

**PLANNING EVIDENCE**

**IN THE MATTER OF**

Proposed Plan Change 1 to the Regional Land and Water Plan (*PCI*)

**AND**

**IN THE MATTER OF**

A hearing into the above pursuant to the Resource Management Act 1991

**DATE OF HEARING**

18-21 June 2018

**REVIEW OF ECOLOGY MATTERS RELATED TO SUBMISSIONS AND  
FURTHER SUBMISSIONS OF SUPERSPHAG LTD AND COASTPAK TO  
PROPOSED PLAN CHANGE 1 TO THE REGIONAL LAND AND WATER  
PLAN - SPHAGNUM MOSS HARVESTING  
(MISCELLANEOUS CHANGE N)**

**Evidence of Martin Kennedy**

**West Coast Planning**

*Planning for Tomorrow, Today*

## **1.0 INTRODUCTION**

- 1.1 My name is Martin Kennedy and I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth.
- 1.2 I have been engaged by Supersphag Limited and Coastpak to provide planning evidence in regard to issues related to Proposed Plan Change 1 to the Regional Land and Water Plan (*PCI*) as they relate to the harvesting of sphagnum moss (Miscellaneous Change N: Glossary – Vegetation Disturbance), and more particularly recommendations and amendments set out in the Section 42A Report and associated S32AA Report.
- 1.3 My role in this hearing process is to provide evidence on relevant resource management issues to assist the Commissioners in considering the matter.

## **2.0 SUBMITTER**

- 2.1 The submitter is: Supersphag Ltd (*Supersphag*) – Submitter Reference 41  
Coastpak – Submitter Reference 11

## **3.0 WITNESS**

- 3.1 As above I have been requested by the submitters to present evidence on the resource management and planning issues relating to certain matters which were the subject of submissions and further submissions to PC 1 – Moss Harvesting.
- 3.2 I am the Sole Director of West Coast Planning Limited, a Resource Management and Planning Consultancy based in Greymouth. Prior to that, I was Manager of the Environmental Services Department of the Grey District Council based in Greymouth. Before that I was District Planner at the same Council. I have 27 years Resource Management and Planning experience. I have experience in all aspects of implementation of the Resource Management Act (from a consent authority, applicant and submitter perspective) including; Resource Consent Applications (processing, development and submissions), environmental effects assessments, notification and processing decisions, and District Plan development, implementation and associated processes. I also assist submitters with submissions

and involvement in Regional and District Policy and Plan development processes under the Resource Management Act.

- 3.3 I have had specific experience with the development, implementation and interpretation of the Policies and Plans as a consultant to Councils, applicants and submitters.
- 3.3 I have a BSc (Physical Geography) and a Masters Degree in Regional and Resource Planning (MRRP).
- 3.4 I am a current full member of the New Zealand Planning Institute.
- 3.5 I have read and understood the Code of Conduct for Expert Witnesses contained in the Environment Court's Consolidated Practice Note 2014 and agree to comply with it. The report presented is within my area of planning expertise and I confirm that I have not omitted to consider material facts that might alter or detract from the opinions given in this evidence.

#### **4.0 SCOPE OF EVIDENCE**

- 4.1 Supersphag and Coastpak made submissions to PC1 in support of the proposal to allow moss harvesting in scheduled wetlands, and later in the process further submissions. Since the lodging of submissions a number of activities have been undertaken, including;
- an independent review of moss harvesting practices and their potential effects on wetland values has been undertaken (Landcare Research – Identifying the environmental effects of sphagnum moss harvesting on wetlands – August 2017).
  - A workshop has been undertaken to review and develop a potential rule to permit harvesting subject to meeting certain standards, including monitoring. The proposed rule (Rule7a) in the Section 42A Report and the Section 32AA Evaluation Report reflects that process.

- 4.2 I can confirm that I have had an involvement in the activities set out in paragraph 4.1 in my role as an adviser to Supersphag and Coastpak on resource management and planning matters.
- 4.3 This evidence is submitted for purpose of providing my opinion and recommendations in regard to the recommended outcomes, in their current form, in the Section 42A Report and the Section 32AA Evaluation Report as they relate to the resource management and planning matters related to provisions to permit the harvesting of sphagnum moss in Scheduled wetlands.

