

Submission on Primary Sector section 2 – National Direction

Part 2.2 – National Environmental Standards for Commercial Forestry

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Region: National organisation

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Introductory Comments

PF Olsen supports the NES-CF as a nationally consistent regulatory framework for managing the environmental effects of most commercial forestry activities. This consistency has significantly reduced the time, cost, and administrative burden associated with engaging in council-specific resource management planning processes. It has also enabled greater certainty in operational planning and improved alignment across regions.

From a national perspective, this holds true except in the Gisborne region, where the council quickly chose to exercise greater stringency under Regulation 6, meaning the plantation forestry sector in this region has never had the opportunity to operate in accordance with the NES-PF/CF. This approach has introduced significant uncertainty for the sector, added considerable costs without clear environmental benefit, and resulted in prolonged delays due to extended consent processing timeframes. In some cases, these delays have been so severe that we have faced the risk of losing contractors, with flow on effects into the community.

While many forestry activities are permitted under the NES-CF when certain environmental conditions are met, we do not consider the regulations to be overly permissive. The permitted activity conditions are detailed and require robust planning, monitoring, and risk management to ensure environmental outcomes are maintained or improved. In our view, this represents a significant strength of the regulatory framework.

General Comments

PF Olsen supports the submission the New Zealand Forest Owners Association has lodged with regard to the **infrastructure, development, and primary sector national direction** consultation. We have limited our submission to the National Environmental Standards for Commercial Forestry.

Please feel free to contact me if you have any queries with regards to our submission.



1. About PF Olsen

PF Olsen is a fully integrated forest management services provider with offices throughout New Zealand. We offer the following expertise:

- Forest and harvest management.
- Environmental services, including Forest Stewardship Council® certification.
- Carbon services (assisting landowners with participation in the NZ Emissions Trading Scheme and in developing carbon forests).
- Consultation and technical services – e.g. GIS mapping.
- Valuation and advisory services including due diligence.
- Woodflow and marketing.
- Seedling sales from two North Island located nurseries.

PF Olsen has over 1,300 clients who collectively own approximately 160,000 ha of commercial forest (of varying sizes), with a range of objectives for their forest investments.

2. Responses to the Primary Sector Discussion Document – Section 2: Part 2.2

Question 10 Does the proposed amendment to 6(1)(a) enable management of significant risks in your region?

Amendment Intent: We support the proposed amendment to regulation 6(1)(a), as it narrows the broad current provision and better targets areas with severe erosion risk, providing clearer and more appropriate criteria for greater stringency. However, if the intent is for the councils to retain stringency with regards to severe erosion, then clause (c) should reflect this.

PF Olsen proposes that 6(1)(a)(c) is amended to state:

(c) *there is an underlying severe erosion risk within the defined area that has been identified through mapping this area at a 1:10,000 scale or using a 1 m² Digital Elevation Model.*

Low-Risk Areas: In low erosion risk regions (e.g. Central North Island, much of the South Island), existing NES-CF provisions have proven adequate, with no demonstrated need for additional regulation. Science supports plantation forestry as a net water quality benefit over its life cycle compared to alternative land uses (refer to the LAWA website www.lawa.org.nz).

Need for Clarity in Terminology: Key terms such as ‘severe erosion’ and ‘cannot be managed through the NES-CF’ require clear definitions and consistent national guidance.

Storm events – Large areas of plantation forest have been established to reduce erosion throughout New Zealand, often as a result of government-led initiatives. Plantation forestry has provided a productive land use on otherwise marginal land, delivered erosion control as well as wider ecological benefits such as improved water quality and biodiversity. However, there is now an established expectation that forestry will mitigate and is responsible for the effects of storm events—regardless of their intensity or duration. No other land use is held to this standard, despite the potential for equally significant effects (e.g. Esk Valley 2023).

PF Olsen requests that the NES-CF be amended to include an upper threshold for storm return periods that forest or land managers are reasonably expected to manage.

Alternately, and also in the context of severe erosion, MfE should provide guidance on what event threshold would trigger ‘severe’ erosion (e.g. a single 5% AEP (i.e. the one in 20-year Average Recurrent Interval) for a 6 hour and a 24-hour duration storm) – this aligns with regulation 46(1) and regulation 69(3).

Current application of stringency: As a national forest management company, we are acutely aware of the use of stringency by councils. In our experience, regulation 6(1)(a) has not always been applied with a thorough analysis (supported by section 32 or 42A reports) to show that stricter rules would lead to a different outcome.

PF Olsen considers that making the conditions for applying stringency more specific is likely to improve planning outcomes.

Nationally Consistent Erosion Model: To support the consistent implementation of the NES-CF, a national-scale severe erosion risk model to uniformly identify areas of severe erosion risk would be very welcome.

