



Ministry for the
Environment
Manatū Mō Te Taiao

PROACTIVE RELEASE COVERSHEET

Minister	Hon Chris Bishop	Portfolio	Responsible for RMA Reform
Name of package	Proactive release of Cabinet papers - Updating RMA National Direction	Date to be published	30 July 2026

List of documents that have been proactively released

Date	Title	Author
4 May 2026	Updating RMA National Direction - NES for Marine Aquaculture and NES for Commercial Forestry amendments - Approval for submission to Executive Council 26-CAB-00633	Ministry for the Environment
30 April 2026	Cabinet Legislation Committee Minute LEG-26-MIN-0070	Ministry for the Environment
4 May 2026	MARKED UP Report of the Cabinet Legislation Committee Minute CAB-26-MIN-0148	Ministry for the Environment
7 April 2026	MARKED UP Updating RMA national direction - Ministerial consultation on draft Cabinet legislation paper - Amendments to the NES for Marine Aquaculture and NES for Commercial Forestry 26-BRF-00628	Ministry for the Environment
25 Feb 2026	MARKED UP Updating RMA national direction - commercial forestry and telecommunication facilities - further policy decisions 26-BRF-00100	Ministry for the Environment

Information redacted **YES**

Any information redacted in this document is redacted in accordance with the Ministry for the Environment's policy on proactive release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Summary of reasons for redaction

- Section 9(2)(a) to protect natural persons' privacy
- Section 9(2)(f)(iv), to maintain the confidentiality of advice tendered by Ministers and officials

Section 9(2)(h), to maintain professional legal privilege.

In Confidence

Office of the Minister Responsible for RMA Reform

Chair - Cabinet Legislation Committee

Updating RMA National Direction – NES for Marine Aquaculture and NES for Commercial Forestry amendments – Approval for submission to Executive Council

Proposal

- 1 This paper seeks Cabinet authorisation to submit the following amended Resource Management Act 1991 (RMA) national environmental standards to the Executive Council:
 - 1.1 targeted changes to the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (NES-MA)
 - 1.2 targeted changes to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF).

Relation to government priorities

- 2 These amendments deliver on the Government's commitment to enhance or enable aquaculture, and other primary industries, including forestry (Coalition Agreement National Party/New Zealand First, Coalition Agreement National Party/Act).

Executive Summary

- 3 On 1 July 2024 Cabinet agreed to develop and amend RMA national direction [CAB-24-MIN-0246 refers] and, on 12 May 2025, it agreed to commence public notification and statutory consultation on four packages¹ [CAB-25-MIN-0151 refers]. This is the biggest package of national direction instruments being updated at one time. It will have an immediate impact on the performance of the resource management system by removing planning barriers for infrastructure, development and primary sector activities and making consenting less complex and costly. It will support transition to the new planning system, alongside the transitional consenting regime, transitional national rules, as well as engagement on national policy directions and national standards under the new system.
- 4 Discussion documents for packages 1 and 2 (Infrastructure and development, and Primary Sector) were released in May 2025 for eight weeks of public consultation. On 18 December 2025, ten new or amended national direction instruments were notified in the Gazette following approval by Cabinet on 15 December 2025 [CAB-25-MIN-0476 refers]. Two additional national direction instruments were notified in the Gazette on 9 April 2026, following approval by Cabinet on 7 April [CAB-26-MIN-0113 refers].
- 5 I have considered the submissions and recommendations report for the proposed amendments to the NES-CF and the NES-MA and have made final decisions in

¹ Package 1: Infrastructure and development, Package 2: Primary sector, Package 3: Freshwater, and Package 4: Going for Housing Growth.

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consultation with relevant portfolio Ministers under the authority granted by Cabinet [CAB-25-MIN-0151 refers].

- 6 I also decided to make further minor and technical amendments to the NES-CF using the process available under section 44(3)(f) of the RMA to improve the operation of the NES-CF. These amendments did not raise any matters of policy and did not require the standard notice and submission process.
- 7 Officials have worked closely with the Parliamentary Counsel Office to draft the instruments. I now seek Cabinet authorisation to submit them to the Executive Council. I am satisfied that the statutory requirements in sections 44 and 46A of the Resource Management Act 1991 have been met.
- 8 Subject to approval by the Executive Council, the instruments will be gazetted on 7 May 2026 and will come into force 28 days later, on 4 June 2026.
- 9 The Parliamentary Counsel Office is continuing to draft the remaining three national direction instruments agreed by Cabinet, relating to papakāinga, electricity networks, and telecommunication facilities. I expect to bring these instruments to Cabinet as soon as practicable.

Policy

- 10 Progressing the amendments to the NES-MA and the NES-CF will deliver immediate improvements to the performance of the resource management system ahead of the transition to the new planning system. They simplify regulations on marine aquaculture and commercial forestry, and in many respects provide a consistent regulatory framework for these activities across the country. The instruments are fit for purpose now and are intended to transition into the new planning system and transitional consenting regime.
- 11 I have considered submissions and recommendations on each of the instruments and have made final policy decisions to improve clarity, workability and consistency. I discussed these changes with relevant portfolio Ministers consistent with the authority previously granted by Cabinet [CAB-24-MIN-0246 refers].

Amendments to the NES-MA

- 12 The amendments to the NES-MA aim to reduce time and costs associated with consenting, improve the management of marine farms and increase flexibility for marine farmers. Specifically, the proposal simplifies reconsenting, makes minor and technical changes to improve regulatory quality, sets out a more lenient activity status for certain changes to consent conditions and enables new regulatory pathways for research and trial activities. This will support greater innovation and productivity in the aquaculture sector and contribute to meeting the Government's objective of enabling and enhancing the aquaculture sector.

Amendments to the NES-CF

- 13 The amendments to the NES-CF introduce clearer criteria for when councils can make more stringent rules than the NES-CF, establish a slash mobilisation risk assessment approach and reduce requirements for afforestation and replanting plans. These changes will better enable forestry across the country by creating efficiencies in forestry operation and consenting and providing clarity for users.

- 14 Additional minor and technical amendments to the NES-CF will also achieve greater consistency of terms across the standards and correct minor errors. Under section 44(3)(f) of the RMA, these amendments did not require the standard notice and submission process.
- 15 I seek Cabinet's agreement to these final instruments.

Timing and 28-day rule

- 16 Subject to approval by the Executive Council, the instruments will be gazetted on 7 May 2026 and will come into force on 4 June 2026. In accordance with section 114 of the Legislation Act 2019 and Standing Order 325A, they will be presented to the House of Representatives within 20 working days of being made.

Compliance

- 17 The instruments comply with:
- 17.1 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 or the Human Rights Act 1993
 - 17.2 the principles and guidelines set out in the Privacy Act 2020
 - 17.3 relevant international standards and obligations
 - 17.4 the Legislation Guidelines (2021 edition), which are maintained by the Legislation Design and Advisory Committee.
- 18 I am satisfied that the consultation undertaken for these instruments met statutory requirements and provided appropriate opportunities for engagement with the public and iwi authorities. The requirements of sections 44 and 46A of the Resource Management Act 1991 have been met to the extent necessary to seek Cabinet authorisation.
- 19 Public notification of all the relevant National Direction reports and recommendations made under section 46A(1)(c) will proceed prior to the instruments' gazettal.
- 20 I therefore recommend that Cabinet authorises submission of the instruments to the Executive Council.

Principles of the Treaty of Waitangi and Treaty Settlement legislation

- 21 The Crown has ongoing commitments to iwi and hapū through deeds of settlement and related arrangements. Consultation and Treaty impact analyses prepared for each proposal have informed my policy decisions and the associated regulatory impact statements.
- 22 The proposed instruments do not alter the operation, status, or effect of Treaty settlement commitments, and existing settlement obligations will continue to apply unaffected.

