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Planning and Regulatory Manager
Stratford District Council
PO Box 320
STRATFORD

Dear Mike

SUBMISSION: INDIGENOUS FOREST AND BIODIVERSITY VARIATION &
SECTION 32 REPORT

Please find attached a submission on the above variation, from the Ministry of
Agriculture and Forestry.

MAF looks forward to further contact with council regarding the management of
indigenous forests in the district.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Alan Griffiths'. The signature is fluid and cursive, with a small dot at the end.

Alan Griffiths

Technical Advisor
For Robert Miller
Operations Manager



Ministry of Agriculture and Forestry
Te Manatū Ahuwhenua, Ngāherehere

MAF Policy

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ATTACHMENT 1

SUBMISSION FORM

STRATFORD DISTRICT COUNCIL

Resource Management Act 1991

To: Stratford District Council

Submission on: Stratford District Plan Variation 1 - Indigenous
Forest & Biodiversity

Name: Alan David Griffiths

Address: Ministry of Agriculture and Forestry
PO Box 20 280
Bishopdale
CHRISTCHURCH 8543

1. The specific provisions of Variation 1 that my submission relates to are as follows:

Context;

Definition: "indigenous vegetation";

A2.3.1, 2 & 3 Protection of Significant Habitats;

A2.4.2 requirement for Ecological Assessment;

A2.4.3 Schedule of Significant Habitats;

B1.2.1.1 Removal of Vegetation;

B1.2.1.3 Sustainable Forest Management – Limited Discretionary;

B1.2.1.3.1 Ecological Assessment

B5.5 Assessment Criteria;

B6.1.2 Information Requirements – Limited Discretionary Activities;

B6.3 Information Requirements – Discretionary & Non Complying;

2. My submission is that:

Context

Under "Context" reference is made to the Forest Amendment Act 1996. The amendment to the Forests Act was in fact 1993 and is incorporated along with more recent amendments (1995, 1996, 2004), into "Part 3A of the Forests Act 1949", (Forests Act.)

In this section concerns are expressed regarding the effectiveness of the Forests Act as a means of providing a permitted activity threshold by way of Sustainable Forest Management (SFM) Plans and Permits.

There has been no evidence presented regarding these concerns.

Definition of Indigenous Vegetation

The proposed variation does not appear to address provisions of the Forests Act other than SFM Plans and SFM Permits. Ministry of Agriculture and Forestry (MAF), approvals / milling statements also cover Personal Use applications (for the harvest and milling of up to 50 m³ of indigenous (roundwood) timber over a ten year period), and a number of other provisions ranging from recovery of windthrown or standing dead trees, harvesting and milling of trees for the construction of accessways, salvage of trees from land that is not indigenous forest land.

Often this will involve the recovery or harvest and milling of a very small number of predetermined trees, sometimes from indigenous forest and also as single trees or small groups of trees in a pastoral landscape.

Is council proposing that an ecological assessment will be necessary irrespective of the area or number of trees involved, particularly given that “indigenous vegetation” is not defined by area?

A2.3.1, 2 & 3 Protection of Significant Habitats.

MAF agree that the protection of significant habitats is an appropriate policy for council.

However, most of the significant areas recognised by council are wetlands. How is council going to identify significant natural areas in accordance with section 6 or the RMA?

To apply an objective rules based system across the district requires the inherent values of the district, it’s attributes and resources to be well understood. MAF suggests that specific landowners seeking to harvest indigenous timber, will be penalised unnecessarily in such circumstances, simply on precautionary grounds.

A2.4.2 Requirement for Ecological Assessment;

Council proposes any party seeking to harvest indigenous timber from anywhere in the district must apply for a resource consent AND in addition to obtaining approvals from MAF, conduct ecological assessment. The proposed variation however is vague as to the bona fides required of ecologists who are “certified” to do this work and how the resulting reports will be treated and evaluated by council.

A2.4.3 Schedule of Significant Habitats:

MAF understands the existing Schedule of significant habitats does not include any evaluation or identification of significant areas within most of the indigenous forest in the district, particularly the eastern hill forests.

MAF also understands that vegetation removal / sustainable forest management over much of the eastern hill forests of the district, are non-complying activities in the Horizon's One Plan, based on predictive vegetation models and land cover criteria across the entire Horizons region.

B1.2.1.1 Removal of Vegetation.

This clause includes as a Permitted Activity in the Rural Zone the "sustainable forest management" of what is described in the Forests Act as "planted indigenous forest". In the context of the district plan it is unclear what sustainable management of planted indigenous forest means. The Forests Act provides for the certification and harvesting of "planted indigenous forest" that meets the definition in the Act, WITHOUT imposition of the sustainable management provisions of that Act. In other words the Forests Act treats planted indigenous forest as any plantation and there are no conditions attaching to the rate at which the forest is harvested.

B1.2.1.3 Sustainable Forest Management – Limited Discretionary.

MAF is uncertain what "*legally established*" means in the context of SFM Plans and Permits. Is it approved by the Secretary AND registered against title in accordance with the Forests Act? Or approved by the Secretary of Forestry? If this means registered against title to the land, MAF suggests this is premature, given there are conditions attaching to any resource application that could see the application denied.