Alternatively, ensure that the required 1:10,000 scale mapping or 1m² digital elevation model can be applied consistently across various geological settings, enabling accurate identification of severe erosion features and the distinct characteristics of each landscape. This approach ensures differences are appropriately represented, supporting informed decision-making and effective management of erosion-prone areas

Causality in Wording: The phrase ‘severe erosion from commercial forestry’ is misleading. Erosion is predominantly driven by underlying geology, not forestry per se. All land uses have the ability to accelerate natural background erosion.

Preservation of Conjunctive Requirements: It is essential that the three criteria remain conjunctive—that is, all must be met to justify greater stringency than the NES-CF—to ensure consistent and fair application of the regulation across regions.

Question 11 Does the proposal provide clarity and certainty for local authorities and forestry planning?

National Consistency in Afforestation Regulation - The proposed change to regulation 6(4A) provides clarity and ensures national consistency in how the NES-CF afforestation provisions are applied.

Question 12 How would the removal of 6(4A) impact you, your local authority or business?

Positive realignment - This will be a positive change for the forestry sector. 6(4A) was in response to perceived carbon forestry issues. This is now addressed through ETS settings.

National Consistency in Afforestation Regulation - Repealing 6(4A) will prevent emerging variability in how afforestation is managed across New Zealand. We are starting to see this variance as district councils (E.g. Waitaki) are applying afforestation and replanting regulation using this provision. The removal of 6(4A) will support greater consistency and encourage afforestation, particularly for smaller land holders.

Question 13 Do you support amendments to regulations 69(5-7) to improve their workability?

Yes

Operational Challenges Under Current Regulatory Settings - PF Olsen is very conscious of the need for this change and have been struggling to meet the permitted activity requirements and obtain achievable consents. Since the enactment of regulations 69(5-7) our experience with resource consent processes has varied significantly — from minimal council involvement to conditions that require extensive sustained monitoring and even those that require us to demonstrate compliance with the permitted activity baseline.

Inappropriate Application of Risk Criteria - The criteria in regulations 69(5-7) are overly broad, and do not adequately account for site-specific context. This is compounded by the reliance on 1:50,000 scale ESC mapping, which lacks the resolution needed to distinguish between differing erosion risks at a local scale. As result, regulatory requirements are being applied in some orange and red (e.g. sand-based geology where landslide is not the predominant erosion type and the actual risk of slash mobilisation is very low) . This creates an unjustified burden for both forest owners and councils.

Clarification of Regulation Scope - We also support removing “and debris management” from the title of regulation 69, as “debris” is much broader than slash or woody debris and is not within the regulation’s scope.

Question 14 Do you support a site-specific risk-based assessment approach or a standard that sets size and/or volume dimensions for slash removal?

Dual Pathway Approach – Both options have value and should be explicitly provided for in the regulation. A site-specific risk assessment is a logical first step to determine if slash management is required. Where high risk is identified, forest owners should have the choice to either meet the permitted activity standards in 69(5–7) (as amended – refer to the answer to question 15 below) or apply for resource consent, consistent with standard RMA processes. This would provide a more flexible and proportionate regulatory response, allowing tailored management based on actual site conditions.

Question 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?

Amending regulation 66 – It is unclear why there would need to be an amendment to regulation 66 to incorporate a Slash Management Risk Assessment into Schedule 6 as part of the harvest plan. Regulation 66(2)(b) requires that the harvest plan contains the details required by Schedule 6. Incorporating a Slash Management Risk Assessment into Schedule 6 alone would appear to be sufficient (preferably by reference under Schedule 2) however, there is equally no issue with it being a clause in regulation 66. If necessary.

Limitations of the Prescriptive Approach in Regulation 69(5–7) – Using a Slash Management Risk Assessment will focus attention and operational resources on the removal of slash from areas of actual identified high risk. The current prescriptive standard in 69(5–7) lacks clarity on how to measure residual slash, it has resulted in increased costs and required removal from low- or no-risk areas. Its one-size-fits-all approach did not reflect the spatial variability of slash mobilisation risk.

Draft slash mobilisation risk assessment template – PF Olsen considers that the draft slash mobilisation risk assessment template mostly includes appropriate criteria. However, some of the criteria are debatable/subjective (steps 6–10), opening avenues for disagreement between the forestry sector and councils and allowing third party critique. These matters could be resolved by incorporating the key requirements into a redrafted regulation 69(5).

Redrafted regulation 69(5–7) – The identification of high slash mobilisation risk areas would enable slash to remain in low-risk mobilisation areas (with these areas being exempt from the regulation) and ensure slash management is applied in high-risk areas (i.e. it is either removed/lowered to a prescribed level or a controlled consent is required). This is a clear

way to determine activity status compared with a risk assessment that sits outside the regulations.