Certification by Parliamentary Counsel

- 23 Parliamentary Counsel Office has drafted and certified the following instruments as being in order for submission to Cabinet:

- 23.1 Resource Management (National Environmental Standards for Marine Aquaculture) Amendment Regulations 2026
- 23.2 Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2026.

Impact analysis

Regulatory Impact Statements

- 24 Two Regulatory Impact Statements (RIS) have been prepared to support these proposals and inform my final policy decisions. They have been updated to reflect submissions and subsequent information. The final RIS, including quality assurance statements, are attached as appendices 3 and 4.
- 25 All RIS were independently reviewed by quality assurance panels. The panels for the NES-MA and NES-CF involved officials from the Ministry for Primary Industries, the Department of Conservation and the Ministry for the Environment.
- 26 The RIS for the amendments to the National Environmental Standards for Marine Aquaculture received a quality assurance rating of “**partially meets**” (**Appendix 3**).
- 27 The RIS for the amendments to the National Environmental Standards for Commercial Forestry received a quality assurance rating of “**meets**” (**Appendix 4**).

Climate Implications of Policy Assessment

- 28 The Climate Implications of Policy Assessment (CIPA) team has been consulted and confirms that the CIPA requirements do not apply to this policy proposal, as the emissions impact is indirect. The RMA national direction programme as a whole will help reduce emissions by enabling renewable energy projects, expanding EV charging infrastructure, and improving oversight of forestry activities. However, it is difficult to anticipate the number of proposals that will come forward in the future to which the national direction will apply.

Publicity

- 29 The amended regulations will be publicised through notice to submitters, local authorities, Government website updates, and letters to post-settlement governance entities.

Proactive release

- 30 I propose to proactively release the Cabinet paper with redactions in line with the Official Information Act 1982.

Consultation

- 31 Officials consulted local authorities, iwi, Government agencies and key stakeholders through the policy development stage. Public consultation on the proposals met the statutory requirements of section 46A(1) of the RMA.

- 32 The Ministry for the Environment has provided a draft of this paper to agencies who report to a Minister with either portfolio responsibilities² or related responsibilities and considered feedback received.

Recommendations

The Minister Responsible for RMA Reform recommends that the Cabinet LEG Committee:

- 1 **note** that I am satisfied the statutory requirements under the Resource Management Act 1991 to recommend the amendment of national direction instruments have been met, including:
 - 1.1 notification of the proposals under section 46A(1) and (2)
 - 1.2 consideration of reports on submissions and recommendations for the proposals under section 46A(1)(c) and 44(2)(a).
- 2 **note** that I have made final policy decisions to amend the proposals under section 44(2) of the Resource Management Act 1991, in consultation with relevant portfolio Ministers, under the authority granted by Cabinet [CAB-25-MIN 0151 refers]
- 3 **note** that the Parliamentary Counsel Office has certified the following regulations as being in order for submission to Cabinet:
 - 3.1 Resource Management (National Environmental Standards for Marine Aquaculture) Amendment Regulations 2026
 - 3.2 Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2026.
- 4 **authorise** submission of the following instruments to the Executive Council for recommendation to the Governor-General in Council for approval under section 43(1) of the Resource Management Act 1991 subject to Cabinet agreement:
 - 4.1 Resource Management (National Environmental Standards for Marine Aquaculture) Amendment Regulations 2026
 - 4.2 Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2026.
- 5 **note** that the instruments listed in recommendation 4 give effect to the policy decisions referred to in recommendation 2 and are proposed to come into force on 4 June 2026.
- 6 **note** that the requirements of section 44 of the Resource Management Act 1991 to publicly notify the reports and recommendations made under section 46A(1)(c) will occur in May prior to the gazettal of:

² Agencies provided with a draft of this paper for consultation include the Department of Conservation, Ministry of Housing and Urban Development, Ministry of Business, Innovation and Employment, Department of Internal Affairs, Treasury, Ministry for Primary Industries, Ministry of Justice, Ministry for Culture and Heritage, Ministry of Transport, Ministry of Education, Health New Zealand, Te Puni Kōkiri, Department of Prime Minister and Cabinet, Ministry for Regulation, Parliamentary Counsel Office, Office for Māori Crown Relations - Te Arawhiti, the Crown Law Office and Land Information New Zealand.

IN C O N F I D E N C E

- 6.1 the Resource Management (National Environmental Standards for Marine Aquaculture) Amendment Regulations 2026
- 6.2 the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2026.
- 7 **note** that final proofing and formatting changes may be made prior to publishing the Cabinet package on Government websites, but there will be no material changes to the content of the Cabinet package.

Authorised for lodgement

Hon Chris Bishop

Minister Responsible for RMA Reform

Appendices

Appendix 1: Resource Management (National Environmental Standards for Marine Aquaculture) Amendment Regulations 2026

Appendix 2: Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2026

Appendix 3: Regulatory Impact Statement: Amending the National Environmental Standards for Marine Aquaculture

Appendix 4: Regulatory Impact Statement: Amendments to the National Environmental Standards for Commercial Forestry



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Updating RMA National Direction: National Environmental Standards for Marine Aquaculture and Commercial Forestry Amendments

Portfolio RMA Reform

On 30 April 2026, the Cabinet Legislation Committee:

- 1 **noted** that in May 2025, the Cabinet Economic Policy Committee (ECO) agreed to consult on four packages of amendments to national direction instruments, and authorised the Minister Responsible for RMA Reform (the Minister) to make final policy and drafting decisions, in consultation with relevant portfolio Ministers [ECO-25-MIN-0059];
- 2 **noted** that the Minister has made final policy decisions to amend the proposals under section 44(2) of the Resource Management Act 1991 (the RMA), in consultation with relevant portfolio Ministers, under the authority granted by ECO;
- 3 **noted** that the Minister is satisfied that the statutory requirements under the RMA to recommend the amendment of national direction instruments have been met, including:
 - 3.1 notification of the proposals under section 46A(1) and (2);
 - 3.2 consideration of reports on submissions and recommendations for the proposals under section 46A(1)(c) and 44(2)(a);
- 4 **noted** that the Parliamentary Counsel Office has certified the regulations in paragraph 5 below as being in order for submission to Cabinet;
- 5 **authorised** submission of the following instruments to the Executive Council:
 - 5.1 Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2026 [PCO 28775/3.0];
 - 5.2 Resource Management (National Environmental Standards for Marine Aquaculture) Amendment Regulations 2026 [PCO 28776/4.0];
- 6 **noted** that the instruments listed in paragraph 5 give effect to the policy decisions referred to in paragraph 2 above and will come into force on 4 June 2026;
- 7 **noted** that the requirements of section 44 of the RMA to publicly notify the reports and recommendations made under section 46A(1)(c) will be met in May 2026 prior to the gazettal of the regulations;

- 8 **noted** that final proofing and formatting changes may be made prior to publishing the Cabinet package on Government websites, but there will be no material changes to the content of the Cabinet package.

