

HEARING 3, PLAN CHANGE 1 TO THE WELLINGTON NATURAL RESOURCES PLAN (PC1)

SUMMARY STATEMENT - EVIDENCE OF JEROME GEOFFREY WYETH ON BEHALF OF NEW ZEALAND FARM FORESTRY ASSOCIATION (NZFFA)

1 Introduction

- 1.1 My full name is Jerome Geoffrey Wyeth. I prepared planning evidence on behalf of NZFFA in relation to their submission on PC1. My evidence focused on the "PC1 commercial forestry rules"¹ that are more stringent than the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (**NES-CF**) and the justification for this.
- 1.2 I understand my evidence is taken as read so this summary statement focuses on three outstanding issues based on the recommendations in the rebuttal evidence of Mr Watson (Table 2) for Greater Wellington Regional Council (**Council**).
- 1.3 Firstly, I would like to acknowledge the work of Mr Watson who has recommended a number of improvements to the PC1 commercial forestry rules through this process.
- 1.4 In response to the rebuttal legal submissions for Council, I can confirm that the "four-step test" for more stringent rules than the NES-CF in my evidence was not intended to represent the applicable legal framework. Rather, these tests represent my opinion of good planning practice when proposing more stringent rules over the NES-CF based on the hierarchy of instruments in the Resource Management Act 1991 (**RMA**) and section 32 considerations.

2 Test 1 and Test 2 - Evidence and jurisdiction for more stringent rules to give effect to the National Policy Statement for Freshwater Management 2020 (NPS-FM)

- 2.1 There is no dispute that there is a need to reduce the effects of sediment on water bodies within the Whaitua to achieve the relevant Target Attribute States (**TAS**) objectives in PC1 and give effect to the NPS-FM. This provides jurisdiction for more stringent rules for commercial forestry in PC1 under Regulation 6(1)(a) of the NES-CF.
- 2.2 In terms of the level of evidence to demonstrate more stringent rules for commercial forestry are needed, I recognise the direction in the NPS-FM to set freshwater objectives using "best available information" (Clause 1.6). This makes it clear uncertainty in information should not delay decision-making and arguably lowers the evidential bar needed for more stringent rules for commercial forestry. However, I do not agree that relying on the NES-CF is "delaying decision-making" in a way that is inconsistent with the NPS-FM as stated in the rebuttal evidence (Point 1). Rather the NES-CF provides a comprehensive set of regulations that are targeted to the effects of commercial forestry.

¹ Rule WH.R20 and Rule P.R19. However, I note that there appears to be a drafting issue with these rules in that they apply where "...the measure of suspended fine sediment meets the target attribute at..." where I understand the intent is that these apply when the target attribute state is not met.

- 2.3 I also note that Clause 1.6 of the NPS-FM also provides direction to use modelling and other methods that provide the greatest level of certainty and take all practicable steps to reduce uncertainty. In this respect, I note that there appears to be no modelling of the contribution of commercial forestry to TAS for suspended fine sediment in the two Whaitua compared to other land uses, which I understand is common practice when giving effect to the NPS-FM.
- 2.4 Rather the need for more stringent rules for commercial forestry appears to be based on general evidence of sediment discharges from commercial forestry, an "equity argument" for sediment generating activities (discussed further below), and an assumption that "*the NPS-FM requires limits above those currently in place*" (i.e. the NES-CF)². I therefore retain the view that the evidence for more stringent rules for commercial forestry in PC1 is limited, while acknowledging there are tensions with the clear directions in the NPS-FM.

3 **Test 3 and Test 4 - Whether the NES-CF is inadequate to achieve the relevant freshwater objectives and whether the PC1 commercial forestry rules are more effective or efficient**

- 3.1 I am still of the opinion that there is insufficient evidence to demonstrate the NES-CF is inadequate to achieve the relevant TAS freshwater objectives and that the PC1 commercial forestry rules will be more effective or efficient to achieve those objectives.
- 3.2 In summary, it is my understanding that:
- (a) The evidence of Mr Greer is clear that, from a science perspective, the effectiveness of PC1 commercial forestry rules and the NES-CF was not considered through the Whaitua and PC1 development processes. Therefore, it is uncertain from a science perspective whether the PC1 provisions or the NES-CF will contribute to TAS being met, or that one will be more effective at reducing sediment than the other.
 - (b) There are differing views in the technical forestry evidence of Ms Strang and Mr Readon as to the effectiveness of the NES-CF and whether greater regulation will lead to better environmental outcomes. Ms Strang will cover this in more detail in her statement. However, I note that the rebuttal evidence appears to have overlooked the differing views in this technical forestry evidence and relied heavily on the evidence of Mr Readon to make such statements as "*the regulatory regime is not working*" (Table 3, Point 1).
- 3.3 From a planning perspective, the effectiveness of PC1 commercial forestry rules (compared to the NES-CF) seems to be based on the assumption that the consent process will lead to a better outcome by giving Council officers more ability to review and require changes to management plans and impose consent conditions. I can understand this perspective to an extent, but it relies on Council staff having internal

² Table 3, Point 1. In this response, the reporting officer states that, rather than doing more work on the influence of commercial forestry on achievability of TAS and the effectiveness of the NES-CF, he relies on the advice from Mr Readon that more than the NES-CF is required to protect water quality.

capability and knowledge of good management practices which I understand is currently limited. It is also unclear what additional requirements and improvements over and above the NES-CF are expected to be sought through this consent process and conditions³. This is reflected in Ms Strang's review of the resource consents provided in Appendix 3 of the rebuttal evidence that the consent conditions are largely the same or reworded versions of NES-CF regulations with some exceptions⁴.