The following redrafted regulation 69(5) is aligned with that being proposed by NZFOA's submission:

69(5) On orange ESC and red zone ESC slash from harvesting must be removed from the cutover area, unless it is unsafe to do so, to achieve slash levels at or below 30 m³ per an averaged 2 hectares of cutover, if –

- a) It is sound wood greater than 3 m long with a 12 cm SED; and*
- b) The predominant slope of the cutover area exceeds 25 degrees, and*
- c) There is direct connectivity between the erosion feature and a waterway, such that mobilised slash could enter the waterway, and*
- d) The Land Use Capability extended legend for the cutover area identifies a severe potential erosion risk for these erosion types:*
 - I. Soil slip*
 - II. Rock fall*
 - III. Debris flow/avalanche*
 - IV. Debris flow.*

Regulation 69(6) as currently contained in the NES-CF, should be deleted.

Metrics for area – PF Olsen suggests that the measurement of residual slash should be over an averaged 2-hectare area. This is based on the University of Canterbury report 'Short Report for Gisborne District Council: Review of Clearcut Limits and Post-Harvest Residues on Cutover', Rein Visser, August 2023.

Metrics for residual slash – PF Olsen's experience is that the current sizing of residual slash is problematic. It is extremely difficult to retrieve (too small to stay within grapples), retrieval slows production, retrieval creates issues for slash storage on working landings or additional complexity to double handle it to off-site storage. All of these measures come at a significant cost to the sector and are not justified in all orange and red ESC zones. If a metric remains for residual slash, we suggest it should be extended to > 3 m in length and 12 cm SED (small end diameter).

Should there be a change in the requirements for the piece size of residual slash, a commensurate increase in the permitted activity baseline quantity should also be entertained as fewer but larger pieces of slash will contribute more rapidly to the current 15 m³ allowance. In practice, this may result in less material being permitted to remain on site than under the current regulation – potentially creating a more restrictive outcome, contrary to the stated objective of reducing regulatory pressure.

PF Olsen also recommends a proportional adjustment to the residual slash volume allowance.

Incorporating the slash mobilisation risk assessment template – The Slash Management Risk Assessment template should not be incorporated by reference in Schedule 2 if linked to regulation 69. It is more appropriately homed as part of Schedule 6 and could be incorporated by reference in Schedule 2 accordingly (please refer to our specific comments on the Slash Management Risk Assessment template in section 3 of our submission).

To be clear, PF Olsen supports:

- a revision of regulation 69(5) (as above) to provide a clear activity status pathway in the regulations and
- for the appropriate elements of the Slash Management Risk Assessment template to be incorporated (by reference) into Schedule 6 – Harvest Plan (refer to our comments below in section 3 of our submission).

Question 16 **Should a slash mobilisation risk assessment be required for green-zoned and yellow-zoned land? If so, please explain the risks you see of slash mobilisation from the forest cutover that need to be managed in those zones?**

No.

Low risk of mobilisation – Slash management is already a requirement of harvest planning under Schedule 6. While debris can be mobilised from any land and land use during large-scale weather events, the Slash Mobilisation Risk Assessment should specifically target the risk of large-scale slash movement from our most highly erodible land classes. Applying it to all ESC zones is an unnecessary administrative burden when the land has already been classified as low erosion risk.

Question 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)?**

PF Olsen considers that both approaches are necessary and will result in a workable outcome. This would be based on the identification of areas of slash mobilisation risk during harvest planning, grouped into two risk categories:

low risk - to exempt these from (unnecessary) slash removal requirements (this would ideally include green and yellow ESC, low slopes in orange ESC, areas with no

connectivity to a waterway, sand geology, earthflow erosion features etc – as set out in the slash mobilisation risk assessment template)

high risk – to ensure that slash management is appropriate for the identified risk.

Where high mobilisation risk is identified, the permitted activity standard would require the removal of material from high-risk cutover or that a controlled activity resource consent be obtained.

Question 18 For the alternative option of setting prescriptive regulations for slash management, is the suggested size and/or volume threshold appropriate?

No – PF Olsen does not support the current residual slash size or volume threshold.

Metrics for residual slash – If a metric remains for residual slash, we suggest it should be extended to > 3 m in length and 12 cm SED (small end diameter). This is a practical size allowance for hauler grapples to be able to hold and retain while it is extracted from the cutover.

Metrics for area – PF Olsen suggests that the measurement of residual slash should be over an averaged 2-hectare area. This is based on the University of Canterbury report ‘Short Report for Gisborne District Council: Review of Clearcut Limits and Post-Harvest Residues on Cutover’, Rein Visser, August 2023.