Sam Moffett
Committee Secretary

Present:

Rt Hon Winston Peters
Hon Chris Bishop
Hon Erica Stanford
Hon Paul Goldsmith
Hon Louise Upston (Chair)
Hon Simon Watts
Hon Chris Penk
Hon Brooke van Velden
Hon Nicole McKee
Hon Shane Jones
Hon Casey Costello
Hon Scott Simpson
Hon Nicola Grigg
Hon James Meager
Hon Cameron Brewer
Hon Mike Butterick
Hon Andrew Hoggard
Stuart Smith MP
Todd Stephenson MP
Jamie Arbuckle MP

Officials present from:

Officials Committee for LEG



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Report of the Cabinet Legislation Committee: Period Ended 1 May 2026

On 4 May 2026, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 1 May 2026:

Out of scope

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LEG-26-MIN-0070

**Updating RMA National Direction: National
Environmental Standards for Marine
Aquaculture and Commercial Forestry
Amendments**
Portfolio: RMA Reform

CONFIRMED

Out of scope



Rachel Hayward
Secretary of the Cabinet



BRIEFING

Updating RMA national direction - Ministerial consultation on draft Cabinet legislation paper - Amendments to the NES for Marine Aquaculture and NES for Commercial Forestry

Date:	7 April 2026	Priority:	High
Security classification:	IN-CONFIDENCE	Tracking number:	26-BRF-00628

	Action sought	Response by
Hon Chris Bishop Minister Responsible for RMA Reform	Approve the attached Cabinet legislation paper	14 April 2026

Action for Minister's Office staff

Note any changes required to the draft Cabinet legislation paper and/or

Circulate the attached draft Cabinet legislation paper for ministerial comment and

Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz and ema.pct@mfe.govt.nz).

Appendices and attachments

Appendix 1: Draft 'Updating RMA National Direction - NES for Marine Aquaculture and NES for Commercial Forestry amendments– Approval for submission to Executive Council' (26-CAB-00633)

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Jo Gascoigne	General Manager	027 531 7202	
Kate Sedgley	Manager	022 076 4508	✓
Sylvie Leduc	Author		

The following departments/agencies are being consulted

N/A

Minister's office to complete:

☐ Noted

☐ Overtaken by Events

☐ Approved

☐ Needs change

☐ See Minister's Notes

☐ Declined

☐ Seen

☐ Withdrawn

Minister's Comments

BRIEFING

Updating RMA national direction - Ministerial consultation on draft Cabinet legislation paper - Amendments to the NES for Marine Aquaculture and NES for Commercial Forestry

Date:	7 April 2026	Priority:	High
Security classification:	IN-CONFIDENCE	Tracking number:	26-BRF-00628

Purpose

1. This briefing seeks your agreement to circulate the draft *'Updating RMA National Direction - NES for Marine Aquaculture and NES for Commercial Forestry amendments– Approval for submission to Executive Council'* [26-CAB-00633] (Cabinet legislation paper) for ministerial and agency consultation.

Key points

2. You have made final policy decisions on amendments to the Resource Management (National Environmental Standards for Marine Aquaculture) Regulations 2020 (NES-MA), and amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017 (NES-CF). These decisions are being drafted by the Parliamentary Counsel Office into secondary legislation for Cabinet consideration.
3. The draft Cabinet legislation paper (appendix 1) progresses these two Resource Management Act 1991 (RMA) national direction instruments. Subject to your agreement, a final version of your Cabinet legislation paper will be provided to the Cabinet Office by 23 April 2026, for consideration by Cabinet Legislation Committee on 30 April 2026.
4. The proposed amendments to the NES-MA support greater productivity and innovation in the aquaculture sector. Amendments to the NES-CF will improve clarity, efficiency, and environmental risk management in commercial forestry, and respond to implementation challenges. The proposal also includes minor and technical amendments to the NES-CF.
5. We have assessed the amendments against the Natural Environment and Planning Bills, to ensure the amendments are not inconsistent with the proposed legislative framework and enable them to be carried over into the new system with minimal transition issues if required, while still meeting the statutory needs of the RMA.
6. Subject to Cabinet decisions, the instruments are expected to be gazetted on 7 May 2026 and come into force on 4 June 2026.
7. A briefing seeking your authorisation to publicly notify reports and recommendations made under section 46A(1)(c) for all national direction instruments yet to be gazetted, will be provided on 23 April 2026 (26-BRF-00416). This will meet the statutory requirement to publicly notify the report and recommendations on submissions received after notification of a proposed national environmental standard (RMA s44(1)(b)).

Recommended action

The Ministry for the Environment recommends that you:

1. **Approve** the draft '*Updating RMA National Direction - NES for Marine Aquaculture and NES for Commercial Forestry amendments– Approval for submission to Executive Council*' [26-CAB-00633] (Cabinet legislation paper) for ministerial and agency consultation. *Agree / Disagree*
2. **Forward** the draft Cabinet legislation paper to your ministerial colleagues for consultation. *Agree / Disagree*
3. **Note** to enable Cabinet consideration on 4 May 2026, we suggest that agency and ministerial consultation occur in parallel between **14-21 April 2026**. *Noted*



Jo Gascoigne
General Manager
RMA Operations, Ministry for the Environment

07 / 04 / 2026

Hon Chris BISHOP
Minister Responsible for RMA Reform

___ / ___ / 2026

Background

The RMA national direction instruments have been drafted following your final policy decisions made under the power to act from Cabinet

1. In late 2025 you made final policy decisions to amend the National Environmental Standards for Marine Aquaculture (NES-MA) and for Commercial Forestry (NES-CF) [BRF-6875 refers]. These decisions were made under Cabinet delegated power to act, in consultation with relevant portfolio Ministers [CAB-25-MIN-0151 refers]. You also recently agreed to minor amendments to policy decisions on the NES-CF alongside separate minor and technical amendments to the regulations [BRF-00100 refers].
2. The proposed amendments to the NES-MA aim to support greater productivity and innovation in the aquaculture sector by making consenting and certain changes to consent conditions easier, and by better enabling research or trial activities.
3. The proposed amendments to the NES-CF aim to create efficiencies in forestry operation and consenting and provide clarity for users by introducing clearer criteria for when councils can impose more stringent rules than the NES-CF, establishing a slash mobilisation risk assessment approach and reducing requirements for afforestation and replanting plans.
4. In February 2026, you agreed to share drafting of the proposed amendments to the NES-CF with Gisborne District Council, Hawkes Bay Regional Council, and Marlborough District Council to test the workability of the drafting [BRF-00100 refers]. This was to test the workability of the drafting of regulation 6(1)(a), which amends a matter of stringency. Officials have reviewed the feedback received and do not recommend any policy changes to the NES-CF. We will work with PCO to give effect to suggestions that will improve workability of the regulations, including those relating to mapping scale, and the way in which the Land Use Capability (LUC) system and erosion types are referenced.
5. The two instruments are being drafted by the Parliamentary Counsel Office (PCO), drafts are attached in appendix 1, updated draft versions will be available for ministerial consultation. We propose ministerial and agency consultation occur in parallel to achieve Cabinet consideration as soon as possible. The draft paper has holding text for agency comment. We do not anticipate anything significant at this stage in the process.
6. Two Regulatory Impact Statements (RIS) (attached) have been prepared to support these proposals. The RIS were independently reviewed by quality assurance panels that comprised officials from the Ministry for Primary Industries, the Department of Conservation and the Ministry for the Environment.
7. The RIS for the Resource Management (National Environmental Standards for Marine Aquaculture) Amendment Regulations 2026 received a quality assurance rating of “partially meets”. The RIS for the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2026 received a quality assurance rating of “meets”.

Draft Cabinet Legislation Paper package

8. The draft '*Updating RMA National Direction - NES for Marine Aquaculture and NES for Commercial Forestry amendments– Approval for submission to Executive Council*' Cabinet legislation paper (appendix 1) contains the draft instruments and their associated RIS. This information is required to be considered by the Executive Council and Governor-General.
9. The amendments to the NES-MA and the NES-CF are being finalised by PCO. Updated versions will be provided to your office for Ministerial consultation and final versions will be provided to the Cabinet Office by PCO by 23 April 2026 for inclusion in your Cabinet legislation paper.

