

IN THE MATTER of the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of Proposed Plan Change 1 to the Wellington
Natural Resources Plan (NRP): Hearing Stream 3
– Rural Land Uses; Forestry and Vegetation
Clearance; Earthworks

AND

IN THE MATTER of submissions, the subject of Hearing Stream 3

TO BE HEARD BY **GREATER WELLINGTON REGIONAL
COUNCIL**

**SUMMARY OF PLANNING EVIDENCE OF CHRISTOPHER
ADRIAN HANSEN FOR GUILDFORD TIMBER COMPANY
LIMITED, SILVERSTREAM FOREST LIMITED AND THE
GOODWIN ESTATE TRUST**

28 MAY 2025

Introduction

1. I provide the following summary of the key points in my planning evidence dated 5 May 2025. The following matters are addressed in this summary:
 - 1.1 Importance of the plan change to the submitters current forestry operations and further development plans
 - 1.2 The National Environmental Standards (Commercial Forestry) (NES-CF) and the need for more restrictive provisions in the NRP to control forestry activities
 - 1.3 The Planning Mechanism introduced into Policy WH.P28 and Planning Instrument brought into the Note and new explanatory text accompanying Rule WH.R20
 - 1.4 Allocation of provisions relating to commercial forestry that are allocated to the Freshwater Planning Process (FPP)
 - 1.5 Specific provisions in Policy WH.P28 and Rule WH.R20
 - 1.6 Specific earthwork provisions
2. I have also reviewed the following rebuttal evidence that address a number of these key points and comment on any further recommendations that make:
 - 2.1 Mr Shannon Watson
 - 2.2 Dr Michael Greer
3. Before I talk to the summary of my planning evidence, I have noted a few typos I wish to correct:
 - 3.1 Para. 6 – should have referred to PC49 to the UHCC District Plan
 - 3.2 Footnote 3 (page 8) – should have referred to para. 66
 - 3.3 Para. 29 – should have referred to Reynolds Bach Drive
 - 3.4 Para. 33 – end of second line should have read “... *monitoring site that is...*”
 - 3.5 Para. 47 – second line should have read “... *I do not see why it is necessary* ...”
 - 3.6 Para. 72 – should have referred to para. 55
 - 3.7 Para. 77 – should have referred to para. 60
 - 3.8 Para. 78 – should have referred to three key planning concerns

Importance of the plan change to the submitters current forestry operations and further development plans

4. In my overview of Submission S210, I provided a map in Figure 1 that showed the extent of the submitter's site, and the rezoning of the site requested through PC50 to the UHCC District Plan. This zoning change would allow for residential and mixed use activities in clusters along the ridgelines, some lifestyle residential activities, continued commercial forestry and the retention of indigenous vegetation in the areas to be retained as rural. This is an important context for considering the submitter's submission in relation to HS3 matters.

The National Environmental Standards (Commercial Forestry) (NES-CF) and the need for more restrictive provisions in the NRP to control forestry activities

5. In relation to commercial forestry activities, I endorsed the updated November 2023 NES-CF as providing a consistent and clear process for forestry practitioners to manage forestry operations, including on sites susceptible to erosion (para. 11).
6. I recorded 6 key points raised by the submitters that demonstrated the provisions included in PC1 to the NRP cause unnecessary requirements and restrictions on forestry managers that are in addition to the NES-CF (para. 12).
7. I questioned whether there are good reasons why more stringent rules are required, and considered the proposed planning regime is complex and does not represent best planning practice (para. 17).
8. It is my understanding the Forestry Management Plan and notification process under the NES-CF (described by Mr Rillstone in his evidence) is efficient, cost effective, and working extremely well (para.19).

Comment on Rebuttal Evidence Recommendations

9. I have reviewed Mr Watson's rebuttal evidence and note he has recommended:
 - 9.1 Amendments to the Forestry Management Plan definition to reference the requirements of the NES-CF which I support;
 - 9.2 Deletion of Schedules 34A-C which were the NES-CF schedules 3, 4 and 6 recommended in the s.42A Report which I also support.
10. Concerns regarding the additional layers of requirements in the policies and rules still remain.