Volume residual slash – A 2022 study¹ using a refined Line Intersect Sampling method across 17 recently harvested steepland sites in Aotearoa, found the median residual woody debris volume to be 88 m³/ha. This volume represents a robust, evidence-based national benchmark for post-harvest conditions on high-risk sites.

In stark contrast, the current regulatory requirement for residual slash on the cutover is set at 15m³ / ha, representing a reduction of more than 80% compared to the observed industry median. This significant gap highlights the impracticality of the regulation with respect to operational practice and landscape realities.

PF Olsen considers that a target volume set at approximately half the measured median (around 44 m³/ha) would deliver significant environmental benefits, such as improved soil protection, nutrient cycling, and habitat provision, while avoiding unwarranted operational constraints for the forestry sector. Adopting a more realistic volume threshold, informed by

¹ (Harvey LM, Visser RJ (2022) Characterisation of harvest residues on New Zealand’s steepland plantation cutovers. *New Zealand Journal of Forestry science* 52:7. <https://doi.org/10.33494/nzjfs522022x174x>)

robust national data, would better balance slash mobilisation risk with workable and sustainable forestry management and improved downstream outcomes.

Question 19 Do you support the proposed definition of cutover to read “cutover means the area of land that has been harvested”?

Current definition of cutover – The current definition of cutover has proved problematic for compliance. PF Olsen has been deemed non-compliant as the definition of cutover was applied to land at/around a landing that contained processing slash.

Expanded definition of cutover – To avoid this interpretation and resultant compliance issue, PF Olsen suggests that cutover should be defined so as to exclude forest infrastructure, as well as waterbodies and land that would be covered by water during a 5% AEP event (so as not to conflict with other regulations in the NES-CF). We propose the following:

Cutover means the area of harvested land but does not include:

- a) *water bodies or land that would be covered by water during a 5% AEP event; or*
- b) *infrastructure in the harvest area (roads and landings).*

PF Olsen also recommends that guidance is provided with regards to the application of regulation affecting cutover.

Question 20 Do you support the proposed removal of the requirement to prepare afforestation and replanting plans? (Regulations 10A and 77A)

Replanting plans – PF Olsen supports the proposal to no longer require replanting plans to be written (as per Schedule 3). These do not appear to provide any significant resource management benefit and create a significant administrative burden for both councils and the forestry sector. Replanting has existing use rights and there are clear regulations within the NES-CF that support appropriate resource management outcomes (e.g. regulation 78).

Afforestation plans – PF Olsen also supports the proposal to no longer prepare afforestation plans – this exercise is already undertaken during afforestation planning to produce work prescriptions for planters. Should it be determined that regulation 10A afforestation plans will remain in the regulation, we request that Schedule 3 is extensively reviewed to remove matters that are not relevant to the activity of afforestation.

Schedule 3 amendments – We request that Schedule 3 matters be reduced to sections 1, 2 and 5 only, so that the required information does not replicate other regulations (e.g.

regulations 10 and 11) or ask for information that cannot be reasonably held (e.g. Schedule 3(2)(i)(iii, v, vi, vii and viii):

Schedule 3 – Afforestation plan specifications

1. *Retain (a) – (f), (h) – (i)*

Delete from (g) “and the rural number of the entry point” (these are not widely used in the forestry sector)

2. *Retain (a) – (e)*

Delete (f) – (i) These matters are adequately covered in the regulations (e.g. regulation 14)

Delete from (j) “ and the areas in which afforestation and replanting is occurring”

Delete (k) – (n) (this repeats information required by regulation 10).

Delete any reference to replanting.

5. *Revise accordingly.*

Question 21 **Do you support the proposed minor text amendments?**

Yes.

3. Slash Management Risk Assessment template (Attachment 2.2.1)

The following comments are in relation to the matters contained in the Draft Slash Management Risk Assessment template and identify where the matters have been addressed in the proposed redrafted regulation 69(5) (refer to the response to question 15 above) and comment on the process.

The starting point for Slash Management Risk Assessment should be LUC. This provides a more in-depth consideration of erosion and types, followed by slope (> 25 degrees – while not perfect, it is commonly used metric in the NES-CF and within the forestry sector when considering slope risks) and then ESC. Aggregating this information would provide a sensible first gate to determine if a Slash Management Risk Assessment is required.

To illustrate this, if the erosion risk is not; soil slip, rock fall, debris flow/avalanche or debris flow, the slope is < 25 degrees and the ESC is green, yellow or orange zoned then no further assessment would be required.

Draft Slash Management Risk Assessment

As a general comment to the following steps, should the above reorganisation of the first gate not be followed, please consider the following:

Step 1.