Te Tiriti Analysis

10. The proposed instruments have been assessed for potential implications for Māori rights and interests, and Treaty settlement commitments, including obligations relating to the development, amendment, or implementation of national direction.
11. They do not change existing statutory obligations on decisionmakers to recognise and provide for Māori rights and interests under Part 2 of the Resource Management Act 1991 (RMA)¹.
12. While a number of Treaty settlements include provisions relevant to national direction and decision-making under the resource management system, the subject matter and scope of the proposed amendments do not engage with matters addressed by those settlement mechanisms. On that basis, no impacts on Treaty settlement redress, settlement legislation, or associated governance or engagement arrangements have been identified at this stage.
13. The proposed instruments do not alter the operation, status, or effect of Treaty settlement commitments, including in relation to the Te Awa Tupua status² and Te Ture Whaimana³, and existing settlement obligations will continue to apply unaffected.

Other considerations

Consultation and engagement

14. The Ministry for the Environment (the Ministry) led preparation of the draft Cabinet legislation paper and proposed amendments to national direction instruments, with input from the Ministry for Primary Industries. Subject to your approval, agency and

¹ This includes recognising and providing for Māori relationships with ancestral lands, water, sites, wāhi tapu, and taonga, protect customary rights, having particular regard to kaitiakitanga, and taking into account Treaty principles.

² Refers to the legal recognition of the Whanganui River as an indivisible and living whole comprising the river from the mountains to the sea, including all its physical and metaphysical elements.

³ Vision and strategy for the Waikato river

ministerial consultation will occur in parallel on the draft paper and instruments between 14-21 April 2026.

Notification

15. Section 44(1)(b) of the RMA requires public notification of reports and recommendations made under section 46A(1)(c), before recommending the making of a national environmental standard to the Governor-General.
16. You will receive a briefing (26-BRF-00416) on 23 April 2026 seeking your approval to publicly notify these reports and recommendations for all national direction instruments yet to be gazetted, including for the NES-MA and NES-CF amendments. This will meet the section 44(1)(b) requirement.
17. Once approved by Executive Council, the instruments will be notified in the New Zealand Gazette, and the Ministry will notify all submitters, Councils, and our Post Settlement Governance Entities.

Financial, regulatory and legislative implications

18. This paper is part of a process that will result in changes to existing secondary legislation including new provisions. Agencies are expected to meet costs of implementing national direction, along with the wider RMA reform work programme from within baselines.

Next steps

19. Subject to your agreement, agency and ministerial consultation will occur on your draft Cabinet legislation paper simultaneously between 14-21 April 2026, although this can occur earlier subject to when your approval is received.
20. PCO will lodge final instruments with the Cabinet Office once all its quality assurance processes have been completed.
21. The final paper will be lodged with the Cabinet Office on 23 April 2026 and considered by the Cabinet Legislation (LEG) Committee on 30 April 2026 followed by Cabinet on 4 May 2026.
22. Subject to Cabinet decisions, the instruments will be submitted to the Governor-General in Executive Council on 4 May 2026, and are expected to be gazetted on 7 May 2026 with legal effect 28 days later from 4 June 2026.
23. A further briefing (BRF-00416) on 23 April 2026 will seek your authorisation to publicly release the reports and recommendations made under section 46A(1)(c) to meet the statutory requirement to notify reports and recommendations.

Appendices

Appendix 1: draft 'Updating RMA National Direction - NES for Marine Aquaculture and NES for Commercial Forestry amendments– Approval for submission to Executive Council' Cabinet legislation paper [26-CAB-00633], with appendices:

Appendix 1: Resource Management (National Environmental Standards for Marine Aquaculture) Amendment Regulations 2026 [Placeholder - To be provided to Cabinet Office by PCO]

Appendix 2: Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2026 [Placeholder - To be provided to Cabinet Office by PCO]

Appendix 3: Regulatory Impact Statement: Amending the National Environmental Standards for Marine Aquaculture

Appendix 4: Regulatory Impact Statement: Amendments to the National Environmental Standards for Commercial Forestry

Appendix 1: Draft 'Updating RMA National Direction - NES for Marine Aquaculture and NES for Commercial Forestry amendments– Approval for submission to Executive Council' legislation paper [26-CAB-00633]



Updating RMA national direction: commercial forestry and telecommunication facilities – further policy decisions

Date:	25 February 2026	Priority:	High
Security classification:	In Confidence	Tracking number:	26-BRF-00100

	Action sought	Response by
Hon Chris Bishop Minister Responsible for RMA Reform	Approve the attached briefing	5 March 2026

Action for Minister's Office staff

Forward this briefing to your Ministerial colleagues for consultation.

Return the signed briefing to the Ministry for the Environment (advice@mfe.govt.nz and ema.pct@mfe.govt.nz).

Appendices and attachments

Appendix 1: Further recommendations – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Appendix 2: Nominated parties to share drafting for National Environmental Standards for Telecommunication Facilities

Appendix 3: Minor and Technical Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Appendix 4: Further recommendations – Amendments to the Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2016

Appendix 5: Nominated parties to share drafting for National Environmental Standards for Telecommunication Facilities

Contact for telephone discussion (if required)

Name	Position	Telephone	1st contact
Jo Gascoigne	General Manager	027 531 7202	
Kate Sedgley	Manager	022 076 4508	✓
Rachel Ducker	Author		

The following departments/agencies have been consulted

N/A

[IN-CONFIDENCE]

Minister's office to complete:

- | | | |
|--|---|------------------------------------|
| ☐ Noted | ☐ Approved | ☐ Declined |
| ☐ Overtaken by Events | ☐ Needs change | ☐ Seen |
| | ☐ See Minister's Notes | ☐ Withdrawn |

Minister's Comments

BRIEFING

Updating RMA national direction: commercial forestry and telecommunication facilities – further policy decisions

Date:	25 February 2026	Priority:	High
Security classification:	In Confidence	Tracking number:	26-BRF-00100

Purpose

1. This briefing seeks:
 - a. Further policy decisions on the notified proposal to amend the National Environmental Standards for Commercial Forestry (NES-CF) and the National Environmental Standards for Telecommunication Facilities (NESTF) to make minor corrections and consequential updates to improve workability.
 - b. Policy decisions to make minor and technical changes to the NES-CF to correct errors and omissions and make other consequential changes not included in the notified proposal.

Key points

2. In December 2025 you made decisions on updates to the NES-CF and NESTF [BRF-6875 and BRF-6930 refers].
3. Officials identified some minor corrections and updates to these regulations while preparing drafting instructions to the Parliamentary Counsel Office (PCO) that would improve their workability. Additional policy decisions are sought on these amendments in consultation with your Ministerial colleagues. These further policy matters are consistent with the scope of the notified proposals and can be made under your Cabinet delegations for final policy decision-making [CAB-25-MIN-0151 refers].
4. Both the amendments to the notified proposal and minor and technical changes to the NES-CF will require relatively minor drafting work. It would be efficient to combine this drafting with amendments to instruments to implement your previous policy decisions. This will not prolong the timeframes for drafting amendments to instruments or lead to any slippage in delivering the Government's commitment to update RMA national direction.
5. Key recommendations to amend the notified NES-CF proposal include amending regulations enabling more stringent rules in plans than the NES-CF for very high-risk situations caused by severe erosion and enabling future updates to the proposed Slash

Mobilisation Risk Assessment document incorporated by referenced without requiring notice in the Gazette.

6. Separate minor and technical amendments to improve the operation of the NES-CF are recommended using the process for amending certain national direction without notice to the public and iwi authorities under section 44(3) of the Resource Management Act 1991.
7. 9(2)(f)(iv) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
8. It is typical that minor amendments are needed to policy decisions and drafting instructions when drafting secondary legislation.

