FOREST OWNERS ASSOCIATION

New Zealand Farm Forestry Association
Oranga Rākau Aotearoa

Submission

Development of national direction under the resource management system.

Package 1: Infrastructure and development

Package 2: Primary Sector

Submission to:

Ministry for the Environment

27 July 2025

Growing Your Future

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Endorsed by

Regional wood councils act as representative bodies for the forestry and wood processing industries in their respective regions. They play a critical role in promoting the sustainable development of the industry, fostering collaboration and advocating for the interests of their members. Whilst many of the wood councils will prepare their own submissions to the National Direction consultation, FOA/FFA's submission is endorsed by the following wood councils:

Submitters

The New Zealand Forest Owners Association Incorporated (FOA) is the representative membership body for the commercial plantation forest growing industry. FOA members are responsible for the management of approximately 1.2 million hectares of Aotearoa New Zealand's plantation forests and over 70% of the annual harvest.

The New Zealand Farm Forestry Association (FFA) represents people who own small-scale private forests and/or are interested in the many values of trees. Currently FFA have over 1200 members representing a good cross-section of the approximately 15,000 entities owning private forests in Aotearoa New Zealand. Small forest owners represent more than 96% of the participants in the New Zealand Emissions Trading Scheme.

In 2024, the forest growing sector was worth $5.75 billion in export value and is projected to reach $6.4 billion1 by 2026. The sector has a 12% share of rural land use. It contributes 1.6% of New Zealand's GDP and employs approximately 42,000 people in wood production, processing, and the commercial sector. It is anticipated that total export returns for forest products will reach $7.33 billion by 20272. Commercial forests sequester approximately half of New Zealand's carbon dioxide emissions.

Introduction

FOA/FFA welcome the opportunity to provide feedback on the Resource Management Act National Direction Package 1: Infrastructure and Development and Package 2: the Primary Sector. We are supportive of the government's intent to enable growth in the primary sector and note that it is essential for national direction to reflect the reality of productive land uses and the practical measures available to manage environmental effects. Our submission provides comments on the aspects of Package 1 that are relevant to forest growers and provides a detailed commentary for Section 2.2 the proposed changes on the National Environmental Standards for Commercial Forestry.

[1] https://www.mpi.govt.nz/resources-and-forms/economic-intelligence/situation-and-outlook-for-primary-industries/#:~:text=shifting%20trade%20policies.-,Forestry,to%20increase%20to%206.4%20billion.

[2] https://www.nzfoa.org.nz/images/Facts_and_Figures_2022-2023_-_WEB.pdf

Package 1: INFRASTRUCTURE AND DEVELOPMENT

Part 2.1 National Policy Statement for Infrastructure

Question 1: Is the scope of the proposed NPS-I adequate?

FOA/FFA acknowledge that one of the key challenges the proposed National Policy Statement for Infrastructure (NPS-I) seeks to address is the current resource management system's tendency to underplay the broader benefits of infrastructure. This includes insufficient recognition of infrastructure's role in supporting the wellbeing, health, and safety of people and communities, now and in the future.

Historically, infrastructure has often been assessed primarily through the lens of local environmental effects, with limited weight given to its functional need and wider societal value, or its national or regional significance.

Like all industry, forest growers are reliant on infrastructure, including public roads, ports and airports. We generally support rebalancing this framework. However, we are concerned that:

(a) expanding the definition of infrastructure to include (private) hospitals and (private) schools;
(b) applying the NPS-I to some activities already defined as infrastructure in the RMA; and
(c) Extending the NPS –I to infrastructure supporting activities

- risks undermining the original intent of this reform.

For example, forests' internal roading systems fall within the definition of "infrastructure". Data centres and transport hubs may fall within the definition of infrastructure supporting activities. However, the operational profile of these activities is fundamentally different from essential public service infrastructure such as wastewater treatment plants or public roading. Similarly, (private) schools and (private) hospitals, while serving important social functions, often do not possess the same locational constraints, network dependency or regional or national significance as core utilities or transport systems.

Question 2: - Do you agree with the definition of "infrastructure", "infrastructure activities" and "infrastructure supporting activities' in the NPS-I?

Providing infrastructure status to privately operated social facilities, particularly those driven by commercial models or restricted access, could stretch the definition beyond what is functionally necessary for the delivery of essential services. There is a risk that strategic infrastructure planning will be diluted.

Further, unlike core transport networks, schools and hospitals do not typically exhibit a strong locational or operational need that requires planning enablement. Many such facilities are sited based on market demand, land availability, or zoning flexibility rather than a critical spatial dependency.

When disparate infrastructure—serving different functions, environmental sensitivities, or community interfaces — is afforded the same strategic status as regionally or nationally significant infrastructure, this can create overlapping spatial demands, regulatory

inconsistencies, and unintended competition within planning hierarchies. Maintaining clarity around infrastructure's purpose, locational necessity and degree of importance is essential for coherent policy outcomes.

Recommendation

FOA/FFA submit that if infrastructure status is to be conferred beyond traditional public utilities and services, it should be clearly tied to both locational and functional need as well as regional or national significance. For example, infrastructure with strong spatial dependencies, such as transmission lines, water reservoirs, or ports, can justify streamlined planning pathways due to constraints in siting and interconnectivity. Conversely, facilities such as (private) hospitals or (private) schools often do not carry such functional imperatives and should therefore be subject to standard planning processes unless a clear locational or function need coupled with regional or national significance can be demonstrated.

Maintaining this distinction would ensure the NPS remains targeted, proportionate, and effective in enabling infrastructure that truly requires locational flexibility or strategic placement.

Part 2.4: National Environmental Standards for Electricity Transmission Activities

Overview

FOA/FFA support the goal of improving electricity network resilience and acknowledges the national importance of reliable transmission and distribution infrastructure. We understand that the intent of the proposed National Policy Statement for Electricity Networks (NPS-EN) is to streamline consenting processes and clarify operational rules for electricity network activities.

However, the forestry sector holds serious concerns about several proposed amendments, particularly where they may:

a) Undermine water quality safeguards and disrupt regulatory parity in rural and forested landscapes.

b) Enable greater relocation and increased structure heights, which could result in the shifting of transmission and distribution lines at cost to adjacent land users, including forest owners.

