

Form 7
Notice of appeal to Environment Court against decision
on proposed policy statement or plan

Clause 14(1) of First Schedule, Resource Management Act 1991

To The Registrar
Environment Court

P.O.Box 7147

Wellesley Street 1141
AUCKLAND

1. Name and Address of Appellant

We, Hancock Forest Management (NZ) Ltd,

appeal against a part of a decision of Kaipara District Council on the Proposed Kaipara District Plan.

2. Name of Authority Issuing the Proposed Plan Decision

Kaipara District Council

3. Date of Receipt of the Decision

The Notice of Decisions was received on 4 October 2011.

4. Submissions

We lodged submissions on the matters that our appeal relates to.

5. Trade Competitor

We are not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.

6. General Description of the Subject Matter of the Decision and Specific Provisions being Appealed

This appeal relates to the decisions of the Kaipara District Council on the Proposed Kaipara District Plan and in particular the following matters:

(a) Rule 12.10.1 Excavation and Fill

(b) Rule 12.10.18 Traffic Intensity

- (c) Rule 12.10.25 Vehicle Access and Driveways
- (d) Consequential amendments - there may be a need to alter other rules and definitions as a consequence of any changes to the above.

7. Reasons for the Appeal

(a) *Rule 12.10.1 Excavation and Fill*

The rule is not easy to read and therefore it is not clear if earthworks in forestry is permitted or not. The exemption in (4) provides for forestry as a permitted activity, but the newly inserted definition of forestry does not specifically include earthworks.

The appellant did not actually request the exemption for forestry in the rule being based on being a signatory to the New Zealand Forest Accord. The Accord is an agreement between various parties controlling indigenous vegetation removal. However the Appellant did provide evidence about the processes and systems associated with a forest being third party certified under the Forest Stewardship Council (FSC). It appears that there may have been confusion between the two.

(b) *Rule 12.10.18 Traffic Intensity*

The definition of forestry includes felling and removal of trees and it appears that forestry is permitted activity throughout the district. However a major component of forestry is the transport of logs from the site to market, and that changes the status of forestry harvesting to a discretionary consent.

The rule is not clear as to how vehicle movements are calculated and if an averaging effect is taken into account. If there are more than 30 truck movements (inward and outward) per day into any property, regardless of the entrance used a consent would be required.

It is not clear what is the effect that is of concern, - heavy vehicle use of roads or the numbers of vehicles? In a forestry situation while there may be no more than 10-20 logging trucks a day to service a crew, once the vehicles for the crew, supervision and servicing is taken into account the 30 vehicle movements per day could be exceeded. Furthermore the crew vehicle movement numbers can not be predicted as they may use a van for crews or choose to arrive on site with separate vehicles.

It is not clear how the activity that generates the vehicle movements will be interpreted. If forestry is a permitted land use how will any component of that permitted land use be assessed for this rule? This creates great uncertainty for the industry.

The rule is biased against activities that have a cyclical nature such as forestry compared to activities with ongoing daily high vehicle movements like a motel. There is a perception that forestry has a greater intensity of vehicle movements than other rural land uses, or that log trucks create greater damage than other forms of heavy vehicles such as milk tankers or stock trucks.

When taken over the full life cycle of a forest research shows that per hectare vehicle movements from forestry is approximately equivalent to a beef finishing operation and approximately 40% of that from a dairy farm. This rule based on daily vehicle movements if not averaged over the cycle of what is a forest (being a permitted activity) does not take the above information into account.

The upgrade and maintenance of district roads that service forests is funded through the General Rate, the Regional Development Fund, Road User Charges and in some rating years a targeted forestry rate. This rule is therefore not necessary to achieve the objectives of the council with regard to use of rural roads.

Rule 12.10.25 Vehicle Access and Driveways

The rule is impractical for forestry and not effects based. It appears that under rule 12.10.25 (b) existing forestry and access points to roads controlled by the Kaipara District Council will have to meet the Council's standard. The standards appear to be developed more for urban situations and are not appropriate for access to forestry land.

Furthermore rule 12.10.25 (d) on driveways appears to be more for urban uses but the rule, because of its lack of definitions, appears to potentially capture the standard of forestry roads (and driveways) within a property. This is not an efficient use of resources or necessary to meet the council objectives

8. Relief Sought

- (a) Amend Rule 12.10.1 (4) a) to: *Excavations and fill associated with forestry operations if the company has Forest Stewardship Council certification or similar third party certification.,*

Alternatively amend the newly inserted definition of Forestry to specifically include associated earthworks associated with forestry, for example:

Forestry: *The ongoing management of native or exotic trees or stands of trees deliberately established for commercial purposes for the production of timber related products, and includes activities associated with land preparation, planting, pruning, felling and removal of trees from the site including **the construction and maintenance of forestry roads and landings** and the location and operation of mobile sawmill facilities on a site but excludes any other sawmilling or timber processing.*

- (b) Delete Rule 12.10.18 or provide an exemption for temporary or seasonal traffic movements including those from forestry activities.
- (d) Amend Rule 12.10.25 to provide an exemption for forestry access and internal roads, and insert the word 'new' into the second part of rule 12.10.25 (b) in relation to accessways on to roads controlled by Kaipara District Council, to clarify it applies to new accessways as follows:

*For **new** vehicle crossings on to roads controlled by the Kaipara District Council all Council engineering requirements have been satisfied.*

- (e) Such further or other relief as may satisfy the concerns raised in this appeal.

DATED at this the 9th day of November 2011

Signed by



On behalf of **Hancock Forest Management (NZ) Ltd**

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Annexures

- (a) A copy of the submission related to this appeal
(b) A list of names and address of persons to be served with a copy of this notice of appeal.

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Rayonier New Zealand Ltd
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Attn: Kelvin Meredith

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Attn: Ian Walker

Northland RMA Forestry Forum
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Attn: Ursula Buckingham

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