

To: Councillor N Taylor.

Cc: Councillors, Faulls, Maher and Oddie.

Subject: **Crail Bay Road- Winter Logging Operations - Lessons?**

The Association is, of course, very supportive of the Crail Bay residents and road users getting this matter sorted. However, as always, the Association tries to look past the immediate issue and consider the bigger picture and any lessons to be learnt. This has implications in your (and other Councillors') governance role.

Resource Consenting and Forest Harvesting

KCSRA's focus on the adverse impacts from the harvesting of woodlots dates back to 2014. You will recall the successful Atkins/MDC litigation.

So we have had some time to consider the issues. Accordingly, in the course of the 2018 MEP hearings we were very conscious of the need to put some resource and effort into the proposed policy framework for this activity.

Nevertheless we were **not successful** in having forestry harvesting in the Coastal Marine Area (effectively includes all of the Sounds) made a **discretionary activity**.

However, the consolation was shifting it from a permitted activity (no consent required) to a **restricted discretionary** activity (consent required) status. Industry has appealed that decision but, hopefully, that unmeritorious challenge will be beaten off at the Environment Court.

What KCSRA (and communities like Crail Bay) are learning is that a **restricted discretionary** status means it is **very unlikely** that the public will be permitted a say in terms of the consent application process. And so it was with the Crail Bay logging application.

That means, we suggest, a need for a shift in mindset at the MDC planning level. No longer will the MDC planning officer "sit in the middle" of applicants and submitters. In terms of community concerns over such an application, they are it.

That may require some specialized up-skilling or, at the very least, a site visit as a matter of course. I also suggest an experienced compliance officer should be part of that field visit. We respectfully suggest facilitating that mind shift is part of the governance role.

I have **attached** the relevant planner's decision on the Crail Bay application FYI.

As can be seen the nub of the problem was identified – adverse impacts of logging operations over the high rainfall day winter period - but this very pertinent discussion (and the apparent willingness of the applicant to avoid operations over the winter period) never found its way into the consent conditions. Winter harvesting operations are thus permitted.

With the benefit of hindsight I suggest that the regulatory focus was on reducing the amount of public road to be used by logging trucks going from the forest to the barge site.

Unfortunately, and notwithstanding the discussion around the potential impact of associated gravel operations for road users, the connection between logging operations over winter and their need for gravel (to alleviate the mud bath at the skid and barge loading site) was overlooked. Hence the consequential significant adverse impact on that section of Crail Bay Road used by the gravel trucks - remember clay base gravel roads take much longer to dry off over winter.

I accept that MR would/should have been consulted and had a role to play here. We suggest some governance consideration needs to be given to reviewing the current structure of that input and its effectiveness in the context of this activity.

Land Transport Act

KCSRA is also becoming uncomfortably aware of just what the restrictions on what the MDC planning Officer may consider in terms of the RMA process for this activity may mean in terms of, for example, considering the direct consequential adverse impacts on the likes of the fragile and unsuitable Kenepuru Sound area road network.

Accordingly, from a governance point of view that means, we respectfully suggest, that MDC's focus needs to include a deeper consideration of its powers as a road regulatory authority under the Land Transport Act. For example; what are the tools available to it in terms of effectively mitigating a high impact, concentrated activity such as the harvesting of woodlots on the subject road network? How might they be best used in the circumstances?

Happy to talk with you and other Councillors on these and related matters.

Once again thanks for taking an interest.

Andrew Caddie
President KCSRA
4 July 2021