

## **HEARING 3, PLAN CHANGE 1 TO THE WELLINGTON NATURAL RESOURCES PLAN (PC1)**

### **SUMMARY STATEMENT - EVIDENCE OF SALLY BARKER STRANG ON BEHALF OF NEW ZEALAND FARM FORESTRY ASSOCIATION (NZFFA)**

#### **1 Introduction**

- 1.1 My full name is Sally Barker Strang. I prepared evidence on behalf of NZFFA in relation to their submission on PC1. My evidence focused on practical aspects of the proposed approach for regulating plantation forestry under Proposed Plan Change 1 (PC1), and in particular the evidence that has been relied on to reach the conclusion that more stringent rules are required than the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF).
- 1.2 Whilst my evidence has not been specifically referred to in the rebuttal evidence of Shannon Watson, I understand my evidence is taken as read. This summary focuses on the key points from that evidence and additional issues arising from the Recommended Amendments to Provisions in Rebuttal Evidence – Forestry and Vegetation Clearance (Shannon Watson).

#### **2 Importance of compliance monitoring**

- 2.1 The evidence of both Mr Pepperell and Mr Reardon indicates that until recently the level of forestry compliance monitoring has been relatively low and furthermore the compliance monitoring that has taken place appears to have been more focused on consented activities.
- 2.2 Having been involved in the working group that developed the NES-CF, I know that this was not the intent. As noted in my evidence, key provisions were included in the NES-CF specifically to make it easier for councils to undertake permitted activity monitoring. This includes:
  - (a) The requirement to notify councils when and where regulated activities are taking place.
  - (b) The requirement to supply management plans for key forestry activities (if requested by councils).
  - (c) The ability to charge for monitoring activities permitted under the NES-CF.
- 2.3 The intent was to remove some of the identified barriers with permitted activity status at that time, including that councils were unaware where permitted activities were taking place and could not charge for monitoring.
- 2.4 It was therefore surprising to me that a regional council would prioritise their monitoring to consented forestry activities. The company that I work for manages forests in five regions (Northland, Auckland, Waikato, Bay of Plenty and Horizons). With the possible exception of Horizons, as far as I am aware none of these councils differentiate between consented and permitted activities when undertaking monitoring. The notification

information is used to triage operations based on the level of risk and prioritise monitoring effort to those operations taking place in the highest risk areas, which is exactly what the NES CF tools were designed for.

- 2.5 In my experience, the most effective way to achieve compliance is to spend time in the field interacting with operations contractors and staff - providing training and mentoring, monitoring performance, and holding operators to account when standards are not being met.
- 2.6 Part of the justification for additional regulation appears to stem from the council increasing the level of monitoring and discovering non-compliances are occurring. In my view this is somewhat inevitable if contractors have not been monitored regularly in the past, particularly if they are not operating under the umbrella of a large forest management company, with dedicated environmental staff performing this role.
- 2.7 In my experience non-compliance with existing rules is very rarely resolved by simply writing more rules. To the contrary, the more complex and lengthy the rules become, it can actually have a perverse outcome that operators have trouble interpreting and understanding what is required. The NES CF has been a significant improvement in this respect, having just one consistent set of rules across the country which operations staff can develop a good understanding of. Rather than writing more rules, in my experience mentoring and monitoring is critical to ensure compliance and improve environmental outcomes.

### 3 **Shortcomings with the NES CF**

- 3.1 Mr Reardon, Mr Pepperell and Mr Watson all raise shortcomings with the NES CF that are used to justify greater stringency. I have dealt with each in detail in my evidence.
- 3.2 Key issues that are raised are:
  - (a) Non-compliance with existing rules in the NES CF - both activities not seeking consent where under the NES CF a consent is clearly required and activities not meeting permitted activity regulations.
  - (b) The inclusion of text in the regulations such as 'wherever practicable' and 'where it is safe to do so'.
  - (c) The challenges of balancing the conflict between environmental impacts and ensuring the health and safety of workers.
- 3.3 As stated in my evidence, I do not believe that any of these issues is related to whether an activity operates under the NES CF or a resource consent. No matter the regulatory regime, monitoring will still be required to ensure compliance, operations will be restricted to what can be practically achieved, and ensuring the safety of workers will still be an over-riding requirement. This simply reflects the nature of our industry.
- 3.4 Two further specific issues with the NES CF were raised in the evidence.