Criteria and action				Suitability of criteria for a regulation				
Risk indicator	Proposed means of measurement	Threshold for action	Action	Is this a certain predictor of risk? (noting risk is on a continuum)	Relevant evidence of cause or consequence?	Is information available to all parties	Is this information easy to use?	Is the indicator readily measurable to a meaningful level of accuracy?
1. ESC rating	Erosion Susceptibility Classification	Green (low) → Yellow (medium) → Orange ² (high) → Red ³ (very high) →	→ Low risk – No further action → Low risk – No further action → Higher risk – Further assessment → High risk – Resource consent	Yes. ¹	Yes.	Yes.	Yes.	Only as a drafting gate to further assessment

Green and Yellow ESC zones should automatically be identified as low risk in regulation 69(5) and no slash mobilisation risk assessment be required. It would create an unnecessary administrative burden to require a risk assessment for all ESC zones when the ESC already provides for the erosion risk and hence the potential mobilisation of slash.

The threshold for action for red ESC should also identify that if the proposed harvest is < 2 ha that no slash mobilisation risk assessment is required.

The red ESC zone should also defer to further assessment, as some red zone units (e.g. sand and pumice country forests) have no slash mobilisation risk.

Step 2.

2. Orange zone ESC unit LUC erosion rating	LUC dominant erosion type ⁴ as recorded on the Land Use Capability map .	Surficial erosion → (sheet, wind, scree) Fluvial erosion → (rill, tunnel gully, streambank) Gully erosion ⁵ → Mass movement erosion →	→ Low risk – No further action → Low risk – No further action → Further assessment required → Further assessment required	Yes, though LUC is recorded at 1:50,000 scale so this indicator should only exclude LUC units where any risk of slash mobilisation is low.	Yes.	Yes.	Yes, but it requires a process to be set out detailing different erosion types and how to identify them in the LUC map.	Only as a drafting gate to further assessment
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It is unclear what the terminology “dominant erosion type” refers to in the LUC. This should be clarified and where necessary guidance provided.

It is unclear why gully erosion should be considered. A footnote in the discussion document, notes that while gully erosion is a major erosion issue, particularly in Gisborne, it is a gradual process and not associated with large scale slash mobilisation. The reference to gully erosion in footnote itself is also confusing – it would also not be appropriate for this comment to be part of the slash mobilisation risk assessment. We suggest that all references to gully erosion be deleted.

This step should also apply to red ESC zoned areas greater than 2 ha (refer to the comments in Step 1.).

Step 5.

5. Direct connectivity of the erosion feature to a stream or river	Is the slope connected to a waterway so that a landslide on the slope could run out into the waterway?	No → Yes →	→ Low risk but further assessment on direct proximity required → High risk – Further assessment required	Yes.	Yes.	Not readily without clearer identification of an objective assessment measure that doesn't require	If modelling ² is available, easy to use and can be overlaid on a harvest plan. Where not available,	Yes. Harvest management plans require inclusion of contour lines at intervals less than or equal to
						additional modelling.	assumptions about length of slope, size of rain event and volume of soil lost are required.	20 m. Assumptions about length of slope, size of rain event and volume of soil lost are required.

Clear guidance is required to determine “direct connectivity of the erosion feature to a stream or river”. It should include recognition of lower gradient slopes beneath steeper slopes (runout zones).

For consistency, all waterbodies in the regulations are referred to as rivers – introducing “stream” into the terminology is inconsistent.

It is noted that if modelling is available (which it is not – we remain concerned at the application of the Landcare Landslide Connectivity model in Gisborne and Hawkes Bay which is not sufficient to determine this risk) the information is available to all. However there is no national modelling available. The next step (for both ease of use of information and meaningful measurement) is to rely on assumptions about the length of slope, size of rain event and volume of soil [likely to be?] lost. This information is not readily available for non-corporate forest managers.

Guidance as to the size of the design storm return period should be provided (or incorporated into the slash mobilisation risk assessment).

Guidance on how to calculate “soil lost” is also required.

Step 6.

6. Direct proximity to offsite 'infrastructure', a significant natural area, or a lake, wetland or estuary	Mark on the harvest plan infrastructure on adjacent properties (including roading and rail networks) below slopes greater than 25° that would be directly affected by a landslide or debris flow, including roads, bridges, dwellings and other buildings, significant natural area, and waterbodies that are not streams or rivers.	Infrastructure or a waterbody that is not a stream or river is present on a neighbouring property below a slope greater than 25°: - No → - Yes →	→ Low risk – No further assessment → High risk – Further assessment required	Yes, if the connection between a slope and the feature is direct.	Some, but largely inferred because focus is often on waterways.	Yes, property boundaries, significant natural areas and water bodies must be marked on the harvest plan. Because the requirement is for direct proximity, the features should be visible and well known to harvest planners.	Yes.	Yes, insofar as it requires marking on the harvest map. Slope information should already be provided as above.
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PF Olsen is significantly concerned that steps 7-10 are based on subjective matters if they were to be applied to determine activity status. However, they do make sense to include in slash mobilisation risk assessment as part of Schedule 6 (as amended by feedback or with guidance provided).

