

Notice is given that a Submissions Hearing meeting will be held on:

Date: Monday 15 April 2019
Time: 1.30pm
Meeting Room: Tasman Council Chamber
Venue: 189 Queen Street
Richmond

Submissions Hearing

AGENDA

MEMBERSHIP

Chairperson	Cr King
Deputy Chairperson	
Members	Cr Bryant Cr Maling Cr McNamara

(Quorum 2 members)

Contact Telephone: (03) 543 8455
Email: Julie.Jar@tasman.govt.nz
Website: www.tasman.govt.nz

AGENDA

1 OPENING, WELCOME

2 APOLOGIES AND LEAVE OF ABSENCE

Recommendation

That apologies be accepted.

3 DECLARATIONS OF INTEREST

4 REPORTS

4.1 Plantation Forestry Monitoring Charges 5

5 HEARING OF SUBMISSIONS

4 REPORTS

4.1 PLANTATION FORESTRY MONITORING CHARGES

Decision Required

Report To:	Submissions Hearing
Meeting Date:	15 April 2019
Report Author:	Carl Cheeseman, Co-ordinator Compliance Monitoring
Report Number:	RSH19-04-1

1 Summary

- 1.1 This report is prepared to assist the appointed hearings panel to hear submitters and deliberate on the proposed monitoring charges for permitted activities under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017
- 1.2 There are multiple legal processes involved in the fixing of charges for this activity:
 - Council has a responsibility to observe and enforce this national environmental standard through sections 44A (7) & (8) of the Resource Management Act 1991 (RMA)
 - Council is entitled to charge for monitoring certain permitted forestry activities provided the Council comply with the fee setting requirements set out in the Local Government Act 2002 (LGA) and the RMA
 - Any fixed charges related to monitoring activities under the RMA under Section 36 (administrative charges) including Section 36(1)(cc) relating to monitoring permitted activities must be after using the special consultative procedure in section 83 of the LGA and in accordance with section 36AAA of the RMA.
 - Council must prepare and adopt a statement of proposal, make it publically available and provide opportunity to submit on it in accordance with the provisions of section 83 of the LGA
 - Any charge will only be such as to allow the Council to recover its actual and reasonable costs incurred with the monitoring of the activities specified under section 106 of the regulation.
- 1.3 The proposed charges policy was publically notified on 10 December 2018 for feedback until 1 February 2019.
- 1.4 A total of eight submissions were received in this period. Section 5 of this report provides a summary of the submissions, staff analysis and a recommendation. A more detailed outline of submissions and staff responses is included in attachment 2.
- 1.5 A hearing panel has been established to hear feedback from the consultation and two submitters have requested to be heard.

- 1.6 Following the adoption of the proposed monitoring charges Council staff will develop an implementation plan to ensure the proposed charging policy is introduced into the Council's schedule of charges

2 Draft Resolution

That the Submissions Hearing

- 1) receives the Plantation Forestry Monitoring Charges report RSH 19-04-01; and**
- 2) recommends that the Environment and Planning Committee adopts the charges for monitoring plantation forestry subject to the following changes to the Harvest section:**
 - Delete the entire reference to Regulation 58 regarding quarrying.**
 - Reword the heading to state 'During a Harvest Phase'.**

3 Purpose of the Report

- 3.1 To provide information to assist the hearing panel in deliberating on the submissions to the Council's proposed charges for monitoring plantation forestry under the National Environmental Standard (NES-PF).

4 Background and Discussion

- 4.1 Under the National Environmental Standard for Plantation Forestry, the Council is now responsible for monitoring permitted activities authorised under regulations in the NES that address earthworks, crossings, quarrying and harvesting. The NES only applies to forest blocks of more than one hectare in area.
- 4.2 Under these new regulations the Council can, through Regulation 106 now charge for monitoring permitted activities once it has fixed fees. This was done through the Resource Legislation Amendment Act 2017, which enables the Council to charge for the specified permitted activities in the NES, where it expressly empowers them to do so (Section 48A(8) of the RMA).
- 4.3 Given the obligation Council has to observe and enforce the NESPF and the fact that the regulations themselves provide for Council to recover some of the costs incurred, it is considered appropriate to introduce a fee schedule to help offset these added costs of monitoring forestry activities.
- 4.4 Because of the multifaceted and interrelated nature of the regulations under this NES, it was felt that individual activity monitoring charges similar to Councils schedule of charges for RMA consented activities was not realistic. However, a single inspection flat fee under broader forestry activity phases for monitoring all the relevant regulations would be simple and in keeping with the Council's current schedule of charges for consented activities.
- 4.5 This proposal was put out for consultation after Council:
- approved the Statement of Proposal for the Permitted Forestry Monitoring Fees
 - approved the Summary of Information
 - agreed the commencement of the special consultative procedure to the proposed document shall be by Public notice commencing 10 December 2018 and ending 1 February 2019

Consultation and Submissions

- 4.6 On 10 December 2018 Tasman District Council publically notified the proposed charging policy and the period for feedback was closed on 1 February this year.
- 4.7 A total of eight submitters provided written feedback. Two submitters have confirmed they wish to present their submissions at this meeting as per the schedule in **Attachment 1**.
- 4.8 Four submitters stated support for the charge. These submitters also provided some recommendations. Two submitters in support provided commentary around fairness to small scale forest owners and questioned developing sliding scales or risk based strategies. Two submitters in support did not provide recommendations, but provided commentary on the need for NES to be enforced and to be resourced properly. One of these submitters also

provided further commentary on their concerns as a local community member of the impacts of forestry in the district and the need for comprehensive management.

- 4.9 Four submitters did not state a clear opposition but raised a series of points or commentaries around the need for the charge or its application to the local industry.
- 4.10 Two of those submitters took the position that there was no compulsion on Council to monitor permitted activities under the NES. These submitters stated their belief that monitoring of permitted activity forestry activities under the NES should be the exception rather than the rule.
- 4.11 One submitted on behalf of farm foresters raised the concern the impact the fee may have on smaller forest owners and the disincentive that extra cost may have.
- 4.12 One submission by a large forest company raised a range of issues surrounding the interpretation and application of the fee schedule in light of the regulations and their intent.

5 Submissions analysis and recommendations summary

- 5.1 Staff have considered the submissions and an analysis and response to them is in **Attachment 2**.
- 5.2 A recommended change is set out below and this change is indicated in red in the tracked change version of the proposed charges for monitored permitted activity plantation forestry in **Attachment 3**.
- 5.3 Following the submissions, the recommended change is to the wording of the schedule heading and a deletion to the guidance notes and fee description under the section Harvest. The changes are:
 - Delete the entire reference to Regulation 58 regarding quarrying.
 - Reword the heading to state 'During a Harvest Phase'

6 Options

- 6.1 The options are:
 - Option 1: Recommend no change to the notified proposed monitoring charges schedule for plantation forestry.
 - Option 2: Retain majority of the proposed monitoring charges schedule with selected amendments.
 - Option 3: Reconsider the structure of the charging and re-write schedule.

Option 1: Recommend no change to the notified proposed monitoring schedule for plantation forestry

Advantages	<ul style="list-style-type: none"> • No further changes provide certainty of the outcome
Risks and Disadvantages	<ul style="list-style-type: none"> • The schedule does contain one error that could cause confusion in interpretation of the guidance notes

Option 2: Retain the proposed monitoring charges schedule with selected amendments	
Advantages	<ul style="list-style-type: none"> • Would correct the error in the harvesting charges guidance commentary by removing the incorrectly referenced regulation 58 relating to quarrying.
Risks and Disadvantages	<ul style="list-style-type: none"> • No risk or disadvantage to the amendment given it is a technical fix
Option 3: Reconsider the structure of the charging and re-write schedule	
Advantages	<ul style="list-style-type: none"> • Allow opportunity to look at other charging structures such as actual hourly rate or a variable charge system
Risks and Disadvantages	<ul style="list-style-type: none"> • Will delay the implementation of the charging system for permitted activity monitoring forestry activities. • Will deviate from the traditional flat fee structure Council has adopted through the schedule of charges for RMA based activities

6.2 Staff recommend Option 2.

7 Policy / Legal Requirements / Plan

7.1 There are multiple legal processes involved in the fixing of charges for this activity

- Council has a responsibility to observe and enforce this national environmental standard through sections 44A (7) & (8) of the Resource Management Act 1991 (RMA)
- Council is entitled to charge for monitoring certain permitted forestry activities provided the Council comply with the fee setting requirements set out in the Local Government Act 2002 (LGA) and the RMA
- Any fixed charges related to monitoring activities under the RMA under Section 36 (administrative charges) including Section 36(1)(cc) must be after using the special consultative procedure in section 83 of the LGA and in accordance with section 36AAA of the RMA.
- Council must prepare and adopt a statement of proposal, make it publically available and provide opportunity to submit on it in accordance with the provisions of section 83 of the LGA
- Any charge will only be such as to allow the Council to recover its actual and reasonable costs incurred with the monitoring of the activities specified under section 106 of the regulation.

7.2 Following the hearing of submissions and recommendations of the hearing panel, the monitoring charges for permitted activities under the NES - Plantation Forestry will need to be adopted by Council.

7.3 After adoption, this schedule will need to be introduced into the Council's Schedule of Charges as a prescribed fee.

8 Conclusion

- 8.1 This report has set out the submissions and recommended changes to the proposed Monitoring Charges for Permitted Activities under the Resource Management (National Environment Standard for Plantation Forestry) Regulations 2017.
- 8.2 The eight submitters who provided feedback through the consultation process raised a limited range of matters for consideration by staff and the hearing panel.
- 8.3 The imposition of a charge was not in dispute and the matters that were raised can be summarised as concerns around the impacts on small forest owners, the intention of Council to charge for certain activities under the regulation and for Council to charge for monitoring where it is not necessary.
- 8.4 Given the feedback and a review of the schedule some small number of recommendations for change to text and a deletion have been proposed in this report to fix a technical error in the underlying guidance notes and improve readability.

9 Next Steps / Timeline

- 9.1 Following the adoption of the proposed monitoring charges Council staff will develop an implementation plan to ensure the proposed charging policy is introduced into the Council's schedule of charges
- 9.2 Council staff will also develop a plan to communicate the charging policy to relevant users and make available to the public through Council's publications and media channels.
- 9.3 Council staff responsible for monitoring under the NES plantation forestry will proceed to use the policy to charge for all associated monitoring as prescribed in the policy.