We also note the growing complexity and overlap across multiple regulatory frameworks that govern forestry and electricity transmission—including the NES-CF, NES-F, Electricity Act, Electricity (Hazards from Trees) Regulations, and the NES-ETA itself. These regulatory intersections must be acknowledged and managed carefully to avoid undermining existing protections or compliance obligations in adjoining sectors.

While forest growers do not oppose permitted activity status in principle for electricity distribution network (EDN) activities, this status should only be granted where the environmental standards are equivalent to those required of adjacent land users, including forestry operations. Plantation forestry is subject to detailed and stringent requirements

under the NES-CF; it is therefore essential that EDN operators meet comparable expectations when operating in shared landscapes—particularly within shared catchments or on forest-owned land. In our view, the proposal does not adequately address these inconsistencies, as explained below.

Erosion, Sediment Control, Earthworks and Culverts – Need for Alignment with NES-CF

Forestry operations are held to high environmental standards under the NES-CF to protect water quality, maintain slope stability, and safeguard sensitive ecosystems. These requirements extend to activities such as earthworks, sediment control, culvert installation, and access track upgrades, many of which are mirrored in electricity distribution network maintenance and development.

FOA/FFA submit that EDN activities undertaken within or near forested land should be subject to the same environmental expectations as forestry operations. Permitting EDN activities with lesser controls in erosion-prone or ecologically sensitive areas creates a significant imbalance in environmental accountability. 2. Structure Relocation – Risks to Forest Margins and Adjacent Land Uses

The proposed amendment to reg 14 of the NES-ETA, increasing the permitted relocation of transmission line support structures from 5 metres to 10 metres, could substantially elevate the risk profile for adjacent plantation forests. While previously compliant trees may have been safely positioned beyond the operational footprint of conductors and support infrastructure, a 10-metre relocation allowance may result in conductor alignment shifting over forest margins. This, in combination with the broadened Growth Limit Zone (GLZ) and Treefall Hazard Zone under the amended *Electricity (Hazards from Trees) Regulations 2003*, could subject existing, legally established forest rows to removal notices - even where these trees were planted in accordance with past setback rules.

The potential to also increase support structure height further exacerbates this issue, widening the GLZ and capturing additional tree canopies under fall-risk assessments. These compounding spatial expansions introduce uncertainty for forest owners and risk unintended devaluation of ETS-registered forest areas, with implications for carbon sequestration, harvest planning, weed management and operational viability.

To appropriately manage the environmental and operational interface between electricity infrastructure and plantation forestry, the status quo under NES-ETA Regulations 14 and 16 should be retained: i.e maintaining the classification as restricted discretionary activities, with discretion limited to earthworks and clearance of vegetation and trees as set out in Regulation 16(4)(b).

This approach ensures site-specific impacts on existing forestry assets can be transparently assessed and appropriately mitigated, preserving fairness while enabling essential infrastructure work.

Recommendation

Forest growers urge the Ministry to ensure that NPS-EN provisions reflect environmental parity and cross-sector coherence, particularly in rural and forested settings where infrastructure and land-use values intersect.

The proposals must:

(a) Ensure that the land management obligations of both forestry operators and EDN activities are on par to avoid unintended consequences for forestry.
(b) Maintain existing regs 14 and 16 without amendment.

Part 3.3: National Policy Statement for Natural Hazards (NPS-NH)

Question 72: Should the NPS-NH apply to all new subdivision, land use and development, and not to infrastructure and primary production?

FOA/FFA strongly support the proposal to exclude primary production from the scope of the NPS-NH and cautions against any future attempt to extend its provisions to cover production land uses.

As noted in the Discussion Document and Interim Regulatory Impact Statement (RIS), the NPS-NH is designed as a foundational planning tool intended to improve resilience for new development. Infrastructure and primary production are explicitly excluded from its scope due to the functional complexity and nuanced policy considerations required for these sectors.

If future iterations were to encompass primary production, this would constitute a fundamental shift in scope and policy intent—one that would require extensive consultation and sector-specific analysis.

Production land is already subject to a multi-layered policy environment, including restrictions proposed under the Climate Change Response (Emissions Trading Scheme—Forestry Conversion) Amendment Bill. That Bill includes:

- A moratorium on farm conversions to forestry on Land Use Capability (LUC) classes 1–5 registered in the New Zealand Emissions Trading Scheme (the ETS).
- Caps on exotic forest conversions on LUC class 6 registered in the ETS.

Class 8 land is generally considered unsuitable for production forestry.

If NPS-NH provisions were layered onto this framework, particularly where erosion or landslide risk were assessed as “significant” using the matrix, then the functional use of class 7 land could also be curtailed. In practice, this would severely constrain land-use optionality across nearly all LUC classifications, undermining rural productivity and investment confidence.

New Zealand’s market economy relies on the security of property rights, where landowners retain the ability to use and invest in their land, subject to clear and proportionate environmental safeguards. If hazard designations under a future NPS-NH framework were to

trigger sweeping controls on production land without clear mitigation pathways or compensation mechanisms, this would erode confidence in long-term land-use investments.

Production forestry, in particular, is a multi-decade investment, often aligned with ETS carbon sequestration goals and erosion control outcomes.

Disrupting land-use certainty would disincentivise environmentally aligned investment and risk unintended consequences for rural employment and regional development.

FOA/FFA note that foresters already internalise the costs and consequences of land-use decisions. Harvesting plans, roading systems, culvert networks and erosion mitigation strategies are regulated under the National Environmental Standards for Commercial Forestry (NES-CF), which includes robust controls aligned with natural hazard risk.

Introducing additional hazard-based limitations through the NPS-NH, without functional need or improved outcomes, would result in regulatory duplication, increased compliance cost, and misaligned incentives.

Recommendation

The NPS-NH should retain its current scope and exclude primary production activities to avoid misalignment with existing policy settings, regulatory overreach, and erosion of productive land use certainty. Further consideration of natural hazard risk for primary production should be undertaken through sector-specific policy tools developed in consultation with affected stakeholders, and in a manner that recognises the functional context, spatial variability, and environmental constraints and contributions of the sector.