MAF further notes that there is substantial costs involved with the preparation and approval of a draft Sustainable Forest Management Plan pursuant to the Forests Act, substantially more than that involved with an ecological assessment. MAF suggests few landowners will be encouraged to embark on this exercise knowing that there is a requirement for additional expenditure after the preparation of a SFM Plan with discretion to approve a consent or not lying with the council.

B1.2.1.3.1 Matters to which Discretion is Reserved

There are potential issues around the order of obtaining specific approvals under each of the Forests Act and the District Plan. To require an approved SFM Plan first, subjects the landowner to considerable expense (substantially more than that involved with an ecological assessment). Having satisfied both requirements (approved SFM Plan and ecological assessment), still provides no assurance of a consent being issued. This will be seen as onerous.

B5.5 Assessment Criteria.

MAF is interested in how council will determine which individuals are “suitably qualified...with documented expertise in the ecology of indigenous forestry areas... in the Taranaki Region or Stratford District...” This will be of particular interest to any landowner considering sustainable forest management of their indigenous forest.

B6.1.2 Information Requirements – Limited Discretionary Activities.

The factors to be considered in an ecological assessment are quite comprehensive. MAF considers that along with consideration of area and quality of the vegetation etc, the area of the described habitat(s) should also be related to the area of comparable habitat in protected areas in the district.

The last listed factor relates to “avoidance and mitigation of natural hazards”. MAF is uncertain whether this includes an assessment of the degree to which the proposed activity - limited harvesting under Sustainable Forest Management Plans and Permits, may impact on the specific values identified in the assessment.

B6.3 Information Requirements – Discretionary & Non Complying;

This clause refers to “*clearance or selective harvesting*” of indigenous vegetation. MAF is unclear if that includes or is synonymous with “*sustainable forest management*”?

3. I seek the following decision from the local authority:

Definition of Indigenous Vegetation.

MAF seeks that council review the implications for limited harvest and recovery of single and small groups of indigenous trees, dead or live, and the requirement for ecological assessment. The costs and time required to acquire Ecological Assessment and resource consent is likely to preclude the milling of trees in these circumstances.

Context

MAF seeks that council provide evidence of ineffectiveness of the Forests Act to provide an adequate threshold for permitted activity status.

Further, MAF would welcome the opportunity to work with council to refine standards and accomplish efficiencies in exercising MAF and council’s processes for the benefit of landowners.

A2.3.1, 2 & 3 Protection of Significant Habitats

MAF seeks a decision that council should produce a policy / plan for identifying SNA's in the district, so that outside such areas, sustainable forest management is a permitted activity.

A2.4.2 Requirement for Ecological Assessment

MAF seeks more clarity from council regarding how such assessments will be evaluated by council and minimum professional standards of those undertaking assessments and those evaluating them.

A2.4.3 Schedule of Significant Habitats

MAF agrees that a schedule of Significant Areas provides landowners with a better planning certainty for their land, both inside and outside such areas. MAF recommends council consider expanding the existing schedule to cover indigenous forests so that areas outside such boundaries may be subject to more appropriate consent requirements.

B1.2.1.1 Removal of Vegetation

MAF Requests council amend the provision such that planted indigenous forest is not subject to a sustainable rate of harvesting, as is required presently under the definition of "*sustainable forest management harvesting*". There should not be any distinction between planted indigenous forest and any other plantings.

B1.2.1.3 Sustainable Forest Management – Limited Discretionary

MAF seeks council amends this clause to read:
"*Sustainable forest management harvesting provided that any such activity has an approved Sustainable Forest Management Plan or Permit....*"
Registration should not be a prerequisite if the application for a resource consent is subject to council's discretion.

Further council is requested to consider reviewing the timing of requirements for SFM Plans and ecological assessments because of the financial commitments involved, in particular in regard to preparation and approval of draft SFM Plans.

In preference to the above and in the medium term, MAF would further seek council to identify Significant Natural Areas and outside these provide for sustainable forest management of indigenous forest as a permitted activity.

B1.2.1.3.1 Matters to which Discretion is Reserved

MAF seeks council consider requiring the presentation of an ecological assessment of a forest area prior to the preparation / approval of a draft SFM Plan pursuant to the Forests Act, rather than afterwards.

B5.5 Assessment Criteria.

MAF seeks that council provide a clear standard for “suitably qualified” to guide landowners in securing the services of ecologists for the purpose of undertaking ecological assessments.

B6.1.2 Information requirements – Limited Discretionary Activities.

MAF seek the addition of the following factors for consideration, to this clause:

“The area of the forest subject to the application be considered in relation to the area of comparable habitat in already protected areas in the district.”

“The likely impacts, if any, of the proposed activity will be considered in determining specific actions to avoid or mitigate “natural hazards”

B6.3 Information Requirements – Discretionary & Non Complying;

MAF requests that “selective harvesting”, if it has a different meaning to sustainable forest management, be defined, or the term replaced with “sustainable forest management”, as defined in Part 3A Forests Act 1949 and in other parts of the existing and proposed Variation to the District Plan.

4. MAF does wish to be heard in support of this submission.
5. If others make a similar submission I would not be prepared to consider presenting a joint case with them at any hearing.

Title and address for service:

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Technical Advisor Forest Operations
Sustainable Programmes
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CHRISTCHURCH 8543



Date: 6th October 2010

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CLOSING DATE

4:30pm 06 October 2010