Recommended action

The Ministry for the Environment recommends that you:

Changes to the notified proposal for amendments to the National Environmental Standards for Commercial Forestry

Noted

1. **Note** that recommended changes to the notified proposal to amend the National Environmental Standards for Commercial Forestry included in Appendix 1 comply with Part 2 of the RMA.
2. **Agree** to proceed with the proposal to amend the National Environmental Standards for Commercial Forestry consistent with the recommendations in Appendix 1. *Agree / Disagree*
3. **Agree** to instruct officials preparing drafting instructions for amendments to the National Environmental Standards for Commercial Forestry to provide these to the Parliamentary Counsel Office for drafting. *Agree / Disagree*

Sharing drafting of NES-CF amendments outside Crown

Agree / Disagree

4. **Agree** to share drafting of all proposed amendments to the National Environmental Standards for Commercial Forestry with subject matter experts nominated in Appendix 2 to test the workability of the drafting.

New Minor and Technical Amendments to the National Environmental Standards for Commercial Forestry

5. **Note** that recommended minor and technical changes to the National Environmental Standards for Commercial Forestry are included as Appendix 3 of this briefing. *Noted*
6. **Agree** to proceed with the proposal to make minor and technical amendments to the National Environmental Standards for Commercial Forestry under section 44(3) of the RMA consistent with recommendations in Appendix 3. *Agree / Disagree*
7. **Agree** to instruct officials preparing drafting instructions for minor and technical amendments to the National Environmental Standards for Commercial Forestry to provide these to the Parliamentary Counsel Office for drafting. *Agree / Disagree*

9(2)(f)(iv) [REDACTED]
[REDACTED]
[REDACTED]

- [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

9(2)(f)(iv)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Jo Gascoigne
General Manager
Resource Management System
Ministry for the Environment

Hon Chris Bishop
Minister Responsible for RMA Reform

20 / 02 / 2026

___ / ___ / 2026

Updating RMA national direction: commercial forestry and telecommunication facilities – further policy decisions

Background

1. On 14 December 2025 you agreed to policy decisions to amend the National Environmental Standards for Commercial Forestry (NES-CF) (BRF-6875 refers).
2. You also made policy decisions to amend the National Environmental Standards for Telecommunication Facilities (NESTF) on 20 December 2025 (BRF-6930 refers).
3. Drafting instructions have been sent to the Parliamentary Counsel Office to commence the drafting for these amendments based on your policy decisions.

Amendments to National Environmental Standards for Commercial Forestry recommendations

Further policy decisions sought on notified proposal

4. Officials seek further policy decisions on the notified proposal to amend the NES-CF as outlined in Appendix 1. These decisions are sought to improve the clarity and workability of the NES-CF including enabling more stringent rules in plans for very high-risk situations caused by severe erosion and updates to slash mobilisation risk assessment methodology. Making these changes will not delay the delivery of the final amended instrument.
5. Key issues and recommendations are outlined below.

Amend regulation 6(1)(a) to include a scale requirement in the provisions that enable more stringent rules in plans than the NES-CF to address severe erosion risk

6. The notified proposal sought to amend regulation 6(1)(a) of the NES-CF so that more stringent rules than the NES-CF could be included in a council plan only in very high-risk situations caused by severe erosion that cannot be managed through existing provisions in the NES-CF. More stringent rules would enable plan changes to support appropriate land management in the most erodible land such as land within the Gisborne District damaged during Cyclone Gabrielle and other districts with severe erosion risk.
7. MPI does not expect this provision to be widely used. However, the Government recognised issues caused by Cyclone Gabrielle in the Gisborne region, and the need to support extreme and unique circumstances in the NES-CF discussion document. Regulation 6(1)(a) has been drafted to leave a pathway for Gisborne District Council (GDC) to carry out a plan change that will enable them to manage land use issues (including commercial forestry) on their most erodible land as recommended in the Ministerial Inquiry into Land Use and supported by MPI and the Ministry for the Environment (MfE).

8. The notified proposal included a requirement for councils to map risk at a property scale of 1:10,000 or using a 1m² Digital Elevation Model to ensure council plan-making processes provide clear evidence of risk at an appropriate scale. Officials consider that this level of mapping specificity is necessary to provide certainty and an explicit link between geological risk and commercial forestry activity to avoid capturing land that is low risk. The mapping scale of 1:10,000 or using a 1m² Digital Elevation Model is commonly used and well understood and officials do not expect this requirement to put an undue burden on councils seeking to use this provision.

Clarify reference to severe erosion relating to more stringent rules than the NES-CF

9. 'Severe erosion' was referred to in the recommendations and decisions report as including 'gully erosion in cretaceous geologies' which would capture the extensive gully erosion in Gisborne/Tairāwhiti but exclude areas of gully erosion that do not exhibit the same risk profile. A number of submitters sought definition of the term 'severe erosion' for certainty. Officials propose replacing the reference to 'cretaceous geologies' as it relates to gully erosion with a description of specific gully erosion terrain. This aligns with the drafting approach used for earthflow erosion already included in the NES-CF and removes the need to define 'cretaceous geologies' which is not widely used.

Remove specific erosion types and severity levels from regulation 69 to ensure certainty for regulation users

10. The notified proposal to introduce a risk-based assessment process for managing slash on the forest cutover proposed that a Slash Mobilisation Risk Assessment (SMRA) document be incorporated by reference in the regulations. Recommendations to amend the proposal in the recommendations and decisions report¹ included certain erosion types and severity levels for inclusion in the regulations. The intent was to provide an immediate threshold test to exclude those with low risk of slash mobilising from unnecessary regulatory requirements.
11. MPI is developing the SMRA and has found that the underlying mapping of erosion types in Land Use Capability (LUC) source data does not include the erosion type 'debris flow' though these are well recognised and recorded in some regions. They are an important cause of large-scale slash mobilisation in some regions and must be included in the SMRA.
12. Officials propose to remove the specific erosion types from recommendation 9 and instead incorporate them as an early threshold test in the SMRA. This would require a greater number of risk assessments to be carried out, but as an early step it would not require a full assessment if it is determined the relevant erosion types are not present in the harvest area. The absence of mapped 'debris flow' erosion remains an issue, but it is more easily addressed through a more detailed document which can describe how to identify 'debris flow' risk and existing information sources.

¹ Proposed amendments to the National Environmental Standards for Marine Aquaculture, National Environmental Standards for Commercial Forestry, and Stock Exclusion Regulations: Report on submissions and recommendations [BRF-6875 refers].

Enable Updating of Slash Mobilisation Risk Assessment Document Incorporated by Reference without requiring notice in the Gazette

13. You previously decided to include provision for a new SMRA document incorporated by reference into Schedule 2 of the NES-CF. A draft document was notified alongside the proposal (BRF-6875 refers). The incorporated document is a technical document which will be finalised by MPI and MfE officials and approved under delegation by the chief executive of the Ministry for the Environment (or their delegate).
14. Officials recommend including a new regulation to utilise the power in Schedule 1AA clause 2(3) to enable the SMRA document to be amended or replaced without requiring a Gazette notice.² This would enable the document to be more easily kept up to date as new information evolves and avoid duplication with the existing requirement³ to provide public notice in newspapers and MfE's website.⁴
15. Officials recommend that you make the above changes to the notified proposal for the NES-CF, and other minor changes, as recommended in Appendix 1 of this briefing.

