Marlborough District Council Comments on the proposed NES for Plantation Forestry

1. **Afforestation**

1.1 *Planting in the Orange Zone*

Given the potential for significant adverse effects from forestry harvesting on soil conservation within steep land identified as ‘Orange Zones’ within Marlborough, we are concerned that it may not always be appropriate to replant forestry post harvesting operations within orange zone areas. In December 2010 a Marlborough storm event saw many of the forestry sites within orange zone areas being subject to hill slope failures. These land failures had significant adverse impacts, and the Marlborough District Council is currently considering whether it is appropriate for those areas to be replanted.

Given that the proposed controls are being used for soil conservation purposes, the Council believes that the NES should make it clear that where controls are imposed through regional council functions, that existing use rights cease to exist. This is particularly relevant in the context of set backs from waterbodies. A stance taken by several local forestry firms is that they have existing use rights post harvest where the existing forest plantation is up to that waterbody.

1.2 *Landscape Effects*

The existing and current proposal restricts the consideration of landscape effects to outstanding natural features in landscapes. The Council has recently completed a reassessment of significant landscapes in Marlborough. Through this exercise the potential for plantation forestry to have an adverse effect on Marlborough’s landscapes was documented. Also through this exercise it was established that there are landscapes within Marlborough that although not meeting the criteria for outstanding in a section 6 context, remain to significantly contribute to the visual appreciation of the landscape in a section 7 context. It is important to note that the proposed NES does not propose to allow Council’s discretion to impose controls on afforestation to protect these ‘amenity landscapes’. The Council believes that it is appropriate to provide this discretion. It intends to include maps of visual amenity landscapes within its second generation Resource Management Plan.
The current wording of this NES will thus inhibit territorial and unitary authority’s from having regard to the maintenance and enhancement of amenity values (s7(c)) and the maintenance and enhancement of the quality of the environment (s7(f)) where these values may be compromised by exotic forestry afforestation. The council therefore recommends that the exclusion for landscape controls be extended to include visual amenity landscapes that are mapped within a Resource Management Plan.

1.3 Significant Natural Areas

The Marlborough District Council currently has a very active and successful Significant Natural Areas Programme (SNA), which is based on a voluntary partnership approach between the Council and local landowners. This programme has developed significant community support over time. In summary, the programme renders the location of all SNA’s to be private information, which is shared between the land owner and the Council. With respect to the proposed NPS on Indigenous Biodiversity, we have expressed our concerns to MfE staff regarding the potential requirement to map SNA’s within district or regional Plans. To our knowledge, the specific issues surrounding the compulsory mapping of SNA’s are being considered by MfE staff working on the indigenous biodiversity NPS. We recommend that prior to progressing this aspect of the forestry NES, that this matter be discussed with the team responsible for the indigenous biodiversity NPS.

1.4 Wilding Tree Risk

The Council welcomes the inclusion of controls on the potential for wilding pine spread within the NES. Many areas of Marlborough are susceptible for wilding pine spread and the NES provides a method for effectively managing this spread. However, the Council is still dealing with the effects of past afforestation in areas prone to wilding pine spread and this will continue for the foreseeable future. The Council finds it interesting that the wilding pine calculation, rates radiata pine as having a very low spreading figure. Although other pine species such as Douglas Fir, Hawklin Torta are of significant risk in a south Marlborough context, it is radiata pine that has caused such an issue within the Marlborough Sounds. The Marlborough Sounds Restoration Trust is currently involved in an extensive wilding pine control programme throughout the Marlborough Sounds. Anecdotal information suggests that these pines have spread from a combination of historic shelter belt plantings and plantation forests within the Marlborough Sounds. Given this experience, the Council notes that pinus radiata may not trigger the need for restricted discretionary activity consent within the Marlborough Sounds under the proposed methodology in Appendix 1, when this clearly has been and remains to be a significant issue.
Further, based on the NES information booklet provided, it remains unclear who is responsible for calculating the wilding tree risk? If calculated by industry, and also implemented/planted by industry, then perhaps there should be a requirement to have such calculations signed off by the local authority, or at least some sort of check or peer review to their assessment, or is this standard suggesting that these risk areas should be mapped within district plans?