Question 73: Would the proposed NPS-NH improve natural hazard risk management in New Zealand?

Yes. Decades of development in extremely high risk locations has unquestionably contributed to the scale of damage in recent cyclonic storm events, most recently Cyclone Gabrielle. The effects of events of this magnitude simply exceed what can practically be managed for. With the impacts of climate change forecast to increase in frequency, it is absolutely essential that future development is located outside of the highest risk zones. In addition, any development or infrastructure that has a functional need to be placed in high risk locations, should be designed to increase its resilience to damage as practical. For example, appropriate design of bridges. There is clearly a limit to what can realistically be controlled in cyclonic events, and development must be managed taking this into account. The same principles apply to risk from other natural hazards that cannot be controlled.

PACKAGE 2: PRIMARY SECTOR

Part 2.2: National Environmental Standards for Commercial Forestry

Question Number	Question	Response
10	Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?	In principle we agree with the proposed amendment to regulation 6(1)(1) and see this as a more effective mechanism to manage risk. Currently regulation 6(1)(a) is very broad and allows greater stringency to be applied for any reason that could relate to the National Policy Statement for Freshwater Management (NPS-FM). Implementation of regulation 6(1)(a) to date has not always demonstrated adherence to a rigorous analysis on whether the alternative rules proposed would produce a different result – through a s32 or 42A analysis. Tightening the conditions under which stringency can be used may assist with improving such analysis. The proposed amendment focuses the ability to be more stringent on those areas with severe erosion risk and also sets out sensible criteria for how it should be applied. Many production forests in New Zealand were established on areas that were marginal for pastoral farming, due to either erosion or nutrient issues. Forestry was seen as a solution to eroding farmland, meaning that significant areas of plantation forest are located on erosion prone land – from windblown sand to highly erodible separation point granites and mudstones. Most, if not all, of the recent concern relating to plantation forests relates to forestry located on erosion prone land and the subsequent impacts of severe weather events on these forests. In the regions that have experienced issues (for example, Gisborne, Tasman Separation Point Granite geology, Marlborough Sounds) councils have already exercised the right under regulation 6 to apply greater stringency. In areas with lower erodibility (and therefore Erosion Susceptibility Classification (ESC)), we are not aware of any significant risks to water quality from plantation forestry that cannot be managed under the NES-CF regulations. As a result, councils in lower erosion risk parts of New

Question Number	Question	Response
		Zealand have in the main continued to operate under the NES CF. This is supported by the science that shows that plantation forestry will deliver better water quality over the full life cycle, than virtually any other productive land use. We would therefore question the justification for needing greater stringency on relatively low erosion risk lands. FOA/FFA raise the following issues with the proposal: • The need to clarify key terms in the regulation to remove ambiguity, most notably 'severe erosion'. So long as there is a clear and consistent definition for 'severe erosion' and sufficient guidance as to the interpretation of 'cannot be managed through the rules in the NES-CF the proposed changes will provide greater clarity and certainty for both local authorities and the industry. • The Ministry for the Environment (MfE) needs to provide explicit guidance on what size storm should be considered in the context of triggering 'severe erosion'. • To ensure consistency it is essential for both councils and the industry to have a nationally consistent model, to identify areas with a severe erosion risk. At the very least a consistent definition is required. By design all areas of severe erosion risk that present a severe erosion risk under plantation forestry should already fall within the red-zone ESC. • FOA/FFA also questions the phrase 'severe erosion from commercial forestry'. Erosion is a function of the geology, occurs irrespective of the land use, and is often the reason forestry has been established in those areas in the first place, as an erosion control. Clause (a) should be amended to read: *(a) if it is required to manage the risk of severe erosion from a defined area that will have significant adverse effects on receiving environments, including the coastal environment; downstream infrastructure; or property; and* • FOA/FFA note that subclause c) requires "*an underlying risk"* to be present an mapped at 1:10,000 or using a 1m^2 Digital Elevation Model. The nature of the risk is not specified which creates uncertainty and the potential for different interpretations. Clause (c) should be amended to read: *c) there is an underlying severe erosion risk within the defined area that has been identified through mapping this area at a 1:10,000 scale or using a 1 m2 Digital Elevation Model.*

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		FOA/FFA also requests that the conjunctive nature of the three subclauses remains – i.e. that they are all to be met for a rule in a plan to be more stringent than the NES-CF.
11	Does the proposal provide clarity and certainty for local authorities and forestry planning?	The proposed change to regulation 6(4A) does provide clarity and certainty for all parties, as it will effectively mean that the NES-CF provisions relating to afforestation will be consistent across the country.
12	How would the removal of 6(4A) impact you, your local authority or business?	As far as we are aware, very few councils have actually exercised their rights under regulation 6(4A), so at this point it will make very little change to the status quo. We are aware that a small number of councils (such as Waitaki District) have started processes to consider introduction of new rules under the provision, so the removal of 6(4A) will remove the potential for significant variability between local authorities as to how afforestation proposals are dealt with. This will encourage afforestation, especially for small block holders. The introduction of 6(4A) was in largely a response to concerns relating to carbon forestry. This is now proposed to be addressed through changes to ETS settings.
13	Do you support amendments to regulations 69(5-7) to improve their workability?	Yes. The broad brush and blunt nature of regulations 69(5-7) capture areas with very low slash movement risk, creating a regulatory burden for both forest owners and councils that is not justified. Subject to the changes sought below, the proposed amendments appear to provide a more nuanced and appropriate risk-based approach to managing slash mobilisation. FOA/FFA support the removal of '*and debris management*' from the title of regulation 69 as the term "*debris"* is far broader than slash, or even woody debris, and is not relevant to the topic of slash management. The remainder of the regulation applies to slash.
14	Do you support a site-specific risk-based assessment approach or a	Both options have a place in the regulations. A site-specific risk assessment creates a sensible drafting gate to determine whether slash restrictions should apply. If as a result of that assessment, it is concluded there is a high risk of slash mobilisation, then the forest owner should

