



**New Zealand Farm Forestry Association
Oranga Rākau Aotearoa**

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SUBMISSION ON “Plan Change 1 to the Natural Resources Plan”

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About this organization: The NZFFA represents people who own small-scale private forests and/or are interested in the many values of trees. Currently we have over 1200 members representing a good cross-section of the approximately 16,000 entities owning private forests in New Zealand. In the Wellington region, the NZFFA has about 100 members with direct interests or ownership in small scale forestry.

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BACKGROUND

Commercial forestry is a major export earner for both New Zealand and the Wellington region. It employs a large number of people and service providers during establishment, management and harvesting; and at the port and local sawmills. In the two Whaituas in question the total area in plantation forest is almost 12,000 ha. Were Kapiti and the Wairarapa included, the total area would be around 30,000 ha with a value of around \$600 million. This is a major regional asset and cannot be taken lightly.

As well as income and employment, plantation forests provide major environmental benefits. MPI states *“Not only do we depend on forests to regulate the climate, we depend on them to clean our water and our air, and help manage erosion.”* Governments Canopy website <https://www.canopy.govt.nz/plan-forest/why-plant-trees/soil-conservation/> says: “Trees can help reduce erosion, keeping valuable soil on your land and preventing sediment getting into waterways. This maintains the land's health and productivity and improves local water quality.”

Greater Wellington’s own forests help protect the city’s water supplies and the rivers that drain to the coast. They also protect indigenous biodiversity and offer social benefits.

Finally, forests act as a carbon sink and help mitigate climate change. The Climate Change Commission has recommended a national increase in the plantation forest estate by 500,000 ha between 2021 and 2030.

In terms of sediment, plantation forests discharge less than any other commercial land use, and are second only to indigenous forests. A 12-year paired catchment study of the environmental effects of pinus radiata forestry, which included harvesting, replanting and around 11 years of a standard forest management (‘The Pakuratahi Land Use Study’ by Garth Eyles and Barry Fahey, June 2006 ISBN 1-877405-05-1) concluded that

- Prior to harvesting (January 1995–June 1997), the pasture catchment yielded almost four times more suspended sediment than the catchment in mature forest.
- Appropriate management procedures after harvesting can assist in returning suspended sediment yields to pre-harvesting levels within 2 to 3 years.
- Over the 12-year period of record the total suspended yield from the pasture catchment was over one and-a-half times that for the catchment going through the forest rotation.

Extrapolating these figures over the whole 27-year forest rotation would result in an even lower average sediment discharge compared to pasture.

We are concerned that the proposed Plan Change 1 is – in its content- biased against forestry, as shown by the argument used in the Section 32 report: “the current degraded environmental state has largely developed under this (NES-PF) framework”, when Council’s own monitoring demonstrates that water quality for catchments with significant forest cover has generally much better water quality than other land uses.

If Plan Change 1 is implemented in its present form we expect a significant decline in commercial forest activity in the Wellington region. This will impact the regional economy and make it harder to reach our climate change targets, and may lead to negative environmental effects.

SUMMARY

We are not convinced that Plan Change 1 is necessary or desirable.

The documents available from Greater Wellington in support of Plan Change 1 are both long and complex. Having read them in full we have done our best to offer frank, logical and constructive criticism, but with only a short time to make submissions we may have included errors or duplication. If so we apologise.

1. Clarity

Because of the undefined terms and the often incomprehensible language we are unable to comment on parts of the plan change.

We ask that you use more defined terms, so there is less confusion and ambiguity. We also ask for a translation of Maori words into English, or an English language version.

Section 82(1) (a) of the Local Government act 2002 requires *“that persons who will or may be affected by, or have an interest in, the decision or matter should be provided... with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons.”*

The Plan Change 1 document and Section 32 report do not meet these requirements. The majority of our members, and perhaps the majority of those affected, do not have sufficient knowledge of Maori to understand some parts of the documents. Here are two examples:

Section 32 report Part B page 8: “The TWT Committee was committed to partnership approach under Te Tiriti o Waitangi and established Te Kāhui Taiao. Te Kāhui Taiao drafted a number of statements that were documented within Te Mahere Wai that outline a local approach for Te Mana o te Wai in TWT.”