2. **Harvesting**

2.1. *Permitted Activity Status for Harvesting in Orange Zones*

The Council understands the rationale for dealing with the different aspects of afforestation in an integrated way. However, we remain concerned about the permitted activity status and the controls imposed on permitted activity harvesting within the identified orange zone areas within the Marlborough district. Marlborough’s recent storm event experience (December 2010) witnessed forestry and harvesting operations contributing to significant adverse effects on downstream infrastructure (particularly State Highway) property. These effects and the causes of these effects are currently being documented by the Council. When this document is completed the Council is happy to provide a copy of this report to the Ministry.

Even prior to the 2010 storm event, the Council held concerns about the soil conservation effects of forest harvesting operations on steep country throughout Marlborough.

Consequently, this has lead to the investigation of the appropriateness of current harvesting techniques and alternatives available that could be considered through the Council’s current review of its regional policy statement and resource management plans. The effect of the proposed (amended) NES would be to prevent the Council imposing any more stringent controls on harvesting operations within the orange zone. The Council opposes any such move and requests that there be a resource consent requirement for all harvesting activities within Orange zones.

It is also noted that while the NES stipulates that a Council may have regard to harvesting activities at the time of consideration of the resource consent application for afforestation within an Orange zone, given the significant time lag between planting of the trees and the harvesting of the trees, it is unlikely that applicants will be able to accurately detail what the precise harvesting method will be adopted at the time the resource consent application is lodged.

If the Ministry intend to pursue this permitted activity option for harvesting within orange zones, the ‘Notice of Forestry Harvesting’ for within orange zones should make explicit
reference to the existence of the original resource consent for afforestation and harvesting activities, with there being a requirement that the notice include an assessment of the proposed harvest methodology against that was originally approved within the resource consent. However, for the reasons discussed above, we believe the appropriate response to this issue is a standalone consent requirement for forestry harvesting within orange zone areas.

3. **River Crossings**

3.1. *Inadequate Notification Requirements*

We are concerned that the notification requirements for river crossings are illogical. The revised policy states that upon the request of a local authority, iwi authority and Fish and Game Council, a plan demonstrating compliance with terms and conditions of that river crossing shall be provided to the Council. However, how will Council (or other group) know that the forestry contractor is intending to construct a river crossing?

3.2. *Construction Methods*

This standard allows a forestry contractor to temporarily divert a river or stream, however it is unclear where the conditions relating to fish passage have been transferred to. While the document makes reference to the transfer of the fish passage condition to the construction methods section, no provision has been made for fish passage within the revised policy proposal.

Council supports the inclusion of a condition that ensures fish passage is provided for within all rivers. Further, the limits of ‘temporary diversion’ are unclear with respect to this provision and require clarification.

4. **The Permitted Baseline Issue**

The NES working group has acknowledged that there are potential implications associated with the permitted baseline. As indicated by the discussion document, the Ministry will attempt to quantify the implications of the proposal on a permitted baseline through a cost benefit analysis. However, whilst a cost-benefit analysis can go some way to quantifying intangible issues, it can not put a cost on undermining regional plans through the introduction of a permitted baseline for works in a river bed, the diversion of rivers, and the construction of river crossings.
5. **Transitional Issues**

The Council can foresee many issues involved with the transition to the new regime, particularly in terms of the self auditing role. The Council welcomes the provision of harvest management plans but there seems to have been no clarification provided in the event that Council has concerns regarding these plans. The issue of cost recovery, in terms of Council’s auditing of the management plans, should also be addressed to avoid costs to ratepayers.

*From Marlborough District Council*