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	standard that sets size and/or volume dimensions for slash removal?	be able to choose between achieving the permitted activity residual slash standard in 69(5-7) or applying for a resource consent. That is standard RMA process.
15	Is the draft slash mobilisation risk assessment template (provided in attachment 2.2.1 to this document) suitable for identifying and managing risks on a site-specific basis?	The draft slash mobilisation risk assessment does cover appropriate criteria for use in harvest planning to assess risk, subject to some refining. Specific comments on the proposed risk assessment are provided in section 3 below. As currently proposed, the draft slash mobilisation risk assessment has a dual purpose as both a drafting gate for harvesting activity status, and also as part of the standard harvest planning process. In FOA/FFA's view some of the criteria are too subjective to be appropriate for determining activity status and this will inevitably lead to debate between forest owners and councils. It is also somewhat unusual to have consent status determined by a risk assessment outside of the main regulation. For clarity we suggest incorporating the more objective criteria from the Slash Mobilisation Risk Assessment (indicators 1-5) into regulation 69(5)-(7) to create a clear process for determining activity status within the regulations while retaining the other criteria, subject to our comments in Part 3 of our submission, within guidance on harvest planning. The following is a suggested reword to regulation 69(5) to (7) that incorporates the more objective parts of the slash mobilisation risk assessment into the regulation, to provide a clear regulation for assessing activity status. In our view this is a clearer method for determining activity status than a risk assessment sitting outside of the regulations. Other minor changes have also been proposed to clarify parts of the current regulation 69(5) that are not clear. *(5) On orange zone and red zone land slash from harvesting must be removed from any cutover area, unless it is unsafe to do so, to achieve residual slash levels at or below 15m^3 per hectare of cutover,[1] IF –* *1. The cutover falls within an area that exceeds the following thresholds:*

Question Number	Question	Response
		a) The Land Use Capability extended legend for the LUC unit that the cutover lies within, lists the 'potential erosion' as 'severe' or above for any of the following erosion types: *i) Soil slip* *ii) Rock fall* *iii) Debris avalanche* *iv) Debris flow, and* *b) The predominant slope of the cutover area exceeds 25 degrees, and* *c) There is direct connectivity between erosion features and a waterway, such that mobilized slash could enter into a waterway.* *2. This regulation applies to slash that has:* *a) A length of over 3m and* *b) A small end diameter of over 10cm* *[1] residual slash requirement is to be measured over any contiguous area of cutover of 2 ha* or more, that falls within the thresholds above* *Delete reg 69(6)* *Delete the definition of "residual slash" from reg 69(7) but retain the definition of **Sound wood**.* Clarification of the area over which residual slash is to be assessed is to address a significant gap in the current regulation. The suggested 2 hectare area is based on the recommendation in the University of Canterbury report 'Short Report for Gisborne District Council: Review of Clearcut Limits and Post-Harvest Residues on Cutover', Rein Visser, August 2023. FOA/FFA understands this paper was the source of the $15m^3$/ha limit in the regulations. Clear guidance would be required for clauses (c) and (d) to be sufficiently objective to be used in the regulation.

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16	Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?	No. Slash management is considered as a part of all harvest planning, as required by Schedule 6 as it currently stands. In very large-scale events, debris can be mobilised off any land and indeed any land use cover. However, the Slash Mobilisation Risk Assessment is aimed at assessing the risk of large scale slash mobilisation off harvested slopes. This is a risk that is associated with orange and red zoned lands and is often one of the key reasons this land was classified as orange or red.
17	If a risk-based approach is adopted which of the two proposed options for managing high-risk sites, do you prefer (ie, requiring resource consent or allowing the removal of slash to a certain size threshold as a condition of a permitted activity)?	As indicated in our answer to question 14, we believe both options need to be available to the forest owner for managing slash on high-risk sites. Slash can either be removed down to below a permitted activity threshold, or alternatively a consent is required.
18	For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?	FOA/FFA support the proposed changes to the slash size thresholds. • 3m is a more practical length for harvesting machinery to pick up, in particular when using a hauler grapple. • Using the SED rather than LED aligns with the standard Wagner Waste Assessment process.
19	Do you support the proposed definition of cutover to read "cutover means the area of land that has been harvested"?	Yes. The proposed definition is clearer than the current definition and better reflects the meaning of the term cutover. For further clarity we suggest adding "recently" before "harvested" to reflect that cutover typically exists between harvesting and land preparation for the next planting cycle that it be extended to clarify that cutover excludes infrastructure associated with the harvest (roads and landings). To distinguish the harvested area from the broader forestry context, we suggest referring to the "piece" of land. This terminology is consistent with usage in the Resource Management (National

Question Number	Question	Response
		Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011, where it serves a similar delineating function. ***Cutover:*** *The ~~area~~ piece of land that has been recently harvested, excluding forest infrastructure (roads and landings).*
20	Do you support the proposed removal of the requirement to prepare afforestation and replanting plans? (Regulations 10A and 77A)	FFOA/FFA support the proposed removal of the requirement to submit replanting plans to regional councils. While all forest management companies do prepare plans for replanting, to provide instruction to their planters, they are of little to no resource management benefit to councils. Most councils appear to be simply ignoring or filing them, without comment. Removal of this requirement removes unnecessary bureaucracy. However, some regional councils we have spoken with have indicated that afforestation plans are beneficial to give a clear plan of where afforestation is taking place, to give assurance that NES-CF rules are understood and complied with, and as a basis for undertaking monitoring. We would support retention of a requirement to produce an afforestation plan, provided that Schedule 3 is reduced to only apply to afforestation, and covering only those matters that are actually relevant to the activity of afforestation. At present the majority of Schedule 3 goes well beyond the impacts of planting and requires anticipation of future management and that cannot be known with certainty and therefore requires a large amount of speculation. The requirement to include the wilding risk calculator in the replant plan does not make sense. The wilding calculator is part of the regulatory process, but not relevant to an operational plan. Similarly, requirements such as the exact dates replanting will take place and how the activity is to be undertaken are simply not material for planting. If Schedule 3 is to be retained for afforestation it should be amended as follows: **Schedule 3** 1. replace 1 (g), (h) and (i) with