- 3.5 The first is the appropriate scale of contour lines to be used for management plans produced under the NES CF. This has been resolved by a proposed addition to the management plan requirements, and provided contour data is made available to small operators in a user friendly format, this makes sense.
- 3.6 The second specific issue used as justification for requiring resource consents is the inability for councils to reject a management plan that is submitted. The NES CF requires that management plans be provided (on request), but provided that the plan meets all of the requirements of the relevant NES CF schedule, it cannot be turned down. The first qualifier on that is that the plan must meet very detailed requirements in the schedules, and if the plan is seriously flawed, it is questionable whether that would be the case. If the plan did meet the schedule and the council still had concerns, they could certainly raise those concerns with the operator submitting the plan, and caution them that they see the plan to be a high risk and plan to undertake regular monitoring to ensure compliance. If a contractor did proceed with a seriously flawed plan it will almost certainly put them in non-compliance with the regulations which can be addressed through monitoring. To the contrary the council could actually be wrong in their assessment, and provided the contractor maintains compliance with the regulations, they should be able to proceed.
- 3.7 In the regions in which we operate I am not aware of the council ever having formally requested a change to a submitted operations plan. We do however often discuss localized issues during harvesting operations and minor changes to plans are discussed and agreed with our compliance officers during audits. To my mind this is a key part of a constructive working relationship with council staff and I believe is valuable to both parties and ensures the best environmental outcomes.
- 3.8 Of note, none of the issues raised in the evidence of Mr Reardon or Mr Pepperell relate to the activities of afforestation, replanting or mechanical land preparation.
- 3.9 I have attached a summary of current activity status in Regional Plans, for the five listed forestry activities in PC1 proposed to require consent (Attachment 1). As can be seen from the table, afforestation, replanting and mechanical land preparation are almost universally permitted across the country, with the exception of some very specific locations (e.g. Marlborough Sounds coastal areas and flow sensitive catchments).

#### **4 Proposed Changes to PC1 in the Rebuttal Evidence**

- 4.1 The rebuttal evidence proposes a number of key changes to the forestry regulations in the rebuttal evidence:
- (a) Removal of the duplication of the full NES CF management plan schedules. For the reasons stated in my original evidence this is supported.
  - (b) Removing the requirement for continuous cover forestry to be consented, which is supported given the obvious benefits of afforestation to reduce sediment.
  - (c) The new definition of forestry management plan includes some very detailed and, in my view, impractical requirements:
    - (i) The requirement in clause (iii) to not only identify but also photograph potential erosion risk land. A harvest age plantation

forest obviously has full canopy closure and often thick understory which will make it difficult to obtain meaningful photography.

- (ii) New clause (iv) appears to require a full detailed geological assessment by a specialist geotechnical engineer to identify erosion features to a detailed scale. If this is the case it goes well beyond what is generally required in a harvest plan.
- (iii) The requirement in new clause (v) to *specify management strategies or practices for potential erosion prone land that will be implemented to manage the risk of sediment discharge...so that it is no greater than that expected from commercial forestry on land that is not potential erosion risk land*. I would question whether any land use could practically meet that requirement.
- (d) Clarification of how the water quality monitoring results are proposed to feed into consent status, via periodic publishing of water quality monitoring results. Whilst this is a significant improvement on activity status potentially changing every time water monitoring is carried out, it is still extremely problematic in practice. Potentially operations could be well underway in a forest, a new water quality monitoring report published and overnight an activity that was permitted becomes restricted discretionary and operations have to cease until a consent is obtained. The industry simply cannot operate under such an uncertain regime. I personally am not aware of any other region that ties forestry activity status to live water quality monitoring results, resulting in activity status changing and evolving over time.

