

SUBMISSION ON PROPOSED WAIMAKARIRI DISTRICT PLAN

Date: 26 November 2021

To: Proposed District Plan Submission
Waimakariri District Council
Private Bag 1005, Rangiora 7440

Submission lodged by email: developmentplanning@wmk.govt.nz

Name of person making submission: Ngāi Tahu Forestry Limited

This is a submission in support of: the Proposed Waimakariri District Plan

Ngāi Tahu Forestry **could not** gain an advantage in trade competition through this submission.

Ngāi Tahu Forestry **wishes** to be heard in support of its submission

If others make a similar submission, Ngāi Tahu Forestry **will** consider presenting a joint case with them at a hearing

Ngāi Tahu Forestry

- 1.1 These submissions are made on behalf of Ngāi Tahu Forestry. Ngāi Tahu Forestry is a business entity within Ngāi Tahu Farming, which is a wholly owned subsidiary of Ngāi Tahu Holdings Corporation (**NTHC**), the commercial arm of Te Rūnanga o Ngāi Tahu (**Te Rūnanga**), the governing body and iwi authority overseeing the activities of Ngāi Tahu.
- 1.2 NTHC manages the financial assets of Ngāi Tahu and includes subsidiary groups: Ngāi Tahu Farming, Ngāi Tahu Seafood, Ngāi Tahu Tourism, Ngāi Tahu Capital, Ngāi Tahu Property and Oha Honey; together these are the six pillars of Ngāi Tahu's tribal economic development.
- 1.3 Forestry is an important part of the economy of New Zealand and is also essential in providing materials to enable New Zealanders to build, including homes, offices, schools and so on.

Relief Sought - General

- 1.4 Ngāi Tahu Forestry supports the plan provisions except where we ask for specific amendments or additions as set out in **Schedule One** attached.

Reasons - General

- 1.5 The amendments and additions sought to this plan by Ngāi Tahu Forestry are to better incorporate the broader interests and aspirations of Ngāi Tahu Forestry in the Waimakariri District and in turn to support the economic, social, cultural and environmental needs of Ngāi Tahu whānui and the community more generally.
- 1.6 The submitters consider these changes are necessary to:

- Better achieve the purpose of the Resource Management Act 1991 (**RMA**), particularly in enabling people and communities to provide for their social, economic, environmental and cultural well-being.
- Consequently discharge the council's duties under s32 of the RMA.

1.7 These reasons apply to every decision requested in this submission, along with any additional specific reasons listed under each submission point.



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Proposed Waimakariri District Plan

Ngāi Tahu Forestry Submission, Schedule 1

<p><i>The specific provisions of the proposal that my submission relates to are:</i></p>	<p><i>I support or oppose the specific provisions or wish to have them amended.</i></p>	<p><i>The reasons for my views are:</i></p>	<p><i>I seek the following decision from the local authority, including any consequential amendments required: (amendments are shown in strike through and <u>bold underline</u>)</i></p>
<p>RLZ-R2 Primary production Activity status: PER</p> <p>Where:</p> <ol style="list-style-type: none"> 1. any forestry less than 1ha, carbon forest or woodlot shall be set back a minimum of: <ol style="list-style-type: none"> a. 40m from any residential unit or minor residential unit on a site under different ownership; b. 10m from any site boundary of a site under different ownership; and c. 10m from any road boundary of a public road. <p>Activity status where the above standards cannot be achieved: Restricted Discretionary</p> <p>An application for a restricted discretionary activity under this rule is precluded from being publicly notified but may be limited notified.</p> <p>NOTE: Matters of discretion are commented on individually below.</p>	<p>Oppose with amendments</p>	<p>RLZ-R2 Primary Production allows small woodlot forestry, which then defaults to a restricted discretionary activity if standards are not met. If standards are not met, or the activity is 1ha or over forestry becomes a restricted discretionary activity. The matters of discretion are limited to those within the following topics:</p> <ul style="list-style-type: none"> • RURZ-MD1 - Natural environment values • RURZ-MD3 - Character and amenity values of the activity • RURZ-MD4 - Forestry, Carbon Forest, Woodlot <p>As far as possible, Ngāi Tahu Forestry seeks alignment with the NESPF. This is to provide for consistency of approach. If alignment with the NES as a permitted activity is not possible, Ngāi Tahu Forestry considers that it is appropriate to limit the discretion of the Council in considering applications for forestry. As applications would be within rural areas, it is also considered appropriate to limit notification of applications.</p>	<p>As a primary relief it is sought that the permitted activity status applies to forestry over the 1ha limit so as to better align with the NESPF.</p> <p>Secondary relief. If the Restricted Discretionary activity status remains in place for forestry 1ha and over, Ngāi Tahu Forestry seeks amendment to the matters of discretion. Discussion on the matters of discretion including relief sought follows this submission point.</p> <p>In addition, Ngāi Tahu Forestry supports the notification status as set out in the proposed plan being that applications for a restricted discretionary rule are precluded from public notification but may be limited notified.</p>