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		(g) the name of the road used for forest access and ~~the rural number of the entry point:~~ ~~(h) the forest name or property location identifier:~~ ~~(i)~~ the cadastral and map references, or GIS polygon reference. 2. Amend 2(f) to the following – vegetation clearance prior to afforestation is out of scope of the NES-CF: (a) The location of any significant natural areas ~~and vegetation clearance areas~~ 3. Remove 2 (h) and (i) 4. Amend clause 2(i) to remove reference to replanting. 5. Amend clause 2(l) to: (l) the year ~~or season~~ where planting is expected to occur ~~(if afforestation is occurring)~~ 6. Delete clause 2(m) and (n). 7. Delete sections, 3, 4 and 6 8. Revise 5 to state: The information required by clauses 1 ~~to 4~~ and 2 must be submitted in a GIS-compatible format, if requested by the relevant council.
21	Do you support the proposed minor text amendments?	FOA/FFA support removal of the term 'woody debris' from the schedules. We support amendments to regulations 11(4)(b) subject to further comments on the wilding risk process in section 2 below.

Other matters in the Discussion Document not covered by the Discussion Document questions

NES CF Section	Proposed Change	Comments
11(4) Wilding tree risk control	Amend regulation 11(4) to: "The relevant regional council and territorial authority must be given the following at the same time as notice is given under regulation 10: *a) the score required under subclause (1) and the calculations used for the final wilding tree risk calculator score and supporting evidence for each calculation.*	FOA/FFA support this minor change in the wording of the regulation. However, there is a larger issue that underlies the wildling tree risk calculator regulations, and that is the application of the regulation to all land and species, irrespective of risk. This would be reduced by introducing a drafting gate based on species and region to only apply where there is an actual wilding risk. What is proposed is administratively heavy on both the forest sector and the councils. This is particularly the case for more than 10,000 small growers who will need to contract the services of a specialist whenever they wish to plant or replant, even if they are just replanting a forest with the same species in a low risk setting. The industry is concerned that this has potentially been exacerbated by replacing the calculator with a more detailed system that requires access to a GIS system to implement. While we support changes to make the calculator less subjective, regulatory tools need to be accessible to all users and not reliant on significant technological support, if it is not warranted. Given the process is relatively straight forward, there should be a manual option or online tool, for landowners to use who do not have access to a GIS system. On a similar note, if the changes are made to the calculator as proposed, removing the need for any expert judgement to be applied, the requirement for the calculation to be undertaken by a 'suitably competent person' should also be removed. It is now redundant.
66 Harvest Plan	Amend regulation 66 (harvest plan) to also require a slash mobilisation risk assessment in accordance with Schedule 6.	FOA/FFA support in principle the implementation of a slash risk assessment for red and orange zone forests only. Specific comments on the draft assessment tool are below.
Reg 71A(b)	Amend regulation 71A(b) to remove the word 'not' so that an activity is permitted if "any relevant forest	FOA/FFA supports this minor correction to a typographical error in the regulation.

NES CF Section	Proposed Change	Comments
	planning requirement is complied with". Currently, regulation 71A incorrectly states that: "Low-intensity harvesting is a permitted activity in all erosion susceptibility classification zones if— a) regulations 64 to 69 are complied with; and b) any relevant forest planning requirement is not complied with.	
Regulation 79 Permitted activity conditions: wilding tree risk and control	Amend regulation 79(5) as follows: *Regulation 79(5) The relevant regional council and territorial authority must be given the following no more than 8 months before replanting is carried out at the same time as notice is given under regulation 78A:* *a) the score required under subclause (1) and the ~~calculation sheet used to provide that score~~ <u>calculations used for the final wilding tree risk calculator score and supporting evidence for each calculation</u>.*	FOA/FFA support the minor change however, the same comments as above for section 11(4) apply. In the case of replanting in the same location with the same species, the activity is permitted under regulation 79(4) provided no land use change has occurred. Therefore, the calculation is purely academic exercise with no regulatory outcome. FOA/FFA are concerned that the issue has potentially been exacerbated by the proposed replacement of the calculator with a more detailed system that requires access to a GIS system and time consuming manual processes to implement. This has significant implications for small scale growers, requiring them to get expert assistance for the simple activity of replanting a forest. Replanting is compulsory under the ETS and in some cases regional plan rules. While we support changes to make the calculator less subjective, it should only be applied to afforestation, where the outcome has an actual bearing on activity status and should not be required for replant in the same species. To be accessible to all forest owners there should be a manual option or online tool, for landowners to use who do not have access to a GIS system. Similarly, if the changes are

NES CF Section	Proposed Change	Comments
		made to the calculator as proposed, removing the need for any expert judgement to be applied, the requirement for the calculation to be undertaken by a 'suitably competent person' should also be removed. It is now redundant.
Schedule 2	Amendment to Schedule 2 to add a slash mobilisation risk assessment template, incorporated by reference.	FOA/FFA support the risk assessment approach being proposed for managing the risk of slash mobilisation subject to changes proposed in section 3 of this submission.
Schedule 6	Amendment to Schedule 6, clause 4(4) to add the process required for a slash mobilisation risk assessment to the Harvest Plan requirements. Include specific reference in Schedule 6, clause 6(c) to the need for post-harvest monitoring until risk reverts to pre-harvest levels.	FOA/FFA support the risk assessment approach being proposed for managing the risk of slash mobilisation and has provided specific comments on the draft assessment tool below.
Implementation	**Statutory implementation** Changes to regulation 6(1)(a) and regulation 6(4A) will require some councils to carry out plan changes to create alignment of more stringent rules with the new intent and wording. Section 44A of the Resource Management Act 1991 enables this work to be undertaken without a Schedule 1 plan change, either in accordance with a specification in the NES, or as soon as practicable after the date it comes into force.	FOA/FFA support these implementation measures.

NES CF Section	Proposed Change	Comments
	Non-statutory implementation Te Uru Rākau – New Zealand Forest Service will update NES-CF user guidance following amendment of the NES-CF. Guidance on new slash requirements may include workshops and webinars with industry and councils to ensure they understand how to apply the slash mobilisation risk assessment appropriately and with common understanding of intent and the practical issues in addressing slash risk, and of monitoring risk until it reverts to pre-harvest levels.	