## 5 **Example resource consents provided with rebuttal evidence (Appendix 3 to Shannon Watson's evidence)**

- 5.1 I have reviewed the four example resource consents that were provided with the rebuttal evidence of Mr Watson. These are all consents for higher risk ESC Zones (red and orange) and are for activities that require resource consent under the existing NES CF regulations.
- 5.2 What is striking about the consent conditions is that other than reference to site specific management plans, the majority of the conditions are almost exactly the same in each consent. Many of the conditions are also slightly reworded versions of existing regulations in the NES CF.
- 5.3 Given the level of duplication, I would question whether it is not possible for the regional council to identify the few additional conditions that they believe are critical and are not covered adequately by the NES CF, and include these as additional permitted activity conditions over and above the NES CF.
- 5.4 There were no examples of afforestation, replanting and mechanical land preparation consents, but I would anticipate that they will very quickly become duplications of the same set of conditions. Given they are such straight forward activities, it would be difficult to write any material conditions over and above what is already included in the NES CF regulations.

## 6 Conclusion

- 6.1 My main impression from review of the original evidence was that issues with compliance in the region have stemmed largely from the lack of routine compliance monitoring of forestry activities, and in particular of permitted activities. The NES CF provides the councils with the necessary tools to carry out monitoring which if implemented would almost certainly raise the level of compliance.
- 6.2 I remain of the opinion that the evidence provided does not justify over-riding the NES CF and requiring resource consent for all of the listed plantation forestry activities. The proposed approach would make PC1 more stringent than almost any regional plan in the country, with the exception of Gisborne and the Marlborough Sounds. This is particularly the case for afforestation, replanting and mechanical land preparation which are very low risk activities and almost universally permitted.
- 6.3 In my view the more effective use of the council's resources would be to increase engagement with the industry, implement a triaging system for monitoring based on risk including both permitted and consented activities, upskill council monitoring staff and increase the level of monitoring of forestry activities across the board.



Sally Strang

26 May 2025

## Attachment 1: Current Regional Council/Unitary Authority forestry activity status summary

Council	Afforestation	Replanting	Harvesting	Earthworks	Mechanical land prep
Northland	NES CF	NES CF	NES CF	NES CF	NES CF
Auckland	NES CF	NES CF	NES CF	NES CF	NES CF
Waikato	NES CF	NES CF	NES CF	NES CF	NES CF
Bay of Plenty	NES CF	NES CF	NES CF	NES CF	NES CF
Gisborne	NES CF*	NES CF*	RD mostly	RD mostly	NES CF
Horizons	NES CF	NES CF	NES CF*	NES CF	NES CF
Hawkes Bay	NES CF	NES CF	NES CF	NES CF	NES CF
Tasman	NES CF*	NES CF	NES CF*		
Nelson (unless in conservation or land instability overlays)	NES CF	NES CF	NES CF	NES CF	NES CF
Marlborough – Marlborough Sounds	NES CF*	NES CF	NES CF*	NES CF*	NES CF
Marlborough - balance of region	NES CF*	NES CF	NES CF	NES CF	NES CF
Canterbury	NES CF*	NES CF	NES CF	NES CF	NES CF
Otago	NES CF	NES CF	NES CF*	NES CF*	NES CF*
Southland	NES CF	NES CF	NES CF	NES CF	NES CF
West Coast	NES CF	NES CF	NES CF*	NES CF	NES CF

### \* Additional rules:

- Gisborne: Changes are being developed for Land Overlay 3B (landslide susceptibility and connectivity and bad gullies)
- Horizons: Harvesting falls under NES CF but additional SNA protection rules apply.
- Tasman: Additional controls on afforestation in Surface Water Yield Protection Areas – RD. On Separation Point Granites geology - ground base harvest RD, cable harvest NES CF
- Marlborough: In the Marlborough Sounds Coastal Environment Zone afforestation is prohibited, harvest and earthworks RD. In the rest of the region afforestation is RD in flow sensitive catchments.
- Canterbury: Unless in identified water short catchments.
- Otago: The sediment regulation for the three activities (regs 26, 65 and 74(6)) over written by Otago specific sediment rules.
- Southland: Regional rule over-rides regulation 68