Approval to share drafting on amendments to National Environmental Standards for Commercial Forestry

16. Officials recommend that you agree to share all draft amendments to the NES-CF with a limited number of councils to test whether the effectiveness of the regulations in minimising the risk of adverse environmental effects of commercial forestry including on land affected by severe erosion. Testing the draft regulations would focus on the workability of drafting rather than revisit the policy intent. It could occur quickly due to the small number of parties involved without delaying final Cabinet decision-making.
17. It is particularly important that the proposed amendments to regulation 6(1)(a) of the NES-CF are sufficient to enable councils to make more stringent rules in very high-risk situations such as those caused by severe erosion experienced in the Gisborne District during cyclone Gabrielle. Sharing drafting is proposed to be limited to officers from Gisborne District Council (GDC), Hawkes Bay Regional Council, and Marlborough District Council with specific experience in mapping erosion prone land, erosion effects and plan rule development nominated in Appendix 2.
18. GDC officers were nominated as the council is pursuing a plan change⁵ to apply more stringent rules than the NES-CF and to require land use change for its most erosion prone areas, including areas of commercial forestry. Testing the drafting outside the Gisborne District is proposed to ensure the provisions could apply more broadly to other areas with significant land in commercial forestry and similar (though lesser) erosion issues in parts of their regions as is intended.
19. Officials intend to undertake separate testing of the proposed SMRA document with the same group of forestry and council stakeholders used to test options earlier in the

² This is a requirement of regulation 2(1) and 2(2) of Schedule 1AA of the RMA.

³ This is a requirement under Regulation 5 Access to material incorporated by reference in Schedule 1AA of the RMA.

⁴ This is a requirement under section 2AB of the RMA.

⁵ GDC has already applied for an exemption to the plan stop legislation and plan to make more stringent rules than the NES-CF.

policy development process to ensure the risk thresholds are appropriate, implementable and enforceable. Testing the SMRA document with stakeholders and experts is an important component of ensuring it is fit for purpose as signalled in the discussion document. The SMRA is a technical document which is not required to be approved by any Minister or drafted by PCO. It will be finalised by officials and approved under delegation by the Ministry for the Environment Chief Executive Officer (or their delegate).

Minor and technical amendments to the National Environmental Standards for Commercial Forestry

20. Officials recommend minor and technical amendments to the NES-CF in addition to the notified proposal to amend the NES-CF as outlined in Appendix 3. These amendments are proposed to achieve greater consistency of terms across the instrument and to correct minor errors.
21. The scope of these amendments relates to the following matters:
 - a. removing reference to a redundant regulation (regulations 50, 61)
 - b. correcting references to terms and headings (various headings, regulations and schedules)
 - c. correcting reference to a controlled activity for harvesting (regulation 70(3))
 - d. correcting references to the name of a management plan and amend requirements (schedule 6)
 - e. removing and replacing incorrect URL reference links to incorporated documents
 - f. amend requirements for forestry earthworks management plans (schedule 4)
 - g. amend requirements for quarry erosion and sediment management plan specifications (schedule 5).
22. Officials recommend that you consider these amendments as minor and technical amendments under section 44(3)(g)⁶ of the RMA. This requires you to first consider whether it is more appropriate to follow the standard process to amend national environmental standards in section 46A of the RMA which requires public and iwi authority notification, submissions for at least 20 working days and preparation of a report and recommendations on the proposal and submissions. If you decide to use the alternative process under section 44(3) to make these amendments, officials will publish reasons for your decision on MfE's website.
23. Officials are satisfied that the matters listed in a-g above meet the criteria under section 44(3)(f) of the RMA. They are minor in effect, correct errors, make similar technical alterations and do not raise any matters of policy requiring testing through the standard notice and submission process or have any impact on Part 2 of the RMA. Further explanation on specific matters is provided in Appendix 3.

⁶ This process was introduced as part of the Resource Management (Freshwater and Other Matters) Amendment Act 2024.

Part 2 of the RMA

38. Officials are required to give effect to Part 2⁸ matters of the RMA when preparing reports and making recommendations on proposals for amendments to national environmental standards. These matters were assessed in the Submissions and Recommendations Reports for each proposed amendment and the proposals were found to be consistent with Part 2 matters. The amendments proposed are minor and do not change this assessment.

Treaty settlement implications

39. The Crown has ongoing commitments to individual iwi through Treaty settlement arrangements. The commitments most relevant to the proposals are engagement obligations when developing national direction, and direct obligations to take action (ie, recognising legal status of taonga) or obligations to actively involve Treaty partners in plan making or resource consents either through co-governance, decision-making or consultation.
40. Officials considered Treaty settlements identified in Treaty impact assessment work when preparing the proposals, analysing submissions and in making recommendations. Overall, all councils may have to work to balance protection of cultural values with the more enabling direction of the NES-CF and NESTF.

National Environmental Standards for Commercial Forestry

41. Amendments to regulation 6(1)(a) of the NES-CF which require councils to map erosion risk on properties at a scale of 1:10 000 will better identify land subject to severe erosion. This may have the effect of limiting the use of Māori-owned land for commercial forestry or support council plan changes to transition forestry land in the future. Any future plan changes to implement this requirement would require consultation with tangata whenua.
42. The proposals do not change the mechanisms that provide for Treaty settlements or other arrangements in the consenting process. Requirements to notify relevant iwi-Māori groups as specified by the arrangements and the RMA will continue to apply.
43. The proposed minor and technical amendments are not anticipated to have any impact on Treaty settlements as they relate to correcting references, replacing URL references and reducing the requirements for some minor matters for management plans.

9(2)(f)(iv)

⁸ Part 2 includes sections 5 (purpose), section 6 (matters of national importance), section 7 (other matters) and section 8 (Treaty of Waitangi).

Next steps

9(2)
(f)
(iv)

Appendices

Appendix 1: Further recommendations – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Appendix 2: Minor and Technical Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Appendix 3: Nominated parties to share drafting for National Environmental Standards for Commercial Forestry

9(2)(f)(iv)

The text '9(2)(f)(iv)' is followed by three lines of redacted content, represented by grey bars. The first bar is short, the second is medium-length, and the third is long, spanning most of the width of the text area.

Appendix 1: Further recommendations – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Appendix 1

Further recommendations – Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

The following amended recommendations are made in response to issues identified after you made your final decisions on the notified proposal and were identified while officials prepared drafting instructions.

The proposal section of this table includes the proposed provisions published in the *Ministry for the Environment. 2025. Package 2: Primary sector – Discussion document*. Reference to 'change' indicates a recommendation to change the notified proposal.

The original recommendations and decision section records your previous decisions [BRF-6875 refers]. The amended recommendations outline the further decisions now being sought. These have been prepared to replace the whole previous recommendation with the new recommendation. The numbering of these recommendations follows the same numbering sequence as the original recommendations and decisions. It also shows changes in strike out text for deleted wording and bold for new additions to readily identify recommended changes. Reasons are provided for amended recommendations.

PART 1: PRELIMINARY PROVISIONS						
Regulation 3 Interpretation						
NOTIFIED PROPOSAL		RECOMMENDATIONS FOR AMENDMENTS TO NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY				
Regulation	Proposed provisions	Topic	Original recommendations and decision	Amended recommendations	Reasons for amended recommendation	Minister's decision
Regulation 6 Relationship between rules and these regulations						
Regulation 6(1) National instruments	Amend regulation 6(1)(a) to clarify the conditions under which a rule that is more stringent than the NES-CF can	Addressing council ability to have more stringent rules than in the NES-CF.	Change 2. Amend regulation 6(1)(a) to provide for rules in a council plan to be more stringent than the	Change 2. Amend regulation 6(1)(a) to provide for rules in a council plan to be more stringent than the	The notified proposal referred to the risk of severe erosion being within a defined area that has been identified through mapping this area at a 1:10,000 scale or	Yes No