Other National Environmental Standards for Commercial Forestry matters not covered in the discussion documents

In addition to the above matters, FOA/FFA request consideration of the following matters in the current NES CF which require review to address implementation issues.

NES CF Section	Comments
Regulation 97(1) discharges	FOA/FFA requests consideration of amendments to regulation 97(1) to read 'Any discharge of sediment and slash into water or on to land…….". Regulation 97 addresses discharges under section 15 of the Act. It permits discharges of sediment associated with forestry activities - such as harvesting - when those activities themselves are permitted under the regulations. Regulation 69 sets out the permitted activity conditions for slash and debris management. Specifically: • Reg 69(3) and (4) prohibit the deposition of slash in water or on land where it may enter water, except under certain conditions. • Reg 69(4) identifies scenarios where slash deposited in a water body or on land does not need to be removed , effectively allowing slash to remain in place under defined circumstances. As a result, there are situations where slash may lawfully enter water or land adjacent to water under reg 69, without triggering removal requirements. However, Reg 97 does not explicitly address lawful discharges of slash to water that comply with Reg 69. Unlike sediment discharges - where incidental effects are clearly managed within the permitted activity framework - Reg 97's silence on slash has led to confusion. At least one council suggests that even if slash deposition meets the permitted activity conditions in Reg 69, a discharge consent may still be required due to the lack of express provision. In addition, some councils content that no slash or woody debris regardless of size can be discharged because Reg 97 does not expressly authorise any discharge of slash.
Inclusion of a practical process to make Erosion Susceptibility Classification (ESC)Corrections	It is well understood that the current ESC contains some basic errors in particular stemming from: • The scale at which it was produced which means the boundaries of units are often not in the correct location, resulting in areas being misclassified for example, gully units running through easier country where the boundary does not follow the gully feature, or coastal strips in sand forests where the coastal strip unit includes some adjacent productive land in a Class 8 unit.

	• Composite units where easier country is incorporated with areas of accelerated erosion into one LUC unit. In this instance the ESC is applied based on the highest LUC unit and if the erodible land is not in productive use, then the ESC significantly overstates the risk of the productive area and therefore activity status. Forestry companies have engaged approved suitably qualified individuals to undertake remapping of LUC units at an operational scale. However, it is very difficult to get these changes incorporated into the actual published LUC mapping, given concerns with creating inconsistencies in the system due to introducing different scales of mapping. This creates a barrier to updating the ESC. Many regional councils are already accepting the updated remapping and therefore applying the appropriate regulations based on the revised ESC map (as advised by the expert) but this is not following any official process under the NES-CF, leading to inconsistency. In the one year review it was proposed to introduce a process under the NES-CF for councils to be supplied with revised mapping produced by a suitably qualified and approved person, and subject to approval of that mapping by the council, to use it to underpin the regulations, without the need to formally change both the LUC and ESC. This is a simple and practical change that is still required.
46(8) Remove catchment limitation of 500ha for Removable Instream Structures	A Removable Instream Structure is essentially a temporary crossing. We propose the catchment size limitation of 500ha is removed, as other temporary crossings (r. 46(6) and (7)) do not have catchment restrictions. It should be noted, because of the low profile of a removable instream crossing, water can flow over the structure in a significant event, and fish passage is built into the design.
47(3) and 48(1) Include a Removeable Instream Structure as a river crossing that is a controlled activity if regulation 38 is not complied with and as a restricted discretionary activity in reg 48(1).	The current wording of 47(3) and 48(1) has all river crossings listed under regulation 46 as being a controlled activity if a notice is not provided and a restricted discretionary if any part of regs 38-46 are not complied with - except for Removable Instream-Structures. This means by default that if any part of the standards for reg 46(8) for a Removeable Instream Structure can't be complied with it becomes a discretionary activity. There does not appear to be any practical reason for differentiating between Removable Instream Structures and other forms of river crossing. The inclusion of reference to Removable Instream Structures in regs 47(3) and 48(1) would bring a Removeable Instream structure in line with all other river crossings.

	We note that although a Removable Instream Structure is defined as a type of river crossing and is inherently included in reg 47(3), additional clarity would improve interpretation of this provision and in any event, reg 48(1) requires amendment.
Reg 68: Disturbance of the bed of a river	The recent Court of Appeal decision of R v Turkington [2025] NZCA 252 addressed a lack of clarity in the application of the provisions of the NES-CF as it applies to the disturbance of the bed of a river by forestry machinery and the intersection with s13 of the RMA. In essence, the Court found that a separate consent is not required under s13 of the Act as the disturbance of the bed of a river is allowed by the NES-CF by reg 97. The NES-CF can be interpreted to mean that once the reg 68 requirements are complied with, bed disturbance by harvest machinery is treated as a permitted activity, so no additional resource consent is needed. The case highlights the lack of clarity in the regulatory drafting. We propose amending regulation 68 to expressly authorise incidental disturbance of riverbeds outside the "margins" or "setbacks" referenced in regulation 68 as regulation 68 itself appears confined to peripheral areas rather than covering the beds of waterbodies. Reg 68(5) Harvesting machinery may be operated in the setbacks required by subclause (4) <u>or in the bed of a perennial river</u> only if - (a) Any disturbance to the water body or vegetation in the bed of the river from the machinery is minimised; and (b) The harvest machinery is being operated - a. At a water body crossing points; or b. Where slash removal is necessary; or c. Where essential for directional felling in a chosen direction or extraction of trees from within the setbacks in subclause (4); <u>or</u> <u>(c) the harvest machinery is crossing a water body to access land where there is no other reasonably practicable crossing point and the crossing is not a temporary crossing or a river crossing</u>.

