

# Submission

Development of national direction  
under the resource management  
system.

Submission to:

Ministry for the Environment

25 July 2025



**Forest  
Enterprises®**  
Creating wealth. Naturally.

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## **1 Submitter**

Forest Enterprises is a leading provider of professional forest estate management and investment services in New Zealand. For over fifty years, we have helped Kiwis grow their wealth through affordable direct investments in some of the country's most exceptional Radiata pine plantation forests, and by expertly managing these from establishment to harvest.

We manage 20,000 hectares in the productive North Island regions of Wairarapa, Gisborne and Hawke's Bay, on behalf of 6,500 individual retail investors in our forestry Managed Investment Schemes. We are also the property manager for 7,000 hectares of forest estate in New Zealand owned by an institutional investment fund with a focus on impact investing.

We hold Forest Stewardship Council Forest Management Certification for most of the estate we manage. This means that we manage the forests in accordance with FSC's high international standards for responsible forest management – environmentally appropriate, socially beneficial and economically viable.

In total, we have over NZ\$350 million in assets under management. Harvest volume has reached one million tonnes per annum from across our estate, Placing us amongst the largest harvesting companies in Gisborne and the Wairarapa. The subsequent replanting and tending programmes are also significant.

Forest Enterprises is a member of the New Zealand Forest Owners Association, New Zealand Farm Forestry Association, and the Wood Councils in our regions of operation (Southern North Island Wood Council, Eastland Wood Council and Hawke's Bay Forestry Group). We support industry-good initiatives, particularly to promote forestry career pathways, and the regional forestry awards programmes that celebrate excellence in our sector. We are also a member of the Forest Industry Contractors Association.

Forest Enterprises proactively engages with councils in a positive manner with a view to contribute to improved outcomes regionally and nationally.

## **2 Introduction**

Forest Enterprises Growth Limited (FEG) is a member of The New Zealand Forest Owners Association Incorporated (FOA) and largely supports the submission by the FOA. We do however have some concerns specifically relating to the proposed changes to the NES-CF and additional recommendations, informed by more specific regional experience. These are discussed below:

## **3 NES-CF**

For several reasons, the NES-CF does not, in our experience, successfully provide a national standard as intended, nor does it facilitate clearer streamlined pathways for resource consents.

The inclusion of additional stringency afforded by Regulation 6(1), in many cases negates the value and purpose of the NES-CF as a national standard. Operating across a number of regions, FEG is dealing with significant variation in rules and consistency in the application of rules. This lack of consistency introduces uncertainty into our business and operations.

Regional regulators reference to sections of the Resource Management Act (RMA) further questions the value of the NES-CF. Inconsistent definitions compound the problem when implementing operations.

The Erosion Susceptibility Classification (ESC) as the drafting gate for determining permitted activity is problematic, and while it may have been suitable as a starting point, it is too coarse a tool when additional stringency is applied broadly across the forest area.

Broadbrush consent conditions, the coarse accuracy of the ESC, combined with the additional stringency, result in significant increased cost and challenge the viability of forest operations.

We appreciate the review of the NES-CF, however we don't believe the proposed amendments go far enough. There are several regulations that would benefit from reconsideration, definition and improved clarity. We recommend that a full review is undertaken rather than only selected portions.

Our specific response to the proposed amendments is as follows:

### **3.1 Regulation 6(1)**

We support in principle, regulation 6(1) offering council the ability to apply more stringent rules, in limited circumstances, for specific sensitive and/or unique local environments. However, in practice we have found that this increased stringency has been applied more broadly than what we believe the regulation intended. This has led to overly complicated, contradicting conditions that lack clarity and clear intent. One of the reasons for this is that not all councils have suitably qualified or experienced personnel to undertake this work.

Clarification of the limits are welcomed and supported.

