

Auckland Draft Unitary Plan

A forest is a forest, but not in Auckland

Trish Fordyce

With all the attention on urban provisions for housing you could be excused for thinking that there is no rural land in Auckland. But about 70 per cent of the land area is rural and about a sixth of that is in forestry. So how does forestry fare in the Draft Unitary Plan? There are bouquets and brickbats to be given.

Bouquets

The regional policy statement and the policies and objectives are relatively clearly written and straightforward. This is probably a good result of having the time to prepare and consult on the earlier Auckland Plan. There are problems with the 'Trees and vegetation' section and concern if the intention is for planted forests to be an activity which requires control to protect the natural heritage of the region. The devil will be in the detail and, in particular, the rules setting out the required standards. Throughout the Draft Unitary Plan these are usually referred to as controls.

The ability to subdivide for lifestyle blocks has been limited to identified areas. This is in recognition of the fact that rural productive land should be available for productive purposes. It should also offer some help with reverse sensitivity issues. There are provisions for transferable rural site subdivisions, particularly where rural land is subject to a Significant Ecological Area. The provisions replace the different approaches of the Rodney and Franklin rules. At this stage there is no limitation on transferring the subdivided sites between the north and south of the region.

The controversial permitted activity financial contribution for forest harvesting has not been included. In addition there is no reference to compliance with *Technical Publication* TP223. TP223 and the financial contribution are a major reason for the high production costs facing forestry in the Auckland region. It should also be noted that none of the adjacent regions in their forestry guidelines follow the TP223 mantra of collecting run-off and treating it, rather than dispersing the run-off to sediment controls or to forest land.

The first regional plan was proposed in 1993 and is well overdue for review. Forestry has waited a long time to be able to challenge the existing controls and the application of technical publications to forestry activities. The next stage of the unitary plan process will be very important, especially if there are limited rights of appeal.

The objectives and policies that promote the use of industry codes of practice are supported. Forestry is very well placed to being compliant with such objectives

and policies as it has a strong code of environmental practice, which is supported by industry training and best practice guidelines. There is also the recently introduced *Forest Road Engineering Manual* supported by an operator's guide.

In recognition that one size does not fit all, forestry has its own set of controls very similar to the controls set out in the mediated settlement for Horizon's One Plan. How these controls relate to the maze of other controls has to be sorted out to avoid forestry requiring resource consents to continue operating.

Brickbats

The Draft Unitary Plan suffers from drafting by various committees. There is inconsistency between controls. There is a lack of important definitions. For example, the use of the word earthworks and the various ways to describe forestry such as commercial, plantation or just forestry. In addition is a continuing inequitable treatment of forestry with other rural land uses, and a plethora of zonings, overlays and controls to work through to decide what really applies to your site.

Implications for forestry

Wood products

With regard to sustainable development controls for dwellings, offices and industrial buildings, the Draft Unitary Plan proposes specification of Green Building Council green star and homestar ratings as a mandatory requirement in the building industry. There are number of concerns with the proposals, including problems with the use of a proprietary monopoly rated tool and a potential sub-delegation of the power of the Council to approve a building activity.

Forestry and wood products industries have, over a number of years, raised concerns with the Green Building Council about their approach to determination of a sustainable building. It would appear that it is premature to impose requirements for compliance with the Council's rating systems.

Definitions

In Auckland, bare earth in a harvest area has been interpreted as falling within the scope of an earthwork and yet there is no definition in the Draft Unitary Plan. 'Impervious areas' include 'compacted metal roads', which introduces a range of Council road controls for forest roads. These controls are not appropriate to forestry and are inconsistent with the specific controls proposed for forestry tracks and roads.

'Contiguous vegetation' does not include vegetation planted as a 'crop, garden or pasture'. So what does that leave? Is a planted tree in a forest a crop? Given the controls on vegetation management that could require consents for harvesting, the scope of this definition is a major problem for forestry.

While the Draft Unitary Plan defines 'forestry', other terms such as 'commercial forestry' and 'plantation' are used in the controls. No doubt this should be simple matter to clarify in the next stage of the plan development.

Zones and overlays

You need to check the boundaries of zones and overlays. Not only are there overlays for the usual matters such as Significant Ecological Areas and Outstanding Landscapes, but for Coastal Protection Yard areas, Wetland Management Areas and High Use Stream Management Areas.

There is also a new zone – the Rural Conservation Zone. While a large part of Auckland is rural land, around 50 per cent of that land will be affected by the overlays and the conservation zone. All forest owners should check the boundaries of the zones and overlays which may affect their property. Overlays are hard to follow on the electronic plan, and the best method is to obtain shape files from the Council.

With regard to the controls there are Auckland-wide rules, zone rules, overlay rules and then specific rules for identifying activities such as forestry. To be permitted, you must comply with them all. This is a major problem for forestry, and in effect will mean that resource consents would be required to continue operating, and in particular to harvest.

Although there are specific rules for forestry, the Auckland-wide rules for land disturbing activities and for vegetation management will require consents to harvest. That means a number of the general controls, such as complying with TP 90, cannot be met. The land disturbance rules are more directed at urban subdivision earthworks and conflict with the specific rules for forestry.

The vegetation management rules appear to only control forestry and native trees which are not planted in a garden. While the intent of the rules appear to deal with amenity issues, it is not clear why a planted forest should fall within the scope of such controls. However, the Environmental Defence Society may beg to differ on this point.

Setbacks for forestry are not consistent between the land disturbance and vegetation management controls, and range from five to 20 metres. If all the controls have to be complied with, setbacks for harvesting and replanting will be 20 metres from permanent streams as well as intermittent streams.

It is noted that pastoral grazing is not determined to be a land disturbance activity, and grass and crops are not included in the vegetation management controls. This means that there is inequity between forestry and pastoral farming when it comes to the ability to continue to operate without requiring a resource consent.

What is a forest?

This leads us to consideration of what is a forest? The definition in the plan relates to the intent of the planting. If you plant for timber production, or the trees are 'principally timber tree species', then the trees are a forest. In the areas where forests are not welcome, conservation forests are welcome. These are those which are planted for such purposes as soil conservation, ecological values, waste water disposal and landscape reasons. You can harvest such forests if it is accessory to the purpose. If it can be argued that trees are planted as a crop, then the vegetation management rules will not apply.

Only conservation forests are permitted in some rural zones and overlays. While the definition is a hangover from Franklin district rules, if a farmer or forester wishes to plant trees, the purpose of the planting is somehow going to have to be expressed. Of course, there is no process provided for this. What trees are timber tree species? At some time just about all trees have been used for timber purposes.

The definitions bring to mind the gaming that used to happen with rural subdivision. Here it was possible to subdivide to a small land area if such an area could be used for economic purposes. Various consultant reports were produced to show how certain crops could be economic. Proposals went ahead, and if the crops were left to fail they failed, but the land had been subdivided for ever.

I am sure that some of the problems can be sorted out in the period before the plan is notified. In the meantime, maybe the forest industry should be promoting forestry as just another crop.

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