Reg 70 – controlled activities for harvesting	Forest growers have reported inconsistent council application of harvesting regulations regarding slash management on orange zone land under regulations 69(5) and (6). When strict compliance with these subclauses is impractical, foresters may seek consent to modify the slash provisions. However, rather than treating this aspect separately as a controlled activity, some councils interpret the regulations in a way that causes the entire harvesting operation to default to controlled status. This practice is clearly inefficient. FOA/FFA propose separating reg 70 into a separate provision that relates solely to a controlled activity for slash management where reg 69(5) and (6) may not be complied with. **70B Controlled activity** 1. Harvesting is a controlled activity if: a. in any orange zone Regulation 69xx is not complied with; 2. For the purposes of subclause (1) control is reserved over; a. The preparation of a Slash Mobilisation Risk Assessment as part of the harvest plan; b. Measures to address effects of any identified slash mobilisation are provided; and c. The information and monitoring requirements are met. The above is just an example and there would have to be consequential changes to regulation 70 (3). The intent being is that if the slash regulations for a permitted activity cannot be met then the non-compliance is dealt with by way of a controlled activity but the assessment is limited only to the non-compliance issue and not all other aspects of harvesting.
Reg 85 Slash traps	The 20ha threshold in Reg 85(3) is simply too small as it effectively means every slash trap requires a resource consent adding significant cost and delay; and deterring the use of slash traps. We suggest that the area threshold in 85(3) could be usefully increased to 50ha without adding material risk.

	Also, of note Gisborne District Council obtained MfE *Envirolink* funding to commission advice on slash trap design from the Forest Engineering school at Canterbury University[3]. That guidance is available at: https://www.gdc.govt.nz/__data/assets/pdf_file/0010/11305/forestry-slash-traps-uc-visser-harvey-2020-final.pdf That document could serve as guidance for National Direction.
Managing natural hazards: clarifying the storm return period that must be designed and managed for.	FOA/FFA note that the proposed NPS-NH includes the use of a risk assessment approach, that takes into account likelihood and consequences of events. It would be useful to incorporate the principles of such an approach into the NES CF for management of the effects of storm damage. At present it seems that the forest industry alone is held accountable for damage occurring during large scale high return period cyclonic events. It would be helpful to have some practical guidance in this area, as to what return period the industry must design and manage for. This could potentially be achieved via a risk matrix as for the NPS NH.
Schedule 4, Clause 4(7)	The current wording of the clause does not relate directly to any regulation and should either be amended or deleted.

[3] R Visser and C Harvey (2020) Design of Debris Slash Traps: Considerations for NZ Plantation Forestry Operating

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Draft Slash Mobilisation Risk Assessment comments

The Draft Slash Mobilisation Risk Assessment (SMRA) provides useful guidance for undertaking an assessment of risk. However, in FOA/FFA's view, parts of the proposed SMRA are too subjective to be used as an activity status drafting gate, and for this reason it is proposed that this function is replaced by a redraft of regulation 69(5), as described in the answer to question 15. On that basis all reference to requiring consents should be removed from the SMRA guidance below as it would already have been dealt with.

A second issue is that it is currently somewhat confusing how the processes is intended to be followed and in particular the meaning of 'further assessment required' at each step of the process. It is our interpretation that this is to be undertaken as a stepped assessment process following the numerical order. If at any risk indicator step the outcome is 'no further action' then the process is complete. If the outcome is 'further assessment required' then you progress to the next risk indicator in the SMRA.

As noted below, FOA/FFA also believes that some of the final components of the proposed SMRA are too subjective and therefore of questionable value. We recommend that if the SMRA is retained, it concludes at step 5.

Proposed Risk Indicator	Proposed Outcome	Comment
1. ESC rating	Green = low slash risk (no further action) Yellow = low slash risk (no further action) Orange = Further assessment required. Red = high slash risk – resource consent	As above, FOA/FFA propose that Green and Yellow automatically defers to low risk in regulation 69(5) and therefore no slash mobilisation risk assessment is required. Requiring all ESC's to have a risk assessment, which then automatically defers to low risk for green and yellow zone, is just adding unnecessary clutter to green and yellow zone harvest plans. Also aligned with comments above, red zone should defer to further assessment, not automatically a resource consent. Some red zone units have no slash mobilisation risk (e.g. sand and pumice country forests).
2. Orange zone LUC unit erosion rating	LUC unit **dominant erosion type**: • Surficial erosion→ (sheet, wind, scree) - Low slash risk (no further action required) • Fluvial erosion → (rill, tunnel gully, streambank) - Low slash risk (no further action required) • Gully erosion - Further assessment required • Mass movement erosion - Further assessment required	Further to our comments above, this assessment should apply to both Red and Orange Zoned land. It is not clear in the proposal exactly how this drafting gate is proposed to work in practice. It presumably relates to the descriptions in the LUC Extended Legends but it is not clear: • what is considered the 'dominant erosion type' – the erosion types in the first line of the description, or all erosion types listed? • the level of erosion that would trigger further assessment to be required e.g. moderate or severe? • Whether it applies to only the 'actual erosion' identified in the LUC extended legend, or also 'potential erosion'. As per the proposed amendment to regulation 69(5) in the answer to question 15 above, FOA/FFA proposes that the

Proposed Risk Indicator	Proposed Outcome	Comment
		assessment utilises the erosion types listed in the LUC unit extended legend 'potential erosion' column', and where the relevant potential erosion is assessed as 'severe' or above.: FOA/FFA questions the inclusion of gully erosion in the list to be considered. Whilst gully erosion is a major issue, particularly in Gisborne, it is generally a slow moving erosion type and not associated with catastrophic mass movement and therefore large scale slash mobilisation.
3. Mass movement erosion type	LUC unit **dominant erosion type**: • Earthflow - Low risk – no further action • Slump - Low risk – no further action • Rockfall - Further assessment required • Soil slip - Further assessment required • Debris flow/debris avalanche - Further assessment required	These criteria are supported subject to the same comments above as to how the assessment is applied.
3a. Gully erosion	Gully erosion, not established - Low risk (no further action required) Gully erosion, established - Further assessment required.	As per the comment in section 2, FOA/FFA questions inclusion of gully erosion requiring further assessment, given it is generally not associated with large scale slash mobilisation. In our view gully erosion should also be listed as low risk – no further action.
4. Slope. Measured by predominant slope - </> X degrees from horizontal) for each part of the harvest area.	<25 degrees – low risk - no further assessment >25 degrees – medium risk – further assessment required.	FOA/FFA support 25 degrees as a suitable threshold for determining risk. We are not aware of any large scale mobilisation of harvesting slash having initiated from slopes of <25 degrees.