10 Attachments

- | | | |
|----|---|----|
| 1. | Attachment 1 - Submissions | 11 |
| 2. | Attachment 2 - Staff Feedback | 37 |
| 3. | Attachment 3 - Track Changed Version of Charges | 47 |

Attachment 1

Submission No 19472 – Mrs Georgina Vanner	Page 2
Submission No 19490 – Mrs Sam Nuske	Page 3
Submission No 19493 – Mr Bruce Mutton	Page 4
Submission No 19527 – Mr Peter J Wilks	Page 5
Submission No 19548 - Mr Jon Harrey	Page 6
Submission No 19564 - Mr Michael Higgins	Page 7
Submission No 19606 (Late) – Heather Arnold	Page 8
Submission No 19543 – Mr Ken Lefever	Page 10

Submission Summary

Proposed charges for plantation forestry monitoring - Submission #19472

Mrs Georgina Vanner

gina.vanner@live.com

238 Golden Hills Road RD1
RD1 Richmond 7081

Speaker? False

Department	Subject	Opinion	Summary
TDC - Environment and Planning	Any other comments on the proposed charges?		I agree that monitoring cost should be passed onto the owner of the forest however surely there should be a sliding scale of cost depending on the number of hectares having to be monitored. It will not be fair to charge a set amount for monitoring diverse size blocks of forestry - some of a just a few hectares and some of many hundreds with very difficult access.

Submission Summary

Proposed charges for plantation forestry monitoring - Submission #19490

Mrs Sam Nuske
Branch Manager PF Olsen Limited

sam.nuske@pfolsen.com

28 Oxford Street
Richmond 7020

Speaker? False

Department	Subject	Opinion	Summary
TDC - Environment and Planning	Any other comments on the proposed charges?		<p>I recognize that our clients have had a pretty good ride so far with the TDC, having Warren spending a lot of time with us on compliance monitoring and planning, without receiving any charges for this. Thank you very much and we continue to value our relationship with the TDC compliance team.</p> <p>I do have concerns about the proposed charges, my concerns are not about the amount, but about how enforceable, and fair they are. The issue is that I feel that some local forestry operators will not pursue the compliance monitoring, so will not get the visits and will not be charged. With regards to fairness, I feel that some forest owners will get too much charged to them, and some not enough.</p> <p>My recommendation is that there is a single fixed charge, which is determined by a matrix of the ESC zone (green, yellow, orange, red), and the area being harvested. This will then take into account the intensity of compliance monitoring that is required, and the duration of the activities.</p>

Submission Summary

Proposed charges for plantation forestry monitoring - Submission #19493

Mr Bruce Mutton

bruce@tomo.co.nz

18 Campbell Street Nelson South
Nelson 7010

Speaker? False

Department	Subject	Opinion	Summary
TDC - Environment and Planning	Why/why not?		<p>I support forestry owners being charged for compliance service provided by Tasman District Council. However no information or analysis is provided with the Statement of Proposal that allows submitters to form an opinion on the scale of the charges and of the anticipated split between individual forestry block owners and general ratepayers. Therefore I cannot say whether I support the scale of the proposed charges or not. Forestry has caused a significant amount of environmental and property damage recently in the form of river borne debris, and over many years in the form of wilding conifers on neighbouring land.</p> <p>I am concerned that forest owners take steps to;</p> <ul style="list-style-type: none"> - prevent crops escaping onto neighbouring properties - Participate in and contribute to eradication of wilding conifers on neighbouring private and public land throughout Tasman and Nelson districts - Minimise and mitigate potential damage, such as soil erosion, water quality, slash debris - Participate in and contribute to damage that has occurred due to individual forest blocks <p>The environmental costs of forestry have been and are significant, and it is evident that efforts to protect land, water, property and ecosystems has been woefully inadequate to date.</p>

The NES-PF Consenting and Compliance Guide- May 2018 (page 10) states that:

“Neither the RMA nor the NES-PF specifies that monitoring permitted activities is a function of councils”.

Forestry activities are by default Permitted unless various Regulations in the NES cannot be complied with. If not, the activity will be either Controlled or Restricted Discretionary, and resource consent to the local Authority must be applied for.

Where a resource consent was required for the activity then Council has an obligation to monitor and can apply reasonable charges for doing so.

There is no compulsion on Councils to routinely monitor (and charge for) Permitted activities under the NES-PF unless it has good reason to do so. In particular and as stated in the C&C Guide:

“The on-site monitoring of certain plantation forestry activities will be required in some circumstances to confirm compliance with:

- *Procedural requirements – e.g. whether the person is implementing the management practices outlined in their management plan*
- *Performance based conditions – e.g. sediment discharges from harvesting must not give rise to certain adverse effects in receiving waters, slash is deposited away from waterbodies etc”*

In my view, monitoring of Permitted Activities under the NES-PF should be the exception rather than the rule and not a routine function of Council. Where the TDC deems monitoring is required, the reasons should be stated in writing to the forest/land owner, including the estimated costs of site visits and the frequency with which monitoring is planned to be carried out.

Peter J Wilks

peter@ForestStat.co.nz

25 Jan 2019

19548

The NES-PF Consenting and Compliance Guide- May 2018 (page 10) states that:

"Neither the RMA nor the NES-PF specifies that monitoring permitted activities is a function of councils".

Forestry activities are by default Permitted unless various Regulations in the NES cannot be complied with. If not, the activity will be either Controlled or Restricted Discretionary, and resource consent to the local Authority must be applied for.

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can apply reasonable charges for doing so.

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- *Procedural requirements – e.g. whether the person is implementing the management practices outlined in their management plan*

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In my view, monitoring of Permitted Activities under the NES-PF should be the exception rather than the rule and not a routine function of Council. Where the TDC deems monitoring is required, the reasons should be stated in writing to the forest/land owner, including the estimated costs of site visits and the frequency with which monitoring is planned to be carried out.

I would further submit that compliance monitoring can, by its own definition, only occur when there has been some activity that has taken place and therefore there is something to actually monitor. I cannot see how TDC can propose a charge for Pre-Harvest activity to monitor for compliance something that hasn't actually commenced.

Other local authorities are treating the compliance monitoring issue quite differently to TDC. One local authority has stated ". The NES is quite proscriptive about the circumstances under which councils can charge for the monitoring of permitted activities. S106 states that Council's may charge for monitoring for activities under S24, 37, 51 & 63(2). The only one of these that is relevant to territorial authorities is S51 forest quarrying, so we have no facility to charge for monitoring for earthworks, crossings or harvesting.

In summary, I believe there is a lack of clarity and justification surrounding the proposed compliance monitoring and its associated charging structure. Small forest owners in particular could be severely impacted should the proposed monitoring and associated charges proceed.

If there can be a National Standard for Plantation Forestry why can there not be a National Guideline for Local Authorities which sets out the circumstances under which compliance monitoring is required under the NESPF as well as a guide as to a fair system of charging.

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19564

The Nelson branch of the NZ Farm Forestry Assoc has followed the introduction of the NES-PF with interest. We note that the permitted forest activities, have now become subject to the control of TDC. We wish to advise that farm foresters care for their forest on a daily basis, as a Gardner tends a garden, or a livestock farmer cares for livestock. We are concerned that the proposed fee structure and compliance regime will become a financial burden that is beyond farm foresters ability to pay. The cash flow from the forest is irregular, & indeed it can be a long time 'between lunches'. Our concern lies in the potential for the TDC to become a significant cost burden for small scale foresters. The increasing cost of employment & costs of compliance standards are removing the incentive to plant trees. Nevertheless, the trees in the forest have a hope like foresters themselves, with an intention to grow old before they fall over. We are aware of issues arising from harvesting a significant plantation, and understand the need for financing the costs associated with such work. However, apart from this, every day, farm foresters act to avoid adverse effects to the environment. Our request is that TDC administers its standards to avoid becoming an unsustainably high overhead for small scale forestry. Michael Higgins. Nelson branch, NZFFA.

Late Submission No. 19606



58A Gladstone Road,
Private Bag 5,
Richmond,
Nelson 7050,
New Zealand
Telephone 64-3-543 8115
Facsimile 64-3-544 5789

14 February 2019

Submission

Proposed Monitoring charges for Permitted Activities under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017

Proposed Monitoring charges for Permitted Activities under the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017
Tasman District Council
Private Bag 4
Richmond 7050

Submission Please accept this submission on the Proposed Tasman-Nelson Regional Pest Management Plan

Submitter The submitter is Nelson Forests Limited

Address for service Address for service is:

Heather Arnold
Planner
Nelson Forests Limited
Private Bag 5
Richmond
Nelson 7050

Phone 03 970 2898 ; 021 240 0530
Heather.arnold@nelsonforests.com

Hearing Nelson Forests Limited wishes to be heard at the hearing

Heather Arnold
Planner



This submission relates to:	The Submission is that:	The following decision is sought from Tasman District Council:
Pre-harvest Site inspection (Table 1)	Regulation 106 of the National Environmental Standards for Plantation Forestry (NES-PF) does not provide for “pre-activity” inspection. Charges may only apply to the monitoring of the actual activity. Prior to the activity actually commencing, there would not be anything to monitor, and therefore no charge can be laid in accordance with regulation 106.	58A
Harvesting (Table 1)	Under the “harvesting” heading it is stated that site inspection is confirm compliance with harvesting, earthworks, quarry and river crossing regulations. This is ultra vires. A harvesting inspection can only address the matters in regulation 63(2), not the other listed activities.	Ensure monitoring of harvesting operations only addresses the matters permitted by regulation 63(2).
Harvesting (Table 1)	Under the “harvesting” heading it is stated that site inspection is confirm compliance with harvesting, earthworks, quarry and river crossing regulations. This is confusing.	The various regulations that can be monitored with charges should be itemised and not included under the “harvesting” heading. Many of them can be activities in isolation.
Harvesting (Table 1)	It is stated that the fees may include site inspections and written reports.	Technology should be embraced to minimise fees – provide feedback via an App or using standard feedback templates. Written reports should only be provided in abnormal situations.
Post harvesting (Table 1)	Many of the items listed for post-harvest site inspection could be provided by the forest manager and therefore, the inspection could be avoided or minimised.	Provide for forest manager input into this process to minimise time and cost.
Post harvesting (Table 1)	It is stated that the fees may include site inspections and written reports.	Technology should be embraced to minimise fees – provide feedback via an App or using standard feedback templates. Written reports should only be provided in abnormal situations.
Fees and Charges (Table 1)	<p>The fees and charges have been set at \$650 per inspection. There is no justification for this level of fee and the commentary in section 2 states that the charges are to recover reasonable costs.</p> <p>TDC’s current monitoring fees (for resource consents) are set at \$153 per hour. The proposed monitoring charges are for permitted activities, therefore logically should be for a lower potential impact. This should be reflected in the fee structure.</p>	<p>Review the proposed fees to ensure they are relative to other TDC monitoring fees.</p> <p>Travel time should not be charged, as this is also not provided for in regulation 106 of the NES-PF – it is only the actual monitoring of the activity that may attract a charge.</p>

SUBMISSION RE: TDC – Proposed changes for plantation forestry monitoring.

