**Proposed National Environmental Standard for Plantation Forestry**

**Template for Submitters**

We would like to hear your views on the proposed NES-PF.

Please feel free to use this template to prepare your submission. Once complete please email to NES-PFConsultation@mpi.govt.nz.

As stated in section 8.2 of the consultation document, your submission must include at least the following information:

* your name, postal address, phone number and, if you have one, email address
* the title of the proposed standard you are making the submission about
* whether you support or oppose the standard
* your submission, with reasons for your views
* any changes you would like made to the standard
* the decision you wish the Ministers to make.

When commenting on specific draft rules, please be as clear as possible which rule you are referring to and provide a reference e.g. to the relevant page number, heading or text.

For more information about how to make a submission, please refer to section 8 of the consultation document.

**Contact details**

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**Are you submitting on behalf of an organisation? Yes [X] No [ ]**

**If yes, which organisation are you submitting on behalf of?**

Port Underwood Association

**If you are a forest owner/manager, what size of forest do you own/manage (in hectares):**

### *Privacy Act 1993*

### Where you provide personal information in this consultation MPI will collect the information and will only use it for the purposes of the consultation. Under the Privacy Act 1993 you have the right to request access and correction of any personal information you have provided or that MPI holds on you.*Official Information Act 1982*

### All submissions are subject to the Official Information Act 1982 and may be released (along with the personal details of the submitter) under the Act. If you have specific reasons for wanting to have your submission or personal details withheld, please set out your reasons in the submission. MPI will consider those reasons when making any assessment for the release of submissions if requested under the Official Information Act.

#### *Please indicate below if you wish your personal details to be withheld:*

[ ] Please withhold my personal details where submissions are made public

[ ] Please withhold my personal details in response to a request under the Official Information Act 1982

**Questions for submitters**

The questions for submitters that are included throughout the consultation document are provided below. We encourage you to provide comments to support your answers to the questions below.

1. Do you think section 2.1 and 2.2 of the consultation document accurately describe the problem facing plantation forestry?

Please provide comments to support your views.

No. As 2.2 recognises “Catchments across New Zealand contain a variety of terrains with different erosion potential and waterways with different values and vulnerabilities to the environmental effects of plantation forestry”. Accordingly, different approaches to the planning and control of forestry across the country are generally appropriate to reflect these differences. The focus of 2.1 & 2.2 is not to achieve a national environmental bottom line for forestry effects, but rather to eliminate “uncertainty” in planning rules. 2.2 Does not seem concerned with whether the environmental outcomes are appropriate or fulfil sustainable management principles, but simply whether they are predictable.

Forest owners who have multi-authority forests could take the initiative and work with the multiple authorities to come up with a combined plan for their forests, which could then be consented to by each authority. This is a specific problem that does not justify over turning the basis principle of environmental planning that recognises environmental diversity.

There are further problems from forestry. There are also issues of noise and dust, plus the impact of logging transport. There needs to be consideration of local conditions when dealing with these factors.

Whilst it is understandable that national rules would simplify matters for the forestry industry there are many differing environments within New Zealand and it would seem reasonable that local communities that understand the local environment should wish to contribute the planning and control of this environment.

This is not to say that minimum national standards should not be applied, such as activity around rivers with spawning fish, but there should be scope for local control for local conditions.

1. Do you consider that the conditions for permitted activities will manage the adverse environmental effects of plantation forestry?

Please provide comments to support your views.

No, because the ESC scales will allow activity as permitted at the top of a property/forest that would not be permitted at the bottom of a forest, or vice versa. Forests of small to medium size should be zoned as a whole. Only large (probably multi-district) forests should have zone variances.

The harvesting rules do not sufficiently prohibit harvesting into and around waterways. While operators are to “fell away” from water ways, they are not required to do so when “unsafe or impractical”. Unless the inspectors have a photo of the area prior to felling or are there at the time, how are they to challenge an operator that their decision to fell towards waterway was not justified on safety or practicality grounds? A better condition that would promote waterway management would be a larger minimum horizontal set back from a river or stream, to provide for felling space well back from the river. A zone the size of the harvest height of the planted species plus two meters would be sensible. The afforestation or replanting conditions could require that operators plant native species in the set back zones around rivers to promote stream restoration and wildlife habitat.

All waterways should be appropriately protected, not just those classified as outstanding or subject to water conservacy orders.

It appears that the requirements for roading earthworks do not allow the relevant authority to approve or reject the Erosion & Sediment Control Plan. It also appears that the operator can make signifigant amendments to the plan, without notifying the authority or seeking their approval prior to the amendment**.**

Authorities should have the ability to approve, amend or reject the ESCP against a standard for erosion control based on the zoning of the land.

A 12 month outer time frame for land stabilisation is excessive. Stabilisation should occur as soon as practicable but before the onset of heavy rain months (as set by the regional authority having regard to local conditions).