Section 32 report Part B page 23: “The TWT Committee noted the kawa directed them “to the importance of spatial, social, and intergenerational equity, which means that all waterbodies (from small streams to larger rivers, aquifers, wetlands, lakes, estuaries and coastal waters) need to be thriving in all awa. Upholding Te Mana o te Wai means striving for wai ora everywhere.”

We reserve the right to make further submissions to parts of the document when we have more clarity on what they mean.

2. Specific comments

The National Environmental Standards for Plantation Forestry (NES-PF) took seven years of negotiations amongst Government officials, Council representatives and industry figures. The document was thoroughly considered before it was released. We do not believe that new rules in this Plan should over-ride it, unless and until that need is proven.

We ask for the proposed forestry related changes, i.e. P.R19, P.R20 and P.R21, as well as Rules WH.R20, WH.R21 and WH.R22 and also the detailed notes that these new rules prevail over certain rules in the National Environmental Standards for Plantation Forestry (NES-PF), to be removed from the draft plan.

While we have not commented on all details in the proposed Plan Change 1, we are objecting to any other substitution of rules in the National Environmental Standards for Plantation Forestry (NES-PF) with the new rules in the plan.

We object to policies WH.P2 , P.P2, WH.P28 and policy P.P26 as far as they relate to forestry.

We also ask that replanting will not be regulated in the proposed new plan

Our reasons follow.

BROAD OBJECTIONS

3. Climate change

The proposed new rules are a major disincentive for investment in commercial forestry and are likely to destroy any opportunity to obtain an adequate return. This is because:

- the conditions themselves, or the costs of meeting those conditions, will prevent some land from being harvested; and
- the “highest risk” classification devalues the land and prevents the forest owner from obtaining an income from it.

Greater Wellington declared a climate emergency in 2019 and the Climate Change Commission in its draft advice to Government earlier this year advocated planting an additional 500,000 hectares of exotic forests between 2021 and 2030. The proposed Plan Change 1 will reduce the chances of meeting this target, weaken the Council’s own ‘emergency’ response, and deter the NZFFA from advising anyone to plant trees as a long-term investment in this region.

The law requires the owners of plantation forests established before 1990, and the owners of post-1989 forests registered under the Emissions Trading Scheme, to retain their land in forests after harvest. They must either replant, let the land revert back to scrub and wildings, or pay a carbon penalty. If the land is replanted, all of the carbon released at harvest is sequestered again. If the land goes to indigenous reversion, scrub or wildings, by 2050 it is likely that only 20% to 30% of the exotic forest carbon will have been re-sequestered – the rest will have added to global warming.

Furthermore if forest land is not replanted it will generate no income and simply become a financial liability for the owner, while adding nothing to the region's social and economic wellbeing.

4. Process

We have found examples of the Plan Change process being rushed, creating problems for those affected.

- The consultation documents refer in many places to the NES-PF although this has been superseded by the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023. The NES-CF regulations were published in October 2023 and became effective on 3 November. Despite the Council being aware of this it went ahead with releasing the proposed Plan Change, which contains outdated definitions and regulations. We find it impossible to discern the actual meaning of the proposed new Plan.
- The draft Plan does not suggest controls on replanting but they are included in the Section 32 report. The Council has said that the omission was an oversight, and it will make a submission to fix it. Many affected people may have read the published plan and decided not to submit, as they are happy with it as presented; and in that circumstance a late change of mind by the Council would be a significant and surprising departure from the publicly available intentions.
- Recommendations 54 and 55 from Te Awarua-o-Porirua WIP and Recommendation 37 from Te Whanganui-a-Tara WIP ask that Greater Wellington works with forestry groups to provide proactive advisory support, and to better monitor compliance with the NES-PF. Both groups ask the Council to better enforce compliance within the NES-PF rather than seek more stringent regulations, and suggest that it is inadequately staffed for the task. Greater Wellington has rejected the recommendations, and is now embarking on a much more complex and expensive process to fix a problem that has not been established with regulations that are unnecessary. It would be more cost effective to perform its role under the national standard.

5. Evidence

Although officials have claimed in the Section 32 report that forestry is responsible for the “current degraded state” of water bodies, Greater Wellington has not provided any scientific evidence to support this. When questioned the Council admitted the shortage of evidence, but argued that it wanted all land uses to contribute in an equitable way to improvements in water quality. ‘Evidence’ is objective but ‘equitable’ is not. The feelings of officials are a poor basis for making significant regulatory changes.

