



Submission to: Infrastructure, development, and primary sector national direction consultation

Submitter: Summit Forests New Zealand Limited

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Introductory Comments

Thank you for the opportunity to submit on infrastructure, development, and primary sector national direction. We would welcome any opportunity to discuss any of the points we raise in our submissions below.

About the submitter

Summit Forests New Zealand Limited (SFNZ) is a 100% owned subsidiary of Sumitomo Corporation. In March 2013 Summit entered the New Zealand forestry industry through the purchase of a 36,000 hectare Forest Estate in Northland. Since then, Summit has continued to invest in New Zealand forestry, growing into additional regions, including Tairāwhiti, and is now the sixth largest forestry business in New Zealand¹. Currently, we have some 64,973 hectares under our management.

More information on SFNZ and its operations is available through our website - [Summit Forests | Growing a better tomorrow](#)

SFNZ's Submissions

General comments:

1. Summit Forests New Zealand Limited supports the submissions the New Zealand Forest Owners Association have lodged with regard to the infrastructure, development, and primary sector national direction consultation and, as such, has limited our submissions to key points we wish to make in support of NZFOA's submissions while noting that this in no way limits our support of the NZFOA submission to those key points.
2. The introduction of the National Environmental Standard for Plantation Forestry in 2018 significantly reduced the RMA burden on the forest industry allowing the industry to operate to clear consistent environmental standards with certainty. The exception to this has been councils such as Gisborne District Council who, due to large areas of plantation forest on Red Erosion Susceptibility Class (ESC) land and their establishing stringency under regulation 6 right from the start. Based on our experience operating in Gisborne compared with the other regions we operate in, this has added significant uncertainty and cost with questionable environmental benefit.
3. The changes brought in by the previous Government at the end of 2023 created what Minister McClay has called an "*unworkable regulatory burden*" and "*confusion and cost*"². SFNZ supports the intent of the proposed changes in that they are intended to "*help restore national consistency and protect the sector's right to operate*". NZFOA's submissions seek changes to what is proposed as well as further changes and consequential changes that will better achieve the Minister's intent - which SFNZ supports.

¹ [NZFOA Facts and Figures 2023-24 - Web version.pdf](#)

² [Resource Management reform to make forestry rules clearer | Beehive.govt.nz](#) and [Government backs commercial forestry with practical rule changes | Beehive.govt.nz](#)

Specific comments:

4. Stringency. While regulation 6 sought to allow more stringent rules in limited circumstances, the changes brought in at the end of 2023 gave councils very wide discretion over afforestation. This, combined with councils failing to undertake robust section 32 or 42A analysis for proposed rules that would significantly constrain plantation forestry under regulation 6(1) significantly undermines the intent of the NES-CF of providing nationally consistent regulation of forestry. Focusing requirements for stringency on the risk of severe erosion from commercial forestry that cannot be managed through the rules of the NES-CF and where there is an underlying risk mapped at 1:10,000 should force councils to undertake defensible analysis to support stringency while limiting that stringency to these key areas. Consequently, SFNZ supports the NZFOA submissions on regulation 6(1)(a) and 6(4A) along with the changes proposed.
5. Slash management (regulations 69(5-7)). The broad brush and blunt nature of the slash management regulations captures areas with very low slash mobilisation risk and, because the limits specified are at the upper end of best practice³, the forest industry is forced through the cost and uncertainty of a consent process regardless of the risk. This is exacerbated by the lack of clarity over how the standards are to be measured in practice. An example of a very low risk of slash mobilisation are the Red Zone ESC areas of a sand forest. These forests were established to stabilise the sand dunes and multiple rotations have shown that these forests can be effectively managed without risk of slash mobilization or compromising the stability of the land.
6. The NZFOA has proposed changes to regulation 69(5-7) that, inter alia, codifies a risk assessment approach within the regulation that SFNZ supports. This will limit the requirement to manage slash to those landscapes that are subject to the forms of erosion that will mobilise slash and those situations where mobilised material will enter a waterway.
7. SFNZ also supports the changes to regulation 70 that NZFOA have proposed. Given the difficulties in achieving the permitted activity standard under 69(5-7), this proposed change would limit the slash management to being a controlled activity rather than the whole harvesting activity which otherwise meets the permitted activity standards.
8. Wilding tree risk management. SFNZ's estate is limited to the upper half of the North Island and largely restricted to *Pinus radiata* except for other plantation species that were planted by previous managers that will eventually be replaced by *Pinus radiata*. The NES-CF establishes a requirement to complete a wilding tree risk assessment to all land and all species regardless of the risk. This requirement will be exacerbated by the introduction of a new tool that requires a detailed assessment that necessitates access to a GIS system to implement. From what we have seen of the tool so far, this will increase the time and effort required to fulfil the requirements of the regulation. This would be reduced by introducing a drafting gate based on the species being planted and region of the forest so that the requirement to complete the assessment would be limited to where there is an actual wilding risk.
9. Discharges arising from permitted activities. Regulation 97(1) provides for discharges under section 15 of the Act. It permits discharges of sediment associated with forestry activities, such

³ <https://fgr.nz/wp-content/uploads/2024/06/HTN15-05.pdf>

as harvesting, when those activities themselves are permitted under the regulations. However, there is an obvious oversight in the drafting of the regulation in that there is no provision for the discharge of slash arising from a permitted activity as provided for under regulation 69. SFNZ supports the NZFO submission to correct this oversight by amending regulation 97(1) to read ‘Any discharge of sediment and slash into water or on to land.....’ or changes to like effect.

10. Changes to the Erosion Susceptibility Classification of land. As noted above, SFNZ manages a sand forest. Some of this forest is classified as red zone and requires consent for certain forestry activities despite there being little or no risk. It is possible that the land has been zoned red by mistake. However, the difficulty in having changes made to the ESC mapping precludes any attempt to correct such mistakes. NZFOA has proposed a simple and practical change that would provide landowners a mechanism to have such areas reviewed at a local level which SFNZ supports.
11. Managing Natural Hazards: clarifying the storm return period that must be managed for. Significant areas plantation forest were established to help minimise erosion, in most cases through government directed action. The Gisborne region, pre and post Bola, is a case in point. While plantation forestry has provided a productive land use that has minimised erosion on these otherwise marginal lands, along with ecological services such as improved water quality and biodiversity, an expectation has become established that forestry will manage the effects of storms regardless of the intensity or duration. No other land use has this expectation irrespective of the effects arising. While the National Policy Statement on Natural Hazards proposes a risk-based approach to managing natural hazards the NPS-NH does not apply to primary production activities. The NZFOA has proposed In the absence of an alternative mechanism, that the principles proposed in the NPS-NH included into the NES-CF or associated guidance material which SFNZ supports.
12. In the alternative, and in line with regulation 46(1) *Single and double culverts*, an upper limit of a single 5% AEP (ie the one in 20-year Average Recurrent Interval) for a 6 hour and a 24-hour duration storm could drafted into the regulation or included in guidance material developed to support the interpretation and implementation of the NES-CF. Further, any guidance needs to clearly recognise that erosion events such as shallow landsliding can be expected to occur if slopes are already saturated from previous events that create high antecedent soil moisture as these conditions can trigger widespread landslides in relatively low intensity storm events.

In summary:

Summit Forests New Zealand Ltd supports the submissions lodged by NZFOA on the on infrastructure, development, and primary sector national direction consultation. Without limiting that support, SFNZ endorses the changes sought regarding:

- Stringency
- Slash management
- Wilding tree management
- Discharges arising from permitted activities
- Changes to Erosion Susceptibility Classification
- Managing Natural Hazards