Submission on the Revised National Environmental Standards for Plantation Forestry

1. This submission is drafted on behalf of the Ngāti Kōata Trust Board ("the Board").

Background

2. Ngāti Kōata are an iwi of the northern South Island. The Ngāti Kōata Trust ("Ngāti Kōata") is a charitable Trust and the mandated body for the Ngāti Kōata iwi.

3. The Board is currently in the process of negotiating a comprehensive settlement for the Ngāti Kōata historical Treaty of Waitangi claims via the Te Tau Ihu settlement. The return of Crown Forest Lands will be included within the redress package. These lands will be subject to a forestry right in favour of a forestry company. As a consequence, Ngāti Kōata are an important stakeholder as both tangata whenua and a potential owner of the land underlying plantation forestry.

4. Ngāti Kōata submitted a submission on the proposed National Environmental Standards for Plantation Forestry ("Proposed NES") to the Ministry for the Environment on October 29, 2010 ("Ngāti Kōata Submission").

Ngāti Kōata Iwi Management Plan:

5. The Ngāti Kōata Submission highlighted the Ngāti Kōata Iwi management plan ("Ngāti Kōata IMP") and the impacts the Proposed NES could have upon the Iwi management plan process. Specifically, the Proposed NES reduced the effectiveness of the Ngāti Kōata IMP. This is due to the apparent removal of the ability for local and regional authorities to create their own rules and policies with respect to certain activities, such as freshwater bodies (other than national freshwater bodies).

6. The appropriate management of matters such as freshwater, cultural heritage and landscapes is very important to Ngāti Kōata. These matters are relevant to the establishment and operation of plantation forestry (and consequently the rules and policies that control these activities within the relevant local and regional plans).

7. The revised National Environmental Standards for Plantation Forestry ("Revised NES") has altered its policy proposal slightly, from addressing ‘nationally significant wetlands, rivers and lakes’ to ‘nationally outstanding freshwater bodies’. However, this still does not address Ngāti Kōata concerns regarding the ability for local and regional authorities to create their own rules.
and policies with respect to freshwater resources. The Revised NES setback requirements still only allow local and regional authorities to be more stringent (i.e. create their own rules and policies) where the water body is “nationally significant”. Therefore, the concerns that Ngāti Kōata raised in relation to the Proposed NES remain in the Revised NES.

8. The Ngāti Kōata IMP contains a number of objectives and policies relating to freshwater resources. Under the Resource Management Act 1991¹, the local and regional authorities are required to take into account these objectives and policies. However, without the ability to be more stringent, the Ngāti Kōata IMP is unacceptably limited.

9. It is a primary environmental outcome to maintain or improve ambient water quality, including performance against at least the five national environmental indicators for freshwater quality, and, among other things, recognise and provide for the cultural beliefs and practices of iwi [emphasis added]. Failure to allow the Council to provide more stringent measures on freshwater issues other than ‘nationally outstanding freshwater bodies’ would appear not to effectively meet this primary environmental outcome.

Comments on the ROAR system:

10. The intent of the Review of Authority Rules (“ROAR”) is to determine the rules that currently exist for plantation forestry activities in the district and regional plans and compare these against the stringency of the policies in the Proposed and Revised NES. Ngāti Kōata supports the intent of the ROAR and acknowledges the breadth of information that is contained within this analysis. However, the ROAR can be difficult to pinpoint the specific additional requirements that the landowner will face under the Revised NES. This has made it difficult for Ngāti Kōata to assess the implications of the Revised NES and any additional requirements that they will be required to undertake.

11. For example, plantation forest is a permitted activity² under the Nelson Resource Management Plan. However, due to the Revised NES erosion susceptibility classification maps categorising parts of this land as orange, this may require a resource consent under the Revised NES. This information is not readily apparent under the ROAR.

12. The above examples indicate that the Revised NES will limit the scope for Ngāti Kōata to be involved in the sustainable management of their taonga. The Board considers that the resource consent process with respect to plantation forestry should be continued to be managed by local and regional authorities.

13. The Board appreciates the opportunity to make this submission. Te Nahu Lovell & Co Ltd, on behalf of Ngāti Kōata, is able to provide further information on request.

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TE NAHU LOVELL AND CO LTD

Loretta Lovell/Tyne Schofield
Partner/Solicitor

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¹ Sections 61(2), 62(1)(b), s66(2)(c), and s74(2)(c)
² Provided the set backs and requirements of the Small Holdings Area / adjoining Small Holdings Area are accorded with