Currently, plantation forestry is governed by the NES-CF, which attempts to ensure that the environmental standards of the NES-PF - especially related to water quality - are fit for purpose. It has many more restrictions and safeguards than its predecessor and was developed with substantial input from regional councils. There is no

evidence that the NES-PF failed to achieve the water quality standards of Greater Wellington, nor is there any evidence that the new, more stringent NES-CF will fail.

If there is no evidence now, we suspect there will be no evidence later. We suggest that even if the Plan change were adopted, it would be impossible for Greater Wellington to determine whether or not the new regulations for forestry resulted in any discernible improvements in water quality.

Without such evidence, there is no reason to undercut a national environmental standard.

6. Reasonable use

Section 5 of the RMA requires resources to be managed *“in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety,”* and Section 85 states that *“any person having an interest in land to which any provision or proposed provision of a plan or proposed plan applies, and who considers that the provision or proposed provision would render that interest in land incapable of reasonable use, may challenge that provision or proposed provision on those grounds.”*

The proposed Plan will make it impossible for many forest owners to provide for their economic well-being or to make reasonable use of their land. This applies especially in two situations:

- Where forest land falls into the class of “highest risk” the owner will not be able to derive any revenue from it post-harvest, despite the continuing costs of rates and property maintenance. Even small parts of a block classified as erosion prone may be essential for access or for harvest infrastructure. If they could not be used, the forest might not be harvested and it would become a stranded asset.
- Given that the Plan Change seeks to control all forestry activities, in many situations it will be impossible to meet all of the conditions. For example with gravelled roads it may be impossible to meet the maximum sediment level of 100 grams / m³ of runoff. Even in the few cases where it might be possible to comply with all of the new conditions, the compliance costs may be simply too high to bother.

7. Stringency

The new NES-CF states that a rule in a Plan may be more stringent than the national standard for commercial forestry if it is used to give effect to the National Policy Statement for Freshwater Management. When councils are proposing a more stringent rule, they must demonstrate that it is justified in the local context in accordance with Section 32(4) of the RMA. This says *“If the proposal will impose a greater or lesser prohibition or restriction on an activity to which a national environmental standard applies than the existing prohibitions or restrictions in that standard, the evaluation report must examine whether the prohibition or restriction is justified in the circumstances of each region or district in which the prohibition or restriction would have effect.”*

MPI published the NES-PF Plan Alignment Guidance, which includes specific guidance on where plan rules may be more stringent than the NES-PF under Regulation 6. It says *“It is also important that more stringent rules only prevail over the NES-PF in appropriate circumstances to ensure the underlying policy objectives of the NES-PF to achieve consistency and certainty in the management of plantation forestry activities are not compromised.”*

The circumstances provided for in Regulation 6 are not in themselves justification for more stringent rules. They simply allow more stringent rules when site-specific factors warrant it, as does section 32(4) of the RMA,

Section 32(4) requires councils to demonstrate that the proposed rules are justified in the context of the particular region or district. When assessing the need for a more stringent rule under Regulation 6(1) (a) of the NES-PF, the starting point is to **demonstrate that the controls** in the NES-PF (and now NES-CF) **are not sufficient** to give effect to the NPS-FM. One must then **demonstrate how a more stringent rule**, justified in the context of the region, **will achieve that** in a more effective and efficient way. Simply providing a link between a proposed rule and a Plan objective that gives effect to an objective in the NPS-FM is not sufficient.

Greater Wellington has provided no forestry specific evidence related to the Wellington region that demonstrates the NES-PF (and now the NES-CF) **does not give effect** to a specific objective developed to give effect to the NES-FW. Therefore there is no justification for the proposed new forestry rules.

Neither has the Council provided any forestry specific evidence to show that the new rules will achieve improvements in terms of any particular objective developed to give effect to the NES-FM. There is not even a clearly defined link between the proposed more stringent rules and a particular objective. By contrast, there is plenty of evidence that plantation forestry as a land use leads to reduced sediment loads and improved water quality.

In short, we believe that what is proposed does not comply with regulation 6.1 in the NES-CF.