From: Ken Lefever
 Address: 7 Rays Way, Richmond 7020
 Phone: 544-0398 (landline also has answerphone)
 Email: krlefever.nz@outlook.com

Do you wish to speak to this submission at a hearing if one is held? ... NO

I was initially only aware of this consultation on monitoring fees for plantation forestry. There were some issues arising out of recent heavy rain events that I wanted to comment on; this seemed to be the only opportunity to table my thoughts. **During preparation of this submission, I have just discovered TDC intention to seek / discuss comments on ACTUAL changes to plantation forestry practices & MONITORING later this year.** I will probably be away, discussion would be far beyond my limited amateur experience, and I have already put more time into this than is probably justified at the expense of personal & family summer time. So ...

PLEASE ALSO add / include this document to other related submissions regarding Plantation Forest Standards and Monitoring if/when requested later in the year. My concerns and thoughts expressed here will not have changed and were the main reason for making this submission now. Thank you.

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[A] Introduction

My wife and I moved to Richmond township in March 2013 from Christchurch. We will very soon both be early 70's (me 72), retired (NZ Superannuitants). We are not politically active, nor have any fixed political affiliation, but do take an interest in significant issues that we understand can have a significant impact on where we live. We have always voted in Local Body and National elections. We like Richmond and the wider Tasman area, and moved into our new (to us) Richmond home April 2013 for the long haul ... health & finances permitting. We are aware that Tasman District covers a large area from Murchison to Puponga & Farewell Spit; all parts of this district are important, not just Richmond.

We are 'old-school' with limited, though some, understanding tolerance for today's PC (Politically Correct) world where many individuals now expect their personal sensitivities (sometimes very contagious), sense of entitlement, personal choices or occasional stupidity to be dealt with by everybody else. **But there is also a line across which everyone's safety and lifestyle should be respected and protected; this includes many of the regulatory provisions of land zoning, land management and liability which are addressed by national and local government in New Zealand.**

This submission document was started on 2 Jan 2019. I only became aware of this TDC proposal in early December (with its 1 February closing date) through community newspapers and TDC Newline. December (2018) and January (2019) are busy months for us with family, so not a lot of time either at home or to research matters in detail which I comment on below.

However, **detail does not matter at this time; rather my more general message of concerns does.**

[B] Submission by TDC Headings**[B.1] Do you support the proposed charges?**

I assume the new National Environment Standard for Plantation Forestry [NES-PF] responsibilities have come down from national government and are non-negotiable. With this comes unavoidable extra work and costs for TDC.

Prior to the new standard, what were any previous similar forestry- related TDC management process costs and how were these funded? And what (if any) national government funding contribution?
I ask because I don't know.

Do I support the proposed charges?

- Yes, but **ONLY IF** the new proposed monitoring regime actually shows some real potential and/or measurable benefit to residents of Tasman District. We share the benefits and the costs. It hopefully also helps to keep forestry companies and TDC answerable to ratepayers. There may never be guarantees to eliminate problems (especially weather related) but there are things we can apparently do – or do differently – to minimise future property damage as well as some long-term environmental problems.
- **BUT NOT IF** the proposed new NES-PF standard monitoring becomes a simple lip-service, laissez-faire business-as-usual, non-enforceable process. Then the entire cost should go to the forestry plantation operations. This unfortunately probably gives ratepayers little effective leverage to push for changes to plantation forestry practises.
 - TDC apparently needs more resources to its job properly; if this simply adds more staff and more costs to TDC and just ticking boxes without any benefits, there is no value (or improved protection) for ratepayers.
 - If private and public property cannot be protected, why should Tasman residents subsidize monitoring costs?
- **What (if any) national government funding contribution?** There will hopefully be national (as well as local) benefits from various District Councils throughout NZ (as well as national government), being able to share best-practice land management and monitoring strategies where there are common problems.

[B.2] Why / why not?

This submission started out with a personal thought that there is an apparent imbalance of liability between a small private property landholder and a much larger land developer such as a forestry plantation when a weather event is exacerbated by mistake or inappropriate activity.

This is expanded under items [B.3.2] & [B.3.3].

Further need for this submission then grew out of strong empathy for affected private property owners, and apparent lip service and ‘satisfaction with current forestry practices’ from TDC staff **as broadcast** by TV News after serious property damage from logging debris from cyclone Gita (February 2018) in parts of Tasman District. Interviewed staff did not seem to show much optimism about better ways to do things; at the same time there seemed to be an apparent dismissive lack-of-interest to understand recent steps by Gisborne District Council to prosecute several forestry companies after similar damage there (including Tolaga Bay) in June 2018.

However, as I did a bit more internet research, though basic & superficial, for news items using Google, I discovered more encouraging comments from the same TDC staff being interviewed that were either omitted from new broadcasts or that I had missed. **This is revisited by closing item [B.3.11].**

Abandon what I had started or continue? **I decided to continue because this remained being a good platform for me to raise important concerns.**

- The overall problem – Introduction ... **item [B.3.1].**
- Storm damage from forest harvesting debris ... **items under [B.3.4, B.3.5, B.3.6, B.3.7].**
- Need for Leadership ... **items under [B.3.8].**
- What can be done? ... **items under [B.3.9].**

Environmentally, our past is now catching up on us. Globally ... the world seems to suddenly now be much further up an exponential curve plotting accumulated detrimental effects from consuming resources and long-term land use (eg sedimentation & water quality) and offshore management activities (eg global fisheries), as well as from our personal lifestyles (eg rubbish disposal, plastics, global air pollution, traffic congestion, health), over the past 50+ years (post World War 2) and these negative effects seem to be rapidly coming more and more obvious globally and/or locally.

This is expanded for TDC forestry plantation by items under [B.3.10].

[B.3] Any other comments on the proposed charges?**[B.3.1] Introduction – Context for comments on proposed changes**

I am not a forester, farmer, hydrologist, planner, or engineer ... but do take note of our Tasman environment. While still at University in western Canada in my youth (late 1960's – early 1970's) though not a geologist, I worked in remote wilderness areas each summer as a bushman - prospector for mining exploration companies in tandem with a geologist. In Canada my personal recreation was also in the backcountry (tramping, skiing & ski-mountaineering). I emigrated to New Zealand in 1974, and have lived in NZ ever since (Christchurch 1974-2013, then Richmond 2013 to present) and have continued to enjoy tramping.

I have learned over the years to trust my gut instinct when something either feels very good or very bad, very fair or very unfair. Two + two **never** = 5, no matter who thinks it might.

Over recent years there have been several changes going on around us that affect Tasman District as well as wider New Zealand. These include

- Climate change (regardless of cause),
- Business and commercial activity growth,
- Population migration and new residential property growth in Tasman District,
- Forestry activity and changes to forest harvesting methods (eg planting, harvesting, locally developed remote controlled equipment for harvesting on steep slopes, potential impacts on public infrastructure and growing adjacent housing developments).

My thoughts here relate mainly to recent private property damage from forest harvesting debris during significant heavy rainfall events, but maybe it's also time to start rethinking and being more creative with some of our other current land use decisions as well.

[B.3.2] Empathy. My wife and I have real empathy for those in Tasman (and elsewhere in NZ) who have had serious property damage from floods, landslips and damage from forestry debris. The most recent events included cyclone Gita storm & property damage from logging slash that flooded down off neighbouring hills up Brooklyn Valley (Mouteka) and valleys behind Marahau ... as well as other storms around Tolaga Bay (North Island – Gisborne District).

We lost our home of 37 years to the 2010 -2012 Christchurch earthquakes. We lived in a damaged house for 18 months which we eventually had to leave; we were eventually Red Zoned, our house damage repair was deemed to be a write-off. During this period, we experienced the personal distress caused by living in a natural disaster mess, as well as eventual loss of our home & neighbourhood. We know what it is like to live under a state of civil emergency, to feel ignored by an overwhelmed bureaucracy (government, city council & insurance) while decisions are made, to have liquefaction through your property (and manually dig it out with help from family, friends & neighbours) on at least 4 occasions, to live without power (weeks) or water supply (weeks) or sewage (months), to be surrounded and shackled by badly damaged roads and bridges ... and that was on flat land near the centre of a major city.

[B.3.3] Liability issues

[B.3.3.1] General rules and personal liability regarding damage to neighbouring properties. My own general understanding as a private (residential) property owner is that I am not allowed to do certain things that could affect my neighbour's property (eg Council by-laws, building consents, stormwater runoff) and that I could be liable for damage to someone else's property caused by something I have done or neglected to do (eg accidentally driven a car through a 3rd party fence or into a 3rd party house exterior wall; flooded a 3rd party house with illegal stormwater runoff).

[B.3.3.2] Liability for forest fire costs from a fire that spreads from private property. I recalled a Nelson Mail article [28 August 2018] about Glenhope rural property owners who were ordered to pay \$1.2million by a High Court decision towards firefighting costs after a 2009 fire spread from their property, destroying a neighbouring forest and private home. [Google Ref: - "Fire Chief – Check your insurance" Stuff.co.nz – Nelson Mail – 28 Aug 2013]. From an earlier news item about the same court case ... the fire that spread was not intentional, but caused by incorrect disposal of probably hot ashes from a cabin interior woodburner. While caused by a probable error of judgment and inattention, plus a strong breeze, the actual resulting fire was not intentional. [Google Ref: - "Couple face \$1m bill for blaze" Stuff.co.nz – National – 16 May 2013].

[B.3.3.3] Liability for damage from forestry operations ... Back to recent private property damage from forestry debris ... The recent property damage from forestry debris was most likely not deliberate either ... but storm damage was still exacerbated by harvested logs and/or debris left on the logging sites.

[B.3.3.4] If good enough to charge a private individual for a non-deliberate accidental act of carelessness (forest fire) is ok, this should work both ways. In my opinion, Forest plantation companies should be liable for damage to private & public property that arises from their forestry activities. A private property owner is not allowed to have negative effects on neighbouring properties, why not similar protection for private properties that may be affected by damage resulting from forestry operations? The offending forestry company should be required to make a significant contribution to pay for and/or assist with restoring any resulting private and public property damage. This might also put clearer focus by forestry companies on some important details of expected forest management & harvesting operation codes of conduct, planning & actual execution.

