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**Science and Strategy - Policy
Waikato Regional Council**

SUBMISSION ON PROPOSED WAIKATO REGIONAL PLAN CHANGE 1

Summary and Address for Service

1. This is a submission by the Waikato Branch of the New Zealand Farm Forestry Association ('NZFFA') on the Proposed Waikato Regional Plan Change 1 ('Plan Change 1').
2. NZFFA opposes permitted activity condition 5.1.5(q) in Plan Change 1 for the reasons set out below. It seeks the relief stated in this submission.
3. The address for service for NZFFA is: John Simmons
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Background to NZFFA and Introduction

4. NZFFA was formed in 1957. Its membership is spread over 27 branches throughout NZ, and there are 5 special interest groups. We estimate our members own or manage up to 100,000Ha of forest, and influence the management of a similar area. These forests consist of radiata pine, cypresses, eucalypts, Douglas fir, blackwoods, poplars, other hardwoods, sequoia and NZ indigenous species. This submission is filed by and on behalf of the Waikato branch of NZFFA.
5. NZFFA recognises and wishes to emphasise the multiple environmental benefits benefits of trees in the landscape. These include riparian planting and for erosion control and soil conservation: as a mitigation tool and means of ameliorating water quality degradation the use of trees has been long proven.
6. NZFFA supports the overall vision and strategy of Council's 'Healthy Rivers' initiative, and recognise the values and uses for the Waikato and Waipa Rivers. NZFFA also acknowledges the need to manage activities on land to protect water quality, particularly diffuse discharge, and the effects of nitrogen, phosphorus and microbial pathogens. In this sense, NZFFA invites Council to reflect on the substantial benefits derived from actions enabled by the Soil Conservation and Rivers Control Act 1941.
7. However, NZFFA has some concern with some of the proposals in Plan Change 1. In particular, NZFFA is concerned that Plan Change 1 does not adequately consider:
 - how many water supplies rely on forest catchments;
 - remediation of degraded soils and former mine sites by tree plantings;
 - protection of riparian areas, hill slopes by plantings;
 - benefit of carbon sequestration to the regional economy; and/or
 - how the objectives of this Policy change will be achieved by landowners embracing the use of trees on farms as part of the farm environment plans.
8. Against this background NZFFA makes the following submission.

Introduction of new conditions for permitted activity rule 5.1.4.11 (Soil Disturbance, Roding and Tracking and Vegetation Clearance)

9. Plan Change 1 purports to introduce a new permitted activity condition to section 5.1.5 of the Plan. The condition seeks to introduce the requirement, within the Waikato and Waipa Catchment, to notify Council – including providing a harvest plan meeting the extensive criteria set out – at least 20 working days prior to commencing harvest operations.
10. This new condition for a permitted activity is intended to be added to the already exhaustive list at section 5.1.5(a) to (p) in the Plan. The list of existing conditions are extensive, and include:
 - installation and maintenance of erosion/sediment controls - 5.1.5(b);
 - design of cut-offs or culverts to prevent erosion – 5.1.5(c);
 - avoidance or remediation of erosion or instability of the coastal environment, or the beds of rivers or lakes or wetlands – 5.1.5(d);
 - deposition or containment of all disturbed vegetation, soil or debris to prevent diversion, damming or blockage of any river or stream; destruction of any habitat in a water body; or flooding or erosion – 5.1.5(f);
 - compliance with suspended solids standards and receiving water standards – 5.1.5(h) and (o); and
 - stabilisation of all exposed areas of soil as soon as practical – 5.1.5(m).
11. Against this very comprehensive list of permitted activity conditions, it is unnecessary and excessive to require notification and provision of a harvest plan. There is no demonstrated need for the provision of a harvest plan, and the proposed additional permitted activity condition is not an effects-based planning response. Indeed, the imposition of such a comprehensive suite of conditions is not commensurate with the permitted activity status.
12. Indeed, the section 32 analysis supporting proposed Plan Change 1 seems to acknowledge that the existing suite of conditions are adequate to manage the effects associated with harvest operations. It states (at page 153):