SECTION 32 REPORT

The section 32 report with respect to plantation forestry is deficient, incorrect and misleading in many aspects. It appears to be devoid of facts and evidence and offers no proof that either forestry or the current forestry regulations are causing a problem. The forest industry has been well regulated by the NES-PF, and the NES-CF has even stronger regulations to ensure the well-being of the environment.

The report also omits to mention that if the proposed changes go ahead Greater Wellington could be liable for tens of millions of dollars in compensation to China Forestry Group.

8. Carbon forestry

The Section 32 report is wrong in its central assumption and hence its justification for Plan Change 1. The report contends that the NES-CF is focussed on including carbon forestry in the national environmental standards and argues that therefore the Plan Change 1 provisions are justified. In fact the NES-CF focuses on much stronger environmental protection. For example it has extensive new requirements for Afforestation Plans to manage erosion and sedimentation; and it requires Harvest Management plans to specifically address these issues.

9. Erosion risk

The section 32 report states that *“All plantation forestry activities in these FMUs are permitted activities under the NES-PF regulations, because there is no land in these FMUs that is identified on the NES-PF erosion susceptibility classification system to be of very high risk. (However) The erosion susceptibility mapping undertaken for Greater Wellington (Easton S., Nation T., Blyth J., 2023) shows that there is land that is currently used for plantation forestry in these FMUs that has a **very high risk** of erosion.”*

This is factually incorrect and misleading. The ESC mapping undertaken for Greater Wellington defines the ‘highest-risk’ land as the most erodible 10% of forest land by area and land use within each Whaitua. But this is a relative measure, not an absolute one. Just because land is in the top 10% does not imply that it is at risk of erosion: if 90 % of all forest in the area is on relatively flat land, then forest on even a moderate slope will show up as being in the top 10%, and therefore classed as being at the ‘**highest risk**’ when in fact there may be no risk at all.

If Greater Wellington is really concerned that the land in its area has been misclassified in the NES-CF, then there are channels to update the mapping and classifications. However no such concerns have been raised by the scientists used by Greater Wellington.

10. Inadequate classification

The Section 32 report states the intention to *“ensure that plantation forestry does not establish or endure on highest erosion risk land, and that the most appropriate management practices are employed in plantation forestry and for woody vegetation clearance on highest erosion risk land.”* This is laudable but inadequate: it focuses on relative risk, not absolute risk. If most of the land is erosion prone, then setting a target of 10% is irrelevant. Furthermore, since the classification is by land use, there would always be a ‘top 10%’ of erosion risk land under plantation forestry. That land’s retirement with each successive harvest would lead over time to very little plantation forestry remaining.

11. Inadequate enforcement

The section 32 report complains that the notification process for forestry activities in the NES-PF is not fit for purpose, and there is no quality assurance or approval

process provided for the notified plans. *“The Regional Council can recover cost of on-site monitoring of some activities, including harvesting authorised by the NES-PF, but compliance experience is that often poor practices have already resulted in adverse effects by the time these are discovered.”*

We reiterate, there is no evidence that the plans provided under the NES-PF and now under the NES-CF are inadequate. In fact Recommendations 37, 54 55 ask the Council to better enforce compliance within the NES-PF rather than seek more stringent regulations, and suggest that it is inadequately staffed for the task. We acknowledge that there have been breaches, but that will happen with any regulation irrespective of its stringency. We have also been told - and found - that Regional Council staff will not enforce plans unless there is a complaint. Even then, in a recent case it took Greater Wellington staff more than three weeks to act on a complaint about non consented work next to a river. We also had feedback that Greater Wellington staff are not aware of the content of the current regulations. Better resourcing and training, rather than more regulations, would lead to better outcomes. The low hanging fruit are within the Council itself.