If the previous actual harvesting practice was considered to have been 'up to code', prior to the recent damage from forestry harvesting (logs & debris) then the code of practice itself or its actual execution probably needs to be reviewed and improved in light of expected Climate Change trends and changing expectations for land use. **Times have changed; this not the 20th century anymore.** Historically, forestry practices most probably have always had to be progressively modified over time with changing economics, land management and safety expectations.

If we are now expecting severe Climate Change related rain storms to be more common, then it is irresponsible to not begin to take extra measures to avoid or minimise any repeat of recent 2018 cyclone Gita type of damage ... be it

- more stringent control over how and where harvested logs and debris are stored on site –and/or–
- changes to the type of permitted forestry practices (eg no more large-scale clear-felling on very steep or unstable terrain) –and/or–
- promote alternative land use instead of current forestry practices – and/or–
- forestry companies be liable to help restore and/or pay towards costs of resulting damage to other private and public property.

[B.3.4] Recent private & public property storm damage in Tasman over the past decade

There have been several significant and unusually heavy rainfall events during recent years **that I am aware of** and which have each hit a different part of Tasman (especially Golden Bay, Cobb Valley, Takaka Hill, Tapawera, Graham Valley, Riwaka, Richmond and Nelson). Some of these high rainfall events also had their own unique characteristics that differentiate them from each other in nature and across actual areas affected within Tasman District.

A quick Google search suggests that damage from heavy rainfall and logging debris has also occurred previously during recent years and related presentations have apparently been made by residents to TDC about some of these.

Recent unusually heavy rainfall events include ...

- **May 2010 – Tapawera** ... Heavy rain turned a stream that ran through a Tapawera – Baton Rd property into a torrent that burst its banks washing tonnes of debris including silt and logs. Apparently, the stream comes from an area in plantation forestry. ... Tonnes of logs were washed onto the Tapawera property. [Google Ref: “Forestry fears fuel calls for change in Tasman District” - Nelson Mail 20 Oct 2018]. [This] was the third time in 21 years logs had been brought down in floodwaters. [Google Ref: “Foresters blamed for adding to flood damage.” – [Google Ref: Otago Daily Times – News – National, 18 May 2010].
- **December 2011 ... House hunting in Nelson – Richmond during 2012** ... For my own personal awareness) with December 2011 storm damage (not the first for Tasman, but the start for our own personal experience). We had commenced house hunting up here and accordingly wanted to become aware of any heavy rainfall and storm damage issues. Some of these events had variously produced significant flooding and/or landslips and damage to TDC infrastructure and private property. For December 2011, apparently Golden Bay backcountry in particular and Nelson hills to a lesser extent were affected. Several long-time local Atawhai-Nelson-Stoke-Richmond residents we talked with during our search warned us to ‘keep off the local hills’ for housing.
- **April 2013** ... We moved into our Richmond home one month before the very intense 100mm+ in one hour rainstorm April 2013 which hit Golden Bay and then moved through the Richmond Hills causing flash floods.

Much of the April 2013 Richmond damage was flooding to private and public property, including commercial businesses and even some very new housing ... due to the volume of runoff water, some potentially inadequate stormwater systems (eg Queen Street) and (from memory) overflow from blocked culverts (eg Champion Road, Whakatu Industrial Estate). Having just moved here, I actually went outside during the torrential rain on foot (with 2 layers of raingear) to observe very locally what was working or not working. We were ok, but the width of our neighbouring Richmond Cemetery was covered by a flowing sheet of surface water; the following day two nearby houses on St James Ave had wet carpets piled up outside.

TDC Newsline (10 May 2013) ... “ the April 2013 event generated a number of questions for TDC to investigate in the aftermath, including “**Are these weather bombs becoming the 'new normal'?**”

TDC diagnosed April 2013 to be a 1 in 500-year event; unfortunately, it has not been the last heavy rainfall event ... and, with current Climate Change [whatever its cause], it may not be the last in our time.

TDC Newsline 10 May 2013 ... “A very damaging event also occurred in December 2011 and parallels have been drawn between the two storms. In fact the two storms were quite different. In 2011 the rainfall was less intense but continued for a much longer period and the primary issue that arose was land slippage' debris flows and choking of riverbeds. The flooding that occurred was often because rivers channels were choked with sediment and debris and were unable to carry the flows. In contrast, this year [April 2013] landslips were rare' but the large volume of water resulted in widespread flooding'. This time, damaging flows not only originated from defined rivers and creeks, but sheet flow occurred off the Richmond and Stoke foothills.”

- **June 2013 – Riwaka** ... Apparently, a wall of water and logs came through a Shaggery Valley property ... [Ref: Google – “Forestry fears fuel calls for change in Tasman District” - Nelson Mail 20 Oct 2018].
- **Feb 2018 – Tropical Cyclone Fehi** ... Coastal storm damage & flooding ... [Refs: Local news as a Tasman District resident; TDC website news immediately after the storm; Online Nelson Mail news reports].

- **Feb 2018 – Tropical Cyclone Gita** - Cobb Valley, Inland Takaka Hill, Riwaka (including Brooklyn Valley and Shaggery Creek) , Marahau storm damage including property damage from harvested logs and logging debris ... [Refs: *Personal observation March & May 2018; Local news as a Tasman District resident; TDC website news immediately after the storm; Brooklyn Valley residents' "Beyond the Bridge" Facebook Page; Online Nelson Mail news reports; Nelson Mail 20 Oct 2018 – Forestry fears fuel calls for change in Tasman District*].

TDC Newline 16 Mar 2018 ... *"The damage from ex-Cyclone Fehi [1 Feb 2018] was coastal, while Gita [20 Feb 2018] caused extensive damage inland. Our scientists tell us that while the pattern of rainfall seen during Gita was highly unusual, the type of damage seen during the storm is not uncommon because of the geology of the area."*

"The Separation Point Granite geology, which is prone to erosion and slope failure, extends from Ligar Bay and the northern extent of Abel Tasman National Park, south-westwards down the length of the district. Much of this area is also vulnerable to storms from the northeast. Debris flows have occurred previously, most notably during August 1990 in the Brooklyn area, May 2010 around Tapawera, December 2011 around Ligar and Wainui bays, April 2013 at Anatoki, and June 2013 along the west bank of the Motueka. Slope failures occurred in the granites around Marahau and Otuwhero Inlet during June 2013 damaging houses and sadly resulting in a fatality. Debris flows are likely to have occurred during other historic storm events, but are not recorded as such."

- **June 2018 - Gisborne District** - Similar storm damage (to cyclone Gita, Tasman District) from heavy rains and torrents of forestry logging debris near Tolaga Bay (North Island - Gisborne District, well covered by TV and online news).

[B.3.5] What cyclone Gita 2018 damage I personally saw up close ... In addition to the TV, internet and local newspaper news, I saw first-hand still very obvious signs of damage from cyclone Gita ... please forgive any geographic name errors (I am still a 'new' resident here). Not blowing my own horn (because what I accomplished was a tiny effort, a scratch, on what was very large-scale land damage), but this at least establishes that I had seen some of the actual scale of damage up close.

- **Four weeks after cyclone Gita**, the situation was obviously a massive disaster for affected properties who were still struggling to deal with their situation. Having been on the receiving end of random help ourselves during the Christchurch earthquakes, it was payback time. How can I help or where can I go to offer some help? Friends in Motueka and also closer to Marahau made a couple of suggestions. Unable to make any specific effective contact I headed off anyway early one morning from Richmond with lunch, boots & work clothes, and shovel, broom and wheelbarrow.
 - Brooklyn Valley had finally just got in diggers that morning and until more heavy lifting was achieved, there was little an old man with a shovel or broom could do.
 - Undeterred I continued up towards Marahau.
 - The valley off to the left (Holyoake Stream?) at junction of Riwaka – Sandy Bay Road with Hope Road seemed chocker with major log debris; no one around and beyond my mortal expectation to even offer help.
 - I continued further with another vague possible place mentioned to help – poked my nose into another valley to the left (Otuwhero Valley?) also chocker with major log, slash and silt debris ... and no one visible ... a broom and shovel would be of no help here either until diggers and chainsaws could make a dent in the mess (this conclusion personally confirmed by a phone call a few days later from me to one of the affected properties).
 - So, I continued on further until I arrived at Old MacDonald's Farm unannounced, but welcomed when I explained my mission. They had a major bridge washed out; after the blocked bridge gave way a deep torrent deep water, silt & native forest debris then roared through the campground. They put me to work clearing a fenceline – at the end of a full day I felt like I had hardly scratched the surface, but they were very grateful and it helped them with a very small part of their huge recovery effort. I had this one day free this first week, and returned two more times, one full day on each of the following 2 weeks along with a Waimea Tramping Club helper from Moutere on the 3rd day.

- **Thirteen weeks after cyclone Gita**, as a passenger, I travelled by car up through Brooklyn Valley as access for an Over 50's Tramping Trip and saw first hand the still very obvious signs of recent property storm damage.

[B.3.6] Cleanup help from Cyclone Gita (Tasman District, Feb 2018) ... From News reports following destructive forestry debris damage from cyclone Gita ...

- **Feb 2018 – Tasman District help** - In a separate news item, "Tasman Forest Management manages the Marahau plantations on behalf of a combination of owners, including a Chinese state-owned entity CNBN [CNBM?] Forest Products, and local iwi. Director ... [of Tasman Forest Management] said what happened was a disaster, and while they had operated by the book, unprecedented rain from the cyclone last week had caught them out. ... He said the company had brought in heavy machinery to help clean debris from at least nine properties. *[Google Ref: "Rethink for forestry after 'disaster' at Marahau" - Radio NZ National News, 28 Feb 2018].*
- **March 2018 - Tasman District help** – Chinese forestry company CNBM [CNBN?] is currently the forest owner. The company managing the forest says it used high standard methods and is helping locals on a case-by-case basis. The forests owner's been very supportive in trying to be a good neighbour and help clean up, but it's not about us being able to put it back the way it was. *[Google Ref: – "Families at risk, houses at risk' Tasman residents ask for tighter forestry controls after homes ruined by Gita" - TVOne News – 1 March 2018].*
- **April 2018 - Tasman District help** – A "GiveALittle" page for Marahau Valley Farm Community indicated at mid April that there have been diggers working here almost every day since the cyclone – digging out & shaping new stream channels, clearing huge piles of silt and pine debris, reshaping / flattening out much of the lower community. This is being mostly paid by EQC claims, and Tasman Forestry. ... A group of volunteers from Motueka came out and helped us clear all the pine debris throughout our paddocks into a big burn pile. ... We all hope that when the bills come in, the community account and funds from this givealittle campaign will cover them. *[Google Ref: "46 year old community sustains severe damage from cyclone Gita" - Givealittle.co.nz – 46-year old community ... April 2018].*
- **Cyclone Gita damage – Tasman District help** ... What overall contributions did local forest companies make to private properties affected by debris damage from cyclone Gita? Help cleaning up? Financial help? Land or property restoration? **I ask because I don't know**; in my opinion, someone with closer knowledge of the resulting damage should know – or – ask - and make this more widely known as part of future discussions about plantation forestry management .