Step 7.

7. Connectivity to downstream infrastructure (roads, bridges, settlements) and sensitive areas such as beaches and fisheries used by people	Mark on the harvest plan, for sites where a high-risk slope connects to a waterbody (as above) whether there are any of the following downstream: roads, bridges, settlements, significant natural area, and beaches and fisheries used by people.	One or more of the following is downstream of the high-risk slope that connects to a waterbody: roads, bridges, settlements, significant natural area, and beaches and fisheries used by people. - No → - Yes →	→ Medium risk – Determine mitigation measures to manage risk → High risk – Remove slash from slope and/or seek resource consent to manage risk (TBC on outcome of consultation)	Yes.	Yes, though the immediacy and intensity of consequences depend on slash loading and weather events.	Yes. Features may not be obvious but where a high-risk area has been identified maps and features of the downstream area are readily available on topographical maps and Google Earth™.	Yes.	It is somewhat subjective in determining the sensitivity of an area (for example, most waterways will terminate in a beach but not all beaches are used by people).
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Guidance is required as to what would constitute the extent of “downstream infrastructure”. We have experienced issues with storm deposited slash that we were required to remove from a low gradient-low risk watercourse, 21 kilometres upstream from the nearest infrastructure (public road and dwelling). The proposed means of measurement in this step are unrealistic given the scenario provided above.

Proximity to downstream infrastructure should be a consideration for action – it is feasible that the actions for “medium risk” would equally apply to “high risk” areas.

The proposed outcome is also too restrictive (remove slash from slope) – this should be broadened to “manage slash (which could include removal)”.

Step 8.

The following criteria are considered relevant but not sufficiently reliable for a regulation. However, they are important indicators of site-specific risk assessment and planning for risk mitigation.								
8. Rainfall – high intensity or extended rainfall is strongly correlated with increased susceptibility to landsliding; ¹⁰ strong flood flows will mobilise and transport slash in waterways	HIRDS is an online tool that can estimate the magnitude and frequency of high intensity rainfall at any point in New Zealand. It estimates high intensity rainfall at ungauged locations for a range of return periods and event durations.	Thresholds will vary according to a site. Although an individual harvest planner can learn a lot about site risk from HIRDS (and already uses this for planning infrastructure) it would be difficult to set a national threshold that is meaningful for slash mobilisation risk. ¹¹	Harvest planners should consider expected accumulated and event rainfall during the period of the window of vulnerability, and use it with soil, slope and connectivity information to assess slash management needs on the cutover.	Yes, as a trigger, but the size of the risk depends on the size of the event and every site is different.	Yes. ¹²	Yes.	It requires some skill and experience to interpret.	No. HIRDS provides a range of estimates but as a predictor in a regulation we would need to specify the appropriate return period and event duration, which would require additional assumptions.

PF Olsen agrees with the statement that “the following criteria are considered relevant but not sufficiently reliable for a regulation” – this aligns with our comment on subjectivity made under Step 6 and as highlighted in footnote 11. This is also relevant to Steps 9 and 10.

Our experience in Gisborne and more recently in Nelson/Tasman in July 2025 is that antecedent moisture conditions are a key trigger for land instability.

The action states that “Harvest planners should consider expected accumulated and event rainfall during the period of the window of vulnerability, and use it with soil, slope and connectivity information to assess slash management needs on the cutover”. If this step is

Statutory implementation – The proposed changes to regulations 6(1)(a) and 6(4A) will require some councils to amend their plans to ensure that any more stringent rules align with the revised intent and wording of the NES-CF. While we recognise that section 44A of the RMA allows these changes to be made without following the Schedule 1 process, we would welcome the opportunity to be involved in any resultant plan reviews.

PF Olsen encourages – Councils to engage with the forestry sector during plan reviews to align existing stringency with the amended NES-CF.

Non-statutory implementation – We have been advised that Te Uru Rākau will update NES-CF user guidance following the 2025 amendments to the NES-CF. We also understand that guidance on the new slash requirements and Wilding Tree Risk Calculators may include workshops and webinars with industry and councils.

PF Olsen encourages – Te Uru Rākau to host joint workshops and webinars with councils and the forestry sector to support mutual understanding and provide a forum for open dialogue and engagement.

5. Other matters in relation the NES-CF

PF Olsen is aware of the following issues with the NES-CF and would appreciate your consideration of them to ensure that either the current (where possible) or future reviews of the NES-CF allow for these matters to be addressed.