12. Policy package Option 1

The section 32 report states on page 108 that the proposed Plan Change 1 (partially) implements recommendations on identifying sources of sediment. It refers to:

“Te Awarua-o-Porirua WIP recommendations 54 and 55 relating to improving the management of plantation forestry to reduce sediment.” But in fact Recommendations 54 and 55 say: *“Greater Wellington works with the forestry sector to identify potential barriers and risks to good practice in reducing sediment from forestry operations and works with the industry to overcome the risks and barriers,”* and also *“Upon receiving notice under the NES-PF of earthworks, forestry quarrying or harvesting in the Te Awarua-Porirua Whaitua, Greater Wellington requests a copy of the Forestry Earthworks Management Plan and Harvest Plan or Quarry Erosion and Sediment Management Plan, and actively monitors compliance to ensure sediment discharges to waterbodies are minimised.”*

Contrary to the tenor of the section 32 report, these recommendations are demanding change within the framework of the NES-PF. This is almost the opposite of what the Council is seeking in Plan Change 1. They also ask for Greater Wellington to work with the industry, which is not happening. Plan Change 1 is not an adequate response to these recommendations.

Page 108 of the section 32 report also says *“Te Whanganui-a-Tara WIP recommendation 37 that is to promote best practices in plantation forestry and monitor for compliance.”* But in fact Recommendation 37 specifically asks:

“Greater Wellington provides enough staff and resources to:

- 1. Work with forestry groups (New Zealand Farm Forestry Association, New Zealand Forest Owners Association) and contractors to provide proactive advisory support that includes ensuring all forestry operators are aware (by 2023) of relevant regulatory requirements and good practice*

2. *Ensure all forestry operators in the Whāiata are monitored for compliance with the National Environmental Standard for Plantation Forestry (NES-PF) and other relevant requirements from 2023 onwards, and share this monitoring information with the community*
3. *Take enforcement action on non-compliance.”*

The recommendation is predominantly focussed on the Council’s staffing level, and again wants it to work within the NES-PF to achieve improved outcomes.

Page 108 continues with:

“Te Mahere Wai recommendations 76, 77, 78 that seek that plantation forest harvest plans, including for Greater Wellington land, are approved by Mana Whenua, and harvest is excluded in Korokoro Wahi Wai Māori (FMU).”

This is close: the full recommendations state that *“All plantation forestry near te mātāpuna must have harvest plans in place by 2026 and ... are approved by Mana Whenua. All plantation forestry near te mātāpuna must have harvest plans in place by 2026 that are approved by Mana Whenua.”*

However the recommendations do not require all harvesting to be approved by the Council, or to be a controlled activity.

In short, the Proposed Plan Change 1 does not achieve the outcomes sought in the recommendations.

13. Policy package Options 2 and 3

Again in this section the analysis confuses relative erosion risk with absolute erosion risk, which is commercially naïve. Further there is loose terminology, as New Policy uses the term “highest erosion risk” while New Rule uses “very high erosion risk,” and the two terms are used synonymously when they are quite different. Very high erosion prone land is defined already in the provisions of the NES-CF and requires no change.

14. Environmental risks

We disagree with the assessment for options 1, 2 and 3. There is no basis for the claim that sediment generated by plantation forestry is a problem within the Greater Wellington area because of the regulations governing forestry. Indeed, there is no evidence of the NES-PF generating worse environmental outcomes in the Wellington area than the pre-2018 consenting regime. Nor is there any evidence that either forestry or the NES-PF is responsible for the ‘current degraded state’ of water bodies in the region. As noted earlier, there are many studies showing that over the course of a whole rotation, commercial forestry is much better than many other land uses at minimising sediment flows. A good example is the Pakuratahi paired-catchment study cited previously.

In short, we contend that the environmental benefits of the three options are equal.

15. Legal risks

The report omits an important legal risk. If Plan Change 1 is implemented we believe Greater Wellington might be sued by the China Forestry Group for compensation in the order of tens of millions of dollars.

In 2014 Greater Wellington sold RMS a 60-year forestry right to more than 5,000 ha of plantation forests. The right was on-sold to China Forestry Group in 2020, allowing them to grow and harvest two rotations of forest. Much of the land falls within the area of Plan Change 1, and Greater Wellington now wants to change the rules and make it difficult to harvest it. This will significantly devalue the forestry right that it sold in 2014. China Forestry Group will rightly expect compensation.

16. Social and cultural risks

We disagree with the assessment that the social costs of Option 1 or 3 will be low. Both options would reduce plantation forestry activity in the region, leading to job losses within the industry, at the port, and at several regional sawmills dependent on logs from the area. The analysis does not attempt to quantify those impacts.

