

IN THE MATTER of the Resource
Management Act 1991

AND

IN THE MATTER of Proposed Plan Change
22 to the Horowhenua
District Plan – Outstanding
Natural Landscapes and
Features

**STATEMENT OF EVIDENCE OF KARL TERENCE BALDWIN ON BEHALF OF
RAYONIER NZ LTD
(PLANNING)**

INTRODUCTION

Statement of experience

1. My name is Karl Terrence Baldwin. I am a resource management and planning consultant and hold the qualification of a Bachelor of Science and Technology degree, majoring in Resources and Environmental Planning, from the University of Waikato.
2. I am a Director of the company KTB Planning Consultants Limited, which I established in 2006. I have been working in the resource management and planning field for over thirteen years for a variety of local authorities and private consultancies.
3. I am a full member of the New Zealand Planning Institute (and have been since 2007). I have also completed the 'Making Good Decisions Programme' for RMA Decision Makers.

Environment Court Code of Conduct

4. I confirm that I have read the Expert Witness Code of Conduct contained in the Environment Court Practice Note 2006. I have complied with the Code of

Practice in preparing this brief of evidence and I agree to comply with the Code of Conduct while giving oral evidence. Except where I state I am relying on the evidence of another person, my evidence is within my area of expertise. I confirm that I have considered all material facts that I am aware of that might alter or detract from the opinions expressed here.

Rayonier New Zealand Ltd

5. Rayonier NZ Ltd (Rayonier) has engaged my services to provide expert planning advice and commentary on the Proposed Plan Change 22 and in particular the Section 42a Hearing Report prepared for Horowhenua District Council. I can confirm that I have reviewed the various plan change documentation and the hearing report.

PROPOSED PLAN CHANGE 22

6. Proposed Plan Change 22 (the plan change) introduces various planning matters into the District Plan to identify and protect Outstanding Natural Features, Outstanding Natural Landscapes (ONFL) and High Amenity Landscapes (HAL's). The plan change, as notified, identified a number of production forests as being within the area of Outstanding Natural Landscape. A subsequent peer review of the Outstanding Natural Features and Landscapes by Boffa Miskel (see appendix D of the s42A report) has recommended that all exotic forests be removed from the ONFL areas.
7. The reporting officer has subsequently recommended in the s42A report to exclude all areas of exotic forests from the ONFL areas. This recommendation is supported by Rayonier as requested in their original submission. In my opinion the exclusion of exotic forestry from an ONFL is consistent with the direction taken by other districts within New Zealand, with regards to the identification of ONFLs as recognition that their natural values or 'naturalness' has been degraded due to the fact that they are dynamic working landscapes subject to regular disturbance and change.

8. The plan change also sought to introduce a rule that required all earthworks within High Amenity Landscapes to be considered as a restricted discretionary activity. This rule has now been further reviewed by the reporting officer in response to the Supplementary Paper prepared by Taumanuka Studio dated October 2011 (see appendix G of the s42A report). The paper essentially reviewed the HAL's of the District and commented on the potential effects of built form and earthworks in these areas.
9. The reporting officer now recommends a number of Permitted Activity earthworks standards for specific High Amenity Landscape Domains (see parts 155 – 180 of the s42A report).
10. These recommended provisions for permitted activity earthworks standards will be the focus of this evidence.

EARTHWORKS IN PRODUCTION FORESTS

11. Earthworks are an integral component of production forestry within New Zealand. They are required for the formation of access tracks/roads, landings etc. Earthworks are usually carried out in the establishment phase of forests, albeit on a limited scale, and in preparation for and prior to the harvesting of the forest. Given the financial realities of production forestry, it is clearly in the forest manager's/owner's best interests to re-plant the de-forested areas as soon as practical and to ensure successful establishment of the forest. Dependant on the size and scale of the forest, this creates a cycle of production which includes a short period of harvesting and earthworks activity (6-18 months) then a long period of forest growth and management (25 – 30 years).
12. With regards to the visual effects associated with earthworks within production forests, the re-planting process usually results in the visual effects being substantially mitigated within 18 - 36 months of harvesting.