<p>RLZ-R2 Primary production Matters of Discretion: RURZ-MD1 - Natural environment values The term natural environment values describes those matters addressed in the Chapters under the Natural Environment Values heading in the District Plan.</p> <ol style="list-style-type: none"> 1. The extent to which there are any adverse effects on SNAs or effects on the ability to maintain or enhance indigenous biodiversity. 2. The extent to which there are any adverse effects on the values of ONL and ONF from an activity adjoining these areas. 3. The extent to which there are any adverse effects on the natural character and values of freshwater bodies. 4. The extent to which adverse effects on sites, areas or values associated with natural environment values can be avoided, remedied or mitigated. 	<p>Support with amendments</p>	<p>The matters of discretion are broadly appropriate however some amendment is sought to better align with the NESPF, particularly in relation to the relationship between forestry on sites adjacent to ONL and SNA, but not within ONL or SNA.</p>	<p>Amend to achieve better alignment with the NESPF.</p>
<p>RLZ-R2 Primary production Matters of Discretion: RURZ-MD3 Character and amenity values of the activity</p> <ol style="list-style-type: none"> 1. The use, intensity and scale of the operation on the site and the built form is compatible with, and maintains rural character and amenity values of the surrounding zone. 2. The extent to which the site layout and building design and intensity of the activity will internalise and mitigate effects 	<p>Support with amendment</p>	<p>As above the matters of discretion are broadly appropriate but better alignment with the NESPF is sought. In particular, matter 4 reverse sensitivity is not relevant as forestry would be located in rural locations and activities such as forestry are common within rural areas.</p>	<p>Amend to better align with NESPF and delete matter 4.</p>

<p>including noise, lighting, impact on privacy and traffic.</p> <ol style="list-style-type: none"> 3. The extent to which the activity/facility has a practical or functional need or operational need to be located in the area. 4. The extent to which the activity may result in conflict and/or reverse sensitivity effects with other activities occurring on adjacent rural sites. 5. Any benefits derived from the activity being undertaken on the site. 6. The extent to which the scale of the activity will cause demands for the uneconomic or premature upgrading or extension of the three waters reticulation network, roading, street lighting and footpaths. 7. Access and vehicle movements on the site and the safety and efficiency of the roading network. 8. The extent to which the adverse effects of the activity can be avoided, remedied and mitigated. 			
<p>RLZ-R2 Primary production Matters of Discretion: RURZ-MD4 Forestry, Carbon Forest, Woodlots</p> <ol style="list-style-type: none"> 1. The extent of adverse effects from the additional shading resulting from the non-compliance, taking into account the use of the affected sites, the amount of shadow cast and the period of time adjacent sites are affected. 	<p>Support with amendments</p>	<p>As above the matters of discretion are broadly appropriate but better alignment with the NESPF is sought. The same matter regarding reverse sensitivity is included in these matters of discretion and as per the above this matter is not considered necessary.</p>	<p>Amend to better align with NESPF and delete matter 3.</p>

<p>2. The ability of existing topography or vegetation to mitigate any adverse shading effects on the adjoining site.</p> <p>3. The nature of the use of adjoining sites and the extent to which the activity may result in conflict and/or reverse sensitivity effects with activities on adjacent sites.</p> <p>4. Any shading effects on the transport network.</p>			
<p>NLF-R13 Plantation Forestry</p> <p>Within Ashley River/Rakahui Saltwater Creek Estuary ONF</p> <p>Waimakariri River ONF</p> <p>Puketeraki Range and Oxford Foothills ONL</p> <p>Ashley River/Rakahui SAL</p> <p>Non-Complying Activity</p>	Oppose	<p>The NESPF uses a restricted discretionary activity status to manage forestry within ONL/ONF. To better align the proposed Waimakariri District Plan with the NES, a discretionary activity status is sought rather than non-complying. The Section 104D 'gateway' test is overly onerous for forestry activity. A discretionary activity still provides the Council with the ability to decline an application and provides greater discretion than a restricted discretionary activity as provided for by the NESPF.</p>	Change activity status to Discretionary for better alignment with NESPF.
<p>ECO-R7 Woodlot, shelterbelt, or planting of any non-indigenous vegetation within any mapped SNA</p> <p>Non-Complying activity</p>	Oppose	<p>The NESPF uses a restricted discretionary activity status to manage forestry within SNA. To better align the proposed Waimakariri District Plan with the NES, a discretionary activity status is sought rather than non-complying. The Section 104D 'gateway' test is overly onerous for forestry activity. A discretionary activity still provides the Council with the ability to decline an application and provides greater discretion than a restricted discretionary activity as provided for by the NESPF.</p>	Change to discretionary activity for better alignment with NESPF.
EW-AN1	Support	As per the above Ngāi Tahu Forestry supports the clarity provided by the	Retain as notified.

<p>Advice Note 4</p> <p>The NESPF regulates earthworks for forestry purposes, and the NESCS manages the effects on human health from the disturbance or removal of contaminated soil. Earthworks managed under the NESCS and NESPF are not subject to provisions in this chapter other than where the District Plan deals with terms and conditions not covered in the NES or in the circumstances where the District Plan is allowed to be more stringent. The District Plan can be more stringent than the NESPF for forestry in outstanding natural features and landscapes, and SNAs.</p>		<p>advice note with regard to earthworks for forestry and the relationship between the Proposed Plan and the NESPF.</p>	
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