With all three options we again dispute that plantation forestry contributes in any significant way to the sedimentation of our rivers and argue that Plan Change 1 is unnecessary. Suitably enforced, the NES-CF is quite capable of regulating forestry activities to control sediment flows.

17. Economic risks

The analysis in the Section 32 report makes no attempt to quantify the monetary costs of the options, even when they are easy to assess. For example, it is not hard to estimate the likely costs of resource consents to land users over a 10-year period; or the additional costs to Greater Wellington of processing and monitoring those consents.

Other significant economic factors are the devaluation of forest land, the reduction of economic activity, and the loss of forest income from both timber and carbon credits. Our assessment shows that the economic costs of option 1 are high, and for option 3 are medium. Either one will increase the costs and create a “negative benefit”. The analysis should state this, rather than say “low.”

18. Effectiveness

The analysis appears subjective rather than based on any evidence or research. Making plantation forestry a controlled activity with 10% of the land to be retired will simply reduce the amount of land in forestry. It may not improve water quality at all. It may in fact reduce it, and by the time that became evident it might be too late to attract fresh investment to replant the forests. We believe there are more effective ways of improving water quality than those proposed under Plan Change 1.

19. Risk of not acting

There is no reason to believe that the benefits of Plan Change 1 will outweigh the costs. Because there is no evidence quantifying how much sediment is attributable to which land use, there is a high risk of adding costs without achieving real benefits. Neither the nature of the problem nor the interventions appear to be well understood.

SPECIFIC OBJECTIONS

Should our arguments above be rejected by Greater Wellington and the courts then we further submit on the issues outlined below.

20. Afforestation: Rule P.R19 and Rule WH.R20

The classification of land as high or highest risk does not express the absolute risk, but rather the risk relative to all other land with the same land use. This means that a block of grazing land, adjacent to an existing forest on exactly the same type of land in terms of soil or slope, could be classified as highest risk while the forests next to it would not. That would prevent the agricultural land from being afforested, even though that change would result in higher water quality. The relative assessment of risk is commercially and environmentally unsound, and appears biased against forestry.

The Schedule 34 also requires in (c) details on “the current and planned forestry systems, operations and management practices”. At a minimum, this is to include “planning for construction...” “erosion and control measures” “harvesting techniques”, etc. Depending on the species, forests are generally harvested when they are between 25 and 60 years old. It is impossible to even know, what harvesting or management techniques might evolve in the next 25 years, so it does not make sense to require the requested information.

Schedule 34 also requires forest landowners to prepare an erosion and sediment management plan before planting trees, and to have this certified by a registered Forestry Adviser. We suggest that the sole act of planting trees does not significantly increase the erosion risk or sediment discharge from a given block of land. The planting of timber trees has no greater effect on water quality than the planting of apple trees or cabbages, and they do not require such a plan. Given that, there is no benefit in requiring such a certification.

The RMA requires policies and rules to be effects based, i.e. based on absolute outcomes, and these rules do not appear to comply.

We submit to remove afforestation from P.R.19 and WH.R20

Should neither the plan change process nor the courts accept this submission point, then we submit that

for afforestation activities, Rule P.R19 (b) and Rule WH.R20 (b) be removed and the ESC classification of erosion risk used in the NES-CF be applied

Points C1 (c) and C2 be removed from Schedule 34 as a requirement for afforestation projects.

21.Suspended solids (Afforestation): Rules P.R19 and WH.R20 (c) and (d)

These rules prohibit afforestation if suspended solids exceed 100 gm per m³ of water flow “*at any monitoring site within the relevant FMU.*” However afforestation will not make visual clarity worse; it will in time actually improve it. The rules seem impractical for several reasons.

- If a heavy rain event happens which leads to the visual clarity exceeding the target condition at a single measurement site in the catchment, then no further afforestation can take place in the catchment until such time that all measurement sites show acceptable values again. Similarly, if the target condition is not met because of the activities of an unrelated party then no afforestation can take place. The rules are unnecessarily harsh.
- Where land is in pasture the area with the highest erosion risk must be taken out of production and retired to woody vegetation irrespective of the visual clarity of water in the catchment. However if water clarity is poor, the rules may prohibit planting the same trees at the same time in the same catchment on non-erosion prone forest land. The rules create an anomaly.
- An FMU may cover several distinct catchments but with only one measurement point. A failure of visual clarity in one catchment should not affect the consented right to plant in another catchment within the same FMU. The rules are too broadly drafted.