[IN-CONFIDENCE]

	be included in a council plan. Specifically: a) if it is required to manage the risk of severe erosion from commercial forestry from a defined area that will have significant adverse effects on receiving environments, including the coastal environment; downstream infrastructure; or property; and b) the effect cannot be managed through the rules in the NES-CF; and c) there is an underlying 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.		NES-CF to achieve the following intent: a. the NES-CF does not manage the effects of a commercial forestry activity within a specific area defined as being susceptible to severe erosion and b. the consequence of the activity will have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure or property. 3. Amend the proposal so that 'severe erosion' only includes the following erosion types and severity as defined in the Land Use Capability Survey Handbook 3rd edition: a. soil slip, debris avalanche, debris flow, and gully	NES-CF to achieve the following intent in the following circumstances: a. the NES-CF does not manage the effects of a commercial forestry activity within a specific area defined area identified as being susceptible to severe erosion b. The defined area must be identified in a plan mapped at a 1:10,000 scale or using a 1m² Digital Elevation Model; and c. the consequence of the activity will have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure or property. 3. Amend the proposal so that 'severe erosion' only includes means the following erosion types and severity as defined in the Land Use Capability Survey Handbook 3rd edition: a. soil slip, debris avalanche and debris flow, and gully	using a 1 m² Digital Elevation Model. This is now proposed to be retained to improve the certainty and workability of the regulations. This amendment is recommended as the Land Use Capability Survey Handbook defines erosion types but does not categorise the country according to geologies. 'Cretaceous'¹ geolog[y]' refers to a specific geology affected by severe gully erosion in the	Yes No
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¹ Cretaceous refers to a geological period between 145-65 million years ago.

			erosion in cretaceous geologies if their level of severity is severe, very severe or extreme.	erosion in cretaceous geologies if their level of severity is with severe, very severe or extreme severity as defined in the Land Use Capability Survey Handbook 3rd edition; and b. gully erosion for the following erosion terrain types ; (i) hilly steeplands developed on crushed argillite with severe gully-dominated erosion; or (ii) moderately steep to steep terrain on highly erodible crushed argillite, greywacke, sandstone, and mudstone with severe, large-scale gully erosion.	Gisborne District and some other small parts of the country. It is important to maintain flexibility for the council to introduce more stringent rules to address the effects of forestry in areas of severe gully erosion, and in other areas with this geology if this is considered appropriate. Erosion terrains were used in the development of the Erosion Susceptibility Classification and the NES-CF already uses erosion terrains in the regulations to describe earthflow erosion. Some forms of gully erosion are not associated with the effects experienced in Gisborne and as such the wider definition in the Land Use Capability Survey Handbook for gully erosion is not appropriate to meet the policy intent.	
Regulation 69 Permitted activity conditions: slash management						
Regulation 69 Permitted activity conditions: slash and debris management	Amend regulation 69 to include a new requirement for a slash mobilisation risk assessment for all forest harvest as part of the existing harvest management plan, carried out in accordance with requirements set out in a slash mobilisation risk assessment template incorporated by reference as item 15 in Schedule 2. An alternative	Introducing a slash risk management approach.	Change 9. Amend the proposal to change Regulation 69 to achieve the following intent: a. removing the words ‘and debris’ from the heading; b. amending the requirement for a slash mobilisation risk assessment (SMRA) in Regulation 69(5) so it applies to all forest harvest	Change 9. Amend the proposal to change Regulation 69 to achieve the following intent: a. removing the words ‘and debris’ from the heading; b. amending the requirement for a slash mobilisation risk assessment (SMRA) in Regulation 69(5) so it applies to all forest harvest	The erosion types specified in this recommendation are well recognised as those associated with slash mobilisation. The intent of including specific erosion types in regulation 69 was to provide a threshold for carrying out a SMRA to avoid unnecessary work for forest harvest planners where the absence of these erosion types	Yes No

[IN-CONFIDENCE]

	would be to include the slash mobilisation risk assessment template in the NES itself, possibly as item 15 in Schedule 2. Amend existing requirements for removal of slash on the forest cutover (regulation 69(5)–(7)) to apply only to those who have assessed mobilisation risk as ‘high’ or require those with risk assessed as ‘high’ to seek controlled resource consent. There may be consequential changes to terms, including ‘residual material’ and ‘sound wood’ but precise wording will depend on the eventual form and drafting of a new standard. Amend the title of regulation 69 to remove the words ‘and debris management’, in line with intent of removing ‘woody debris’ from schedules 3, 4, 5 and 6.		in the orange zone and red zone land (as described in regulation 63(2)(b)) as part of the existing harvest management plan if the following criteria apply: (i) the Land Use Capability (LUC) unit for the cutover identifies the following potential erosion types as ‘severe’, ‘very severe’ or ‘extreme’: (a) Soil slip; (b) Debris avalanche; and (c) Debris flow.	in the orange zone and red zone land (as described in regulation 63(2)(b)) as part of the existing harvest management plan if the following criteria apply: (i) the Land Use Capability (LUC) unit for the cutover identifies the following potential erosion types as ‘severe’, ‘very severe’ or ‘extreme’: (a) Soil slip; (b) Debris avalanche; (c) and (d) Debris flow.	makes the risk of slash mobilisation low. In developing the content of the SMRA we have discovered that although ‘debris flow’ is adequately defined in the LUC Handbook, it is not mapped using this name in the NZLRI database so rapid identification of presence or absence (and therefore certainty) is not possible for users of the regulations. To provide that certainty we prefer to require a SMRA for all orange zone (and permitted red zone) land and manage presence or absence of the named erosion types and severity through the SMRA itself. These would provide an early threshold test for further assessment. Including erosion types and severity in a document incorporated by reference will enable improvements to underlying databases to be recognised over time without needing to change the regulations.	
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Other recommendations

These recommendations relate to additional matters raised through submissions and our assessment of the proposal. They were not included in the notified proposal or our previous recommendations.

ADDITIONAL RECOMMENDATIONS FOR AMENDMENTS TO THE NATIONAL ENVIRONMENTAL STANDARDS FOR COMMERCIAL FORESTRY			
Topic	Recommendations	Reasons for recommendations	Minister's decision
Slash Mobilisation Risk Assessment Template Document Incorporated by reference	28. Amend the proposal to add a new regulation to enable the Slash Management Template Document proposed to be introduced into Schedule 2 of the NES-CF to be amended or replaced and have legal effect as part of the NES-CF without requiring the Minister for the Environment to publish a notice under regulation 2(1) or meet the requirements of 2(2) of Schedule 1AA.	You previously decided (refer to recommendation 15 in Attachment B, BRF-6875) to retain the proposal to amend Schedule 2 of the NES-CF to add a slash mobilisation risk assessment template as a new item to be incorporated by reference). This was intended to provide a mandatory process for assessing slash mobilisation risk using a document incorporated by reference that could be changed over time as research and risk settings improve without having to change the regulations. This additional recommendation is proposed to enable this document to be amended or replaced without requiring a notice in the Gazette as currently required under regulation 2(1) and 2(2) of Schedule 1AA. This would enable the document to be more easily kept up to date as new information evolves. Any changes to this document would still need to be certified by the chief executive officer of MfE as required by Schedule 1AA(3), must be made publicly available and public notice must be given stating that the material is incorporated into an NES under section 2AB of the RMA (which requires website and newspaper notices). This new regulation would avoid duplication of notice provisions on MfE's website and newspapers which are more readily accessible.	Yes No
General instrument drafting	29. Amend the NES-CF to make consequential amendments to the instrument to address workability issues following from technical testing of the stringency and slash management provisions.	Officials consider it appropriate to enable minor amendments to the NES-CF which are consequential to testing the drafting of the instrument. For example, there may be a need to adjust the various definitions of erosion types.	Yes No

Appendix 2: Nominated parties to share drafting for National Environmental Standards for Commercial Forestry

Appendix 2

Parties to share drafting for NES-CF

1. Scope of shared drafting

The drafting for amendments to the NES-CF is proposed to be shared outside the Crown with a limited number of parties.