5.1 Schedules 4 and 6 – Other indigenous species of fauna

Other indigenous species – this was introduced in the 2023 amendments to the NES-CF. There is no regulation that governs the management of “other indigenous species” outside of regulation 102. The wording of the relevant clauses is clear and unambiguous and should be interpreted according to their plain meaning. Extending the application of Regulation 102 to cover broader species management would constitute an out-of-scope interpretation. In addition, management plans are the mechanism by which Regulation 102 is given effect. . It cannot be trying to align with NPS IB as that includes flora not just fauna.

PF Olsen recommends – the sections and requirements for “other indigenous species” be deleted from Schedules 4(4)(6) and 6(4)(7).

5.2 Schedule 4 (6)(b) and (c) and schedule 6 (6)(b) and (c)

Heavy rainfall, post event monitoring and post-harvest monitoring – It is not clear what would be appropriate or considered necessary to fulfil the information required for these subclauses. Presumably for earthworks this would last until the earthworks are stable, but

this is not specified in the regulation or guidance. The information provisions for harvesting are less clear. It is also not clear why post-harvest monitoring is required for earthworks.

PF Olsen recommends – Guidance for different scenarios. Recognising also that not all harvested areas may be replanted.

PF Olsen recommends – Guidance as to what constitutes heavy rainfall would be useful – 100mm in 24 hours is NIWA’s guidance, 50mm in 24 hours. It is important to recognise that potential impacts depend on topography, geology and antecedent soil moisture. It may be more useful to provide guidance based on return period rather than rainfall quantity. E.g. 1 in 10-year event in 6 hours or 12-hour event.

5.3 Regulation 79 – Wilding Tree Risk Calculator

Revised Wilding Tree Risk Calculator – We understand that a revised Wilding Tree Risk Calculator (WTRC) will be gazetted by the end of 2025. It aims to provide transparency and will give councils an increased understanding of the risk assessment. However, the proposed update appears to be an administrative burden that would fail to meet a cost benefit analysis when applied to the activity of replanting.

There is no benefit in requiring the calculator to be used for any replanting site within an established plantation forest if there is a 2km or greater buffer between the replant site and the forest boundary. This is because the “receiving environment” has been defined as 2 km downstream of the replanting site. It is therefore a nonsense to require this action for replanting in this situation.

PF Olsen recommends – Regulation 79(1)(a) be amended to exclude replanting areas within an existing forest that are greater than 2 kilometres from the forest boundary, e.g.:

- a) *applied to any land on which replanting with a conifer species is proposed, except where that land is within an existing forest that is greater than 2 kilometres from the forest boundary.*

Suitably competent person – The revised WTRC has removed the need for any professional judgement – it will be based solely on a prescriptive step by step process. The requirement, under regulation 79(b), for the calculation to be done by a suitably competent person is therefore redundant.

PF Olsen recommends – Regulation 79(1)(b) be amended to remove the requirement for a suitably competent person to do the calculation.

Replant with Pinus Radiata – There is no benefit in apply the WTRC to the replant of *pinus radiata*. The use of this species has little to no risk of wilding spread from a commercial forest. It is the forestry sectors most common species. Analysis of wilding tree risk calculations within our business (nationwide) has not highlighted any incidences of pinus

radiata ever exceeding a score of 11 (permitted activity). This is further supported by the legal premise that existing use rights apply.

PF Olsen recommends – Regulation 79 be amended to include an exemption for the replanting of pinus radiata, e.g.:

79(6) This regulation does not apply when replanting with pinus radiata.

5.4 Regulation 97

Discharge of slash – Regulation 97 addresses discharges under section 15 of the RMA. It permits sediment discharges associated with permitted forestry activities. However, it is silent on the lawful discharges of slash (under regulations 69(3) and (4)).

Regulation 69(3) and (4) prohibit the deposition of slash in water, or on land where it may enter water, except in specified circumstances.

Regulation 69(4) then outlines situations where slash deposited in a water body or on land adjacent to water does not require removal, thereby allowing slash to remain in place under defined conditions.

Regulation 97 does not explicitly refer to lawful discharges of slash that meet the conditions of Regulation 69 (this is in contrast to sediment discharges). To ensure that forestry activities may legally discharge slash into water, in accordance with regulations 69(3) and (4) discharge consent may still be required due to the lack of express provision in Regulation 97.

PF Olsen recommends – Regulation 97 be amended to include the provision for the discharge of slash in accordance with regulations 69(3) and (4).

5.5 ESC zone corrections

ESC zone change process – We are aware that the current Erosion Susceptibility Classification (ESC) zones contain some inaccuracies in zoning. The process for making corrections is complex, and decisions on recommended zoning changes can only be made on an annual basis.

We support the use of approved suitably qualified individuals to undertake remapping of LUC units at an operational scale to support zoning changes.

