



ERNSLAW ONE LIMITED

Central Hawkes Bay District Council
PO Box 127
28-32 Ruataniwha Street
Waipawa
4210

20 August 2021

Dear Sir/Madam,

Ernslaw One Limited wishes to submit to the Central Hawkes Bay District Proposed Plan Change. Our submission is presented in the attached document, and Form 5 outlined below.

Form 5

Submission on notified proposal for policy statement or plan, change or variation
Class 6 of Schedule 1, Resource Management Act 1991

To: Central Hawkes Bay District Council
Name of Submitter: Ernslaw One Limited
The specific provisions of the proposal that the submission relates to are:
The Ecosystems and Indigenous Biodiversity Chapter and any consequential changes to that chapter.
Contact: Lynette Baish, Environmental Planner
Address for Service: Ernslaw One Limited, 31 Bridge Street Bulls, 4818
Email: lynette.baish@ernslaw.co.nz

Please note that Ernslaw One Limited wishes to be heard in support of this submission. If other parties make similar submissions, Ernslaw One Limited would consider presenting a joint case with those parties at the hearing. Ernslaw One Limited could not gain an advantage in trade competition through this submission. We are not directly affected by an effect of the subject matter of the submission that adversely affects the environment and does not relate to trade environment or the effect of trade competition.

Lynette Baish
Ernslaw One Ltd
Tel. 027 880 2964



ERNSLAW ONE LIMITED

SUBMISSION ON THE PROPOSED DISTRICT PLAN

TO: Central Hawkes Bay District Council (CHBDC)

SUBJECT: Proposed District Plan (Ecosystems and Indigenous Biodiversity Chapter)

SUBMITTER NAME: Ernslaw One Limited

ADDRESS: PO Box 23, 31 Bridge Street, Bulls 4818

DATE: 19 August 2021

Introduction

1. Ernslaw One Limited (Ernslaw) is a production forestry company managing land holdings of up to 45,000ha within the Central Hawkes Bay District. A proportion of this land is proposed as Significant Natural Area (SNA) under the Proposed District Plan.
2. Ernslaw works to achieve best industry standards to ensure that pest plants and species are controlled within its forest estates and has also invested in ecological surveys and monitoring of rare, threatened and endangered species. Ernslaw is investing in additional mechanisms to detect and monitor RTE species including long tailed bats, falcon and other ground nesting fauna.
3. As an FSC certified forest owner, Ernslaw is committed to meeting international standards of forestry accreditation, undergoing rigorous annual and five yearly audits. Ernslaw is willing to work collaboratively within communities as part of a “joined up” approach to protecting and enhancing biodiversity values within and around its plantation forests, particularly when it comes to maintaining ecological corridors for RTE species.
4. Ernslaw submitted on the Draft District Plan in 2019 and has worked pragmatically with Council’s ecologist, Gerry Kessels’, to exchange flora and fauna survey data and to rationalise SNA boundaries. However, further ground truthing of the SNA’s is required and Ernslaw would welcome the opportunity to work alongside the Council to more accurately identify significant indigenous vegetation and habitat within its forest estate.
5. Ernslaw wishes to make the below points in relation to the proposed rule framework, specific policies, and the planning maps and SNA schedule, within the Ecosystems and Indigenous Biodiversity Chapter of the Proposed District Plan.



ERNSLAW ONE LIMITED

Proposed District Plan and the National Environmental Standard for Plantation Forestry (NESPF) 2017