[B.3.7] Recent private & public property storm damage – forestry debris – Gisborne District

News reports following destructive forestry debris damage from heavy rain storms in Gisborne District (including Tolaga Bay, June 2018) suggested

- **June 2018 - Gisborne District** ... Slash, or offcuts from forestry harvesting, washed down from forestry plots and blocked rivers and damaged farms in two bouts of heavy rain in the region over the past few weeks. ... More than 100 Tolaga Bay locals turned out to a meeting to discuss recent flooding and the damage caused by the leftovers from forestry operations. A panel of forestry company and Gisborne District Council personnel were asked questions by the crowd. The council said it was investigating whose fault the slash-damage was and how it could be prevented in the future. The investigation will take three months. ... Last week it was revealed the council was warned in a report more than seven months ago that forestry debris was likely to cause damage in another big storm. *[Google Ref: - "Tolaga Bay locals seek solution over slash damage" Radio NZ News National, 20 June 2018].*

- **June 2018 - Gisborne District** ... • The Malaysian owner of a forestry company blamed for tonnes of debris washing up in Tolaga Bay has been fined twice for illegal logging overseas, but it took the Overseas Investment Office nine years to realise. ... • Separately, a Malaysian billionaire who owns another Tolaga Bay company was granted 24 consents to buy sensitive land between 2005 and 2017, even though another of his companies has faced accusations of environmental and human rights abuses overseas since 2004. ... • Meanwhile a second Malaysian-owned company also implicated in the Tolaga Bay flooding, has continued to buy sensitive land in New Zealand despite its owners facing allegations of human rights and environmental abuses abroad.
 - Overseas allegations against both companies include illegal operations. ... Some argue that New Zealand's Overseas Investment Office good character test is not rigorous enough. If you have companies with a consistent poor record of ignoring good environmental practice, no action can be taken under the current law. *[Google Ref: - "Tolaga Bay forestry company's illegal logging history revealed" Radio NZ News National, 20 Sept 2018].*
- **June to Dec 2018 - Gisborne District** ... Gisborne District Council investigated and is prosecuting forestry companies in Gisborne District under the Resource Management Act after a wall of timber washed into the Gisborne Council district during bad weather in June. The prosecutions relate to farm damage from six different forests in the Gisborne region, including three near Tolaga Bay. ... In August the council issued notices to several forestry companies, requiring them to cease actions contravening their consent conditions relating to debris, skid sites, erosion risk and sediment control. The charges will be heard in the Gisborne District Court in January. *[Google Ref: - "Prosecutions over flood-triggered logging debris on East Coast" - Stuff.co.nz – Business – Farming 02 Dec 2018"; Google Ref: - "Owners of East Coast forests charged over debris damage" Radio NZ News National, 1 Dec 2018].*
- **March 2018 OIA & Forestry NZ** ... The NZ Government is adding forestry rights to the Overseas Investment Act screening regime ahead of this week's signing of the Comprehensive and Progressive Trans-Pacific Partnership in Chile, preserving its right to legislate on the issue using the same carve-out as residential property. Ministers are finalising the details ... Adding a new asset class to the regime can only be done through legislation, and Parliament's finance and expenditure committee is currently assessing an amendment to include residential property. *[Google Ref: - "NZ forestry cutting rights being assessed" - Forestry news, forestry jobs – Friday Offcuts – 9 March 2018].*

[B.3.8] Leadership

[B.3.8.1] Accept there is a problem ... and that, with appropriate & willing effort, some associated risk reduction may be relatively easy.

- The current problem is very significant to someone who has had their home and/or farm badly damaged. The damage costs to public property & infrastructure for Tasman District Council are also significant.
- Recent events have confirmed feared risks. Efforts to reduce risk may never be guaranteed to be ultimately successful. However, doing nothing is likely to guarantee the problems of the past **WILL** be repeated.
- Short and medium term risk for small well-defined areas may be manageable and relatively easy to reduce or ring-fence, if there is a willing effort. Some changes may be easy to implement – relatively inexpensive, relatively local, not too disruptive and not too time consuming.
- Long term risk and large area risk reduction may take longer ... to amend (or phase out) some existing land management practices. **We owe this discussion, now, to our grandchildren's generation.**

- **The current main damage areas of concern were apparently restricted to an already recognised area of Tasman District** (Separation Point Granite) ... though the precise location of the next round of damage will no doubt be determined by the fickle severity and pattern of heavy rainfall (where, how and how much) and the exposure to downslope risk to private and public property from inappropriately stored and/or abandoned logs and debris ... left behind from ANY previous harvesting operations.

[B.3.8.2] Climate Change

- **We are apparently already seeing & feeling the effects of Climate Change [regardless of its cause] here in Tasman District.**
- Anticipated Climate Change was also one of the driving arguments put forth by Tasman District Council to promote a case for building the Waimea Community Dam. So, there can be no denial on this point.
- **Uncertainty is a planning issue ...**
 - There may be good professional opinions, but no absolute guarantees, that new procedures, zoning or infrastructure will solve claimed problems everywhere.
 - We, as the current generation of Tasman residents have benefitted from infrastructure and planning paid for by previous generation(s); we now have another opportunity that will be a form of paying forward something from this generation to future generations.

[B.3.8.3] Leadership from TDC.

The affected private property occupiers are Tasman District residents and/or ratepayers. We apparently now have a new tool – the National Environmental Standard for Plantation Forestry (NES-PF) to help.

Tasman District Council has been given new responsibilities to implement (and possibly enhance) this new standard.

At the same time parts of Tasman District have had to dig themselves out from cyclone Gita heavy rainfall storm damage, exacerbated by plantation forestry harvested logs and debris.

There's far more to Tasman District than just Richmond and its immediate surroundings. TDC needs to ensure that implementation of the NES-PF and discussion and possible followup measures to attempt to reduce risk from any future occurrences of heavy rain storm damage (like cyclone Gita) help to serve all of Tasman District and to serve it well.

- Tasman District Council needs to show some of the determined leadership for storm damage issues (as it did for the Waimea Community Dam process) to **make sure forest management discussions and risk management solutions planning gets started and do not stall** (without taking 16 years or any \$1m price tag).
- **At an official council level, find out, asap, what encouraged Gisborne District Council to recently prosecute forestry companies for heavy rainfall damage exacerbated by a deluge of forest harvesting logs and debris (June 2018).** What are their issues? How is Gisborne District problem different from the Tasman District experience ... facts, not assumptions please? Arrange for TDC to be kept in the loop, subject of course to legal restrictions while the case is before the District Court. Is Gisborne District Council successful? How successful?

- **Start talking ... with the affected community and forest operators; not just amongst TDC staff themselves.** We (collectively) need to make sure all of the recommended standards are met and if necessary, add additional measures to meet the objectives of the new standards. **This means affected & potentially affected property owners (damage experience and future damage risk), as well as forest owners and forest managers and TDC staff ...** to begin discussions to work out a range of possible solutions and then review these as to how quickly and practically they can be implemented or phased in over time.
- **TDC Draft Annual Report 2017/18 vers 1.3 ... damage from cyclones Fehy & Gita ...** “The response and subsequent recovery efforts have required significant Council staff time and resources over several months.” ... **What about personal hardship and financial & insurance problems experienced by individual TDC residents??**

Find out what level of help did Cyclone Gita badly damaged private Tasman District properties actually receive and from where? What overall contributions did local forest companies make to private properties affected by debris damage from cyclone Gita? Help cleaning up? Financial help? Land or property restoration? What assistance was the most successful? What assistance should have been, but was not, available? What could have been done better?

I ask because I don't know. This should be done before memories begin to fade. Those TDC planning participants with closer knowledge and experience with the recent cyclone Gita (Feb 2018) related damage should know – or – ask, and make this information more widely known as part of future discussions and expectations about plantation forestry management.

[B.3.9] Nothing can be done? What can be done?

[B.3.9.1] Introduction What can be done to prevent or reduce the opportunity of another heavy rain storm with extensive damage **exacerbated by forestry harvested logs and debris?**

- The New Environmental Standard for Plantation Forestry has generated a need to sort out how to charge for monitoring of plantation forest activity – this is the easy bit. No matter how you slice cost allocation, this is TDC spending other people's money.
- **What about more enlightened changes to forestry practices – the hard part.** If private and public property cannot be protected, why should Tasman residents subsidize monitoring costs?

I am a Richmond resident, only personally aware of (and have actually seen) tip-of-the-iceberg damage and hardship ... but enough to have real concerns about some current practices.

- **Tasman District ... Calls for change ... TDC may be able to focus on a specific significant high-risk area (eg Separation Point Granites) to attempt to reduce storm damage risk exacerbated by logs, debris and sedimentation from plantation forestry harvesting operations.** This will require changes to current forestry management practices AND possibly future residential property development.

Even changes to forestry operations practice about where and how harvested logs and resulting debris from plantation forestry operations are stored and accumulated may effectively **reduce risk of exacerbated** future storm damage to downslope properties. These same changes in practices may also be beneficial in other areas as well that have not yet proven to be a problem but may be with any of the next unusually high rainfall events.

[B.3.9.2] Future risk management ...

- Superficial reading I have done (as a by-stander) suggests that previous / current Forestry practices on **areas of Separation Point Granites may no longer be acceptable for 'business-as-usual' practice for the future.**
- **There also may be other terrain / other areas in Tasman District**, where previous / current forestry practices may also no longer be acceptable for 'business-as-usual' practices for the future.
- There are very likely existing examples of old forest harvesting slash that could be suspect in a future unusual storm. At the very least **these should be noted and monitored** to learn from and assist future adjacent land use risk management ... and **identify other previous practices that should be avoided and changed everywhere in the future.** Selective and pre-emptive removal of debris posing a potential future serious risk threat may be feasible.
- Bigger than just Tasman District, but **encourage a review of appropriate liability of plantation forest owners & managers** for damage to other private and public property resulting from irresponsible or substandard forestry operation standards (including roads and harvesting practices). Such action would place a lot more reliance on appropriate 'best practice' and land use management.