We understand that the amendment intends limiting councils' ability to make more stringent rules when dealing with the risk of severe erosion which without clear definition of what is severe erosion, will apply to the majority of forest in the Gisborne region. We recommend clearer definition or alignment with an improved (read accurate or more granular) ESC layer. Failing that we would expect that more specific guidance is provided for in the regulation.

We appreciate that councils will be required, for instances where increased stringency is applied under 6(1), to provide evidence and understand that this evidence will be assessed. I believe that the forestry industry be consulted/included in the assessment of the evidence.

We to believe that all three of the subclauses in 6(1) as below, need all to be met, before a rule in a plan can be more stringent than the NES-CF.

- (a) it is required to manage the risk of severe erosion from a commercial forestry activity from a defined area that would have significant adverse effects on receiving environments, including the coastal environment, downstream infrastructure, and property, **and**
- (b) the risk cannot be managed through the rules in the NES-, **and**
- (c) an underlying risk has been identified within the defined area through mapping at a 1:10,000 scale or using a 1 square metre digital elevation model.

### 3.2 Regulation 69(5-7)

We believe the regulation 69 and especially clause 5-7 is flawed and has no place in the standard for the following reasons:

- a. **Increased environmental risk** It serves only to minimise the risks associated with debris mobilisation and does, in our opinion, not deal with the exacerbation of the erosion risk resulting from increased mechanical activity on unstable slopes. In other words, by forcing the removal of slash from high erosion risk cutover with machinery, this regulation risks **increased** erosion, **increased** slope failure and **increased** debris mobilisation and resulting discharge. We find this environmentally irresponsible and could lead to a range of unintended consequences. We feel that these regulations were poorly considered and rushed through legislation and this should be carefully considered in the review. Removing these from the NES-CF until such time as they have been carefully considered and redrafted would be more responsible.
- b. **Responsibility to manage risk**  
Section 15 of the RMA deals adequately with issues of discharge. Land and Forest Owners need to be considerate of this legislation and manage this risk themselves.

**c. Increased bureaucracy and increased uncertainty**

There are **many** areas where the extraction/removal of material is not possible, not safe and risks exacerbation of severely erodible slopes, in other words are not permitted. All these instances will require resource consents and increased cost of processing.

When many areas are affected by a similar problem, surely it is more efficient to develop a national standard to deal with common issues, standardising and streamlining processes. Isn't this the point of the NES-CF.

By including this in the standard and then effectively deferring this "opportunity" to standardise, back into the local councils to determine mitigation and standards, defeats the purpose of the NES-CF.

We do not support regulation 69 (5-7) and it is our view that this regulation be removed from the NES-CF until it and the unintended consequences have been better considered.

In the event that it be retained in the NES-CF then we need to explore the proposed amendments further. The two options being considered:

**Option 1**

*"Where high-risk is identified (through a SMRA), a resource consent is required to manage slash on the cutover using the same consent status as would apply for any failure to meet harvest standards"*

The draft SMRA basically defaults to a resource consent on all red zone land. In some regions, such as Gisborne, red zoned land dominates the forest land area. As such the majority of harvesting in this region will require a resource consent in addition to the consent for harvesting in addition to the consent for earthworks. This consent with its conditions will be to allow the slash to remain on site, but still doesn't deal with the risk of mobilisation, which is what why 69(5-7) was inserted into the NES-CF.

Utilising a matrix or template assessment, something we currently do to **identify and manage the risk**, is most valuable when assessing the risks **on the ground** using the supporting information such as slope, ESC mapping, Landslip Susceptibility modelling LUC layers etc. It is a poor tool for managing the need for a resource consent.

When the risk is high, we decide on whether to move the material, extract the material and lastly if the risk cannot be mitigated, to leave the trees unharvested.

**Option 2**

*"Set a permitted activity threshold for removal of slash on the cutover using different prescriptive standards"*

This would be the best mechanism for the reduction of risk as it provides clarity and a measurable standard to foresters on what is permitted. If this standard cannot be achieved then the forester should either, apply for a resource consent to exceed this standard, or adjust the activities to ensure compliance.

