



Top of the South
WOOD COUNCIL

SUBMISSION

Development of National Direction under the Resource Management System.

Package 2: Primary Sector

Submitter:

The Top of the South Wood Council (TOTSWC) is an incorporated society which represents approximately 103 members - growers, management companies, contractors and processors to port operators and technical service providers - across the forestry and wood processing sectors across Te Tau Ihu: Marlborough, Nelson and Tasman. TOTSWC is the largest forest industry body in the top of the South Island

TOTSWC endorses the New Zealand Forest Owners Association (FOA) and the New Zealand Farm Forestry Association's (NZFFA) submissions on the Development of National Direction under the Resource Management System – packages 1, 2 and 3 – with the following exception under Package 2 part 2.2 National Environmental Standards for Commercial Forestry, as well as other matters not covered by the discussion document questions.

Submission to:

Ministry for the Environment
27 July 2025

Contact details:

Angela MacKenzie
Executive Officer, Top of the South Wood Council, 36 Kowhai Drive, Renwick, Renwick 7204
Email: eo@totswoodcouncil.org.nz
Web: totswoodcouncil.org.nz

Part 2.2: National Environmental Standards for Commercial Forestry

NES CF Section	Proposed Change	Comments
13	Do you support amendments to regulations 69(5-7) to improve their workability?	<p>TOTSWC does not support this proposed change.</p> <p>As stated in the NZ FOA/FFA submission, the “broad brush and blunt nature of regulations 69(5-7) capture areas with very low slash movement risk [in orange and red ESC], creating a regulatory burden for both forest owners and councils that is not justified.”</p> <p>It is believed that the NES-CF regulations 69(5-7) gazetted in November 2023, was a result of public pressure from Cyclone Gabrielle, with an outgoing government’s attempt to bridge public opinion. The additional sub-regulations (5-6) do not follow the risk-based approach the previous NES-PF was based on. This essentially led to poor regulations that has pushed the whole industry into a consenting situation and does not necessarily address the issue the regulations attempted to mitigate.</p> <p>From first-hand interactions with Top of the South regional councils, compliance teams do not monitor the current regulations 69(5-7) as they do not have the methodology to enable them to make informed decisions. The ambiguity of r.69(7) ‘Residual Slash’ compounds this problem, with the subjective approach of ‘...per hectare of the cutover’.</p> <p>Further, if a resource consent is applied for due to potentially not meeting the 15 cubic metre per hectare of cutover, consent planners have no guidance on how to frame a consent condition. In such case, the drafted consent condition would mirror the permitted activity status of regulations 69(1-4).</p> <p>This is a costly outcome for a forest company.</p> <p>TOTSWC urges the Ministry to remove regulations 69(5-7).</p> <p>Issues applying the proposed slash mobilisation risk assessment:</p> <p>A problem with the proposed risk assessment is that risk indicators 2 and 3 refer to erosion types in relation to “the Land Use Capability (LUC) map”. The hyperlink to the LUC map links into the</p>

		<p>LRISPORTAL and the NZ Land Resource Inventory (NZLRI), with its LUC and erosion data at a broad spatial scale (1:50,000) that is unsuitable at an operational scale. There is an assumption that the LUC and erosion mapping will be available at an operational scale, which is not necessarily the case in most places.</p> <p>Using the NZLRI/LUC data is deemed an outdated approach, particularly with modern tools now available to directly and quantitatively assess erosion susceptibility for a variety of processes. Slope should be assessed via LiDAR, with the slope categories varying with rock type (i.e. hard rocks versus soft rocks).</p> <p>Connectivity is important and should be combined with landslide (or any other type of erosion) susceptibility. Slash mobilising into waterbodies requires generation (often in association with landslides) and delivery (connection).</p> <p>All TOTSWC member forest management companies/forest owners apply their own risk assessment for slash, soil types and connectivity, over and above using the NESCF ESC tool as part of their standard operating procedures. Incorporating into their environmental management system steps to mitigate slash and sediment, thereby applying a higher level of performance standards throughout harvest planning process.</p> <p>If the proposed slash mobilisation risk assessment is to be implemented, it should not be based on the outdated approach of using NZLRI/LUC data. Instead, a commitment from the Ministry should be given to update the current erosion susceptibility tools referenced in the NES-CF.</p> <p>TOTSWC supports the removal of ‘and debris management’ from the title of regulation 69 as the term “debris” is far broader than slash, or even woody debris, and is not relevant to the topic of slash management.</p>
--	--	--

Other matters not covered by the Discussion Document (Package 2 NES-CF) questions

NES CF Section	Proposed Change	Comments
<p>Regulation 79 Permitted activity condition: Wilding tree risk and control</p>	<p>Changes to the wilding tree risk calculator</p>	<p>There is a larger issue regarding the proposed changes to the wildling tree risk calculator regulations, in that it is related to the application to all land and species, irrespective of risk.</p> <p>As stated in the FOA/FFA submission “in the case of replanting in the same location with the same species, the activity is permitted under regulation 79(4) provided no land use change has occurred...the calculation is a purely academic exercise with no regulatory outcome.”</p> <p>TOTSWC’s feedback from Top of the South Regional Councils is that little to no compliance attention is afforded to replanting notifications. Further, replanting same species does not change the outcome for risk, particularly in second to fifth rotation forests – as it will remain the same or lower risk and there are already existing (land use) rights. It is an administrative burden on both the forest sector and councils.</p> <p>TOTSWC is concerned on replacing the existing risk calculator with a more detailed system. While we support changes to make the calculator less subjective, regulatory tools need to be accessible to all users and not reliant on significant technological support when it is not warranted.</p> <p>Note: TOTSWC does support the revised wilding risk calculator for afforestation, as well as species-change where there is a higher risk.</p>