1. Are the conditions for permitted activities clear and enforceable (see appendix 3 of the consultation document)? Can you suggest ways of making the rules clearer and more enforceable?

Please provide comments to support your views.

Reasonably clear, but it seems that by and large local authorities have lost the power to control forestry activities. We see that as fundamentaly inappropriate given the signfigant environmental effects that foresty can have. Further, there is no point having plans without the authorities being able to enforce non-compliance.

1. Are the matters where local authorities can retain local decision-making appropriate (summarised in Table 2 and Table 4 and provided in detail in Appendix 3 of the consultation document)?

Please provide comments to support your views.

It is not clear how the coastal marine area is to be applied to forests that have a coastal boundary but are largely inland, as opposed to forests that are entirely coastal (i.e. Malborough Sounds). It is not clear what areas permitted activity conditions the local authority is allowed to be stricter on. The need to exempt costal marine areas is an example of why a national standard for permitted activity conditions, rather than base line environmental effects, is inappropriate.

The preferrable approach, which would still promote greater certainty, would be for a much more stringent set of permitted activity conditions, which would apply to land the local authority has designated at a low risk of overall environmental impact from plantation forestry. This could be calculated through a combination of the three proposed ERA tools (although we remain concerned at the underlying science of the ESC). National standards could guide what is to be properly considered low risk land.

Importantly, local authorities must however retain the ability to identify sensitive land, and protect it with appropriate conditions. Those cannot be set at a national level. Nor is it appropriate to remove this ability from local communities, given the impact of poorly managed plantation forestry fall on the communities around the forest.

This approach would also have the benefit of focusing forestry activity on low impact land, because it would be preferrable for the industry, as low impact land would come with greater regulatory certainty.

1. Will the environmental risk assessment tools (the Erosion Susceptibility Classification, the Wilding Spread Risk Calculator, and the Fish Spawning Indicator) appropriately manage environmental effects as intended (see section 3.5 of the consultation document)?

Please provide comments to support your views.

Covered above under environmental effects – the ESC appears based on pastural erosion risk, and will be different across different parts of a particular forest. A preferrable approach would be for local authorities to assess forests in their regions and assign these indicators themselves – that would allow local authorities to determine which forests they need to retain more control over over to mitigate environmental risk. A forested area as a whole should recieve a ERA rating.

1. Do you have any comments about any particular activity or draft rule (see appendix 3 of the consultation document)?

Please include reference to the rule you are referring to.

In the Malborough Sounds area, forestry roading has a signifigant amenity value impact, which does not seem to be able to be considered under the rules. It also impacts on safety.

Barging should be the preffered mode of log transport in coastal marine areas.

1. Is the NES–PF the best option to meet the assessment criteria (in Box 13 of the consultation document)?

Please provide comments to support your views.

Please enter your comments here ...

1. Have the expected costs and benefits of the NES-PF been adequately identified (see section 4.3 of the consultation document)?

Please provide comments to support your views.

Please enter your comments here ...

1. Are there any issues that may affect the successful implementation of the NES-PF (such as decision-makers applying the permitted baseline test more frequently)?

Please provide comments to support your views.

Please enter your comments here ...

1. Please describe any risks or opportunities that you consider have not been identified or addressed in the proposal.

See section 13.

1. Will the proposed NES-PF support regional councils to implement the NPS-FM (see section 6.1 of the consultation document)?

Please provide comments to support your views.

Please enter your comments here ...

1. What resources or other implementation activities would help you to prepare for and comply with the proposed NES-PF (see section 7 of the consultation document)? How should these activities be delivered (for example, training, online modules, guidance material)?

Please enter your comments here ...

1. Are there any other issues that you would like to raise?

As representatives of a Marlborough Sounds community, the Port Underwood Association does not feel that a permitted activity status for plantation forestry is approriate unless reasonable and valid control conditions can be set and enforced. The effects of plantation forestry carry far beyond the boundaries of the property on which the planting and harvesting takes place and can thus impact on local communities. These effects can include signfigant costs for instance increased maintence of country roads worn down by heavy logging trucks.

Given that, it is fair that local authorities representing those communities should retain the bulk of the authority and control over forestry.

It is our opinion that this document does not provide the means to establish and enforce the required controls that will minimise the adverse environmental effects of plantation forestry. The plan is:

1. Inadequate in avoiding land subsidence, setimentation and pollution of the coastal marine area of the Marlborough Sounds.
2. Inadequate in addressing the possibilities of affecting the visual amenities of the local area.
3. Inadequate in addressing the effects on public roads, such as, deterioration of the road surface by heavy vehicles, reduced safety to the public of large, heavy vehicles on small winding roads, and the noise of large vehicles traveling at inappropriate times of the night.

These are issues that affect local communities, are best determined by local communities, and are thus best controlled by local communities. Provisions must be made in the National Environment Standard for local comunities, through their district government, to use local knowledge to ensure that the best outcome is achieved for both the environment and the forestry industry.