Proposed Risk Indicator	Proposed Outcome	Comment
Measurement options include: • field measurement using a clinometer or app • GIS, using topographic map or LiDAR data	>30 degrees – high risk – further assessment required.	Slope thresholds provide a relatively simple and easily applied threshold though care will be required in defining "predominant" slope to ensure it is reliably representative. Whilst some geological units such as Greywacke are well recognised as being stable well above 30 degrees, for simplicity it makes sense to have one slope threshold for Orange and Red ESC zones. For the avoidance of debate the NES-CF will need to include a note or definition to clarify how predominant slope is to be measured. By way of example, the Bay of Plenty Regional Plan defines predominant slope as *the slope range that represents at least 75% of the activity site as measured to an accuracy no less than that achieved by a slope measuring device including handheld clinometer or abney level. Slope is defined as the steepness of land measured in degrees or as a gradient*
5. Direct connectivity of the erosion feature to a stream or river Is the slope >25 degrees connected to a waterway so that a landslide on the slope could run out into the waterway?	No – Low risk, but further assessment on direct proximity required (go to criteria 6). Yes – High risk. Further assessment required (Go to criteria 7).	This criterion is an important "drafting gate" for risk. However if it is to be used as a drafting gate for activity status, then guidance will be required to make it explicitly clear how it is to be applied e.g. a specified distance at which the base of the slope flattens out to a low energy slope (<10 degrees) such that debris would almost certainly be arrested before reaching a waterway or flood plain, from which it could be mobilised.

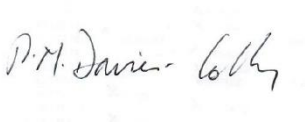
Proposed Risk Indicator	Proposed Outcome	Comment
6. Direct proximity to other values on a neighbouring property located below slopes >25 degrees that could be impacted by a landslide or debris flow: ➢ roads, bridges ➢ dwellings and other buildings ➢ SNAs ➢ lake, wetland, estuary	No – low risk – no further assessment Yes – high risk – further assessment required	It is FOA/FFA's view that from this section onward the criteria are too subjective to be used to determine activity status. They are however applicable to slash mobilisation risk assessments for harvest planning purposes.
7. Connectivity to downstream infrastructure (roads, bridges, settlements) and sensitive areas such as beaches and fisheries used by people Mark on the harvest plan, for sites where a high-risk slope connects to a waterbody (5 above) whether there are any of the following downstream: ➢ Roads ➢ Bridges ➢ Settlements ➢ SNAs ➢ beaches and fisheries used by people.	No - Medium risk – Determine mitigation measures to manage risk Yes - High risk – Remove slash from slope and/or seek resource consent to manage risk *(TBC on outcome of consultation)*	There is the potential to merge 6 and 7 and consider both the direct and indirect risk to downstream infrastructure and values. This would help simplify the assessment process. This appears to be the logical end step to the risk assessment. The physical conditions that could give rise to slash mobilisation have been determined along with the downstream infrastructure, values, and sensitive sites that warrant action to manage the risk. Of note a requirement to 'remove slash' is impractical to achieve. It should refer to a requirement to manage slash.
8. Rainfall – high intensity or extended rainfall is strongly	Thresholds will vary according to a site. Although an individual harvest planner can learn a lot	As noted under criterion 7, we believe this is too subjective to be used for assessing consent activity status.

Proposed Risk Indicator	Proposed Outcome	Comment
correlated with increased susceptibility to landsliding;10 strong flood flows will mobilise and transport slash in waterways HIRDS is an online tool that can estimate the magnitude and frequency of high intensity rainfall at any point in New Zealand. It estimates high intensity rainfall at ungauged locations for a range of return periods and event durations.	about site risk from HIRDS (and already uses this for planning infrastructure) it would be difficult to set a national threshold that is meaningful for slash mobilisation risk. Harvest planners should consider expected accumulated and event rainfall during the period of the window of vulnerability, and use it with soil, slope and connectivity information to assess slash management needs on the cutover.	As noted in footnote 11 of the table, "areas across New Zealand have different susceptibilities to rainfall-induced landslide due to different geology, topography, physiography and landcover, therefore, the amount of rainfall required to trigger landslides varies across the country". Also, as the events at the start of 2023 showed, it is not just the return period or duration of an event that would need to be considered but the antecedent conditions. The challenge would then be how that is used in a mobilisation risk assessment.
9. Catchment factor to signal how mobilised material from a single site may contribute to cumulative harm. This is a function of: − size of harvest site − proportion of catchment within window of vulnerability	Melton's Ratio (R), is an index of catchment ruggedness. It is a topographic index that indicates short steep catchments have the potential to generate debris flows that runout across colluvial fans. Melton's Ratio (R) is equal to catchment relief (highest altitude minus lowest altitude in metres) divided by the square root of catchment area. Catchments with a Melton's Ratio (R) > 0.5 are capable of generating debris flows	FOA/FFA notes that in the consultation document officials make clear that the application of Melton's ratio is 'Not for an individual property". FOA/FFA has been advised by competent geological experts from Landcare Research that Melton's ratio should not be used in a regulatory context and is also not relevant for assessing subparts of catchments at a Harvest Area scale. FOA/FFA does not see any evidence in the consultation document or elsewhere as to how Melton's ratio could be effectively used in the risk assessment. FOA/FFA recommends deletion of "Catchment Factor" as a risk indicator.
10. Slope features that indicate increased risk	These features indicate increased risk: • gully with headwall	On balance with our comments above, FOA/FFA agrees with the comments in the table that the indicator has too

Proposed Risk Indicator	Proposed Outcome	Comment
	• slope break • gully that could intercept and channel landslide to waterway • convex slope • convergent slope These features indicate decreased risk: • concave slope • divergent slope	many variables to be used to determine activity status. It is however relevant to harvest planning processes to assist in assessing risk in different catchments and geology.

Closure

We do not object to the submission being made public. We welcome the opportunity for further discussion and engagement. We wish to be heard at Select Committee in support of our submission.



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