6. Proposed rule ECO-R1 provides for the trimming or clearance of indigenous vegetation in certain conditions, including within plantation forestry undergrowth or planted indigenous forestry. Ernslaw supports this rule as it would enable harvesting operations within the plantation to be undertaken as a permitted activity and is consistent with the NESPF.
7. Proposed rule ECO-R3 prescribes permitted activity criteria for trimming or clearance of indigenous vegetation **inside** any area of significant indigenous vegetation or significant habitat for indigenous fauna (SNA). “Note 3” under the Rule directs that clearance associated with plantation forestry is subject to the NESPF 2017.
8. Ernslaw accepts that a District Plan may default back to the NESPF in relation to operations within, and adjacent to SNA’s. Ernslaw requests however, that clearer direction is provided in relation to the other rules, in particular Rule ECO-R4, which provides permitted activity conditions for clearance of indigenous vegetation and habitat (manuka/kanuka and all other indigenous vegetation respectively) outside of any SNA, with restricted discretionary and discretionary consents required for non-compliance (respectively) where those conditions are not met.
9. Clearer direction is necessary to avoid uncertainty as to which provisions apply for plantation forestry, the proposed plan, or the NESPF, in relation to the activities prescribed in Rules ECO-R4, ECO-R5 and ECO-R6.

Proposed District Plan Policies

10. Ernslaw supports the proposed Policy ECO-P5 and accompanying provisions ECO-M3, and ECO-APP2 to give effect to the Principles for Biodiversity Offsets where they are proposed as part of resource consent applications.
11. Ernslaw additionally supports proposed Policy ECO-P7 and the approach to recognise landowners’ stewardship and current management practices, as well as proposed Policy ECO-P8 which provides assistance and incentives to landowners to maintain areas of significant indigenous vegetation and habitat.
12. Notably absent from the proposed provisions, is any policy direction or regulation to require stock exclusion from SNA’s other than an exclusion in Rule ECO-R3 to allow trimming and clearance within SNA where it is required to construct new fences to exclude stock and pests. This is a critical oversight as biodiversity values will only degrade further where stock are allowed unmitigated access to areas of significant indigenous vegetation and habitat, and it undermines the efforts that other landowners are making in this regard.



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13. While the NES Freshwater requires stock exclusion from water bodies and wetlands, the absence of a regulatory mechanism to exclude stock from indigenous vegetation and habitats is a critical gap in biodiversity protection, and a noted inequity in the regulatory approach taken by CHBDC.

Planning Maps and Schedule

14. The SNA's in the Proposed District Plan that relate to the Ernslaw forest estate are shown on Planning Maps 16 and 18 and identified in Schedule ECO-SCHED5 as SNA 198, 199, 202, 203, 206 and 207. The vegetation type description in Appendix F for all these SNA's is noted as rimu/tawa-kamahi forest. Ernslaw submits that this description has been incorrectly identified as the dominant indigenous vegetation type is manuka/kanuka and scattered rewarewa.
15. Ernslaw has undertaken flora and fauna surveys in the forest and has provided this data to CHBDC, and to some extent the boundaries of SNA have been rationalised working with Council's ecologist. There is room for more accuracy with the mapping and categorisation of significant indigenous vegetation and habitat. Ernslaw is increasing its efforts in the field of detection and monitoring of RTE species and is willing to continue to share data with CHBDC and to further rationalise SNA boundaries through ground truthing.
16. For forestry, over-extending SNA categorisation has the implication that networks of roading and tracks must be formed, which in turn raises the risk of sediment potentially entering freshwater eco-systems. There is significant benefit in minimising the scale of infrastructure needed to avoid impacts of harvesting operations on SNA. The only other choice for plantation forestry is to leave the crop standing as a stranded asset.
17. This provides further incentive to Ernslaw to work with CHBDC to rationalise the boundaries of proposed SNA to strike a sensible balance between the protection of indigenous biodiversity values and the ability to undertake forestry activities in an environmentally and economically appropriate manner.

Submission Requests

18. Ernslaw seeks that CHBDC provide clearer direction for plantation forestry activities in respect of the application of Rules ECO-R4, ECO-R5, and ECO-R6.
19. Inclusion of policy direction and regulatory mechanisms to ensure that significant indigenous vegetation and habitats are excluded from stock.
20. Request opportunity to work with CHBDC to further rationalise SNA boundaries through exchange of monitoring data and ground truthing.