[B.3.9.3] Kingsland Forest ... closer to home in Richmond. Here is an opportunity to lead by example. I would expect top quality, 'best practice', low-risk harvesting practice (ie any future risk to downslope private & public property) for TDC Kingsland Forest when eventually harvested ... for both harvested logs and slash debris management ... otherwise ratepayers will be very disappointed & disillusioned for future protection of TDC residents. Kingsland forest will be a good place to ensure any change for the better continues or starts here. We now have 2 areas above Richmond that are either being currently logged (Sylvan Hills) or have been recently logged (immediately west of Kingsland Forest) since we moved to Richmond in 2013.

[B.3.9.4] What next? Discussion. Debate. Strategy. Implementation. From news reports, there is already a range of 'from the hip' suggestions, some of which have likely already been presented to TDC ... some may have merit, some may be easy to implement to reduce risks of exacerbated damage, some may be more easily implemented under the New Environment Standard – Planation Forestry, some may be impractical; some may be suitable for the long term but be not help immediate short term risk; other ideas may not yet have even been discussed.

- **March 2018 - Tasman District help** – “Deputy Mayor Tim King says the council is comfortable with current forestry practises and it’s difficult to know whether anything it could have done for affected areas would have made a difference.” *[Google Ref: – “Families at risk, houses at risk’ Tasman residents ask for together forestry controls after homes ruined by Gita” - TVOne News – 01 March 2018].*

“The area, part of Separation Point Granite, is known for being vulnerable to erosion. New national forestry standards come into effect in May, but Mr King says the rules won’t necessarily stop an event like February 20 from happening again. Even if those requirements (NESPF) had been met, I suspect there would have still been a lot of downstream damage. Part of it is going to have to be a conversation with the landowners, the people who own the forest, and the people who manage it.” *[Google Ref: – “Families at risk, houses at risk’ Tasman residents ask for together forestry controls after homes ruined by Gita” - TVOne News – 01 March 2018].*

- **Oct 2018 – Tasman District ... Calls for change ...** “Calls for changes to forestry practices have been stronger since the February storm, including a submission signed by more than 3500 people. **The council has indicated some possible changes.** ... Environmental and planning committee chairman, Deputy Mayor Tim King, in May said activities would be considered in both the upper and lower levels of the catchments. We’ll be looking at what we allow and how we

allow it on land at risk of erosion and instability, as well as reviewing whether it is appropriate to allow buildings in exposed areas at the bottom of [Separation Point Granite - SPG] catchments The council also consider more stringent rules for plantation forestry on SPG than stipulated in the ... [new NES-FS standards]". [Google Ref: - "Forestry fears fuel calls for change in Tasman district" - Stuff.co.nz - Nelson Mail, 20 Oct 2018].

- **Dec 2018 – Tasman District ... Calls for change ...** [According to the Tasman District council environment and planning manager Dennis Bush-King] **the [new] National Environmental Standards for Plantation Forestry (NES-PF) came into effect in May and the Tasman council was "gearing up" to monitor forestry-based activities in the district.** The council has employed a full-time officer to meet its obligations under NES-PF and this officer is now establishing a full monitoring programme. [Google Ref: - "Tasman Council takes no legal action against forestry after storm damage" - Stuff.co.nz - Nelson Mail 04 Dec 2018].
- **Dec 2018 – Tasman District ... Calls for change ...** [For Tasman District cyclone Gita property damage forestry debris] **"In our case, there were no offences that would warrant any enforcement action against any forestry company", said council environment and planning manager Dennis Bush-King.** [Regarding Gisborne District Council prosecutions] Bush-King said the **Tasman council was "not privy to the circumstances or what has led to the decision behind Gisborne District Council taking action.** [He added, here in Tasman] there was no formal compliance investigations initiated as there no evidence of any offending on the part of forest companies that would warrant them ... even if a case could be made, the Tasman council could not follow the same path as the Gisborne Council because there was a six-month limitation period and we would be outside that timeframe. The Gisborne council might have a different consenting regime. ... Harvesting in Tasman did not require a resource consent at the time." [Google Ref: - "Tasman Council takes no legal action against forestry after storm damage" - Google Ref: Stuff.co.nz Nelson Mail 04 Dec 2018].
- **Feb 2018 – Tasman District ... Calls for change ...** Merv Hall from Marahau Valley Farm Community suggests "What we need ... the Separation Point granite hills around here ... are never planted in forestry again. It is just not a sustainable activity in these areas." [Google Ref: "Rethink for forestry after 'disaster' at Marahau" - Radio NZ National News, 28 Feb 2018].
- **Mar 2018 – Tasman District ... Calls for change ...** From various residents and interested individuals ... "The National environmental Standard for Plantation Forestry, coming into effect in May, would improve some practices. ... But there are some areas where we think the national standards don't go far enough. ...
 - [•] [Debs Martin claimed] there was "some suggestion" logs had been stockpiled on skid sites.
 - [•] [Debs] Martin **called on the [Tasman] council to monitor and enforce compliance, and reconsider if hillsides should be zoned for forestry use, with regards to climate change.** ... Some storm-damage in the wake of cyclone Gita could have been avoided if forestry practices were improved"
 - [•] Tasman Deputy Mayor Tim King said ... "the region was 'not a benign environment' and warned that whatever we put in place and whatever national regulation there is, is not going to make it go away." ... Slips and debris flow on February 20 had not only occurred on pine forest sites and recently logged land, but in areas of native bush, regenerating land use and pasture." ...
 - [•] If forestry land wasn't to be used for forestry, [Tim] King questioned what else it would be used for. ...
 - [•] While he [Tim King] was confident local industry operators would co-operate with the national standard, he was concerned the council wouldn't have the resources it needed to meet new requirements, like quickly assessing companies' harvesting plans. [Google Ref: "Removing logging from slip-hit hills won't prevent similar Gita damage, council says" – Stuff.co.nz – Nelson Mail - 05 March 2018].

- **Mar 2018 – Tasman District ... Calls for change ... Creative solutions needed ...** From various local speakers ...
 - [•] “If more businesses were subsidised to change from coal to wood fuel, [an existing company removing waste residue from harvested forests and turning it into wood fuel] would be able to remove more residue from the forest. ...
 - [•] The council needs to help local logging companies change the ‘standard practice’ of harvesting large areas at a time. ... The national standard would not bring the necessary change quickly enough for people in areas like Marahau and Ligar Bay near Tarakohe ... [continuing he suggested that] ‘continuous canopy plantations’ become the norm in areas around Marahau, as in Europe, where similar areas were planted in stages. ...
 - [•] Leaving setbacks of up to 100 metres of permanent native forestry in plantations wouldn’t ‘fix everything’ but would reduce the risk of small and medium landslide events, and lower the risk of larger ones too.” [Google Ref: “Removing logging from slip-hit hills won’t prevent similar Gita damage, council says” – Stuff.co.nz – Nelson Mail - 05 March 2018].
- **August 2018 – Guidance to landowners preparing to plant trees on steep erosion-prone land now zoned red under the new National Environmental Standards for Plantation Forestry ... From a report commissioned by the NZ Farm Forestry Association and the Forest Owners Association ...** following the devastation at Tolaga Bay on the East Coast when a storm in early June hit recently harvested and replanted sites causing slash mobilisation which made news headlines. ... “Owners of red-zoned land who wish to clear-fell need to provide regional councils with evidence that significant adverse environmental effects can be minimised. ... [•] **This report provides information on best practice, identifies the gaps in knowledge and sets the scope for the future to improve environmental outcomes from plantation forestry on steep lands.**” ...
 - [•] Current Farm Forestry Association chairman ... said more forests were needed on steep hill country to mitigate erosion where pastoral cover was not enough. However, we need the right species, the right rotation lengths and the right harvesting strategies for the best environmental outcomes. Forestry is the best land use for erodible hill country, but **best practice changes over time to meet the expectations of society and increasing severity of storms.** [Google Ref: “Lessons from Tolaga Bay erosion disaster” - NZ Herald – The Country - News 16 Aug 2018].

Note: A more complete copy [1 page] of the above article text is attached to the end of this submission. This includes brief bullet point comments related to the new National Environment Standards and Erosion mitigation practices.

- **October 2018 – From Gisborne District ... From one line at the bottom of a related news item ... Action points for a slash-free future for Tolaga Bay will be discussed at a community meeting this week.** [Google Ref: “Local Focus: Thousands of Tolaga Bay Beach logs to be incinerated” – NZ Herald – Business - News 09 Oct 2018].

What information is available from this East Coast meeting?

[B.3.10] Finally – two other related points

[B.3.10.1] Estuary & offshore Sedimentation

My Google search unexpectedly also turned up the following information ...

- **1988** – A NZ Forest Research Institute land-use impacts group report included results from a study that began in **1985** in two southwest Nelson forests - Golden Downs and Motueka forests. Significant amounts of loose material were disturbed during the construction of some 200km of roads through these forests ... and some of that road surface material had entered local streams, resulting in sediment disposition. ... Thirty years later [April **2018**] a new study found almost 90% of the fine sediment at the mouth of the Moutere River came from pine forests; the same study found that recently harvested pine forests along with bank erosion were responsible for a high cont’d ...

proportion of sediment in the Waimea Inlet. ... Another month later, another report prepared for Sustainable Marahau Inc was released that found the Kaiteriteri and Otuwhero Inlets were being ecologically degraded by sediment that is smothering plant life. [Ref: Nelson Mail 20 Oct 2018 – Forestry fears fuel calls for change in Tasman District].

Part of the promotion & arguments for funding for Waimea Community Dam project included improvement of the health of the lower Waimea River catchment. Surely, water quality needs to continue beyond the mouth of the Waimea River, with appropriate land management practises to control any sedimentation issues or other serious degradation of Waimea Inlet & similarly other local Tasman District inlets.

[B.3.10.2] Recreation: Something to think about for Richmond future if & when Kingsland Forest is eventually logged. There may well be another, but not new, important long-term option (recreation) for the future of this land in addition to plantation forestry ... but hopefully not housing development!

Don't underestimate the current recreation value (walkers, runners, mountain bikes) to the community (all ages) provided by current Kingsland Forest, Dellside Reserve & the integration with forestry track access up to the ridge and beyond including Barnicoat Walkway (as well as safe zig-zag options for older walkers to get back downhill on surfaces not covered with treacherous marbles-like-shingle). I am usually up on the local hills twice a week (up to the Forestry Lookout from home & return) as well as less often Marsden Valley, the Grampians and Dun Mountain. The hills above Richmond currently provides an important recreation facility for many people, including ...