*“In terms of forestry, the current rules in the Regional Plan manage activities that cause or have the potential to cause erosion, and these rules have in-stream sediment standards embedded in them. There are some specific variations in the rules (for example, different conditions or standards relate to vegetation clearance of plantation production forestry compared to general vegetation clearance). **Existing controls on production forestry are considered sufficient to control the adverse effects of contaminant loss to water over the life of the forestry rotation, with an additional requirement discussed below.**”*

(emphasis added)
13. While NZFFA submits that there is no demonstrated need for the proposed new additional permitted activity condition in light of the existing permitted activity conditions, this is particularly the case for smaller harvest operations and/or harvest operations where there is no disturbance of a river or stream or water body. In these instances, the additional costs on forest owners may be relatively substantial given expert consultants may be required with specialised skills and resources to prepare a harvest plan. NZFFA seeks that a minimum area threshold be applied.

14. Without prejudice to the submission that there is no demonstrated need for the proposed new additional permitted activity condition, NZFFA submits that the only additional requirement should be around notification to Council. The section 32 analysis appears to support this position, stating (also at page 153):

“To improve implementation of existing rules, a minor forestry-related adjustment to the Regional Plan rules is appropriate. The change applies to existing conditions for permitted activity rule 5.1.4.11 (soil disturbance, roading and tracking and vegetation clearance) as set out in section 5.1.5 of the Regional Plan. The key feature of this adjustment is the addition of a requirement signalled in the draft National Environmental Standard for Plantation Forestry, to submit harvest plans to council, and to notify council prior to undertaking these activities. In addition to the forestry rules in the current Regional Plan, this adjustment would mean council is aware of when harvesting is to occur within the Waikato and Waipa River catchments. At present, this occurs on a voluntary basis, where some forestry companies contact council implementation staff to notify them of their intention to harvest.”

15. The intention of the proposed new permitted activity condition appears clearly directed at notification. Again the section 32 analysis clearly indicates this, stating (at page 160):

“The catchment-wide rule that adjusts the forestry permitted activity conditions under Regional Plan 5.1.5 will make council aware of any harvesting operations that may result in a change in sediment discharges. As harvesting occurs on a cyclical basis, it is important that this can be monitored in a timely fashion, and correlated with any water quality information being collected in the vicinity.”

16. And at page 169:

“The forestry harvest plan rule is primarily an additional administrative requirement that will make it more efficient to monitor and enforce existing regulatory provisions. This is likely to have a high degree of acceptability.”

(emphasis added)

17. Clearly the intention of the proposed new permitted activity condition focuses on notification. If imposed, the condition should include a notification requirement only. The requirement to include a harvest plan (“unless otherwise agreed” with Council) should be dispensed with from the draft plan change.

Relief Sought

18. NZFFA seeks the following relief:
1. That permitted activity condition 5.1.5(q) be deleted from Plan Change 1.
 2. In the alternative, and without prejudice to the relief sought above, that permitted activity condition 5.1.5(q) be amended to:
 - a. require only notification to Council in advance of commencing harvest operations; and
 - b. apply only to harvesting of areas over 4 hectares in area, or where the harvest operation is within 50 metres of a stream, river or water body.

Condition 5.1.5(q) would read:

“(q) In the Waikato and Waipa Catchment the Waikato Regional Council shall be notified in writing at least 20 working days prior to commencing harvest operations in a forest, where that harvest operation exceeds 4 hectares in area, or where the harvest operation is within 50 metres of a stream, river or water body.”

Conclusion

19. NZFFA wishes to be heard in support of this submission. If others make a similar submission, NZFFA would consider presenting a joint case with them at hearing.
20. NZFFA could not gain an advantage in trade competition through this submission.

Yours sincerely
ChanceryGreen



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