Should neither the plan change process nor the courts accept the removal of Rule P.R19 and Rule WH.R20 for afforestation activities then we submit that for afforestation activities conditions (c) and (d) from Rule P.R19 and Rule WH.R20 be removed.

22.Harvesting and Earthworks: Rules P.R19, P.20, P.R21; and WH.R20, WH.R21 and WH.R22

As noted earlier, the classification of forest land as “highest risk” is a relative rather than absolute assessment. We object to the proposed classification and ask it be replaced with the Erosion Susceptibility Classification (ESC) used in the NES-CF.

No reasoning or scientific evidence has been provided to justify the discharge limit of 100 grams /m³. During moderate rainfall unsealed roads or a recent small slip will easily discharge more than 100gm/m³, and since this limit appears to be routinely breached on Council or DOC land there is no real justification to apply it to private land. We contend that:

- The proposed discharge limits will make any harvesting or earthworks impossible as a controlled activity. The rules require the landowner to provide a certified Erosion and Sediment Management Plan that shows all activities will meet the discharge standard in Rule P.R19 (c) and Rule WH.R20 (c). However Greater Wellington has separately advised that the discharge limit is not an average, but applies even in adverse conditions. It will be impossible for any certifying authority to guarantee full compliance under adverse conditions. These could be of any intensity, and even the best managed land might fail. It is unlikely that forestry advisers will be prepared to carry the risk associated with such a certification.
- The NES-CF requires the use of best practise standards to minimise the discharge of sediment, and this approach has also been followed in Rule P.R22 (earthworks as a controlled activity). No reason has been given why Rules R.P19, P.20 and P.R21 should not be consistent with Rule R.P22.
- We also argue that, given that discharges from earthworks are much higher than discharges from forestry, there cannot be any reason for a more rigid limit for forestry activities than earthworks. The same also applies to rule Rules WH.R20, WH.R21 and WH.R22 in comparison the Rule WH.R23.

Clause (d) states that for a harvesting consent the visual clarity measurement target must be met at each monitoring site in the relevant part FMU. There are two key issues with this:

- Some waterbodies in a part FMU do not drain into the catchment which is monitored by a measurement point. For example in Poueve, some streams drain straight into the sea rather than into the Pautahanui inlet. Forest owners should not be penalised for something that happens in an unrelated catchment.
- A possibly illegal discharge of sediment by a third party (perhaps even from council-controlled land) could prevent a forest owner from being able to harvest, despite meeting all his legal obligations. There is no provision in the rules for appealing such a situation.

We submit to replace the erosion risk classification used in the proposed plan and its Schedules with the ESC used in the NES-CF

We submit to remove Clause C1 (c) (iii) and clause C2 from the Erosion and Sediment management plan requirements; and to remove Clauses (c) and (d) from Rules R.P19 and WH.R20.

We submit to remove rules P.R21 and WH.R22

23.Natural state: Schedule 34 Objectives B (2) and B (4)

Objective B (2) seeks to *“avoid an increase in risk of loss of sediment to water relative to the risk of loss that exists from the land in a natural state.”* The term

‘natural state’ is undefined; and if this objective is to apply to forest land it should equally apply to other land uses.

Objective B (4) relies on the identification of ‘highest erosion risk’ land. We have said before why this type of relative classification is unsuitable.

We submit to remove objectives B (2) and B (4) from Schedule 34.

24. Matters of Control

We do not believe that Greater Wellington has the staff, or the technical and commercial expertise, to exercise the controls specified in (1) and (2). As we noted earlier, the Waitua recommendation observed that the Council could not even discharge its responsibilities under the NES-PF and those regulations were much more basic than the new proposed rules. There is also the risk that the Council could face high liabilities if they get some expensive decisions wrong.

We submit to remove items (1) and (2) from the Matters of Control.

25. Definitions

The proposed Plan Change 1 uses the term ‘plantation forestry’ but it does not define it. Similarly it does not define ‘harvesting.’ There are alternatives to clear-felling, such as small coupe harvesting and continuous cover harvesting, which have little impact on either biodiversity or water quality. The Plan Change 1 document refers to an ‘FMU,’ yet this is only defined in the Section 32 report.

