

SUMMARY OF EVIDENCE OF MELISSA LEANNE PEARSON ON BEHALF OF PORT BLAKELY LIMITED

INTRODUCTION

1. My full name is Melissa Leanne Pearson. My qualifications and experience are set out in my Evidence in Chief.
2. This Summary of Evidence sets out the key points within my Evidence in Chief.

SUMMARY OF EVIDENCE

3. My Evidence in Chief relates to concerns raised by Port Blakely Limited (**Port Blakely**) with respect to the ECO, NATC and NFL chapters of the Timaru Proposed District Plan (**Proposed Plan**). The core issue I address is ensuring that these chapters align with the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (**NES-CF** – previously the NES-PF). My Evidence in Chief focuses on the amendments to the following provisions that I consider are necessary to achieve this alignment:
 - (a) ECO-R1;
 - (b) NATC-R1;
 - (c) NATC-R3; and
 - (d) NFL-R7.1.

Reporting officer recommendations that are supported

4. My Evidence in Chief concludes that the amendments recommended by the reporting officer in the section 42A report largely address the concerns raised by Port Blakely with respect to the ECO, NATC and NFL chapters of the Proposed Plan. The main concern raised by Port Blakely is that the provisions listed in paragraph 3 above are more stringent than the NES-CF and that there is no justification in the section 32 reports to warrant this additional stringency.
5. I support the recommended approach of the section 42A officer to use advice notes to make it clear that specific rules in the ECO and NATC chapters do not apply to commercial forestry activities regulated under the NES-CF, which, in my view, means there is no longer a need to amend the policy and rule frameworks of the ECO, NATC and NFL chapters in the manner suggested in the Port Blakely primary submission.

6. As set out in paragraph 46 of my Evidence in Chief, the use of advice notes was not the relief initially sought by Port Blakely in their primary submission (being a combination of policy amendments and additional permitted conditions inserted into ECO-R1). However, I consider that an advice note achieves the same outcome as the relief sought by Port Blakely, that is, clear and explicit direction that ECO-R1, NATC-R1 and NATC-R3 do not apply to commercial forestry activities regulated under the NES-CF. I also agree with the reporting officer that using an advice note has the added advantage of avoiding potential duplication with NES-CF provisions and that it creates a clear separation between the ECO and NATC chapters and the NES-CF regulations. This ensures that the provisions of the Proposed Plan do not duplicate the NES-CF regulations or introduce additional, unjustified stringency that undermines the NES-CF with respect to achieving nationally consistent regulation of commercial forestry.
7. I also support the recommended amendments to NFL-R7.1 to better align with Regulations 13 and 15 of the NES-CF. I agree with the reporting officer that the retention of the reference to SCHED-10 in the matter of control for NFL-R7.1 is appropriate as, while not strictly aligning with Regulation 15(4), it contains a clear reference to where Visual Amenity Landscapes are scheduled in the Proposed Plan and spatially links the matter of control to consideration of visual amenity effects on these areas only.

Additional changes sought

8. The only additional change I recommend is to ensure the advice notes relating to commercial forestry activities being regulated under the NES-CF are applied consistently across the ECO and NATC chapters, particularly with respect to the rules applying to earthworks and indigenous vegetation clearance in High Naturalness Water Bodies. As set out in paragraph 72 of my Evidence in Chief, there is an inconsistency with respect to the advice note applied to NATC-R3.2 (earthworks in the riparian margins of a HNWB) and the equivalent indigenous vegetation clearance rule (now ECO-R1.3, moved from NATC-1), where there is no advice note applied. I consider it is appropriate that commercial forestry activities regulated by the NES-CF should be exempt from complying with rules for both earthworks and indigenous vegetation clearance in the riparian margins of a HNWB and that the section 42A report does not clearly explain the rationale for this inconsistent approach.

Thank you again for the opportunity to present my evidence and I am happy to address any questions.

Melissa Pearson
7 November 2024