Regional Councils are best aligned to approve changes to ESC zones, as was identified in the One Year Review of the NES-PF. Approval at the regional council level would enable a pragmatic system for forest managers to consistently update the ESC zones.

PF Olsen recommends – Regional councils are provided with the mechanism to approve changes to ESC zones on the recommendation of a suitably qualified person (as identified by reference in the regulations).

5.6 Regulations 46, 47(3) and 48(1)

Removable instream structures – These were introduced (along with double culverts) into the NES-CF in 2023 and are a welcome addition to the regulations. However, the use of the regulations for these structures has identified that the catchment area for them to be a permitted activity is too small and a gap in the consenting pathway.

Regulation 46(8)(b) requires placement in a catchment less than 500 ha. They are designed to be overtopped and have been successfully used in catchments of up to 2,500 ha. The permitted activity standards appropriately regulation 46(8)(b)

These are widely used but in catchments much greater than 500 ha. PF Olsen has successfully used removable instream structures in catchments of up to 2,500 ha. The permitted activity standards address risk appropriately for their use in significantly larger catchments than is permitted.

PF Olsen recommends – the catchment limit of 500 ha be increased to 2500 ha.

Regulations 47(3) and 48(1) have listed all types of NES-CF river crossings (except removable instream structures) as being controlled activities if notice is not provided, and as restricted discretionary if any part of regulations 38-46 are not complied with respectively. The absence of removable instream structures from these regulations requires any consent to be assessed as a full discretionary activity.

There does not appear to be any practical reason for differentiating between removable instream structures and other NES-CF river crossings. This anomaly was also not addressed in the 2023 Regulatory Impact Statement Summary. It is considered that this inconsistency may be a drafting error.

PF Olsen recommends – removable instream structures be listed in regulations 47(3) and 48(1).

5.7 Regulation 81(2)(a)

Replanting species – PF Olsen has encountered different interpretations of the regulation 81(2)(a). One council advised that for replanting on red ESC zoned land, that “species” (as a matter of restricted discretion) applies to the replanting of individual trees and as such this can lead to a specified replanting stocking rate. There is no scope for stocking rate in the ordinary meaning of the word “species” and “stocking rate” does not feature in the NES-CF.

This position also does not appear to be supported by the guidance to the NES-PF/CF. Page 104 of the User Guide, section 5.8.7 Controlled activity – Replanting in red zone, states:

Regulation 80 requires a controlled activity resource consent when replanting is proposed on more than 2ha of red zone land (provided regulations 78(2) and (3) and 79 are complied with). A consent requirement for replanting on red zone land recognises that it is an existing plantation forest but, due to the steep and erodible terrain, it may not be appropriate to replant in exactly the same locations as before, or a different species may be better suited to the land slope and soil type. A controlled activity status provides operational certainty to foresters that the land can be replanted as resource consent for controlled activities must be granted.

Regulation 80(2) reserves regional council control to the “timing, location and species”. This provides the regional council with a level of regulatory oversight and control over the timing of the replanting and the location and species being planted to ensure that this does not increase the risk of erosion and sedimentation effects. While the matters over which control has been reserved to do not specifically state that they relate to erosion and sedimentation effects, this is the purpose of requiring resource consent for replanting on very high-risk erosion prone land.

When granting a controlled activity consent, the consent conditions need to be reasonable. A condition that has the effect of frustrating or negating the grant of consent is unacceptable, as established through case law⁹². For example, a condition could not be imposed on replanting on red zone land that would prevent replanting on all land over a certain slope angle that covered most of the area sought to be replanted as it would effectively prevent the consent from being exercised.

PF Olsen recommends – Guidance is clarified to ensure that “species” does not include “stocking rate”.

5.8 Regulation 78A

Replanting notice – We question the value of providing notice for replanting, especially when this is an existing use right. Many of the requirements are unwarranted, particularly:

- In low-risk geologies
- in second, third and fourth rotation forests
- where replanting areas are small (NES-CF applies to forests 1 ha and greater in area)
- where replanting is desired by the local community
- when replanting is compulsory.

PF Olsen recommends – the requirement to provide replanting notice is reconsidered.

5.9 Tertiary Mudstone in Tairāwhiti

Tertiary Mudstone in Tairāwhiti – The NES-CF provides for increased stringency for specific geologies (regulation 6(3)(a-b)). Evidence in Gisborne exists of the special nature of the

Tertiary mudstones and the justification for applied stringency in the management of forestry activities located on this geological sequence. Other geologies in the region do not present a heightened risk for forestry activities.

PF Olsen requests that Tertiary Mudstone in Tairāwhiti is included in regulation 6(3) so that it can be appropriately considered under the Tairāwhiti Resource Management Plan and that other areas of Gisborne can be managed under the NES-CF.

END