We submit that the term ‘plantation forestry’ should be defined as having the same meaning as in NES-CF; that the term ‘harvesting’ should be defined to exclude continuous cover and small coupe harvesting; and that the term ‘FMU’ should be defined in the Plan Change 1 document.

26. Mapping

The 2023 report by Easton Nation and Blyth is based on the premise that the *“Forestry erosion risk is based on potential erosion risk on land currently in forestry should that land be converted to pasture.”* Of course very little forestry land is converted to pasture. Standard practice is to replant within 12 months or so, and not incur the disturbance of removing stumps and slash, and ploughing, raking and sowing to create pasture. The stumps and slash take years to decay, and protect the soil from rainfall while the new trees are growing. Only in the first 2 to 3 years after harvest is there an increased risk of sedimentation, which is confirmed by the Pakuratahi land study. Obviously replanting has a much lower erosion risk than conversion, and so their measure of erosion risk is at best questionable.

Further, the mapping resulting from the report by Easton Nation and Blyth is not useful for managing a forest, as it uses 5m by 5m pixels when forests are managed to the nearest 0.5 ha. We suggest that to have any credibility, the mapping would have required at least a contiguous size of 0.5 ha for each class of risk.

We submit that the Easton Nation and Blyth report is unsuitable to support any of the objectives or rules in the proposed plan.

27. Target Attribute States

The target attribute states for suspended fine sediment and their relationship with water clarity measurements are defined in Table 8 in the “National Policy Statement for Freshwater Management 2020.” In the Plan Change 1 report they are described in Tables 8.4, 8.5 and 9.2, where they are at variance with the NPS-FW. It is unclear why the tables use a mix of states and numeric measurements; why parts of them are left without information; or why there is no acknowledgement that further measurements are required to define a TAS. We also note that many of the numeric attributes they use have not actually been measured, but are the result of modelling.

Because the tables are inadequate we object to their content being used, and submit that Tables 8.4, 8.5 and 9.2 should be reworked and reviewed by an independent party before they are relied upon.

28. Support for other submissions

Where they are not in conflict with our submission, we support the submissions from the following organisations :

- New Zealand Farm Forestry association – Wellington Branch
- New Zealand Carbon Farming Group
- Forest Enterprises
- China National Forestry Group
- John Turkington Limited
- Juken New Zealand Limited

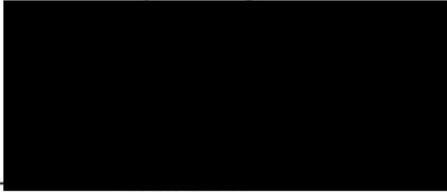
We believe the proposed Plan Change 1 needs to be significantly rethought if it is to be effective in controlling the continued degradation of water quality in the region, and helping improve the Natural Resources Plan. We trust you find at least some of this submission useful in that process.

We request the opportunity to speak to the submission in due course.

Egon Guttke
NZ Farm Forestry Association Inc.

13 December 2023.

Once you have completed your feedback, please email to regionalplan@gw.govt.nz

Please enter your details below	
* Submitter Name: Full name, or Name of Organisation / Company	New Zealand Farm Forestry Association
Contact person for submission: (If different to above)	Egon Guttke
Telephone no: (Not required)	Insert
* Address for service: (Email, or physical address) Please note, an <u>email address</u> is the preferred method	egon.guttke@outlook.co.nz
* I wish to be heard in support of my submission at a hearing	Yes
* I would consider presenting a joint case at the hearing with others who make a similar submission	No
* I could gain an advantage in trade competition through this submission	No
Only answer this question if you answered 'yes' to the above question. I am directly affected by an effect of the subject matter of the submission that: A) adversely affects the environment; and B) does not relate to trade competition or the effects of trade competition	Select A or B
In providing a submission to Greater Wellington, I agree to having read and understood the terms and procees outlined in this Information Statement	
If providing a submission on behalf of a company / organisation I confirm that I have authority to do so:	
Date:	15/12/2023
Please enter your feedback in the next worksheet "2) Feedback on Provisions ". All of the provisions in the proposed change have been included so please place your comments in the correponding cells. If you have questions on how to use this submission form please vist our Submitter User Help Guide or email one of our friendly team at regionalplan@gw.govt.nz	