- an important venue for regular personal health fitness routes;
- track variety (across slopes and hard tracks straight uphill to the ridge);
- 2 to 4 hrs outdoor recreation and still be in shade from summer heat for 2/3 of the time and then back home with time to get on with other homebased projects;
- handy walking access convenience to Richmond residents without need to get into a car - and without need to even get on a bike to get started, if a bit too old and wobbly to bike or bike with day pack but still ok to walk;
- no admission fees.

It has been good also having more variety of connecting tracks through adjacent Sylvan Hills Forest for the past 2-3 years. However, I (and others) feel even the temporary the loss of access to these tracks since closure August 2018 for current logging operations. And even if we regain access to Sylvan Hills tracks, there will be little or no summer shade.

You don't value what you have until you lose it. During the Christchurch earthquakes, Christchurch residents lost access for at least 3 to 4 years (closed as potentially dangerous) to many local walks and bike tracks around the city and in particular up on the Christchurch Port Hills. With hindsight these turned out to be significant losses; restored earlier access to such healthy outdoor recreation could have usefully helped many people deal with some of the daily stress from living with earthquakes and earthquake damage.

[B.3.11] Footnote ... As noted in my item **[B.2] Introduction**, I indicated that initial TV news items seemed to suggest official response from TDC Officials – Tim King and Dennis Bush-King – seemed very dismissive, almost disinterested and a lack of leadership ... not much we can do; no idea how East Coast Council arrived at position to prosecute – all in the too hard basket. My immediate thoughts were ... maybe try harder; help foster and generate some creative ideas about specific sites for future land use (eg recreation). Fortunately, I have discovered during preparation of this submission that during news reports TDC staff were misquoted or reports did not provide fuller additional comment or I missed some of the fuller comments. Anyway, there's still a lot of necessary planning effort and monitoring to ensure we have learned something that might help us reduce, if not eliminate, the extent of risk from damage from future heavy rain storms.

Respectfully submitted

Appendix [Ref item B.3.9.4] Page 15 - 2nd last entry: **August 2018 – Guidance**
[complete copy of 'referred to' article]

Lessons from Tolaga Bay erosion disaster

<https://www.nzherald.co.nz/the-country/news/article.cfm?>

By: Mike Barrington

16 August 2018 2pm

A report commissioned by the NZ Farm Forestry Association and the Forest Owners Association provides guidance to landowners preparing to plant trees on steep, erosion-prone land now zoned red under the new National Environmental Standards for Plantation Forestry (NES-PF) which came into effect on May 1.

The report was written by Dean Satchell, of Kerikeri environmental services firm Sustainable Forest Solutions. He is also immediate past president of the Farm Forestry Association.

It follows major devastation at Tolaga Bay on the East Coast when a storm in early June hit recently harvested and replanted sites causing slash mobilisation which made news headlines.

Satchell says owners of red-zoned land who wish to clearfell need to provide regional councils with evidence that significant adverse environmental effects can be minimised.

"This report provides information on best practice, identifies the gaps in knowledge and sets the scope for the future to improve environmental outcomes from plantation forestry on steep lands," he says.

The report includes details about a wide variety of trees suited to steep erosion prone land because they have root structures that may better resist landsliding after harvest. Four most suitable "alternatives" to radiata pine on steep lands are eucalyptus (stringbark/ash), redwood, cypress and poplar, with totara showing the most promise among native trees in terms of overall potential as a profitable and productive plantation species.

Current Farm Forestry Association chairman Neil Cullen said more forests were needed on steep hill country to mitigate erosion where pastoral cover was not enough.

"However, we need the right species, the right rotation lengths and the right harvesting strategies for the best environmental outcomes. Forestry is the best land use for erodible hill country, but best practice changes over time to meet the expectations of society and increasing severity of storms."

National Environmental Standards

Standard-practice radiata pine clearfell regimes are no longer a permitted activity on steeper (red zoned) slopes greater than 2ha. The NES-PF specifies red zone land can now only be planted or replanted with a territorial authority resource consent and the application will be subject to detailed risk assessment. Although the assessment aims to mitigate adverse environmental effects, such as storm-initiated slope failures with the potential to form debris flows that could result in damage to downstream infrastructure and property, this requirement may potentially increase compliance costs, particularly for growers operating in steeper terrain.

Measures available to reduce erosion in a clearfell regime include:

- Undertaking only best-practice earthworks (eg, as per NZ forest road engineering manual)
- Minimising soil disturbance and compaction when harvesting
- Managing slash to minimise risk for entrainment in debris flows
- Providing buffers between productive areas and water courses that act as slash traps
- Identifying areas with excessive risk of erosion and retiring these from productive use
- Replanting or planting at high initial stocking rates and reinstating vegetative cover as soon as possible to mitigate erosion after clearfell harvesting.

Erosion mitigation practices

A national erosion susceptibility classification (ESC) has been developed to support the NES-PF. Current limitations of the ESC include the scale of mapping, the quality of underlying data and misclassification of land.

For red-zoned land, in the absence of evidence supporting risk mitigation measures, the adequacy of such measures would be at the discretion of territorial authorities. Although the risk level itself can be assumed from the ESC, setting conditions for consent to meet specific performance thresholds such as estimated sediment yields would need to somehow match the measure to the risk. This could potentially be achieved by factoring in tree stocking rates, rotation length for alternative commercially viable species and measures restricting the likelihood of debris flows.

The report says more research is needed to quantify the erosion-control effectiveness of "alternative" species to radiata pine. There was also a need to better understand relationships between alternative species restocking rates on forest cutover, and their level of effectiveness in mitigating post-harvest sediment generation rates, relative to that measured for radiata pine planted at the same densities.

Attachment 2: Staff feedback on submissions

Full Name	Issues raised	Staff Response	Staff Recommendation
Georgina Vanner	Monitoring cost should be passed onto the owner of the forest however consider a sliding scale of cost depending on the number of hectares having to be monitored. It will not be fair to charge a set amount for monitoring diverse size blocks of forestry - some of a just a few hectares and some of many hundreds with very difficult access.	The compliance monitoring of Forestry under the NES is risk based and monitoring is targeted at those sites that present the greatest risk of adverse effect due to scale of the operation and the ESC zoning classifications. Most small forest operations will not be subject to monitoring due to their low risk.	No change
Sam Nuske PF Olsen	<p>Concerns about the proposed charges are not about the amount, but about how enforceable, and fair they are. The belief is that some local forestry operators will not pursue the compliance monitoring, so will not get the visits and will not be charged. With regards to fairness, The other concern is that some forest owners will get too much charged to them, and some not enough.</p> <p>Recommendation is that there is a single fixed charge, which is determined by a matrix of the ESC zone (green, yellow, orange, red), and the area being harvested. This will then take into account the intensity of compliance monitoring that is required, and the duration of the activities.</p>	<p>The NES requires all forest owners give Council notice of intention to harvest under Reg 64. Council has imposed a requirement on all those notifying, to also provide a harvest plan. This should prevent forest owners from avoiding assessment and any monitoring if required as a failure to comply with this requirement breaches the RMA.</p> <p>The current proposed fee structure is a fixed charge and while not explicit does reflect to a greater extent the submitters recommendation as the risk based monitoring strategy will put emphasis on the high risk sites as determined under the ESC and these will be the areas where monitoring will occur.</p>	No change

Bruce Mutton	<p>Supports forestry owners being charged for compliance monitoring. Submitter is concerned that forest owners take steps to;</p> <ul style="list-style-type: none"> - prevent crops escaping onto neighbouring properties - Participate in and contribute to eradication of wilding conifers on neighbouring private and public land throughout Tasman and Nelson districts - Minimise and mitigate potential damage, such as soil erosion, water quality, slash debris - Participate in and contribute to damage that has occurred due to individual forest blocks <p>Submitter was of the opinion that the environmental costs of forestry have been and are significant, and it is evident that efforts to protect land, water, property and ecosystems has been woefully inadequate to date.</p>	<p>Many of the points raised by the submitter as concerns are matters that will be managed by the introduction of the NES and Councils various land management programmes including the compliance monitoring of this regulation. The purpose of the monitoring fee is to help offset this cost to council.</p>	No change
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<p>Mr Peter Wilks</p>	<p>The submitted states that the NES-PF Consenting and Compliance Guide states that: “Neither the RMA nor the NES-PF specifies that monitoring permitted activities is a function of councils”.</p> <p>Forestry activities are by default Permitted unless various Regulations in the NES cannot be complied with. If not, the activity will be either Controlled or Restricted Discretionary, and resource consent to the local Authority must be applied for. Where a resource consent was required for the activity then Council has an obligation to monitor and can apply reasonable charges for doing so. There is no compulsion on Councils to routinely monitor (and charge for) Permitted activities under the NES-PF unless it has good reason to do so. In particular and as stated in the C&C Guide: "The on-site monitoring of certain plantation forestry activities will be required in some circumstances to confirm compliance with:</p> <ul style="list-style-type: none"> • Procedural requirements – e.g. whether the person is implementing the management practices outlined in their management plan • Performance based conditions – e.g. sediment discharges from harvesting must not give rise to certain adverse effects in receiving waters, slash is deposited away from waterbodies etc” <p>In my view, monitoring of Permitted Activities under the NES-PF should be the exception rather than the rule and not a routine function of Council. Where the TDC deems monitoring is required, the</p>	<p>The NES provides an explicit range of controls and performance measures on those undertaking forestry activities. While it is true that these are permitted activities, emphasis is given to the requirement to provide information to regional and territorial authorities to demonstrate how compliance will be met and notify the activity is commencing. It is also notable that the NES provides Councils the ability to charge for site monitoring of specified permitted activities under the regulations which present high risk to the environment. This is unique to this type of legislation and clearly messages the expectation that councils will conduct compliance assessment in the field and provide a mechanism to cost recover for that duty. This is reinforced by the fact that the Ministry now seeks data from the regulators on the implementation and level of compliance including site inspections and enforcement.</p> <p>While it is true that monitoring and any associated charging is for the discretion of the individual councils given the risk of the activity in certain areas of the district, the need to assess compliance performance and report on performance and the fact that the monitoring will be risk/effects based addresses the concerns of the submitter.</p> <p>Finally, staff always notify foresters when a site visit is scheduled. There is only likely to be one to a maximum of three inspections in the entire cycle of pre, actual and post-harvest depending on the activity and risk. Any non-compliance and revisit falls outside this charging policy.</p>	<p>No change</p>
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reasons should be stated in writing to the forest/land owner, including the estimated costs of site visits and the frequency with which monitoring is planned to be carried out.

