

National Direction Submission Matariki Forests

Introduction

Matariki Forests (MF) grows and manages 120,000 hectares of production forests from the top of the North Island to the base of the South Island.

MF is a member of the New Zealand Forest Owners Association and supports its submissions on the packages 1, 2 and 3 on National Direction.

This submission is focused on the proposed changes to the National Environmental Standard for Commercial Forestry (NESCF).

Slash Management Mobilisation Assessment.

Under the Erosion Susceptibility Classification (ESC) of the NESCF, the MF estate land has a variety of classifications. While there is very little red zoned land there is orange zoned land predominantly in Northland, Auckland, Bay of Plenty, Waikato and Hawkes Bay. Regarding regulation 69 (5), (6) and (7) MF advises that the inexact regulation and the inexact methodologies to assess slash has resulted in neither MF nor the relevant councils being able to accurately confirm if the regulations can be complied with. There has been no consistent approach as to how to apply the “per hectare” criteria to in regulation 69 (7). Furthermore, existing methodologies to assess residual slash all have margins of error. Accordingly, MF has applied and obtained resource consents to harvest on orange zoned land.

As part of the applications MF has lodged its own Slash Mobilisation Risk Assessments. In fact, the regional councils, including Auckland Council have required the provision of such assessments and provision of the measure to mitigate any effects.

Operating under the various regional councils it has been very disappointing to discover that there has been no consistency in the council approaches to the consent process. The process to obtain consents have been costly, application costs ranging from \$2000.00 \$9000.00. These are just the council charges and do not include the internal staff and contractor time related to the applications.

Despite being a controlled activity most of the councils have not met the statutory time frames for processing the consents. A major issue is regulation 70 (3) which requires harvesting to be a controlled activity if any part of the harvesting regulations cannot be met. There have been some section 92 requests for further information including requests for information that are outside of the scope of the applications.

The resulting resource consents show no consistent approach across the councils.

Some councils have granted consents with specific conditions relating to slash mobilisation and the other conditions requiring compliance with the NESCF. Other councils have tried to substitute their own rewrite of the NESCF standards with their differences. In such instances the councils could not explain their reasons for the differences. What has eventuated are conditions that just repeat the provisions of the NESCF relating to harvesting. All this time, is of course, charged for by the council. Time has been spent in negotiating conditions that have no relation to the risk of slash mobilisation.

Different councils have used different criteria to be part of a risk assessment.

Because of the broad scope of Regulation 69 MF has had to apply for areas of its orange zoned land where there is no connectivity of an area where there is an erosion risk and a water way.

Our experience of operating in green and yellow ESC classified land confirms that there is minimal risk of slash mobilising from an erosion feature to a water way.

PACKAGE 2

Question Number	Question	Response
10	Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?	<p>MF was a major party to Rayonier New Zealand Limited and Port Blakely Limited v Canterbury Regional Council and Timaru District Council CIV:2021-409-000570. Which challenged ECAN as to its use of reg 6 (1) on stringency. The high court case itself cost \$227,000. This figure does not include internal costs for the parties. The lack of any research by the council in justifying the use of stringency to impose sediment discharge standard on forestry was highlighted in the decision. Of concern is that on severe erosion prone land, identified in the council plan, there are more stringent standards for forestry operations. The forestry companies supported this and did not appeal it.</p> <p>MF has in the last couple of years been party to preliminary planning process for developing water plans. Again, it has been disappointing when councils have proposed more stringent provisions with no research to justify such an approach in their regions.</p> <p>No regional council has undertaken an assessment to evaluate how the NESCF provisions are operating in their region to meet the objectives of the NPSFM. In fact, Auckland council while undertaking such an assessment of its rules under its unitary plan has advised they would not be undertaking such an assessment of the NESCF provisions.</p> <p>MF monitoring of its operations and the results of council monitoring of its harvesting and earthwork programmes indicate that the NESCF provisions are working well to manage the variety of risks to the different environments. Appropriate enforcement actions are being undertaken when there is noncompliance. Regulations to deal with the risk of slash mobilisation was introduced in 2023 to the NESCF. While the National Direction package proposed refinement of the regulations overall in our experience the NESCF is providing for a sound framework to deal with the risks to the environment.</p>

		<p>While MF no longer operates in the Marlborough Sounds it understand that forest operations are classified as restricted discretionary activities to meet concerns relating to regulation 6 (1) (b)-specified policies of the NZCPS.</p> <p>It is only regulation 6 (1) (a) that is proposed to be more refined, and, in our experience, the proposed changes should deal with any significant risk to fresh water in any region.</p>
11	Does the proposal provide clarity and certainty for local authorities and forestry planning?	
12	How would the removal of 6(4A) impact you, your local authority or business?	
13	Do you support amendments to regulations 69(5-7) to improve their workability?	
14	Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?	
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?	<p>We refer you to the FOA submission. As advised in our introduction, when we have applied in orange zones, to exceed the residual slash regulation, councils have required we submit a Slash risk assessment plan. However each council has applied different criteria and have struggled with the process. Any improvements to ensure that there is a standardised process of objective criteria is supported.</p>

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?	In Southland and Otago most of our estate is in green and yellow zoned land. We have not experienced any risk of slash mobilisation from the cut over.
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)?	
18	For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?	
19	Do you support the proposed definition of cutover to read “cutover means the area of land that has been harvested”?	The existing definition is not the industry understanding of cutover. The proposal excluding infrastructure areas is supported.

20	<p>Do you support the proposed removal of the requirement to prepare afforestation and replanting plans?</p> <p>(Regulations 10A and 77A)</p>	<p>MF has no issue with a plan for afforestation if it is limited to what is being proposed in the FOA submission.</p> <p>Regarding replant there is no planning need for a replanting plan. We must provide a wilding risk calculation irrespective of a replanting plan. Regulation 77 A (3) states that the replanting management plan “must include all forest planning requirements that are applicable to the replanting activity. The location of forestry infrastructure is not affected by the activity of replanting and yet Schedule 3 clause 2 (i) has extensive mapping requirements.</p>
21	<p>Do you support the proposed minor text amendments?</p>	

Signed on behalf of Matariki forests

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