## **5.0 CONCLUSION**

- 5.1 The process to date has provided a sound opportunity for the resource management matters to be considered and assessed in terms of the sustainability of permitting the harvesting of sphagnum moss within scheduled wetlands. This has included the obtaining of independent ecological advice regarding the potential effects of sphagnum moss harvesting in scheduled wetlands.
- 5.2 A consultative process was entered in to in good faith, following the submission period, by a range of parties with differing perspectives on the matter. This included both Supersphag and Coastpak. Whilst it is accepted that no final agreement was reached it is considered that the Section 42A Report and the Section 32AA Evaluation Report generally reflects that process. This includes proposed Rule 7a which was developed through that process.
- 5.3 I generally support the recommendations of the Section 42A Report in their current form, including the Section 32AA Evaluation and associated Rule 7a. Although some brief discussion of certain matters is provided in the following commentary.
- 5.4 On consideration of the issues arising, and taking in to account the submissions and further submissions of both Supersphag and Coastpak, I consider that permitting the harvesting of sphagnum moss in Scheduled wetlands through the adoption of proposed Rule 7a can achieve the relevant objectives and policies of the Regional Land and Water Plan and accordingly the purpose and principles of the Resource Management Act.

## **6.0 STRUCTURE OF EVIDENCE**

6.1 To assist with this evidence the following sections are provided;

- a. Recommendations on Submissions and Further Submissions *(Section 7.0)*  
supported
- b. Effects of Harvesting *(Section 8.0)*
- c. Regional Land and Water Plan Objectives & Policies *(Section 9.0)*
- d. Part II of the Act *(Section 10.0)*

## **7.0 RECOMMENDATIONS ON SUBMISSIONS AND FURTHER SUBMISSIONS AND THE SECTION 32AA EVALUATION REPORT**

7.1 Having reviewed the Section 42A Report and the Section 32AA evaluation report I am in general agreement with those assessments. They are sufficiently broad to canvass the relevant matters and assess the suitability of the proposed permitted activity rule in achieving sustainable management with respect to the harvesting of sphagnum moss within scheduled wetlands.

7.2 An important point that does not appear to have been a major consideration is that some of the scheduled wetlands were included in the Regional Land and Water Plan containing existing harvesting operations. I do acknowledge that the history of harvesting has been recognised in the assessments, and indeed there is a very long history of moss harvesting in wetlands on the West Coast. However in some cases this was not an historical activity but an actual activity occurring prior to scheduling and which had been occurring for some time previous to that. From the information available agreements made at the time of the Environment Court process, which resulted in the inclusion of the Schedule 2 wetlands without prior review or consultation, to allow for moss harvesting would indicate recognition that such activities were a part of the West Coast environment and in some cases already occurring.

## **8.0 EFFECTS OF HARVESTING**

- 8.1 The effects of harvesting, and in some cases not harvesting or actively managing some wetlands, are canvassed in the Section 42A Report and Section 32AA evaluation.
- 8.2 There was some concern expressed through submissions regarding the potential effects of harvesting activities on the values of scheduled wetlands. Some information was already known and harvesters had considerable knowledge and expertise in maintaining the wetlands to ensure existing values are retained and sustainable growth of sphagnum moss achieved. Over time harvesters have adapted their practices to ensure sustainable outcomes and, based on the submissions to the process, it would appear that there may have been some misunderstanding of these practices.
- 8.3 In any event both Supersphag and Coastpak were agreeable to an independent review of the potential effects of harvesting as this allowed decisions to be made based on current, or more up to date, knowledge. That outcome of that process is the Landcare Resource report attached to the Section 32AA evaluation.
- 8.4 Supersphag and Coastpak have also been proactive in engaging ecological advice in the process and Mr Jan Derks of TACCRA Ltd has filed evidence providing his opinion regarding ecological matters relating to harvesting within scheduled wetlands. Ultimately there is general agreement between the conclusions of both Mr Derks and the Landcare Research report.
- 8.5 I note that Mr Derks has outlined some key considerations and I consider they are important matters in considering this issue and the potential effects of management of the harvesting of sphagnum moss in scheduled wetlands.
- 8.6 I accept the advice of Mr Derks that proposed Rule 7a is appropriate and will achieve the outcome of sustaining the values of the wetlands within which moss harvesting occurs.

