forestry with harvesting approximately every 30 years, a significant amount of indigenous vegetation regenerates within the productive area of the forest -in the understory, on roads and skid sites, in gaps between the trees, and in areas where the tree crop has failed for any reason. These small areas of native vegetation are intertwined within the production forest and are impossible to protect during harvesting and in a large forest easily accumulate to more than 2000m² in a five year period.</p> <p>While the rules in clause 6 (e) and 7 provide for some practical exemptions they need to be expanded to cover the range of practical situations in a production forest.</p>	<p>Expand clause 7(d) to provide for the clearance of indigenous vegetation in production forests not only in the understory and on skid sites, but also vegetation in production forests that has:</p> <ul style="list-style-type: none"> • Overgrown existing roads • Grown up within the period of the last rotation within gaps between production trees, and areas of failed crop. <p>Allow also for temporary damage to native vegetation as a result of harvesting of the adjacent production forest where the damage is temporary in nature, will readily recover and the extent of the native vegetation remains unchanged.</p>

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14	13.3.2.1, Clause 9(e)	Support	HFM NZ supports the provision allowing for earthworks including land preparation and vegetation clearance within an existing production forest to be permitted. As noted above, significant areas of existing production forest have been included within Outstanding Natural Landscapes. Allowing for forestry and associated activities is a pragmatic solution.	Retain section 13.3.2.1 Clause 9(e)
15	13.3.2.1, Clause 9(f)	Support	HFM NZ supports the provision allowing for the maintenance of existing roads and accessways as a permitted activities. Throughout the District roads and accessways pass through ONL's and ONF's and the ongoing maintenance of these accessways is often essential to maintaining property access and the functioning of the Rural Zone.	Retain section 13.3.2.1, Clause 9(f)
16	13.3.4.1, clause 6	Oppose	As worded section 13.3.4.1(6) appears to override clause 13.3.2.1(1) for areas listed in 13.9.1 and 13.9.2 given that the discretionary rule specifically refers to the schedules whereas the permitted rule does not. As already noted, considerable areas of production forest exist within the scheduled areas, therefore making this existing forest a discretionary activity does not seem reasonable, and is inconsistent with existing use rights.	Amend 13.3.4.1 clause 6 to 'new' production forestry.
17	13.4.1.1	Oppose	As noted above the ONL's include significant areas of existing production forest. Aside from the lack of clarity around the status of existing forestry, this rule would clearly make ongoing	Remap all ONF's and ONL's to exclude existing production forestry or amend clause 13.4.1.1 to exempt areas of existing production forestry from complying with the

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			forestry unworkable after harvest (requiring replanting in indigenous species).	rules.
18	13.4.2.1 Earthworks	Oppose	Whilst 13.3.2.1 Clause 9(e) provides for earthworks in existing production forests, the requirement to comply with standards 1, 2 and 3 of rule 14.4.2.1 effectively negates the rule given that the areas and volumes will be well exceeded in a production forest situation.	Remap all ONF's and ONL's to exclude existing production forestry or amend clause 13.4.2.1 to exempt areas of existing production forestry from complying with the rules.
19	13.9.1 Outstanding Natural Landscapes 1. Ikawhenua Forest and Urewera Forests	Oppose	From the description of ONL number 1 it is clearly it is intended to apply to a native forest unit only. In reality it is mapped over thousands of hectares of existing production forest. From the description it would appear to be a mistake.	Remap ONL 1 to exclude all existing production forestry.
20	13.9.2 Outstanding Natural Features	Neutral	While it does not affect HFM NZ properties, it appears there is an error in the table in that the descriptions on the final pages of the schedule do not appear to match the names – appears to be cutting and pasting error?	Correct the descriptions in schedule 13.9.2 to match the units.
21	14.3.5.1 Clause 2	Oppose	As worded when combined with the somewhat vague definition of 'site' as it applies to a rural property, makes it unclear the status of an activity that falls within the same property title as one of the 'Historic Items' listed in Schedule 14.9.1 but not impact on the actual features that are protected. For example does the rule apply to any construction work within property of the many buildings listed, or does it just apply to the building. In our case the main access to Torere forest passes over the title of	Amend Clause 2 to apply to any excavation or construction that actually or potentially impacts on the 'Historic Items' and/or clarify the definition of site to be more concise so as to allow for activities that have no impact on the historic item.

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			the Owchainene Urupa but does not impact physically on the Urupa which his located on the nob above the road.	
22	Definition of Disturbance in relation to vegetation	Support	The definition provides clarity to exclude understory from rules controlling disturbance which is appropriate.	Retain the definition of disturbance
23	Definition of Indigenous vegetation Means any plant species found naturally in New Zealand. This does not apply to indigenous vegetation growing up under a planted exotic forest.	Support	The definition provides clarity to exclude understory from rules controlling indigenous vegetation disturbance which is appropriate.	Retain the definition of indigenous vegetation
24	Definition of Production Forestry.	Support in part	The definition of production forestry is appropriate, but for clarity should be extended to include all activities directly associated with harvesting.	Means the activities that are undertaken for the purposes of managing planted production forestry for the production of a wide range of timber and other products, and includes planting, silviculture, <i>construction and maintenance of access roads and landings, quarrying for rock and gravel for on site use</i> and harvesting.
25	Definition of Rural Production Activity.	Support	The definition is appropriate and reflects the full range of typical rural land use.	Retain the definition of rural production activity.
26	Definition of Site	Oppose in part	The definition of Site is not currently clear how it applies in relation to activities on non-urban properties. For urban properties it is clear if the activity only applies to the front or rear of the property title the definition only applies to that	Amend the definition of 'Site' to make it clear that the rules applying to the site only apply to the area of land that is directly affected by the activity being considered – not the full property title.

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			part of the title, however as noted above this still leaves confusion where activities on urban properties with listed historic buildings don't actually affect the building. Similarly for rural properties it is not at all clear whether the site is the full title, or just the listed feature.	
27	District Plan Maps ONL 1 Ikawhenua Forest and Urewera Forest	Oppose	<p>As noted above, significant areas of existing production forest managed by HFM NZ is incorporated within ONL 1, in particular all of Torere Forest (Torere 64, Torere 64 and Nuketere blocks), significant parts of Tunapahore B2A block and a small amount of Orete Forest (refer attached maps). As can be seen above, this incorrect mapping has led to a number of our submissions given the rules applying to ONF's effectively prevent ongoing use of this land as production forestry without a significant number of resource consents of varying status. The simple solution is to correct the boundaries.</p> <p>HFM NZ is happy to provide an electronic shape file of the production area of all of our forests to assist Council in correcting the boundaries.</p>	Remove all existing production forestry from ONL 1.