This is the preferred option, and it is recommended that the minimum marketable size of 3.1m length and 14cm SED is used to specify extracted slash.

### **3.3 Unintended consequences**

We, proud foresters, are of the view that forests provide significant ecosystem services to the land. We are concerned that the focus on woody debris, which we agree is a real issue, overshadows other impacts and potential outcomes. An example is the forced removal of slash on cutovers at the risk of exacerbated erosion.

Recent events have highlighted the impacts of woody debris but have been relatively silent on the impacts of sedimentation, river aggregation and increased flood risk as examples. While we agree that historical activities and operational standards have, in some cases been poor, this has certainly improved. This is evident in the data obtained during assessing debris on beaches where a significant improvement (reduction) in “poor practice” wood was recorded.

Another important consideration is the large proportion of woody debris being recorded as mid-slope mid rotation failures of land. This is not something that will be remedied by regulation. Inclusion of the Regulation 69 (5-7) is believed to be a politically motivated inclusion.

Woody debris is part of a highly erodible environment. Pastoral land use resulted in increased sedimentation and less woody debris. Afforestation has decreased sedimentation, reduced river aggregation, and lowered flood risk, but it has also led to more woody debris, as was common in native vegetation landscapes.

Although it is an unfortunate byproduct of an afforested a landscape and we need to work to reduce all unnecessary (poor practice) wood in waterways, we believe that finding a balance between sedimentation and woody debris is crucial. With that comes the need to socialise these benefits and outcomes with the public and implement downstream risk mitigation to deal with this.

The inclusion of 69 (5-7) seems only to perpetuate this political agenda with some perverse outcomes. Some of these need some further explanation:

#### **Increased sedimentation**

Forcing the removal, regardless of risk, of slash from cutovers requires the application of machinery to sensitive erodible slopes, to mitigate safety concerns and efficiency. We believe that transversing these slopes with machines will exacerbate the erosion and poor stability. This has a downstream impact of increased sedimentation, the aggregation of rivers, impacts on water quality and amongst others increased flood risk.

### **“Abandoned Forests”**

There are parts of the forested landscape that just cannot meet the standards, this from a safety, practical or cost perspective. There will be forests in the most difficult places that will not be harvested. These continue to present the risk of debris mobilisation regardless.

### **Economic Viability**

Foresters remain part of the environmental solutions as discussed above. These additional requirements, especially using these broadbrush strokes, will result in significant compliance cost to the industry. Some estates will become unviable. These are possibly the estates with the most erodible land and most in need of having a viable forestry industry managing the land.

### **Retirement (abandoned) Land**

Pastoral use of these erodible land proved unsustainable. Afforestation has had a positive impact on the land. We are concerned that some forest land will be retired for the wrong reasons. One of which may be the cost of compliance (with regs such as 69(5), the other is political.

While from a commercial perspective these erodible slopes may be best retired from commercial (harvesting use), we are concerned that the transition methodology has not fully considered the duration of transition from harvested to native canopy cover (if that's the future land use). We are concerned that the increased window of vulnerability has not been socialised, not has it been risk assessed, and a risk (cost) benefit analysis has not been completed. We recommend that this be done prior to the inclusion of regulations that could result in increased deforestation of land that requires forest protection to keep it stabilised.

## **4 Summary**

We acknowledge and appreciate the efforts that have been made to improve the outcomes and standards, thanks to all involved in the process. We regard this as progress.

We would like to reiterate our support for the FOA submission and appreciate your consideration of the additional issues raised in our submission.

While we may have included some discussion on issues slightly outside of the submission, we believe that these issues are all interrelated and should be considered holistically to avoid unintended consequences. We welcome future discussion and collaboration on these and any other initiatives to improve not only the viability but also the contribution of our industry to our social, natural and economic environments.

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## **5 Contact Details**

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