## **9.0 REGIONAL LAND AND WATER PLAN OBJECTIVES & POLICIES**

9.1 Given the proposal is to provide for the harvesting sphagnum moss in scheduled wetlands it is appropriate to consider the relevant objectives and policies of the Regional Land and Water Plan. These objectives and policies are not proposed to be changed as part of this process.

9.2 In my opinion the relevant Objectives and Policies in this instance are;

*Objective 3.2.1 To provide for the sustainable use and development of land and water resources.*

*Objective 6.2.1 To recognise and provide for the protection of the natural character, indigenous biodiversity and other values of wetlands in the region.*

*Policy 6.3.2 To recognise the significant wetlands in Schedule 2 that are shown to meet any one of the ecological criteria in Schedule 3, and to identify and protect their values by controlling activities in those wetlands and their margins to ensure their natural character and ecosystems (including ecosystem functions and habitats) are sustained.*

*Policy 6.3.5 To recognise and provide for the protection of wetlands by promoting the maintenance and enhancement of the natural values of all wetlands in the region and by managing adverse effects of activities on the values present, including natural character, ecosystems (including ecosystem functions and habitats), aesthetic values or amenity values.*

9.3 It is my opinion that the proposed permitted rule for harvesting sphagnum moss within scheduled wetlands is consistent with these objectives and policies. This is based on the history of sphagnum moss harvesting within wetlands in the Region and the available ecological advice in regard to the potential effects of such harvesting.

9.4 The harvesting of sphagnum moss within wetlands is not a new activity and has occurred in some scheduled wetlands. In some cases harvesting was still occurring within wetlands at the time scheduling took place. The scheduling of wetlands containing such activities, or having been subject to harvesting, would indicate that the two are not mutually exclusive from the perspective of sustaining wetland values while providing for the sustainable use and development of the sphagnum moss resource.

9.5 The permitted activity rule allows a reasonable level of control of harvesting to ensure activities are undertaken to an appropriate and consistent standard. This will

both sustain the values within a wetland, including the sphagnum moss resource, whilst in some cases assisting to sustain the functioning of the wetland. It is apparent from the ecological information that in some cases the exclusion of appropriate use and management may result in the loss of values for which wetlands were originally scheduled.

## **10.0 PART II OF THE ACT**

- 10.1 Part 2 of the Act, and more particularly Section 5, requires an assessment of the proposal and its ability to achieve the Acts overriding principal of sustainable management to be undertaken. This is particularly relevant for development of Policies and Plans as these documents become, in essence, the embodiment of those matters as they are considered to relate to the particular region covered by the document.
- 10.2 In this instance the Regional Land and Water Plan contains existing objectives and policies that are not proposed to be amended through this process. These have been developed to achieve the requirements of Part 2 of the Act.
- 10.3 The proposed Plan Change and associated rule provides for ongoing access to the sphagnum moss resource for the benefit of the industry, and community, whilst setting an appropriate level of control to ensure activities are undertaken in a manner which sustains the values of the wetlands within which those activities occur. This includes, in some instances, provision for the active management of some wetlands through the harvesting process to ensure the wetlands themselves are maintained.
- 10.4 It is my opinion that the current recommendations of the Section 42A Report, including the proposed permitted activity rule (Rule 7a), will assist in ensuring that the permitted harvesting of sphagnum moss from Scheduled wetlands achieves the purpose and principals of the Act for the reasons discussed above.

**Martin Kennedy**  
**Planning Consultant**  
**(West Coast Planning Ltd)**

**31 May 2018**