The Planning Mechanism introduced into Policy WH.P28 and Planning Instrument brought into the Note and new explanatory text accompanying Rule WH.R20

11. I raised 4 key concerns with the planning mechanism proposed in Policy WH.P28 that required a resource consent application to demonstrate that erosion land and any discharge of sediment will be minimised in part Freshwater Management Unit's (pFMU) where visual clarity TAS are not met or there is a downstream receiving environment that is sensitive to sediment accumulation.
12. In particular my concerns were:
 - 12.1 Whether the resource user knows they require a consent (para.s 28, 29);
 - 12.2 Any listed commercial forestry activities will be regarded as requiring a restricted discretionary consent (para. 30);
 - 12.3 There is no distinction regarding the location, scale or level of effects the proposed activity might have (para. 31);
 - 12.4 How consideration will be given to a downstream receiving environment that is sensitive to sediment accumulation will be implemented (para 32).
13. I also raised concerns about requiring a restricted discretionary activity consent as a planning instrument as it causes confusion and potential duplication of the requirements of the NES-CF (para. 35).
14. In paragraph 36 I offered an alternative planning mechanism (being a Permitted Activity rule) if GWRC has a concern that it cannot recommend changes to, or decline, a Forestry Management Plan to address the issues it is trying to address through Rule WH.R20. I offered to provide some draft wording which I have included in Attachment 1 to this summary.

Comment on Rebuttal Evidence Recommendations

15. I note Mr Watson recommends substantial changes to Policy WH.P28, including a significant shift to managing (as opposed to minimising) discharges of sediment from commercial forestry through the Forestry Management Plans and setting conditions on resource consents, as well as some other mechanisms. While overall I support these initiatives, my concerns still remain in regards to setting consent conditions based on whether pFMU suspended fine sediment TAS are not being met or there is a downstream receiving environment sensitive to sediment accumulation.

16. In terms of Rule WH.R20, I note Mr Watson recommends a number of amendments to the Note and new Explanation, and in general I support the clarification intent of the changes (including clarification in the interim of the status of the TAS between the plan change and GWRC's first monitoring report). I also note that Mr Watson confirms Council is planning to address implementation of the TAS in Hearing Stream 4 which may be very helpful. Notwithstanding this, my concerns regarding the planning mechanism being adopted remain, particularly as Mr Shannon includes clarification that all downstream monitoring sites that do not meet the suspended fine sediment TAS apply when requiring a restricted discretionary activity consent. This seems to negate the assessment by Dr Greer in paragraph 34(1) of his rebuttal evidence that a 30% degradation in the visual clarity TAS at Hulls Creek would need to occur before there would be a shift to the B band. Sites downstream of the submitter's site that do not meet the suspended fine sediment TAS could well trigger the need for a resource consent regardless of the monitoring demonstrating the A band at Hull Creek.
17. I do accept Dr Greer's argument that a whole-of-catchment approach to managing suspended fine sediment is necessary, and that defined drainage catchment approach I proposed has difficulties. One compromise could be for Rule WH.R20 to require the suspended fine sediment TAS to be met at the nearest downstream monitoring station only to allow forestry activities upstream to be regulated by the NES-CF. Should there be a degradation at the nearest monitoring site of the TAS, then restricted discretionary activity consent would be required for future forestry activities.
18. While Mr Watson also recommends substantial changes to Rule WH.R20 itself, in practice all the amendments do is clarify the activities the rule applies to and rearranges the structure of the rule. From this perspective the recommended amendments do not address the fundamental concerns I raise about this planning instrument. I would point out that the amendments recommended by Mr Watson to Rule WH.R20 is contradictory to the amendments he recommends to the new Explanation to the rule as it states a restricted discretionary activity is required where the monitoring report 'demonstrates the suspended fine sediment meets the target attribute state' – I assume this should have read 'demonstrates the suspended fine sediment **does not** meet the target attribute state'?