3.4 Further, in my opinion, it is pertinent to reiterate the technical forestry evidence of Ms Strang that:

- (a) Consent requirements generally result in same environmental outcomes at greater economic cost; and
- (b) The most effective response to improve environmental outcomes from commercial forestry is to improve capability and undertake risk-based compliance monitoring.

3.5 Additionally, I consider that some of the potential costs associated with a restricted discretionary consent process have been overlooked in the rebuttal evidence, which will be covered in more detail in the NZFFA presentation.

3.6 Overall, in my opinion, the PC1 approach to commercial forestry should be based on a more fine-grained evaluation of where there are shortcomings in the NES-CF regulations that warrant more stringency or additional conditions, rather than the PC1 approach to apply a restricted discretionary activity status for commercial forestry activities based on the general assumption that PC1 needs to go over and above the NES-CF. A good example of this is some of the more specific requirements for forestry management plans recommended by the reporting officer⁵ and the non-regulatory methods M44A and M44B, which I generally support.

4 **Equity issues associated with PC1 approach to manage sediment from rural land uses**

4.1 The last point relates to equity issues associated with the PC1 approach to reducing sediment from rural land-use activities. If an "equity" argument is accepted where all rural land-use activities should play their part to reduce sediment to achieve TAS, then I still expect an "effects-based" approach to be implemented through PC1 whereby the more stringent requirements apply to activities with the greater potential for sediment discharges.

4.2 This is reflected in the rebuttal evidence of Mr Watson who has recommended the PC1 commercial forestry rules no longer apply to afforestation or replanting for exotic

³ For example, at Table 3, Point 3 the reporting officer states "*it is difficult to draft rules more refined than this for these activities without duplicating the NES-CF given the spectrum of matters permitted activity regulations in the NES-CF cover and the lack of guidance about what any more stringent standards might need to be (i.e. specific setback distances, earthworks volumes and areas etc)*". While this statement was made in relation to the drafting of rules, in my opinion, it highlights the uncertainty on where additional, more stringent standards are required.

⁴ I note that the conditions refer to compliance with the New Zealand Environmental Code of Practice for Plantation Forestry and Council Erosion and Sediment Control Guidelines, which could be considered further as additional permitted activity conditions (rather than a need for resource consent).

⁵ Clause (i) and (ii) in the recommended definition of "forestry management plan". However, the evidence of Ms Strang and Mr Guttke highlights a number of issues with new clauses (iii) to (v) in this definition.

continuous-cover forestry, which I support. However, PC1 takes the opposite approach for the other commercial forestry activities listed in Rule WH.R20 and Rule P.R19 whereby a more stringent regime is proposed (restricted discretionary) compared to pastoral farming (permitted) despite all experts appearing to agree the latter is least preferable from a sediment discharge perspective.

- 4.3 In response to concerns raised on this issue, the rebuttal evidence states that he cannot comment on approach for rural land use activities as "*that it is matter for Mr Willis*" and this can be simply explained by commercial forestry having the NES-CF and that "*requirements over and above the NES-CF are required*" (Table 3, Point 5).
- 4.4 With respect, I do not consider that this is an adequate response to this issue. It indicates a siloed response to address a Whaitua wide issue (sediment) and clear inequity issue in PC1. In my opinion, the most effective approach to achieve the TAS objectives from an effects-based perspective is to apply the more stringent rules to the activities that generate the most sediment. This should apply regardless of what the "starting point" is prior to PC1, particularly where that starting point is a set of national regulations targeted to the effects of commercial forestry activities.

5 Conclusion

- 5.1 The need for a reduction in sediment from land-use activities in the Whaitua and the jurisdiction for more stringent rules for commercial forestry to give effect to the NPS-FM is not in dispute. The key issues in my opinion are the evidence to demonstrate the NES-CF is inadequate and the most effective and efficient way to manage sediment discharges from commercial forestry where TAS are not being met. On the one hand is a restricted discretionary activity consent regime as proposed through PC1, on the other hand is the NES-CF with non-regulatory support to improve implementation and additional requirements where there is clear evidence to support it (e.g. more specific management plan requirements for 5m scale mapping and identification of scheduled sites). In my opinion, the latter is likely to be more effective and efficient for the reasons I have outlined.

Jerome Wyeth
27 May 2025