<p>Mr Ken Lefever</p>	<p>This was a 17 page Submission. The submitter supported the proposal with the following summary statement:</p> <p>Yes to the new proposed monitoring regime if it actually shows some real potential and/or measurable benefit to residents of Tasman District. We share the benefits and the costs. It hopefully also helps to keep forestry companies and TDC answerable to ratepayers.</p> <p>There may never be guarantees to eliminate problems (especially weather related) but there are things we can apparently do – or do differently – to minimise future property damage as well as some long-term environmental problems.</p> <p>BUT NOT IF the proposed new NES-PF standard monitoring becomes a simple lip-service, laissez-faire business-as-usual, non-enforceable process. Then the entire cost should go to the forestry plantation operations. This unfortunately probably gives ratepayers little effective leverage to push for changes to plantation forestry practises § TDC apparently needs more resources to its job properly; if this simply adds more staff and more costs to TDC and just ticking boxes without any benefits, there is no value (or improved protection) for ratepayers.</p>	<p>The overall theme of the submission was not directly related to the charging proposal but canvassed the wider aspect of forestry related activities, impacts and perceived risk along with some associated recommendations.</p>	<p>No change</p>
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Mr Jon Harrey	The submitter stated that small forest owners in particular could be severely impacted should the proposed monitoring and associated charges proceed.	This fee schedule is underpinned by a risk based monitoring strategy, which means that not all forestry related activities identified in Regulation 106 of the NESPF and subject to monitoring will receive it. Council must target its monitoring to those activities that present the greatest potential risk and based around the ESC zoning. Provided they meet their obligations under the regulations, it is unlikely that many small owners will receive site monitoring based on their scale and location in this district.	No change
	The submitter raised the question of the legitimacy of monitoring pre harvest on the basis that compliance monitoring can only take place on something that has happened.	Pre harvesting has been used as a general term to indicate that phase of the cycle. The activities to which monitoring will occur will be actual activities occurring in the process of setting a site up for harvest and in accordance with harvest plans. These activities are those identified in Regulation 106 and are the types of works associated with earthworks, tracking and any in stream works such as culverts and bridges.	No change
	The submitter also provided an extract from a territorial authority relating to their charging under the NES which provided commentary on limitations as to what could be charged.	This example is not applicable to the proposed fee schedule under discussion. Territorial authorities have a limited role in the implementation and monitoring of activities under the NES and this is articulated clearly in the regulations themselves. The Regional Councils and Unitaries have the responsibility of administering the greater part of the NES	No change

<p>The submitter questions whether given the National Standard for Plantation Forestry why there cannot be a National Guideline for Local Authorities, which sets out the circumstances under which compliance monitoring is required under the NESPF as well as a guide as to a fair system of charging.</p>	<p>There are a range of practice guides and technical publications on the Ministry's website. These include advice to local authorities and foresters in the interpretation and application of the regulations. Staff have developed this policy cognisant of this guidance.</p>	<p>No change</p>
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<p>Mr Michael Higgins</p> <p>The Nelson branch of the NZ Farm Forestry Assoc</p>	<p>The submitter wished to lodge their concern that the proposed fee structure and compliance regime will become a financial burden that is beyond farm foresters ability to pay. They stated that the cash flow from the forest is irregular and 'can be a long time 'between lunches and the increasing cost of employment & costs of compliance standards are removing the incentive to plant trees.</p> <p>The submitter requested that Council administers its standards to avoid becoming an unsustainably high overhead for small scale forestry.</p>	<p>This fee schedule is underpinned by a risk based monitoring strategy, which means that not all forestry related activities identified in Regulation 106 of the NESPF and subject to monitoring will receive it. Council must target its monitoring to those activities that present the greatest potential risk and based around the ESC zoning. Provided they meet their obligations under the regulations, it is unlikely that many small owners will receive site monitoring based on their scale and location in this district.</p>	<p>No change</p>
<p>Ms Heather Arnold Nelson Forests Ltd.</p>	<p>Submissions in summary:</p>		

<p>Submission in relation to Pre-harvest site inspection. Regulation 106 of the National Environmental Standards for Plantation Forestry (NES-PF) does not provide for “pre-activity “inspection. Charges may only apply to the monitoring of the actual activity. Prior to the activity actually commencing, there would not be anything to monitor, and therefore no charge can be laid in accordance with regulation 106.</p>	<p>Pre harvesting has been used as a general term to indicate that phase of the cycle. The activities to which monitoring will occur will be actual activities occurring in the process of setting a site up for harvest and in accordance with harvest plans. These activities are those identified in Regulation 106 and are the types of works associated with earthworks, tracking and any in stream works such as culverts and bridges.</p>	<p>No change</p>
<p>Under the “harvesting” heading it is stated that site inspection is confirm compliance with harvesting, earthworks, quarry and river crossing regulations. This is ultra vires. A harvesting inspection can only address the matters in regulation 63(2), not the other listed activities. Ensure monitoring of harvesting operations only addresses the matters permitted by regulation 63(2).</p>	<p>Regulation 63(2) requires those undertaking the activity in specified ESC zones to comply with the performance conditions identified in regulation 64 to 69 in order to be permitted. These are the restrictions and requirements on notifications, sediment management, ground disturbance, disturbance of margins of water bodies and slash and debris management. Under regulation 106, harvesting under regulation 63(2) is an activity that may be subject to monitoring and associated charges and in this district these are activities that there is an expectation we monitor and manage.</p>	<p>No change</p>
<p>Under the “harvesting” heading it is stated that site inspection is confirm compliance with harvesting, earthworks, quarry and river crossing regulations. This is confusing. The various regulations that can be monitored with charges should be itemised and not included under the “harvesting” heading. Many of them can be activities in isolation.</p>	<p>Harvesting is a general category used in the schedule to identify that particular phase in the cycle and those regulations under that heading are those that may be triggered during that phase depending on the site. Because of the multi activity and interrelated aspects of the NES in its application on the ground in any phase it was felt that activity specific monitoring as a fee structure is impractical.</p>	<p>Accept that the reference to Reg 58 quarrying is confusing and not relevant to harvest. This activity should be dealt with as an independent activity and is unlikely to attract charges under this schedule. Delete from charge policy.</p>
<p>It is stated that the fees may include site inspections and written reports. Technology should be embraced to minimise fees – provide feedback via an</p>	<p>It is agreed that given the nature of this part of the activity and the development of better technology that any post-harvest monitoring may be limited to confirmation of compliance on high risk sites where council needs to be satisfied that the site is</p>	<p>No change</p>

App or using standard feedback templates. Written reports should only be provided in abnormal situations.	secure and we have evidence of that fact. Many sites will therefore not require post harvest monitoring or any reporting but it is necessary to include this phase in the fee structure.	
Many of the items listed for post-harvest site inspection could be provided by the forest manager and therefore, the inspection could be avoided or minimised. Provide for forest manager input into this process to minimise time and cost	As above. There is an expectation that on a number of sites that forest managers reports will suffice. This is a risk based approach.	No change
It is stated that the fees may include site inspections and written reports. Technology should be embraced to minimise fees – provide feedback via an App or using standard feedback templates. Written reports should only be provided in abnormal situations	Council is working on better technology and reporting mechanisms.	No change
The fees and charges have been set at \$650 per inspection. There is no justification for this level of fee and the commentary in section 2 states that the charges are to recover reasonable costs. TDC's current monitoring fees (for resource consents) are set at \$153 per hour. The proposed monitoring charges are for permitted activities, therefore logically should be for a lower potential impact. This should be reflected in the fee structure. Review the proposed fees to ensure they are relative to other TDC monitoring fees. Travel time should not be charged, as this is also not provided for in regulation 106 of the NES-PF – it is only the actual monitoring of the activity that may attract a charge.	The monitoring fee is structured to reasonably reflect the expected amount of time an officer would be engaged undertaking assessment of the range of activities on site that trigger the regulations. This fee is set around four hours of staff time at the approved staff charge out rate. Given that the monitoring will generally only be associated with the high risk sites it is expected that this will be a reasonable time frame to undertake detailed assessments, discuss with forest managers on site and feedback.	No change



**Resource
Management
Act 1991**

**Proposed Monitoring Charges for
permitted activities under the Resource
Management (National Environmental
Standard for Plantation Forestry)
Regulations 2017**

Council is proposing the introduction of new permitted activity monitoring charges for plantation forestry activities, specified by regulations 24, 37, 51 and 63(2) of the National Environmental Standard.

Table 1. Proposed Permitted Activity Monitoring Charges – For monitoring under the NES-Plantation Forestry

Pre-harvest site inspection

Site inspection ~~with the owner/operator~~ to assess [implementation of](#) harvest, earthworks and other plans ~~are to be implemented~~, ensuring environmental controls are in place and potential effects addressed in relation to:

- road/tracks/landings;
- sediment and stormwater controls;
- quarrying; and earthworks
- instream river crossing structures

Fees include site inspection and written reports.

Pre-harvest activity	Fees and Charges 2018/19
Per inspection	\$650.00

[Inspection during harvesting](#)

Site inspection to confirm compliance with

- Regulation 33 which requires roads, tracks and landings to be managed and aligned to divert water runoff to stable ground and away from areas of constructed fill, and to minimise disturbance to earthflows and gullies;
- Regulations 26 and 65 associated with sediment management;
- Regulations 28 and 55 addressing accelerated erosion, stream obstruction, or diversion of water flow;
- Regulations 31, 56, and 67 addressing sediment and stormwater controls;
- Regulations 36-46 for river crossings (fish passage, effects on other structures, erosion and sediment control and discharges);
- Regulations 32 and 55 regarding site stabilisation;
- ~~Regulation 58 regarding quarrying;~~
- Regulation 68 regarding restrictions on how harvesting can occur, on any riparian margin or adjacent to water bodies.

Fees include site inspection and written reports. May include sampling analysis costs if required.

Harvesting activity	Fees and Charges 2018/19
Per inspection	\$650.00

Per upstream and downstream sample for colour, turbidity, and suspended solids, if required	\$120.00
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Inspection ~~Post-harvest~~ after harvesting

Site inspection to ensure all NES requirements have been met, especially removal of stream structures, stabilisation, silt and sediment control and slash and debris placement.

Fees include site inspection and written reports. May include sampling analysis costs if required.

Post-harvesting activity	Fees and Charges
	2018/19
Per inspection	\$650.00
Per upstream and downstream sample for colour, turbidity, and suspended solids, if required	\$120.00

Explanation

The above fees and charges set out the fixed ~~minimum~~ charges for inspections and sampling under the NES. The number of inspections required per forest will vary depending on size, environmental risk from the activity in that location and the degree of compliance with the regulations.

Non-compliance may result in additional inspections and/or sampling to ensure compliance has been achieved.

All fees are GST Inclusive.