



15 December 2023

Greater Wellington Regional Council
Environmental Policy
PO Box 11646
Manners Street
Wellington 6142

Attn: Hearings Adviser
By email: regionalplan@gw.govt.nz

SUBMISSION ON
PROPOSED PLAN CHANGE 1 RULES FOR COMMERCIAL FORESTRY
WH.R20, WH.R21 & WH.R22

Introduction

Juken New Zealand (JNL) was formed in 1990 following the successful acquisition of Crown Forest licenses in Northland, Gisborne and Wairarapa regions under the then governments Crown Forest Asset Sale. JNL is currently undergoing treaty settlement negotiations with local iwi.

The Crown Forest Lease, together with the further acquisition of freehold land, assignment of leases, makes up an estate of some 40,025 hectares in the Gisborne and Wairarapa regions. Of this, 80% of the estate is plantation forest, comprising mostly of Pinus Radiata (Radiata Pine), the balance of the estate being non-commercial indigenous species held in reserve and or covenant areas.

JNL's Forests primary objective is the sustained yield management of the forest for the production of clear wood to be utilised in the manufacture of a wide range of products for the house, condominium and construction industry. JNL has two forest divisions located in Gisborne and Masterton which supply logs to their respective processing mills for the manufacture of Laminated Veneer Lumber, Plywood, Laminated Lumber, and Solid Clearwood. The company also owns and operates two processing plants in Kaitaia, producing Triboard, MDF, Strandboard and Veneer Products, and raw logs, are exported from Gisborne, Wellington and Whangarei to WOOD ONE processing plants in Japan, China and the Philippines for further processing into finished products and worldwide distribution.





Summary

The main points of concerns of PC1 noted by JNL are as follows,

- The extension of controls is beyond the recommendations of the Whaitua committee WIP reports.
- No consideration has been made for ETS implications with the removal of land from production.
- Inadequate Section 32 analysis
- Deficient application of NES-CF Regulation 6 for enforcing more stringent rules.
- Impracticalities of the erosion mapping and definition of high erosion.

JNL do not wish to be heard in support of their submissions at a hearing

JNL also supports the submissions of the following submitters

- China National Forestry Group
- John Turkington Ltd
- Forest Enterprises Ltd

NES - CF

The New Zealand plantation forestry industry was regulated by the NES-PF which was designed to provide nationally consistent regulation to manage the environmental effects of commercial forestry. The review of the NES-PF has led to recent enhancements being implemented which introduced the NES-CF which took effect on Nov 3 2023. The regulations include discharge standards and include numerous standards to regulate land use where there may be potential adverse impacts on water quality. As such, they are part of the government's suite of regulations that help meet the objectives of the National Policy Statement Freshwater Management (NPS-FM)

JNL is unaware of any evidence that the NES-PF is not meeting the intended outcomes for the Wellington Region and see no reason why the NES-CF would not continue to do so.

While regulation 6 of the NES-CF allows for a council to provide more stringent rules to meet an objective giving effect to the NPS-FM, there is a process to be undertaken by the council to justify any application of stringency. We refer you to Section 32 (4) of the RMA which states:

“(4) If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.”

The starting point when assessing the need for a more stringent rule under Regulation 6(1)(a) is firstly to demonstrate the NES-CF controls are not sufficient to achieve a plan objective that gives effect to the NPS-FM. The next step is to then demonstrate how a more stringent rule will achieve that objective in a more effective and efficient way than the NES-PF and that the more stringent rule is justified in the context of the region. Simply proving a link between a proposed rule and a plan objective that gives effect to the NPS-FM is not sufficient.





The following statement from the Section 32 report: Part A - Background and Context does not provide any evidence that the enforcing of more stringent rules will deliver better outcomes than the NES-CF

5.8 Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2023

88. The National Environmental Standards for Commercial Forestry (NES-CF) will, from 03 November 2023, supersede the NES-PF. The NES-CF will regulate commercial forestry activities for both carbon and timber production (plantation) forests. Plan Change 1 will introduce new provisions for forestry for the management of best practice to reduce sediment from sites. It is not expected that the NES-CF will impact on the approach being taken to manage forestry in Plan Change 1, and the new provisions will prevail over NES-CF rules.

Neither of the two Whaitua committees, Te Whaitua te Whanganui-a-Tara or Te Awarua-o-Porirua recommended that the NES – PF was insufficient to meet fresh water targets. They stated that “*it was important to ensure the forestry operations were carried out in compliance with good practice and the NESPF requirements and recommended all permitted forestry operations were monitored for compliance and enforcement action taken where necessary*”

High Erosion Definition

The report *Erosion Risk Mapping for Te-Awarua-o-Porirua and Te-Whanganui-a-Tara* defines the erosion risk on forestry land as below

2.1.3.2 Forestry Erosion Risk

Forestry erosion risk is based on potential erosion risk on land currently in forestry should that land be converted to pasture. Forestry area is derived from the LCDB categorisation of “Exotic Forest” and “Forest – Harvested”. The layer does not account for the harvest status or tree-age profile of forestry land, nor does it account for or attempt to model forestry harvest or harvest activities. As for pasture, risk quantiles were calculated first, then any pixels not at risk of shallow landslides removed.

This is a flawed description as it does not resemble reality as the erosion risk is significantly lower on land with tree cover than pasture land. Due to ETS implications this land is unlikely to be reverted to pasture land.

There does not appear to be any logic in defining and removing the top 10% of highest erodible forestry land from production that would lead to better outcomes for fresh water.

The pixilated format of the Erosion maps 92 & 95 will require more area beyond the defined 10% to be written off, as it would be impractical to operate within the patchwork environment created by the proposed rules.

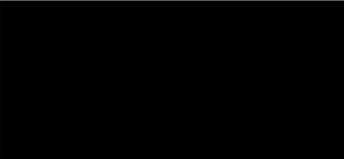
There does not appear to be any consideration given to Emission Trading Scheme (ETS) implications for forestry land that has been categorised in the top 10% of the highest erosion land. For land that cannot be replanted this will lead to significant liabilities under ETS regulations.





Replanting is included in the Section 32 report but was an omission in the draft plan. This was considered an oversight by the GWRC officers. To rectify this, the GWRC will submit on the plan that replanting is to be included. The mistake should have been rectified by updating the draft plan rather than waiting on submissions. There will be submitters that maybe unaware of the replanting omission.

Yours sincerely



Scott Andrew
Forest Risk & Resource Manager
Wairarapa Forests
Juken NZ Ltd
PO Box 535
Masterton
scott.andrew@jnl.co.nz
0274 031 601