Allocation of provisions relating to commercial forestry that are allocated to the Freshwater Planning Process (FPP)

19. I make the point in my planning evidence that the definitions of Afforestation, Harvesting, Mechanical land preparation, Replanting, Vegetation Clearance for the purpose of the commercial forestry rules, that originate from the NES-CF, have been allocated to the FPP. I do not consider this appropriate as the NES-CF definitions have a specific context relating to commercial forestry activities are adopted in this matter (para. 45).

Specific provisions in Policy WH.P28 and Rule WH.R20

20. In relation to Policy WH.P28, I record the submitter's concerns with the notified policy that referred to the mapping of 'highest erosion risk land (plantation forestry)' and Clause (c) that prohibited new and continuing (after harvesting) of commercial forestry on highest erosion risk land (para. 51).
21. Mr Willis recommends a way of resolving the mapping issue in his s.42A Report, and Mr Watson recommends deleting Clause (c), and in my evidence I support both of these recommendations. However, Mr Watson also recommends amendments to Policy WH.P28 in his s.42A Report by introducing what I have called a 'planning mechanism' (i.e. whether the visual clarity TAS is met in a pFMU) and a 'planning instrument' (i.e. the need for a resource consent where the visual clarity TAS is not met) which I have discussed above, and I do not support.
22. In relation to Rule WH.R20, I record in my evidence the submitter's opposition to the controlled activity rule requirement for commercial forestry on high/highest erosion risk land as the NES-CF already regulates these activities (para. 62).
23. Mr Watson in his s.42A Report recommended Rule WH.R20 be amended to require a restricted discretionary activity resource consent when the visual clarity for the relevant catchment does not meet the TAS at any monitoring site within the relevant pFMU, and amendments to the matters of discretion. I express my concern that there is not enough evidential basis to justify or establish the need for these more stringent provisions, given the NES-CF has recently been reviewed and updated and it is the early stages of being implemented (para. 69).
24. I also note the experience of Mr Rillstone as outlined in his evidence that the current process using Forestry Management Plans that include providing a Harvest Notice to GWRC is effective and efficient and results in good environmental outcomes for the forestry operator and the environment. I consider there needs to be compelling reasons

that demonstrate the current process is not working for additional regulatory process as recommended to be necessary (para. 70).

Specific earthwork provisions Rule WH.R24

25. I record in my evidence the submitter's opposition to the earthworks shutdown period included in Clause (b) and matter of discretion (8) (para. 74). Ms Vivian in her s.42A Report recommended amendments to Clause (b) that restricted the shutdown period to works located within a pFMU where the TAS for suspended fine sediment is not met (para. 76).
26. I identify 3 planning concerns I have with Rule WH.R24 as amended by Ms Vivian including (para. 78):
 - 26.1 In my opinion it is contrary to the policy direction of Policy WH.P29 that intends to 'minimise works';
 - 26.2 The recommended amendment to Clause (b) adopts TAS visual clarity;
 - 26.3 It creates uncertainty as to whether development may or may not occur in a particular year, depending on whether the TAS fine sediment limit is breached.

Chris Hansen

28 May 2025

Attachment 1 – Suggested wording for a Permitted Activity Rule

Rule WH.R20A – Commercial Forestry – Permitted Activity

Commercial forestry activities that comply with the requirements of the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2023 are a permitted activity, subject to meeting the following standards:

- a) A Forestry Management Plan is prepared and submitted to Council for consideration at least 20 working days prior to any harvesting or vegetation clearance activities associated with forestry activities;
- b) Any agreed amendments or changes between Council and the Forest Manager are adopted into the Forest Management Plan prior to any works;
- c) A Notice of Commencement will be provided to the Council at least 5 working days prior to any works;
- d) The Forest Manager will coordinate any site visits or reporting of works as requested by Council.