

PRE-HEARING REPORT

Stratford District Plan Review: Variation 1 – Biodiversity



File F10/05-D11/6127

SUBMITTER: Ministry of Agriculture and Forestry

MEETING DATE: 9 March 2011

CHAIRPERSON: Rebecca Tayler, Stratford District Council

SUBMITTER Alan Griffiths, Technical Advisor Forest Operations
REPRESENTATIVE: Steven Rolls

IN ATTENDANCE: N/A

1. PURPOSE OF THE REPORT

This report is to provide a written record of the agreement reached at the pre-hearing meeting between Council and the Ministry of Agriculture and Forestry on points raised in the submission provided by the Ministry of Agriculture and Forestry to the Stratford District Plan Review: Variation 1 – Biodiversity in accordance with the provisions of Clause 8AA of Schedule 1 of the Resource Management Act 1991.

2. BACKGROUND

On 6 October 2010, the Stratford District Council received a submission from the Ministry of Agriculture and Forestry (MAF) on the Stratford District Plan: Variation 1 – Biodiversity. All submissions on the Plan Change were summarised, and this summary was released in October 2010, with further submissions closing on 5 November 2010. MAF did not provide a further submission.

MAF raised 11 points in their submission, all of which were proposed amendments.

3. DISCUSSION

Council staff provided an overview of the process and anticipated next steps, and then each of the issues in the submission were addressed. MAF gave a description of Sustainable Forestry Management Plans and Sustainable Forestry Management Permits, and the criteria that needed to be met for application of the respective plan or permit, along with an overview of the process undertaken by MAF in assessing applications. MAF stated that applications for permits far exceeded the plans, primarily given the cost and complexity of preparing plans for the land owner. Plans took a longer term view, usually having a minimum term of 50 years, whereas a permit was usually to a 10 year maximum period, with a cubic limit (cap) for harvesting activity, which may be reached earlier than 10 years.

The following points discussed between parties, and any agreement reached is provided below:

| Ref | Issue | Comment |
|-------------|---|---|
| - | S32 comments on Forests Act | MAF expressed a general concern that the comments in the section 32 report implied that there was criticism of the way that MAF had carried out its obligations under its own legislation (the Forests Act 1949). Council stated that it was not the intention to pass comment on the Ministry's effectiveness, moreover that the mechanism of relying on sustainable forest management permits and plans in isolation in the District Plan did not meet all of Councils biodiversity obligations under the Resource Management Act 1991. |
| - | Legislative reference | MAF requested that the reference to the Forests Acts is amended to refer to the principal consolidated Act, that is, the Forests Act 1949. Agreed by both parties. |
| 10/13-124 | Definition of "indigenous vegetation disturbance" to include limited harvesting | Council would prefer to deal with this issue as a rule rather than in the definitions. Council acknowledged that there could be issues where people wished to harvest trees that were lone trees or small clusters that are non-significant. E.g. single trees in the middle of a paddock. Council has undertaken to relook at this issue. |
| 10/13 - 125 | SFMPs should be a permitted activity | Council was not comfortable with SFMPs being a permitted activity, given the level of non-compliance. Also, the SFMPs overriding concern is sustainable harvesting, rather than biodiversity. MAF was concerned that Council was creating further layers of administration where land owners had already undertaken substantial work and cost to obtain an SFMP. MAF suggested that Council may be interested in exploring a memorandum of understanding similar to what is in place with Southland District Council. |
| 10/13-126 | SFMPs should be a permitted activity outside significant areas | Council commented that while the ring plain area may not seem significant, due to the low level of indigenous vegetation remaining, this becomes significant. MAF accepts this. MAF is concerned however, that because of the approach that Horizons have taken in their One Plan, that without assessing significance at the District level, large areas may be included as significant where this is not the appropriate classification, and also that land owners will be faced with extra costs of having to obtain a consent from the District Council and the Regional Council for the same thing. Council stated that this would not be a desirable situation. |

| Ref | Issue | Comment |
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| 10/13-127 | Ecological assessment criteria | MAF requested that there is clear signals given in the plan when an extensive ecological assessment is needed, and when some flexibility will be applied (e.g. single tree, regenerating bush, established forest). Council agreed to look at this. MAF has also undertaken to review the ecological assessment criteria in the general information requirements section and provide any feedback. |

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| 10/13-128 | Schedule | MAF would like Council to undertake an assessment of significant natural areas. Council commented that it did not intend to undertake the assessment due to the resources needed. However, Council would amend the schedule as more information was available. |
| 10/13-129 | Remove the word sustainable from planted indigenous forest rule | MAF were concerned that plantation forestry would be limited, where land owners had elected to plant indigenous species rather than exotic. Council confirmed that this was not the intention, and recognised that this type of activity would be non-sustainable harvesting. MAF undertook to provide suggestions of how this rule can be redrafted. |
| 10/13-130 | Substitute “legally established” with “has an approved” | Agreed by both parties. |
| 10/13-131 | Consent applications prior to SFMPs | MAF asked Council to particularly consider the timing of the ecological assessment in relation to the SFMP process. Their concern was that land owners often incur significant cost in SFMP applications, and it would be good for them to know that they had certainty prior to the SFMP being granted. Council responded that it would provide early advice to any land owner wishing to undertake these type of activities, and did not consider it necessary to make it a requirement that ecological assessments were required before SFMPs. Both parties agreed that this may be resolved in part through a memorandum of understanding between Council and MAF. |
| 10/13-132 | Ecological assessment criteria | Refer to 10/13-127. |
| 10/13-133 | Proportion of habitat type already within protected area | Agreed by both parties. This would need to be added to the ecological assessment as Council does not have sufficient detailed information. |
| 10/13-134 | Define selective harvesting or replace with sustainable forest management | Council stated that it would prefer to define selective harvesting. MAF will provide suggestion on the definition. |

Rebecca Tayler
POLICY PLANNER

Approved by
M R Avery
ACTING CHIEF EXECUTIVE

DATE