2. Parties nominated to share drafting with

The parties nominated to share the drafting of these regulations are outlined in Table 1 below. In situations where the nominated party is not available we propose to substitute the nominated party with a suitable alternative nominee from the same organisation.

TABLE 1: LIST OF PARTIES NOMINATED TO SHARE DRAFTING WITH		
Name	Organisation	Type
9(2)(a) [REDACTED]	Gisborne District Council	Unitary Council
9(2)(a) [REDACTED]	Gisborne District Council	Unitary Council
9(2)(a) [REDACTED]	Gisborne District Council	Unitary Council
9(2)(a) [REDACTED]	Gisborne District Council	Unitary Council
9(2)(a) [REDACTED]	Gisborne District Council	Unitary Council
9(2)(a) [REDACTED]	Hawkes Bay Regional Council	Regional Council
9(2)(a) [REDACTED]	Marlborough District Council	Unitary Council

Appendix 3: Minor and Technical Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

Appendix 3

Minor and Technical Amendments to the Resource Management (National Environmental Standards for Commercial Forestry) Regulations 2017

RECOMMENDATIONS FOR MINOR AND TECHNICAL AMENDMENTS				
Regulations and schedules	Minor and technical issue	Recommendations	Reasons for recommendations	Minister's decision
3, 52, 53, 54, 55, 58, 59, 60 Schedule 5	Amend references to 'forestry quarry'.	1. Replace references to 'forest quarry', 'quarry' and 'quarrying' with 'forestry quarry' or 'forestry quarrying' in the following regulations; (a) regulation 3 (interpretation) (b) regulation 52(1) –(3) (c) regulation 53 (d) regulation 54(1)(a), (2) (e) regulation 55(2)(4) (f) regulation 58 (1) (g) regulation 59 (1)–(7) (h) schedule 5, 2(f), 2(g) and 2(j)(iii) and 3(a).	The NES-CF does not regulate 'quarrying' more generally and instead refers to 'forestry quarrying'. These amendments would align the regulations to definitions and ensure consistency of terms across the regulations.	Yes No
50, 61(1)	Remove reference to regulation 57 in table for functions of territorial authority.	2. Amend regulations 50 and 61(1) to remove the reference to regulation 57.	This reference is redundant as Regulation 57 was revoked in the 2023 amendments to the instrument.	Yes No

[IN-CONFIDENCE]

52, 59, 60, 61, schedule 1, schedule 5	Amend references to erosion and sediment management plan.	3. Amend references to the 'erosion and sediment management plan' to refer to 'forestry quarry erosion and sediment management plan' in the following regulations and schedules: (a) regulation 52(3) (b) regulation 59 heading, (1)-(7) (c) regulation 60(4)(k) (d) regulation 61(5)(k) (e) schedule 1(6) heading and (1) (f) schedule 5 heading	The NES-CF does not regulate 'quarry' more generally and instead refers to 'forestry quarry'. These amendments are recommended to improve consistency of terms across the regulations.	Yes No
64,66,70,, 71, 71B, schedule 1, schedule 6	Amend references to harvest plan.	3. Amend references to 'harvest plan' with 'harvesting plan' in the following regulations and schedules: (a) regulation 64(3) (b) regulation 66 heading and (1)-(7) (c) regulation 70 (4)(a) (d) regulation 71(2)(a) (e) regulation 71B(2)(a) (f) schedule 1(3)(2) (g) schedule 1(5) heading and (1) (h) schedule 6 heading and 3(f)	This amendment is recommended to improve consistency in terms across the regulations.	Yes No
66	Replace reference to 'earthworks with 'harvesting'.	4. Amend reference to 'earthworks' with 'harvesting' in regulation 66(2)(a).	The recommended amendment is to correct an error in this clause and improve consistency in terms across the regulations. Regulation 66(2)(a) deals with harvesting, but the inclusion of 'earthworks' duplicates regulation 27 which requires a forestry earthworks management plan for earthworks over a certain volume threshold.	Yes No

			This means if a forester is undertaking earthworks associated with harvesting that do not meet the volume threshold in regulation 27, the forester will have to assess those earthworks as part of developing a harvest plan under regulation 66, even though no forestry earthworks management plan will be required because regulation 27 is not triggered. Further, the word 'earthworks' in regulation 66(2)(a) also means there is no overarching requirement for foresters to assess risks and mitigations for the activity of harvesting.	
67	Amend reference to harvest	5. Amend reference from 'harvest' to 'harvesting' in the following regulations: (a) regulation 67(1) (b) regulation 68(5)(b) (c) schedule 6(3)(f)	This amendment is recommended to improve consistency of terms across the regulations.	Yes No
70 (3)(b)	Amend reference to harvesting as a controlled activity	6. Amend regulation 70 (3) so that harvesting becomes a controlled activity in any red zone if it is not in Land Use Capability Class 8e, involves no more than 2ha of harvesting in any 3-month period and breaches the requirements in regulations 64-69.	The recommended change is to correct an omission in the current NES. The NES-CF provides through regulation 70(3)(b) that it is a controlled activity to undertake harvesting in any red zone that is not class 8e and involves more than 2ha in a 3 month period. However, the NES is silent on what activity status applies if the harvesting involves no more than 2ha in a 3 month period (as required under reg 63(2)(b)) but one or more of regulations 64-69 are breached. The resulting gap means the activity has to be treated as a discretionary activity under s 87B RMA. This more restrictive status does not align with the activity	Yes No

[IN-CONFIDENCE]

			status cascade for harvesting in the rest of the NES and is not included in the notified proposal to amend the NES-CF.	
79(6)	Amend reference to previous harvest in the permitted activity conditions for wilding tree risk and control	7. Amend regulation 79(6) to replace 'the previous harvest' with 'previous harvesting'.	This amendment is recommended to improve consistency of terms across the regulations.	Yes No
Schedule 4	Forestry earthworks management plan requirements	8. Amend schedules 4 and 5 to remove the requirement for 'slash storage areas'.	The NES-CF has identical lists of forestry infrastructure in the schedules setting out requirements for forestry earthworks plans and harvesting plans. This means foresters who are undertaking earthworks and harvesting as separate and sequential activities are being asked to provide information that is not relevant to their specific activity. Slash storage areas are a feature of harvesting but are not required for the activity of earthworks. The change is to correct an error. While it will have minor policy effect, the outcome will be to remove an unintended consequence.	Yes No
Schedule 5	Amend reference to title	9. Amend Schedule 5(2) to; (a) change the reference to title to 'record of title';	The NES-CF is inconsistent in how it requires details of records of heading to be provided in management plans. Schedule 5 cl 1(h) requires a forester to provide the same information that would appear on a record of title (the forest name or property location identifier and the legal title shown on the record of title) but does not explicitly require this information in the form of a map. By contrast, the other management plan schedules (schedules 3, 4 and 6) require relevant records of title to be provided as part of mapping requirements. The NES-CF does not regulate 'quarry' more generally and instead refers to 'forestry quarry'. These amendments would align the regulations to	Yes No

[IN-CONFIDENCE]

			definitions and ensure consistency across the regulations. Slash storage areas are not associated with the activity of forestry quarrying.	
Schedule 6	Reference to end-haul deposit sites	10. Amend Schedule 6 to remove cl 2(i)(vii) 'end-haul deposit sites	The recommended amendments to Schedule 6 are to correct errors. The NES-CF has identical lists of forestry infrastructure in the schedules setting out requirements for forestry earthworks plans and harvesting plans. This means foresters who are undertaking earthworks and harvesting as separate and sequential activities are being asked to provide information that is not relevant to their specific activity.	Yes No

[IN-CONFIDENCE]