EARTHWORKS IN HIGH AMENITY LANDSCAPES

13. The recommendations put forward in the s42A hearing report (see the discussion in parts 155 – 180 of report) introduce section 19.2.28 which sets out a number of permitted activity standards for earthworks in specific landscape domains. The earthworks required to be carried out in a production forest are often substantial, and it is likely that they will exceed the recommended permitted standards. Therefore, if the plan change is approved, as recommended in the s42A report, a significant number of resource consents will be required for earthworks as part of forest harvesting.
14. Of particular note to Rayonier are the Coastal Environment Domain (Waitarere Forest) and the Hill Country Domain (Manakau Forest and Kohitere Forest).
15. The permitted activity standards, as proposed, will result in an application for earthworks being a Restricted (Limited) Discretionary activity under section 19.5(a) of the District Plan. This section states that '*The matters over which the Council will exercise its discretion in granting or refusing any application shall be limited to the effect of the particular non-compliance on the environment.*' My interpretation of this section is that Horowhenua District Council could in fact consider any potential or actual environmental effect relating to the proposed earthworks.
16. When considering this provision, it is important to note that the Horizons Regional Council already considers the potential or actual environmental effects associated with land use activities including stormwater, sediment, erosion and stability (see discussion in parts 56 - 57 of s42A report). Therefore, the proposed rules introduce another layer of resource consent requirements that would, in my opinion, be largely unnecessary when the majority of the potential adverse environmental effects associated with earthworks can be adequately mitigated through provisions already adopted by the Regional Council.
17. In my opinion, should the proposed permitted activity standards remain, it would be appropriate to restrict the matters over which Council exercises its discretion

to those issues relating solely to visual effects and amenity values. The potential for activities to adversely affect the HALs is the reason for the imposition of the new permitted activity standards for earthworks. Therefore, these are the matters to which the Council should be restricting its discretion.

18. Having said that, it is also my opinion that the potential visual effects of earthworks in production forests in HALs will be remedied and mitigated by the re-planting of trees, which usually occurs as soon as possible after harvesting. The forestry company has a financial imperative to re-plant. Such re-planting, to effectively cover or screen any scars on the landscape caused by earthworks, is likely to be one of the primary mitigation measures that would be required as a condition of consent during the assessment and subsequent approval of any resource consent application. Therefore, it seems superfluous to require a resource consent in the first place.
19. In my opinion, production forests could be exempted from the permitted activity earthworks standards that are being proposed in the s42A report. Should it do so, Council and the community it represents can still have confidence that the potential adverse visual effects of earthworks associated with production forestry will be adequately mitigated by the re-planting of the forests.
20. It is my opinion that section 19.2.28 should be amended to state that:

‘Earthworks, other than cut for a building platform **or required for a primary production forest**, on land that is not an Outstanding Natural Landscape and Feature, shall not exceed in any 12 month period the following...’

EXISTING USE RIGHTS OF PRODUCTION FORESTS

21. I also believe that it is important to recognise that a strong case can be made that existing use rights, pursuant to section 10 of the RMA, applies to the ongoing operation of plantation forests. Of particular interest to Rayonier are the following forests:

- Waitarere Forest - Established 1930s and on average the forests is in its 2nd rotation with some small areas on their 3rd and 4th rotation.
 - Manakau Forest - Established in the 1960s and on its 2nd rotation.
 - Kohitere Forest - Established in the 1960s and on its 2nd rotation.
22. The visual effects associated with the cycle of production forestry within this District have been part of the fabric of the productive rural landscape for a long period of time. It is also important that the Council recognise the social and economic benefits the production forests provide to the community, by way of recreation and employment opportunities.
23. The introduction of these permitted activity standards for earthworks will place further restrictions on these existing activities, impose further time and cost restraints on the day to day forestry activities and ultimately result in very little environmental gain in terms of the overall amenity of the District.

SUMMARY

24. In summary, Rayonier supports the removal of all exotic forests from ONFLs. However, having considered the various relevant documents and supporting material for Proposed Plan Change 22, it is my opinion that the earthworks required for production forestry should be excluded from the permitted earthworks standards for the specific High Amenity Landscape Domains. The proposed rules, in relation to production forestry earthworks activities, will result in additional time and costs for forestry companies to obtain resource consents for activities which have been occurring in the District for many years. In addition, any mitigation of visual effects likely to be required as part of a resource consent is already provided as part of the usual re-planting and forestry cycle. Other potential adverse effects associated with earthworks are already appropriately managed by the Regional Council.



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